



COUNTY COMMISSIONERS

Carolina Mejia-Barahona
District One

Gary Edwards
District Two

Tye Menser
District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of) NO. 2022104738
)
Maytown Assembly of God) FINDINGS, CONCLUSIONS,
) AND DECISION
 For a Special Use Permit)
 _____)

SUMMARY OF DECISION

The request for a special use permit to construct a 5,208 square foot church building at 2842 Tierney Street SW is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Maytown Assembly of God (Applicant) requested a special use permit (SUP) to construct a 5,208 square foot church building and associated parking and landscaping at 2842 Tierney Street SW in unincorporated Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the application on July 11, 2023. The record was held open through July 13, 2023 to allow members of the public who may have technology problems that prevented their participation in the virtual hearing 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 13, 2023.

However, on July 21, 2023, the Hearing Examiner re-opened the record for additional information regarding impervious surface coverage and parking. The requested information was submitted by August 23, 2023.

No in-person site visit was conducted, but the Examiner viewed the site and vicinity 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 and Economic Development Department

Arthur Saint, Civil Engineer, Thurston County Public Works Department

George Coley, Applicant

Whitney Holm, Project Manager, SCJ Alliance

Dan Penrose, SCJ Alliance

Exhibits

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

- Exhibit 1 Community Planning and Economic Development Staff Report including the following attachments:
- A. Notice of Public Hearing
 - B. Zoning map
 - C. Master Application, submitted September 14, 2022
 - D. Special Use Permit Application, submitted September 14, 2022
 - E. Narrative summary, dated July 20, 2022
 - F. Notice of Application, dated October 12, 2022, with adjacent property owners list, dated October 11, 2022
 - G. Revised site plan, submitted June 22, 2023
 - H. Landscape Plans, received August 29, 2022
 - I. Water System site plan, dated April 2023
 - J. Septic system site plan, dated June 2022
 - K. Comment Matrix, dated March 2, 2023
 - L. Trip Generation Memo by SCJ Alliance, dated July 22, 2022
 - M. Response memo from SCJ Alliance regarding Group B Well Site Application, dated April 12, 2023
 - N. Preliminary Drainage Report, dated July 2022
 - O. Site address memo, dated October 14, 2022
 - P. Drainage Scoping comments from Zach Severs, Thurston County Public Works, dated April 21, 2023
 - Q. Approval memo from Arthur Saint, Thurston County Public Works, dated April 25, 2023

R. Approval memo from Dawn Peebles, Thurston County Environmental Health, dated June 5, 2023

S. Comments from the Squaxin Island Tribal archaeologist dated October 19, 2022

T. Comments from the Nisqually Indian Tribal archaeologist, dated October 17, 2022

Exhibit 2 Updated Site Plan submitted in response to Order Reopening Record

Exhibit 3 Email Correspondence in response to Order Reopening Record, including email from Scott McCormick dated August 14, 2023, email from Whitney Holm dated August 8, 2023, and email from Scott McCormick dated August 23, 2023

Exhibit 4 Parking easement and email correspondence (including email from Scott McCormick dated August 15, 2023, from Ryan Bedford dated August 12, 2023, and from Whitney Holm dated August 23, 2023)

Also included in the record is the Order Reopening Record, issued July 21, 2023.

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

FINDINGS

1. Maytown Assembly of God (Applicant) requested a special use permit (SUP) to construct a 5,208 square foot¹ church building and associated parking and landscaping at 2842 Tierney Street SW in unincorporated Olympia, Washington.² *Exhibits 1, 1.C, 1.D, 1.E, and 1.G.*
2. The SUP application was received on September 14, 2022 and determined to be complete for the purpose of commencing project review on October 12, 2022. *Exhibit 1.F.*
3. The Applicant owns two adjacent parcels on the north side of Tierney Street: the subject property and the parcel immediately to the west (2920 Tierney Street SW). The parcel to the west is developed with the existing church, parking area, well, and septic system. The 1.77-acre subject (eastern) parcel is largely vacant, although it contains a small woodshed along the northern property line that is proposed to be retained. Other structures visible in aerial photography, including a tent pavilion, are movable.

¹ Both the special use supplemental application (Exhibit 1.D) and the project narrative (Exhibit 1.E) indicate a building area of 4,704 square feet, but the latest version of the preliminary site plan (Exhibit 1.G) depicts a 5,208 square foot building, and that is the building area now requested for approval (see Dan Penrose Testimony). Although both the notice of application and notice of public hearing indicated a building area of 4,704 square feet (see Exhibits 1.F and 1.A), the Hearing Examiner does not consider the 504 square foot change in building area to be large enough to warrant re-noticing the project.

² The legal description of the subject property is: Section 04 Township 16 Range 2W Quarter SE SW Plat MAYTOWN TOWNSITE BLK 1 LT 1-10 Document 008/057; AND VAC ALLEY IN BLK 1, PTN VAC TAYLOR AVE SW, AND PTN VAC BEAVER CRK RD SW PER. known as Tax Parcel No. 61700100100; also known as Tax Parcel Number 61700100100. *Exhibit 1.*

Surrounding land uses to the north and east are agricultural. There is a single-family residence to the northwest of the subject property. *Exhibits 1, 1.E, and 1.G.*

4. After the new church building is completed on the subject parcel, the Applicant proposes to use the existing church building on the western parcel as a children's center and for storage. The new building would be the main gathering hall, and would include a kitchen, restrooms, and multipurpose areas. *George Coley Testimony; Exhibit 4.*
5. The subject property 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; Exhibit 1.* Primary permitted uses in the RRR 1/5 zone include single-family and two-family residences, agriculture, accessory farm housing, and home occupations. *TCC 20.09A.020.* Churches are allowed in the RRR 1/5 zone with special use permit approval. *TCC 20.54, Table 1.*
6. The design standards applicable to development in the RRR 1/5 zone include a maximum building coverage of 6,000 square feet³ and a maximum hard surface coverage⁴ of 60% or 10,000 square feet, whichever is less. *TCC 20.09A.050(3) and (6.b).* The maximum height limit in the RRR 1/5 zone is 35 feet, but this limit may be exceeded for churches if each side yard is at least equal in width to the height of the building, excluding spires and towers. *TCC 20.09A.050(4); TCC 20.54.070(7).* The minimum building setbacks for non-residential uses are 10 feet from collector, local, and private roads, 10 feet from the right-of-way of a flanking street, and five feet from the side and rear property lines. *TCC 20.07.030; Exhibit 1.*
7. Consistent with the RRR 1/5 design standards, the total building coverage would be less than 6,000 square feet and the proposed new building would be set back 20 feet from the nearest property line (Gunstone Avenue to the east). No deviation from the 35-foot height limit is proposed. Compliance with the building coverage, setback, and height standards would be verified during building permit review. *Exhibits 1 and 2.* The proposal does not trigger frontage improvements to either Tierney Street or Gunstone Avenue. *Arthur Saint Testimony.*

³ The maximum building coverage varies based on parcel size. The maximum building coverage is 6,000 square feet for parcels five to 10 acres in area (five acres is the minimum lot size in the zone) and 20,000 square feet for parcels over 10 acres in area. The ordinance is silent as to parcels that are less than five acres in area, as is the subject property. *TCC 20.09A.050.3.* The special use standards do not specify alternative building coverage standards for churches. *TCC 20.54.070.7.*

⁴ TCC 20.03.040(62) references the Drainage Design and Erosion Control Manual (DDECM) for the definition of "hard surface." Per the June 2022 version of the DDECM, "hard surface" means "an impervious surface, a permeable pavement, or a vegetated roof." *DDECM (June 2022), page xxxi.*

8. The proposed impervious surface coverage (including buildings, parking lot/driveways, and internal walkways) would be 23,145 square feet. While this exceeds the 10,000 square feet specified in TCC 20.09A.050 for a lot the size of the subject property, TCC 20.07.090(1)(e) allows the impervious surface coverage to be increased through the special use permit process. In this case, the proposed impervious surface coverage is consistent with Public Works Department requirements, and Public Works did not identify any issues of concern. Public Works reviewed the project against the requirements of the Drainage Design and Erosion Control Manual and determined that all preliminary requirements are satisfied, and recommended approval of the project subject to conditions. The Applicant submitted a preliminary drainage report indicating that all stormwater runoff would be infiltrated on site, with runoff from pollution-generating surfaces directed to a biofiltration basin for treatment prior to infiltration. Final drainage plans would be reviewed during the building permit process. *Exhibits 1.N, 1.Q, 2, and 3; Arthur Saint Testimony.*
9. The parking standard for churches without fixed seating is one space per 170 square feet. *TCC 20.44.030.* In this case, the parking required for the proposed 5,208 square foot building is 31 spaces. The Applicant proposes to provide 29 parking stalls on site in the new parking area on the eastern parcel and to use the parking provided on the adjacent lot to make up the remainder. The adjacent lot has a gravel parking area that can provide space for 18 vehicles. Based on the submitted future uses of the existing church building on the adjacent lot for youth ministries and other meetings, it requires 11 parking spaces, leaving seven available. The Applicant proposes to record an easement making three parking spaces from the western parcel available to the subject eastern parcel, which is intended to ensure that the parking agreement is memorialized and continues in the event that ownership of the two parcels is segregated in the future. *Exhibits 2 and 4.*
10. Based on the multipliers contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (11th Edition), which is based on building area, the new church is expected to generate 57 net new Sunday trips⁵ and 14 net new weekday trips, including one PM peak hour trip. Traffic mitigation fees would be paid per ordinance requirements. *Exhibits 1.L and 1.Q.*
11. A 10-foot wide buffer of trees and shrubs would be provided along the side and rear property lines. A five-foot buffer of trees and shrubs would be provided along the Tierney Street frontage. Landscaping would also be provided within the parking area. Planning Staff has reviewed the Applicant's landscaping plan and has determined that it meets the standards of TCC 20.45.040, as well as the church-specific landscaping requirement of TCC 20.54.070.7, which requires landscape screening of church parking lots. *Exhibits 1 and 1.H.*
12. The subject property is mapped with prairie and pocket gopher soils, but a site inspection did not find evidence of pocket gophers on site and the project was cleared to proceed without further critical areas review. *Exhibits 1 and 1.E.*

⁵ Net of calculated traffic from existing church building. *Exhibit 1.L.*

13. The church would be served by a Group B public water supply, and the proposed well site has been approved by the Thurston County Environmental Health Division. The approval allows more than 25 people to be served per day up to 60 days per year. If the use were to exceed this allowance, a Group A public water system would be required, which is permitted through the Washington State Department of Health Office of Drinking Water. *Exhibits 1.R and 1.I.*
14. The new church building would be served by a new on-site septic system. Based on test holes and engineering documentation, the site has adequate area and depths of permeable, unsaturated soils to support a septic system. The proposed drainfields would be located in the northeast corner of the property, outside of the 100-foot protective radius for the new well. *Exhibits 1.R and 1.J.*
15. The Thurston County Environmental Health Division reviewed the project against the requirements of the Thurston County Sanitary Code and recommended approval, subject to conditions that the parking area within the well's sanitary control radius be sloped away from the well; that the landscaping and walkway within the sanitary control radius use inert material and be maintained without the use of chemical and fertilizers; that the new water system receive design approval prior to building permit issuance; that the septic system application be approved prior to building permit issuance; and that the water system receive final construction approval and the on-site sewage system be installed prior to building occupancy approval. *Exhibit 1.R.*
16. The project is categorically exempt from review under the State Environmental Policy Act (SEPA). TCC 17.09.055 exempts buildings of up to 8,000 square feet with parking facilities for up to 30 vehicles. *Exhibit 1; TCC 17.09.055.*
17. Notice of the open record hearing was mailed to the owners of properties within 500 feet of the site on June 26, 2023 and published in *The Olympian* on June 30, 2023. There was no public comment on the application. *Exhibits 1 and 1.A.*
18. Having heard all testimony, reviewed all application materials, and considered the questions posed in the post-hearing order reopening the record, Planning Staff maintained their recommendation that if approval for the SUP is granted, it should be subject to the conditions identified in the staff report. *Exhibits 1 and 3; Scott McCormick Testimony.* Applicant representatives waived objection to the recommended conditions and requested approval. *Exhibit 4; Testimony of Dan Penrose and George Coley.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 20.54.015(2) of the Thurston County Code.

Criteria for Review

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 20.54.040 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive Plan, and all applicable federal, state, regional, and Thurston County laws or plans.
- B. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback, and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.
- C. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
 - 1. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety, and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effects may occur.
 - 2. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

Conclusions Based on Findings

- 1. As conditioned, the proposed use at the proposed location would comply with applicable laws and plans, including the special use standards for churches (TCC 20.54.070.7), the Critical Areas Ordinance, the Drainage Design and Erosion Control Manual, and the Thurston County Sanitary Code. The conditions of this decision incorporate the conditions recommended by Public Works and Environmental Health staff. *Findings 6, 11, 12, 13, 14, 15, and 18.*
- 2. As conditioned, the use would comply with the general purposes and intent of the RRR 1/5 zone and with applicable open space, lot, setback, and bulk standards. Consistent with the purpose of the RRR 1/5 zone, the use would be sensitive to the site’s physical characteristics and would not create a demand for urban services. The increased impervious surface proposed is approved as part of this special use permit. *Findings 5, 6, 7, 8, 10, 12, 13, 14, and 15.*
- 3. As conditioned, the proposed use is appropriate in the location for which it is proposed.
 - a. As conditioned, the use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic

conditions, parking, public property or facilities, or other matters affecting the public health, safety, and welfare. The church is an existing use in the neighborhood, and with most activity occurring on Sunday, the net increase in traffic during weekday peak hours would be minimal and would be mitigated through payment of traffic impact fees. There would be adequate parking on site and the adjacent site for the use. Public health would be addressed through the conditions of the Environmental Health Division. The site would be landscaped. *Findings 3, 4, 9, 10, 11, 12, 13, 14, and 15.*

- b. With the conditions identified by the Public Works and Environmental Health departments, the use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area. *Findings 8, 10, 13, 14, and 15.*

DECISION

Based on the preceding findings and conclusions, the request for a special use permit to construct a 5,208 square foot church building and associated parking and landscaping at 2842 Tierney Street SW is **GRANTED** subject to the following conditions:

Public Works Conditions

Roads

1. The proposed design shall conform to the Road Standards.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.

Traffic Control Devices

3. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. Please contact Thurston County Public Works – Development Review Section Staff to obtain the most current Thurston County guidelines.
4. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the Applicant shall be transferred to the Applicant.

Drainage

5. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
6. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner and/or the property owners association.

7. Stormwater runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.

Utilities

8. The proposed water and sewer system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.
9. Proposed utility work within the Thurston County right-of-way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific utility design requirements but rather only items such as restoration of the County right-of-way and traffic control.
 - a. Placement of utilities within the County right-of-way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
 - b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.20 feet of asphalt concrete pavement.

Traffic

10. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.

General Conditions

11. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
12. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and Drainage Design & Erosion Control Manual.
13. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 360-867-2051 for a final inspection.
14. This approval does not relieve the Applicant from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant. One permit that may be required is a Construction Stormwater Permit from the Washington State Department of Ecology. Information on when a permit is required and the application can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. Any additional permits and/or approvals shall be the responsibility of the Applicant.

Project Specific Conditions

15. Once the planning department has issued the official approval, submit two complete full size sets of construction drawings, the final drainage and erosion control report and all applicable checklists along with an electronic copy to Thurston County Public Works – Development Review Section for review and acceptance. The Final Drainage Report shall address all comment in the Stormwater Scoping Report Response dated April 21, 2023 which can be found at:
<https://weblink.co.thurston.wa.us/dspublic/0/doc/16483716/Page1.aspx>.
16. Prior to construction, the Applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive erosion and sediment control permit
 - c. Have the erosion and sediment control inspected and accepted
 - d. Receive a construction permit
 - e. Schedule a pre-construction conference with county staff.

* The current fee schedule can be found online at:

<http://www.co.thurston.wa.us/permitting/fees/fees-home.html> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 360-867-2050, or by e-mail at ruthie.moyer@co.thurston.wa.us.

General Information

Final Review

17. Prior to receiving final approval from this department, the following items shall be required:
 - a. Completion of all roads and drainage facilities.
 - b. Final inspection and completion of all punch list items.
 - c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.
 - d. Receive and accept Engineer’s Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
 - e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
 - f. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
 - g. Payment of any required permitting fees.
 - h. Complete the right-of-way dedication process.

Public Health and Social Services Department Conditions

18. The parking lot located within the new well's 100- foot sanitary control radius must be paved and sloped away from the well to direct stormwater runoff outside the well radius.

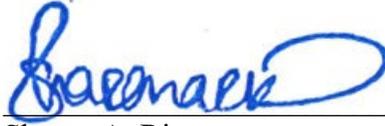
19. The proposed landscaping and walkway within the new well's 100- foot sanitary control radius must use inert material and be maintained without the use of chemicals and fertilizers.
20. Prior to release of the building permit, the new public water system must receive design approval.
21. Prior to release of the building permit, an on- site septic system permit application must be submitted for review and receive approval.
22. Prior to final building occupancy approval, the public water system must receive final construction approval.
23. Prior to final building occupancy approval, the on-site sewage system must be installed, and the record drawing must be accepted by this department.

Community Planning and Economic Development Conditions

24. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are pollutants.
25. Landscaping shall be completed prior to final building permit approval unless a financial surety in the amount of 125% the cost of landscaping materials and installation if submitted to Community Planning and Economic Development prior to final building permit approval.
26. In the case of inadvertent discovery of archaeological resources or human burial, the Applicant and/or contractor must immediately stop work and contact the Washington Department of Archaeology and Historic Preservation at (360)586-3067.
27. 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.
28. All development shall be in substantial compliance with the approved site plan. Any expansion or alteration this use will require approval of a new or amended special use permit. Community Planning and Economic Development will determine if any proposed amendment is substantial enough to require hearing Examiner approval.
29. The site address is 2842 Tierney St SW, Olympia WA 98512. This address shall be shown on all future site plans for building, etc.

30. The mutual parking easement shall be recorded prior to final building occupancy approval.

DECIDED August 30, 2023.



Sharon A. Rice
Thurston County Hearing Examiner

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___.