



COUNTY COMMISSIONERS

Carolina Mejia, District One
Gary Edwards, District Two
Tye Menser, District Three
Wayne Fournier, District Four
Emily Clouse, District Five

HEARING EXAMINER

Creating Solutions for Our Future

BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Application of)	NO. 2022103527
)	
)	
AMH Development)	Sienna 1 Subdivision and Variance
)	
)	FINDINGS, CONCLUSIONS,
For Preliminary Plat and Variance)	AND DECISIONS
)	

SUMMARY OF DECISIONS

The requested preliminary plat to subdivide 16.18 acres into 77 single-family residential lots, one community clubhouse lot, and five tracts and the requested variance to reduce the incompatible use buffer required by TCC 22.47.050.H to 15 feet are **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

AMH Development (Applicant) requested a preliminary plat to subdivide 16.18 acres into 77 single-family residential lots, one community clubhouse lot, and five tracts. The proposal also included a variance that sought to reduce the incompatible use buffer required by TCC 22.47.050.H from 30 feet to eight feet. The Applicant subsequently revised the variance proposal to reduce the incompatible use buffer to 15 feet. The subject property is located at 7731 Littlerock Road SW, Tumwater, Washington.

Hearing Date:

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the application on December 12, 2023. The record was held open through December 14, 2023 to allow members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comments were submitted. The Hearing Examiner also left the record open through December 19, 2023 for the Applicant to submit information on alternative buffer widths, and through

December 20, 2023 for a County response. The requested information was timely submitted, and the record closed on December 20, 2023. No in-person site visit was conducted, but the Examiner viewed the subject property and its environs on Google Maps.

Testimony:

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

Scott McCormick, MES, Associate Planner, Thurston County

Arthur Saint, Civil Engineer, Thurston County Public Works

Dawn Peebles, Environmental Health Program Manager, Thurston County

Jean Lin, Forward Planning and Entitlement Project Manager, AMH Development (Applicant)

Tyrell Bradley, P.E., LDC, Inc. (Applicant representative)

Kerry Doss, AMH Development (Applicant)

Larry Wright

George Cowan

Jim Ihnot, Baker Ave LLC (Property Owner)

Exhibits:

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

- Exhibit 1 Development Services Planning and Environmental Section Report including the following attachments:
- A. Notice of Public Hearing
 - B. Zoning/Site Map
 - C. Master Application, received July 13, 2022
 - D. Updated Division of Land Application, received May 24, 2023
 - E. Narrative Summary, dated May 16, 2023
 - F. Preliminary Plat Map and landscaping plans, received May 24, 2023
 - G. Notice of Application for Preliminary Plat, dated October 7, 2022 with adjacent property owners list, dated October 6, 2022
 - H. Master Application for Hearing Examiner Variance, received September 22, 2023
 - I. Hearing Examiner Variance Application, received September 22, 2023
 - J. Variance narrative, received September 22, 2023
 - K. Notice of Application for Hearing Examiner Variance, dated October 6, 2023
 - L. Final SEPA Mitigated Determination of Non-Significance

- M. Mitigated Determination of Non-Significance, issued August 30, 2023
- N. SEPA Environmental Checklist, received May 24, 2023
- O. Sienna 1 Plat Trip Generation Assessment, received July 13, 2022
- P. Additional Trip Generation Assessment for Sienna 1, received June 2, 2023
- Q. Tree Protection and Replacement Plan by Washington Forestry Consultants Inc., dated August 9, 2004
- R. Settlement Agreement between the owner and Thurston County regarding the Thurston County Habitat Conservation Plan, received July 13, 2022
- S. Mazama Pocket Gopher and Thurston County Regulated Prairie Absence Report, dated June 20, 2022
- T. Integrated Pest Management Plan, received July 13, 2022
- U. Narrative for the “Existing” Septic System, received May 24, 2023
- V. Existing Well Exhibit for Sienna 1 Plat (undated)
- W. Preliminary approval memo from Arthur Saint, PE with Thurston County Public Works Development Review, dated September 21, 2023
- X. Preliminary approval mem from Dawn Peebles with Thurston County Public Health and Social Services Department, Environmental Health Section, dated October 27, 2023
- Y. Email from Jared Crews, City of Tumwater to Scott McCormick Thurston County CPED, dated September 19, 2023 regarding the SEPA determination and requested conditions by the City
- Z. Email from Jared Crews, City of Tumwater to Scott McCormick Thurston County CPED, dated August 31, 2023 regarding the SEPA determination and requested conditions by the City
- A1. Email from Scott McCormick, Thurston County CPED to Tyrell Bradley (point of contact for Applicant) regarding incompatible use standards, dated August 2, 2023
- B1. Comment Letter from the City of Tumwater to Scott McCormick, Thurston County CPED, dated June 12, 2023 regarding plat conditions
- C1. Comment Letter from the City of Tumwater to Scott McCormick, Thurston County CPED, dated October 27, 2022 regarding plat conditions and review
- D1. Communication Matrix from Thurston County CPED to the Applicant, dated February 15, 2023
- E1. Thurston County Public Works comment Matrix with attached comment Memo to Arthur Saint, PE from Zach Severs PE, Public Works Water Resources, dated January 26, 2023
- F1. Updated Memo of Exhibit E1 (directly above)

- G1. Email from George Cowan (neighbor to the west) to Scott McCormick, Thurston County CPED, dated October 30, 2023
 - H1. Letter from the Washington Department of Ecology, dated October 27, 2022 regarding stormwater, solid waste, and toxics
 - I1. Email from George Cowan (neighbor to the west) to Scott McCormick, Thurston County CPED, dated October 25, 2023
 - J1. Thurston County 2022 DDECM Project Information & Elements Checklist (undated)
 - K1. Stormwater Pollution Prevention Site Plan Checklist, received May 24, 2023
 - L1. Analysis Procedures for Infiltration BMPs Checklist, received May 24, 2023
 - M1. Geotechnical/Infiltration Facility Checklist, received May 24, 2023
 - N1. Drainage Report Elements Checklist (undated)
 - O1. Checklist LID.02 Post-Construction Soil Quality and Depth, received May 24, 2023
 - P1. Construction Plan Elements Checklist (undated)
 - Q1. LID Infeasibility Criteria Checklist
- Exhibit 2 Drainage Report by LDC Inc., dated May 2023
- Exhibit 3 Full sized plat map, received May 26, 2023
- Exhibit 4 Recorded plat of Sienna 2
- Exhibit 5 Sienna II Stormwater Technical Memorandum, dated January 10, 2023
- Exhibit 6 Public Comment from Herb Bickle, received December 10, 2023
- Exhibit 7 Applicant's PowerPoint Presentation
- Exhibit 8 Letter from Jean Lin, AMH Development, dated December 19, 2023 (revised variance request) with attached site plan showing incompatible use buffer, together with an email from Scott McCormick, dated December 18, 2023

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

FINDINGS

1. AMH Development (the Applicant) requested a preliminary plat to subdivide 16.18 acres into 77 single-family residential lots, one community clubhouse lot, and five tracts. The proposed plat layout was based on an association application for variance from the incompatible use buffer required by Thurston County Code (TCC) 22.47.050.H from 30 feet to eight feet. The Applicant subsequently revised the variance proposal to seek a reduction of the incompatible use buffer to 15 feet. The subject property is located at

7731 Littlerock Road SW, Tumwater, Washington.¹ *Exhibits 1, 1.C, 1.D, 1.E, 1.F, 1.H, 1.I, 1.J, and 8.*

2. Preliminary plat approval was granted to subdivide the subject property into 82 single-family residential lots in January of 2006. The land was subsequently cleared and graded, but the project was put on hold in 2008 due to the national economic recession and development activity did not recommence until approximately 2012. Between 2012 and 2016, the roads were graded and sewer infrastructure was installed, but the developer lost a financial partner. An extension of the preliminary plat was requested in July 2016, but development was delayed due to County determination of Mazama pocket gopher habitat on the site, which triggered a requirement for a habitat conservation plan. The approved extension was not long enough to complete the habitat plan, and in January of 2017 the preliminary plat approval expired. The second phase of the project – a subdivision of adjacent land known as Sienna 2 – received final plat approval in early 2023, and residential construction is currently underway. *Exhibits 1.R, 1.S, 4, and 7; Jean Lin Testimony.*
3. The instant preliminary plat application was submitted on July 13, 2022, and the County issued a notice of application for the plat on October 7, 2022. The variance application was submitted on September 22, 2023, for which the County issued a notice of application for the variance on October 6, 2023. *Exhibits 1.C, 1.G, 1.H, and 1.K.*
4. The subject property is a wedge-shaped parcel located on the southeast side of Littlerock Road SW. It is bordered by the approved Sienna 2 subdivision to the south and southeast. The access to Sienna 2 – a public road named 77th Way SW – passes through the subject property and has already been constructed, with a signal at its intersection with Littlerock Road. There is agricultural and undeveloped land to the northeast. To the west is a 4.7-acre, largely forested residential lot that borders the entire length of the subject parcel's western property line. Land uses on the opposite side of Littlerock Road SW include a dairy farm and Black Hills High School. *Exhibits 1, 1.F, and 3.*
5. The subject property is within the Tumwater Urban Growth Area and is zoned Single Family Medium Density (SFM). *Exhibits 1 and 1.B.* The permitted residential density is a minimum of six and a maximum of nine residential units per acre, with densities in excess of eight dwelling units per acre requiring the purchase of transfer of development rights. *TCC 22.12.050.* The proposed density would be 6.43 dwelling units per acre. *Exhibits 1, 1.F, and 3.*
6. Development standards applicable to detached single-family residential lots in the SFM zone include a minimum lot size of 4,000 square feet and a minimum lot width is 50 feet. The smallest lot proposed would have an area of 4,356 square feet. The average lot area

¹ The Staff report provides the following as the legal description for the subject property: "A portion of Section 09 Township 17 Range 2W. Abbreviated Legal: W H BARNES DC COM X W LN DC & SELY LN HWY 1-M N 43 DEG E 24 43-0-0 WM." It is also known as Tax Parcel Number 09090009000. *Exhibits 1 and 1.C.*

would be 5,422 square feet. Each lot would be at least 50 feet wide. *Exhibits 1, 1.F, and 3; TCC 22.12.050.D.*

7. The proposed lots would be accessed from existing 77th Way (previously constructed to serve the Sienna 2 plat), an extension of Verona Drive through the site from the Sienna 2 plat, and proposed Vallinger Drive. These three streets would form an internal loop, with the proposed lots arranged on both sides of the streets. *Exhibits 1.F and 3.* The streets would be constructed to City of Tumwater standards. *Exhibit 1.B1.* The proposed street sections would include planter strips and detached sidewalks. *Exhibits 1.F and 3.*
8. The City of Tumwater requested that the Applicant dedicate sufficient right-of-way at the intersection of 77th Way and Littlerock Road adjacent to the northwest boundary of the subject property to accommodate a future roundabout at the intersection. Although the roundabout project does not yet appear in the City's transportation plans, there is a large subdivision planned across the street from the subject property that might trigger the improvement. The Applicant has agreed to the right-of-way dedication. *Exhibits 1.B1 and 3; Tyrell Bradley Testimony.* The intersection is currently controlled with a traffic signal. *Jean Lin Testimony.*
9. Pursuant to TCC 22.47.050(H)(1)(b), a proposed residential subdivision lot that is less than 50% of the size of an existing contiguous residential lot is defined as an incompatible use. Incompatibility is required to be screened by a 30-foot wide vegetated buffer planted with predominantly native and drought tolerant species that provides a very dense sight barrier and physical buffer to significantly separate conflicting uses. The plant materials and ground cover must be selected and maintained so that the buffer is fully vegetated within three years. A combination of trees, shrubs, berms, related plant materials or design features may be selected, provided that the result is sight-obscuring from adjoining properties. Fences and walls may be incorporated into the buffer. *TCC 22.47.050(H)(3).* The proposed lots would be less than half the size of the existing contiguous residential lot to the west. Consequently, an incompatible use buffer is required along the entire west site boundary. *Exhibits 1 and 3.*
10. TCC 22.47.050(H)(2)(c) allows the incompatible use buffer to be reduced through the variance process. The Applicant initially requested a variance to reduce the buffer to eight feet and limit the buffer to Lots 173-177 where existing trees on the neighboring parcel do not provide screening. A six-foot cedar fence was proposed to be installed behind the lots, and the buffer was proposed to be landscaped with trees and shrubs consistent with Type 2 landscape standards (designed to provide visual separation of compatible uses). *Exhibit 1.J.*
11. In response to feedback at the open record hearing, including objection to the request by the adjacent property owner who expressed concern about the length of time it takes for new vegetation to provide effective screening and the loss of privacy from having two-story homes close to the property line (see George Cowan Testimony and Exhibits 1.G1 and 1.I1), the Applicant revised the variance request to provide a wider incompatible use

buffer than originally proposed. Under the revised proposal, the incompatible use buffer would be reduced to 15 feet along the entire western property line except for the portion within Tract B, which contains existing stormwater facilities, and would be densely landscaped consistent with the incompatible use buffer standards of TCC 22.47.050.H.3. County Planning Staff reviewed the revised proposal and submitted that it is more consistent with the variance criteria for approval than the original proposal. *Exhibit 8.*

12. The reasons for the variance request included that the overall project design is limited due to the extent of road and utility work that occurred prior to expiration of the original preliminary plat, which infrastructure now serves the adjacent Sienna 2 plat. It is of significant note that the incompatible use buffer requirement did not exist at the time the original plat was approved, and the Applicant submitted that the recession of 2008 was a special circumstance that led to expiration of the plat. The Applicant submitted that the depth of the lots (105 feet), which is limited by the road layout, is not sufficient to provide a 30-foot densely landscaped buffer, separate usable backyard space, and a sufficient front yard setback to allow cars to park in the driveway without extending over the sidewalk. The Applicant further argued that existing trees on the neighboring parcel would provide screening along two-thirds of the shared property line, and that because the adjacent parcel is zoned the same as the subject property, the buffer will no longer be needed when and if the adjacent parcel is developed in the future.² *Exhibits 1, 11 and 1.J; Jean Lin Testimony.*
13. With the proposed 15-foot incompatible use buffer and additional yard space, the proposed building setbacks from the western property line would exceed the minimum required in the zone. Pursuant to TCC 22.12.050.I.3, the minimum rear yard setback in the SFM zone is only five feet. *TCC 22.12.050.I.3; see also Jean Lin Testimony.*
14. Subdivisions within the Tumwater Urban Growth Area must dedicate 10% of the gross land area as open space. *Exhibit 1; TCC 18.47.040.C.* Up to half of the open space requirement may be satisfied by tree tracts consistent with TCC Chapter 17.25, areas of native vegetation used to meet landscaping requirements, and critical areas. Within residential subdivisions, the open space must include facilities for active recreation and must be accessible to residents. The open space may include stormwater facilities designed for active and/or passive recreation. *TCC 18.47.040.C.* The required open space calculation for the proposed subdivision is 1.62 acres. The Applicant proposes to provide open space including the following: 1.01-acre Tract C, a centrally located combined open space and tree tract; 0.76-acre Tract D, a centrally located combined stormwater and open space tract; and Tracts A (0.26 acre) and B (0.21 acre), located on either side of the subdivision entrance from Littlerock Road. The Applicant proposes to meet the active recreation requirement by installing a flat, open lawn area within Tract D. A walking trail within Tract C would provide additional recreation opportunities. The open space facilities would be accessible from the internal street system. *Exhibits 1 and 3.*

² The adjacent property owner has no development plans. *See George Cowan Testimony.*

15. The Thurston County Forest Lands Conversion Ordinance (TCC Chapter 17.25) requires subdivisions within the Tumwater Urban Growth Area to preserve at least five percent of the property to be subdivided as a tree tract to contain retained or new trees. Proposed Tract C, located in the center of the subdivision around the perimeter of the stormwater tract, would serve as the required tree tract. The tree tract minimum tree tract calculation is 0.81 acre and Tract C is 1.01 acres in area. TCC 17.25 also requires trees to be retained or planted on individual lots at a rate of one tree per 4,000 square feet of lot area. In this case, 112 trees are required. There are currently no trees in Tract C or within proposed lots; trees designated for retention as part of a 2004 Tree Preservation Plan prepared in conjunction with the original subdivision approval were not retained. The Applicant submitted a landscape plan depicting the planting of trees on individual lots and along proposed streets, and referencing a Sienna 2 landscape plan with respect to Tract C. Planning Staff recommended that the Applicant be required to provide an updated Tree Preservation Plan and plant the approved trees prior to final plat approval. *Exhibits 1, 1.F, 1.Q, and 3.*
16. Based on the trip generation rates set forth in the ITE *Trip Generation Manual* (11th Edition) for single-family detached housing, the proposed subdivision is expected to generate 726 average vehicle trips per weekday, including 54 AM peak hour trips and 72 PM peak hour trips. Of the 72 PM peak hour trips, 53 are expected to travel through the I-5 interchange at Tumwater Boulevard. *Exhibit 1.P.* The City of Tumwater commented that the I-5/Tumwater Boulevard interchange requires improvements to meet safety and level of service standards (the intersection currently operates at level of service F during peak hours) and requested that the Applicant be required to contribute a mitigation fee of \$4,219 per PM peak hour trip. The City's planned transportation improvements include converting the interchange to a roundabout diamond interchange. *Exhibits 1.Y, 1.Z and 1.BI.*
17. Most stormwater runoff from the developed site would be treated in proposed biofiltration strips and infiltrated within a previously constructed infiltration pond in Tract D. The pond was designed and constructed as part of the Sienna 2 plat with sufficient storage and treatment capacity to manage stormwater from Sienna 1. The pond was designed consistent with the 1994 Drainage Design and Erosion Control Manual, the version of the manual to which the facility vested. In the event of pond failure, the overflow would be conveyed south into a series of interconnected infiltration ponds within Sienna 2. Runoff from Littlerock Road SW and 77th Way SW would be directed to an infiltration pond within Tract B, along the subject property's Littlerock Road frontage. The Tract B pond was constructed as part of the Sienna 2 frontage improvements. *Exhibit 2.*
18. The Thurston County Public Works Department reviewed the project for compliance with the Thurston County Road Standards and the Drainage Design and Erosion Control Manual and determined that the preliminary requirements have been satisfied. Public Works Staff recommended approval of the project, subject to conditions as outlined in the County's Staff Report. *Exhibits 1 and 1.W.*

19. The subject property would be served by City of Tumwater water and sewer utilities. All existing wells on site would be decommissioned. The sewer main and side sewers to each lot have already been installed. *Exhibit 1.X; Tyrell Bradley Testimony.*
20. The subject property is within a Category 1 aquifer recharge area, a critical areas designation which does not prohibit residential development, but which requires the project to include best management practices designed to protect groundwater. *TCC 24.10.020; TCC 24.10.030; Exhibit 1.X.* The Applicant has prepared an integrated pest management plan (IPMP) outlining landscape management practices to help reduce impacts to surface and ground water. The Thurston County Environmental Health Division has requested revisions to the IPMP be required prior to final plat approval. *Exhibits 1.T, 1.X, and 1.D1.*
21. The Thurston County Environmental Health Division reviewed the project for compliance with the Thurston County Sanitary Code and recommended approval subject to conditions as outlined in the County's Staff Report. The requested environmental health conditions of approval include the following: ensuring there are no sanitary sewer lines within 50 feet and no stormwater infiltration within 100 feet of any of any off-site wells; showing the 100-foot sanitary control radii of off-site wells on the final plat map; recording restrictive covenants for three off-site wells; submitting confirmation of final water and sewer construction approval from the City of Tumwater; decommissioning wells on site consistent with Department of Ecology standards; and submitting a final revised IPMP along with a methodology for distribution. *Exhibits 1 and 1.X; Dawn Peebles Testimony.*
22. The subject property contains soil types that are preferred habitat for the Mazama pocket gopher, a species listed as threatened pursuant to the federal Endangered Species Act, and Mazama pocket gophers were detected on site in 2016. However, site visits conducted in September and October of 2021 by a qualified professional did not detect any Mazama pocket gopher mounds, nor did they detect prairie habitat, Mima mounds, or Oregon white oak trees. *Exhibit 1.S.*
23. The subject property is located within the Tumwater School District. While Black Hills High School is across the street from the subject property, the nearest elementary and middle schools are more than one mile from the subject property. Student aged residents of the plat would be bussed to T. Simmons Elementary and Tumwater Middle Schools. Construction of sidewalks along the proposed internal streets would complete contiguous sidewalk to the high school from the proposed plat. Impacts to schools would be mitigated through payment of impact fees pursuant to TCC Title 25. *Exhibit 1; Testimony of Kerry Doss and Arthur Saint.*
24. Thurston County acted as lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act (SEPA). Having reviewed the preliminary plat plans, technical reports, environmental checklist, agency comments, and

other documents, the County's SEPA responsible official issued a mitigated determination of non-significance (MDNS) on August 30, 2023 and a subsequent Final MDNS with additional mitigation. The imposed mitigation measures address right-of-way dedication, mitigation of impacts to the I-5/Tumwater Boulevard interchange, payment of mitigation fees, spill containment, and noise control. The MDNS became final on September 20, 2023. *Exhibits 1, 1.L, and 1.M.*

25. Notice of the open record hearing was mailed to surrounding property owners on November 28, 2023 and published in *The Olympian* on December 1, 2023. *Exhibit 1.A.* Public comment at hearing was submitted by the adjacent property owner to the west, who not only opposed the initially proposed eight-foot incompatible use buffer, but also requested it be increased to 52 feet minimum landscaped depth to provide continued privacy in his residence and yards as a result of the proposed two-story dwellings. Mr. Cowan reaffirmed that he has no intention to subdivide the property or to sell it to others who might develop it. He expressed concern that the plantings required in the incompatible use buffer, regardless of its finally approved width, would not grow to maturity and thus would fail to provide actual screening for years after planting. He has lived on his property for his entire life and feels that any screening required by code should be provided by the Applicant, who is the party coming into the community and "invading" his rural neighborhood with rental homes. *George Cowan Testimony.* Another neighbor to the subject property testified that with completion of the high school construction has come increased traffic that makes it very difficult for area residents to turn onto Littlerock Road SW from their residential streets, and he expressed concern that the new residences would exacerbate this situation, although he does appreciate the traffic signal that has been installed. With respect to the roundabout under consideration by the City of Tumwater at Littlerock Road and 77th Way, given its proximity to the high school, this neighbor expressed concern for pedestrian safety in the roundabout. *Larry Wright Testimony.*
26. In response to public comment, County Staff noted that the roundabout is a contemplated City improvement within City of Tumwater jurisdiction, and stated that any future construction would be conducted pursuant to City permitting and according to City street standards. Staff expressed confidence that pedestrian safety is a paramount consideration in the applicable City street standards. Planning Staff noted that there is no known authority in the County Code for increasing the maximum width of the incompatible use buffer and noted that the Applicant is not entitled to rely on existing vegetation off-site to meet the screening requirements. Speaking to the need for the plat to balance between the neighbor's desire to maintain privacy and the Applicant's desire to create lots capable of providing useable rear yards, Planning Staff noted there is no code requirement for "useable" rear yard space. *Testimony of Scott McCormick, Dawn Peebles, and Arthur Saint.*
27. In response to public comment, Applicant representatives testified that while it is true that the homes would be rental units owned by the Applicant and that some of their units are rented by seniors, the prime demographic is families, and it would significantly impact

the lots if they did not provide rear yards with play space for families. The Applicant is an institutional rental residence operator, which would own and maintain not only the common areas but also the units. Regarding privacy impacts to Mr. Cowan's residence, the proposed houses would be a maximum of 30 feet tall, and the windows on the rear floors would be lower. The eyes of a person standing on a second floor looking out a window towards the west would be at or below 25 feet above grade, and the window nearest his residence is 42 feet east of the shared property line. These factors would combine with the proposed plantings to adequately protect the neighbor's privacy. Applicant representatives also noted that while the Applicant agreed to dedicate the required right-of-way, the contemplated roundabout is not currently identified on any City plan; the timeline for its construction is unknown; however, a 1,200-unit residential project is under development across Littlerock Road and the City has plans to expand the road to a five lane facility in the future to accommodate all planned traffic. Finally, with respect to the time it would take for plantings to actually provide a screening function, the Applicant is aware of the standards established in County code for achieving a minimum height and density of plantings, and of the County's preferred species lists, and the finally selected plantings would be consistent with adopted County standards. *Testimony of Jean Lin, Tyrell Bradley, and Kerry Doss.*

28. Having heard all testimony and, after the hearing, reviewed the Applicant's revised proposal for a 15-foot incompatible use buffer, County Staff maintained their recommendation that the conditions in the staff report be imposed if approvals are granted for the plat and variance. *Exhibits 1 and 8; Scott McCormick Testimony.* Applicant representatives waived objection to the recommended conditions. *Testimony of Jean Lin, Tyrell Bradley, and Kerry Doss.*

CONCLUSIONS

Jurisdiction:

The Thurston County Hearing Examiner is granted jurisdiction to hear and decide applications for variances pursuant to TCC 2.06.010.B, 20.52.010, and TCC 22.62.020. The Examiner is granted jurisdiction to hear and decide preliminary plats of lands within unincorporated Thurston County pursuant to TCC 2.06.010.A and TCC 18.10.030.

Criteria for Review:

Variance Criteria

The Hearing Examiner may approve an application for a variance only if the following criteria set forth in TCC 20.52.020 are satisfied:

1. That the granting of the proposed variance will not result in the allowance of a use which is not classified as a permitted or special use in the district wherein the use would be located;
2. That special conditions and circumstances exist which are peculiar to the land, such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provisions of this title would deprive the property owner

of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;

3. That the special conditions and circumstances are not the result of the actions of the applicant;
4. That granting of the variance requested will not confer a special privilege to the property that is denied other lands in the same district;
5. That the granting of the variance will not be materially detrimental to the public welfare or injurious to other land or improvements in the vicinity and district in which the property is situated;
6. That the reasons set forth in the application justify the granting of the variance, and that the variance, if granted, would be the minimum variance that will make possible the reasonable use of the land;
7. That the granting of the variance will be in harmony with the general purpose and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Preliminary Plat Criteria

Pursuant to TCC 18.12.090.B, preliminary plat approval may be granted if the following criteria are shown to be satisfied:

1. Appropriate provisions are made for the public health, safety, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
2. The public use and interest will be served by the platting of such subdivision and dedication. If the hearing examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the hearing examiner shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. The county shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

Conclusions Based on Findings:

Variance

1. Granting the variance to reduce the incompatible use buffer to 15 feet would not result in the allowance of an unpermitted use. The proposed use and development density would be consistent with the SFM zone. *Findings 2, 4, 5, 6, 9, 10, 11, 12, and 13.*

2. Special circumstances exist that are peculiar to the land, including the location of street and utility infrastructure that were lawfully installed consistent with the prior development approval, which was not subject to the incompatible use buffer requirement, as well as the subject property's minimum density required by zoning although it is adjacent to existing large lot rural residential uses. *Findings 2, 4, 5, 9, and 12.*
3. The special circumstances are not the result of the Applicant's actions, in that the expiration of the prior approval was due to economic forces outside of both the former owner's and the Applicant's control. The expiration of the previously approved plat occurred due to the unfortunate timing of both the nation's 2008 economic collapse and the fact that clearing the subject property created Mazama pocket gopher habitat, where the site had previously been forested, and approval of the County wide habitat management plan did not occur within the preliminary plat approval and approved plat extension. *Findings 2, 4, 5, 6, 9, 10, 11, 12, and 13.*
4. Granting the variance would not result in a special privilege. A similar subdivision of the same property was previously approved without any incompatible use buffer, because no such buffer was required at the time of the first plat's approval. Even with the buffer reduction, the building setback from the west property line would far exceed the minimum required in the zone and would exceed the screening that would have been provided under the previously approved plat. *Findings 2, 4, 5, 6, and 12.*
5. As conditioned to ensure that the 15-foot buffer is densely planted consistent with TCC 22.47.050.H.3, granting the variance would not be materially detrimental to the public welfare or injurious to other land or improvements in the vicinity and SFM zone. The buffer would result in a rear yard setback that far exceeds the minimum required by the zoning ordinance. A solid fence would also be provided. *Findings 2, 4, 5, 6, 12, and 13.*
6. Granting the variance is justified due to the location of street and utility infrastructure, which limits redesign opportunities. In addition, the proposed development density - even without the 30-foot buffer - is at the low end of the allowed range. The request for a 15-foot buffer is a substantial improvement over the originally proposed eight-foot buffer and represents the minimum needed to make reasonable use of the land. *Findings 2, 4, 5, 6, 9, 11, 12, 13, 26, 27, and 28.*
7. As conditioned to ensure that the buffer is densely planted consistent with TCC 22.47.050.H.3, granting the variance would be in harmony with the purpose of the zoning ordinance to maintain, enhance, and perpetuate environmental quality and to promote the public health, safety, and general welfare (TCC 20.02.010), and, for the reasons described in Conclusion 5, would not be injurious to the neighborhood. *Findings 2, 4, 5, 6, 9, 11, 12, 13, 25, 26, 27, and 28.*

Preliminary Plat

8. As conditioned, the subdivision would make appropriate provision for the public health safety, and welfare, and for all other relevant facts. The internal street system would be

constructed to City of Tumwater standards and would include sidewalks. The lots would be served by City of Tumwater water and sewer utilities. Stormwater would be infiltrated on site. Open space exceeding code requirements would be provided within the plat, along with recreation facilities. Impact fees would mitigate the project's school, park, and traffic impacts. High school students would walk to school by crossing a signal-controlled intersection. Other students would be bussed to their respective schools. The conditions recommended by the Public Works and Environmental Health departments and the conditions of the MDNS have been incorporated into this decision. The conditions of approval also address the tree tract requirements of the Forest Land Conversion Ordinance. *Findings 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, and 28.*

9. As conditioned, the public use and interest would be served by the subdivision. Approval results in the construction housing consistent with the density standards of the SFM zone. A densely landscaped 15-foot wide buffer and a solid fence would be installed between the proposed lots and the larger residential lot to the west. The conditions of approval address right-of-way dedication and payment of mitigation fees, including mitigation of impacts to the I-5/Tumwater Boulevard interchange. The proposed subdivision was reviewed for compliance with the requirements of SEPA, and the conditions of the MDNS have been incorporated into the conditions of this decision. *Findings 4, 5, 6, 8, 9, 11, 13, 16, 24, 25, 26, 27, and 28.*

DECISIONS

Based on the preceding findings and conclusions, the requested preliminary plat to subdivide 16.18 acres into 77 single-family residential lots and variance to reduce the incompatible use buffer to 15 feet are **APPROVED** subject to the following conditions:

Public Works Conditions:

Roads

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Tumwater standards and development guidelines.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
3. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.

Traffic Control Devices

4. 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.

5. 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

6. The stormwater management system shall conform to the Drainage Design & Erosion Control Manual.
7. 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.
8. 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.
9. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a Washington licensed civil engineer (preferably the engineer who designed the stormwater system).

Utilities

10. 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.
11. 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 city 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 0.17 feet of asphalt concrete pavement.

Right-Of-Way & Survey

12. Permanent survey controls need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
13. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 360-867-2378.

General Conditions:

14. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
15. Development within the City of Tumwater urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
16. 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.
17. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
18. 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:

Once the planning department has issued the official preliminary 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.

19. Prior to construction, the Applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive an 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 Thurston County Permit Assistance Center webpage or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at (360) 867-2046 or by e-mail at padillr@co.thurston.wa.us.

General Information:

Final Review

20. 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 right-of-way improvements in accordance with Thurston County Code 18.24.010.
 - g. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
 - h. Approve the Final Plat Map.
 - i. Property owners articles of incorporation and covenants in accordance with Volume I, Section 2.4.11 of the Drainage Design and Erosion Control Manual.
 - j. Completion of required signing and striping.
 - k. Payment of any required permitting fees.
 - l. Payment of any required mitigation fees.
21. The final plat map shall note or delineate the following:

Required Plat Notes

- a. "ATTENTION": Thurston County has no responsibility to build, improve, maintain or otherwise service private roads, alleys or driveways within or providing access to property described in this plat. The building, maintenance, repair, improvement, operation or servicing of the storm water facilities outside the county rights-of-way are the responsibility of the property owner(s).
- b. Thurston County has no responsibility to control road runoff that flows down driveways that are constructed below road grade. Homeowners are responsible for grading their access point and adjacent property to manage any runoff from the roadway.
- c. If seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted.
- d. Private roads are required to remain open at all times for emergency and public

service vehicle use. Any future improvements (gates, fencing, etc.) that would not allow for “open” access will need to be approved by all applicable departments of Thurston County.

- e. The owner and/or Homeowners Association shall be responsible for operating and maintaining the streetlights until such time the property is annexed to the city.
- f. Per Thurston County Resolution 14820, impact fees shall be paid prior to issuing any building permits associated with this project.
- g. This plat is subject to the RESIDENTIAL AGREEMENT TO MAINTAIN STORMWATER FACILITIES AND TO IMPLEMENT A POLLUTION CONTROL PLAN”, as recorded under Auditor’s File No. _____.
- h. Easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on the plat for subdivision _____ including unrestricted access for Thurston County staff to any and all storm water system features for the purpose of routine inspections and/or performing maintenance, repair and/or retrofit as may become necessary. No encroachment will be placed within the easements shown on the plat which may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the Property Owners’ Association as established by covenant recorded under Auditor’s file number _____.
- i. Maintenance of the landscaping, trees, sidewalk, planter strips and roadside drainage and stormwater facilities such as ditches, swales and ponds within the public right-of-way is the sole responsibility of the (property owners) or (homeowners association) within this subdivision. Thurston County has no responsibility to maintain or service said landscaping, trees, sidewalk, planter strips or roadside stormwater facilities and the property owner(s) adjacent to the right-of-way shall be responsible for maintaining the planter strip and street trees (weeding, pruning, irrigating, mowing, etc.) in a healthy and growing manner in perpetuity.

Delineate on the Plat

- j. Provide language on the plat describing the drainage design requirements for all projected hard surfaces and lawn/landscape areas within individual building lots (drywell design/sizing, storm drain connection points, incorporated into pond design, etc.).
- k. Please clearly label all public and private roads.

Environmental Health Conditions:

- 23. There shall be no sanitary sewer lines located within 50 feet of any existing off-site well.
- 24. There shall be no stormwater infiltration within 100 feet of any existing off-site well.
- 25. All existing off -site wells within 100 feet of the property must be accurately shown on the final map with their associated 100-foot sanitary control radii.

26. Restrictive covenants are required for the three off-site wells located on tax parcels 09090010000 and 12709320200. The covenants must be submitted to Environmental Health for review prior to being recorded with the Thurston County Auditor's Office. The covenants must be referenced on the final map.
27. Confirmation of final water and sewer construction approval from the City of Tumwater must be submitted to Environmental Health.
28. All remaining monitoring wells located on the project site must be decommissioned by a licensed well driller per Washington State Department of Ecology standards prior to final plat approval. Copies of the decommissioning reports must be submitted to Environmental Health.
29. A finalized version of the Integrated Pest Management Plan (IPMP) must be submitted to Environmental with the recommended revisions and specifying the proposed method of distribution of the IPMP to future homeowners within the subdivision. This is typically done by incorporating a copy of the accepted IPMP into the subdivision CC&Rs. Other methods may be allowed provided they assure future property owners will receive a copy of the IPMP at the time of sale.

Planning (CPED) Conditions:

30. Prior to submitting a final plat application, all required on-site and off-site road, utility, and landscaping construction, identified in the proposal and conditions shall be completed and approved (or bonded).
31. Street addresses shall be shown on the final map.
32. Prior to final plat approval, the Applicant shall provide an updated tree preservation plan and plant required trees within the open space and tree tracts.
33. Prior to final plat approval, the Applicant shall install all proposed active and passive recreation features/structures within the open space tracts.
34. The use of all open space tracts shall be noted on the final plat map. The open space tracts shall be dedicated to the lot owners and/or association on the final plat map.
35. The following notes shall be shown on the final plat map:
 - a. This subdivision has been approved through provisions of the Single-Family Medium Density Residential District (TCC 22.12).
 - b. At the time of home construction on individual lots, trees shall be planted on each lot. The trees planted shall conform to the final approved landscaping plan.
 - c. The project number (2022103527) shall be referenced in the plat notes.

- d. All development on the site shall be in substantial compliance with the approved plat. Any alteration of this site plan will require approval of a new or amended plat. The Planning and Environmental Section will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
- 36. Thurston County required roads, parks and school mitigation fees shall be paid at or prior to building permit issuance.
- 37. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.
- 38. All activities onsite shall fully comply with noise limitations outlined in WAC 173-60. In general, construction activities shall only occur between the hours of 7:00 am to 7:00 pm to limit noise disturbances.
- 39. A 15-foot wide incompatible use buffer shall be provided along the western property line (behind Lots 162 through 178, but excluding Tract B), as described in Exhibit 8. The buffer shall be landscaped to provide a very dense sight barrier consistent with TCC 22.47.050.H(3) and shall include a six-foot solid fence. An updated landscape plan that includes the buffer plantings shall be submitted to CPED for review and approval and the buffer shall be planted prior to final plat approval.
- 39. All activities shall be in substantial compliance with the submitted plans.
- 40. Prior to final plat approval the Applicant must provide an updated Tree Preservation Plan consistent with existing conditions and plant the proposed trees as approved by CPED in the open space tracts. Per TCC 17.25 at least 5% of the property must be preserved or planted with new trees and dedicated as a separate tract(s).

City of Tumwater condition:

- 41. Per comments from the City of Tumwater, the proponent in lieu of extending off-site gravity sewer will dedicate additional right-of-way for construction of a future multi-lane round-a-bout at the intersection of Littlerock Road and 77th Way. Per the City of Tumwater, the developer has agreed to this arrangement.

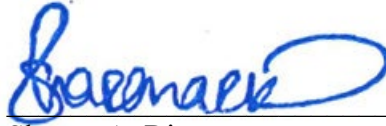
Mitigation Measure (Condition):

Prior to issuance of the final plat:

- a. Construct a roundabout at the northbound Interstate 5 On/Off Ramp and Tumwater Boulevard intersection; or
- b. Voluntarily pay a mitigation fee of \$4,219 per peak trip generated by this project under RCW 82.02.020 to be used as described herein:

Tumwater Boulevard/I-5 Interchange: The City's planned transportation improvements at the Tumwater Boulevard/I-5 interchange include converting the interchange to a roundabout diamond interchange by replacing the southbound on/off ramp signal and northbound stop-controlled intersections with roundabouts. If the subject development has trips to the interchange before the roundabout is constructed, a temporary signal will be required.

Decided December 29, 2023 by



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____.