



COUNTY COMMISSIONERS

Cathy Wolfe
 District One
 Sandra Romero
 District Two
 Karen Valenzuela
 District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2012103035
)	
)	
Robert and Linda Presley)	Plat of Abernethy Crossing
)	
)	
)	FINDINGS, CONCLUSIONS,
For a Preliminary Plat)	AND DECISION
_____)	

SUMMARY OF DECISION

The requested approvals of a preliminary plat subdividing 10.61 acres into 31 single-family residential lots and 4.08 acres of open space tracts and a forestland conversion application are **GRANTED**, subject to conditions.

SUMMARY OF RECORD

Request

Robert and Melinda Presley (Applicants) requested approval of a preliminary plat subdividing 10.61 acres into 374 single-family residential lots and 4.08 acres of open space. A forestland conversion application was also submitted and must be approved for the project to proceed.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the requests on September 15, 2014. At the conclusion of the hearing, the record was held open for reconfiguration of proposed utilities in light of a domestic well adjacent to the parcel discovered during testimony. The requested materials were submitted in accordance with a September 17th post hearing order. The record closed per the order on September 29, 2014.

Testimony

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

Tony Kantas, Associate Planner, Resource Stewardship Department
 Arthur Saint, P.E., Development Review Department

Brad Sangston, Environmental Health Division
Bob Presley, Applicant
Chris Merritt, Olympic Engineering, Applicant Representative
Dave Cloninger
Kathleen Moore
Ruth Giorgianni
Felly Giorgianni
Robert Danielsen
Rick Graham

Exhibits

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

Exhibit 1 Resource Stewardship Staff Report to the Hearing Examiner, dated September 15, 2014, with the following attachments:

Attachment a Notice of Public Hearing

Attachment b Thurston County Master Application, dated July 12, 2012

Attachment c Thurston County Division of Land Application, dated July 12, 2012

Attachment d Forest Land Conversion Application, dated July 12, 2012

Attachment e Preliminary Plat Map (4 sheets)

Attachment f Project Narrative

Attachment g Mitigated determination of non-significance (MDNS), dated July 17, 2014

Attachment h Vicinity Map & 2012 Aerial

Attachment i August 16, 2012 comment letter from Sara Brallier, Thurston County Environmental Health Department

Attachment j September 3, 2014 Memorandum from the Arthur Saint, Thurston County Public Works Department

Attachment k October 5, 2012 comment letter from North Thurston School District

Attachment l August 2, 2012 comment letter from Washington State Department of Ecology

Attachment m October 22, 2012 comment letter from Washington State Department of Ecology

Attachment n July 31, 2014 comment letter from Washington State Department of Ecology

Attachment o Notice of Application, dated October 2, 2012

Attachment p October 20, 2012 comment letter from neighboring property owner

Attachment q October 14, 2012 comment letter from a neighboring property owner

Attachment r July 30, 2014 comment letter from a neighboring property owner

Attachment s Traffic Impact Analysis – Level 1, dated March 2014

Attachment t Integrated Pest Management Plan

Attachment u Preliminary Drainage and Erosion Control Report, dated March 18, 2014

Attachment v Logging Site Plan

Attachment w Wetland Delineation and Mitigation Report, dated March 18, 2014

- Exhibit 2 Copies of three photos of the site entrance and adjacent street, taken by Resource Stewardship Staff
- Exhibit 3 Full size site plan (duplication of Attachment e, 4 sheets)
- Exhibit 4 Revised plat map and utility plan
- Exhibit 5 Thurston County Environmental Health Division review of revised proposed plat map and utility plan, dated September 16, 2014
- Exhibit 6 Applicants' final comments, dated September 18, 2014

Also included in the record is the September 17, 2014 post-hearing order setting submission schedule.

Based upon the record developed at the open record hearing, the Hearing Examiner enters the following findings and conclusions.

FINDINGS

1. The Applicant requested approval of a preliminary plat subdividing 10.61 acres into 31 single-family residential lots and 4.08 acres of open space. The subject property is in the Lacey urban growth area (UGA) at 2309 Abernethy Road NE.¹ The request requires concurrent approval of a forestland conversion application. *Exhibit 1, Attachments b, c, d, e, and f.*
2. The applications were submitted on July 12, 2013 and originally included a request for planned residential development (PRD) that was subsequently withdrawn. The applications were deemed complete for review on August 9, 2013. *Exhibit 1, page 2; Exhibit 1, Attachment o.*
3. Approximately two miles northeast of Olympia, the subject property abuts the west side of Abernethy Street NE about 530 feet south of its intersection with 26th Avenue. The site is currently developed with a single-family residence and several outbuildings, all of which would be removed. The north half of the site is heavily treed and vegetated, while the south half contains the existing structures, driveway, landscaped areas, and pasture. Topographically the site slopes down to the northeast towards wetlands and a Type 5 stream in the central portion of the property. *Exhibit 1, page 2; Exhibit 1, Attachments h and w.*
4. The subject property has a Low Density Residential District (LD 3-6) zoning designation, which requires a density of at least three but not greater than six residential units per acre. The Lacey-Thurston County Joint Comprehensive Plan designates the site for residential use at a density between three and six dwelling units per acre. *Exhibit 1, page 2.*
5. Surrounding parcels to the north, south, and west are zoned LD 3-6 and are within the Lacey UGA, while property to the east is zoned Low Density Residential (LD 0-4). All are larger parcels developed with single-family residences, with some larger undeveloped properties. The 11.72-acre parcel adjacent to the west contains a single-family residence but the majority is used for agricultural purposes, including a horse arena and stables. *Exhibit 1, page 2; Exhibit 1, Attachment p.*
6. Thurston County Code (TCC) Title 21 establishes the purpose of the LD 3-6 zoning district as including (among other items): areas in which single-family structures on individual lots are the dominant type of dwelling with certain minimum and maximum densities to promote the efficient use of land; guiding residential development to those areas where sewers can be extended at minimal cost; and providing protection between incompatible uses. *TCC 21.13.010.* Single-family residential uses are permitted in the LD 3-6 zone. *TCC 21.13.020.*
7. The LD 3-6 zone requires a minimum lot area of five thousand square feet and a minimum lot width of 50 feet if no alleys are used. Front yards are required to be at least

¹ The subject property is a portion of Section 8, Township 18 North, Range 1 West, W.M.; also known as Tax Parcel Number(s): 11808120500 and 11808110100. *Exhibit 1, page 1.*

ten feet deep on all streets with a ten-foot planter strip between street and sidewalk. Minimum total side yards of five feet per side or ten feet total when zero lot line lots are proposed and rear yards of 15 feet are required. Plats in the LD 3-6 zone may create a maximum of 60% building coverage of the overall underlying property, and a maximum 75% impervious surface site coverage. Maximum building height is 35 feet. *TCC 21.13.050.*

8. The proposal would result in a residential density of three dwelling units per acre, after excluding the 0.45 acres of wetland areas consistent with TCC 21.53.030.A. The project does not include alley access. The smallest proposed lot would be 5,000 square feet, with an average of 5,913 square feet, and all lots would be at least 50 feet wide. The proposed plat map states that the maximum building height would be 40 feet, which is not consistent with the maximum allowed in the LD 3-6 zone. *Exhibit 3.* At the time of building permit, Thurston County Staff would review individual applications to ensure all setback, lot coverage, and building height standards are satisfied. *Exhibit 3; Exhibit 1, pages 3-5.*
9. There are two jurisdictional wetlands and one non-jurisdictional wetland on-site connected by a Type 5 stream. The Applicant submitted a professionally prepared wetland delineation report addressing the critical areas. In the southwestern portion of the site, Wetland A is 0.176 acres. Nearby 0.027-acre manmade Wetland B, which is concrete and completely lined with thick plastic, is non-jurisdictional. Wetland C (0.238 acres) is located primarily off-site to the northeast, but a portion of it extends into the site's northeast corner. Hydrology for all three wetlands is associated with a seasonal Type 5 stream that runs in a defined channel from the central west portion of the site towards the northeast corner. The stream empties into Wetland C and from there into an off-site ditch along Abernethy Road. Both jurisdictional wetlands meet the Thurston County critical areas ordinance definition of a Class III wetland, requiring 100-foot buffers from high intensity uses such as single-family residential development. The Type 5 stream requires a 25-foot buffer. *Exhibit 1, Attachment w; Exhibit 3.*
10. The plat was designed to avoid all impacts to Wetlands A and C, and to minimize impacts to the Type 5 stream and both wetland buffers. Proposed roadway Tract F would reduce Wetland A's buffer along proposed Lots 9, 10, 11, and 12 from 100 to 72 feet at its closest point to the wetland edge. Proposed Lots 15, 16, 17, and 18 would occupy the western-most portions of Wetland C's buffer.² The plat's internal access road would be required to cross the Type 5 stream, impacting 0.0987 acres of stream buffer. To mitigate the impacts a buffer averaging and enhancement scheme was proposed. Overall, wetland and stream buffers would be increased 0.9 acres above the minimum required by the CAO. The concrete and plastic barrier creating Wetland B would be removed, together with all Himalayan blackberry, canarygrass, and English ivy in the buffer areas, and old farm roads and culverts from the buffer of Wetland A. All would be replaced with native

² The exact square footage of impacts to the buffers of Wetlands A and C does not appear to be individually identified in the record. *Attachment w.*

plantings. The stream would revert to its historic channel towards Wetland C, adding 77 linear feet of "new" stream channel. The entire averaged buffers of Wetlands A and C and the stream would be planted with native vegetation, improving habitat. The resulting averaged buffers would be placed in open space tracts to be fenced and identified with signage. Open Space Tract D would surround Wetland A and portions of the stream and associated buffer. Open Space Tract B would enclose the on-site buffer of Wetland C and portions of the stream and associated buffer. *Exhibit 1, Attachment w; Exhibit 3.*

11. In the Lacey UGA, residential subdivisions are required to dedicate 10% of the total site as open space meeting the following standards: attractive, accessible, useable for active and passive recreation; separate and distinct from required yards and setbacks; up to 50% of the open space may be used to preserve critical areas, associated buffers, and trees tracts; open space may include stormwater facilities designed for active and or passive recreation opportunities; shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance; placed in consideration of existing and potential open space on adjacent parcels; may be used to retain existing trees and significant vegetation.³ *TCC 18.47.040.*
12. The proposal would set aside 4.08 acres, or approximately 38% of the site, as open space as follows. Open Space Tract A (0.04 acres) is a strip of landscaped area between proposed Lot 1 and the Abernethy Road frontage improvements. Open space Tract C (0.07 acres) is proposed in the far southwest corner of the site adjacent to the turnaround at the end of the southern segment of the roadway. Tracts A and C are proposed for passive stormwater management. One-acre Tract B and 2.9-acre Tract D are the aforementioned critical areas preservation tracts. An additional 54-foot wide tract not given a name is proposed between Tract C and Lot 10 at the southern turnaround end of roadway Tract F; this unnamed tract is identified specifically for future through connection of the road to the south if the property to the south is subdivided. Until such future subdivision, the unnamed tract would serve as passive open space. A significant portion of open space Tract D west of Lots 13 and 14 would be developed with active recreational facilities to include a sports court and an outdoor play structure. Tract E (0.07 acres) between the north segment of the internal road and proposed Lot 21 would also be developed with an outdoor play structure. While the specific square footage of the open space area proposed for active recreation is not identified in the record, it appears from the plat map that at least five percent of the total site area would be provided for active recreational purposes. Planning Staff recommended a condition of approval requiring the Applicants to submit a landscape plan to the Resource Stewardship Department including plantings for all landscaped and open spaces that also incorporates proposed wetland mitigation plantings. *Exhibit 1, pages 2, 6; Exhibit 3.*
13. The proposed lots would connect to City of Lacey sanitary sewer and water utilities. *Exhibit 1, pages 2, 6; Exhibit 3.*

³ The proposed plat map states that a minimum of 30% of the site must be set aside as open space, which is not consistent with the requirements of the Lacey Urban Growth Area. *Exhibit 3; TCC 18.47.040.B.*

14. Access to all lots would be from Abernethy Road. A new proposed internal private roadway within the plat would be stubbed to the west and to the north for future connections, which would be required to designed and built to satisfy applicable road standards. The project would be required to dedicate additional right-of-way along Abernethy Road and to install frontage improvements consistent with current County road standards. *Exhibit 1, page 2; Exhibit 3; Exhibit 1, Attachment j; Saint Testimony; Merritt Testimony.*
15. The Applicant submitted a professionally prepared Level 1 traffic impact assessment (TIA), addressing the project's anticipated traffic. The 31 new lots are anticipated to generate 295 average daily trips, including 23 AM peak hour and 31 PM peak hour trips. At this rate, the proposal is considered a "mild" generator of traffic and is not expected to have significant impacts on local traffic conditions. Thurston County Public Works Staff indicated that the study satisfied County requirements for traffic impact assessment; because the project is not expected to generate 50 peak hour trips, no additional traffic impact analysis was required. *Exhibit 1, Attachment s; Saint Testimony.*
16. The project would utilize a variety of low impact development techniques to manage stormwater runoff from newly created impervious surfaces. Natural drainage patterns would be maintained and discharges from the site would occur at the same locations as the pre-developed condition. Removal of the existing culverts between the wetlands and stream would facilitate flow between these critical areas. Roof runoff would be discharged to bioretention galleries or sheetflow to the wetland and stream buffer areas. Porous concrete is proposed for the internal road network, which is designed to allow the stormwater to be held in the road itself in order to allow infiltration. A linear bioretention facility is proposed in Tract A to handle runoff from frontage improvements to Abernethy Road. *Exhibit 1, Attachments f, u; Merritt Testimony; Exhibit 3.*
17. The subject property is in the North Thurston School District (the District) service area. Students residing in the plat would attend Pleasant Glade Elementary, Chinook Middle, and North Thurston High schools. In order to approve the subdivision, a finding must be made that there are adequate school facilities to accommodate the students generated by the subdivision. The District has provided comments indicating that its schools are over capacity at all levels and that the District lacks funds to acquire adequate property to build new schools. At the time of the comments, the District's capital facilities plan estimated the cost of providing class space for students at \$3,728 per new single-family unit. The District requested that the Applicants be required to enter into a voluntary mitigation agreement to pay impacts fees on a per-lot basis. Finally, the comments noted that provisions for safe walking conditions are required of new residential development. *Exhibit 1, Attachment k.* Resource Stewardship Staff recommended conditions of approval requiring the voluntary mitigation agreement and also a designated bus waiting area and shelter in the plat acceptable to the District, connected to the new sidewalks to ensure safe walking. *Exhibit 1, page 6; Kantas Testimony.*
18. The proposal includes a forestland conversion application, in order to clear the areas of the site intended for the proposed infrastructure and homesites. The extent of the

proposed clearing is depicted in the record at Exhibit 1, Attachment v, which shows that proposed open space Tracts B and D would be excluded from the clearing limits. The County's Forest Lands Conversion Ordinance at TCC Title 17.25 requires projects that convert forest lands to other uses to provide a tree preservation and new tree planting plan to retain existing trees or plant new trees on individual residential lots at a rate of one tree for every 4,000 square feet of lot area. Conversion projects must also preserve at least five percent of the underlying site as a tree tract. The instant proposal does not indentify a tree tract and instead notes that trees would be retained within open space tracts B and D. Planning Staff recommended a condition of approval requiring a tree tract of at least five percent of the total site to be identified on the final map. The forest practice permit and the preliminary plat application were reviewed jointly with one SEPA determination issued for the project. As proposed and conditioned, Staff submitted the position that the proposed plat would be in compliance with the standards TCC 17.25. *Exhibit 1, page 7; Exhibit 1, Attachments d, g, and v; Exhibit 3; Kantas Testimony.*

19. The Washington State Department of Ecology (Ecology) submitted comment letters in 2012 and 2014 addressing environmental review of the proposal. The comments related to standard language concerning the cleanup of any toxic or hazardous wastes discovered on-site during development and protection of the on-site surface waters from erosion during construction. *Exhibit 1, Attachments l, m, and n.*
20. The preliminary site plan, drainage plan/report, and traffic impact analysis were routed to Thurston County Public Works Development Review Section (Public Works) for review of project compliance with applicable standards. Public Works determined that all of the preliminary requirements of the County's Road Standards and Drainage Design and Erosion Control Manual could be met and recommended approval with conditions. *Exhibit 1, page 5; Exhibit 1, Attachment j; Saint Testimony.*
21. Before the hearing, Thurston County Environmental Health Department (EHD) Staff were aware of one off-site domestic well with a 100-foot sanitary control radius that extended into the northwest corner of the site in the area of proposed Lots 25 and 26. *Exhibit 1, Attachment i.* During hearing testimony, a second off-site well was revealed to exist north of proposed Lots 11, 12, 13, and 14 in the central eastern portion of the site. The well was believed to have been dug in 1939 but was not relied upon for domestic water until recently. Because a sewer main extension had been proposed north of those four lots in part of open space Tract B, the discovery of the well required redesign of some proposed project elements. The record was held open after close of hearing to allow redesign. *Ruth Giorgianni Testimony; Felly Giorgianni testimony; Sangston Testimony; Merritt Testimony; Post-Hearing Order.*
22. The Applicant submitted a revised plat map depicting the required 100-foot sanitary control radius for the newly discovered well and including a different sewer main extension route that avoided the sanitary control radius, in accordance with the post-hearing order. EHD Staff reviewed the revised materials for compliance with County health regulations and determined that the project is not expected to result in any significant impacts to ground or surface water and would not endanger public health and

welfare because: all lots would connect to municipal sewer and water; there would be no on-site sewage disposal and no new wells; adequate setback and recorded restrictive covenant would be provided on proposed Lots 25 and 26 from the domestic well off-site to the west; development of proposed Lots 11, 12, 13, and 14 would meet all applicable setbacks from an off-site well to the north and a recorded restrictive covenant would be provided; no sewer main would be extended through the 100-foot sanitary control radius of any off-site well; an integrated pest management plan would be implemented on all lots and enforced by a homeowners' association; and all existing wells and septic service on the subject property would be decommissioned and properly abandoned prior to final plat. EHD recommended approval with conditions. *Exhibits 4, 5, and 6; Exhibit 1, Attachment t.*

23. Pursuant to the State Environmental Policy Act, Thurston County acted as lead agency for review of environmental impacts of the proposal. The County issued a mitigated determination of non-significance (MDNS) on July 17, 2014. As stated in the MDNS, the County's review and threshold determination were based on information included in (but not limited to) the following documents:

- Applications submitted July 12, 2013
- Narrative summary
- Environmental Checklist submitted April 14, 2013
- Project summary
- Traffic impact analysis dated March 6, 2014
- Preliminary drainage and erosion control report, dated March 18, 2014
- Wetland delineation and mitigation report, dated revised March 18, 2014
- Integrated pest management plan
- Thurston County Health Department recommendation
- Thurston County Public Works SEPA comments
- North Thurston School District comments
- Public comment letters
- Washington State Department of Ecology comments

The MDNS identified five required mitigation for the environmental impacts of the proposal, including: inadvertent discovery procedures in the event archeological or historic materials are uncovered during site development; hours of construction activity restrictions; compliance with State noise standards; a requirement to prevent sediments from being tracked onto public roads during construction; and school capacity impact mitigation through execution of voluntary mitigation agreement. No appeals or comments were filed by the applicable deadlines and the MDNS became final on August 7, 2104. *Exhibit 1, Attachment g, MDNS; Kantas Testimony; Exhibit 1, page 3.*

24. Written notice of the public hearing was sent to all property owners within 300 feet of the site, published in The Olympian, and posted on-site on September 5, 2014. *Exhibit 1, page 3; Exhibit 1, Attachment a.*

25. After notice of application and notice of the SEPA determination were mailed to surrounding land owners, the County received three comment letters. The comments raised concerns regarding the following: whether adjacent parcels would be required to connect to municipal water and sewer; the closeness of the proposed access from Abernethy Road to the existing off-site driveway to the north; potential increased stormwater runoff; impacts to privacy for existing off-site residences; and the fact that the proposed residential development is a use that conflicts with the existing agricultural use of the adjacent property to the west, which is currently and historically been used as a horse arena. *Exhibit 1, Attachments p and r.*
26. Public comment at the hearing expressed concerns about stormwater impacts. Surrounding property owners testified that although each development along Abernethy may have complied with stormwater regulations, nevertheless each resulted in increased stormwater problems ranging from standing or flowing stormwater in the road to sheetflow onto private property. Neighbors stated the area soils are highly compacted clays that do not allow infiltration. Standing stormwater has killed trees on nearby parcels, according to testimony. Comments contradicted the characterization of the Type 5 stream on-site as seasonal, with several people asserting that it runs year round. The owner of the land adjacent to the turnaround at the end of the southern road segment expressed concern that runoff would sheet flow from the road onto her adjacent septic drainfield. The owner of the adjacent horse arena reiterated concerns about the incompatibility of the proposed residential lots with her active horse arena, which results in daily dust and draws flies. She also expressed concern that her well, adjacent to proposed Lots 24 and 25, would be harmed. Several nearby wells encountered ground water at 28 feet, but when it was not found to be good, the wells were dug deeper. The neighbor with the well to the north expressed concern that improvements in the plat would harm the row of birch trees along her driveway, which parallels the portion of Tract B north of Lots 11, 12, 13, and 14. One neighbor expressed support for the proposal. *Testimony of Dave Cloninger, Kathleen Moore, Ruth Giorgianni, Felly Giorgianni, Robert Danielsen, and Rick Graham.*
27. Regarding the incompatibility of the proposed residential subdivision with the existing horse arena use to the west, such incompatibility is regulated in the County Code at TCC 21.80.055(3). The majority of the west property boundary abuts open space Tract D, open space Tract C, and the turnaround at the dead end of the southern road segment. Planning Staff recommended a condition of approval requiring a 30-foot vegetative buffer to be maintained at the rear of all proposed residential lots adjacent to the west property boundary. This would affect four lots in the northwest corner of the site, Lots 24, 25, 26, and 27. The property line is proposed to be fenced with a six- to eight-foot solid wood fence and the 30-foot buffer would be vegetated with retained and newly planted vegetation to provides "very dense sight barrier and physical buffer to significantly separate conflicting uses" within three years. *TCC 21.80.055(3)(a).* Staff explained that the 30-foot vegetative buffer along the residential lots would be required by a note on the face of the final plat until such time as the property to the west changes to a use that is not incompatible. *Kantas Testimony; Exhibit 3; Exhibit 1, pages 7, 9, 17-18.*

28. Staff offered the following responses to public comment. Neighboring properties would not be required to connect to the public water or sewer system unless their wells or septic systems failed. The 30-foot vegetated buffer between incompatible uses would also privacy impacts to the single-family residence to the west. The site access onto Abernethy was reviewed by the Thurston County Roads Department and determined to be in compliance with Road Standards. The on-site stream was delineated by certified biologist who used to work for Department of Fish and Wildlife, and the critical areas study submitted satisfies County requirements. With conditions, prior to any grading all critical buffers would be fenced and signed. Silt fencing and erosion control would be required prior to ground disturbance. *Exhibit 1, page 7; Kantas Testimony; Sangston Testimony.*
29. Specifically regarding stormwater concerns, Public Works Staff testified that the proposed design comports with County requirements for stormwater management. The design is LID - low impact development - and is specifically promoted by the current Department of Ecology manual. Staff has had some experience with the existing stormwater issues on Abernethy and testified that the problems have resulted from projects using detention ponds to manage stormwater. The current proposal would avoid that issue. Rather than conveying runoff to a pond that discharges in the event of overflow, biofiltration facilities on-site would hold water and allow infiltration. The proposed pervious pavement creates storage capacity for runoff to allow infiltration; it would need to be maintained to preserve its infiltration capacity and this would be the responsibility of a homeowners' association or other private parties. *Saint Testimony.*
30. Regarding stormwater, the Applicants' engineer noted that the proposed stormwater management design was based newer stormwater standards which no longer look to the 50- or 100-year event but rather are based on continuous simulation modeling, which results in significantly more stringent management requirements than the previous regulations. Due to high groundwater tables and poorly draining soils, the LID proposal submitted is the only feasible stormwater option for site development. As proposed, the plat maintains much more than the minimum open space and enhances the capacity of the critical areas to address runoff. Soils on all lots and disturbed areas would be amended to a specific depth to ensure a specific amount of storage. The porous pavement would be maintained annually by a "vactor" truck contracted by the homeowners' association, consistent with manufacturer requirements. *Merritt Testimony; Exhibit 1, Attachment u.*
31. Regarding other concerns, the Applicants' representative indicated that the off-site wells would be provided with the required sanitary control radii and restrictive covenants. The roadway Tract F would be designed to send any stormwater runoff to the north into Tract D rather than to the west towards the adjacent septic drainfield. With the removal of the proposed sewer main extension from Tract B north of Lots 11, 12, 13, and 14, the only improvements proposed for that portion of Tract B are additional landscaping, which should not adversely impact the off-site birch trees. *Merritt Testimony; Exhibit 4.*

32. Considering the entire record including public comment, Resource Stewardship, Public Works, and Environmental Health Division Staff determined that the proposal - as conditioned - would comport with the requirements of the zoning and platting and subdivision ordinances, the Lacey-Thurston County Joint Comprehensive Plan, and the requirements of TCC Title 21, the Lacey Urban Growth Area Zoning Ordinance, and Thurston County roads, stormwater, and health standards. Staff recommended approval. *Kantas Testimony; Exhibit 1, pages 11-18; Saint Testimony; Exhibit 5.*

CONCLUSIONS

Jurisdiction

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

Criteria for Review

Consistent with Revised Code of Washington (RCW) 58.17.110, the preliminary plat may be approved if the record demonstrates that the following criteria in Thurston County Code 18.12.090 are 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.

Conclusions Based on Findings

1. **With conditions, appropriate provisions would be made for the public health, safety, public ways, potable water supplies, sanitary wastes, schools and school grounds and all other relevant facts.** The proposed internal road network would provide access to all lots and stubs to the north and west to provide for future connectivity; it was designed and built to County road standards. A total of 38% of the site would be set aside in open space, nearly four times the minimum required, providing active and passive recreational opportunities for residents as well as retention and enhancement of on-site critical areas and associated buffers. A condition of approval would ensure that the proposal's active recreation plan complies with applicable standards. Municipal sewer and water services would be extended to each lot. As conditioned, stormwater runoff management would be provided consistent with applicable Thurston County drainage design and erosion control requirements. School aged children would be bused to the appropriate North Thurston Public School District facilities. Conditions would ensure that sidewalks within the plat would connect to a bus waiting area, assuring safe walking for the distance that school aged children living in the plat would walk. The impacts from the proposal's new school aged residents would be mitigated through execution of a voluntary mitigation agreement. Conditions would ensure that the new lots are screened from the horse arena to the west consistent with County Code

requirements. The project's traffic would not significant impact the surrounding road network. The 100-foot protective sanitary radii of both affected off-site wells would be noted on the face of the plat and all setbacks required by County codes are satisfied in the revised proposal. *Findings 3, 5, 6, 9, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, and 32.*

2. **With conditions of approval, the public use and interest will be served by the platting of the subdivision.** The proposed density and minimum lot dimensions comport with the development standards of both the LD 3-6 zoning district. The on-site critical areas were assessed in conformance with County standards. The proposal would provide nearly an acre more buffer than the minimum required and would enhance the buffer retained by removal of manmade water channeling devices, farm roads, and invasive species from the buffer area. The wetlands and stream would continue to receive hydrology from the developed portions of the site. The proposal was reviewed for compliance with SEPA requirements and an MDNS was issued. As conditioned, the proposal complies with the Lacey-Thurston County Joint Comprehensive Plan. *Findings 4, 6, 7, 8, 9, 10, 16, 20, 23, 25, 26, 27, 28, 29, 30, 31, and 32.*
3. With a condition requiring a tree tract comprising five percent of the total site area to be called out on the face of the plat, the application for forestland conversion demonstrates compliance with the applicable provisions. *Findings 1, 2, and 18.*

DECISION

Based on the preceding findings and conclusions, the requested approvals of forestland conversion and preliminary plat subdividing 10.61 acres into 31 single-family residential lots and 4.08 acres of open space are **GRANTED** subject to the following conditions:

Public Works Conditions:

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Lacey standards and development guidelines.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
3. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.
4. 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.

5. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the applicant shall be transferred to the applicant.
6. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
7. 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.
8. Storm water runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.
9. 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).
10. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the applicant's responsibility to obtain this permit if required.
11. The proposed water and sewer system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.
12. Proposed utility work within the Thurston County Right of Way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather only items such as restoration of the County right of way and traffic control.
 - a. Placement of utilities within the County right of way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
 - b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.20' of asphalt concrete pavement.
13. In order to meet the requirements of the Road Standards, additional right of way may be required. Please have your legal representative or surveyor prepare a Quit Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right of way totals 42.5 feet of right-of-way lying West of and abutting the existing centerline of Abernathy Road NE. Upon your request, Thurston County's right-of-way representative will prepare the Quit Claim Deed describing the necessary right-of-

way dedication. Please contact the Thurston County Right-of-Way section at 360-867-2356.

14. Permanent survey control need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
15. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 360-867-2378.
16. The current owner of the subject property has an active violation on a previous project, Carrington Place – Thurston County Project #030417. Conditions of Operation and Maintenance Agreement #110506 for this plat have not been met. Conditions of the Operation and Maintenance Agreement shall be completed and the violation cleared prior to issuing construction permits for the current project (Thurston County Project #2012103035).
17. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
18. Development within the City of Lacey urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
19. 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.
20. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
21. 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.
22. 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.
23. PRIOR to construction, the applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - a. Receive an erosion and sediment control permit

- b. Have the erosion and sediment control inspected and accepted
- c. Receive a construction permit
- d. Schedule a pre-construction conference with county staff.

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

- 24. In order to satisfy the requirements of RCW 58.17.110, Thurston County must make a determination that a safe walking condition exists for students whom walk to and from school. Typically students within a one-mile radius are expected to walk if safe conditions exist. As a condition of final approval, this project shall be required to construct a safe walking route along the County right of way, from the proposed project access southerly to Pleasant Glade Elementary. This safe walking route shall be reviewed and accepted by Thurston County and the North Thurston School District prior to construction.
- 25. Prior to receiving final approval from this department, the following items shall be required:
 - a. Completion of all roads and drainage facilities.
 - a. Final inspection and completion of all punch list items.
 - b. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.
 - c. Receive and accept Engineer’s Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
 - d. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
 - e. Execute an agreement with financial security for the maintenance and operation of the right-of-way improvements in accordance with Thurston County Code 18.24.010.
 - f. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
 - g. Approval of the final plat map.
 - h. Property owners articles of incorporation and covenants in accordance with Volume I, Section 2.4.11 of the Drainage Design and Erosion Control Manual.

- i. Completion of required frontage improvements.
 - j. Completion of required signing and striping.
 - k. Payment of any required permitting fees.
 - l. Payment of any required mitigation fees.
 - m. Complete the right-of-way dedication process.
26. The final plat map shall note or delineate the following required plat notes:
- a. **ATTENTION:** Thurston County has no responsibility to build, improve, maintain or otherwise service private roads or driveways within or providing access to property described in this plat. The building, maintenance, repair, improvement, operation or servicing of the storm water facilities outside the county rights of way are the responsibility of the property owner(s).
 - b. Increased storm water runoff from the road(s), building, driveway and parking areas shall be retained on site and shall not be directed to roadway ditches adjacent to Abernathy Road NE.
 - c. If seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted.
 - d. Private roads are required to remain open at all times for emergency and public service vehicle use. Any future improvements (gates, fencing, etc.) that would not allow for “open” access will need to be approved by all applicable departments of Thurston County.
 - e. The owner and/or Homeowners Association shall be responsible to operate and maintain the streetlights until such time the property is annexed to the city.
 - f. Approval of this subdivision is conditioned upon payment of City of Lacey Traffic Mitigation Fees in the amount of \$_____ per lot. This fee increases on July 1 of each year in accordance with the increase in the Engineering News Record Construction Cost Index and the amount is determined at the date of payment. Payment is required prior to the issuance of a water meter for those lots served by the Lacey Water Utility and prior to building permit issuance for those lots not served by such Utility.
 - g. This plat is subject to storm water maintenance agreement recorded under auditor’s file no._____.

- h. Easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on the plat for subdivision_____ including unrestricted access for Thurston County staff to any and all storm water system features for the purpose of routine inspections and/or performing maintenance, repair and/or retrofit as may become necessary. No encroachment will be placed within the easements shown on the plat which may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the Property Owners' Association as established by covenant recorded under Auditor's file number _____.
- i. The property described herein is required to accommodate storm water runoff from frontage improvements to Abernathy Road NE and all natural tributary areas abutting said property.
- j. Maintenance of the required landscaping and vegetated drainage facilities within the public right of way is the sole responsibility of the property owners within this subdivision. Thurston County has no responsibility to maintain or service the said landscaping.
- k. Provide language on the plat describing the drainage design requirements for runoff from buildings and parking surfaces for individual building lots (drywell design/sizing storm drain connection points, etc.).
- l. Delineate the access restrictions by showing a "no access" strip, written and hatched, between the County approved access points along the frontage of Abernathy Road NE on the final plat map.
- m. Please clearly label all public and private roads.

Health Conditions:

- 27. Prior to final plat submittal, City of Lacey sanitary sewer must be extended to and through the project and written confirmation of final sewer extension approval from the City of Lacey must be provided to this office.
- 28. Prior to final plat submittal, City of Lacey water service must be extended to and through this project and written confirmation of final water extension approval from the City of Olympia must be provided to this office prior to final plat approval.
- 29. Prior to final plat submittal, the existing well on this property must be decommissioned by a licensed well driller per Washington State Department of Ecology standards. Copies of the well drillers' decommissioning reports (well logs) must be submitted to this office.
- 30. Prior to final plat submittal, a copy of a signed, notarized, and recorded restrictive covenant form (non-public) must be submitted for the off-site well to the west of Lots 24 and 25.

31. Prior to final plat submittal, a copy of a signed, notarized, and recorded restrictive covenant form (non-public) must be submitted for the off-site well to the north of Lots 11, 12, 13, and 14.
32. The existing off-site wells along with their 100-foot protective radii that overlap the property lines of this development shall be shown on the final recorded map.
33. Prior to final plat submittal, the existing on-site sewage systems on this property must be abandoned per Article IV of the Thurston County Sanitary Code. Abandonment permits are required and all abandonment records must be submitted to this office.
34. An Integrated Pest Management Plan (IPMP) has been developed for the homeowners of this development. Prior to final plat approval a proposal for the method of distribution for the IPMP to future property owners must be submitted to this office. The method of distribution must be accepted by this office prior to final plat approval. (Generally this is accomplished by including the IPMP into the subdivision covenants).
35. The following note to future property owners must be placed on the final subdivision map: The development has been approved for public water and sanitary sewer utilities with City of Lacey to provide the utility service.

Planning Conditions:

34. All development shall comply with all conditions of the Mitigated Determination of Non-Significance dated April 10, 2012 (Attachment g).
35. Street addresses, lot size and dimensions for each lot shall be shown on the final map.
36. The final design of this subdivision and future development of lots shall conform with all minimum standards of the Zoning Ordinance (i.e. lot size, lot dimension, setbacks, maximum building height, etc.) and the Platting and Subdivision Ordinance.
37. All open space, landscaping, and tree preservation shall comply with:
 - A. New trees on individual residential lots shall be planted at a rate of one (1) tree for every four thousand (4,000) square feet of lot area at the time of building permit application.
 - B. A tree tract containing a minimum of 5% of the total site shall be identified on the final map.
 - C. Prior to final plat submittal the Applicants shall submit a landscape plan designed by a landscape architect for review and approval. The landscape plan shall be in compliance with TCC 18.47.040(B), 21.13.070, and 21.80. The landscape plan shall incorporate the plantings within the wetland and stream buffer mitigation areas. The landscape plan shall also include the incompatible use landscape

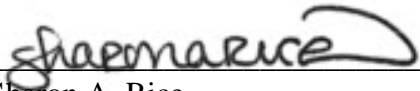
requirements of TCC 21.80.055 for Lots 24-27.

- D. The final plat map shall delineate the incompatible land use landscape buffer along the western portion of the property and specify that the landscaping within this area shall not be removed or disturbed until the incompatibility of the western adjacent property is no longer applicable.
38. Prior to final plat approval, the Applicants shall submit evidence to the Resource Stewardship Department that adequate capacity exists in affected North Thurston School District schools or that the applicant has entered into an agreement with the North Thurston School District to mitigate the impact the plat will have on the district schools. If the agreement requires payment of mitigation fees or other actions after the final plat is recorded then such conditions shall be noted on the final plat map.
39. The following notes shall be shown on the final plat map:
- A. This subdivision was reviewed and approved based on standards and allowances of the Low Density Residential District (LD 3-6) (TCC 21.13).
 - B. New trees on individual residential lots shall be planted at a rate of one tree for every 4,000 square feet of lot area at the time of building permit application.
 - C. Due to the importance of wetlands for wildlife habitat, pollution control, ground water recharge, and flood water control, no clearing, filling, grading, cutting, landscaping, or any other construction activities are allowed in the wetland or it associated buffer without further review by Thurston County Resource Stewardship Land Use & Environmental Review Department.
 - D. The incompatible land use landscaped buffer requirements of Lots 24-27 shall be maintained until the adjacent west property is developed into a use that is not considered incompatible per TCC 21.80.055.
 - E. The final map shall contain any other notes as required by the various commenting agencies.
40. Prior to final plat submittal the Applicants shall submit a wetland and stream signage plan for review and approval in accordance with TCC 17.15.995.
41. Orange construction fencing shall be installed prior to any clearing, grading or construction and shall be maintained throughout the entire construction process as to prevent disturbance of the critical area(s) and their associated buffer.
42. In order to prevent disturbance of the wetland and stream buffers, silt fencing or straw shall be in place prior to any clearing, grading or construction and throughout the entire construction process. The erosion control shall be installed as per The Thurston County

Drainage Design & Erosion Control Manual. Erosion control measures such as this are to prevent soil from being carried into surface water by stormwater runoff.

43. Prior to final plat approval, the applicant shall meet with the North Thurston School District personnel to locate an acceptable bus waiting area(s), make any necessary improvements for the waiting area(s), and show the waiting area(s) on the final plat map. A bus shelter shall be provided at the designated bus waiting area(s).
44. All development on the site shall be in substantial compliance with the approved plat. Any alteration of this site plan will require approval of a new or amended plat. The Planning and Environmental Section will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED October 13, 2014.



Sharon A. Rice
Thurston County Hearing Examiner

NOTE: Pursuant to TCC 22.62.020(C)10, affected property owners may request a change in valuation for property tax purposes.

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 Resource Stewardship 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 **\$638.00** for a Request for Reconsideration or **\$846.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Permit Assistance 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 \$638.00 for Reconsideration or \$846.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Resource Stewardship Department this _____ day of _____, 20___.