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HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2019104182
)	
James Killeen III)	
)	
)	FINDINGS, CONCLUSIONS,
For a Shoreline Conditional Use Permit and)	AND DECISION
<u>Shoreline Substantial Development Permit</u>)	

SUMMARY OF DECISIONS

The request for shoreline substantial development permit and shoreline conditional use permit to construct improvements including a swimming pool at 9448 Loher Lane NE is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

James Killeen III (Applicant) requested shoreline substantial development and shoreline conditional use permits to: remove failing retaining walls and a deck; construct an approximately 1,820 square foot patio, an eight- by 18-foot pool and an eight- by eight-foot spa in the area of the removed deck; construct a pool equipment shed, a two-foot tall block retaining wall, a pergola, a trellis archway, and raised landscape block planters; and install a gas fire pit, walkways, steps, and landscaping at 9448 Lohrer Lane NE, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on November 24, 2020. The record was held open until November 26, 2020 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing comments were submitted, and the record closed on November 26, 2020.

Testimony

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

Scott McCormick, Associate Planner, Thurston County

Arthur Saint, Civil Engineer, Thurston County

Nicholas Taylor, Iris Group Consulting, Applicant Representative

Exhibits

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

- Exhibit 1 Community Planning & Economic Development Department Report including the following Attachments:
- A. Notice of Public Hearing, dated November 5, 2020
 - B. Master and JARPA Application Form, received August 14, 2019
 - C. Vicinity / Zoning Map
 - D. Site plan, dated May 18, 2020
 - E. Letter from the Iris Group, dated May 18, 2020
 - F. Geotechnical report by Mud Bay Geotechnical Services LLC, dated May 5, 2020
 - G. Critical Areas and Shoreland Analysis and Mitigation Report by Land Services NW, dated May 14, 2020
 - H. Notice of Application, dated October 30, 2019, with adjacent property owners list, dated October 29, 2019
 - I. Approval Memo from Amy Crass with Thurston County Environmental Health, dated October 3, 2019
 - J. Revised site plan , dated May 18, 2020

Based on the record developed through the open record hearing process, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested a shoreline substantial development permit (SSDP) and shoreline conditional use permit (SCUP) to perform the following improvements: remove failing retaining walls and a deck; construct an approximately 1,820 square foot patio, an eight- by 18-foot pool and an eight- by eight-foot spa in the area of the removed deck; construct a pool equipment shed, a two-foot tall block retaining wall, a pergola, a trellis archway, and raised landscape block planters; and install a gas fire pit, walkways, steps,

and landscaping. The property where the improvements are proposed is addressed as 9448 Lohrer Lane NE, Olympia, Washington.¹ *Exhibits I, I.B, and I.J.*

2. The application was submitted on August 14, 2019 and determined to be complete for purposes of commencing project review on September 11, 2019. *Exhibits I.B and I.H.*
3. The subject property is 6.2 acres in area and zoned Rural Residential Resource - One Dwelling Unit per Five Acres (RRR 1/5). It is developed with a single-family residence that was constructed in 2005. Surrounding properties are also developed with single-family residences. *Exhibits I, I.B, I.C, and I.J.*
4. The subject property is located on the Puget Sound shoreline, on the east shore of Johnson Point. The Shoreline Master Program for the Thurston Region (SMPTR) designates the subject shoreline as a Conservancy shoreline environment. The project falls under the jurisdiction of the SMPTR because it is proposed within 200 feet of the ordinary high water mark. While residential development is allowed in the Conservancy environment and the construction of a single-family residence is exempt from the requirement of an SSDP, the County does not consider a swimming pool to be an accessory structure that would qualify as exempt single-family residential development. The SMPTR defines residential development as including “accessory buildings common to residential structures” (SMPTR Section Three, page 98) and “accessory building” as a structure, “the use of which is customarily incidental to that of the main building” (SMPTR Section Four, page 123). As the use is not otherwise classified in the SMPTR or specifically prohibited, the Applicant is seeking both a SCUP and an SSDP to authorize the use. The project elements covered by the requested SCUP include the swimming pool and spa, a pool equipment shed, and a stairway connecting a deck and the proposed patio. The project constitutes “substantial development” as the cost or fair market value of the improvements proposed within shoreline jurisdiction would exceed \$7,047.00. *Exhibits I, I.B, and I.C; Revised Code of Washington (RCW) 90.58.030; Washington State Register (WSR) 17-17-007.*
5. The minimum building setback for residential structures in the Conservancy shoreline environment is 100 feet. All proposed development would be more than 100 feet from the ordinary high water mark. The structure closest to the shoreline (raised planter) would be set back 120 feet at its closest point. *Exhibits I.G and I.J; SMPTR Section Three, Chapters XIV and XVI; Nicholas Taylor Testimony.*
6. The subject property contains slopes classified as a geologic hazard area by the Thurston County critical areas ordinance (CAO, Chapter 24 of the Thurston County Code). Specifically, the slopes meet the criteria for steep slope, landslide, and marine bluff hazards. A geotechnical engineer evaluated the site and concluded that the potential for geologic hazard is low to moderate on the property, and further concluded that the proposed construction would not increase the risk of landslides on or near the site. Based

¹ The legal description of the subject property is a portion of Section 04, Township 19 North, Range 1 West, W.M.; also known as Tax Parcel Number 56551040000. *Exhibits I and I.B.*

on satellite imagery, the slope has been stable in its current morphology since 1990. The top of the slope crests gradually and is heavily vegetated, and no evidence of deep-seated slope failure was observed during a site visit. The geotechnical engineer made several recommendations with respect to building setback (minimum of 50 feet), drainage, and erosion control. *Exhibit 1.F.* The proposed improvements would be more than 50 feet from the top of the slope. County Planning Staff recommended as conditions of SSDP approval that the Applicant control stormwater runoff in accordance with the Thurston County Drainage Design and Erosion Control Manual and implement erosion and sediment control measures on the site, including revegetation of disturbed areas. The stormwater and erosion control plans would be reviewed for compliance with requirements through the building permit process. *Exhibits 1 and 1.J; Testimony of Arthur Saint and Nicholas Taylor.*

7. The subject property contains marine riparian habitat, which is a regulated fish and wildlife conservation area under the CAO. The minimum marine riparian habitat buffer is 250 feet, but the County may reduce the buffer as needed to accommodate water-dependent uses allowed by the SMPTR. In addition, a cove in the subject property shoreline contains an estuarine wetland requiring a 220-foot buffer under the CAO. *Exhibit 1.G.* The Applicant submitted a critical areas and mitigation report evaluating potential impacts to these features. The mitigation plan includes the removal of invasive species and the planting of native vegetation within the nearshore buffer area. The vegetation would include shrubs that are currently lacking, which would provide screening for wildlife. Vegetation would also be planted adjacent to the proposed pool shed to screen the walls. The County would evaluate critical areas impacts as part of a separate administrative critical area review permit process. *Exhibits 1 and 1.G.*
8. The proposed improvements would not obstruct shoreline views. The development area is on top of an approximately 50-foot-high marine bluff, and the improvements would be adjacent to the existing residence, between the residence and the top of the slope. No proposed structure would exceed 35 feet in height. *Exhibits 1.G and 1.J.*
9. The project is categorically exempt from review under the State Environmental Policy Act (SEPA). There would be no grading in excess of 500 cubic yards or any in-water work. *Exhibit 1; Thurston County Code (TCC) 17.09.055; WAC 197-11-800.*
10. The subject property is served by an on-site sewage system and individual well. The Thurston County Environmental Health Division reviewed the project and recommended approval on condition that vehicles and equipment not be driven over or parked on sewage system or well components, and that equipment and material staging not occur over the sewage system or well components. *Exhibit 1.I; Dawn Peebles Testimony.*
11. Notice of the open record hearing was mailed to property owners within 500 feet of the site on November 5, 2020 and published in The Olympian on November 13, 2020. *Exhibits 1 and 1.A.* There was no public comment on the application. After hearing all evidence presented, Planning Staff maintained their recommendation for approval.

Exhibit 1; Scott McCormick Testimony. The Applicant representative waived objection to the recommended conditions of approval. *Nicholas Taylor Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for shoreline permits pursuant to RCW Chapter 36.70, WAC 173-27, TCC 19.04.010, and Section One, Part V of the Shoreline Master Program for the Thurston region. Pursuant to WAC 173-27-200, a decision approving a shoreline conditional use permit must be submitted to the Department of Ecology for a final decision to approve, approve with conditions, or disapprove the permit.

Criteria for Review

Shoreline Substantial Development Permit (WAC 173-27-150)

To be approved by the Hearing Examiner, the proposed shoreline substantial development permit must be consistent with:

- A. The policies and procedures of the Shoreline Management Act;
- B. The provisions of applicable regulations; and
- C. The Shoreline Master Program for the Thurston Region.

A. Shoreline Management Act

Chapter 90.58 RCW, the Washington State Shoreline Management Act (SMA) of 1971, establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the Act. The Thurston County Shoreline Master Program (SMPTR) provides goals, policies, and regulatory standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of RCW Chapter 90.58.

The intent of the policies of RCW 90.58.020 is to foster “all reasonable and appropriate uses” and to protect against adverse effects to the public health, the land, and its vegetation and wildlife. The SMA mandates that local governments adopt shoreline management programs that give preference to uses (in the following order of preference) that: recognize and protect the statewide interest over local interest; preserve the natural character of the shoreline; result in long term over short term benefit; protect the resources and ecology of the shoreline; increase public access to publicly owned areas of the shorelines; and increase recreational opportunities for the public in the shoreline. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state is to be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline, are to be given preference.

*B. Applicable regulations from the Washington Administrative Code
WAC 173-27-140 Review criteria for all development.*

- (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- (2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

WAC 173-27-190 Permits for substantial development, conditional use, or variance.

- (1) Each permit for a substantial development, conditional use or variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

*C. Shoreline Master Program for the Thurston Region
SMPTR Section Two, Chapter V. Regional Criteria.*

- A. Public access to shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existed prior to establishment of public access.
- B. Protection of water quality and aquatic habitat is recognized as a primary goal. All applications for development of shorelines and use of public waters shall be closely analyzed for their effect on the aquatic environment. Of particular concern will be the preservation of the larger ecological system when a change is proposed to a lesser part of the system, like a marshland or tideland.
- C. Future water-dependent or water-related industrial uses shall be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to suitable industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.
- D. Residential development shall be undertaken in a manner that will maintain existing public access to the publicly-owned shorelines and not interfere with the public use of water areas fronting such shorelines, nor shall it adversely affect aquatic habitat.
- E. Governmental units shall be bound by the same requirements as private interests.
- F. Applicants for permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a Permit is granted. In any review of the granting or denial of an application for a permit as

provided in RCW 90.58.18.180 (1), the person requesting the review shall have the burden of proof.

- G. Shorelines of this Region which are notable for their aesthetic, scenic, historic, or ecological qualities shall be preserved. Any private or public development which would degrade such shoreline qualities shall be discouraged. Inappropriate shoreline uses and poor quality shoreline conditions shall be eliminated when a new shoreline development or activity is authorized.
- H. Protection of public health is recognized as a primary goal. All applications for development or use of shorelines shall be closely analyzed for their effect on the public health.

SMPTR Section Three, Chapter XIV, Part B. Recreation Policies.

The following policies are applicable:

- 2. All recreational development projects should be considered on the basis of their compatibility with the environment.
- 5. Recreational developments should be designed to preserve, enhance or create scenic views and vistas. Favorable consideration should be given to those projects that complement their environment.
- 7. Recreational development should comply with all applicable city, county, state, and federal regulations.

SMPTR Section Three, Chapter XIV, Part C. Recreation General Regulations.

The following general regulations are applicable:

- 2. Recreation facilities or structures which are not compatible with the environmental designation in which they are proposed are prohibited.
- 5. Sewage disposal and pest control must meet public health standards; waste must not be allowed to enter the water.

SMPTR Section Three, Chapter XIV, Part D. Conservancy Environment Regulations.

- 4. Conservancy Environment. Low intensity recreational uses are permitted in the Conservancy Environment provided:
 - a. [N/A]
 - b. Whenever possible, landscaping shall be done with native species.
 - c. A recreational facility or structure which changes or detracts from the character of the Conservancy Environment (by building design or intensity of use) shall be prohibited....

Shoreline Conditional Use Permit (WAC 173-27-160)

- 1. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- A. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - B. That the proposed use will not interfere with the normal public use of public shorelines;
 - C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - E. That the public interest suffers no substantial detrimental effect.
2. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
 3. Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
 4. Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

Conclusions Based on Findings

1. With conditions of approval, the project satisfies the criteria for a Shoreline Substantial Development Permit.
 - a. With critical areas review and implementation of the shoreline mitigation plan and drainage and erosion control measures, the project is consistent with Shoreline Management Act policies to protect against adverse effects to the land, vegetation, and wildlife. *Findings 6 and 7.*
 - b. The project is consistent with the applicable state shoreline regulations, in that it is being reviewed under the appropriate criteria and the structures would not obstruct views. A condition of approval has been added to ensure compliance with WAC 173-27-190. *Findings 1, 4, and 8.*
 - c. The project is consistent with the SMPTR. With respect to the regional criteria, there would be no adverse effects on water quality or aquatic habitat. All development activities would occur on the marine bluff and would be set back more than 100 feet from the ordinary high water mark. Public access to publicly owned shorelines would not be affected. Public Health would be protected through a condition of approval ensuring that septic system components are protected during construction. The project is not expected to increase landslide risk on or off the development site. With

respect to the applicable recreation policies and regulations, the proposal would be compatible with and complement the environment. The project is exempt from SEPA review. As a private recreational use, the intensity of the proposed use would be compatible with the Conservancy shoreline environment. The existing septic system would be protected during construction. *Findings 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11.*

2. The project satisfies the criteria for a shoreline conditional use permit. As concluded above, the project is consistent with the policies of RCW 90.58.020 and the SMPTR. The project is on a private parcel and would not affect public use of public shorelines. The project is compatible with surrounding single-family residential uses. As conditioned, the use would cause no significant adverse effects to the Conservancy shoreline environment. The record presented indicates that the public interest would suffer no substantial detrimental effect as a result of approval. The proposed improvements including a pool and spa at the top of a marine bluff are fairly atypical for the region, and there is little to suggest that approval of the instant project would spur future similar development on other shoreline parcels; however, if similar proposals were to come forward and to obtain similar geotechnical and critical areas reports by qualified professionals indicating no or negligible impacts, there would be no cumulative adverse impact. *Findings 1, 3, 4, 5, 6, 7, 8, 10, and 11.*

DECISION

Based on the preceding findings and conclusions, the requested shoreline substantial development permit and shoreline conditional use permit are **GRANTED** subject to the following conditions:

1. Stormwater 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 the existing drainage or other properties. The stormwater management system shall be designed to effectuate the intent of the stormwater recommendations in the geotechnical report at Exhibit 1.F and shall conform to the current Thurston County Drainage Design & Erosion Control Manual and Thurston County Code Chapter 15.05.
2. Proper erosion and sediment control practices consistent with the recommendations in the geotechnical report in the record at Exhibit 1.F shall be used on the construction site and adjacent areas to prevent upland sediments from entering the shoreline environment. All areas disturbed or newly created by construction activities shall be seeded, vegetated, or given some other equivalent type of protection against erosion. Erosion control shall be maintained until the site has been fully revegetated and surface soils are sufficiently stabilized by the retaining wall system and vegetation.
3. All development shall be in substantial compliance with the drawings and site plan in the record at Exhibit 1.J and shall implement the intent of the geotechnical recommendations of the Applicant's consultant in the record at Exhibit 1.F.
4. The proposed project must be consistent with all applicable policies and other provisions of the Shoreline Management Act, its rules, and the Shoreline Master Program for the Thurston Region.

5. Washington State Water Quality Laws, Chapter 90.48 RCW Water Pollution Control and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, define quality of state waters. Any discharge of sediment-laden runoff or of other pollutants to waters of the state is in violation of these state laws and may be subject to enforcement action.
6. The plants used in the project revegetation shall be native species suited to the site. No invasive species such as English ivy shall be used in the project.
7. An irrevocable assignment of savings in the amount of 125% of the cost of the planting materials, labor, and monitoring of the mitigation plan (Exhibit 1.G) shall be enacted prior to construction activities or building permit issuance.
8. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the Applicant's responsibility to obtain this permit if required by the state.
9. All project activities shall be conducted so as to prevent any vehicle/equipment travel or parking and staging of equipment and/or materials over any portion of the on- site sewage system components or existing well.
10. Construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

DECIDED December 11, 2020.



Sharon A. Rice
Thurston County Hearing Examiner

NOTE: Pursuant to TCC 22.62.020(C)10, affected property owners may request a change in valuation for property tax purposes.

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 **\$750.00** for a Request for Reconsideration or **\$1,041.00** 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 \$750.00 for Reconsideration or \$1,041.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Community Planning & Economic Development Department this _____ day of _____, 20___.