



COUNTY COMMISSIONERS

Carolina Mejia-Barahona  
District One

Gary Edwards  
District Two

Tye Menser  
District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	No. 2018106971
	)	
<b>Michael J. Sullivan and</b>	)	
<b>Daniel Diamond</b>	)	<b>Wellington Woods</b>
	)	
For a Preliminary Plat, Planned Rural	)	
Residential Development, and Variance	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION

**SUMMARY OF DECISION**

The requests for approval of a preliminary plat and planned rural residential development to subdivide 30.97 acres into six single-family residential lots, including one 20.137-acre resource parcel, and for a variance to cluster the lots in two locations, are **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request**

Michael J. Sullivan and Daniel Diamond requested approval of a preliminary plat and planned rural residential development to subdivide 30.97 acres into six single-family residential lots, including one 20.137-acre resource parcel, and a variance to cluster the lots in two locations. The subject property is located at 13936 and 14030 Rainier View Drive SE, Yelm, Washington.

**Hearing Date**

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on August 24, 2021. The record was held open through August 26, 2021 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, and to allow Planning Staff to submit an addendum to the Staff Report, with time scheduled for written responses. Additional public comment and the Staff Report Addendum were received by August 26, 2021, and the Applicant submitted a timely response to the Staff Report Addendum on August 31, 2021. The record closed on August 31, 2021.

## **Testimony**

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

Richard Felsing, Assistant Planner, Thurston County  
Dawn Peebles, Senior Environmental Health Specialist, Thurston County  
Arthur Saint, Civil Engineer, Thurston County Public Works  
Eddie True, Professional Land Surveyor, Applicant Representative  
Bernie Larson, Applicant  
Michael Sullivan, Applicant  
Wilbur Sauerbry, Yelm Meadows Homeowners Association  
Mike Osbourne

## **Exhibits**

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

- EXHIBIT 1 Community Planning & Economic Development Department Staff Report dated August 24, 2021, with the following attachments:
- A. Notice of Public Hearing
  - B. Master, Division of Land, Forest Land Conversion, and Variance Applications, submitted December 28, 2018
  - C. Letter confirming application completeness, sent from CPED to Eddie True, dated February 14, 2019
  - D. Maps — Vicinity/Zoning/2015 Aerial Maps
  - E. Revised Site Plan, dated September 5, 2019
  - F. Environmental Checklist
  - G. Notice of Application, issued February 15, 2019
  - H. Mitigated Determination of Non-Significance, issued July 9, 2021
  - I. Review Letters, Squaxin Island Tribe and Nisqually Indian Tribe; dated September 18, 2019, and January 10, 2019
  - J. Cultural Resources Assessment for the Wellington Woods Development Project, dated December 21, 2020
  - K. Review Letters, Department of Ecology, dated January 24, 2019, March 7, 2019 and October 2, 2019
  - L. Memorandum, A. Crass, Thurston County Environmental Health, dated January 14, 2020
  - M. Memorandum, A. Saint, Thurston County Public Works, dated March 12, 2020
  - N. Wetland Delineation Report, Rainier View Properties; Ecological Land Services; dated April 3, 2018
  - O. Soils Report for Stormwater Runoff Purposes; Brenda Lane SE, Wellington Woods PRRD, Parnell Engineering, LLC

P. Statement re: Variance Requirements; Applicant and Kim Pawlawski

Q. Staff Report Addendum

EXHIBIT 2 Pre-hearing comments and staff responses:

A. Robert Sweeny email, October 19, 2019

B. Rebecca McCoy email, March 1, 2019

C. Matt C/Robert Connell email, February 21, 2019

D. Jeremy and Carrie Rucshner email, February 27, 2019

E. William Sauersby, Yelm Meadows HOA email, February 28, 2019

F. Arthur Saint, PW, email to Robert Smith and Robert Sweeny, October 22, 2019

G. Robert Smith, CPED, email to Matt C/Robert Connell, February 22, 2019

H. Robert Smith, CPED, email to Jeremy and Carrie Rucshner, February 82, 2019

I. Robert Smith, CPED, email to William Sauersby, February 82, 2019

EXHIBIT 3 Applicant response to Staff Report Addendum, dated August 31, 2021

EXHIBIT 4A Comment letter from Terri Stuart and Kirk Diaz, received August 26, 2021

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

### FINDINGS

1. Michael J. Sullivan and Daniel Diamond (Applicants) requested approval of a preliminary plat and planned rural residential development (PRRD) to subdivide 30.97 acres into six single-family residential lots, including one 20.137-acre resource parcel, and a variance to cluster the lots in two locations. The subject property is located at 13936 and 14030 Rainier View Drive SE, Yelm, Washington.<sup>1</sup> *Exhibits 1, 1.B, 1.E, and 1.T.*
2. The preliminary plat and PRRD applications were submitted on December 28, 2018 and determined to be complete on January 25, 2019. The variance application was submitted on September 4, 2019. *Exhibits 1.B and 1.G.*

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<sup>1</sup> The two parcels are legally described as: a portion of Section 12 Township 16 Range 2E Quarter NE SW & NW SE Survey BALD HILLS ACREAGE LOTS LL05112209TC LT 1 Document 3964063 (Parcel No. 22612310100); and BALD HILLS ACREAGE LOTS LL05112183TC LT 6 Document 3966036 (Parcel No. 22612320600). *Exhibit 1.*

3. The subject property is zoned Rural Residential Resource, One Dwelling Unit Per Five Acres (RRR 1/5). *Exhibits 1 and 1.D.* Primary permitted uses in the RRR 1/5 zone include single-family residential development, agriculture, and home occupations. PRRDs are permitted in the RRR 1/5 zone. The PRRD process may be used for projects between 20 and 100 acres in area. *Thurston County Code (TCC) 20.09A.020; TCC 20.30A.020; TCC 20.30A.031.*
4. Surrounding land uses are single-family residential, with five-acre lots to the south of the subject property, and larger lots within the Yelm Meadows subdivision to the west across Brenda Lane. Surrounding lots are zoned RRR 1/5. *Exhibits 1.D, 1.T, and 2.*
5. The purposes of the Thurston County Code PRRD provisions include: providing for residential development in rural areas in a way that maintains or enhances the County's rural character; retaining large, undivided parcels of land that provide opportunities for compatible agricultural, forestry and other rural land uses; protecting sensitive environmental resources; facilitating creation of open space corridors; and minimizing impacts of road and utility systems. *TCC 20.30A.010.*
6. Development standards applicable in the RRR 1/5 zone allow a maximum residential density of one dwelling unit per five acres. Based on the subject property's area of 30.97 acres, the proposed density would be one dwelling unit per 5.16 acres in conformance with the RRR 1/5 density standard. *TCC 20.09A.040; Exhibit 1.*
7. The five-acre minimum lot area standard of the RRR 1/5 zone does not apply to lots within a PRRD, provided the lots meet Thurston County Sanitary Code requirements for water and sewage disposal. *TCC 20.09A.050(2).* However, a PRRD in the RRR 1/5 zone must include a resource use parcel comprising 65% of the site area. Resource use parcels may be used for: agriculture (including forest practices); passive recreation; preservation of natural areas such as critical areas and wildlife corridors; and development of one single-family residence and accessory uses, subject to the density limitations of the overall site. Resource use parcels are required to be (to the maximum extent possible) contiguous parcels shaped to be compatible with the intended use and, if used for agriculture, forestry, or sensitive resource protection may not be bisected by roads if site conditions allow otherwise. To the extent consistent with other PRRD requirements, the resource use parcel must be contiguous to off-site resource lands and located to maximize visibility from adjoining collector roads, arterials, or state highways. Native vegetation must be retained unless incompatible with the designated use. The residential lots within PRRDs must be grouped and not assembled in a linear configuration, unless physical site conditions warrant a linear configuration. A lot created for an existing residence may be discontinuous from the remaining lots. The configuration and size of the lots must be varied and blend with the natural features of the site. *TCC 20.30A.040; TCC 20.30A.070.*
8. The subject property consists of two "L"-shaped parcels that together form an upside down "U" shape, with the two legs of the U extending to Rainier View Lane SE to the south with intervening residential parcels in separate ownerships between them. Brenda Lane SE borders the subject property to the west, and a bluff leading down to the

Nisqually River borders the subject property to the east. The distance between the subject property and the Nisqually River is at least 235 feet. *Exhibits 1, 1.E, 1.R, and 1.U.*

9. All development in the eastern portion of the subject property would be set back at least 50 feet from the top of the Nisqually River bluff, consistent with critical areas ordinance requirements for landslide hazard areas. *Eddie True Testimony; TCC 24.15.015.*
10. The northern portion of the subject property (in the area where the two parcels connect) contains a Category IV, depression, forested, seasonally flooded wetland, which continues offsite to the northeast onto a parcel owned by the Nisqually Land Trust for conservation. The on-site portion of the wetland is 8.34 acres in area. Based on the wetland's habitat score of 6, the minimum buffer is 220 feet. The proposed preliminary plat map depicts that all site improvements including residences, wells, septic systems, and driveways would be located outside of the wetland and buffer. Native vegetation would be retained within the wetland and buffer, and per the recommended conditions of approval, critical areas signs would be installed around the perimeter. *Exhibits 1.E, 1.R, and 1.U; TCC 24.30.045; Testimony of Bernie Larson and Eddie True.*
11. The proposal would preserve the wetland and most of the wetland buffer within proposed Lot 5, the resource use parcel. A homesite would also be located on Lot 5. At 20.137 acres, Lot 5 would constitute 65% of the overall site area consistent with PRRD development standards. With County staff's recommended conditions of PRRD approval, the Applicant would be prevented from subdividing the resource use parcel or establishing a use not specified in TCC 20.30A.040 until such time that the land is annexed into a city or town. *Exhibits 1, 1.E, and 1.U.*
12. Because the wetland and buffer occupy the northern, contiguous portion of the subject property, the only land available for residential development is within the two narrow "legs" of the upside down U. The Applicants propose to place Lots 1 through 4 (ranging from 2.0 to 2.2 acres in area) in the western leg, which would allow each of them driveway access from Brenda Lane SE. Lot 6 (2.8 acres in area) and the residence, well, and septic system of Lot 5 (the resource use parcel) would be in the eastern leg, which would allow both lots driveway access from Rainier View Lane SE. All driveways would be outside of the wetland and buffer. No new internal road would be needed to provide access to the lots. *Exhibits 1 and 1.E.*
13. A variance is needed for the proposed lot configuration because the residences would not be in a single grouping. Although PRRD development standards allow an existing residence to be discontinuous from the others, in this case the allowance does not apply as the subject property is undeveloped and all residences would be new. *Exhibits 1 and 1.E.* The Applicants submitted a detailed response to the variance criteria, which emphasized the wetland protection offered by the proposed lot configuration, its consistency with the resource use parcel requirements of TCC 20.30.A.070(5), and the ability of adjacent landowners to maximize density under RRR 1/5 standards. *Exhibit 1.T.* County Planning Staff concurred with the variance request, asserting that the

proposed lot configuration places the residences near existing residential development, minimizes impacts to critical areas, maximizes the conservation value of adjacent land owned by the Nisqually Land Trust, and utilizes existing available road infrastructure efficiently. *Exhibit 1; Richard Felsing Testimony.*

14. Rainier View Lane SE terminates in a cul-de-sac at the southeast corner of proposed Lot 1; it does not currently connect to Brenda Lane SE a short distance to the west. However, there is an existing easement connecting the two streets, which was established in a previous subdivision. In order to comply with County secondary access requirements (which are designed to meet the requirements of the International Fire Code), the Applicants propose to establish a 12-foot wide lane within the existing easement for emergency vehicle access only. Gravel surface is the minimum requirement for emergency access roads. Should the emergency access road be gated (to prohibit use by regular traffic), provision for emergency responder access into the gate would have to be made consistent with Fire Code. This emergency access would be owned and maintained by the lot owners of the proposed subdivision. *Exhibits 1.E, 2, and 3.*
15. Brenda Lane SE is a private road that is maintained by the Yelm Meadows Homeowners Association (HOA). Members of the HOA expressed concern about the increased traffic on Brenda Lane and related maintenance costs, not only due to Lots 1 through 4, but also because of concern that drivers would use the new connecting road between Rainier View Lane and Brenda Lane. The HOA requested that the owners of the new lots be required to enter into a road maintenance agreement with the HOA, or join the HOA. The HOA and Brenda Lane residents also requested that a gate be installed between Brenda Lane and Rainier View Lane; however, this measure was not adopted in the proposed site plan. *Exhibits 1.E and 2.E.* The County recommended that a road maintenance agreement be a condition of project approval. *Exhibit 1.U.*
16. Due to the increased traffic on Brenda Lane, the Applicants would be required to upgrade several hundred feet of Brenda Lane that are currently unpaved. *Testimony of Arthur Saint and Eddie True; see also Exhibit 1.S.* At and after the hearing, it was established that the Applicants intend to establish road maintenance agreements for the proposed plat, with Lots 1 through 4 required to participate in maintenance of Brenda Lane and Lots 5 and 6 required to participate in maintenance of Rainier View Lane. In response to Staff's revised recommended conditions (Exhibit 1.U), the Applicants expressed concern with the road maintenance condition as recommended by Planning Staff (in part requiring that the agreement be with the HOA), because the Yelm Meadows HOA maintains a larger road network and the Applicants did not want the future lot owners to have to contribute to maintenance costs beyond Brenda Lane SE. *Exhibit 3.*
17. Transit service is not available to the proposal, due to its remote location. *Exhibit 1.*
18. A soils report was prepared to evaluate the infiltration potential of soils along the proposed road improvements on Brenda Lane. The conclusion of the report was that the infiltration rate would exceed four inches per hour. *Exhibit 1.S.*

19. Thurston County Public Works reviewed the project plans against Thurston County Road Standards and the Drainage Design and Erosion Control manual and determined that all of the preliminary requirements of these documents have been satisfied. Public Works recommended approval of the project, subject to conditions. The Public Works conditions identify several road construction and drainage requirements, including a requirement that runoff from site development be retained on site. *Exhibit 1.Q; Arthur Saint Testimony.*
20. Each of the lots would be served by its own single-family well. These wells would be regulated by the Washington Department of Ecology and would be subject to state laws limiting groundwater withdrawals, which limits are incorporated into the recommended conditions of PRRD approval. The Thurston County Environmental Health Division also recommended that non-public declaration of covenants be completed for the well sites on proposed Lots 1 through 4, as those wells would be adjacent to property lines. *Exhibits 1.E, 1.N, 1.O, and 1.U; Dawn Peebles Testimony.*
21. Each of the lots would be served by individual on-site sewage disposal systems. The Thurston County Environmental Health Division conducted site visits in March and December of 2019 to evaluate the soils on site and concluded that there is adequate area and depths of permeable, unsaturated soils for properly designed on-site sewage systems. Further, the subdivision meets minimum land area requirements for developments served by on-site sewage systems. The on-site systems would be required to satisfy the requirements of Article IV of the Thurston County Sanitary Code. *Exhibits 1.E and 1.O.*
22. The subject property is within the Yelm School District. Prior to final plat approval, the Applicants would be required to record an agreement with the School District to mitigate school impacts. *Exhibits 1 and 1.U.*
23. Development of the site would be subject to stop work and reporting requirements if archaeological artifacts are observed. *Exhibit 1.U.*
24. Pursuant to the State Environmental Policy Act (SEPA), Thurston County Community Planning and Economic Development Department assumed the role of lead agency for review of the proposal's environmental impacts. The Department determined that, with conditions, the project would not have a probable, significant adverse effect on the environment and issued a mitigated determination of non-significance (MDNS) on July 9, 2021. The MDNS was not appealed and became final on July 30, 2021. *Exhibits 1 and 1.K; Richard Felsing Testimony.*
25. Notice of the open record hearing was mailed to property owners within 300 feet of the site on August 6, 2021 and published in *The Olympian* on August 13, 2021. *Exhibits 1 and 1.A.*
26. In addition to the issues described above with respect to traffic on Brenda Lane, the new emergency access, and road maintenance requirements, public comment on the application included concerns regarding the small lot areas proposed in the western

portion of the development as compared to existing lots along Brenda Lane, as they would decrease the privacy and security of the existing lots; and concerns about the proposed septic systems' impact on water quality. *Exhibits 2 and 4a.*

27. Having heard all testimony and considered all public comment, Planning Staff maintained their recommendation for approval of the project subject to revised conditions as stated in the record at Exhibit 1.U. *Exhibit 1.U.* The Applicants waived objection to all recommended revised conditions except numbers 26 (requesting the changes addressed in findings 15 and 16 above) and 34(5)(b), which as proposed in Exhibit 1.U appears to speak to a different PRRD. *Exhibit 3.*

## CONCLUSIONS

### Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for preliminary plats, planned rural residential developments, and variances pursuant to RCW 36.70.970, TCC 2.06.010(A), TCC 18.12.090, and TCC 20.52.010.

### Criteria for Review

#### *PRRD Criteria*

In review of a Planned Rural Resource Development, the Hearing Examiner considers the proposal with the requirements established in TCC 20.30A.040 and 20.30A.070. Criteria that are applicable to this proposal are as follows:

PRRDs located within RRR 1/5 districts must contain a resource use parcel comprising at least 65 percent of the proposed subdivision. *TCC 20.30A.040(1)(d).*

Permitted uses of resource use parcels include agriculture; passive recreation; natural areas, including critical areas and buffers; community water, sewage disposal, and stormwater facilities. *TCC 20.30A.040(3).*

A residence within the resource use parcel counts toward the total number of residential units allowed. *TCC 20.30A.040(4).*

Limitations on the use and subdivision of the resource use parcel must be noted on the plat. *TCC 20.30A.040(5).*

The resource use parcel must, to the greatest extent possible, be a single contiguous parcel and be shaped to be usable for resource uses. *TCC 20.30A.070(5)(b).*

Roads or easements shall not bisect resource use parcels that are used for agriculture, forestry, or sensitive resource protection where the physical conditions of the site would allow otherwise. *TCC 20.30A.070(5)(c).*

Where consistent with other provisions of this chapter, the resource use parcel shall be contiguous with any abutting resource use parcel, open space, greenbelt, agricultural lands, commercial forestry lands, public preserves, parks, or schools. *TCC 20.30A.070(5)(d)*.

The subdivision shall be designed, to the extent consistent with other provisions of this chapter, to maximize the visibility of the resource use parcel and open space areas from adjoining collector roads, arterials, or state highways. *TCC 20.30A.070(5)(e)*.

Native vegetation must be retained in the resource use parcel to the extent that it is compatible with the intended use of the parcel and does not pose a risk to public safety. *TCC 20.30A.070(5)(f)*.

Any single-family residence and accessory uses within the resource use parcel must be sited to maximize resource opportunities on the remainder of the parcel. *TCC 20.30A.070(5)(g)*.

The configuration and size of the lots within the subdivision must be varied and blend with the natural features of the site. *TCC 20.30A.070(6)(a)*.

Residential lots must be grouped and not assembled in a linear configuration, unless unusual site conditions, such as wetlands, steep slopes, shorelines, or very narrow lots warrant a linear configuration. *TCC 20.30A.070(6)(d)*.

### ***Preliminary Plat Criteria***

In addition, the following preliminary plat criteria in Thurston County Code 18.12.090 must be satisfied:

1. Appropriate provisions are made for the public health, safety, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
2. The public use and interest will be served by the platting of such subdivision and dedication.

### ***Variance Criteria***

Pursuant to TCC 20.52.020, before any variance can be granted, the Hearing Examiner shall make findings of fact setting forth and showing that the following circumstances exist:

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

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

### **Conclusions Based on Findings**

1. **As conditioned and with approval of the requested variance, the proposed PRRD satisfies the requirements established in TCC 20.30A and applicable RRR 1/5 standards.** PRRDs are permitted uses in the RRR 1/5 zone, and the proposed residential density would not exceed one dwelling unit per five acres. The resource use parcel would comprise 65% of the site area and would be used to protect critical areas and buffers and to establish one home site, as permitted by ordinance. The residence on the resource use parcel was included in the allowed density. The conditions of approval require notes to be placed on the final plat restricting the use and subdivision of the resource use parcel. The resource use parcel is contiguous and shaped to include the onsite portion of the wetland and buffers and is adjacent to land conserved by the Nisqually Land Trust, consistent with the purpose of PRRDs in the ordinance. With the proposed project design, no roads would bisect the resource use parcel. The resource use parcel would be visible from Brenda Lane, and native vegetation would be retained. The home site for the resource use parcel would be in the southeast portion of the subdivision to allow street access to Rainier View Lane without impacting the wetland or buffer. The lots would be configured in two groupings, with lot areas for the non-resource use lots ranging from 2.0 to 2.8 acres in area, and variation in the location of the residences on the lots (see Exhibit 1.E). The placement of the lots in two groupings, while not allowed by PRRD standards without the requested variance, is sensitive to the physical characteristics of the site consistent with the purpose of the PRRD ordinance and allows for a resource use parcel that is consistent with applicable design standards. As described in detail in Conclusion 3, the criteria for variance approval are satisfied. With respect to the linear configuration of the lots, such design is warranted due to unusual site conditions, including the relatively narrow strips of developable land outside of the wetland and buffer. *Findings 3, 5, 6, 7, 10, 11, 12, 13, 24, and 27.*
2. **As conditioned, the criteria for preliminary plat approval are satisfied.**
  - a. **With conditions of approval, appropriate provision will be made for the public health, safety, public ways, potable water supplies, sanitary wastes, schools and**

**school grounds and all other relevant facts.** Brenda Lane would be improved to accommodate the additional traffic generated by the subdivision, and emergency access would be established between Brenda Lane and Rainier View Lane. Appropriate setbacks would be retained between the bluff to the east of the subject property and the residences on Lots 5 and 6. Each of the lots would be served by individual wells and sewage-disposal systems. The conditions of approval would ensure that Environmental Health Division and Department of Ecology requirements are satisfied. Although concern was raised regarding water quality impacts associated with the proposed sewage disposal systems, based on Environmental Health's review, there is sufficient land area and suitable soils to allow for the new sewage disposal systems consistent with public health requirements. The conditions of the Public Works Department addressing storm drainage would ensure that runoff from site development does not have off-site impacts. School mitigation fees would be paid pursuant to a recorded agreement. Due to the rural, low-density character of the area, provision for urban amenities such as sidewalks, transit stops, and parks is not warranted. The project was reviewed under SEPA and an MDNS was issued. *Findings 4, 9, 14, 16, 17, 18, 19, 20, 21, 22, 24, 26, and 27.*

- b. **With conditions of approval, the public use and interest will be served by the platting of the subdivision.** The subdivision complies with the density limitation of the RRR 1/5 zone. The approximate two-acre lot sizes for five of the lots is consistent with PRRD design standards and allows for retention of an approximate 20-acre lot for wetland preservation, consistent with the purpose of the PRRD ordinance. The conditions of approval include a condition requiring the lot owners to enter into a road maintenance agreement with respect to Brenda Lane, to ensure that maintenance costs are shared between lots within the proposed and adjacent subdivisions. *Findings 3, 4, 5, 6, 7, 10, 11, 15, 25, 26, and 27.*

**3. As conditioned, the criteria for a variance are satisfied.**

- a. The variance would not result in a use that is not classified as a permitted or special use in the RRR 1/5 zone. Single-family residential development and PRRDs are permitted in the RRR 1/5 zone. *Finding 3.*
- b. Special conditions and circumstances exist which are peculiar to the land, including the wetland and buffer occupying the northern portion of the property and the irregular shape of the remainder of the property, which are not applicable to other lands. Literal interpretation of the lot grouping restriction of the PRRD ordinance would deprive the property owner of RRR 1/5 development rights commonly enjoyed by other similarly situated properties. *Findings 4, 8, 10, 12, and 13.*
- c. The special conditions and circumstances are not the result of the actions of the Applicants. The wetland is a natural feature, not created by the Applicants, that has resulted in non-contiguous areas of developable land. *Findings 10 and 12.*

- d. Granting the variance requested would not confer a special privilege to the property, in that the overall development density would not exceed what is allowed in the RRR 1/5 zone. *Finding 6.*
- e. Granting the variance would not be materially detrimental to the public welfare or injurious to other land or improvements in the vicinity and in the RRR 1/5 zone. The proposed lot configuration would maximize the protection of critical areas. The two clusters of residences would be served by the existing external road network and would not require extensive new road infrastructure. The project would provide upgrades to Brenda Lane, addressing the impacts of increased trips. *Findings 10, 11, 12, 13, 16, 24, and 27.*
- f. The reasons set forth in the application justify the granting of the variance, and the variance would be the minimum needed to make possible the reasonable use of the land. The proposed lot configuration is protective of critical areas, is consistent with the resource use parcel design criteria, and allows for RRR 1/5 density consistent with other properties in the area. Due to the shape of the subject property, denial of the variance would render one “leg” of the subject property undevelopable, even though unconstrained by critical areas and served by existing streets. *Findings 7, 8, 10, 11, 12, and 13.*
- g. Granting the variance would be in harmony with the general purpose and intent of the zoning ordinance, and, as described in Conclusion 3(e), would not be injurious to the neighborhood or otherwise detrimental to the public welfare. *Findings 3, 5, 10, 11, 12, 13, 16, and 27.*

## DECISIONS

Based on the preceding findings and conclusions, the requested preliminary plat, PRRD, and variance are **GRANTED**, subject to the following conditions:

### Inadvertent Discovery

1. If archaeological artifacts are observed during any phase of the project, all work shall be immediately halted. The contractor/applicant/project representative shall contact the Washington State Department of Archaeology and Historic Preservation, the affected Tribes, and the Thurston County Community Planning & Economic Development Department (CPED) shall be contacted to assess the situation prior to resumption of work.

### Environmental Health: Requirements for Final Subdivision Approval

Prior to final plat approval, the following Environmental Health conditions shall be met:

### Declaration of Covenants

2. The Applicant must complete non-public declaration of covenants for the proposed well sites on Lots 1, 2, 3 and 4. The covenants must be submitted to the Environmental Health Division for review and approval prior to being filed with the Thurston County Auditor's Office.

### Note on Final Map

3. A Note shall be placed on the final map notifying future property owners that any wells proposed or drilled on lots 1 through 6 must be located a minimum of 100 feet from all property lines, easements, and road right of ways. Any well proposed or drilled closer than 100 feet to property lines, easements, or road right of ways must either be relocated, or restrictive covenants must be secured from affected neighboring property owners prior to release of on- site sewage system and/or building permits.
4. The proposed septic locations on Lots 1 through 6 should be removed from the final map.

### **Washington State Department of Ecology**

#### Wetlands & Environmental Assistance

5. Impacts to wetlands and wetland buffers on site shall be avoided. Impacts to wetlands would require permits from the Washington State Department of Ecology and likely the Army Corps of Engineers. For questions and assistance, please contact Ecology Wetlands/Shorelands Specialist Zachary Meyer at [Zachary.Meyer@ecy.wa.gov](mailto:Zachary.Meyer@ecy.wa.gov) or (360) 407-6167.
6. All water wells constructed shall be in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be located at least 100 feet from any known, suspected, or potential contamination sources and shall not be located within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after well completion.

#### Groundwater Withdrawal

7. RCW 90.94 The Streamflow Restoration Act limits the proposed groundwater withdrawal from new wells proposed to serve six (6) lots within the Wellington Woods 6 -Lot Plat to a maximum annual average of 3,000 gallons per day per connection for indoor and outdoor domestic uses.

RCW 90.44.050 still limit the overall withdrawal to 5,000 gallons per day and up to one-half acre of lawn or non-commercial irrigation for the entire project as long as the annual maximum average does not exceed 3,000 gallons per day per connection. Any use above this level requires a water right permit.

For questions and assistance, please contact Ecology Water Resources Specialist Opal Smitherman at (360) 407-6859.

#### Solid Waste Management

8. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health

department for proper management of these materials. Contact Derek Rockette at (360) 407-6287 for more information.

#### Toxics Cleanup

9. If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the southwest Regional Office (SWRO) at (360) 407-6300. For assistance to identify the type of testing and subsequent cleanup, contact Thomas Middleton with the SWRO, Toxics Cleanup Program at (360) 407- 7263.

#### **Public Works: Conditions of Preliminary Approval**

Prior to final plat approval, the following Public Works conditions shall be met:

#### Roads

10. The proposed roadway in concept and design shall conform to the Road Standards.
11. A construction permit shall be acquired from the Thurston County Public Works — Development Review Section prior to any construction.

#### Traffic Control Devices

12. 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.
13. 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

14. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
15. 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.
16. Stormwater runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.
17. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/ sealed by a Washington licensed civil

engineer, preferably the engineer who designed the stormwater system).

### Utilities

18. 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

### General Conditions

19. No work shall take place until a construction permit has been issued by Thurston County Public Works— Development Review Section.
20. 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.
21. When all construction/ improvements have been completed, contact the Thurston County Public Works — Development Review Section for a final inspection.
22. This approval does not relieve the Applicant from compliance with all other local, state and/ or federal approvals, permits, and/ or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/ or approvals shall be the responsibility of the Applicant. One permit that may be required is a Construction Stormwater Permit from the Washington State Department of Ecology. Information on when a permit is required and the application can be found at:  
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>.  
Any additional permits and/ or approvals shall be the responsibility of the Applicant.

### Project Specific Conditions

23. 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.
24. Prior to construction, the Applicant shall:
  - a. Pay outstanding construction review and inspection fees\*
  - b. Receive an erosion and sediment control permit
  - c. Have the erosion and sediment control inspected and accepted
  - d. Receive a construction permit

- e. Schedule a pre- construction conference with County staff.

The current fee schedule can be found online at Thurston County Permit Assistance Center webpage or contact Ruthie Padilla with the Thurston County Public Works — Development Review Section by phone at (360) 867- 2046 or by email at [padillr@co.thurston.wa.us](mailto:padillr@co.thurston.wa.us).

Required Plat Notes

25. The final plat shall note or delineate all of the following 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), building, driveway and parking areas shall be retained on site and shall not be directed to roadway ditches adjacent to Rainier View Lane and Brenda Lane.
- 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. Per Thurston County Resolution 14820, impact fees shall be paid prior to issuing any building permits associated with this project.
- f. This plat is subject to the RESIDENTIAL AGREEMENT TO MAINTAIN STORMWATER FACILITIES AND TO IMPLEMENT A POLLUTION CONTROL PLAN”, as recorded under Auditor’s File No. \_\_\_\_\_.
- g. 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 \_\_\_\_\_.
- h. The property described herein is required to accommodate storm water runoff from frontage improvements to Rainier View Lane and Brenda Lane and all natural tributary areas abutting said property.

Delineate on the Plat

- i. 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.).
- j. Please clearly label all public and private roads.

### **Planning Conditions**

26. Prior to final plat approval, all mitigation measures identified in the Mitigated Determination of Non-Significance dated July 30, 2021 shall be met.

### **Road Maintenance Agreement**

27. Prior to the issuance of any building permit, future owners of lots shall be legally bound by a recorded agreement to participate in a Road Maintenance Agreement with the Yelm Meadows Homeowners Association addressing Wellington Woods PRRD responsibilities for maintenance of Brenda Lane.

### **Resource Use Parcel: Further Subdivision Prohibited**

28. Approval of this proposed Planned Rural Residential Development plat uses all of the available density under RR1/5 zoning. No further subdivision of Lot 5 is permitted PRRDs (TCC 20.30A.040(5) Resource Use Parcel Requirements - Plat Restrictions).

A Note shall be placed on the final plat map indicating that no further re-subdivision of the Resource Use Parcel is allowed, pursuant to Thurston County Code, Plat Restrictions (TCC 20.30A.040(5) Plat Restrictions).

### **Resource Use Parcel: Permitted Uses**

29. Permitted uses on PRRD Resource Use Parcels are limited to those specified in Thurston County Code 20.30A.040 - Resource use parcel requirements (TCC 20.30A.040).

A Note shall be placed on the final plat map listing permitted uses verbatim, pursuant to Thurston County Code, Plat Restrictions (TCC 20.30A.040(5) Plat Restrictions). See Condition No. 35, Note 2, below.

30. Street addresses, lot size, and dimensions for each lot shall be shown on the final map.
31. Prior to final plat approval. The Applicant shall submit a copy of the recorded school mitigation agreement between the Applicant and the Yelm School District.
32. 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 Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
33. The proposed project is subject to compliance with the following policies and regulations, including any applicable mitigation requirements: Thurston County Comprehensive Plan, Zoning Ordinance (TCC 20), Critical Areas Ordinance (TCC 24), Stormwater Drainage

Design and Erosion Control Manual (TCC 15.05), Uniform Building Code (TCC 14), State Environmental Policy Act (SEPA) Ordinance (TCC 17.09.).

34. Prior to final recording of the final plat and pursuant to TCC 24, the existing permanent “critical area buffer” signs shall be maintained, and re-installed, as necessary, along the perimeter of Wetland A’s 220-foot buffer. These signs provide a visual indicator of the buffer location to future owners and help to prevent impacts to the wetland and buffer. The signs shall be made of a metal face and attached to a treated wood or metal post, or another material of equal durability. The posts shall be permanently anchored in the ground with concrete. The concrete shall be left exposed for inspection. The sign face shall be sized similarly to the provided sign template and stand a minimum of four (4) feet tall. Local sign companies should be able to assist you with providing the signs, and they may have signs already made and in stock. The sign shall be worded as follows:

Critical Area  
Do Not Disturb  
Contact Thurston County at 360-786-5490  
Regarding Uses and Restrictions

The land surveyor shall assist in accurately locating the signs. The surveyor shall submit written certification that the signs were placed as required. When the signs are installed and ready for inspection, contact Richard Felsing [rich.felsing@co.thurston.wa.us](mailto:rich.felsing@co.thurston.wa.us) at 360-754-4023 to request an inspection. Allow up to three weeks for the inspection to be completed.

#### Notes on Final Plat Map

35. The following Notes shall be shown on the final plat map:

1. Resource Use Parcel: Further Subdivision Prohibited. Approval of this proposed Planned Rural Residential Development plat uses all of the available density under RR1/5 zoning. No further subdivision of Lot 5 is permitted PRRDs (TCC 20.30A.040(5) Resource Use Parcel Requirements - Plat Restrictions).
2. Resource Use Parcel: Permitted Uses. Permitted uses are limited to those specified in Thurston County Code for Planned Rural Residential Developments.

The following uses of the resource use parcel are permitted, subject to any land use limitations in the underlying district:

- a. Permitted uses:
  - i. Agriculture, including forest practices;
  - ii. Passive recreation; Natural areas including, but not limited to, critical areas and associated buffers, and wildlife corridors;
  - iii. Community and individual water systems, sewage system drainfields, and stormwater facilities serving the subdivision, subject to the standards in Section 20.32.070. Such facilities shall not be permitted in agricultural and forestry districts where they would significantly impede the agriculture or forestry use

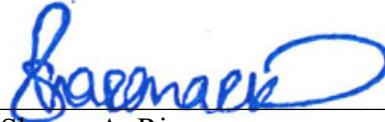
- or potential for such use; and
- iv. One single-family residence and accessory uses, including a home occupation, pursuant to Chapter 20.54, and farm housing pursuant to Chapters 20.08A, 20.08C, or 20.09A. (TCC 20.30A.040(3))
3. This subdivision has been approved through provisions of the Thurston County Zoning Ordinance, 20.30A. Lot 5 is the Resource Use Parcel required by the ordinance.
  4. Road Maintenance Agreement. Future owners of Lots shall obligated to participate in the Road Maintenance Agreement with the Yelm Meadows Homeowners Association required pursuant to Condition 27 of the preliminary plat, PRRD, and variance approval for Thurston County file number 2018106971.
  5. In addition to the notes and/or conditions requested by Public Works and Environmental Health, the following NOTES/CONDITIONS shall be placed on the final map:
    - a. This plat was reviewed for compliance with the Rural Residential Resource – One Dwelling Unit per Five Acre (RRR1/5) zoning district, the Planned Rural Residential Development (PRRD) review process, Title 18 Platting and Subdivision Ordinance and Title 24 Critical Areas Ordinance.
    - b. This plat subdivision has been approved through provisions of the PRRD (TCC 20.30A). Lot 5 of this subdivision is the Resource Use Parcel required by the PRRD and must not be reduced below 20.137 acres. The resource use parcel is subject to the limitations of use and development standards as described in Chapter 20.30A of the Thurston County Zoning Ordinance (Title 20). These restrictions shall remain in force and the property cannot be further subdivided until the property is annexed to a city or town.
    - c. In accordance with Thurston County Policy ZONE.POL.802.00, when a residential use is established on a resource use parcel, the building envelope for the residence and uses or structures accessory to the residence, not including septic system, well or well house, shall be a maximum size of 43,560 square feet in a block-shaped configuration, unless otherwise amended. The area may not be expanded by creating loops or odd shapes to manipulate the size of the building envelope. Agriculture use buildings associated with the resource use of the lot are excluded. At the time of development, a one-acre building envelope shall be established for the record.
    - d. In accordance with Thurston County Policy ZONE.POL.807.00, the location of any family member unit on a resource use parcel shall be within the one-acre building envelope established for the primary residence.
    - e. Refer to TCC 20.30A.070 for applicable development standards on each lot. Specifically, but not limited to the following: (1) Setbacks from the exterior boundary of the site shall be the same as required in the underlying district.

All other setback requirements shall be waived to allow flexibility in site design. However: (a) Individual buildings shall be separated by a minimum of ten feet, and (b) The hearing examiner or administrator may establish setbacks not to exceed one hundred fifty feet, as necessary to buffer agricultural or forestry activities from residential uses; (2) Maximum Coverage by Individual lots within a PRRD are exempt from building and hard surface coverage limits established for the underlying zone, however, the PRRD as a whole, including streets, access ways and other paved surfaces and development of the site shall not exceed the percentage permitted by the underlying zone. The maximum hard surface coverage in the RRR1/5 zone is ten percent.

- f. WARNING: Thurston County has no responsibility to build, improve, maintain or otherwise service the private roads within or providing access to the property described in this short plat.
- g. All future development, construction, or subdivision will require compliance with all applicable county ordinances including, but not limited to: zoning, Health Department regulations, development standards, and subdivision requirements.
- h. Future development will be subject to impact fees pursuant to Title 25 and the most current impact fee schedule, particularly with the Yelm School district for school impacts. Impact fees are a type of charge developers/property owners pay to help finance their proportionate share of the cost of roads, parks, schools and other facilities necessary to serve new developments. Impact fees are due at the time a building permit is issued.
- i. On January 19, 2018, Washington State adopted new legislation affecting how counties manage development supported by permit-exempt groundwater withdrawals. Applicable building permit applications that propose connection to a permit-exempt well will be subject to completion of a State Mandated Well Form, a fee and the groundwater withdrawal limitations established for the area unless otherwise amended.
- j. Wetlands and Streams are designated as critical areas in Thurston County. Due to the importance of these critical areas for wildlife habitat, maintenance of water quality, and flood water storage and control, no clearing, filling, grading or other development activities shall be allowed within the stream, wetland or buffer areas except where exempted by that which is considered "Agriculture, existing and ongoing" (*TCC 17.15*) and when prior authorization is obtained from the Thurston County and any other agencies having authority. New or improved stream crossings are subject to review and approval under applicable regulations and by all agencies having jurisdiction.
- k. Proper erosion and sediment control practices shall be used around future construction areas to prevent erosion and drainage towards the wetland system. All areas disturbed or newly created by construction activities shall be seeded, vegetated or given some other equivalent type of protection against

erosion. Proper disposal of construction debris shall be on land outside critical areas and associated buffers such that debris cannot enter these areas and cause water quality degradation.

**DECIDED** September 14, 2021.



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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 **\$777.00** for a Request for Reconsideration or **\$1,054.00** 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.



<b>Project No.</b> _____ <b>Appeal Sequence No.:</b> _____
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**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  \$777.00 for Reconsideration or \$1,054.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.