



COUNTY COMMISSIONERS

John Hutchings
District One
Gary Edwards
District Two
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District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	No. 2016104006
)	
Olympia School District)	Centennial Elementary
)	
For a Special Use Permit)	FINDINGS, CONCLUSIONS, AND DECISION
_____)	

SUMMARY OF DECISION

The request for a special use permit to construct a 17,000 square foot, two-story classroom building at Centennial Elementary School is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Olympia School District (Applicant) requested a special use permit (SUP) to construct a new 17,000-square-foot, two-story classroom building at Centennial Elementary School, adjacent to the southwest side of the existing school building. The subject property is located at 2632 - 45th Avenue SE, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on April 17, 2017.

Testimony

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

- Robert Smith, Senior Planner, Resource Stewardship Department
- Dawn Peebles, Thurston County Environmental Health
- Arthur Saint, Thurston County Public Works
- Bob Connolly, Skillings Connolly, Applicant Representative
- Bill Sloane, Applicant Architect
- Alan Tyler, Olympia School District
- Kurt Cross, Olympia School District

Exhibits

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

- EXHIBIT 1 Resource Stewardship Planning & Environmental Section Report including the following attachments:
- A. Notice of Public Hearing
 - B. Zoning/Site Map
 - C. Master Application, received August 16, 2016
 - D. Special Use Permit Application, received August 16, 2016
 - E. Narrative Description, Skillings Connolly dated August 16, 2016
 - F. Site Plan, received December 29, 2016
 - G. Planting Plan, undated
 - H. Notice of Application, dated October 13, 2016
 - I. Complete Application letter, dated October 12, 2016
 - J. SEPA Determination of Non Significance, issued on February 9, 2017
 - K. Comment Memorandum from Dawn Peebles, Thurston County Public Health and Social Services Department, December 7, 2016
 - L. Comment Memorandum from Arthur Saint of the Thurston County Public Works Department, March 23, 2017
 - M. Letter from Eric Rickerson, US Fish and Wildlife Service, November 2, 2016
 - N. Comment Letter from the Washington State Department of Ecology, November 2, 2016
 - O. Comment Letter from Jackie Wall with the Nisqually Indian Tribe, September 1, 2016
- EXHIBIT 2 Photos of Public Hearing Notice Posting
- EXHIBIT 3 Design Review Approval, dated April 3, 2017
- EXHIBIT 4 Email containing list of materials and images, dated March 17, 2017
- EXHIBIT 5 Hearing Examiner Decision on SUP-05-87
- EXHIBIT 6 Full-size site plan set

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

FINDINGS

1. The Applicant requested a SUP to construct a new 17,000 square-foot, two-story classroom building at Centennial Elementary School, adjacent to the southwest side of the existing school building. The proposal includes construction of associated water, sewer, and other utility connections, relocation of an existing fire lane, and stormwater improvements. The subject property is located at 2632 - 45th Avenue SE, Olympia, Washington. *Exhibits 1, 1.C, 1.D, 1.E, and 4.*
2. Centennial Elementary School was approved through a SUP issued on July 22, 1987 (SUP-5-87). *Exhibit 5.* Existing development on-site includes a one-story, 44,272 square-foot school building, six portable classrooms, a 68-space parking area, a gated fire lane, grass playfields, and wood chip play areas. With the proposed classroom building's, footprint of 9,652 square feet, the subject property's building coverage would expand to 53,924 square feet, or 12.3% of the ten-acre site, and the school's gross floor area would expand to 61,272 square feet. *Exhibits 1, 1.E, and 1.F.*
3. The purpose of the project is to provide permanent classroom space for classes currently housed in portables, and to allow space for class size reductions required by the state of Washington. The building would replace the capacity currently provided by the six portables on-site; the portables would be stored on-site for an unknown time period. It is possible that would be used again as classrooms during a future renovation of the existing school building. Eventually they would be removed from the site. No increase in student population is anticipated. *Exhibit 1.E; Alan Tyler Testimony.*
4. The ten-acre school site is within the Olympia Urban Growth Area and is zoned Residential Four to Eight Units per Acre (R 4-8). *Exhibits 1 and 1.B.* The purpose of the R 4-8 zone is "to accommodate single-family houses and townhouses at densities ranging from a minimum of four units per acre to a maximum of eight units per acre; to allow sufficient residential density to facilitate effective mass transit service; and to help maintain the character of established neighborhoods..." *Thurston County Code (TCC) 23.04.020(B)(4).* Schools are allowed in the R 4-8 zone subject to special use permit review and the use-specific standards of TCC 23.04.060(27). *TCC 23.04.040.*
5. Surrounding land uses include single-family residential subdivisions to the north and west, a single-family residential subdivision and a condominium development to the south, and an undeveloped School District parcel immediately adjacent to the east. *Exhibits 1 and 1.B.*
6. Bulk dimensional standards applicable to development in the R 4-8 zone include: a maximum building height of two stories or 35 feet, whichever is less; minimum front, rear, and side yard setbacks of 20 feet, 20 feet, and five feet, respectively; a maximum building coverage of 40%; and a maximum impervious surface coverage of 50%. The proposed building would be set back 22.5 feet from the nearest (west) property line, which is considered a side yard. If approved, the site's building coverage would be 12.3% and impervious surface coverage would be 45%. *Exhibits 1 and 1.E.*

7. The proposal received administrative design review approval on April 3, 2017. The decision was not appealed. *Exhibits 3 and 4.*
8. The parking standard applicable to elementary schools is based on design capacity. The existing parking exceeds the number of parking spaces required (43, at a rate of one space per 12 students). Thirteen parking spaces displaced by the new building would be relocated to the northeast corner of the parking area near the school bus pull out. *Exhibits 1 and 1.E; TCC 23.38.100.*
9. Pursuant to TCC 23.04.060, elementary schools must provide two square feet of open space for every one square foot of floor area devoted to classrooms. With the new classroom building, the total area of open space required for the school is 2.81 acres. The available open space on the subject property is 4.6 acres; it includes play equipment and fields. *Exhibits 1 and 1.E.*
10. The minimum building size for an elementary school is 80 square feet of gross floor area per enrolled student. The enrollment at Centennial Elementary is 514 students, requiring a minimum of 41,120 square feet of gross floor area. With the proposed classroom building, the school would have a gross floor area of 61,272 square feet. *Exhibits 1 and 1.E.*
11. The new building would be screened by existing trees along the south and west property lines, and by the existing school building. The proposal includes new plantings along the west property line in areas disturbed by construction activities. *Exhibits 1 and 1.G.*
12. The mapped soils on site include Yelm soils, which provide potential habitat for the Mazama pocket gopher, a threatened species under the Endangered Species Act. In 2016, U.S. Fish and Wildlife Service (USFW) biologists visited the subject property to evaluate impacts to the Mazama pocket gopher and determined that the project would not or would not likely result in a take of the species. *Exhibits 1, 1.I, and 1.M.*
13. The subject property is served by the City of Olympia public water system and the City of Olympia STEP sewer system. Utility improvements associated with the project would include relocating an existing water main, installing a water service line and fire line to the new building, adding fire hydrants at the north and south ends of the building, and connecting the building to the existing sewer line. *Exhibits 1, 1.D, 1.E, and 1.F.*
14. The subject property is within a Category II critical aquifer recharge area. The Thurston County Public Health and Social Services Department Environmental Health Division (EHD) reviewed the proposal for compliance with the Thurston County Sanitary Code and recommended approval subject to conditions. The recommended conditions require that any contaminated soils discovered during construction be reported, that plans be submitted to the Food and Environmental Services Section for approval prior to building permit issuance, and that an inspection by the Food and Environmental Services Section be completed prior to building occupancy. These requirements were incorporated into

- the recommended conditions of SUP approval. *Exhibits 1 and 1.K; Dawn Peebles Testimony.*
15. Stormwater runoff generated by existing impervious surfaces is discharged to an infiltration pond located in the southwest corner of the site. There is currently no pretreatment of stormwater. With the proposed improvements in the southwest portion of the property, the existing pond would need to be regraded. The Applicant proposes to install a new infiltration trench system on the east side of the existing building to offset the loss of capacity. In addition, the Applicant proposes to install stormwater treatment vaults to provide treatment for the existing system. *Exhibits 1.E and 1.F; Bob Connolly Testimony.*
 16. The Thurston County Public Works Department reviewed the proposal for compliance with Thurston County Road Standards, the Drainage Design and Erosion Control Manual, and City of Olympia Development Guidelines, and determined that all preliminary requirements have been satisfied. Public Works recommended approval subject to conditions, which have been incorporated into the recommended conditions of SUP approval. *Exhibits 1 and 1.L; Arthur Saint Testimony.*
 17. The Nisqually Indian Tribe reviewed the proposal and had no comment other than a request that the Tribe be informed if there are discoveries of archaeological resources or human burials during construction. This request was incorporated into the recommended conditions of SUP approval. *Exhibits 1 and 1.O.*
 18. Thurston County reviewed the environmental impacts of the proposal under the State Environmental Policy Act (SEPA) and issued a determination of non-significance (DNS) on February 9, 2017. The DNS was not appealed. *Exhibits 1 and 1.J; Robert Smith Testimony.*
 19. Notice of the open record hearing was mailed on April 3, 2017, published in *The Olympian* on April 7, 2017, and posted on-site on April 5, 2017. *Exhibits 1.A and 2.* There was no public comment on the application. *Robert Smith Testimony.*
 20. At hearing, the Applicant representative requested clarification of the intent of, up to and including minor modification of, recommended conditions G 17, 18, and 19. Bob Connolly noted for the record that the existing sidewalk referenced in condition 17 is already five feet wide and also that the crosswalk referenced in recommended conditions 18 and 19 would require engineering. He requested that these three conditions not be required to be met prior to building permit issuance, but rather prior to certificate of occupancy issuance.¹ *Bob Connolly Testimony.*
 21. County Staff agreed to this requested change. *Robert Smith Testimony; Arthur Saint Testimony.*

¹ Note: In the final conditions, recommended condition G became condition F, due to removal of redundant recommended condition E.

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 23.48.020 of the Thurston County Code.

Criteria for Review

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 23.48.030 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Olympia Joint Plan, and all applicable federal, state, regional, and Thurston County laws or plans.
- B. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.
- C. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
 1. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effects may occur.
 2. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

Additional Applicable Code Sections

TCC 23.04.060(27): Schools

The following requirements apply to all academic schools subject to special use approval. Colleges shall also be subject to the following conditions when locating in a residential or village district (listed in this chapter and Chapter 23.05).

- a. Site Size. Middle and high schools in residential and village districts (listed in Chapters 23.04 and 23.05) and elementary schools in all districts shall have a minimum site size of one acre per one hundred students (e.g., one to one hundred

students requires a one acre site, a two acre site is needed for an enrollment of one hundred one students to two hundred students. The hearing examiner may allow smaller school sites if the applicant demonstrates that:

- i. The size of the site is sufficient to accommodate proposed facilities and activities without creating significant adverse impacts upon residents of adjoining properties; and
 - ii. The proximity and typical impact (e.g., noise, glare, and emissions) of adjoining uses would not routinely disrupt students.
- b. **Outdoor Play Area.** Sites accommodating elementary schools with ten or more students shall contain at least two square feet of open space (consistent with Section 23.04.080J1) for every one square foot of floor area devoted to classrooms. This open space shall contain an outdoor play area (open or covered) equipped with play equipment suitable for the students' age group. No dimension of such play areas shall be less than twenty feet.
- c. **Building Size.** The building, or the portion of the building used as a school, shall contain at least eighty square feet of gross floor area per student enrolled at the school. The hearing examiner may allow a smaller building size if the applicant demonstrates that less space is needed to accommodate the proposed school.
- d. **Screening.** Any portion of the site which abuts upon a residential use shall be screened. (See Chapter 23.36, Landscaping and Screening.)
- e. **Portables.** ...
- f. **Building Expansion.** Building expansion depicted in a city-approved master plan or comprising no more than ten percent of a preapproved floor plan is permitted. Greater expansion shall require special use approval. All incremental expansions are considered cumulative.

Conclusions Based on Findings

1. As conditioned, the proposed expansion at the existing school location would comply with applicable laws and plans, including the special use standards for schools, the Olympia Urban Growth Area design standards, the Thurston County Road Standards, the Drainage Design and Erosion Control Manual, the Thurston County Sanitary Code, and the Endangered Species Act. *Findings 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18.*
2. The use would comply with the general purposes and intent of the R 4-8 zone, as well as with applicable open space, lot, setback, and bulk standards of the zone. Consistent with the purpose of the R 4-8 zone, the existing school is part of the character of the surrounding residential neighborhood. The proposed classroom building is designed to accommodate classes currently housed in portables. The building would comply with R 4-8 standards. *Findings 2, 3, 4, 5, and 6.*

3. The proposed use is appropriate in the location for which it is proposed.
 - a. With conditions, the use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. The existing character of the surrounding residential neighborhood includes the existing school; improvements to the school building would be in conformance with the character of the site as a school. As proposed, the expanded building would comply with applicable design standards and would be screened from off-site views by existing and proposed new vegetation. The underlying critical aquifer recharge area would be benefitted by treatment not only of new runoff, but of existing stormwater runoff that is not currently being treated. As conditioned, there would be no impact to species protected pursuant to the federal Endangered Species Act. The resulting project would provide adequate parking and open spaces on-site. *Findings 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,17, and 18.*
 - b. With the conditions identified by the Public Works and Public Health departments, the use would be adequately served by and would not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area. *Findings 13, 14, 15, and 16.*

DECISION

Based on the preceding findings and conclusions, the request for a special use permit to construct a 17,000 square-foot, two-story classroom building at Centennial Elementary School at 2632 - 45th Avenue SE is **GRANTED** 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. On April 8, 2014, the U.S. fish and Wildlife Service listed the Mazama Pocket Gopher under the Endangered Species Act. This property is mapped with Yelm soils, which can be habitat for the gopher. The County has received a letter from US Fish & Wildlife Service stating that, based on physical, environmental, and biological conditions at the project site, the Service has determined the project will not result in take, or are very unlikely to result in take, of Mazama pocket gophers. This determination is valid until October 31, 2017. However, if gophers are subsequently found in the development site, the School District shall contact U.S. Fish and Wildlife for consultation.
- C. The Applicant shall contact the Nisqually Tribe Preservation Officer (currently Jackie Wall (360) 456-5221) if during excavation there are discoveries of archaeological artifacts or human burials.

- D. All proposed landscaping shall be installed as proposed prior to final building permit occupancy approval.
- E. The Applicant shall comply with following Health related conditions:
1. Any contaminated soils discovered during site development must be reported immediately to the Solid and Hazardous Waste Section of Thurston County Environmental Health at 260-867-2589 and the Department of Ecology at 360-407-6300.
 2. Prior to release of the building permit, a complete application and set of plans must be submitted to the Food & Environmental Services Section for review and approval. The applicant may obtain an application by contacting the Food & Environmental Services Section at 360-867-2667 or at <http://www.co.thurston.wa.us/health/ehle/schools>.
 3. Prior to final building occupancy approval, a pre-opening inspection must be satisfactorily completed by the Food and Environmental Services Section. The applicant will need to contact the Food and Environmental Services Section at (360) 867-2667 to schedule an inspection.
- F. The Applicant shall comply with following Public Works related conditions:
1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Olympia 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 nonconformance 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. 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.
10. 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.
11. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.
12. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
13. Development within the City of Olympia 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.
14. 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.
15. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 786-5214 for a final inspection.
16. 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. One permit that may be required is a Construction Stormwater Permit from the Washington State Department of Ecology. Information on when a permit is required and the application can be found at:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. Any additional permits and/or approvals shall be the responsibility of the Applicant.

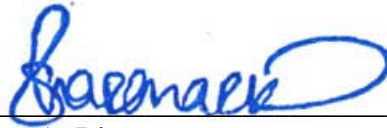
17. In order to provide a safe walking route, the Applicant shall upgrade any substandard sidewalk off-site to be a minimum of five feet wide and to comply with ADA requirements from the school site to Boulevard prior to certificate of occupancy issuance.
18. In order to provide a safe walking route, the Applicant shall upgrade the crosswalk on Boulevard with a median refuge and warning beacons meeting County standards prior to certificate of occupancy issuance.
19. Prior to certificate of occupancy issuance, in order to provide a safe walking route to the school, the Applicant shall upgrade the school zone signing, including providing new updated beacons, and the County will install and maintain them.
20. Once the planning department has issued the official 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.
21. PRIOR to construction, the Applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive erosion and sediment control permit
 - c. Have the erosion and sediment control inspected and accepted
 - d. Receive a construction permit
 - e. 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/docs/Roads-Development-Review-Fees-20090301.pdf> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 754-3355, ext. 6595, or by email at padillr@co.thurston.wa.us.
22. Prior to receiving final approval from this department, the following items shall be required:
 - a. Completion of all roads and drainage facilities.
 - b. Final inspection and completion of all punch list items.

- c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.
- d. Receive and accept Engineer's Construction Inspection Report Form (Appendix IC, Volume I of the Drainage Design and Erosion Control Manual).
- e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
- f. 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.
- g. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
- h. Completion of required signing and striping.
- i. Payment of any required permitting fees.

G. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration of this use beyond that initially approved by the Hearing Examiner will require approval of a new or amended special use permit. The Resource Stewardship Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED May 1, 2017.



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 **\$669.00** for a Request for Reconsideration or **\$890.00** 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 \$669.00 for Reconsideration or \$890.00 for Appeal. Received (check box): Initial _____ Receipt No. _____

Filed with the Resource Stewardship Department this _____ day of _____ 20__.