



COUNTY COMMISSIONERS

John Hutchings
District One
Gary Edwards
District Two
Bud Blake
District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	
)	
)	SUPT NO. 2017105043
East Olympia Fire District)	
)	Station 64 Training Facility
)	
)	
For a Special Use Permit)	FINDINGS, CONCLUSIONS,
)	AND DECISION
)	

SUMMARY OF DECISION

The request for approval of a special use permit to expand the existing training facility at the East Olympia Fire District Station 64 at 9530 Old Highway 99 SE in Olympia, Washington is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

East Olympia Fire District (Applicant) requested approval of a special use permit to expand the existing training facility at the East Olympia Fire District Station 64 located at 9530 Old Highway 99 SE, Olympia, Washington. The Applicant also requested special use permit approval of the existing legal nonconforming fire station land use at the site and special use permit approval to exceed the maximum impervious surface area allowed in the zone.

Hearing Date:

The Thurston County Hearing Examiner conducted an open record public hearing on the request on April 10, 2018.

Testimony:

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

- Robert Smith, Senior Planner, Thurston County Resource Stewardship Department
- Dawn Peebles, Thurston County Public Health, Environmental Health Division
- Arthur Saint, Thurston County Public Works Development Review
- Mark Nelson, East Olympia Fire District #6, Applicant Representative

Chris Aldrich, Hatton Godat Pantier, Applicant Representative

Exhibits:

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

Exhibit 1 Community Planning and Economic Development Section Report, including the following attachments:

- A. Notice of Public Hearing
- B. Zoning/Site Map
- C. Master Application, received September 13, 2017
- D. Special Use Permit Application, received September 13, 2017
- E. Narrative summary, received September 13, 2017
- F. Site plan set, received November 17, 2017
- G. Landscape plan, received November 17, 2017
- H. Notice of Application, issued October 25, 2017
- I. Complete application letter, dated October 24, 2017
- J. SEPA Determination of Non-Significance, issued March 6, 2018
- K. Comment memorandum from Dawn Peebles, Thurston County Public Health and Social Services Department, dated March 7, 2019
- L. Comment memorandum from Arthur Saint, Thurston County Public Works Department, dated March 7, 2018
- M. Letter from Eric Rickerson, U.S. Fish and Wildlife Service, dated September 1, 2017
- N. Comment letter from the Washington State Department of Ecology, dated October 11, 2017
- O. Comment letter from Jackie Wall, Nisqually Indian Tribe, dated October 9, 2017

Exhibit 2 Photograph of posted Notice of Public Hearing

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 special use permit to expand the existing training facility at the East Olympia Fire District Station 64 at 9530 Old Highway 99 SE, Olympia, Washington.¹ *Exhibits 1, 1.B, 1.C, 1.D, and 1.E.*

¹ The legal description of the subject property is Tract A of Boundary Line Adjustment BLA11106334TC; also known as Tax Parcel No. 11719210200. *Exhibit 1.*

2. Existing Station 64 consists of a 6,230 square foot building for equipment and apparatus storage, with dormitory and kitchen areas for staff and volunteer use. The existing fire station, access driveway, paved parking area, and some landscaping occupy the western half of the subject property. The existing training facility sits to the rear, just east of the fire station. A buried fuel tank for refueling apparatus is located underground north of the existing building. A minimum of three personnel are on-site at all times, with typical staffing of five to seven people, seven days per week. Shifts are 24 hours. In 2016, the station responded to 673 calls, or roughly two calls per day. According to the Applicant, there have been few, if any, complaints about Station 64 operations in the life of the use. *Exhibit 1.E.*
3. Station 64 was built in the 1980s. The County has no record of land use approval having been granted for the station; however, because it was constructed with the benefit of legal building permits issued in 1986, it is considered a legal non-conforming land use. *Exhibit 1; Robert Smith Testimony.* In 2006, Station 64 was remodeled and upgraded, but at that time, the expansion was under 5% of the then-existing improvements and no special use permit was required. With the instant application, the Applicant requested that if the special use permit is granted, it be considered land use approval for the existing fire station in addition to the expanded training area. *Exhibits 1 and 1.E; Robert Smith Testimony; Chris Aldridge Testimony.*
4. The 4.59-acre subject property is relatively level. The project is not located within jurisdiction of the Shoreline Master Program for the Thurston Region (SMPTR); however, the site is located within a known category 1 and 2 critical aquifer recharge area and is known to contain soils that support prairie species, including the Mazama pocket gopher, both of which conditions are regulated by the Thurston County critical areas ordinance (CAO). *Exhibits 1 and 1.E.*
5. Surrounding land uses consist of single-family residences on five-acre parcels to the east, rural residences on smaller lots to the south, a garden store to the north, and an RV/boat storage business and vacant lands to the west. *Exhibits 1 and 1.E.*
6. The subject property is zoned Rural Residential Resource - One Dwelling Unit Per Five Acres (RRR 1/5). Public facilities including fire stations are allowed in the RRR 1/5 zone with approval of a special use permit. *Exhibit 1; Thurston County Code (TCC) 20.54, Table 1.* The purpose of the RRR 1/5 zone is to: encourage residential development that maintains the County's rural character; provide opportunities for compatible agricultural, forestry, and other rural land uses; be sensitive to the site's physical characteristics; provide greater opportunities for protecting sensitive environmental areas and creating open space corridors; enable efficient road and utility systems; and to not create demands for urban level services. *TCC 20.09A.010.*
7. The proposed expanded training area would be located to east of the existing training area in what is currently a mowed field. The proposed improvements include three concrete slabs for training props that cannot be located on the existing facilities. An approximately 50- by 70-foot concrete live fire slab surrounded by an impervious asphalt apron of 20 to

25 feet in width would be placed just east of the existing training facilities, supporting two 20-foot metal shipping containers to be used as enclosed fire simulators. The containers would be fitted with either liquid propane or wood pellet fire generators. Fires in these props would be brief and primarily enclosed. Between this slab and the north lot line, the project would install a bioretention swale for collecting water runoff from the training exercises adjacent to an existing landscape screen along the property line. Two additional smaller concrete slabs are proposed south of this slab. A smaller 20- by 20-foot slab is proposed in the southeast corner of the expansion area, supporting a confined-space rescue prop consisting of a concrete manhole above or below grade. Slightly to the west, a 30- by 60-foot concrete slab would support a ventilation prop which provides training for opening roof structure fires. A large graveled area is proposed east of the live fire prop slab, continuing south and encompassing both of the smaller slabs. Along the south perimeter of the expanded training area there would be a landscaped screen, and south of the screen would be another bioretention swale to collect runoff from the training areas. *Exhibits 1, 1.E, and 1.F.*

8. The zoning development standards applicable to the proposal include a minimum setback of 20 feet along the west property line adjacent to Old Highway 99 SE, a designated arterial, and five feet from the other property lines; and a maximum building height of 35 feet. *TCC 20.09B.050; TCC 20.07.030.* All existing structures comply with these standards, as would all proposed improvements. The setback from the north (side) property boundary to the nearest edge of the proposed concrete pad would be 20 feet including a landscaped screen. The setback from the south (side) lot line would be 55 feet. The setback to the east (rear) lot line would be a couple hundred feet. None of the proposed improvements would exceed 35 feet in height. *Exhibits 1 and 1.F.*
9. Training operations at the current facility occur approximately weekly and last one to two hours. Noise from training activities is not significant and generally of short duration, typically involving the use of muffled gas powered equipment, fire apparatus with pumps, and electric or gas blowers. The proposed expansion would not increase training frequency and would not result in new or significantly increased noise. The number of fire district personnel using the training facility and the total amount of time the training area is in use would not change with the instant proposal. *Exhibits 1 and 1.E.*
10. The RRR 1/5 zone allows a maximum site coverage by impervious surface of 10% of the overall property. *TCC 20.09A.050(6)(b)(i).* The existing fire station site improvements consist of approximately 28% hard surface coverage of the site, but as noted above, the existing facility is a legal non-conforming use. The proposed expanded training area would increase the impervious surface coverage to approximately 41%. The special use provisions in the County code allow for an increase in impervious surface coverage through the special use permit process. *TCC 20.07.090(1)(e).* The Applicant has requested that the instant SUP acknowledge and authorize 41% site coverage. *Exhibits 1 and 1.E; Chris Aldridge Testimony.*
11. Currently, traffic to and from Station 64 consists of employee and volunteer fire fighters manning the facility daily, fire fighters attending training activities, and emergency

response vehicles. The Applicant asserted that peak hour employee traffic, assumed at three trips, falls within the PM peak hour between 4:00 and 6:00 pm. Emergency calls, both fire and aid related, can occur at any time and usually involve one emergency vehicle. Larger fires requiring two units occur less frequently. Emergency vehicle signing and lighting have been implemented on Old Highway 99 to allow egress from the station during emergency response. *Exhibit 1.E.*

12. While the County's zoning ordinance establishes requirements for off street parking, it does not contain standards specific to fire stations or similar uses. *TCC 20.44.030; Robert Smith Testimony.* The existing fire station has 21 marked parking spaces, including two spaces designed as accessible pursuant to the Americans With Disability Act (ADA). This number of parking spaces has served the existing station for many years without any complaints on record. Apparatus and equipment are generally parked inside the station. As proposed, the expanded training area would serve the same number of fire district personnel as are served by the existing facility. Planning Staff submitted that the proposed expansion of training area would not result in increased parking demand. *Exhibits 1 and 1.F; Robert Smith Testimony.*
13. The landscaping provisions of the zoning ordinance do not contain fire station-specific (or similar public/emergency services use specific) standards. Planning Staff submitted that the provisions addressing commercial development found in TCC 20.45.040 are those most appropriate for use in the instant proposal. Existing landscaping includes a row of mature trees along the north property line. The proposed landscape plan would provide additional plantings along the north, east, and south property lines in the expanded training facility area. Planning Staff submitted that the Applicant's landscape plan complies with code requirements. *Exhibits 1 and 1.G.*
14. The existing fire station is served by a Group B water system, served by an on-site well, and an on-site septic system. The proposal includes extension of the private water main to serve the new training area. The site has existing electric service, and electric transmission lines run along the east and south lot lines. *Exhibits 1, 1.E, and 1.F.*
15. Proposed new impervious surfaces would include both concrete/asphalt for high intensity use props and gravel surfaces for low intensity maneuvering areas. Planning Staff submitted that the project would satisfy the low impact development criteria for dispersal of stormwater runoff and would maintain local drainage patterns during development. Staff indicated that the soils investigation supported the use of biofiltration swales with subsurface infiltration to treat site runoff and determined that the proposed expanded training area would not concentrate or increase site runoff. *Exhibit 1; Robert Smith Testimony.* The Applicant representative testified that the new paved surfaces would be designed with a north/south crown intended to direct runoff from training activities and precipitation to the proposed shallow bioretention swales, which would be sized to handle proposed impervious areas. The stormwater improvements were designed to meet the current stormwater manual provisions for low impact development. *Chris Aldrich Testimony.*

16. The Thurston County Public Works Department reviewed the preliminary site plan and the drainage plan for compliance with access, traffic, and stormwater control requirements. Public Works Staff determined that the project would comply with the Thurston County Drainage Design & Erosion Control Manual and applicable County road standards and recommended approval subject to conditions. *Exhibits 1 and 1.L; Arthur Saint Testimony.*
17. The subject property contains Everett and Yelm soil types that are known as potential habitat for native prairie species, including the Mazama pocket gopher. Presence of prairie species would subject the property to regulation pursuant to the critical areas ordinance (CAO) established as TCC Chapter 24.25. On April 8, 2014, the US Fish and Wildlife Service (USFWS) listed the Mazama pocket gopher under the Endangered Species Act. Because of the mapped soil types, the subject property was reviewed by USFWS biologists; no gophers were found in the project area. In review of the application, the County has received a letter from USFWS stating that, based on physical, environmental, and biological conditions at the project site, the federal agency has determined the project would not result in take, or is very unlikely to result in take, of Mazama pocket gophers. This federal determination is valid until October 31, 2018. *Exhibits 1 and 1.N; Robert Smith Testimony.*
18. The subject property is mapped as containing Category 1 and 2 critical aquifer recharge areas, which are regulated pursuant to the CAO. *TCC Chapter 24.10.* Requirements regarding aquifer recharge areas were considered during review by the Environmental Health Division (EHD) of the Public Health and Social Services Department. The Environmental Health Division reviewed the proposal and submitted that the project would have no adverse public health impacts and recommended approval subject to two conditions: 1) that the proposed impervious surfaces be designed such that runoff from fire fighting activities is diverted outside the on-site well's 100-foot sanitary control radius; and 2) that any contaminated soils discovered during site development be reported to the EHD Hazardous Waste Section. *Exhibits 1 and 1.K; Dawn Peebles Testimony.*
19. The Washington State Department of Ecology submitted comments regarding potential toxics cleanup, if discovered, and water quality. *Exhibits 1 and 1.N.*
20. The Nisqually Indian Tribe submitted a comment letter indicating they had no concerns. *Exhibits 1 and 1.O.*
21. Pursuant to the State Environmental Policy Act, Thurston County acted as lead agency for review of environmental impacts of the proposal. The County issued a determination of non-significance (DNS) on March 6, 2018. No appeals were filed, and the determination became final on March 22, 2018. *Exhibits 1 and 1.J; Robert Smith Testimony.*
22. County Planning Staff submitted that, as proposed and conditioned, the project would comply with all known applicable laws and plans, including regulations applicable to the

RRR 1/5 zone. Staff recommended approval subject to conditions. *Exhibit 1; Robert Smith Testimony.*

23. Noting that the project is not expected to trigger the threshold for a Construction Stormwater General Permit from Department of Ecology (referenced in the staff report at recommended conditions E and H.14), the Applicant representative waived objection to the recommended conditions of approval.² *Chris Aldridge Testimony.*
24. Notice of application was issued on October 25, 2017. Notice of the public hearing was mailed to property owners within 500 feet of the site on March 28, 2018, posted on-site on March 29, 2018, and published in The Olympian on March 30, 2018. No public comment was submitted on the application. *Exhibits 1, 1.A, and 1.H; Robert Smith Testimony.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to decide this special use permit application under Thurston County Code Sections 2.06.010 and 20.54.015 and Section 36.70.970 of the Revised Code of Washington.

Special Use Permit 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 20.54.040 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive 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 Because the same requirement was listed twice in the conditions, recommended condition E was stricken to avoid redundancy.

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.

Other Applicable Code Provisions:

TCC 20.07.090 - Hard and Impervious Surface Limits.

1. General standards. In addition to the hard surface coverage limits specified in this title, the following standards shall apply:
...
 - e. The hard surface coverage area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a special use permit under Chapter 20.54.

Conclusions Based on Findings:

1. The record submitted shows that as conditioned, all three elements of the project proposed for special use permit approval - the fire station land use in the RRR 1/5 zone, the expanded training area, and the impervious surface coverage in excess of 10% of the site, would comply with all applicable laws and plans through this approval. *Findings 3, 6, 7, 8, 9, 10, 12, 13, 15, 16, 18, 21, 22, and 24.*
2. Fire stations are allowed in the RRR 1/5 zone as public facilities with approval of a special use permit. The existing fire station is legally nonconforming because there is no record of special use permit approval having been issued, but there are building permits on file. So long as special use permit review is conducted and the use proposed can satisfy SUP criteria, the fire station itself, the expansion of the training area, and the impervious surfaces in excess of 10% of total site area are all allowed in the underlying zone. The proposed special uses would be consistent with the purpose of the RRR 1/5 zone in that they would support residential development, not adversely impact rural character, would be designed to address the site's physical characteristics, would not impact sensitive environmental areas, and would not create demands for urban level services, consistent with TCC 20.09A.010. In fact, approval would increase the availability and effectiveness of emergency services. *Findings 2, 3, 4, 5, 6, 7, 8, 9, 10, and 15.*
3. The proposed special use is appropriate on the subject property. The record contains no information indicating that the fire station and existing training activities on-site have been detrimental to the surrounding properties. The expansion of the training facility would not increase the number of fire fighters who train on-site and would not increase the frequency of existing training operations or in any meaningful way change the nature of impacts on surrounding properties relative to those of the existing training facility. The Environmental Health Division recommended approval of the expanded on-site impervious surface area after review for impacts to issues of concern to the public health. Designed using low impact development techniques to handle runoff from fire fighting activities on-site, the proposed expanded impervious surface area would not result in impacts to adjacent properties. Approval of the proposed special uses would benefit

surrounding properties and the community as a whole by promoting effective fire fighting. The increase in water used for training on-site would be provided by the existing on-site well. There is no evidence of negative impact to public services, utilities, or facilities. *Findings 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, and 21.*

DECISION

Based on the preceding findings and conclusions, the requested special use permit to officially authorize the existing fire station, to expand the existing training facility, and to allow 41% site coverage by impervious surfaces at Fire Station 64 as described herein 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 Community Planning and Economic Development 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 Everett and Yelm soils. These soil types can be habitat for the gopher. Because of the mapped soil types, the site was reviewed by the U.S. Fish and Wildlife biologists. The results of the review found no gophers in the project area. The County has received a letter from the U.S. Fish and Wildlife 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 is very unlikely to result in take, of Mazama pocket gophers. This determination is valid until October 31, 2018. However, if gophers are subsequently found in the development site, the Applicant shall contact U.S. Fish and Wildlife for consultation.
- C. If archaeological artifacts or human burials are discovered during excavation, the Applicant shall stop work and contact the proper authorities, including Nisqually Tribe Preservation Officer, Jackie Wall at 360-456-5221.
- D. All proposed landscaping shall be installed consistent with the approved landscape plan prior to commencement of the use of the expanded training area.
- E. 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 by contacting the Environmental Report Tracking System Coordinator at the Southwest Regional Office at 360-407-6300.
- F. The following Health related conditions shall be met:
 1. All impervious surfaces shall be designed in such a way that fire-fighting water is diverted outside the well's 100-foot sanitary control radius.

2. Any contamination discovered during site development must be immediately reported to the Solid and Hazardous Waste Section of Thurston County Environmental Health at 360-867-2664 and the Washington State Department of Ecology at 360-867-2650.

G. The following Public Works related conditions shall be met:

1. The proposed roadway in concept and design shall conform to the Road Standards.
2. A construction permit shall be acquired from the Thurston County Public Works - Development Review Section prior to any construction.
3. 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 and 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.
4. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the Applicant shall be transferred to the Applicant.
5. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
6. 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.
7. 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.
8. The proposed water and sewer system shall be designed in accordance with the standards and specifications of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.
9. Proposed utility work within the Thurston County right-of-way shall conform to the Road Standards and Chapter 13.56 of the 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 of the Thurston County Code. 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 feet of asphalt concrete pavement.
10. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.
11. No work shall take place until a construction permit has been issued by the Thurston County Public Works - Development Review Section.
12. 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 the Drainage Design & Erosion Control Manual.
13. When all construction/improvements have been completed, contact the Thurston County Public Works - Development Review Section at 360-786-5214 for a final inspection.
14. 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 regarding when a permit is required and the corresponding 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.
15. 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 the Thurston County Public Works - Development Review Section for review and acceptance.
16. 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 by contacting Ruthie Padilla with the Thurston County Public Works - Development Review Section by phone at 360-754-3355, extension 2046, or by e-mail at padillr@co.thurston.wa.us.

17. Prior to receiving final approval from this department, the following items shall be required:
- a. Complete all roads and drainage facilities.
 - b. Complete final inspection and all punch list items.
 - c. Submit record drawings for review and acceptance. The record drawings shall include street names and block numbers approved by the Addressing Official.
 - d. Receive and accept Engineer's Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design & Erosion Control Manual).
 - e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design & Erosion Control Manual).
 - f. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
 - g. Complete required frontage improvements.
 - h. Complete required signing and striping.
 - i. Pay any required permitting fees.
- H. 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 Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED April 23, 2018.



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 Community Planning & Economic Development Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

C. STANDING All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

D. FILING FEES AND DEADLINE If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$688.00** for a Request for Reconsideration or **\$921.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. _____ Appeal Sequence No.: _____

Check here for: RECONSIDERATION OF HEARING EXAMINER DECISION

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

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

Check here for: APPEAL OF HEARING EXAMINER DECISION

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

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

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

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

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

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

STANDING

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

Signature required for both Reconsideration and Appeal Requests

 APPELLANT NAME PRINTED

 SIGNATURE OF APPELLANT

Address _____

 Phone _____

Please do not write below - for Staff Use Only:

Fee of \$688.00 for Reconsideration or \$921.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Community Planning & Economic Development Department this _____ day of _____ 20___.