



COUNTY COMMISSIONERS

John Hutchings
District One

Gary Edwards
District Two

Tye Menser
District Three

HEARING EXAMINER

Creating Solutions for Our Future

BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Application of)	NO. 2018106897
)	
Architectural Werks, Inc.)	Carpet Liquidators
)	
)	FINDINGS, CONCLUSION
For a Special Use Permit)	AND DECISION
_____)	

SUMMARY OF DECISION

The request for a special use permit to develop a 26,061 square foot retail building comprised of approximately 20,835 square feet for a retail flooring business and approximately 5,225 square feet for future retail tenants is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Architectural Werks, Inc. (Applicant) requested a special use permit (SUP) to develop a 26,061 square foot retail building, with 20,835 square feet allocated to a retail flooring business and 5,225 square feet allocated to future retail tenants. The subject property is located at 7326 Martin Way East, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on September 24, 2019.

Testimony

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

Leah Davis, Associate Planner, Thurston County Community Planning and Economic Development Department

Dawn Peebles, Thurston County Environmental Health Division
Arthur Saint, Thurston County Public Works Department
Franklin Ng, Applicant Representative

Exhibits

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

EXHIBIT 1 Community Planning & Economic Development Department Report including the following exhibits:

Attachment a	Notice of Public Hearing
Attachment b	Master Application, dated December 21, 2018
Attachment c	Special Use Permit Application, dated December 21, 2018
Attachment d	Site development plan (page 1), dated December 21, 2018
Attachment e	Landscape plan (page 1), dated December 21, 2018
Attachment f	Notice of Application, mailed February 22, 2019
Attachment g	Mitigated Determination of Non-Significance, issued June 4, 2019
Attachment h	Memorandum from Thurston County Health Department, dated August 1, 2019
Attachment i	Memorandum from Thurston County Public Works, dated July 18, 2019
Attachment j	Memorandum from City of Lacey, dated January 29, 2019
Attachment k	Comment letter from Department of Ecology, dated January 18, 2019
Attachment l	Comment letter from Department of Ecology, dated June 4, 2019
Attachment m	Follow-up email from Department of Ecology, dated August 1, 2019
Attachment n	Comment email from ORCAA, dated February 25, 2019

EXHIBIT 2 Public notice photos

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 SUP to develop a 26,061 square foot retail building, with 25,500 square feet of interior floor space. Approximately 20,000 square feet is proposed to be allocated to a retail flooring business, and the remaining approximately 5,500 square feet would be allocated to future retail tenants. The subject property is located at 7326 Martin Way East, Olympia, Washington.¹ *Exhibits 1.B, 1.C, 1.D, and 1.F.*
2. The front (southern portion) of the 3.16-acre parcel has been used as a used car lot and is developed with a 919 square foot commercial office (formerly a single-family residence), which would be demolished in conjunction with the proposed development. The rear (northern portion) of the parcel is undeveloped and abuts 11th Avenue NE, a residential street. Properties to the south, east, and west of the subject property are developed with commercial uses, including a supermarket to the east. *Exhibits 1, 1.B, 1.C, and 1.D; Franklin Ng Testimony.*
3. The subject property is located within the Lacey Urban Growth Area and is zoned Mixed-Use High Density Corridor (MHDC). Consistent with Lacey Joint Plan policies regarding mixed-use arterial corridors (see Exhibit 1, page 3), the intent of the MHDC zone is described in Thurston County Code (TCC) 21.23.010 as follows:
 - A. Over time, that portion of the Martin Way designated mixed use high density is intended to gradually change from an area dominated by strip commercial development, light industry, warehousing, and other low intensity or nonpedestrian uses into mixed use, high density residential and commercial area where people enjoy walking, shopping, working and living;
 - B. To create three mixed high density corridor zones designed to reflect a desire to move away from traditional commercial strip development to a mixed high density corridor. The three zones are intended to reflect an emphasis on existing uses which are already established within the area to help promote a healthy business climate for existing uses;
 - C. Create a specific mixed high density corridor zone for the eastern portion of Martin Way between Marvin and Meridian that will make the transition away from strip commercial auto-oriented development; low intensity and motor-vehicle-oriented uses are not desirable within this area. ...
 - D. Create a mixed high density corridor zone for the western portion of Martin generally between Hensley and Carpenter Road that will make the transition away from classic strip commercial development to a full range of commercial uses
 - E. Create a mixed high density corridor zone as a transition between the east and west zones between Hensley and Marvin Road. This zone would recognize some automobile-related uses but only through a special use permit process;

¹ The legal description of the subject property is: 10-18-1W SE-SE 10 & NE-NE SEC 15 COM SE COR S TO HW SWLY; also known as Tax Parcel Number 118100440200. *Exhibit 1.*

- F. Allow for commercial uses and other mixed use development in a way that serves the needs of the neighborhood and the community and enhances the appearance and identity of the mixed high density corridor;
- G. Provide for a type, configuration and density of development that will entice pedestrian shoppers to frequent the area, encourage pedestrian traffic between businesses, facilitate efficient mass transit, and require less reliance on motor vehicles;
- H. Encourage a variety of businesses which offer retail goods or consumer services that appeal to pedestrians and/or serve the needs of the surrounding neighborhood;
- I. Integrate new development with existing uses to achieve a better environment for pedestrians and to maintain or enhance the livability of the adjacent residential neighborhood;
- J. Provide development standards which require direct, convenient pedestrian and vehicular access to businesses;
- K. Balance the needs of motorists and businesses serving a community-wide market with the needs of pedestrians and neighborhood residents.

TCC 21.23.010. The subject property is located in the transitional zone described in subsection E. Building material stores are allowed in the zone with approval of a SUP. *TCC 21.23.025(A); Exhibit 1.*

- 4. The site design standards applicable to the MHDC zone include a *maximum* front building setback of 15 feet, no minimum building front setback, a minimum side yard setback of ten feet, and a minimum rear yard setback of 15 feet. As proposed, the building would be set back no more than 15 feet from Martin Way, more than 200 feet from the rear property line, and at least 20 feet from the nearest side property line, satisfying the setback requirements. *Exhibit 1.D; TCC 21.23.060.*
- 5. Proposed impervious surface coverage of the subject property would be approximately 50%, which is less than the 60% maximum for the MHDC zone. *Exhibit 1.D; TCC 21.23.060.*
- 6. Significant trees would be retained in the rear portion of the parcel, a substantial portion of which would remain undeveloped except for the new site driveway from 11th Avenue. The Applicant proposes to provide perimeter landscaping in accordance with ordinance requirements. *Exhibits 1, 1.D, and 1.E.*
- 7. Pursuant to TCC 21.23.085, the project is subject to the design review process established in TCC Chapter 21.70. Design review is an administrative process that is to be implemented concurrently with the underlying planning review process, and the decision is appealable. However, the ordinance provides an example of concurrent review that suggests that land use permit approval may be issued subject to design review approval. *TCC 21.70.040.* In this case, Planning Staff submitted that the application materials

included a design application and supporting materials; Staff recommended compliance with design review requirements as a condition of SUP approval. *Exhibit 1.*

8. Access to the site would be from Martin Way and from 11th Avenue NE. The Applicant would be required to construct street frontage improvements along Martin Way and 11th Avenue in accordance with City of Lacey Development Guidelines and Public Works Standards, including street widening, sidewalk, curb, gutter, and drainage improvements. The proposal includes a continuous pedestrian walkway through the site between Martin Way and 11th Avenue. In addition, the Applicant would be required to pay traffic impact fees prior to building permit issuance. *Exhibits 1.I, 1.B, and 1.D.*
9. The Applicant proposes to provide 80 parking spaces, which is consistent with the range specified in Table 21T.13 of the Lacey Urban Growth Area Zoning Ordinance, which requires a minimum of three spaces per 1,000 square feet of retail and allows a maximum of six spaces per 1,000 square feet of retail. County Planning Staff submitted that the proposed parking satisfies these standards and would be adequate for the retail flooring use, which would largely consist of showroom area. *Exhibits 1 and 1.D; Leah Davis Testimony.*
10. The subject property is located within a Category I Aquifer Recharge Area, within the wellhead protection area of a Group A public water system, and within a mapped area of elevated nitrates in the underlying aquifer. An integrated pest management plan (IPMP) has been prepared for the proposal to address potential sources of contamination of both surface and groundwater. The IPMP was reviewed and accepted by the Thurston County Environmental Health Division. *Exhibit 1.H; Dawn Peebles Testimony.*
11. The subject property is currently served by an on-site sewage disposal system. The Applicant proposes to abandon this system and connect to the City of Lacey public sewer system. The City has confirmed that the sewer system has capacity to serve the proposed development. *Exhibit 1.H.*
12. The subject property is currently served by an on-site well. The Applicant proposes to decommission the well and connect the site to the Thurston PUD public water system, which has confirmed capacity to serve the proposed development. *Exhibit 1.H.*
13. Storm drainage improvements would be constructed in accordance with the Thurston County Drainage and Erosion Design Manual (DDECM). The County Public Works Department reviewed the application, determined that the preliminary requirements of the DDECM have been satisfied, and recommended approval of the project subject to conditions. *Exhibit 1.I.*
14. The subject property is designated by the Washington Department of Ecology (DOE) as a toxic cleanup site where hazardous substances (diesel) have been released to the environment. The level of risk to human health is unknown. The DOE recommended that the Applicant clean up the site and obtain a “No Further Action” opinion letter from the DOE when cleanup is complete. This requirement was incorporated into the

conditions of the County's mitigated determination of non-significance. *Exhibits 1.K, 1.L, and 1.G.*

15. The subject property is located in an area designated by the DOE as potentially contaminated with heavy metals due to air omissions originating from the former Asarco smelter in Tacoma. Due to the risk posed to human health and the environment, the DOE recommended soil testing for arsenic and lead and remediation of site soils in the event contaminants are found. Per comments submitted by the DOE, the Applicant has not yet submitted soil sampling results adequate to characterize the contamination; most samples previously submitted were not at appropriate depth. *Exhibit 1.M.*
16. Thurston County acted as lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act (SEPA). The SEPA Responsible Official issued a mitigated determination of non-significance (MDNS) on June 4, 2019. The MDNS contains four conditions relating to Department of Ecology toxics cleanup requirements (Exhibit 1.K); ORCAA asbestos survey and demolition permit requirements (Exhibit 1.N); and stop work/notification requirements for protection of cultural resources and the endangered Mazama pocket gopher. The MDNS was not appealed. *Exhibit 1. G; Leah Davis Testimony.*
17. Notice of the open record hearing was mailed to property owners within 300 feet of the site on September 9, 2019, published in *The Olympian* on September 13, 2019, and posted on-site on September 13, 2019. *Exhibits 1, 1.A, and 2.* There was no public comment on the application. The City of Lacey requested that the County ensure that the tenant retail spaces are retained in the development plan and included in the first phase of development for better consistency with the intent of the zone and subarea. This request was incorporated into the County's recommended conditions of SUP approval. *Exhibits 1 and 1.J.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 21.80.040 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 21.87.035 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Lacey Joint Plan, and all applicable federal, state, regional, and Thurston County laws or plans.
- B. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district

in which the proposed use is located unless specifically provided otherwise in this chapter.

- C. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

1. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effects may occur.
2. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

Conclusions Based on Findings

1. With conditions of SUP approval and compliance with the mitigation measures contained in the MDNS, the proposed use at the proposed location would comply with applicable laws and plans, including the applicable design guidelines, the City of Lacey street standards, the Drainage Design and Erosion Control Manual, the Thurston County Sanitary Code, the Model Toxics Control Act, and the State Environmental Policy Act. The conditions of approval address the mixed-use policies of the Lacey Joint Plan by requiring tenant spaces to be included in the first phase of development. *Findings 3, 7, 8, 10, 11, 12, 13, 14, 15, 16, and 17.*
2. As conditioned, the use would comply with the general purposes and intent of the MHDC zone, and with applicable open space, lot, setback, and bulk standards. Consistent with the intent of the zone, the project would include a pedestrian connection between the residential neighborhood on 11th Avenue and Martin Way, and the site would provide spaces for more than one retail use. The appearance of the corridor would be enhanced by the proposed landscaping. As proposed, the applicable setback and bulk standards would be satisfied and parking meeting minimum requirements would be provided. *Findings 3, 4, 5, 6, and 9.*
3. The proposed use is appropriate in the location for which it is proposed.
 - a. With conditions requiring that the Applicant undertake the toxic substance and heavy metal testing and cleanup tasks identified by the Department of Ecology, 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. Frontage improvements would be provided

on Martin Way and 11th Avenue. A significant buffer would be retained between the residential neighborhood and the retail building. Adequate parking would be provided. *Findings 6, 8, 9, 10, 13, 14, 15, and 16.*

- b. 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 8, 11, 12, and 13.*

DECISION

Based on the preceding findings and conclusions, the request for a special use permit to develop a 26,061 square foot retail building for multiple tenants as described herein at 7326 Martin Way East is **GRANTED** subject to the following conditions:

Environmental Health conditions:

1. Prior to release of the building permit, the existing well on the subject property must be decommissioned by a licensed well driller per Washington State Department of Ecology standards. Copies of the well drillers' decommissioning reports (well logs) must be submitted to this office.
2. Prior to release of building permits for any of the retail tenant space, the type of business and activities must be specified. If the business activities proposed will involve the storage and/or use of hazardous materials or will generate hazardous waste products, the Applicant may be required to prepare and submit a hazardous materials storage, handling, and spill response plan. This plan, if required by the nature of the business, will need to be reviewed and approved by the Hazardous Waste Program of this department prior to approval of building permit.
3. Prior to release of the building permit involving retail food space, plans and specifications must be submitted to the Food & Environmental Services Section for review and approval. An application may be obtained at <http://www.co.thurston.wa.us/health/ehfood/index.html> or by contacting the Food & Environmental Services Section at 360-867-2667.
4. Prior to final building occupancy approval, the existing on-site sewage system must be properly abandoned per Article IV of the Thurston County Sanitary Code. To abandon the tank, an abandonment permit is required and copies of all abandonment documentation from a licensed septic system pumper must be provided.
5. Prior to final building occupancy approval, written confirmation of final water and sewer extension approval from the City of Lacey/LLOT Cleanwater Alliance must be submitted to this office.

Public Works conditions:

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Lacey 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.
4. To mitigate traffic impacts within Thurston County, the proponent will need to design and construct improvements along this parcel's frontage along Martin Way prior to certificate of occupancy, pursuant to County Road Standards and City of Lacey Development Guidelines and Public Works Standards Drawing 4-2.0. These improvements shall include pavement widening, sidewalk, curb and gutter and drainage improvements to accept stormwater runoff from those improvements.
5. To mitigate traffic impacts within Thurston County, the proponent will need to design and construct improvements along this parcel's frontage along 11th Avenue prior to certificate of occupancy, pursuant to County Road Standards and City of Lacey Development Guidelines and Public Works Standards Drawing 4-4.0. These improvements shall include pavement widening, overlaying existing pavement to centerline, sidewalk, curb and gutter and drainage improvements to accept stormwater runoff from those improvements.
6. 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.
7. 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.
8. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
9. 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.
10. 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.

11. 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.
12. 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 feet of asphalt concrete pavement.
13. Permanent survey control needs to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
14. 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.
15. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.
16. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
17. Development within the City of Lacey 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.
18. 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.
19. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 360-867-2051 for a final inspection.
20. 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.

21. Once the planning department has issued the official approval, submit 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.

22. PRIOR to construction, the Applicant shall:

- a. Pay outstanding construction review and inspection fees.*
- b. Receive erosion and sediment control permit.
- c. Have the erosion and sediment control inspected and accepted.
- d. Receive a construction permit.
- e. Schedule a pre-construction conference with county staff.

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

23. 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. Completion of required frontage improvements.
 - i. Completion of required signing and striping.
 - j. Payment of any required permitting fees.

Planning Conditions:

1. Comply with all conditions of the mitigated determination of non-significance issued June 4, 2019 (Attachment e).
2. No building permits shall be issued until the toxics cleanup and heavy metals contamination testing and cleanup have been completed to Department of Ecology's satisfaction (see Exhibits 1.K, 1.L and 1.M). The Applicant shall submit "no further action" letter(s) from the Department of Ecology as evidence of compliance.
3. Prior to final occupancy certification, landscaping shall be completed per the approved landscape plan.
4. Both proposed tenant spaces shall be built out and made available to tenants at phase one of the construction project.
5. The final design of this retail development and future development shall conform with all minimum standards of the zoning ordinance (i.e. space size, space dimension, setbacks, landscaping, open space, etc.).
6. All applicable requirements of Design Review in Chapter 21.70 shall be satisfied.

DECIDED October 8, 2019.



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 **\$750.00** for a Request for Reconsideration or **\$1,020.00** 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 ☐ \$750.00 for Reconsideration or \$1,020.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____, 20____.