



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)	NO. 2017105911
)	
Lacey Fire District No. 3)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For a Special Use Permit)	
_____)	

SUMMARY OF DECISION

The request for a special use permit to develop a new approximately 11,625-square-foot fire station, 37 parking spaces, and an approximately 2,430-square-foot addition to an existing vehicle repair facility at 8407 and 8447 SE Steilacoom Road is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Lacey Fire District No. 3 (Applicant) requested a special use permit to develop a new approximately 11,625-square-foot fire station, 37 new parking spaces, and an approximately 2,430-square-foot addition to an existing vehicle repair facility at 8407 and 8447 SE Steilacoom Road in the Lacey Urban Growth Area of Thurston County (Tax Parcel Numbers 11814140400 and 11814410100).

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on November 13, 2018.

Testimony

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

- Tony Kantas, Senior Planner, Community Planning & Economic Development Department
- Dawn Peebles, Thurston County Environmental Health Division
- Arthur Saint, Thurston County Public Works Department
- Matt Chambers, Lacey Fire District No. 3
- Steve Brooks, Chief, Lacey Fire District No. 3

Exhibits

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

EXHIBIT 1 Community Planning and Economic Development Staff Report including the following attachments:

- Attachment a Notice of Public Hearing
- Attachment b Master Application, submitted October 25, 2017
- Attachment c Special Use Permit Application, submitted October 25, 2017
- Attachment d Narrative Summary
- Attachment e 2015 Aerial Vicinity Map
- Attachment f Revised Site Plan Depicting New Fire Station Location, submitted August 21, 2018
- Attachment g Site Plan Depicting Vehicle Repair Addition
- Attachment h Landscape Plan
- Attachment i Topographic Survey of Proposed New Fire Station Property
- Attachment j Notice of Application (3 Pages)
- Attachment k Determination of Non-Significance, issued October 25, 2017 by Fire District 3
- Attachment l Memorandum from Dawn Peebles, Environmental Health, dated August 29, 2018
- Attachment m Memorandum from Arthur Saint, Development Review Section, dated September 12, 2018
- Attachment n City of Lacey Sewer and Water Availability Letter, dated September 27, 2017
- Attachment o Email from City of Lacey Planning, dated March 19, 2018
- Attachment p letter from Thurston County regarding gophers, dated November 3, 2016

Attachment q	Memorandum from the City of Lacey Public Works Department, dated April 3, 2018
Attachment r	Letter from the State of Washington Department of Ecology, dated March 21, 2018
Attachment s	SCJ Alliance Executive Summary of Study Results, dated July 20, 2017
Attachment t	Preliminary Drainage Report, dated October 2017

EXHIBIT 2 US Fish and Wildlife Service Mazama pocket gopher determination, dated November 2, 2016

EXHIBIT 3 Site Photos (eight)

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 special use permit to develop a new approximately 11,625-square-foot fire station, 37 new parking spaces, and an approximately 2,430-square-foot addition to an existing vehicle repair facility at 8407 and 8447 SE Steilacoom Road in the Lacey Urban Growth Area of Thurston County.¹ *Exhibits 1 and 1.B, 1.C, 1.D, and 1.F*
2. The subject property consists of two parcels. The parcel at 8407 Steilacoom Road SE (Parcel No. 11814410100) is 5.39 acres in area and is developed with Fire Station 34, a detached vehicle repair facility, and associated parking and stormwater facilities. As part of this special use permit application, the Applicant proposes a 2,430-square-foot addition to the north side of the vehicle repair facility. *Exhibits 1, 1.D, 1.E, 1.F, 1.G, and 1.I.*
3. The adjacent parcel at 8447 Steilacoom Road SE (Parcel No. 11814140400) is 2.3 acres in area and is undeveloped. The Applicant proposes to construct the new Fire Station 34 and associated parking spaces on this parcel. The fire station would be centrally located on the parcel, with the parking areas located to the west and northwest of the building. The parking areas would be accessed from the existing fire station access driveway from Steilacoom Road SE. A new driveway from the fire station directly onto Steilacoom Road would be limited to emergency vehicle use. *Exhibits 1, 1.D, and 1.F.*

¹ The legal description of the subject property is a portion of Section 14, Township 18 North, Range 1 West, W.M.; also known as Tax Parcel No(s). 11814140400 and 11814410100. *Exhibit 1.*

4. After development of the new fire station is complete, existing structures and parking on the adjacent parcel would be retained and the site would be used for training, storage, and vehicle repair purposes. *Exhibits 1 and 1.D; Steve Brooks Testimony.*
5. Surrounding development consists of the Ostrom Mushroom Company across Steilacoom Road to the north, the City of Lacey Regional Athletic Complex to the south of Parcel No. 11814410100 (existing fire station site), the Steilacoom Heights single-family residential subdivision to the east of Parcel No. 11814140400 (new fire station development site), and undeveloped City of Lacey land to the west. *Exhibits 1 and 1.E.*
6. The subject property is located within the Lacey Urban Growth Area and is zoned Low Density Residential District (LD 3-6). The intent of the LD 3-6 zone as described in Thurston County Code (TCC) 21.13.010 includes guiding development of residential areas so as to encourage and plan for the availability of public services and community facilities such as fire protection, and so as to provide protection between incompatible uses. *TCC 21.13.010(F) and (G).* Fire stations are allowed in the LD 3-6 zone with approval of a special use permit. *TCC 21.66.020(D).*
7. The site design standards applicable to the LD 3-6 zone include a minimum front setback of 16 feet (10 feet from flanking streets), a minimum side setback of five feet, and a minimum rear setback of 20 feet. *TCC 21.13.050.* The proposed fire station building and vehicle repair building addition would far exceed minimum building setback requirements. *Exhibit 1.F.*
8. The new fire station and associated improvements would be located on the parcel so as to maximize the retention of existing vegetation in the eastern portion of the parcel, providing a buffer between the station and residential development to the east. *Exhibits 1, 1.F, 1.H, and 1.I.*
9. The new fire station site is vegetated with a mixture of evergreen and deciduous trees, including numerous white oaks. The County determined that the vegetation does not constitute a regulated habitat under the Critical Areas Ordinance (see TCC 24.25.065). Most of the oaks are located in the central and eastern portions of the site, and many would be retained within a revegetation preservation area in the eastern portion of the site. *Exhibits 1.S and 3; Tony Kantas Testimony.*
10. In addition to preserving existing trees in the eastern portion of the site, the Applicant would be required to install new landscaping as needed to comply with ordinance requirements, which per TCC 21.80.050 include a Type 1 sight-obscuring buffer along the eastern property line, Type II (visual separation) landscaping along the north and west property lines and adjacent to the building, and Type IV landscaping with the parking lots. Per the recommended conditions of approval, compliance with these requirements would be determined during a future design review process. *Exhibit 1.*
11. Pursuant to TCC 21.23.085, the project is subject to the design review process established in TCC Chapter 21.70. The application materials did not include a design review

application. While design review is typically conducted concurrent with underlying land use permit review, in the instant case, the subject property was under consideration for annexation by the City after the SUP application was filed; therefore the County held off on conducting design review pending the annexation process. When it was determined that the property would not presently be annexed, the City requested that the County process the SUP application. Rather than delay the SUP process for design review, Planning Staff recommended a condition of SUP approval that the Applicant be required to complete the design review process prior to building permit issuance after SUP approval, if granted. *Exhibit 1; Tony Kantas Testimony.*

12. The Applicant proposes to provide 37 parking spaces at the new station site. Existing parking at the existing facility would be retained. The Thurston County Code does not specify a parking requirement specific to the proposed use, and in such cases the approval authority may establish the parking standard. Applicant agents testified that a full shift would be nine employees. The existing 30 parking stalls allow the incoming shift and outgoing shift all to be parked simultaneously (18 stalls), with 12 stalls left over. The move to the new fire station location will not increase staffing, which caused Planning Staff to consider the proposed 37 spaces at the new station to be adequate. The retained parking on the other parcel would be available for overflow in the event of community use of the conference room. *Exhibit 1; Testimony of Tony Kantas and Steve Brooks.*
13. The Steilacoom Road street frontage would be improved in accordance with City of Lacey design requirements, including the addition of a sidewalk and landscaping. *Exhibits 1.F, 1.H, 1.M, and 1.Q; Steve Brooks Testimony.*
14. The existing fire station is served by the City of Lacey public water system, and the proposed fire station would also be served by the public water system. The City has adequate capacity in its water system to serve the development. Per the recommended conditions of the Environmental Health Division, any existing wells on site would be decommissioned in accordance with Washington State Department of Ecology standards. *Exhibits 1, 1.L, and 1.N; Dawn Peebles Testimony.*
15. The existing and proposed fire stations would be connected to the City of Lacey sanitary sewer system. The City sewer system has adequate capacity to serve the development. Per the recommended conditions of the Environmental Health Division, the on-site sewage system serving the existing fire station and any septic tanks located on the new fire station parcel would be abandoned in accordance with the Thurston County Sanitary Code. *Exhibits 1, 1.L, and 1.N; Dawn Peebles Testimony.*
16. Storm drainage improvements would be constructed in accordance with the Thurston County Drainage and Erosion Design Manual (DDECM). The soils on site are suitable for infiltration, and the Applicant proposes to infiltrate all stormwater runoff within the property. The Thurston County Public Works Department reviewed the application, determined that the preliminary requirements of the DDECM have been satisfied, and recommended approval of the project subject to conditions. *Exhibits 1.M, 1.S, and 1.T; Arthur Saint Testimony.*

17. The subject property is located in an area designated by the Washington Department of Ecology (DOE) as potentially contaminated with heavy metals due to air omissions originating from the former Asarco smelter in Tacoma. The Applicant had soil samples taken from the site and tested for contaminants; results indicated that arsenic levels on site slightly exceed regulatory limits. Potential methods of addressing the contamination include excavation and removal of contaminated soils, mixing contaminated soils with subsurface soils, capping the contaminated soils, and consolidating and capping the soils. In this case, the Applicant anticipates that the proposed site grading would be adequate to meet DOE cleanup requirements, as the top two to three feet of soil would be stripped from the building area per the recommendation of the geotechnical engineering report. *Exhibits 1.R, 1.S, and 1.T; Testimony of Tony Kantas and Steve Brooks.*
18. The subject property contains a soil type that is known as potential habitat for the Mazama pocket gopher, which is listed as a threatened species under the Endangered Species Act. After a site visit by US Fish and Wildlife Service (USFWS) biologists, USFWS determined that the project is unlikely to result in a take of Mazama pocket gophers.² *Exhibits 1 and 2.*
19. The Applicant assumed the role of lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act (SEPA) and issued a determination of non-significance (DNS) on October 25, 2017. *Exhibit 1.K.*
20. Notice of the open record hearing was mailed to property owners within 300 feet of the site on October 30, 2018, published in *The Olympian* on November 2, 2018, and posted on site on November 2, 2018. There was no public comment on the application. *Exhibits 1 and 1.A.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 21.80.040 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 21.87.035 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Lacey Joint Plan, and all applicable federal, state, regional, and Thurston County laws or plans.

² Although both documents addressing USFWS authorization to proceed with development due to unlikelihood of gopher take contain 2017 expiration dates, County Planning Staff testified that it is the policy of the Planning Department that gopher determinations vest for three years with a complete land use application. *Tony Kantas Testimony.*

- 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.

Conclusions Based on Findings

1. As conditioned, the proposed use at the proposed location would comply with applicable laws and plans, including the City of Lacey Design Guidelines and Public Works Standards, the Thurston County Drainage Design and Erosion Control Manual, the Thurston County Sanitary Code, the Endangered Species Act, and the State Environmental Policy Act. A condition of approval requires completion of the design review process. *Findings 11, 13, 14, 15, 16, 17, 18, and 19.*
2. As conditioned, the use would comply with the general purposes and intent of the LD 3-6 zone, and with applicable open space, lot, setback, and bulk standards. The project provides for a public service, and the site design is protective of the adjacent residential neighborhood through setbacks and landscaped screening. The new fire station would be centrally located on site, thereby exceeding minimum setback requirements. A condition of approval requires completion of the design review process. *Findings 5, 6, 7, 8, 9, 10, and 11.*
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 site plan provides for a vegetative buffer between the proposed new fire station and the residential neighborhood to the east. This buffer would allow for retention of a

significant number of existing trees. With the proposed new 37 parking stalls and retention of the majority of existing parking, proposed on-site parking would be adequate. Traffic impact fees would be paid, addressing traffic impacts. A sidewalk and landscaping would be provided along the property frontage. Department of Ecology soil contamination cleanup requirements would be addressed. Environmental impacts were evaluated during the SEPA review process and a DNS was issued. *Findings 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 17, 18, and 19.*

- 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 14, 15, and 16.*

DECISION

Based on the preceding findings and conclusions, the request for a special use permit to develop a new approximately 11,625-square-foot fire station, 37 parking spaces, and an approximately 2,430-square-foot addition to an existing vehicle repair facility at 8407 and 8447 SE Steilacoom Road is **GRANTED** subject to the following conditions:

Public Works Conditions:

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Lacey standards and development guidelines.
2. Steilacoom Road is classified as a Major Collector Type 2 (it requires 36-feet of half street right-of-way). Frontage improvements to these standards shall be constructed with the development of this parcel (see detail 4-3.1 dated 12/15/14 from the DG&PWS Manual). This shall include a grind and overlay to centerline of Steilacoom Road for the entire improvement.
3. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
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. In order to meet the requirements of the Road Standards, additional right of way may be required. Please have your legal representative or surveyor prepare a Quit Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right of way totals 36 feet of right-of-way lying South of and abutting the existing centerline of Steilacoom Road. Upon your request, Thurston County's right-of-way representative will prepare the Quit Claim Deed describing the necessary right-of-way dedication. Please contact the Thurston County Right-of-Way section at 754-4998.
12. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 754-4580.
13. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.
14. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.

15. Development within the City of Lacey urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
16. 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.
17. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 360-867-2051 for a final inspection.
18. 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.
19. Once the planning department has issued the official approval, submit 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.
20. 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/fees-home.html> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 360-867-2050, or by e-mail at ruthie.moyer@co.thurston.wa.us.
21. 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. Completion of required frontage improvements.
- g. Completion of required signing and striping.
- h. Payment of any required permitting fees.
- i. Payment of any required mitigation fees.
- j. Complete the right-of-way dedication process.

Health Conditions:

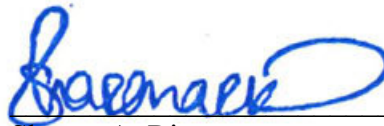
- 22. Prior to release of the building permit, any existing wells must be decommissioned by a licensed well driller per Washington State Department of Ecology standards. Copies of the well logs must be submitted to this office.
- 23. Prior to release of the building permit, any existing septic tanks located on the new fire station site must be properly abandoned per Article IV of the Thurston County Sanitary Code. An abandonment permit is required with copies of abandonment documentation from a licensed on-site sewage system pumper.
- 24. Upon connection of the existing fire station to City of Lacey sanitary sewer, the on-site sewage system must be properly abandoned per Article IV of the Thurston County Sanitary Code. An abandonment permit is required with copies of abandonment documentation from a licensed on-site sewage system pumper.
- 25. All hazardous materials and wastes shall be stored and handled in such a way that any spilled or released materials are contained inside a secondary container, and are not allowed to release to the ground, surface water, or ground water per Article VI, Nonpoint Source Ordinance.
- 26. 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 Department of Ecology at 360-407-6300.

Planning Conditions:

- 27. Prior to building permit issuance, the applicant shall submit a design review application in accordance with the requirements of TCC 21.70 for staff review and approval.
- 28. The design review application must include a final landscape plan in accordance with TCC 21.80 for staff review and approval.
- 29. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.
- 30. Construction activity shall be limited to the hours of 7:00 a.m. to 7:00 p.m. to minimize associated noise. All activities onsite shall fully comply with noise limitations outlined in WAC 173-60.
- 31. The use must comply with the noise standards of the Thurston County Ordinance, Title 10, Chapter 10.36 and Washington Administrative Code (WAC), Chapters 173-58.

32. The owner shall be responsible for maintaining an orderly appearance of the property and shall be responsible for the care and maintenance of all installed landscaped areas. All required yards, parking areas, storage areas, operation yards and other open uses on the site shall be maintained at all times in a neat and orderly manner.
33. All development on the site shall be in substantial compliance with the approved site plan and conditions. Any expansion or alteration of this use will require review and approval. The Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require a new permit.

DECIDED November 29, 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___.