

BEFORE THE BOARD OF COUNTY COMMISSIONERS
THURSTON COUNTY, WASHINGTON

In Re the Matter of, YWAM, Faith Harvest
Helpers

For a Reasonable Use Exception

No. 2019100401

DECISION TO REMAND

THIS MATTER came before the Board of County Commissioners (Board) on September 9, 2020, due to an appeal filed by YWAM, Faith Harvest Helpers (FHH) of the Hearing Examiner's Decision dated June 17, 2020. This decision denied FHH's request for a reasonable use exception (RUE) for after-the-fact permits for the installation of a mobile home, RV cover, and garage within a wetland buffer.

During the hearing, and with staff in December 2019, FHH forwarded an argument, that "the subject property is within the designated Agritourism Overlay District AOD, (Chapter 20.08G TCC), and is in agricultural use, the requested structures are replacements of former agricultural structures . . . and that no permit is required for agritourism uses." 1. FHH also asserted that the "applicant should not have been directed to apply for and should not have to obtain [a] RUE for the proposed uses." *Id.*

The hearing examiner's finding No. 27 is ambiguous as to whether the property is within the AOD. Further the hearing examiner's finding No. 17 speaks to the Applicant representative Charlie Benkelman's testimony regarding the agricultural uses of the property, but the hearing

examiner does not explicitly address whether the requested structures are used for agricultural purposes.

Before the Board can resolve the current appeal, it believes it is necessary to remand this matter back to the hearing examiner to clarify the record regarding whether or not the subject property is within the AOD, and a determination about whether, if so, the AOD exempts the requested structures from compliance with either the general critical areas ordinance Title 24 TCC or the agricultural activities critical areas ordinance chapter 17.15 TCC.

IT IS HEREBY ORDERED AS FOLLOWS:

This matter is remanded to the hearing examiner to determine the following findings of facts and additional conclusions of law, and revise decision as necessary:

1. Is the subject property within the Agritourism Overlay District (AOD), chapter 20.08G?
2. If the subject property is within the Agritourism Overlay District, does chapter 20.08 TCC exempt the requested structures from compliance with either the general critical areas ordinance Title 24 TCC, or the agricultural activities critical areas ordinance chapter 17.15 TCC?
3. Based on the findings and conclusions the hearing examiner makes in response to the above questions, are the requested structures exempt from the critical area's ordinance, and if not has the applicant satisfied the applicable RUE requirements?

DATE:

September 22, 2020

ATTEST:

Karol Johnson
Clerk of the Board

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Thurston County, Washington

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