



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. 2013103455
	)	
	)	
<b>Norman Pfaff on behalf of</b>	)	
<b>Littlerock Fire District No. 11</b>	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
For a Reasonable Use Exception	)	
_____	)	

**SUMMARY OF DECISION**

A reasonable use exception to allow the remodel and slight expansion of an existing legally nonconforming fire station in a high ground water hazard area is **APPROVED**, subject to conditions.

**SUMMARY OF RECORD**

Request

Norman Pfaff, on behalf of Littlerock Fire District No. 11 (Applicant), requested approval of a reasonable use exception to allow the remodel and slight expansion of an existing legally nonconforming fire station in a high ground water hazard area regulated by the Thurston County critical areas ordinance.

Hearing Date

The Thurston County Hearing Examiner held an open record public hearing on the request on January 21, 2014.

Testimony

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

- Robert Smith, Senior Planner, Resource Stewardship Department
- Brad Sangston, Environmental Health Division
- Arthur Saint, P.E., Public Works Development Review
- Norm Pfaff, Applicant
- Chief Russ Kaleiwahea
- Heather Highmiller

Darrel Hirschhorn  
Paul Eddy  
David Peeler  
Kathy Cyberth Hirschhorn

Joseph Quinn, Attorney, both testified on behalf of and represented the Applicant.

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Exhibits

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

EXHIBIT 1 Land Use and Environmental Review Section Report, dated January 21, 2014,  
with the following Attachments:

- Attachment a Notice of Public Hearing
- Attachment b Zoning/Site Map
- Attachment c Master Application, received July 18, 2013
- Attachment d Reasonable Use Exception Application, received July 18, 2013
- Attachment e Supplemental Application letter, Joseph F Quinn, dated October 28, 2013
- Attachment f Site Plan, received November 5, 2013
- Attachment g Landscape Plan, Pfaff Architects, dated April 2012
- Attachment h November 25, 2013 Comment Memorandum from Brad Sangston, Thurston County Public Health and Social Services Department
- Attachment i July 29, 2013 Comment Memorandum from Kevin Chambers, Thurston County Public Works Department
- Attachment j August 8, 2013 Comment Letter from the Washington State Department of Ecology
- Attachment k Comment from Tim Rubert, Thurston County Floodplain Administrator, undated
- Attachment l Comment Letter from Heather Highmiller, dated October 15, 2013

- Attachment m Comment Letter from Scott Lake Maintenance Co., dated October 16, 2013
- Attachment n Comment Letter from De'Anna Reiten, dated October 25, 2013
- Attachment o Comment Letter from Arthur Wallace, Leona Wallace, Terry Bede, et al, dated October 25, 2013
- Attachment p Comment Letter from Kathleen Joyce Stenfield, dated October 28, 2013

EXHIBIT 2 11x 17 Site plan

EXHIBIT 3 11 x 17 landscape plan

EXHIBIT 4 8.5 x 11 color copy of photograph of posted hearing notice

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the Hearing Examiner enters the following findings and conclusions:

### FINDINGS

1. The Applicant requested approval of a reasonable use exception (RUEX) to allow the remodel and slight expansion of an existing legally nonconforming fire station in a high ground water hazard area. The subject property is addressed as 2640 Trevue Avenue SW, Olympia, Washington.<sup>1</sup> *Exhibit 1, Attachments b, c, and d.*
2. A portion of the property is encumbered by a high groundwater hazard area, subjecting site development to the requirements of the Thurston County critical areas ordinance (CAO), Title 24 Thurston County Code (TCC). *Exhibit 1, page 2; Exhibit 2.* The CAO establishes a “no development zone” extending 50 feet measured on a horizontal plane from the outer edge of the high groundwater hazard area or extending to a ground elevation two feet vertically above the base flood elevation, whichever is smaller. As one would expect from the name, the CAO prohibits development, including public facilities, and most types of fill in the no development zone. *TCC 24.20.020 ; TCC Table 24.20-1.* Virtually the entire subject property is encumbered by the no development zone. *Exhibit 1, page 4.*
3. The application was submitted on July 18, 2013. Its review was conducted pursuant to Title 24 of the Thurston County Code (TCC), the critical areas ordinance in effect at the time of application. *Exhibit 1, Attachments c and d; Exhibit 1, page 3.*

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<sup>1</sup> The property's legal description is: Lot 12A, Block 5 of Scott Lake, Division 2 subdivision; also known as Tax Parcel No. 72760501201. *Exhibit 1, page 1.*

4. Expansion of non-conforming structures and alterations within existing footprints of non-conforming structures where the value of the structure would increase by more than 50% and critical areas would be affected are prohibited. *TCC 24.50.020; 24.50.030.* According to the application, the remodeled fire station would exceed 50% of the appraised value of the existing use. *Exhibit 1, Attachment d; Exhibit 1, pages 2, 3.*
5. The subject property has a Residential LAMIRD- Two Dwelling Units Per Acre (RL 2/1) zoning designation. *Exhibit 1, page 2.* Primary permitted uses in this zoning district include single-family residences, duplexes, and agriculture. Public facilities, including fire stations, are permitted in the RL 2/1 zone through the special use permit process. *TCC 20.13A.020.*
6. The 0.35-acre subject property is a lot in a residential subdivision in the Scott Lake community, east of Interstate 5 and west of Scott Lake. Parcels to the east and south are developed with single-family residential uses. To the west and north is a community open space recreation tract. *Exhibit 1, page 2; Exhibit 1, Attachment b.*
7. The existing unmanned fire station was built on-site in the 1970s. It operates as an essential public facility owned by the West Thurston Regional Fire Authority<sup>2</sup> providing the public with fire and emergency medical services. Existing site improvements include the fire station, an asphalt driveway, asphalt and graveled parking areas, and an emergency generator on a concrete slab adjacent to the rear of the northeast corner of the structure. The site is accessed by an existing driveway onto Trevue Avenue SW. Portions of the north and west site boundaries are vegetated. The existing fire station receives domestic water service from the Scott Lake community water system and is served by an on-site septic system with a drainfield located in an easement off-site. *Exhibit 1, page 2; Exhibit 2; Exhibit 1, Attachment e; Quinn Comments; Kaleiwahea Testimony.*
8. The base flood elevation for the on-site high groundwater hazard area is 192 feet. *Exhibit 1, Attachment k.* The floor of the existing fire station is less than 50 feet from the outer edge of the high groundwater hazard area and is situated at approximately 192.25 feet; therefore it is located within the no development zone. *Exhibit 1, pages 2-4; Exhibit 2.* The fire station predates adoption of the zoning and critical areas ordinances and is considered a legally non-conforming use pursuant to TCC Titles 20.56 and 24.50. *Exhibit 1, page 3.*
9. The proposal calls for remodeling and updating the fire station within its existing footprint to better accommodate modern emergency equipment and to house fire fighters on-site in order to improve response times. A slight expansion of the footprint is proposed as follows: an existing concrete pad at the rear northwest corner of the structure is proposed to be enlarged to 153 square feet to accommodate a new emergency generator, and a new 148 square foot concrete pad would be added to the rear northeast

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<sup>2</sup> After application and before the public hearing, Fire Districts No. 1 and No. 11 merged into the West Thurston Regional Fire Authority. *Quinn Comments.*

corner of the building to support HVAC units. The old generator would be removed from the location of the proposed HVAC units. The proposal would raise the floor elevation of the remodeled fire station approximately two feet above the base flood elevation. *Exhibit 1, pages 2; Pfaff Testimony.*

10. The remodel of the existing structure would occur within the no development zone, which acts as a setback from the high ground water hazard area. The expansion of the concrete slab at the northwest rear of the fire station for placement of an emergency generator would cause site improvements to extend approximately 76 square feet into the high ground water hazard area proper. The new concrete pad at the northeast rear corner of the building would result in 148 square feet of intrusion into the no development zone. Together, these site improvements at ground level would result in approximately one cubic yard of fill in the critical area. *Exhibit 1, page 4; Exhibit 2.*
11. In order to mitigate the proposed one cubic yard of fill within the critical area, the Applicant's landscape plan proposes to excavate six cubic yards of existing gravel fill on the west side of the building to provide additional flood storage capacity on-site. The landscape plan also calls for planting trees, shrubs, and groundcover and maintenance of the drainage ditch along the site frontage. *Exhibit 1, pages 2, 4; Exhibit 3.*
12. The existing on-site septic system was placed prior to the County's adoption of regulations protecting high ground water hazard areas. It is considered legally non-conforming because it would not be approved for its current placement if proposed today. High ground water hazard areas are considered surface waters for septic design purposes. The proposal would replace the existing drainfield with a Glendon Biofilter system, which would improve effluent treatment and reduce potential impacts to ground water. *Exhibit 1, Attachment h; Sangston Testimony.*
13. There is no documented presence of any plant or animal species of concern on or near the subject property. *Exhibit 1, page 5; Smith Testimony.* While the subject property has experienced periods of high groundwater, the existing fire station has never flooded or caused adjacent properties to flood. *Kaleiwahea Testimony; Darrel Hirschhorn Testimony.*
14. Virtually the entire property lies within the no development zone for the high groundwater hazard area. Residential development is prohibited within this area. The site is too small to be profitably used for agriculture. Aside from the legally non-conforming public facility, no other productive use of the property exists. *Exhibit 1, page 4; Exhibit 1, Attachment E; Smith Testimony.*
15. The fire station is required to provide disaster relief to area residents; as such it must be able to provide services during power outages. The emergency generator is an essential part of the facility and is part of the existing use of the property for the fire station. The proposed generator pad location, which would intrude into the high ground water hazard area by 76 square feet, was selected because it provides the shortest distance between the

fire station and the community building where the public would be served in case of disaster. *Exhibit 1, page 4; Pfaff Testimony.*

16. The infrastructure of the existing fire station is nearing the end of useful life. The building itself is old with internal leaks and rust. The overhead doors are obsolete because they are too small for modern emergency equipment. In its current condition, the site is only useful as an apparatus staging location. Volunteers arrive, pick up vehicles, and respond to calls. Response time goals not met by the current station. In 2005, Thurston County approved a bond authorizing construction of new or remodel of various existing stations for the purpose of improving response times. The surrounding area is characterized by semi-suburban residential development and fully 10% of emergency call volume comes from one square mile surrounding the existing station in which there are 600 homes. The Applicant's public safety mission requires a manned station in the area. The proposal would add quarters for fire fighters, which would cut a couple minutes off of response times by allowing an engine and aid unit to be perpetually ready. *Pfaff Testimony; Kaleiwahea Testimony.*
17. Representatives for the Applicant indicated that all possible alternatives to the proposed RUEX were considered. They considered surplussing the subject property and using it for non-emergency response purposes, such as storage or office space, or selling it. However, either choice would require building a new station on another parcel in the area. The subject property would not be approved for new residential development due to the critical area, meaning that selling it could prove to be impossible. The present site location is central in the service area and the Applicant needs to remain in the vicinity to provide appropriate response times to local residents. Soils on available parcels in the surrounding Scott Lake area do not support development of a new site for use. Additionally, funding a facility would be a problem despite the bond; new fire stations can cost millions of dollars. *Quinn Comments; Pfaff Testimony; Kaleiwahea Testimony.*
18. In designing the instant proposal, the Applicant took all possible steps to minimize impacts to the critical area and to prevent adverse impacts to adjacent parcels. The proposed expansion into regulated areas has been minimized to the maximum extent possible. In excavating six cubic yards of material to create flood storage capacity, raising the floor elevation of the remodeled structure, and enhancing septic treatment, the proposal would reduce impacts to the critical area over the existing condition. *Exhibit 1, Attachment e; Quinn Comments.*
19. Planning Staff submitted the position that the amount of fill in the critical area appears very minor and is adequately mitigated by the proposal. Staff also indicated that the proposed improvements to the fire station are not expected to result in harm to other properties or threat to the public health, safety and welfare, but rather are anticipated to improve response times and benefit the public health and safety. *Exhibit 1, page 4; Smith Testimony.*

20. Thurston County Public Health and Social Services Environmental Health Division (EHD) reviewed the proposed RUEX application and determined that the proposed site plan substantially matches the septic design for the site, which has been approved. EHD Staff indicated that the approved Glendon Biofilter provides the highest level of septic treatment and that the proposal meets all requirements for setback to surface waters. EHD recommended approval of the project . *Exhibit 1, pages 5-6; Exhibit 1, Attachment h; Sangston Testimony.*
21. The Thurston County Public Works Development Review Section reviewed the application and site plan for compliance with applicable road standards and drainage design requirements. Public Works Staff recommended approval. *Exhibit 1, page 6; Exhibit 1, Attachment i.*
22. DOE submitted comments relating to toxics clean up, should any contaminated soils be discovered during site work. The state agency's comments did not include concerns about the proposed development of the site. *Exhibit 1, Attachment j.*
23. Notice of public hearing was sent to all property owners within 500 feet of the site on January 3, 2014. Hearing notice was published in The Olympian on January 10, 2014 posted on-site on January 10, 2014, ten days prior to the hearing. *Exhibit 1, Attachment a; Exhibit 1, page 2.*
24. The County received five written public comments critiquing the County's review process but not objecting to the proposed project. Four of the letters expressed support for the proposal and impatience for its completion. *Exhibit 1, Attachments l, m, n, and o.* The fifth letter questioned the need for a fire station but did not reference any failure of the proposed to satisfy the criteria for reasonable use exception approval. *Exhibit 1, Attachment p.* At hearing, members of the public reiterated a sense of urgency for completion of the proposed remodel in order to have the manned fire station up and running as soon as possible. The existing fire station is a longstanding public facility, which the residents of the Scott Lake community have relied on for emergency services. Area residents have worked with the Thurston County Conservation District to clean out blockages on Allen Creek, through which Scott Lake drains. These efforts have already improved groundwater flooding conditions in the area and are expected to continue to improve them over time, meaning the high ground water hazard would be lessened. *Testimony of Heather Highmiller, Darrel Hirschorn, Paul Eddy, David Peeler, and Kathy Cyberth Hirschorn.*
25. Considering all documents and testimony in the record, Resource Stewardship Staff affirmed its recommendation for approval of the RUEX. *Smith Testimony.* The Applicant waived objection to the recommended conditions of approval. *Quinn Comments.*

## CONCLUSIONS

### Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for reasonable use exception pursuant Chapters 2.06, 24.05, and 24.45 of the Thurston County Code.

### Criteria for Review

Pursuant to TCC 24.45.030, a reasonable use exception shall be approved if the following specific findings can be made:

1. No other reasonable use of the property as a whole is permitted by this title; and
2. 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
3. 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
4. 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
5. 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
6. 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
7. The reasonable use shall not result in the unmitigated adverse impacts to species of concern; and
8. The location and scale of existing development on surrounding properties shall not be the sole basis for granting or determining a reasonable use exception.

### Applicable Provisions

TCC 24.50.030 Alteration, expansion, repair, and maintenance—Frequently flooded areas. Repair, maintenance, alteration, or expansion of a lawfully established nonconforming structure in frequently flooded areas shall only be allowed in ...a high groundwater hazard area no development zone (NDZ) when consistent with all of the following:



- A. Alteration Within Existing Footprint. Alteration, repair, and maintenance of a legally established nonconforming structure are allowed within the existing building footprint (outside wall at the foundation) including attached decks, porches, and patios. However, within the floodway, repair, maintenance, alteration, expansion or improvements to a structure shall not increase the ground floor area, and the cost of repairs shall not exceed fifty percent of the structure's market value as determined by an accredited appraisal or the Assessor's valuation, at the owner's option. The value shall be determined based on the value of the structure either before the repair, maintenance, alteration, or expansion is started, or if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes or to structures identified as historic buildings is not subject to the value limit above. The cumulative value of all past known alterations, repairs, and expansions conducted on or after the effective date of the ordinance codified in this title shall be included when determining the cost of a proposed project;
- B. Vertical Addition. Expansion of the nonconforming portion of a structure (i.e., the portion of the structure in the critical area) is prohibited with the exception of vertical additions consistent with applicable height regulations in the zoning district and the value limits specified in subsection (A) of this section. However, such additions shall not be cantilevered to extend beyond the existing structure's footprint into a flood or channel migration hazard area;
- C. Enclosing Decks, Porches, and Patios. Enclosing legally established nonconforming decks, porches, or patios for use as livable space is not permitted, unless the deck, porch, or patio is already covered by an existing, permitted, permanent roof structure, as determined by the approval authority consistent with the value limits specified in subsection (A) of this section; and
- D. Expansion of Conforming Portions of the Structure. If only a portion of the structure is nonconforming, expansion of the conforming portion of the structure is permitted provided the expansion does not extend into the critical area consistent with Chapter 14.38 TCC.

#### Conclusions Based on Findings

1. The subject property is a single-family lot in a residential subdivision. Almost the entire parcel is encumbered by the no development zone associated with the on-site high ground water hazard area. Therefore, a single-family residence or duplex could not be built on-site. The parcel is too small for productive agricultural use. No other reasonable use of the property as a whole, aside from ongoing use as an essential public facility, is permitted by the critical areas ordinance. *Findings 2, 6, and 14.*
2. The Applicant investigated many alternatives to the instant proposal, including abandonment of the existing fire station. The final proposal incorporates several layers of mitigation designed to reduce impacts to the high ground water hazard

area from the existing station and minimize any impacts from the proposed remodel and expansion. The fire station is needed in the Scott Lake community. Due to area soils and to financial obstacles, a new station cannot feasibly be built elsewhere in the service area. The proposed 76 square feet of encroachment into the high ground water flood hazard area and 148 square feet of encroachment into the no development zone are the only expansions involved in the proposal and they are the minimum necessary to retain the site as a viable fire station. *Findings 2, 9, 10, 15, 16, 17, and 18.*

3. The existing fire station has not resulted in flood damage to surrounding properties and has not itself been damaged by flooding. With the proposed mitigations, the proposal would enhance the public health, safety or welfare by improving emergency response times. *Findings 7, 9, 11, 12, and 13.*
4. The proposal would add approximately 76 square feet of encroachment into the high ground water hazard area for the emergency generator pad and approximately 148 feet of encroachment into the no development zone for the HVAC pad. The emergency generator must be placed as proposed in order to provide backup power to the community building to serve residents in a disaster. The record supports the conclusion that the instant proposal represents the minimum encroachment into the critical area necessary to allow ongoing use of the site as an essential public facility. *Findings 10, 15, 16, 17, 18, and 19.*
5. There is no evidence that the proposal would result in any adverse impacts to vegetation, fish and wildlife, or geologic or hydrologic conditions on-site. As proposed, additional flood storage capacity would be created, the existing structure would be raised two feet above the flood elevation, and improved septic treatment would reduce the possibility of contamination of ground or surface waters. *Findings 9, 10, 11, 12, 13, 20, and 21.*
6. The proposal adequately mitigates the one cubic yard of fill to be placed in the regulated areas by creating six cubic yards of additional flood storage capacity and by lifting the floor of the structure two feet above the flood elevation. *Findings 9, 10, and 11.*
7. There are no species of concern on or near the subject property. *Finding 13.*
8. The application demonstrates adequate bases for the proposal other than the location and scale of surrounding development, specifically the need for a manned station and updated facilities in order to improve response times. *Findings 15, 16, 17, 18, 24, and 25.*

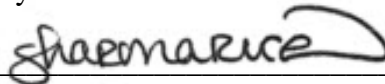
## DECISION

Based on the foregoing findings and conclusions, the reasonable use exception to allow the remodel and slight expansion of an existing legally nonconforming fire station within a regulated high ground water hazard area is **APPROVED** subject to the following conditions:

- A. Prior to or in conjunction with the issuance of any building permit, all applicable regulations and requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshal and Thurston County Resource Stewardship Department shall be met.
- B. All additional permits required for this project will need to meet the applicable edition of the Thurston County Road Standards and the Drainage Design and Erosion Control Manual at the time of application.
- C. If contamination is currently known or suspected during construction, testing of potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by testing, The Washington State Department of Ecology must be notified [Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300].

**DECIDED** February 4, 2014.

By:



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Sharon A. Rice  
Thurston County Hearing Examiner



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

**NOTE:** THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.\* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

**A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)**

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

**B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)**

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the 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.



<b>Project No.</b> _____ <b>Appeal Sequence No.:</b> _____
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Check here for: RECONSIDERATION OF HEARING EXAMINER DECISION

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

Check here for: APPEAL OF HEARING EXAMINER DECISION

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW \_\_\_\_\_  
 on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, as an APPELLANT in the matter of a Hearing Examiner's decision rendered on \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ relating to \_\_\_\_\_

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance \_\_\_\_\_
2. Platting and Subdivision Ordinance \_\_\_\_\_
3. Comprehensive Plan \_\_\_\_\_
4. Critical Areas Ordinance \_\_\_\_\_
5. Shoreline Master Program \_\_\_\_\_
6. Other: \_\_\_\_\_

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

**STANDING**

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

\_\_\_\_\_  
 APPELLANT NAME PRINTED

\_\_\_\_\_  
 SIGNATURE OF APPELLANT

Address \_\_\_\_\_

Phone \_\_\_\_\_

**Please do not write below - for Staff Use Only:**

Fee of  \$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\_\_\_.