



COUNTY COMMISSIONERS

John Hutchings

District One

Gary Edwards

District Two

Bud Blake

District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. 2016105472
	)	
<b>Olympia School District No. 111</b>	)	<b>McLane Elementary</b>
	)	
For a Special Use Permit	)	FINDINGS, CONCLUSIONS,
_____	)	AND DECISION

**SUMMARY OF DECISION**

The request for a special use permit to construct a new two-story, 17,000-square-foot classroom building at McLane Elementary School is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request**

Olympia School District No. 111 (Applicant) requested a special use permit to construct a new two-story, 17,000-square-foot classroom building at the existing McLane Elementary School. The subject property is located at 200 Delphi Road SW.

**Hearing Date**

The Thurston County Hearing Examiner conducted an open record public hearing on the request on May 15, 2017. Due to a typographic error in the mailed and published notice, which indicated a May 17, 2017 hearing date (see Exhibit 1, Attachment A)<sup>1</sup>, the record was held open until noon on May 17, 2017 to allow for submittal of public comment, including by any members of the public who appeared in person on May 17, 2017. No public comment was submitted during the extended comment period.

**Testimony**

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

Scott McCormick, Associate Planner, Resource Stewardship Department

Arthur Saint, P.E., Development Review Department

Dawn Peebles, R.S., Public Health & Social Services Department

<sup>1</sup> The notice posted on site showed the correct hearing date. *Exhibit 4.*

Kevin Tureman, Thurston County Public Works  
Garner Miller, MSGS Architects, Applicant Representative  
Alan Tyler, Olympia School District, Applicant Representative  
Ian Lee, Skillings Connolly, Applicant Representative

**Exhibits**

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

Exhibit 1      Resource Stewardship Department Staff Report including the following attachments:

Attachment a	Notice of Public Hearing
Attachment b	Master Application, dated November 8, 2016
Attachment c	Special Use Permit Application, dated November 8, 2016
Attachment d	Narrative Description, dated November 8, 2016
Attachment e	Vicinity Map
Attachment f	Aerial Photo with Topography Contours
Attachment g	Site Plan
Attachment h	Site Plan with topography and utilities
Attachment i	Estimates of proposed grading with grading site plan
Attachment j	Aerial photos 2 (two) showing approximate location of new building relative to internal property lines.
Attachment k	Soil management plan
Attachment l	Notice of Application dated January 5, 2017 with site plan and adjacent property owners list dated December 29, 2016
Attachment m	Memorandum from Arthur Saint, Thurston County Public Works, dated May 28, 2017
Attachment n	Memorandum from Dawn Peebles, Thurston County Environmental Health, dated March 13, 2017
Attachment o	Level 1 Traffic Impact Analysis, dated November 2, 2016

Attachment p	SEPA Determination of Nonsignificant, dated February 7, 2017 by the Olympia School District
Attachment q	Letter from WA Department of Ecology, dated January 25, 2017
Attachment r	Letter from the Nisqually Indian Tribe, dated November 23, 2016
Attachment s	Email from TC Resource Stewardship to Applicant, dated March 17, 2017
Attachment t	Email from TC Resource Stewardship to Applicant, dated January 3, 2017
Exhibit 2	Enlarged full set of site plans
Exhibit 3	Enlarged grading plan
Exhibit 4	Photos of posted hearing notice

Based upon the record developed at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

### **FINDINGS**

1. The Applicant requested a special use permit (SUP) to construct a new two-story, 17,000-square-foot classroom building at the existing McLane Elementary School. The subject property is located at 200 Delphi Road SW.<sup>2</sup> *Exhibit 1, Attachments B and C.*
2. The subject property is 15.5 acres in area and is developed with a 52,932 square foot school building, two portable classrooms, a parking area, a gated fire lane, grass play fields, and wood chip play areas. The proposed new classroom building would be located immediately east of the main school building in the southern portion of the subject property. *Exhibit 1; Exhibit 1, Attachments D, G, and I.*
3. The purpose of the new classroom building is to provide permanent classroom space for the classes currently housed in portables, and to allow for class size reductions required by the state of Washington. The building would contain eight classrooms. No increase in student population is anticipated as a result of the project. *Exhibit 1, Attachments D and I; Garner Miller Testimony.*
4. The western portion of the subject property is zoned Rural – One Dwelling Unit per Ten Acres (R 1/10) and the eastern portion of the subject property (including the portion that would contain the proposed classroom building) is zoned Rural Residential Resource - One Dwelling unit per Five Acres (RRR 1/5). The purposes of the R1/10 zoning district,

---

<sup>2</sup> The subject property is comprised of Tax Parcel Numbers 12818430200, 12818410800, and 12818430300. *Exhibit 1.*

per Thurston County Code (TCC) 20.09C.010, are to “protect public health and safety by reducing development in environmentally sensitive and hazardous areas such as the flood prone Salmon Creek Basin and lands lying over aquifers with elevated chloride levels; provide for residential uses, agriculture, forestry, conservation and associated uses appropriate for a low density rural area that will not require urban services; and provide for mining through a special use process.” The purposes of the RRR 1/5 zone, per TCC 20.09A.010 are “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.” Academic schools are allowed in both zones with approval of a SUP, subject to the standards of TCC 20.54.070(1). The Comprehensive Plan contains a policy that special uses permitted within the rural area should serve the rural area residents of the County. *TCC 20.54, Table 1; TCC 20.54.070; Exhibit 1, page 4 and Figure A; Exhibit 1, Attachment J.*

5. Surrounding land uses consist of low-density residential development and vacant parcels. The subject property is relatively isolated from the residential land uses because it is largely surrounded by public roads, including Delphi Road, US Highway 101, and Mud Bay Road. *Exhibit 1; Exhibit 1, Attachment E; Ian Lee Testimony.*
6. While the proposed building would be set back a significant distance from exterior parcel boundaries, it would encroach on internal parcel boundaries. The site plan shows that the largest portion of the building would be on parcel number 12818430300, but that two of the corners would reach or extend slightly over the boundary of an adjacent tax parcel within the site. Resource Stewardship Staff interpret the County's setback requirements as applying even when parcels are under common ownership. Consequently, Resource Stewardship Staff recommended as a condition of SUP approval that the Applicant complete a lot consolidation to eliminate the interior parcel lines prior to building occupancy. *Exhibit 1, Attachments G, J, and T; Exhibit 1, pages 3 and 10; Tony Kantas Testimony.*
7. The existing portables would be temporarily retained on-site for use during a future planned remodel of the existing school building, scheduled to begin in fall 2019 and to proceed during the academic year. Eventually, the District intends to remove the portables from the site. With regard to the potential for an increase in student population if the portables are retained after the renovation, District representatives noted that there are various district and state requirements that would apply and that existing parking and play area on-site exceed the minimum required state and local standards. *Testimony of Garner Miller and Alan Tyler.* Washington Administrative Code (WAC) 392-342-020 identifies the site sizing criteria to be used by the Superintendent of Public Instruction and the School District for public schools. These criteria specify a minimum of five usable acres plus one additional usable acre per 100 students or portion thereof at projected maximum enrollment. *WAC 392-342-020.* As of October 2015, there were 332 students enrolled at McLane Elementary School, which again is 15.5 acres in area. *Exhibit 1, Attachment D.*

8. Consistent with the landscaping requirements of TCC 20.45, the subject property is screened from Delphi Road (bordering the western and northern portions of the site) by existing trees and other vegetation, and is screened from Highway 101 (bordering the southern portion of the site) by a steep embankment and existing vegetation. Screening vegetation is not required along the east property boundary because there are no adjacent residential land uses. *Exhibit I; Exhibit I, Attachment H.*
9. The Applicant submitted a Level 1 traffic impact analysis, which determined that the project is expected to increase traffic by six AM peak hour trips due to the need for six new teachers to staff the classrooms. This impact would be mitigated through payment of Thurston County transportation impact fees. *Exhibit I, Attachment O.*
10. The subject property is served by the City of Olympia public water system. *Exhibit I, Attachment N.*
11. The subject property is served by a large on-site sewage system (LOSS), which is under the jurisdiction of the Washington State Department of Health. The addition of the new building to the system would not exceed the approved design flow of 4800 gallons per day. The State Department of Health has approved the proposal. *Exhibit I, Attachments P and N; Dawn Peebles Testimony.*
12. The subject property is within a Category II Aquifer Recharge Area, but does not contain any other regulated critical areas. The Thurston County Public Health and Social Services Department reviewed the proposal for compliance with the Thurston County Sanitary Code, and recommended approval, subject to conditions requiring that a School Facility Plan Review Application be approved by the Food and Environmental Services Section prior to building permit issuance, and that an inspection by the Food and Environmental Services Section be completed prior to building occupancy. These conditions were incorporated into the recommended conditions of SUP approval. *Exhibit I, Attachment N; Exhibit I; Dawn Peebles Testimony.*
13. The Applicant proposes to install a new stormwater detention vault to provide flow control for the runoff generated by the roof of the new building, which would connect to the existing stormwater system on site. The project would retrofit the existing system with water quality treatment to the maximum extent feasible, resulting in net improvement in runoff water quality. *Exhibit I, Attachment D.*
14. The Thurston County Public Works Department reviewed the proposal for compliance with Thurston County Road Standards and the Drainage Design and Erosion Control Manual, and determined that the preliminary requirements have been satisfied. The Department recommended approval, subject to conditions. One recommendation by the Department was that the Applicant should be required to provide new school zone beacons - the flashing signal that alerts drivers that school children are present and that reduced speed limits are in effect - consistent with County requirements, that would be

connected into the County system. *Exhibit I, Attachment M; Exhibit I; Kevin Tureman Testimony.*

15. The Nisqually Indian Tribe reviewed the proposal and did not have comments, but requested that the Tribe be informed if cultural resources are discovered during construction. This request was incorporated into the recommended conditions of SUP approval. *Exhibit I, Attachment R; Exhibit I.*
16. Olympia School District No. 111 acted as lead agency for review of the project's environmental impacts pursuant to the State Environmental Policy Act (SEPA). On February 9, 2017, the District issued a determination of non-significance (DNS) for the project. *Exhibit I, Attachment P.*
17. Notice of the open record hearing was mailed to owners of property within 500 feet of the site on May 3, 2017, published in *The Olympian* on May 5, 2017, and posted on-site on May 5, 2017. *Exhibit I, Attachment A; Exhibit I.* No public comment was submitted on the application during the extended comment period ending May 17, 2017.
18. At the conclusion of proceedings, after hearing all evidence and after the opportunity for public comment, Resource Stewardship Staff recommended approval with conditions. *Exhibit I; Tony Kantas Testimony.* Applicant representatives waived objection to the recommended conditions, after clarification on the nature of the required flashing beacons. *Testimony of Alan Tyler, Garner Miller, and Ian Lee.*

## **CONCLUSIONS**

### **Jurisdiction**

The Hearing Examiner has jurisdiction to decide special use permit applications under Sections 20.06.010 and 20.54.015 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.

#### **Additional Applicable Code Sections**

##### **TCC 20.54.070(1): Academic Schools**

##### **1. Academic Schools.**

###### **a. Minimum Site Size.**

- i. For Public Schools. Minimum site size shall be as required by the Superintendent of Public Instruction.

....

- b. Any portion of the site which abuts upon a residential use shall be screened in such a manner as to reduce the noise generated by activities on the school grounds.
- c. The height of any auditorium or gymnasium shall be set by the approval authority.

#### **Conclusions Based on Findings**

1. As conditioned, the proposal satisfies the criteria for approval of a special use permit.
  - a. With conditions, the proposed use at the proposed location would comply with applicable laws and plans, including the applicable special use standards for schools (addressing site size and screening), the Thurston County Comprehensive Plan, the Thurston County Road Standards, the Drainage Design and Erosion Control Manual, and the Thurston County Sanitary Code. Consistent with the Comprehensive Plan, the special use would serve the residents in the part of the rural County surrounding the school site. The size of the subject property far exceeds the minimum needed to house the anticipated number of students. Compliance with the zoning setback requirements would require elimination of interior parcel boundaries as required by the conditions of approval. *Findings 4, 5, 6, 7, 8, 11, and 12.*
  - b. With conditions, the use would comply with the general purposes and intent of the RRR 1/5 and R 1/10 zones, and with applicable zoning standards. The proposal would not change the character of the existing use and would not create new demand for urban services. There are no environmentally sensitive areas on-site except for

the aquifer recharge area, the protection of which was addressed during the Public Health Department's review. The elimination of interior lot lines would ensure that the proposed building at the proposed location could comply with applicable setback requirements. *Findings 2, 3, 4, 6, 10, 11, and 12.*

- c. The proposed use is appropriate in the location for which it is proposed.
  - i. With conditions, 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 existing school is part of the character of the surrounding rural residential neighborhood, and the overall student population is expected to remain the same. The development would be screened from surrounding uses by existing vegetation and topography. The critical aquifer recharge area would be protected through compliance with County and State of Washington health department requirements and with storm drainage improvements. The minimal traffic impact associated with six new teachers would be mitigated through payment of traffic impact fees. *Findings 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18.*
  - ii. With the conditions identified by the Public Works and Public Health departments, the use would be adequately served by and would not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area. *Findings 9, 10, 11, 12, 13, 14, and 18.*

### **DECISION**

Based on the preceding findings and conclusions, the request for a special use permit to construct a new two-story, 17,000 square foot classroom building at McLane Elementary School is **GRANTED** subject to the following conditions:

#### **Public Works Conditions:**

1. In order to provide a safe walking route to the school, the Applicant shall provide new school zone beacons that meet County requirements and connect into the County system.
2. 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.
3. 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 nonconformance by the applicant shall be transferred to the applicant.



## DRAINAGE

4. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
5. 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.
6. Storm water 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

7. 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.
8. 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 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 requires 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' of asphalt concrete pavement.

## TRAFFIC

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

## GENERAL CONDITIONS

10. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
11. Development within the City of (Lacey, Olympia, 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.
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 786-5214 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 Storm water 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, a construction permit application shall be submitted along with a complete set of construction drawings and the final drainage and erosion control report to Thurston County Public Works – Development Review Section for review and acceptance.
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/docs/Roads-Development-Review-Fees-20090301.pdf> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 754-3355, ext. 6595, or by e-mail at [padillr@co.thurston.wa.us](mailto:padillr@co.thurston.wa.us).

#### 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. Completion of required signing and striping.
- h. Payment of any required permitting fees.

**Environmental Health Conditions:**

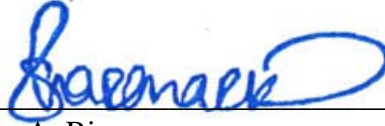
- 18. Prior to release of the building permit, a complete School Facility Plan Review Application must be submitted to the Food & Environmental Services Section for review and approval. The Applicant may obtain an application at <http://www.co.thurston.wa.us/health/ehle/schools.html> or by contacting the Food & Environmental Services Section at 360-867-2667.
- 19. Prior to final building occupancy approval, a pre-opening inspection must be satisfactorily completed by the Food and Environmental Services Section. The Applicant will need to contact the Food and Environmental Services Section at (360) 867-2667 to schedule an inspection.

**Planning and Other Conditions:**

- 20. A lot consolidation shall be completed and recorded with the Thurston County Auditor in order to remove internal property lines that encroach on the proposed new classroom building and minimum building setbacks. The required lot consolidation shall be recorded prior to final occupancy approval of the proposed new classroom building.
- 21. Affected Tribes and Thurston County Resource Stewardship shall be notified if cultural resources are identified during ground disturbing or construction activities.
- 22. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.
- 23. The Applicant shall maintain all landscape and planting areas in a healthy condition and replace any dead or dying vegetation.
- 24. If new signage is proposed it shall comply with TCC 20.54.040(5).
- 25. All activities on-site shall fully comply with noise limitations outlined in WAC 173-60.
- 26. All development on the site shall be in substantial compliance with the approved site plan and project narrative, except as conditioned above. Any expansion or alteration of this use, beyond that initially approved by the Hearing Examiner will require approval of a new or amended special use permit. The Resource Stewardship Department will

determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

**DECIDED** June 1, 2017.



---

Sharon A. Rice  
Thurston County Hearing Examiner

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

<b>NOTE:</b> 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 Resource Stewardship 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 **\$669.00** for a Request for Reconsideration or **\$890.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Permit Assistance Center on the second floor of Building #1 in the Thurston County Courthouse complex 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 ☐ \$669.00 for Reconsideration or \$890.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_

Filed with the Resource Stewardship Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Q:\Planning\FORMS\Current Appeal Forms\2016.Appeal-Recon-form.he.doc