



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. 2021103102
)	
Kim Burdette)	FINDINGS, CONCLUSIONS,
)	AND DECISION
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 **GRANTED** subject to conditions.

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.

On May 11, 2023 the Hearing Examiner issued a Findings, Conclusions, and Remand (Clarified)¹ order, which remanded the case for additional information from the Applicant and provided opportunity for responses from parties of record and County Staff. The documents submitted in response to the remand have been entered into the record as Exhibits 5 through 9. The record closed on August 3, 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

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

¹ After the original Findings, Conclusions, and Remand was issued, the Hearing Examiner re-issued the document with a clarified schedule for submitting documents. Both were issued on May 11, 2023.

- 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
- Exhibit 5 Applicant response to remand, including updated Wetland Buffer Mitigation Plan, updated Site Plan, and Impervious Surface Worksheet
- Exhibit 6 Thurston County CPED Staff Memo in response to updated materials dated July 13, 2023
- Exhibit 7 Letter from Inge Hart dated July 25, 2023
- Exhibit 8 Memo from Arthur Saint, PE dated July 26, 2023 (response to public comment)
- Exhibit 9 Final response from Applicant received August 3, 2023 (includes comments in response to Staff Memo, revised project description dated July 31, 2023, and further revised site plan (includes clearing limits).

Having considered the record developed through the open record hearing process, including the materials submitted on remand, 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.² *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.³ 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.*
5. Based on evaluation by a professional biologist, the subject property contains two Category II wetlands.⁴ 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.* Reducing the buffer to 180 feet would create a small wedge of potentially developable land adjacent to the northern property line, but

² 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.*

³ 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 wetland report was prepared.

⁴ The site plans incorrectly indicate a Category III classification for both wetlands. *Exhibits 1.D and 9 (compare with Exhibits 1.G and 1.H).*

the area would not be large enough for a residence, septic system, and required setbacks. *Exhibit 1.D.*

8. The proposed two-story residence would have a footprint of 3,067 feet including two-car garage and front and rear porches.⁵ The total living area would be 3,146 square feet. The Applicant proposes to construct the residence in the central portion of the property, roughly equidistant from Wetlands A and B, thereby maximizing the buffer available to each. 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. Yard areas totaling 2,490 square feet would be provided between the residence and septic system, between the north side of the residence and the proposed wetland mitigation area, and along the west side of the residence. *Exhibits 5 and 9.*
9. With the building footprint and anticipated clearing limits as shown on the Exhibit 9 site plan, the Wetland A and B buffers would be reduced to a minimum of 105 feet adjacent to the southern portion of the proposed residence. The residence itself would be set back at least 15 feet from the reduced buffer edges, providing a minimum distance between the residence and the wetlands of 120 feet. The Exhibit 9 site plan depicts the proposed clearing limit (beyond which no site disturbance is proposed) with a red line, within which some yard areas are called out to the west (550 square feet) and northwest (1,150 square feet) of the proposed residence. As depicted, the clearing limit is closer to the proposed residence than the proposed reduced wetland buffer, with no apparent development or alteration of the space between the clearing limit and the reduced buffer edge. Thus, the buffer line could be moved slightly eastward in that area without affecting the proposed development footprint or eliminating proposed yards. With respect to the septic system, the Wetland A buffer would be reduced to a minimum of 81 feet adjacent to the nearest septic system component. *Exhibit 9.*
10. Based on the development depicted on the site plan, the total area of buffer impact would be 11,457 square feet, and the total impervious surface coverage on site after development is complete (including the existing portion of the driveway) would be 7,967 square feet, or 2.5% of the site area. The impervious surface coverage would be substantially less than the 10% maximum allowed in the RRR 1/5 zone for lots exceeding 2.5 acres in area. *Exhibit 5; TCC 20.09A.050.6.b.i.*

⁵ Planning Staff noted that this revised figure provided by Applicant on remand is not consistent with the dimensions shown on the site plan. *Exhibit 6.* However, by removing the area resulting from the approximate dimensions of the porches and garage, and/or multiplying the maximum dimensions as Staff did and removing the chunks of the house that don't fill the space (the dimensions of which are provided on the revised site plan), the total footprint area calculation comes out to being close enough to the first floor total area shown on plan to satisfy the conceptual site plan needed for reasonable use exception review. *Exhibit 9.* These findings accept and are based on the proposed footprint of 3,067 square feet.

11. As mitigation for the wetland buffer impact, the Applicant proposes to enhance a total of 11,457 square feet of buffer (the 1:1 ratio required by TCC 24.30.080) to the northwest and northeast 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, and providing screening, shade, and 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 5*. As shown on the updated site plan, none of the proposed mitigation plantings would be placed between the septic system and Wetland A, or between the residence and either of the wetlands (i.e., the areas with the narrowest buffers), and no explanation was provided as to why plantings are not proposed in those areas. However, the mitigation plan does note that the proposed mitigation location is an area that lacks shrub vegetation, so improved functions would result from the plantings. In addition, the enhancement areas are between the proposed residence and driveway extension and the parcel to the north, the owner of which is concerned about stormwater runoff. Thurston County environmental reviewing staff accepted the proposed mitigation as satisfying the requirement to demonstrate no net loss of wetland functions and values. *Exhibits 1.M, 3.A. 5, 7, and 9; Sharon Lumbantobing Testimony*.
12. No evidence was submitted that the project would adversely impact any species of concern. *Exhibit 1*.
13. 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*.
14. 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*.
15. The proposed development is categorically exempt from review under the State Environmental Policy Act (SEPA). *Exhibit 1; Washington Administrative Code (WAC) 197-11-800; TCC 17.09.055(B)*.
16. Notice of the open record hearing was mailed to owners of property within 500 feet of the site on April 11, 2023 and published in *The Olympian* on April 14, 2023. *Exhibits 1 and 1.A*.

17. 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.⁶ 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*.
18. 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. *Testimony of Kim Burdette and Sharon Lumbantobing*. Based on the clearing limits depicted on the updated site plan, the area cleared would not extend beyond the minimum needed for the residence, yards, driveway, and septic system. *Exhibit 9*.
19. 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 revised the plans to clarify that the building footprint would be 3,067 square feet and the living area would be 3,146 square feet, with 2,011 square feet on the first floor and 1,135 square feet on the second floor. *Exhibit 9*.

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

⁶ Public Works Staff stated that the driveway surface would not necessarily be reviewed through residential construction permit processes unless a change were made because it is an existing driveway that previously served a residence. *Exhibit 8*. However, the record establishes the driveway was dirt when it served the previous residence, the Applicant graveled it, and then the neighbor developed concerns about runoff. *Exhibit 3.A*.

- 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. As conditioned, no reasonable use with less impact on the critical area or buffer is possible. Because the entire parcel is encumbered by wetlands and buffers, encroachment into the buffers is necessary to establish residential use. The proposed development envelope is reasonable in scale, in that the footprint of the residence would not be excessively large, and the overall impervious surface coverage would be 2.5%. The proposed development location is also reasonable considering stormwater control concerns. However, the approved buffer reduction is limited to the minimum needed to establish the proposed use, which means that around the entire residence, the reduced buffer approved herein coincides with the clearing limit depicted on the revised site plan (Exhibit 9). *Findings 5, 6, 7, 8, 9, 10, and 17.*
3. With respect to damage to other property, although credible evidence was submitted regarding existing drainage problems that could be exacerbated by the development these issues can be addressed through conditions of approval. Regarding the public comment

alleging that the driveway was fairly recently graveled surface and only after it was graveled did the neighbor experience runoff issues, conditions would ensure that all appropriate stormwater review would be conducted through the building permit 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 13 and 17.*

4. For the reasons described in Conclusion 2, the use as conditioned would be limited to the minimum encroachment needed to prevent denial of all reasonable use of the property. Again, the instant approval designates all portions of the site outside the clearing limits depicted on the revised site plan at Exhibit 9 as retained reduced buffer. *Findings 5, 6, 7, 8, 9, and 10.*
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 9 and 18.*
6. With the mitigation proposed, there would be no net loss of critical area functions and values. *Finding 11.*
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 11, 12, and 13.*
8. The location and scale of surrounding development is not the sole basis for granting the RUE. The RUE is granted because critical areas encumber the entire parcel. *Finding 6.*

DECISION

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

1. The Applicant shall complete all buffer mitigation, monitoring, and reporting as outlined in the Wetland Buffer Mitigation Plan (Skookum Environmental, June 2023 (Exhibit 5)).
2. Prior to building permit issuance, either proposed mitigation plantings will 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).
3. Prior to any grading or clearing, a forest land conversion application shall be submitted by the Applicant and approved by the County.
4. Erosion and storm water controls (i.e., silt fencing and/or straw wattles) must be installed landward of the reduced buffer such that uncontrolled storm water cannot reach the adjacent wetlands.

5. Reasonable use exception approval limits site improvements to the area inside the clearing limits depicted in red in the site plan at Exhibit 9 and designates all areas outside the clearing limits as wetland buffer. Prior to final occupancy approval, permanent critical area signs shall be installed along the boundary of the wetland buffer (clearing limits) per TCC 24.60. The Applicant shall contact Community Planning and Economic Department (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 established 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 the shoreline environment. All areas disturbed or newly created by construction activities shall be seeded, vegetated, or given some other equivalent type of protection against erosion.
7. In reviewing the proposed improvements through the building permit process, Public Works Staff shall consider whether the gravel added to the driveway since the Applicant purchased the property requires the implementation of any measures to manage runoff from its surface onto adjacent property in conformance with the County's Drainage Design and Erosion Control Manual.
8. 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.
9. The Applicant shall remove all construction related debris to an approved site (landfill or recycling center) outside of critical areas and their buffers.
10. The Applicant must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent disturbance or alteration, the Applicant must immediately stop work and contact the Tribe and the State Department of Archaeology and Historic Preservation.
11. All development on the site shall be in substantial compliance with the approved reasonable use exception application, 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.

12. 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.

DECIDED August 21, 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____.