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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. 2020100856
)	
Bryan and Susan Kitchens)	Kitchens RUE
)	
)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For a Reasonable Use Exception)	
_____)	

SUMMARY OF DECISION

The request for a reasonable use exception to construct a single-family residence and septic system within a wetland and stream buffer is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Bryan and Susan Kitchens requested a reasonable use exception (RUE) to construct a single-family residence and septic system within a wetland and stream buffer. The reduced buffer for the wetland and stream would be approximately 100 feet in width at the narrowest point. The subject property is located at 14705 Vail Cutoff Road SE, Rainer, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on November 24, 2020. In order to ensure public access to the virtual hearing process, the record was held open through November 30, 2020 to allow for comment from members of the public who may have had difficulty joining the virtual hearings, with additional time arranged for responses by the parties. No timely post-hearing public comment was submitted, and the record closed on November 30, 2020.

Testimony

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

Brett Bures, Community Planning and Development Department
Bryan Kitchens, Applicant
Susan Kitchens, Applicant

Exhibits

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

- Exhibit 1 Community Planning and Economic Development Report, including the following attachments:
- A. Notice of Public Hearing, dated November 13, 2020
 - B. Master Application, received February 28, 2020
 - C. Reasonable Use Exception application, received February 28, 2020
 - D. Notice of Application, dated August 7, 2020
 - E. Site Plan, received February 28, 2020
 - F. Wetland Delineation Report, revised January 3, 2020
 - G. Memo from Public Health and Social Services Department, dated May 13, 2020
 - H. Department of Ecology comment letter, dated April 13, 2020
 - I. Department of Ecology comment letter, dated August 27, 2020
 - J. Nisqually Indian Tribe comment letter, dated August 11, 2020
 - K. Squaxin Indian Tribe comment letter, dated August 11, 2020
 - L. The Watershed Company Critical Area Report (with Mitigation Plan), dated October 15, 2020

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

FINDINGS

1. The Applicants requested a reasonable use exception (RUE) to construct a single-family residence and septic system within a wetland and stream buffer. The wetland buffer would be reduced to approximately 100 feet at its narrowest point. The subject property is located at 14705 Vail Cutoff Road SE in Rainier, Washington.¹ *Exhibits 1 and 1.C.*
2. The 10-acre subject property is located south of Vail Cutoff Road between Brasher Lane and Russian Hill Road in Rainier. The central portion of the site was cleared by a previous owner who intended to build homes. The east, south, and west edges of the property are forested, while the majority of the parcel is vegetated with mown grass and

¹ The legal description of the subject property is a portion of Section 25, Township 16 North, Range 1 East; also known as Tax Parcel Number 21625320400. *Exhibit 1.*

shrubs. Presently there is no “primary” structure on site, but accessory structures remaining from former uses include a car port, an RV storage structure, and various accessory buildings concentrated near the northern boundary of the parcel. The site is accessed by a graveled driveway entering the northwest corner of the site in an easement connected to Vail Cutoff Road. The existing structures and graveled driveway occupy 29,305 square feet of the northwest quadrant of the site. There are two wetlands and a stream onsite. The parcel does not contain shorelands that are regulated pursuant to the County’s shoreline master program. There are no known species of concern on or near the subject property. Surrounding parcels are developed with a mix of single-family uses and agriculture or are vacant and forested. *Exhibits 1, 1.E, 1.F, and 1.L; Bryan Kitchens Testimony; Google Maps site view.*

3. The subject property is zoned Rural Residential Resource – One Dwelling Unit Per Five Acres (RRR 1/5). Primary permitted uses in the RRR 1/5 zone include single-family residences, accessory uses and structures in conjunction with the primary use, and agriculture. *Thurston County Code (TCC) 20.09A.020.* At 10 acres, the subject property exceeds RRR 1/5 minimum lot area standard for residential development, which requires a minimum of five acres for single-family residential lots. The RRR 1/5 zone requires setbacks of 20 feet in front and five feet from side and rear lot lines for structures greater than 200 square feet in area. *Exhibit 1; TCC 20.09A.050; TCC 20.07.030.*

4. The Applicant commissioned a critical areas report to identify and characterize the sensitive features onsite. There is a forested depressional wetland in the center of the east site boundary (Wetland A), which was found by the Applicant’s consultant to meet the criteria for a Category II wetland with a total functional score of 20. Wetland A continues offsite to the east. A second wetland is located east of the western site boundary (Wetland B); this is a Category I riverine wetland with a total functional score of 23 points. Wetland B is associated with a Type F stream (Stream A), and both the Stream A and Wetland B continue off site to the south. Pursuant to the Thurston County critical areas ordinance (CAO), both wetlands require a no-disturb buffer of 280 feet and a 15-foot setback from improvements. Stream A requires a buffer of 200 feet with a 50-foot riparian management zone. The subject property is 650 feet wide. The 280+15 foot buffer/setback of Wetland B encompasses and is larger than the 200+50 foot buffer/riparian management zone of Stream A. The buffers of the two wetlands extend into the middle of the site and cross each other, encumbering the entire subject property except for approximately 2,000 square feet in the extreme southeast corner of the site. *Exhibit 1.F; Thurston County Code (TCC) 20.30.045.* The CAO allows for an administrative reduction in wetland buffers of up to 25% of the required buffer width, under certain conditions and with mitigation, pursuant to TCC 20.30.050. This would result in buffers of 210 feet, which would still require the 15-foot setback. Applying this administratively approvable buffer width to both wetlands yields approximately 3,000 developable square feet in the center of the northern boundary. This area is insufficient to accommodate a reasonable development envelope, and the Applicants have therefore requested a reasonable use exception. Note, the existing driveway enters the site approximately 40 feet east of Stream A where it enters the site near its northwest corner; it is located in the buffers of Stream A and Wetland B. *Exhibits 1.E, 1.F, and 1.L (Sheet*

W2); *TCC Chapter 24.45*. Community Planning and Economic Development Department Staff (Planning Staff) accepted the Applicants' critical areas delineation report as meeting the site study requirements of the CAO. *Exhibit 1; Brett Bures Testimony*.

5. The Applicants purchased the subject property approximately five years ago, after the central portion had been cleared by the previous owner. Since the time of their purchase, they have added a well and pumphouse with power station in the north central portion of the site, in an area already developed with structures and in which the surface is graveled or otherwise already disturbed. The Applicants propose to remove all existing structures except the well and pumphouse and to build a single-family residence in the disturbed northern eastern quadrant of the site. The residence would be setback 20 feet from the north lot boundary, consistent with the RRR 1/5 zone. At is nearest, the development envelope would be approximately 100 feet from the edge of Wetland B, and the nearest corner of the residence would be approximately 130 feet from Wetland B. The existing gravel driveway would be extended to the residence from its location in the northwest corner of the site. A proposed onsite septic system would serve the residence, with primary and reserve drainfields west of the residence near the center of the northern boundary. This placement for the drainfields are as far from both wetlands as can be accomplished onsite. The total proposed development envelope, including driveway and drainfields, would be 20,965 square feet. No clearing and no tree removal are proposed, as all improvements would be placed in already disturbed areas. It is not possible to reduce the amount of proposed driveway onsite, and thus reduce the proposed development envelope, without moving the residence and septic system closer to more sensitive Wetland B and Stream A. Of note, existing conditions between the existing disturbed area and Wetland B/Stream A are more densely vegetated than the existing conditions between the proposed development envelope and Wetland A. *Exhibits 1, 1.C, 1.E, and 1.L (see specifically Sheet W2); Bryan Kitchens Testimony*.
6. In addition to the critical areas delineation report, the Applicants' consultant prepared an impact assessment and mitigation report. All of the proposed development would occur in existing degraded areas of wetland buffer, cleared of trees by the previous owner. The mitigation report noted that the 20,965 square foot development envelope would result in no direct impacts to either wetland or the stream; however, it would unavoidably occupy the standard 280-foot buffer of each wetland due to the site's near total encumbrance. In order to mitigate these impacts, the consultant proposed 20,965 square feet of buffer enhancement for the retained, reduced buffer. These plantings, proposed between the residence and Wetland A, would consist of native species including (and not limited to) bigleaf maple, Oregon white oak, western red cedar, and various native shrubs. The consultant stated that these plantings would moderately improve water quality and hydrology functions by reducing erosion potential and increasing filtration of pollutants between the development envelope and Wetland A. Overall habitat function would be improved. The consultant submitted that all impacts of the proposed development would be fully mitigated and the project would result in no net loss of critical area functions and values on site. *Exhibit 1.L*.

7. County Planning Staff reviewed the proposed mitigation plan and submitted that it satisfies County requirements for critical areas review. Planning Staff submitted that the proposed development appears to be located as far away from the stream and wetlands as possible. Staff accepted the submitted critical areas and mitigation reports as demonstrating that the proposal would result in no net loss of critical area functions. *Exhibit 1; Brett Bures Testimony.*
8. The proposed development of a single-family residence is exempt from review for compliance with the State Environmental Policy Act (SEPA) pursuant to Thurston County Code. *TCC 17.09.055.B.*
9. The reasonable use exception application was submitted to Thurston County for review on February 28, 2020. *Exhibit 1.B.* When the application was deemed complete, notice of the application was issued by the Planning Department on August 7, 2020, commencing a 20-day comment period ending August 27, 2020. *Exhibit 1.D.*
10. Notice of the virtual open record public hearing was mailed to property owners within 500 feet of the site and published in *The Olympian* on November 13, 2020. No public comment was received. *Exhibits 1 and 1.A; Brett Bures Testimony.*
11. The Environmental Health section of Thurston County Public Health and Social Services Department reviewed and approved the project for compliance of health codes. Noting that the well is existing, the Environmental Health Division submitted comments indicating that an on-site sewage system application and design have been reviewed and accepted under permit number 2019101281. Environmental Health Staff recommended approval. *Exhibit 1.G.*
12. The Development Review Division section of Thurston County Public Works Department reviewed the project and raised no objection or concerns about approval. *Exhibit 1.*
13. Washington State Department of Ecology submitted comment agreeing with the ratings assigned to the two wetlands by the Applicants' consultant. Ecology's comments clarified the state agency's role in the event that fill is proposed within either wetland, and also submitted informational comments about water quality and watershed resource protection requirements. Specific actions recommended by Ecology included requiring fencing, a dense hedge, and/or signage at the reduced buffer's outer edge to prevent intrusion. *Exhibits 1.H and 1.I.*
14. The Nisqually Indian Tribe submitted comment indicating they had no specific concerns but requested to be notified of any inadvertent discoveries of archaeological resources/human burials. The Squaxin Island Tribe submitted comment indicating they had no specific cultural concerns related to the subject property, but also indicating that if the Washington State Department of Archaeology and Historic Preservation (DAHP) requested a cultural resources survey be completed, they would second/join in the DHAP request. *Exhibits 1.J and 1.K.*

15. At hearing, Planning Staff maintained their recommendation of approval of the RUE subject to the conditions in the staff report. *Brett Bures Testimony; Exhibit 1*. The Applicants waived objection to the recommended conditions; however, Susan Kitchens asked whether it would be possible to move improvements closer to the wetland. *Testimony of Susan Kitchens and Bryan Kitchens*. Planning Staff stated that if the proposed additional encroachment were reviewed by a professional consultant who submitted the opinion that further encroachment would not result in net loss of functions and values, the Planning Department would consider approving a minor modification of the proposal, should the RUE be approved. *Brett Bures Testimony*.

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for reasonable use exceptions pursuant to TCC 2.06.010(F) and TCC 24.45.030.

Criteria for Review

Pursuant to TCC 24.45.030, the Hearing Examiner shall grant the reasonable use exception if:

- A. No other reasonable use of the property as a whole is permitted by this title; and
- B. No reasonable use with less impact on the critical area or buffer is possible. At a minimum, the alternatives reviewed shall include a change in use, reduction in the size of the use, a change in the timing of the activity, a revision in the project design. This may include a variance for yard and setback standards required pursuant to Titles 20, 21, 22, and 23 TCC; and
- C. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the development proposal site, or increase public safety risks on or off the subject property; and
- D. The proposed reasonable use is limited to the minimum encroachment into the critical area and/or buffer necessary to prevent the denial of all reasonable use of the property; and
- E. The proposed reasonable use shall result in minimal alteration of the critical area including but not limited to impacts on vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions; and
- F. A proposal for a reasonable use exception shall ensure no net loss of critical area functions and values. The proposal shall include a mitigation plan consistent with this title and best available science. Mitigation measures shall address unavoidable impacts and shall occur on-site first, or if necessary, off-site; and
- G. The reasonable use shall not result in the unmitigated adverse impacts to species of concern; and
- H. The location and scale of existing development on surrounding properties shall not be the sole basis for granting or determining a reasonable use exception.

Conclusions Based on Findings

1. Given the existing disturbed area of only 29,305 square feet, which is just over half an acre, and that the entire site is encumbered by critical areas and associated buffers except 2,000 square feet that cannot be accessed without dramatically increasing buffer impacts, agriculture would not be a reasonable use of the site. Based on the record submitted, single-family residential use is the only identified reasonable use of the property considering its size and zoning and the residential development of surrounding parcels. *Findings 2, 3, 4, 5, 6, and 7.*
2. No reasonable use with less impact on the critical area or buffer is possible. The proposed development area is in the north central portion of the property in a location that maximizes the distance between improvements and the wetlands along the east and west boundaries. Moving the development envelope closer to Stream A/Wetland B, which are the more sensitive critical areas on the property, is the only way to reduce the impacts of extending the driveway. Thus, the development envelope cannot be reduced in area significantly beyond that proposed without increasing impacts to the more sensitive critical areas' buffers. The proposed placement of improvements appears to reflect the minimum intrusion into critical area buffers necessary to allow residential development of the property. Note, Planning Staff's offer to entertain further reduction of the setback between the development envelope and the wetland would run contrary to this criterion for approval, which requires a demonstration that the site cannot be used reasonably with less impact. The current proposal is determined to be reasonable use, with an approximately 100-foot setback for the development envelope and an approximately 130-foot setback for the residence. Any further reduction in these setbacks would represent more impact than the least possible, contrary to this RUE criterion and criterion 4. *Findings 2, 4, 5, 6, 7, and 15.*
3. With conditions, the requested development would not result in damage to other property and would not threaten the public health, safety, or welfare on or off site, or increase public safety risks on or off the property. Less of the site would be included in the "development envelope" than currently exists in a degraded condition. The septic design has been reviewed and accepted by the Environmental Health Division. Runoff from the new impervious surfaces would be required to be managed consistent with the County's Drainage Design and Erosion Control Manual. One to one buffer enhancement is proposed to mitigate for the unavoidable buffer impacts from residential development. The vast majority of the property (more than 9.5 acres) would remain permanently undeveloped behind a fence provided with critical area signage. No direct impacts to the critical areas are proposed, and with implementation of the proposed mitigation plan, the project would appear to provide greater wetland buffer functions than the existing condition. *Findings 2, 4, 5, 6, 7, 11, 12, 13, and 14.*
4. As described in Conclusion 2, the proposed reasonable use is limited to the minimum encroachment necessary to prevent denial of all reasonable use of the property. Again, future potential additional encroachment into the retained buffer, even with a consultant's opinion that said further encroachment would still result in no net loss, would be more

than the minimum encroachment necessary to allow reasonable use and therefore would fail to comply with this RUE criterion. *Findings 2, 4, 5, 6, 7, and 15.*

5. The proposed reasonable use would result in minimal alteration of critical area buffers and no direct impacts to stream or wetlands onsite. Proposed buffer reduction was minimized by placement of the development footprint in an already disturbed portion of the site as far from critical areas as possible while maintaining minimum building setbacks from the northern property boundary. Unavoidable impacts would be fully mitigated through enhancement plantings on site. *Findings 3, 4, 5, 6, and 7.*
6. With conditions of approval ensuring implementation of the mitigation plan, the proposal ensures no net loss of critical area functions and values. Based on the credible third party studies submitted, the proposed mitigation plan would moderately improve the overall function of the buffers over the existing condition by increasing native plantings and vegetation density within the retained buffer between the residence and septic components and the nearer wetland. Further improvement would result from the proposed removal of existing accessory structures outside the proposed development envelope. *Findings 2, 4, 5, 6, 7, and 13.*
7. There are no known species of concern on or near the site. *Findings 2 and 4.*
8. The location and scale of existing development is not the basis for granting the reasonable use exception. The RUE is needed because the critical area buffers encumber the entire site. *Findings 2, 4, and 5.*

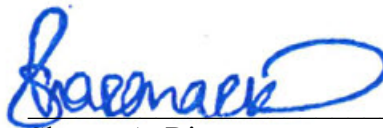
DECISION

Based on the preceding findings and conclusions, the requested RUE to allow construction of a single-family residence and septic system within a wetland and stream buffer at 14705 Vail Cutoff Road SE in Rainer, Washington is **GRANTED**, subject to the following conditions:

1. 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.
2. The Applicants shall stop work and contact the proper authorities, including the Nisqually Tribe Cultural Resources Preservation Officer, Brad Beach, the Squaxin Tribe, Chehalis Tribe, Thurston County CPED and Washington State Department of Archeology and Historic Preservation (DAHP) if during excavation there are discoveries of archaeological artifacts or human burials.
3. 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 Applicants' responsibility to obtain this permit if required.

4. 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. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300.
5. Prior to the issuance of a building permit, the Applicants shall obtain an estimate to complete the proposed mitigation and submit it to the Community Planning and Economic Development Department for review and acceptance.
6. The Applicants shall provide a surety agreement and bond with the required mitigation plan, in compliance with TCC 24.70, to ensure the proposed monitoring and maintenance portion of any proposed mitigation plan.
7. Fencing or a dense hedge and critical area signs shall be installed along the reduced buffer edges around the entire development envelope, consistent with the standards of TCC Chapter 24.60.
8. All development on the site shall be in substantial compliance with the approved site plan in the record at Exhibit 1.E, as conditioned. Any alteration to the proposal will require approval of a new or amended reasonable use exception. The Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval, while complying with the intent of Conclusions 2 and 4 above that the retained buffer width shall not be reduced beyond that approved herein.
9. Prior to building permit issuance, erosion control shall be installed and inspected by Thurston Community Planning and Economic Development staff. Photos may substitute for on-site inspection. Erosion and stormwater controls, i.e. silt fencing and / or straw wattles must be installed landward of the buffer such that uncontrolled stormwater cannot reach the adjacent wetland.

DECIDED December 14, 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___.