

OFFICE OF THE HEARING EXAMINER

THURSTON COUNTY

REPORT AND DECISION

PROJECT NO.: 2018100393, COPPER CREEK PLANNED RURAL
RESIDENTIAL DEVELOPMENT (PRRD)

SEQUENCE NO.: 18 100944 ZJ

TAX PARCEL NOS.: 11927120000

LOCATION ADDRESS: 56th Avenue N.E. meets Puget Beach Road N.E.

APPLICANT: Mance Family Revocable Living Trust
5448-78th Avenue N.E.
Olympia, WA 98516

REPRESENTATIVE: Olympic Engineering
Attn: Chris Merritt
P.O. Box 12690
Olympia, WA 98508

PLANNER: Leah Davis, Associate Planner

SUMMARY OF REQUEST:

Approval of a subdivision and PRRD of a 79.09 acre parcel into 15 single-family residential parcels approximately one acre each, a resource parcel that is 52.5 acres, and open space totaling 8.06 acres. The site is located where 56th Avenue N.E. meets Puget Beach Road N.E., in the northwest quarter of section 27, township 19N, Range 1W, W.M.

SUMMARY OF DECISION: Request granted, subject to conditions.

DATE OF DECISION: November 27, 2018

PUBLIC HEARING:

After reviewing the Community Planning and Economic Development Department Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on November 5, 2018, at 11:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

- EXHIBIT "1"** - **Community Planning and Economic Development Department Staff Report**
- Attachment a** - **Notice of Public Hearing**
- Attachment b** - **Master Application**
- Attachment c** - **Division of Land Application**
- Attachment d** - **SEPA Environmental Checklist Application**
- Attachment e** - **Project Narrative**
- Attachment f** - **Preliminary Plat Map**
- Attachment g** - **Traffic Impact Assessment**
- Attachment h** - **Integrated Pest Management Plan**
- Attachment i** - **Notice of Application**
- Attachment j** - **Comment Memorandum from Public Works Department**
- Attachment k** - **Comment Letter from Environmental Health Department**
- Attachment l** - **Letter from Ecology**
- Attachment m** - **Impact Mitigation Letter from North Thurston Public Schools**
- Attachment n** - **Comment Letter from Department of Archaeology and Historic Preservation**
- Attachment o** - **Email Communication with DAHP, Applicant, and County Staff**
- Attachment p** - **Comment Letters from Ecology**
- Attachment q** - **Mitigated Determination of Nonsignificance**
- Attachment r** - **Wetland Delineation**
- EXHIBIT "2"** - **Notice of Public Hearing**
- EXHIBIT "3"** - **Notice of Continuation of Public Hearing**
- EXHIBIT "4"** - **Notice of Public Hearing Posting**
- EXHIBIT "5"** - **Notice of Public Hearing Posting Continued**
- EXHIBIT "6"** - **Integrated Pest Management Plan**
- EXHIBIT "7"** - **Preliminary Plat Map (Overall)**

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

LEAH DAVIS appeared, presented the Community Planning and Economic Development Department Staff Report, and testified that the County had provided required notice. The project proposes 15 single-family residential lots and a resource parcel containing 52.5 acres. The site is located in the south portion of Johnson Point in the RRR1/5, one dwelling unit per five acre zone classification. SEPA review did not require mitigation to determine impacts from the Asarco smelter, but the applicant will pay school impact fees.

A SEPA MDNS was issued on July 27, 2018, and the County received no appeals. Subsequent to issuing the SEPA determination, the State requested an archeological survey, but the responsible official did not withdraw the MDNS. The Nisqually Tribe had already reviewed the project site and did not request a survey. Furthermore, a survey had previously been accomplished on a neighboring property. Nothing was found in that investigation. Wetlands are located on or near the site and were delineated by the previous project. The County accepted the delineations for this project. No proposed improvements infringe on any wetland or buffer. Staff finds that the project meets all Comprehensive Plan goals and the PRRD code and therefore recommends approval subject to conditions.

DAWN PEEBLES, Environmental Health, appeared and testified that the applicant is complying with the sanitary code and her letter of confirmation is at Exhibit k. The applicant and the previously approved subdivision have an Integrated Pest Management Plan (Exhibit 6).

KEVIN HUGHES appeared and testified that he had reviewed the project for road and storm design and recommends approval.

CHRIS MERRIT appeared on behalf of the applicant and testified that staff covered everything and he had nothing to add. He concurs with all proposed conditions of approval. They do not propose sidewalks or bus stops, but could provide a bus stop if desired by the school district. All children from the subdivision are bussed as they are not within walking distance. The site plan shows a temporary cul-de-sac adjacent to the southeast corner of the plat, and it marks the connection of the roads. A Group A water system located at the northeast corner was approved by the Department of Health several years ago. Because of the lot size the development is exempt from fire flow requirements. They have also provided an emergency vehicle access road as shown on Exhibit 7. The internal plat road will consist of two, ten foot wide, travel lanes and three foot wide, gravel shoulders.

MS. PEEBLES reappeared and testified that Attachment f shows the location of the two well sites.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 11:30 a.m.

NOTE: A complete record of this hearing is available in the office of the Thurston County Resource Stewardship Department.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.
2. The Thurston County responsible official reviewed this project pursuant to the State Environmental Policy Act (SEPA) and issued a threshold Mitigated Determination of Nonsignificance (MDNS) on July 27, 2018, (Attachment q). The environmental determination became final on August 17, 2018. No appeals were filed.
3. Written notice of the public hearing was sent to all property owners within 500 feet of the site and to others who had requested notice on October 8, 2018. Notice of the public hearing was published in The Olympian on October 12, 2018, at least ten (10) days prior to the hearing. Notice was posted on-site on October 11, 2018.
4. The applicant has a possessory ownership interest in an irregularly shaped, 79.09 acre parcel of property abutting the south side of 56th Avenue N.E. in the southern portion of Johnson Point in unincorporated Thurston County. The site is located approximately four miles north of Hawks Prairie and east of Tolmie State Park. The parcel is undeveloped with the exception of a plat road that provides access to an abutting, 20 lot plat located to the southeast and a Group A water system located in the southeast quadrant of the intersection of said plat road and 56th Avenue N.E.
5. The applicant proposes to subdivide the parcel utilizing a Planned Rural Residential Development (PRRD) into 15, single-family residential lots; a 52.5 acre, resource parcel; and 8.06 acres of open space. The site plan shows access provided via the previously described existing plat road. A new, looped road will connect into said road and will serve all 15 lots. The road will intersect the existing road as it enters the abutting plat parcel from the north and again at the southern end of said parcel. The site plan also shows an emergency vehicle access road extending from 56th Avenue N.E. between onsite wetlands and buffers in a southeasterly direction to the internal plat road.
6. The plat map shows a minimum lot size of 34,243 square feet and an average lot size of 43,243 square feet. Individual onsite septic systems will serve each lot, and the existing, Group A public water system will provide domestic water. Due to the lot size and emergency vehicle access, the plat will not provide fire flow. All lots have sufficient size and shape to accommodate a reasonably sized, single-family dwelling that can meet building setbacks of 20 feet front yard, five feet side yard, five feet rear yard, and ten feet from a flanking street. The code limits building heights to 35 feet.

7. Abutting uses include a dense, single-family residential development to the east, less dense single-family development to the south and west, and undeveloped land to the north. Abutting parcels in all directions are located within the RRR1/5 zone classification. The plat parcel is impacted by three large wetlands, all of which are protected by required buffers. Development of the plat will not require encroachment into any wetland or buffer.
8. The parcel is located in the Rural Residential Resource one dwelling per five acres (RRR1/5) zone classification of the Thurston County Code (TCC). Section 20.09.020 TCC authorizes a base density of one dwelling unit per five acres in the RRR1/5 zone classification. Chapter 20.30A TCC authorizes PRRDs within the RRR1/5 zone classification, subject to area limitations of a 20 acre minimum and a 100 acre maximum. The applicant's parcel contains 79.09 acres and therefore qualifies for a PRRD. The TCC limits the number of dwelling units in a PRRD to those authorized within the underlying zone classification. The RRR1/5 zone classification authorizes 15 dwelling units on the site.
9. The plat parcel is located within Category I and II aquifer recharge areas as well as a wellhead protection area. However, due to the small number of lots and the integrated pest management plan, Thurston County Environmental Health has approved the PRRD as proposed. A PRRD within rural Thurston County requires a resource use parcel equal to a minimum of 60 percent of the gross parcel area. The applicant proposes a 52.5 acre resource parcel that calculates to 66.4 percent of the gross parcel area. The applicant also proposes 8.06 of open space in three tracts that includes natural areas and active recreation opportunities.
10. The project is located within the North Thurston Public School District. To mitigate the impacts on the District of school-aged children residing in the plat, the applicant must negotiate an agreement with the District for payment of school impact fees.
11. The project complies with applicable goals, objectives, and policies of the Thurston County Comprehensive Plan as the project provides a significant natural environment and protects the rural character of the area. The project also protects wetlands and buffers and represents a low intensity development.
12. Prior to obtaining preliminary plat approval the applicant must show that the request satisfies the criteria set forth in TCC 18.12.090. The project meets such criteria as the plat provides significant open spaces, opportunities for parks and recreation, and playgrounds. The internal plat road will meet Thurston County standards, and transit does not serve the area. The negotiated impact fee agreement with North Thurston Public Schools will ensure appropriate provision for schools and school grounds. A condition of approval requires a bus stop for school-aged children residing in the plat, depending upon its need as determined by the District. Finally, the Group A water system will provide potable water supplies, and each lot will be served by an onsite septic disposal system approved by the Thurston County Public

Health and Social Services Department. The subdivision also serves the public use and interest by providing an attractive location for a rural density, single-family residential subdivision that protects significant wetlands and buffers and provides large, contiguous, open space areas.

CONCLUSIONS:

1. The Hearing Examiner has the jurisdiction to consider and decide the issues presented by this request.
2. The applicant has shown that the request for preliminary plat approval along with approval of a Planned Rural Residential Development satisfies all criteria set forth in the Thurston County Code and therefore should be approved subject to the following conditions:
 - A. Prior to Final Plat Approval, a school impact fee agreement between the Applicant and North Thurston Public Schools shall be signed and recorded with the County Auditor's Office.
 - B. Prior to submitting a final plat application, the Applicant shall install the required Critical Area signs on the edge of the wetlands within the resource parcel. The signs shall be permanent and pass inspection. For inspection, call Leah Davis (360)786-5582.
 - C. Prior to submitting a final plat application, all required on-site and off-site road, utility, and landscaping construction, identified below, shall be completed and approved (only minor improvements remain to be installed may be bonded as provided for in TCC 18.24).
 - D. Prior to final plat approval, the open space shall be developed and include a minimum 30% of 3.12 acres (.94 acres) that is devoted to active recreation. All construction debris and hazards shall be removed from the open space tract. Rough grading and establishment of grass cover shall be complete in the large area appropriate for active recreation.
 - E. Prior to final plat approval, the following Public Works Department related conditions shall be met:
 1. The proposed roadway in concept and design shall conform to the Road Standards.
 2. A construction permit shall be acquired from the Thurston County Public Works-Development Review Section prior to any construction.

3. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. Please contact Thurston County Public Works – Development Review Section Staff to obtain the most current Thurston County guidelines.
4. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the applicant shall be transferred to the applicant.
5. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
6. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner and/or the property owners association.
7. 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.
8. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a WA licensed civil engineer (preferably the engineer who designed the stormwater system).
9. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit can be found at: <http://www.ecy.wa.gov/programs/wg/stormwater/construction/permit.html>. It is the applicant's responsibility to obtain this permit if required.
10. The proposed water system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water 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 0.20' of asphalt concrete pavement.
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 754-4580.
14. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
15. 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.
16. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
17. 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.

18. Once the planning department has issued the official preliminary 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.
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 <http://www.co.thurston.wa.us/permitting/fees/fees-home.html> or contact Ruthie Padilla with the Thurston County Public Works-Development Review Section at (360)867-2050 or padillr@co.thrston.wa.us

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. Approve the Final Plat Map.
 - g. Property owners articles of incorporation and covenants in accordance with Volume I, Section 2.4.11 of the Drainage Design and Erosion Control Manual.
 - h. Completion of required signing and striping.
 - i. Payment of any required permitting 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 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. Increased storm water runoff from the road(s), buildings, driveways, and parking areas shall be retained on site and shall not be directed to roadway ditches adjacent to 56th Avenue NE.
- 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 to operate and maintain 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 storm water maintenance agreement 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. The property described herein is required to accommodate storm water runoff from frontage improvements to 56th Avenue NE and all natural tributary areas abutting said property.
- j. Maintenance of the required landscaping 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 the said landscaping or roadside stormwater facilities.

Delineate on the Plat

- k. 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.).
 - l. Delineate the access restriction by showing a “no access” strip, written and hatched, between the County approved access pints along the frontage of 56th Avenue NE on the final plat map.
- F. Prior to final plat approval, the following Public Health and Social Services Department requirements shall be met:
- m. Thurston County Environmental Health must receive written confirmation of final construction approval for the water system from Washington State Department of Health Office of Drinking Water.
 - n. The label for the existing public well and the note regarding existing wells must be updated on the final map to describe two wells.
- G. Street addresses shall be shown on the final map.
- H. All conditions of the Mitigated Determination of Nonsignificance shall be completed at the times specified.
- I. Required Plat Notes:
- 1. This subdivision has been approved through provisions of the Rural Residential Resource 1/5 zoning district (TCC 20.09A).


2. This subdivision was reviewed under project number 2018100393, Folder 18 100944 ZJ.
 3. North Thurston Public Schools are entitled to receive impact fees for new development. An agreement between the Developer and NTPS has been recorded with Thurston County Auditor und AFN #-
_____.
 4. This plat was approved with the maximum allowable density. No further subdivision or development of the resource parcel is permitted. The use of the 52.5 acre resource parcel is limited to use as a natural area to provide wildlife habitat and wildlife corridors. The resource parcel contains critical areas; the wetlands and their buffers provide critical drainage functions and shall remain protected from overuse and development.
 5. The maximum impervious surface on all lots is 60% or 10,000 square feet, whichever is less. Impervious surface is defined as pavement, compacted gravel, asphalt, concrete, roofs, revetments or any other manmade surface which substantially impedes the infiltration of precipitation.
 6. A public water system has been identified to serve this subdivision, and its location is on file with the Thurston County Health Department.
- J. 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.
- K. The applicant shall consult with the North Thurston Public School District and determine whether the District desires a bus stop within the subdivision. If so, the applicant will coordinate the location, size, and configuration of the bus stop with the District. If agreement cannot be reached, then the matter may be returned to the Examiner for resolution in writing.
- L. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.

- M. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

DECISION:

The request for preliminary plat and planned rural residential development for Copper Creek is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 27th day of November, 2018.



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this day of November, 2018, to the following:

APPLICANT: Mance Family Revocable Living Trust
5448-78th Avenue N.E.
Olympia, WA 98516

REPRESENTATIVE: Olympic Engineering
Attn: Chris Merritt
P.O. Box 12690
Olympia, WA 98508

OTHERS:

Mick Phillips
724 Columbia Street N.W., Suite 320
Olympia, WA 98501

THURSTON COUNTY

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 **\$688.00** for a Request for Reconsideration or **\$921.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development 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 ☐ \$688.00 for Reconsideration or \$921.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____, 20____.