



COUNTY COMMISSIONERS

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 District One
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 District Two
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 District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE THURSTON COUNTY
 HEARING EXAMINER**

In the Matter of the Application of)	NO. 2013105757
)	
)	
Jeff Nejedly and Maribeth Duffy)	
)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For a Reasonable Use Exception)	
_____)	

SUMMARY OF DECISION

The requested reasonable use exception to construct a single-family residence within a 250-foot marine riparian habitat buffer, a 220-foot estuarine wetland buffer, and a 150-foot stream buffer at 8543 Evergreen Drive NE in unincorporated Olympia, Washington is **APPROVED**, subject to conditions.

SUMMARY OF RECORD

Request

Jeff Nejedly and Maribeth Duffy (Applicants) requested approval of a reasonable use exception to construct a single-family residence within a 250-foot marine riparian habitat buffer, a 220-foot estuarine wetland buffer, and a 150-foot stream buffer at 8543 Evergreen Drive NE, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner held an open record public hearing on the request on June 16, 2014.

Testimony

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

- Scott McCormick, Resource Stewardship, Associate Planner
- Brad Sangston, Environmental Health Division
- Arthur Saint, P.E., Public Works
- Jeff Nejedly, Applicant

Exhibits

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

- Exhibit 1 Resource Stewardship Department Report including the following attachments:
- Attachment a Notice of Public Hearing
 - Attachment b Zoning Map
 - Attachment c Master Application, received December 30, 2013
 - Attachment d Reasonable Use Exception Application, received December 30, 2013
 - Attachment e Reasonable Use Exception Narrative - received December 30, 2013
 - Attachment f Site Plan received December 30, 2013
 - Attachment g-1 Notice of Application dated May 15, 2014
 - Attachment g-2 Adjacent Property Owners (APO) list dated May 1, 2014
 - Attachment h-1 Critical Area Review letter from Skillings Connolly dated December 20, 2013.
 - Attachment h-2 Wetland Rating Form by Skillings Connolly received December 30, 2013
 - Attachment i Memorandum from Brad Sangston, TC Public Health and Social Services dated February 24, 2014
 - Attachment j Letter from Brad Sangston, TC Public Health and Social Services dated October 28, 2013
 - Attachment k Memorandum from Kevin Chambers, TC Public Works, dated January 28, 2014
 - Attachment l Letter from the WA State Department of Ecology dated January 17, 2014
 - Attachment m Letter from Thurston County Resource Stewardship dated February 26, 2013.

- Exhibit 2 Bracy & Thomas survey of the site, prepared December 12, 2012
- Exhibit 3 Color copies of photographs of posted notice of hearing on-site taken by Resource Stewardship Staff
- Exhibit 4 Larson comment, dated June 16, 2014
- Exhibit 5 Applicant response to Larson comment, submitted June 18, 2014
- Exhibit 6 Scott McCormick response to Larson comment, submitted June 20, 2014

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 Applicants requested approval of a reasonable use exception (RUEX) to construct a single-family residence within a 250-foot marine riparian habitat buffer, a 220-foot estuarine wetland buffer, and a 150-foot stream buffer at 8543 Evergreen Drive NE in unincorporated Olympia, Washington.¹ The site has a Conservancy Shoreline Environment designation pursuant to the Shoreline Master Program for the Thurston Region (SMPTR). *Exhibit 1, pages 2-4; Exhibit 1, Attachments b, c, d, e, and f.*
2. The 2.94-acre parcel is located on Dana Passage of the Puget Sound. It is Lot 23 of the Dana Shores subdivision. It has never been developed. Vegetation on the property consists of native, mature typical Douglas fir dominant understory plant communities, including Sword fern, salal, huckleberry, mushrooms, and other fungi. Site topography is not uniform, with an average slope estimated to be 30%. The area is not mapped as a landslide hazard area based on Thurston County Geodata and the Washington State Coastal Zone Atlas. There is a steep marine bluff along the northern side of the property. Development is proposed to occur as far as possible from any potential landslide or geological hazards and there would be no encroachment into related buffers or building setbacks. *Exhibit 1, pages 2, 5-6.*
3. Several applications for site development and septic design have been submitted for the parcel since 1986; however, none were approved and/or built. Prior to July 2012, the Conservancy shoreline buffer was 100-feet. However, when the CAO was updated in July 2012, the buffer became 250 feet with an additional 50-foot riparian management zone. *TCC 24.25.040*. The Applicant submitted an application for a septic system and building site in January 2013 with a site plan that placed the home site and septic system less than 100-feet from the shoreline. The Applicants were informed of the requirements of the amended CAO and submitted the current proposal on December 30, 2013. The

¹ The legal description of the subject property is a portion of Section 7, T. 19, R 1W. DANA SHORES # 2 LOT 23; also known as Tax Parcel No. 43620002300. *Exhibit 1, page 2.*

application was complete on January 28, 2014. *Exhibit 1, page 4; McCormick Testimony.*

4. A lagoon or estuary known as Big Fish Trap is located just off-site. The shoreline of the site contains an estuarine wetland associated with the estuary along the northern boundary. A stream bisecting the subject property feeds the estuary. These three features - the Puget Sound shoreline, the estuarine wetland, and the stream, are all protected by the Thurston County critical areas ordinance (CAO), which requires buffers as follows. The marine shoreline is designated as a marine riparian habitat area (categorized under "fish and wildlife habitat conservation area") that requires a buffer of 250 feet. *Thurston County Code (TCC) 24.25.050*. The estuarine wetland requires a 220-foot buffer. *TCC 24.30.045, Table 24.30-1*. The seasonal stream (also a "fish and wildlife habitat conservation area"), less than five feet wide, requires a 150-foot buffer. *TCC 24.25.020, table 24.25-1*. The wetland and stream buffers overlay the 250-foot marine riparian habitat buffer. As a result of the locations of the critical areas and the overlapping buffers, the entire property is encumbered by unbuildable buffer area. *Exhibit 1, pages 2, 8; Exhibit 1, Attachments d, e, and f.*
5. The subject property is zoned Residential LAMIRD - One Dwelling Unit Per Acre (RL 1/1). *Exhibit 1, page 4*. The purposes of the zone include establishing a district with limited areas of more intensive rural residential development at a density of approximately one dwelling unit per acre and providing for infill residential development at a maximum density of one dwelling unit per acre, consistent with the development pattern established before July 1, 1990. *TCC 20.11A.010*. Single-family residences are a permitted use in the RL 1/1 zone. *TCC 20.11A.020*.
6. The Applicants propose to locate the residence within a 4,000 square foot building envelope near the southeast property boundary at Evergreen Drive. The proposed combined impervious surface, including residence, garage, decks, and patios would be approximately 2,600 square feet. The estimated volume of cut is 400 cubic yards, either to be removed or used as needed for backfill. Fill associated with construction is estimated at 50 cubic yards. Domestic water and power would extend to the residence in a trench from Evergreen Drive. As proposed, additional native landscaping would be added in an area extending no more than 15 feet outside the building envelope. All other existing vegetation on the property would be retained except for that impacted by septic installation. *Exhibit 1, pages 2-3; Exhibit 1, Attachments d, e, and f.*
7. Soils near Evergreen Drive were found not to be suitable for septic treatment. The on-site septic system and reserve area are proposed north (shoreward) of the building envelope, where septic-appropriate soils were found. The septic line would have to cross the small stream. The proposal is to trench through the stream and locate the two-inch septic line below the stream in a four-inch sleeve, which would be pressure grouted through the area of the stream to protect the septic line from damage and to prevent effluent from entering the stream in the event of septic line leak. The Thurston County Environmental Health Division has approved the proposed on-site septic system design. *Exhibit 1, pages 2-3; Exhibit 1, Attachment i; Sangston Testimony.*

8. In support of the application, the Applicants submitted a professionally prepared critical areas review, dated December 20, 2013. The on-site wetland is associated with Big Fish Trap estuary. As an estuarine wetland, it requires a 220-foot buffer. The stream, which feeds the estuary, flows northerly through the subject property, bisecting it. It was determined to be a Type 5 non-fish bearing seasonal stream. The critical areas review noted that the area along the stream is currently degraded by the presence of English ivy on the mature evergreen trees, which is outcompeting the native shrub understory. Resource Stewardship Staff reviewed the critical areas study and concurred with its findings. *Exhibit 1, page 3; Exhibit 1, Attachment h; McCormick Testimony.*
9. Resource Stewardship Staff recommended removal of English ivy from at least 10 or more of the larger trees as mitigation for the unavoidable impacts to the stream and associated buffer. Additionally, Staff's recommended condition would require the Applicants to provide a detailed replanting/restoration plan for disturbed areas prior to building permit issuance and completion of the restoration prior to final occupancy approval. *Exhibit 1, pages 9-10.*
10. The proposed residence would be located as far as possible from all critical areas on-site, including the steep marine slopes. The proposed location and design would minimize development impacts to the wetland and steep slopes due to the distance to vegetation removal and storm water runoff concentration. Of the on-site critical areas, the stream would be most impacted, with its buffer reduced the most (an approximately 66% reduction). Resource Stewardship Staff noted that the small seasonal stream contains no fish and submitted the position that the buffer reduction would not result in significant water quality impacts. Staff asserted that English ivy removal would improve the riparian corridor sufficiently to off-set unavoidable impacts. *Exhibit 1, pages 6, 8; McCormick Testimony; Exhibit 1, Attachment f.*
11. The size of the subject property is 2.94 acres, significantly exceeding the minimum lot size of one acre required by the RL 1/1 zoning. The proposal would allow construction of a single family residence on a rural, residentially zoned parcel surrounded by residences on parcels smaller than the subject property, with residences closer to the shoreline that is proposed in the instant case. Although the site could be used for temporary purposes, such as parking a recreational vehicle, such a use would be out of character with the surrounding uses. Resource Stewardship Staff submitted the position that the expectation of any owner of this property, valued at \$96,000 based for 2014 tax assessment, would be to build a single family residence on-site and that a temporary use would be less than full use of this parcel. *Exhibit 1, pages 7-8; McCormick Testimony.*
12. The proposed home would be a modest-sized house. The proposed building envelope and residential footprint appear to be comparable to existing development on nearby lots. While the house could be moved closer to Evergreen Drive by seeking a reduction of the street setback, Resource Stewardship Staff argued against this, asserting that the proposed improvements are sufficiently setback from critical areas to provide effective buffers. *Exhibit 1, page 8; McCormick Testimony.*

13. Resource Stewardship Staff determined that the proposed encroachment into critical area buffers and into the stream has been minimized to the extent reasonably possible and that the proposed location of the residence would result in the minimum critical area disturbance necessary to allow a reasonable use of the property. There will be no known impacts to any species of concern. Staff opined that approval, as conditioned, would not damage other properties or threaten the health, safety, or welfare on or off-site. *Exhibit 1, pages 8-9; McCormick Testimony.*
14. Planning Staff noted that the Applicants' property is subject to the jurisdiction of the Shoreline Master Program for the Thurston Region (SMPTR) and is designated as a Conservancy shoreline environment. Single-family residences are permitted in the Conservancy shoreline subject to SMPTR development standards, which include a minimum 100 foot structural setback and buffer from the ordinary high water mark of the Puget Sound and a maximum of 30% impervious surface. Earth work and construction of the residence and septic system would require separate review for compliance with the requirements of the SMPTR. *Exhibit 1, pages 9-10.* In addition, work under streambeds can require State Environmental Policy Act review. *McCormick Testimony.*
15. A septic system design for a three bedroom residence on-site has received approval from the Thurston County Public Health and Social Services Environmental Health Division (EHD). In reviewing the instant application, EHD reviewed the site plan for compliance with the approved septic design and determined that they substantially match. The drainfield as proposed would be in an in-ground, sand-lined trench setback at least 75 feet from surface water as defined in the County Sanitary Code. The proposed treatment is enough to allow the proposed reduction from the standard setback of 100 feet. EHD recommended approval of the RUEX. *Exhibit 1, Attachments i and j; Sangston Testimony.*
16. The Thurston County Public Works Development Review Section reviewed the application and site plan for compliance with applicable roads standards and drainage design requirements. Development Review Section Staff determined that the proposal appears to comply with the public works standards and did not oppose approval. *Exhibit 1, Attachment k; Saint Testimony.*
17. DOE submitted comments suggesting measures in the event that contaminated soil is discovered during site development and noting that erosion control measures were required to be in place prior to ground disturbing activities. The agency's comments did not include concerns about or opposition to the proposed development of the site. *Exhibit 1, Attachment l.*
18. Reasonable use exceptions are considered non-project actions and are exempt from the requirements of the State Environmental Policy Act (SEPA). *WAC 197-11-800.*
19. Notice of application was issued on May 15, 2014 with a 20-day comment period; no comments were received. Written notice of the public hearing was sent to all property

owners within 500 feet of the site on May 28, 2014. Notice of hearing was posted on-site and published in The Olympian on June 6, 2014. *Exhibit 1, page 7; Exhibit 1, Attachments a, g1, and g2; Exhibit 3.*

20. At hearing, members of the public submitted written comments expressing concerns about the following: increasing erosion over the years; trees falling into the Big Fish Trap estuary as a result of erosion; higher ground water levels due to tree removal, impacting plant survival; potential impacts to wildlife; tree removal; impacts to the stream; concern for precedential impact should this be approved; and an assertion that the lot should not have been platted in the first place and should be left in its native condition. *Exhibit 5.*
21. In response to the written public concerns, the Applicants submitted a timely response after adjournment, consistent with the timeline established at hearing. In it, the Applicants stated: above-ground structures would occupy only a small area near the road; the older Douglas firs and larger evergreens are closer to the shoreline and outside of the development envelope; the proposed residence would be farther from the intermittent stream than the residence of the commenter; the RUX process is established in the County Code; and that all but 4,000 square feet of the nearly three-acre subject property would be retained in a native condition. *Exhibit 5.*
22. County Staff elected not to respond to the public comments after the Applicant had addressed them. *Exhibit 6.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for Reasonable Use Exception pursuant to Chapter 36.70.970 of the Revised Code of Washington and Chapters 2.06 and 24.45 of the Thurston County Code.

Criteria for Review

Pursuant to TCC 24.45.030, the Hearing Examiner shall grant the reasonable use exception if all of the following specific findings can be made:

- A. No other reasonable use of the property as a whole is permitted by this title; and
- B. No reasonable use with less impact on the critical area or buffer is possible. At a minimum, the alternatives reviewed shall include a change in use, reduction in the size of the use, a change in the timing of the activity, a revision in the project design. This may include a variance for yard and setback standards required pursuant to Titles 20, 21, 22, and 23 TCC; and
- C. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the development proposal site, or increase public safety risks on or off the subject property; and

- D. The proposed reasonable use is limited to the minimum encroachment into the critical area and/or buffer necessary to prevent the denial of all reasonable use of the property; and
- E. The proposed reasonable use shall result in minimal alteration of the critical area including but not limited to impacts on vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions; and
- F. A proposal for a reasonable use exception shall ensure no net loss of critical area functions and values. The proposal shall include a mitigation plan consistent with this title and best available science. Mitigation measures shall address unavoidable impacts and shall occur on-site first, or if necessary, off-site; and
- G. The reasonable use shall not result in the unmitigated adverse impacts to species of concern; and
- H. The location and scale of existing development on surrounding properties shall not be the sole basis for granting or determining a reasonable use exception.

Conclusions Based on Findings

1. The subject property was created as Lot 23 of the Dana Shores subdivision and not restricted from residential development by the plat. It is assessed at \$96,000 in value and is surrounded by single-family residential lots, either already developed or with the potential to contain homes. The only alternative uses addressed in the record are Staff's suggestion that it could be used for temporary camping and a neighbor's suggestion that it be retained undeveloped. Neither constitutes reasonable use of the residentially zoned and platted parcel. *Findings 2, 4, 5, 6, 8, 10, and 11.*
2. The Applicants have sited the proposed building envelope against the street setback, as far from the marine and fresh water habitat areas on-site as possible. The proposed development envelope is 4,000 square feet of a nearly three-acre lot. The proposed residence is comparable to surrounding existing homes and is modest. Because the entire parcel is encumbered by critical areas and associated buffers, there is no reasonable use that could result in less impact on critical areas and buffers. As conditioned, unavoidable impacts to the stream and its buffer would be mitigated by removal of invasive plant species. *Findings 4, 6, 8, 9, 10, 12, 13, and 15.*
3. The proposed development envelope is setback 20 feet from the street. Landscaping and existing vegetation would soften its appearance. The majority of the remainder of the site would be left in its existing condition. The on-site septic system has been approved by the Environmental Health Division. Impacts to the stream and its buffer would be mitigated through removal of invasive species. The record contains no evidence that residential construction would threaten the public health, safety or welfare on or off-site. *Findings 4, 6, 7, 8, 9, 10, 13, 15, and 16.*

4. Because the entire site is encumbered, any development would encroach into critical areas and/or buffers. The proposal limited the development envelope to the maximum extent feasible and as conditioned would mitigate impacts to the most reduced buffer, that of the stream. *Findings 4, 6, 7, 8, 9, 10, 12, and 13.*
5. The proposal would temporarily impact the stream during construction of the septic line. The septic line would be placed under the stream in a grout-filled liner sleeve to protect the line from breakage and to protect the stream in the event of a leak. The Applicants would be required to restore disturbed area prior to occupancy. Mitigation for buffer reduction would be required as a condition of approval. The alteration of the critical area proposed is the minimum required to allow reasonable use of the parcel. *Findings 4, 6, 7, 9, 10, 12, and 15.*
6. As conditioned, the project would ensure no loss of stream buffer function. Removal (or killing and leaving on-site) of English ivy would allow native shrub understory species to flourish, improving riparian habitat function of the remaining stream buffer. *Findings 4, 6, 9, 10, 12, and 15.*
7. The record contains no evidence of unmitigated adverse impacts to any species of concern. Of the nearly three-acre site, only 4,000 square feet would be permanently impacted, and the rest would be maintained in nearly native state. Habitat along the stream corridor would be improved by removal of English ivy. *Findings 4, 6, 9, 10, 12, 13, and 16.*
8. Location and scale of existing development on surrounding properties is not the sole basis for approving the requested reasonable use exception. *Findings 2, 4, 5, 6, 10, and 11.*

DECISION

Based on the foregoing findings and conclusions, the reasonable use exception to construct a single-family residence within a 250-foot marine riparian habitat buffer, a 220-foot estuarine wetland buffer, and a 150-foot stream buffer at 8543 Evergreen Drive NE in unincorporated Olympia, Washington is **APPROVED** subject to the following conditions:

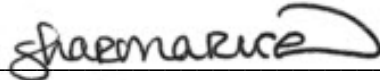
- A. Prior to or in conjunction with the issuance of any building permit, all applicable regulations and requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshal and Thurston County Resource Stewardship Department shall be met.
- B. The work to install the septic system drainline trench through the small stream may require additional review through the State Environmental Policy Act (SEPA) unless the work falls under a specific SEPA exemption or if the stream is dry at the time work will be done.
- C. A detailed native vegetation replanting and restoration plan shall be submitted to Thurston County Resource Stewardship prior to building permit issuance. The plan shall show how areas disturbed by construction and septic system installation will be

revegetated. Replanting and mitigation work shall be completed prior to final occupancy approval, unless a bond or irrevocable assignment of funds is enacted.

- D. As mitigation for the requested reduction of critical area buffers, English ivy shall be clipped from a minimum of 10 mature trees (over six inches in diameter) on site by severing the Ivy vines low to the ground.²
- E. A minimum 50 foot vegetated buffer shall be maintained on the type 5 (seasonal) stream on site. The standard buffer width is 150-feet.³
- F. Prior to building permit issuance the applicant shall submit an engineered storm water drainage and erosion control plan specific to the proposed future residence which meets all of the requirements of the Thurston County Drainage and Erosion Control Manual.
- G. Erosion control measures must be installed in the field prior to any clearing, excavation, grading or construction and must be reviewed and approved by the Thurston County Resource Stewardship Land Use and Environmental Review Section. These measures must be effective to prevent soil from being carried into surface water by stormwater runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.
- H. All development shall comply with the Shoreline Master Program for the Thurston Region.

DECIDED June 30, 2014.

By:



Sharon A. Rice
Thurston County Hearing Examiner

² Dead vines can be left on the trees as they are very difficult to remove. Removal of all English ivy is strongly recommended for the health of all trees on site.

³ A 50-foot vegetated buffer is generally considered the smallest buffer possible while still providing sufficient water quality protection (Thurston County Critical Areas Ordinance Update, Best Available Science).

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___.