



COUNTY COMMISSIONERS

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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. 2019103037 Bitar RUE
	)	
<b>Paul Bitar</b>	)	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, septic system and driveway within a wetland buffer is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request**

Paul Bitar (Applicant) requested a reasonable use exception (RUE) to construct a single-family residence, septic system, and driveway within a wetland buffer. The wetland buffer would be reduced from 160 feet to a minimum of 50 feet. The subject property is located at 5747 Capitol Forest Loop SW, Olympia, Washington.

**Hearing Date**

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on May 12, 2020. Due to the newness of virtual hearings, the record was held open two business days to allow for public comment, with additional time arranged for responses by the parties. The record closed on May 18, 2020.

**Testimony**

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

Scott McCormick, Associate Planner

Dawn Peebles, Thurston County Environmental Health Division

Todd Mason, Thurston County Public Works Department  
Alexander Callender, Land Services Northwest  
Jim Henry, Jim Henry Design Services  
Paul Bitar, Applicant  
John Newman  
Lisa Riner

**Exhibits**

At the open record public 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
  - B. Zoning/Site Map
  - C. Master Application, received June 20, 2019
  - D. Reasonable Use Exception application, received June 20, 2019
  - E. Answers to Reasonable Use Criteria, received December 22, 2019
  - F. Project narrative, received December 22, 2019
  - G. Site plans, received December 22, 2019
  - H. Notice of Application for Reasonable Use Exception, dated August 29, 2019 with adjacent property owner list, dated August 20, 2019
  - I. Approval Memo from Amy Crass, TC Environmental Health, dated September 18, 2019
  - J. Comment letters from the WA Dept. of Ecology, dated September 18, 2019 and July 26, 2019
  - K. Comment email from Greg Schoenbachler, September 9, 2019
  - L. Comment email from Shaun Dinubilo with the Squaxin Tribe, dated September 3, 2019
  - M. Comment letter from the Nisqually Indian Tribe, THPO dated July 12, 2019
  - N. Comment email from the Squaxin Tribe, dated July 11, 2019
  - O. Wetland and Stream Report and Reasonable Use Exception Analysis by Land Services Northwest LLC, received November 7, 2019 (includes mitigation plan, pg. 32)

- EXHIBIT 2 Public comment received after publication of Staff Report
- A. Thomas Holz comment via the Board of County Commissioners Office, May 1, 2020
  - B. Thomas Holz comment, dated May 6, 2020
  - C. Meredith Inocencio comment, dated May 11, 2020
  - D. Lee Riner comment, dated May 12, 2020
  - E. Glen Anderson comment, dated May 12, 2020
  - F. Marianne Tompkins comment, dated May 12, 2020
  - G. Randy Tompkins comment, dated May 12, 2020
  - H. Janine Lindsey comment, dated May 14, 2020

EXHIBIT 3 Email from Jim Henry, dated May 12, 2020 with septic design dated May 11, 2020

EXHIBIT 4 Response to public comment from Paul Bitar, dated May 13, 2020

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

#### **FINDINGS**

1. The Applicant requested a RUE to construct a single-family residence, septic system, and driveway within a wetland buffer. The wetland buffer would be reduced from 160 feet to a minimum of 50 feet. The subject property is located at 5747 Capitol Forest Loop SW, Olympia, Washington. *Exhibits 1, 1.C, and 1.D.*
2. The RUE application was submitted on June 20, 2019 and determined to be complete for purposes of commencing project review on July 19, 2019. *Exhibits 1.C, 1.D, and 1.H.*
3. The subject property is within the Cougar Ridge residential subdivision and is one of the last parcels within the subdivision to be developed. The proposed area of the residence – 3,180 square feet – would be average for the neighborhood. The parcel has not changed ownership in more than 40 years. *Paul Bitar Testimony; Exhibit 1.F; Exhibit 4.*
4. The subject property is within the rural portion of the County and is zoned Residential LAMIRD 1/1 (RL 1/1). *Exhibits 1 and 1.B.* Primary permitted uses in the RL 1/1 zone include single-family and two-family residences, agriculture, and home occupations. *TCC 20.11A.020.* At 1.4 acres, the subject property conforms to current RL 1/1 minimum lot area standards for residential development, which are 0.75 acre for single-family residential lots within a conventional subdivision, and 0.5 acre for single-family residential lots within a cluster subdivision. *Exhibit 1; TCC 20A.11A.040.*

5. The Applicant proposes to cluster the residence, driveway, septic system drainfield, and reserve drainfield in the southwest corner of the subject property, with the residence as far south as possible while maintaining compliance with the County's front yard setback standard (20 feet). The footprint of the residence would be a maximum of 3,180 square feet in area and the driveway would be a maximum of 570 square feet in area.<sup>1</sup> Although the site plan submitted into the record as Exhibit 1.G depicts that the primary septic drainfield would be located at the southwest property corner, with the residence to the east and the reserve drainfield to the north, the Applicant submitted a revised septic design at the hearing depicting that the southwest property corner would remain undeveloped, so as to retain a stand of cedar trees and the encroaching lawn area of a neighboring property; the primary septic drainfield would be located to the north of the stand of trees (in a similar location as was originally proposed for the reserve drainfield, except avoiding the encroaching lawn area), and the reserve drainfield would be located on the north (back) side of the residence. These changes would not affect the location of the driveway or residence, and the revised drainfield locations would not create wetland buffer encroachments in excess of what was originally proposed. The overall limits of development in relation to the critical areas would remain the same. *Exhibits 1.F, 1.G and 3; Testimony of Paul Bitar, Alex Callender, and Dawn Peebles.*
6. Three wetlands and one stream have been identified either on or near the subject property:

Wetland A is located off site and to the north of the subject property, on public lands managed by the Washington State Department of Natural Resources. Wetland A is a large depressional wetland that drains west to McLane Creek, and there are walking trails and park facilities associated with the McLane Creek Demonstration Park in the area. Wetland A is classified as a Category II wetland with a habitat score of 6, requiring a standard buffer of 200 feet. The 200-foot buffer extends over the northwest portion of the subject property. All proposed development would be more than 200 feet from Wetland A.

Wetland B is an isolated wetland located wholly onsite, in the northeastern portion of the subject property. Wetland B is classified as a Category IV wetland with a habitat score of 5, requiring a standard buffer of 160 feet, which may be reduced to 120 feet with the mitigation measures specified in TCC 24.30.050. The standard 160-foot buffer covers nearly the entire parcel, with the unencumbered portion primarily consisting of front and side yard setbacks. A buffer reduction to 120 feet (as allowed administratively without need for a RUE) would not be adequate for the proposed residential development due to the substantial area required for septic drainfields. The Applicant proposes to reduce the buffer to a minimum of 50 feet adjacent to the proposed development area. With the proposed reduction, the Wetland B buffer edge would coincide with the

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<sup>1</sup> These dimensions are per the project narrative submitted into the record as Exhibit 1, Attachment F. These numbers are slightly larger than those indicated on the revised septic design entered into the record as Exhibit 3 (3,110 square feet for the residence and 480 square feet for the driveway). *Exhibits 1.F and 3.*

Wetland C buffer edge (described below). The residence would be set back an additional 15 feet from the reduced buffer edge.

Wetland C is a slope wetland that is located at the northeast property corner, with the majority of the wetland located off site. Wetland C is hydrologically connected to Wetland A and McLane Creek. Wetland C is classified as a Category IV wetland with a habitat score of 6, requiring a standard buffer of 200 feet, which may be reduced to 150 feet with the mitigation measures specified in TCC 24.30.050. Because Wetland B lies between Wetland C and the proposed development area, the buffers overlap. The Applicant proposes to reduce the Wetland C buffer to a minimum of 150 feet adjacent to the proposed development area in the southwest corner of the property. A RUE is not required for this reduction.

A seasonal Type Ns stream, which does not drain into Puget Sound, is located to the east of the subject property. The minimum stream buffer is 100 feet. No development is proposed within the stream buffer.

*Exhibits 1.E, 1.F, 1.G and 1.O; Alex Callender Testimony.*

7. Although the proposed site design avoids some impacts to critical areas by confining development to the southwest quadrant of the property, 16,378 square feet of buffer associated with Wetlands B and C would be impacted. The Applicant proposes to mitigate this impact by enhancing 35,365 square feet of remaining on-site buffer, exceeding a 2:1 ratio of mitigation to impact. The intent of the enhancement is to improve wetland functions by increasing roughness, increasing nutrient uptake of stormwater, providing screening for wildlife, providing shade for water quality and habitat, and producing food for wildlife. The proposed planting plan includes quaking aspen and red-osier dogwood in a zone immediately adjacent to Wetland C; Pacific dogwood, Pacific ninebark, Oregon grape, red columbine, and goatsbeard in a zone along the outer (western) Wetland C buffer; twinberry along the eastern edge of the subject property, including adjacent to Wetland B; and Douglas fir within the northwest quadrant of the property. The plantings would be monitored for five years, and the Applicant would post a surety bond for the work. *Exhibits 1.O and 1.F.*
8. In addition to the proposed plantings, which would ensure a dense buffer between the proposed residential development and the wetlands, the Applicant proposes to comply with the other mitigation requirements specified in Thurston County Code (TCC) Chapter 24.30 (the critical areas ordinance) by directing lights away from the wetlands and buffers, limiting pesticide use within 150 feet of wetlands, and using a low intensity development technique to infiltrate runoff from downspouts. The Applicant also proposes to install two bat boxes, two wood duck houses, and a marten house on site. *Exhibits 1.O and 1.F.*
9. The subject property slopes downward towards the north. However, there are no slopes in the proposed development area that are steep enough to be regulated as a critical area under the County's critical areas ordinance. Most of the site has a gradient of less than

15%, and the maximum gradient is approximately 25%. *Testimony of Jim Henry and Scott McCormick; Exhibit 3.*

10. No state or federally listed species of wildlife were observed on or near the site during field investigations. *Exhibit 1.O.*
11. County Planning Staff reviewed the proposed mitigation plan and submitted that it more adequately addresses impacts and should not result in net loss of wetland functions and values. *Exhibit 1; Scott McCormick Testimony.*
12. The submitted septic design has not yet been approved; it would be subject to a separate review process by the Environmental Health Division. *Exhibits 1.I and 3; Dawn Peebles Testimony.*
13. The Public Works Department submitted that the proposal appears feasible from an engineering perspective. At the time of building permit application, the Applicant would be required to submit a site plan with engineered stormwater management due to the presence of critical areas on site. *Todd Mason Testimony.*
14. Notice of the open record hearing was mailed to property owners within 500 feet of the site on May 1, 2020 and published in *The Olympian* on May 1, 2020. Notice was not posted on site due to the shelter in place order from the Governor, under which County Staff was working primarily remotely from home and was directed not to post notice. *Exhibits 1 and 1.A; Scott McCormick Testimony.*
15. Public comment in response to the application expressed concern that the residence would be visible from the McLane Creek trails, that the property slopes too steeply for construction of a residence, that runoff from the development would impact water quality, and that development would adversely affect wildlife such as snakes and turtles. *Exhibit 2; Testimony John Newman and Lisa Riner.* The slope and stormwater issues were addressed by County Staff and Applicant representatives as described in the preceding findings, including that the proposed development area is not steeply sloped, that an engineered stormwater plan would be required, and that the wetland buffers would be enhanced (including the Wetland A buffer on the north side of the parcel, which would not be reduced as a result of the proposal). *Alex Callender Testimony.* Regarding the western pond turtles, page 29 of the critical areas study notes that WDFW Staff relayed to the Applicant's consultant in 2018 that western pond turtles were captured and taken to recovery program and the state agency had no management recommendations. *Exhibit 1.O, page 29.*

## 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. The County's critical areas ordinance establishes a "reasonable use" exception to the requirements of the ordinance which may be available when adherence to the provisions of this title would deny all reasonable use of the subject property as a whole. A reasonable use exception can only be granted if no other reasonable alternative method of development is allowed under the code. *TCC 24.45.010*. Applicants cannot obtain approval of reasonable use exceptions if their inability to derive reasonable use is the result of a self-created hardship, such as subdividing the property, adjusting a boundary line, or other actions creating the undevelopable condition of the parcel. *TCC 24.45.020*. Unless otherwise prohibited by this chapter, any property owner may apply for a reasonable use exception to carry out a use or activity not permitted by this title, including development on a parcel wholly encumbered by critical areas and associated buffers, on legally created lots, including but not limited to lots created through subdivisions, short subdivisions, large lot subdivisions, binding site plans, and other legal property divisions. *TCC 24.45.025*. To obtain reasonable use exception approval, an applicant must satisfy the criteria for RUE approval at TCC 24.45.030.

2. Based on the record submitted, no other reasonable use of the property as a whole - aside from the proposed residential use - is permitted by the critical areas ordinance. Single-family residential use is the only reasonable use of the property considering the size and zoning of the property zoning and the residential development of surrounding parcels. *Findings 3 and 4.*
3. No reasonable use with less impact on the critical area or buffer is possible. The proposed development area is in the southwest quadrant of the property, which maximizes the distance between the development area and the wetlands and stream. The proposed area of the residence is reasonable considering the character of surrounding development and the size of the parcel. While the RUE criteria suggest that yard setback reductions might be considered as an alternative to a critical area impact, in this case reducing the 20-foot front yard (south property line) setback would not affect the wetland buffer reduction because the wetland at issue is to the east of the proposed residence (Wetland B), not to the north of the residence (Wetland A). No impacts to the Wetland A buffer are proposed. The proposed location of the residence allows for tree preservation at the southwest property corner and allows for a reasonable setback between the residence and the septic drainfield. *Findings 5 and 6.*
4. As conditioned, the requested development would not result in damage to other property and would not threaten the public health, safety or welfare on or off the development site, or increase public safety risks on or off the property. The proposed development site is not encumbered by critical slopes. Engineered stormwater management would be required to protect the critical areas. The septic system design is subject to review by the Environmental Health Division. Conditions of approval require erosion control measures to be installed and inspected prior to building permit issuance. With respect to aesthetic impacts for park users, the proposal maintains the required 200-foot buffer from the Wetland A pond system, and the buffer would be enhanced far beyond the minimum amount required by code. The eastern half of the property would remain permanently undeveloped. *Findings 6, 7, 8, 9, 12, 13, and 15.*
5. As described in Conclusion 3, the proposed reasonable use is limited to the minimum encroachment necessary to prevent denial of all reasonable use of the property. *Findings 5 and 6.*
6. The proposed reasonable use will result in minimal alteration of the critical area. No direct impacts to any wetlands or streams are proposed. Buffer reductions have been minimized by intentional placement of the development footprint in the southwest quadrant of the property. Unavoidable impacts would be mitigated through enhancement plantings. *Findings 6 and 7.*
7. With conditions of approval ensuring implementation of the mitigation plan, the proposal ensures no net loss of critical area functions and values. The proposed plantings Code required mitigation standards. *Findings 6, 7, 8, and 11.*



8. As conditioned, the use would not result in unmitigated adverse impacts to species of concern, and in fact, specific accommodations for bats, wood ducks, and martens are proposed in addition to the generous buffer enhancement plantings. *Findings 7, 8, and 10.*
9. The location and scale of existing development is not the basis for granting the reasonable use exception. The RUE is needed because the Wetland B buffer precludes development of a residence and required septic drainfields. *Finding 6.*

### **DECISION**

Based on the preceding findings and conclusions, the request for a reasonable use exception to construct a single-family residence, septic system, and driveway within a wetland buffer, while retaining a minimum 50-foot undisturbed wetland buffer, at 5747 Capitol Forest Loop SW is **GRANTED**, subject to the following conditions:

1. An irrevocable assignment of savings or bond in the amount of 125% of the cost of the mitigation and monitoring plan shall be submitted to Thurston County CPED prior to building permit issuance.
2. A storm drainage and erosion control plan shall be submitted to Thurston County CPED for review and approval prior to building permit issuance.
3. Prior to building permit issuance, erosion control shall be installed and inspected by Thurston CPED staff. Erosion and storm water controls, i.e. silt fencing and/or straw wattles, must be installed landward of the reduced buffer such that uncontrolled storm water cannot reach the adjacent wetlands.
4. Prior to building permit issuance, a wetland buffer fencing and signage plan shall be submitted to CPED staff for review and approval.
5. Prior to final occupancy approval all wetland buffer fencing and signage shall be installed. The Applicant shall contact CPED staff for a site inspection upon completion of the wetland buffer fencing and signage.
6. The mitigation monitoring shall follow the recommendations contained in the wetland report (Exhibit 1.O) and the minimum undisturbed width of buffer provided from Wetland B shall be 50 feet.
7. Erosion and storm water control Best Practices meeting Thurston County standards; Chapter 15.05 shall be employed during all phases of the project. Proper erosion and sediment control practices 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.

8. The Applicant shall remove all construction related debris to an approved site (landfill or recycling center) outside of critical areas and their buffers.
9. If archaeological artifacts are observed during any phase of the project, all work shall be immediately halted. The State Department of Archaeology and Historic Preservation, the Thurston County Community Planning & Economic Development Department (CPED) and affected Tribes shall be contacted to assess the situation prior to resumption of work. The Inadvertent Discovery Plan for Thurston County shall be implemented for the project as necessary.

**DECIDED** June 2, 2020.



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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.



<b>Project No.</b> _____ <b>Appeal Sequence No.:</b> _____
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**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\_\_\_.