



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. 2020101096 Sweeney RUE |
| |) | |
| Charlie and Shelly Sweeney |) | FINDINGS, CONCLUSIONS, |
| |) | AND ORDER OF <u>REMAND</u> |
| |) | |
| For a Reasonable Use Exception |) | |
| |) | |

SUMMARY OF DECISION

The record submitted contains insufficient information to enter findings in favor of all required reasonable use exception criteria; however, the information missing is discreet in nature and could be provided in written form without need for additional hearing. The project is remanded for additional review consistent with the Order below.

SUMMARY OF RECORD

Request

Charlie and Shelly Sweeney (Applicants) requested a reasonable use exception (RUE) to construct a single-family residence, septic system, and well within a wetland buffer. The subject property is located at 4039 26th Avenue NE, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on August 25, 2020. In order to ensure public access to the virtual hearing process, the record was held open two business days (through August 27, 2020) to allow for public comment from members of the public who may have had difficulty joining the virtual hearings, with additional time arranged for responses by the parties. No timely post-hearing public comment was submitted, and the record closed on August 27, 2020.

Testimony

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

Brett Bures, Building and Planning Manager
Dawn Peebles, Thurston County Environmental Health Division
Artur Saint, Thurston County Public Works Department
John Johnson, Johnson Custom Homes, Applicant Representative
Ben Alexander, Applicant Representative

Exhibits

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

- Exhibit 1 Community Planning and Economic Development Report including the following attachments:
- A. Notice of public hearing, issued August 14, 2020
 - B. Master Application, received March 13, 2020, Reasonable Use Exception application, received March 13, 2020, and Applicant narrative addressing RUE criteria
 - C. Notice of Application, dated April 15, 2020
 - D. Site Plan, dated March 13, 2020
 - E. Letter from Jim Hunter and Associates regarding preferred septic drainfield location, received March 13, 2020
 - F. Wetland Delineation and Buffer Rating Report, dated November 2019
 - G. Sweeney Wetland Buffer Mitigation Plan, dated March 4, 2020
 - H. Engineered Abbreviated Drainage Report, received March 13, 2020
 - I. Recorded BLA, Auditor's File Number 4663879, recorded December 27, 2018
 - J. Letter from Nisqually Indian Tribe, dated April 6, 2020
 - K. Memo from Amy Crass, Public Health and Social Services to Leah Davis, Associate Planner, dated May 11, 2020
 - L. Comment from Department of Ecology, dated April 13, 2020
 - M. Comment from Department of Ecology, dated May 5, 2020
 - N. Comment from Squaxin Island Tribe, dated March 30, 2020

Exhibit 2 Revised site plan depicting distances from proposed structures to wetland edge

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

FINDINGS

1. Charlie and Shelly Sweeney (Applicants) requested a reasonable use exception (RUE) to construct a single-family residence, septic system, and well within a wetland buffer. The subject property is located at 4039 26th Avenue NE, in unincorporated Olympia, Washington.¹ *Exhibits 1 and 1.B.*
2. The RUE application was submitted on March 13, 2020 and determined to be complete for purposes of commencing project review on March 30, 2020. *Exhibit 1.C.*
3. The relatively flat subject property is the site of a former Christmas tree farm. The southwestern corner of the property is forested with a canopy dominated by Red Alder. The remainder of the site contains the remnant trees from the tree farm, primarily Grand firs. No streams or regulated drainages are identified on site, and the subject property is not regulated pursuant to the Shoreline Master Program for the Thurston Region. The current size and configuration of the property is the result in a December 2018 boundary line adjustment (BLA) that reduced the size of the subject parcel (Parcel A, 4039 - 26th Avenue NE) to exactly one acre and incorporated some portion of former Parcel A into Parcel B (3939 - 26th Avenue NE, now 2.27 acres) as a means of dividing off a portion of the overall property for separate residential development. Parcel B retained a pipestem access to 26th Avenue NE that abuts the eastern boundary of the subject property; the pipestem is Parcel B's only frontage on public roads.² *Exhibits 1, 1.F, 1.G, and 1.I.* As of the date the current image available on Google Maps was taken, the pipestem was developed with an asphalt paved driveway serving the structure(s) on Parcel B. *Google Maps Site view.*
4. The subject property is within the Lacey Urban Growth area and is zoned Low Density Residential 3-6 (R 3-6/1). The one-acre parcel exceeds the required minimum lot size. Primary permitted uses in the R 3-6/1 include agriculture, forest practices, single-family and two-family residential, and home occupations. At one acre, the parcel exceeds the minimum site size of 12,500 square feet for residences on septic, and also provides adequate room that all setbacks can be met. *TCC 20.15.060.*
5. Properties to the north, east, and south are developed with single-family residential uses. Property to the west is vacant. *Exhibit 1; Google Maps site view.*
6. With the application packet, a wetland delineation and rating report was submitted; the report was prepared by a qualified professional. The report identified one jurisdictional

¹ The legal description of the subject property is a portion of Section 8, Township 18, Range 1 West, Quarter NE NW, BLA18113282TC TR A Document 4663879. *Exhibit 1.*

² Notes on the face of the BLA indicate the following (abbreviated) information: 1) "...The BLA process does not confirm the presence of critical areas, delineate their boundaries, or establish required buffers.... The property may be impacted by wetland buffers. Future development on [either parcel] is subject to separate review and approval processes." ; and 2) "As a result of the boundary line adjustment, Parcel A will be considered an undersized lot in regard to density requirements. Any future development must meet all requirements of the Thurston County Sanitary Code without the benefit of a waiver. Approval of the [BLA] in no way represents suitability of site development." *Exhibit 1.I.*

wetland on site, extending off site at the southwest corner. Labeled at Wetland A, it is a small isolated depressional wetland in the southwest corner of the site, which was rated as a Category 3 wetland with five habitat points rated as M,M,L. This wetland requires a 160-foot no disturb buffer pursuant to the Thurston County critical area ordinance (CAO). *TCC 24.30.045*. The required 160-foot buffer encumbers approximately four-fifths of the subject property, leaving only an irregularly shaped slice of the site outside the regulated area in the north/eastern portion of the subject property. The application materials do not indicate the amount of square footage onsite that is unencumbered by required buffer, but from the revised site plan it does not appear that the proposed residence would fit in the unencumbered portion of the site while maintaining compliance with required setbacks from property lines. *Exhibit 2*.

7. As stated on the site plan, the proposal would place a single-family residence, well, and septic on the subject property near the center of the site (east to west), scooted closer to the front property line. Total proposed impervious surface area is 3,184 square feet including 1,913 square feet³ for the residence, 379 square feet of decks, 472 square feet of garage, 400 square foot garage pad, and 420 square feet of driveway. This totals 7.5% impervious surface coverage over the whole site.⁴ The proposed septic drainfield is placed in front of the residence (away from the wetland), with septic tanks and components west of the residence and the reserve drainfield in the far northwest corner of the site. At its closest, the southwest corner of the residence would be placed 90 feet from the wetland edge, and the proposed septic components would be 87 feet from the wetland edge. The design includes driveway access onto 26th Avenue NE at a point approximately 25 feet from the eastern property boundary along the pipestem access⁵ reserved for Parcel B of the BLA. The site plan also notes that roof runoff would be conveyed by downspouts to splash blocks and that vegetation would be planted to provide erosion control. *Exhibit 2*.
8. According to the professionally prepared mitigation plan, the proposal would impact 7,740 square feet of wetland buffer. The mitigation plan identifies vegetation surrounding the wetland onsite as sparse consisting of sword fern, lady fern, and blackberry. Farther from the wetland edge, the tree farm covers the sit with Grand firs planted on six foot centers with sparse to nonexistent understory; the Grand firs range from 10 to 20 feet in height. In the southeast portion of the site is an approximately 6,000 square foot area vegetated with grasses and weeds. *See Exhibit 1.G, Sheet 1 Planting Plan*.

³ The record does not make clear whether this is a 1,913 square foot total area or if it is the proposed footprint. Also, as noted elsewhere, this number is substantially smaller than the roof area proposed in the drainage report.

⁴ Of note, the Engineered Abbreviated Drainage Report states that 14,000 square feet would be cleared and graded, and states that the following impervious surfaces were proposed: 3,051 square feet of roof, 252 square feet of walkway, 1,054 square feet of driveway, and 640 square feet of off site driveway. *Exhibit 1.H*. The discrepancy in the drainage report or the numbers on the site plan are

⁵ The revised site plan refers to this access east of the subject parcel as an easement; however, according to the BLA it is a pipestem that is part of Parcel B. *Exhibits 1.I and 2*.

9. Proposed mitigation is comprised of enhancing 18,000 square feet of retained/reduced wetland buffer width through removal of nonnative ground covers, thinning the farmed trees, and planting native species. An additional 4,750 square feet in the identified grass/weed area in the southeast corner would be restored by being cleaned of invasive species and planted with natives. An additional small area would be cleared of weeds, only, for a total of 24,000 square feet of enhanced areas. The goal of both enhancement areas is to enhance the diversity of species and the structure of the canopy, returning it to a native forested condition. The proposal would thin Grand firs to a spacing of 12 to 15 feet and plant three native tree species interspersed among the retained farm trees, plant native understory species, and maintain the reduced/retained buffer in a weed free condition for a period of five years while native plants become established. The removed Grand firs would be cut as close to the ground as possible and may be chipped/mulched in place. The total cost of the planting plan as proposed is \$9,940, including labor and three years of maintenance and monitoring.⁶ The author of the Applicant's mitigation report offered testimony at hearing, asserting that in his professional opinion the impact of the buffer reduction is far outweighed by the proposed mitigation. He stated that the area of buffer to be reduced has minimal ecological value in its current condition, whereas after implementation of the mitigation plan, habitat and erosion control functions would be improved. *Exhibit 1.G; Ben Alexander Testimony.*
10. County Planning Staff reviewed the proposed mitigation plan and submitted that it adequately addresses impacts and is expected not to result in net loss of wetland functions and values. Staff was satisfied that the proposed mitigation would result in a better condition on site over the existing condition. *Exhibit 1; Brett Bures Testimony.*
11. In addressing the RUE criteria for approval, the Applicant narrative stated the following:

The desired location of the residence was modified to accommodate buffer requirements; however, the entire house plan/design would have to be modified in order to satisfy all requirements. This approach is not desirable as it would add considerable cost, time and limit reasonable access to the home considering the required drainfield location. ... Many revisions have been made to date to satisfy County ordinances. Improvements will be made by adding a significant amount of native plantings to the perimeter of the building site.... Only the area required for the home site and drainfield will be disturbed. The home has been located as far as reasonable from the wetland area. ... Once the mitigation plan supplied with this application is implemented, the property will actually be enhanced from the current state. ... The property was a 2.4 acre parcel owned by the client's father. He subdivided the property in November 2019 (sic), gifting this one acre parcel to his daughter and son in law. The subdivision did result in the need for the RUE. The issue we have is that no one from the County mentioned the possible need for a wetlands report, much less an RUE. We were not even advised of the possibility at

⁶ Neither the wetland delineation report nor the mitigation report contains direct discussion addressing net impacts to ecological functions and values. *Exhibits 1.F and 1.G.*

septic design submittal or building permit submittal later on. Knowing what we know now, it is hard to believe we were not at least of that possibility.

Exhibit 1.B, Narrative.

12. The proposed single-family residence and appurtenances are exempt from review for compliance with the requirements of the State Environmental Policy Act (SEPA). *TCC 17.09.055.B.*
13. Notice of the open record hearing was mailed to property owners within 500 feet of the site on August 7, 2020 and published in *The Olympian* on August 14, 2020. No public comment was received. *Exhibits 1 and 1.A.* There was no public comment on the application. *Brett Bures Testimony.*
14. Staff from Thurston County Public Health and Social Services Department and Thurston County Public Works Department reviewed and recommended approval the project. County Public Works Staff had no comment on the application. Environmental Health Staff noted for the record that the site plan submitted matched the approved septic plan. *Exhibits 1 and 1.K; Testimony of Arthur Saint and Dawn Peebles.*
15. Representatives of the Nisqually Indian Tribe and the Squaxin Island Tribe submitted comments indicating that neither has site-specific concerns; however, both requested to be notified in the event of inadvertent discoveries and the Squaxin Island Tribe submitted a concurrence in the event that Washington State Department of Archaeology and Historic Preservation requested a cultural resources survey be completed prior to the issuance of a building permit. *Exhibits 1.J and 1.N.*
16. Washington State Department of Ecology submitted typical comments relating to water quality standards and water resources with recommendations for measures to take if toxic materials are discovered during construction. *Exhibit 1.L.* Subsequently Ecology submitted additional comments recommending that the proponent be required to minimize wetland buffer impacts to the maximum extent possible, encouraging the Applicant to use the existing access easement along the subject property's east boundary for access and moving the residence farther toward the east, which would increase the retained buffer width. In these additional comments, Ecology also requested that the Applicant be required to demarcate (fence) and protect the full extent of retained buffer on site. *Exhibit 1.M.*
17. In testimony, Applicant representatives submitted that the house cannot be moved farther to the east to reduce intrusion into the wetland buffer because if it were any closer, the residents of the proposed house would have to back out into the pipestem serving Parcel B when departing their garage. Per testimony, to move the house outside of the 120-foot reduced buffer, the edge of the house would only be 18 feet from the access driveway of Parcel B. As proposed, the Applicants feel they've moved the residence as far east as is reasonable due to the need to avoid backing into the driveway of the other parcel and to avoid interfering with the placement of utilities, including the septic drain fields. Because of the proposed mitigation, which would result in a better buffer condition than

the existing condition, Applicant representatives feel the request is reasonable. *John Johnson Testimony*.

18. Having heard all testimony, Thurston County CPED Staff recommended approval subject to the conditions in the staff report. *Exhibit 1; Brett Bures Testimony*. Applicant representatives waived objection to the recommended conditions. *Testimony of John Johnson and Ben Alexander*.

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for reasonable use exceptions pursuant to TCC 2.06.010(F) and TCC 24.45.030.

Criteria for Review

Pursuant to TCC 24.45.030, the Hearing Examiner shall grant the reasonable use exception if:

- A. No other reasonable use of the property as a whole is permitted by this title; and
- B. No reasonable use with less impact on the critical area or buffer is possible. At a minimum, the alternatives reviewed shall include a change in use, reduction in the size of the use, a change in the timing of the activity, a revision in the project design. This may include a variance for yard and setback standards required pursuant to Titles 20, 21, 22, and 23 TCC; and
- C. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the development proposal site, or increase public safety risks on or off the subject property; and
- D. The proposed reasonable use is limited to the minimum encroachment into the critical area and/or buffer necessary to prevent the denial of all reasonable use of the property; and
- E. The proposed reasonable use shall result in minimal alteration of the critical area including but not limited to impacts on vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions; and
- F. A proposal for a reasonable use exception shall ensure no net loss of critical area functions and values. The proposal shall include a mitigation plan consistent with this title and best available science. Mitigation measures shall address unavoidable impacts and shall occur on-site first, or if necessary, off-site; and
- G. The reasonable use shall not result in the unmitigated adverse impacts to species of concern; and
- H. The location and scale of existing development on surrounding properties shall not be the sole basis for granting or determining a reasonable use exception.

Conclusions Based on Findings

1. The County's critical areas ordinance establishes a "reasonable use" exception to the requirements of the ordinance which may be available when adherence to the provisions of this title would deny all reasonable use of the subject property as a whole. A reasonable use exception can only be granted if no other reasonable alternative method of development is allowed under the code. *TCC 24.45.010*. Applicants cannot obtain approval of reasonable use exceptions if their inability to derive reasonable use is the result of a self-created hardship, such as subdividing the property, adjusting a boundary line, or other actions creating the undevelopable condition of the parcel. *TCC 24.45.020*. Unless otherwise prohibited by this chapter, any property owner may apply for a reasonable use exception to carry out a use or activity not permitted by this title, including development on a parcel wholly encumbered by critical areas and associated buffers, on legally created lots, including but not limited to lots created through subdivisions, short subdivisions, large lot subdivisions, binding site plans, and other legal property divisions. *TCC 24.45.025*. To obtain reasonable use exception approval, an applicant must satisfy all criteria for RUE approval at *TCC 24.45.030*.
2. Reasonable use exception criteria B and D require an applicant to demonstrate that no reasonable use is possible that would result in less impact to the critical area. Criterion B explicitly requires an applicant to show that no reasonable use with less impact on the critical area or buffer is possible and to demonstrate that alternatives were considered including "reduction in the size of the use, a change in the timing of the activity, a revision in the project design." The RUE criteria suggest that variance for yard and setback standards are within the scope of alternatives that should be shown not to be possible. Criterion D requires an applicant to show that the "proposed reasonable use is limited to the minimum encroachment into the [critical area buffer as is] necessary to prevent the denial of all reasonable use of the property." The record submitted does not succeed in making these required demonstrations. The reason stated for not moving the residence farther to the east to provide a greater retained buffer width is that the residents need room to maneuver vehicles into and out of their garage, and that if the house were any closer, they would have to back into the pipestem access to Parcel B. The distance provided between the residence and the eastern property boundary is 55 feet. Ample vehicle maneuvering room could be provided with less 55 feet setback from the eastern boundary under a variety of scenarios. From the record submitted, it is not clear why the vehicle maneuvering room cannot be provided north of the residence with a garage facing north, nor why an east facing garage entrance cannot be accessed with a paved vehicle turn around area to the south of the garage entrance instead of east of the garage entrance. Because the record reveals that the BLA was only recently conducted and that the owner of Parcel B is a relative of the Applicants, it has not been demonstrated why Parcel A cannot share the driveway serving Parcel B. All three of these scenarios - and undoubtedly any number of other configurations the Applicants could elect to use - could provide more buffer width with the residence moved to the east by at least 25 feet, and maybe even farther to the east. *Findings 1, 4, 6, 7, 11, 16, and 17*.
3. Because an application must comply with all eight criteria and the instant proposal does not comply with Criteria B and D, it cannot be approved as is. Note, the record submitted

is adequate to make positive findings for the other six criteria although they are not entered here.

4. Rather than simply deny the application, the undersigned will offer the option of remand to the Applicants, allowing them to amend the site plan and the record to demonstrate compliance with Criteria B and D, as well as to supplement the record with any additional evidence addressing all criteria.

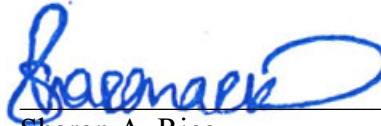
REMAND ORDER

The reasonable use exception application is remanded for further development of evidence by the Applicant, with a responses by County Staff, as follows.

1. The undersigned retains jurisdiction over the application until completion of the following process.
2. The Applicant shall submit a revised site plan showing the residence and appurtenances moved farther towards the east property boundary together with narrative information explicitly detailing alternatives considered. The additional evidence submitted should result in a revised proposal that would reduce the project's intrusion into the code-mandated critical area buffer to the maximum extent possible, consistent with the RUE criteria at TCC 24.45.030, which state as follows:
 - B. No reasonable use with less impact on the critical area or buffer is possible. At a minimum, the alternatives reviewed shall include a change in use, reduction in the size of the use, a change in the timing of the activity, a revision in the project design. This may include a variance for yard and setback standards required pursuant to Titles 20, 21, 22, and 23 TCC; and
 - D. The proposed reasonable use is limited to the minimum encroachment into the critical area and/or buffer necessary to prevent the denial of all reasonable use of the property
3. In the resubmitted materials, the Applicants are also requested to clarify the accurate square footage of the residential footprint and of impervious surfaces areas proposed.
4. Upon receipt, CPED shall add the Applicant's new evidence to the official record and shall forward it to the undersigned.
5. Planning Staff shall have 10 business days to submit written responses to the Applicant's new evidence. The record will close (for the purpose of establishing the decision issuance deadline) 10 business days from the receipt of the Applicant's additional evidence. All timely responses will be included in the record and forwarded to the Applicant and the undersigned.

6. The Applicant may, at its discretion, submit a final written reply within five business days of receipt of the responsive comments in item 4 above. This reply would not extend the decision issuance date.
7. The decision issuance deadline will be 20 business days following submittal of the Applicant's additional evidence. However, the new information is limited in its extent and the findings are largely completed, and it is therefore anticipated that decision issuance could be accomplished earlier than the 20 business day deadline.
8. The Applicant and County Staff may submit clarifying questions, requests to extend/alter the timeline set out above, or a request to reconvene the public hearing instead of proceeding with the above written exchange to the Examiner via email through the Hearing Clerk at Sonja.cady@co.thurston.wa.us. Should the matter be reconvened for hearing, all parties of record would receive notice consistent with County Code requirements.
9. All items invited to be submitted in response to this order will be made part of the official record and posted on the County Hearing Examiner webpage as soon as possible. The decision, once issued, will be mailed to all parties of record in the normal course of business.

DECIDED September 14, 2020.



Sharon A. Rice
Thurston County Hearing Examiner

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

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| 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). |
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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 **\$1,041.00** 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 \$1,041.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____ 20____.