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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. 2021104988
)	
Dennis Brown and April Scharer)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For a Reasonable Use Exception)	
_____)	

SUMMARY OF DECISION

The request for a reasonable use exception is **GRANTED** with conditions.

SUMMARY OF RECORD

Request

Dennis Brown and April Scharer (Applicants) requested a reasonable use exception (RUE) to construct a single-family residence within a wetland and stream buffer. The subject property is located at 7025 Libby Road NE, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the application on July 25, 2023. The record was held open through July 27, 2023 to allow members of the public who were unable to join the virtual hearing due to technology issues to submit post-hearing written comments, with time scheduled for responses from the parties. No post-hearing public comments were submitted, and the record closed on July 27, 2023.

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

Dennis Brown, Applicant

April Scharer, Applicant

Alex Callender, Land Services Northwest, Applicant representative

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, July 10, 2023
 - B. Master Application
 - C. Reasonable Use Exception Application, dated September 17, 2021 and revised May 2, 2023
 - D. Additional RUE responses, dated May 2, 2023
 - E. Revised site plan, dated October 17, 2022, and revised May 2, 2023
 - F. Wetland Delineation Report, submitted August 4, 2021, and revised January 11, 2022
 - G1. Wetland Mitigation Plan, dated September 17, 2021, and revised May 2, 2023
 - G2. Figure 2 for the Wetland Mitigation Plan, Submitted May 2, 2023
 - H. Impervious Surface Worksheet, dated October 17, 2022 and revised May 2, 2023
 - I. Impervious Surface Addendum, dated October 17, 2022
 - J. Inadvertent Discovery Plan, dated October 17, 2022
 - K. Inadvertent Discovery Details, dated October 17, 2022
 - L. Revised RUE narrative, October 17, 2022, and revised May 2, 2023
 - M. Notice of application for reasonable use exception dated May 4, 2022
 - N. Final Communications Matrix
 - O. Approval memo from Lyndsey Smith with Thurston County Environmental Health, dated October 27, 2022
 - P. Traffic Study
 - Q. Property Survey
 - R. Public Comment
 - S. Residential Conversion Plan Design
 - T. Jim Henry septic email
 - U. Well log and water tests
 - V. On-site septic system record drawing
 - W. Nisqually comment letter, Squaxin comment letter, and DAHP

comment letter, dated October 11, 2021

- X. Accessory Structure Affidavit
- Y. Applicant's response to May 23, 2023 staff report
- Z. Applicant's Permaculture Plan

Exhibit 2 Email from Applicants to Sharon Lumbantobing, dated July 21, 2023, with response dated July 24, 2023 (includes screenshot of permit database)

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

FINDINGS

1. Dennis Brown and April Scharer (Applicants) requested a reasonable use exception (RUE) to construct a single-family residence within a wetland and stream buffer. The subject property is located at 7025 Libby Road NE, Olympia, Washington. *Exhibits 1, 1.B, 1.C, 1.D, and 1.E.*
2. The RUE application was received on September 17, 2021 and deemed complete for purposes of commencing project review on October 11, 2021. *Exhibit 1.E.*
3. The subject property is 10 acres in area and is developed with several improvements including the following: a 1,600 square foot single-family residence, which was constructed in 1947 and remodeled in 1971; a 1,760 square foot shop building; a well; a septic system with 2,000 square foot drainfield; and structures associated with a prior agricultural use of the property (chicken farming), including the 7,952 square foot foundation from a chicken coop/barn that was damaged in a storm and subsequently removed and a 7,276 square foot chicken coop/barn that is proposed to be removed. All of the structures are clustered in the eastern portion of the property and are accessed from Libby Road, which runs along the eastern property line. *Exhibits 1.D, 1.E, 1.I, and 1.L.*
4. Surrounding land uses are single-family residential, with small-scale agricultural operations. Accessory structures are common in the vicinity due to property maintenance requirements, and properties in the immediate vicinity of the subject property along Libby Road each have three or more total structures, with one having seven total structures. *Exhibits 1.D and 1.Y.*
5. 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). *Exhibit 1.* The purpose of the RRR 1/5 zone is "to encourage residential development that maintains the county's rural character; provides opportunities for compatible agricultural, forestry and other rural land uses; is sensitive to the site's physical characteristics; provides greater opportunities for protecting sensitive environmental areas and creating open space corridors; enables efficient road and utility systems; and does not create demands for urban level services." *Thurston County Code (TCC) 20.09A.010.* 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; TCC 20.09A.020.*

6. Based on evaluation by a professional wetland scientist, the subject property contains one regulated wetland (Wetland A)¹ and a Type Ns stream. Wetland A is part of a larger wetland complex that extends offsite. The on-site portion of the wetland is approximately three acres, and the off-site portion of the wetland is approximately 10 to 15 acres. It is bisected by a small (less than two-foot wide) ditch, which partially drains the wetland. The ditch meets the County's criteria for a stream because it conveys natural waters. The stream drains to Puget Sound at Chapman Cove, requiring a 150-foot buffer pursuant to TCC Table 24.25-1. The surrounding wetland is classified as Category III with a habitat score of 8 (H, H, M), requiring a 280-foot standard buffer pursuant to TCC Table 24.30-1. The standard buffer may be administratively reduced by 25% to 210 feet if mitigation is provided. Structures requiring a permit must be set back an additional 15 feet from the wetland and stream buffer edges. *Exhibit 1.F; TCC Table 24.30-1; TCC 24.01.035; TCC 24.30.050.*
7. Wetland A and the Type Ns stream bisect the central portion of the subject property from north to south. Both the standard 280-foot and the reduced 210-foot wetland buffers encompass the entire eastern portion of the subject property, with the buffer boundaries extending to the opposite side of Libby Road. While the buffers do not extend all the way to the western property boundary, the relatively narrow strip of unencumbered land at the far west end of the site could not be accessed without crossing Wetland A and the stream. Residential development is therefore not possible without encroachment into the wetland buffer. With respect to the existing development on site, while all structures and utilities are within the wetland buffer, only the septic system and the two barn footprints are also within the stream buffer, along with a portion of the driveway. The existing residence and shop are outside of the stream buffer and the associated 15-foot setback. *Exhibit 1.E.*
8. The Applicants propose to remove the 7,952 square foot barn foundation and construct a single-family residence within a portion of its footprint, to serve as the new primary residence on site. The 7,266 square foot barn would be removed and not replaced. The Applicants propose to retain the existing residence but convert it into heated storage and hobby space. The proposed new residence would have a footprint of 2,800 square feet, which together with a cleared area (including the 15-foot construction setbacks on each side) would total 7,092 square feet of residential use area within the wetland and stream buffer. The distance between the new residence and the wetland would be 98.9 feet at its closest point (inclusive of 15-foot construction setback/yard, resulting in an actual buffer width of 83.9 feet), and the distance between the new residence and the stream would be 114.3 feet at its closest point (inclusive of 15-foot construction setback/yard, resulting in an actual buffer width of 99.3 feet). The new residence would connect to the existing

¹ A second wetland located on site, Wetland B, is 460 square feet in area and is associated with a roadside ditch. Due to its small size, the wetland does not meet Thurston County's regulatory threshold. No development is proposed in or adjacent to Wetland B. *Exhibits 1.E and 1.F.*

well, septic system, and driveway. No reduction in the buffer west of the stream/wetland is proposed. *Exhibits 1.D, 1.E, 1.L, 1.S, and 1.T; Testimony of Sharon Lumbantobing and Dennis Brown.*

9. Although the proposed residence would be closer to the wetland and stream than the existing residence, it would be significantly farther from the wetland than the barn it is replacing. The northwest corner of the barn foundation is approximately 52 feet from the wetland edge, whereas the residence would be approximately 99 feet from the wetland edge. *Exhibit 1.E.*
10. The Applicants' reason for the new construction is to have a residence that allows them to age in place. The Applicants have determined that to adapt the existing residence to their needs would be too costly; a remodel would cost the same as new construction and still might not meet their accessibility requirements. Part of the issue is that the extent of work would require them to bring the entire structure up to code, which would require rebuilding the foundation. They do not want to construct a new residence in the same general footprint as the original structure because of its close proximity to Libby Road. The Applicants are bothered by the traffic noise (the Applicants have recorded noise levels as high as 96 dBA within the house) and have had windows broken from errant rocks. *Exhibits 1.L and 1.Y; Dennis Brown Testimony.*
11. With respect to the existing residential structure, the Applicants are willing to remove the kitchen range and record an affidavit stating that it would not be used for residential purposes. They do not want to tear down the structure because, with its newer roof, it still has utility for storage and hobby space. It would replace some of the storage the barns previously provided.² *April Scharer Testimony; Exhibits 1.X, 1.S, and 1.T.*
12. With the proposed development (including barn removal), the overall impervious surface coverage on site would be reduced. The post-project impervious surface coverage of approximately 4% would be substantially less than the 10% maximum allowed in the RRR 1/5 zone. *Exhibits 1 and 1.I; TCC 20.09A.050.6.b.i.*
13. As mitigation for the proposed development, the Applicants propose to enhance 7,092 square feet of wetland and stream buffer that is currently low-functioning pastureland (a 1:1 mitigation ratio based on the area of the residence and 15-foot construction setback/yard) and remove invasive species from 42,264 square feet of wetland east of the stream. The buffer enhancement would consist of removing invasive species and planting 160 native trees and shrubs in an area between the proposed residence and the stream. Applicant April Scharer is a Master Gardener and, as of the hearing date, the Applicants have already planted approximately 5,000 square feet of the mitigation plantings. The mitigation is expected to ensure no net loss of buffer functions by improving screening, nutrient intake, habitat, structure, surface roughness, temperature

² The property may be eligible for future accessory dwelling unit development subject to appropriate zoning and building permitting processes. *Sharon Lumbantobing Testimony.*

attenuation, and erosion control. Of note, the mitigation plan does not indicate what would happen in the footprint of the barn along the southern property line after its removal. This area is within buffer and should be treated as such, including revegetation with predominantly native species. *Exhibits 1.G1 and 1.G2; Testimony of Alex Callender, Dennis Brown, and; April Scharer.*

14. No species listed in the federal Endangered Species Act or the state Priority Habitat and Species database were observed on or near the site during the environmental evaluation, and no evidence was submitted to suggest that the project would adversely affect such species. *Exhibit 1.F.*
15. The Thurston County Environmental Health Division reviewed the proposal and did not identify any issues of concern. Environmental Health recommended approval of the application subject to a condition requiring review of well and septic connections at the time of building permit review, with a new septic tank to be required if proper fall to the existing septic tank cannot be achieved. *Exhibit 1.O.*
16. Consistent with the comments of the Washington Department of Archaeology and Historic Preservation (DHAP), Planning Staff recommended as a condition of approval that an Inadvertent Discovery Plan be implemented during construction. *Exhibits 1.J, 1.K, and 1.W.*
17. 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).*
18. Notice of the open record hearing was mailed to property owners within 500 feet of the site on July 10, 2023 and published in *The Olympian* on July 14, 2023. *Exhibits 1 and 1.A.* There was no public comment on the application prior to or during the hearing process. *Exhibit 1.*

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 RRR 1/5 zoning designation, the intent of the zone to encourage residential development that maintains the County's rural character, and the character of surrounding development, single-family residential use (with accessory structures typical to the rural area) is the only reasonable use of the property. While agricultural uses would also be reasonable, they are likely to have greater impact on the critical areas. Given the history of the property, the number of agricultural structures associated with the previous use, and the accessibility concerns prompting the construction, the Applicant's development plan is reasonable and would have the effect of reducing historical impacts on critical areas. However, the reasonable use approved in the instant decision is to have one residence, not two; the Applicants would be required to record an affidavit prohibiting residential use of the existing residential structure.³ *Findings 3, 4, 5, 8, 10, 11, and 12.*
2. As conditioned, no reasonable use with less impact on the critical area or buffer is possible. The entire portion of the site that is accessible from Libby Road is encumbered by wetland and stream buffer. The site has been previously disturbed from chicken farming operations and the Applicants propose to place the new residence within the footprint of a former barn to minimize impacts. While it might be technically possible to construct the residence a little farther to the east (away from the wetland and stream), it does not appear that such action would have a meaningful environmental benefit.

³ Of note, the instant decision does not limit the property to one residence in perpetuity. The property may be eligible for future accessory dwelling unit development subject to appropriate zoning and building permitting processes. *Finding 11.*

Requiring the Applicants to remain in the existing residential structure is not reasonable consider the full circumstances of the property and proposal. The conditions of approval require the Applicants to implement erosion and storm water control measures on site during construction. *Findings 3, 6, 7, 8, 9, 10, 12, and 13.*

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 incorporate the inadvertent discovery plan requirement of DAHP and the condition recommended by Environmental Health. *Findings 15 and 16.*
4. As conditioned, the proposal is the minimum encroachment necessary to prevent denial of all reasonable use of the property. The Applicants have made a convincing argument that a new residence is needed for them to make reasonable use of the property, and the proposed building location within the footprint of a former barn represents the minimum encroachment into the wetland and stream buffer. The conditions of approval require an accessory structure affidavit for the existing residence. *Findings 7, 8, 9, 10, 11, and 12.*
5. As conditioned, the proposal would result in minimal alteration of the critical area. No direct impacts to the wetland or stream are proposed. Buffer impacts would be mitigated through plantings within the reduced buffer area. Erosion control measures would be implemented during construction, and the buffer boundary would be delineated prior to building permit approval. *Findings 8 and 13.*
6. As conditioned to require implementation of the buffer mitigation plan, the proposal would ensure no net loss of critical area functions and values. An additional condition would require revegetation of the footprint of the barn along the south property line with predominantly native plants, or non-native plantings that provide some extent of wetland and stream buffer functions. *Finding 13.*
7. The use would not result in unmitigated adverse impacts to species of concern. *Finding 14.*
8. This decision is not based solely on the location and scale of existing development. Approval of the RUE is based on the Applicants' inability to make reasonable use of the parcel without intrusion into the wetland buffer. *Findings 4, 7, and 10.*

DECISION

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

1. The Rural Residential/Resource-One Dwelling Unit Per Five Acres (RRR 1/5) zoning district limits the subject parcel to one primary residential structure per lot.
2. Prior to final inspection of the new proposed house, the property owners shall submit a signed and notarized accessory structure affidavit (Exhibit 1. X) for the residence that

will be converted to heated storage and file it with the County auditor and submit a copy to the BDC.

3. Prior to building permit issuance, either proposed mitigation plantings per the mitigation plan (submitted by Land Services Northwest and dated September 14, 2021) shall be installed 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 (TCC 24.70).
4. Prior to building permit issuance, the Applicants shall record with the Thurston County Auditor a critical area and buffer notice and a site plan showing the critical areas and associated buffers, indicating that the property is within a critical area and setting out the mitigating conditions imposed upon the subject property.
5. Prior to building permit issuance, permanent critical area signs shall be installed along the boundary of the critical area buffer per TCC 24.60. The Applicants shall contact CPED Staff for a site inspection upon completion of the wetland buffer fencing and signage or submit photos to the assigned planner.
6. Erosion and storm water control best management practices (BMPs) meeting Thurston County standards in TCC Chapter 15.05 shall be employed during all phases of the project. Proper erosion and sediment control practices shall be used on the construction site and adjacent areas to prevent upland sediments from entering waters of the state. All areas disturbed or newly created by construction activities shall be seeded, vegetated, or given some other equivalent type of protection against erosion.
7. 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.
8. All development on the site shall be in substantial compliance with the approved reasonable use exception, as conditioned. Any alteration to the proposal will require approval of a new or amended reasonable use exception. The Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
9. The Applicants shall remove all construction related debris to an approved site (landfill or recycling center) outside of critical areas and their buffers.
10. If archaeological artifacts are observed during any phase of the project, all work shall be immediately halted. The State Department of Archaeology and Historic Preservation, the Thurston County Community Planning & Economic Development Department (CPED) and affected Tribes shall be contacted to assess the situation prior to resumption of work. An Inadvertent Discovery Plan shall be implemented for the project as necessary.

11. All applicable regulations and requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshal, and Thurston County Community Planning and Economic Development Department shall be met.
12. The proposed project is subject to compliance with the following policies and regulations, including any applicable mitigation requirements: Thurston County Comprehensive Plan, Zoning Ordinance (TCC 20), Critical Areas Ordinance (TCC 24), Stormwater Drainage Design and Erosion Control Manual (TCC 15.05), Uniform Building Code (TCC 14), State Environmental Policy Act (SEPA) Ordinance (TCC 17.09.).
13. 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 reseeded following installation, and TESC measures will remain in place until site conditions are restored.
14. At time of building permit, the application will be reviewed for connection to the existing well and septic system. All requirements must be met including verification of any waterline and sewer line crossing and installing a septic tank to serve the new residence if proper fall to the existing septic tank cannot be achieved.
15. The critical area buffer reduction authorized by this decision applies to the east side of the wetland and stream only; the buffers on the west side of the wetland and stream shall be retained consistent with critical areas ordinance (TCC Title 24) requirements.

DECIDED August 4, 2023.



Sharon A. Rice
Thurston County Hearing Examiner

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

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

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

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

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

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

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

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

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

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

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

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



Project No. _____
Appeal Sequence No.: _____

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

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

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

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

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

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

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

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

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

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

STANDING

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

Signature required for both Reconsideration and Appeal Requests

APPELLANT NAME PRINTED _____

SIGNATURE OF APPELLANT _____

Address _____

Phone _____

Please do not write below - for Staff Use Only:

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