



COUNTY COMMISSIONERS

Carolina Mejia-Barahona  
District One

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District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. 2020104570
	)	
<b>Martin Emmick</b>	)	FINDINGS, CONCLUSIONS
	)	AND DECISION
For a Reasonable Use Exception	)	
_____	)	

**SUMMARY OF DECISION**

Because the record does not demonstrate compliance with all eight criteria established in TCC 24.45.030, the request for a reasonable use exception to construct a single-family residence and other improvements within a wetland buffer is **DENIED**.

**SUMMARY OF RECORD**

**Request**

Martin Emmick (Applicant) requested a reasonable use exception (RUE) to construct a single-family residence within a Category II wetland buffer. The subject property is located at 2018 Maple Valley Road SW, Olympia, Washington.

**Hearing Date**

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on August 9, 2022. The record was held open through August 11, 2022 to allow members of the public who experienced technology or access barriers to 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 August 11, 2022. No in-person site visit was conducted, but the Examiner viewed the property on Google Maps.

**Testimony**

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

Richard Felsing, Associate Planner, Thurston County Community Planning & Economic Development Department

Alex Callender, Applicant Representative  
Martin Emmick, Applicant

**Exhibits**

The following exhibits were admitted in the record through the open record public hearing:

- Exhibit 1 Community Planning and Economic Development Report including the following attachments:
- A. Notice of Public Hearing
  - B. Master Application, submitted October 15, 2021
  - C. Reasonable Use Exception Application, submitted October 21, 2021
  - D. Site plan, submitted October 15, 2021
  - E. Project Narrative
  - F. Wetland Analysis Report and Reasonable Use Exception No Net Loss Mitigation Plan, dated October 7, 2022 and submitted October 15, 2021
  - G. Notice of Application, dated April 27, 2022
  - H. Approval memo, Amy Crass, Thurston County Environmental Health, dated November 29, 2021
  - I. Comment letter, Brad Beach, Nisqually Indian Tribe, dated July 30, 2021
  - J. Comment email, Shaun Dinubilo, Squaxin Island Tribe, dated May 3, 2022
  - K. Email from Department of Archaeology and Historic Preservation requesting Inadvertent Discovery Plan, dated August 4, 2021
  - L. PHS Report: Priority Habitats & Species Mapping Database, Washington State Department of Fish & Wildlife, dated July 19, 2022
  - M. Site Photos
  - N. Fish Passage Report
  - O. Revised site plan (including 10-foot setback from northern property boundary)
- Exhibit 2 Additional recommended condition of approval from Environmental Health Division via email from Dawn Peebles, dated August 9, 2022, with attached site plan from Applicant's initial proposal, dated received by Thurston County September 25, 2020
- Exhibit 3 Planning Staff's response to TCC 24.45.030.E, submitted following the hearing at the invitation of the undersigned
- Exhibit 4 Applicant acknowledgement of Thurston County's Inadvertent Discovery Plan

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

## FINDINGS

1. Martin Emmick (Applicant) requested a reasonable use exception (RUE) to construct a single-family residence and a detached shop building within a Category II wetland buffer. The subject property is located at 2018 Maple Valley Road SW, Olympia, Washington.<sup>1</sup> *Exhibits 1, 1.B, 1.C, 1.E, and 1.O.*
2. The RUE application was received on September 25, 2020 and deemed complete for purposes of commencing project review on October 15, 2020. *Exhibit 1.G.*
3. The subject property is located in the rural portion of the County and 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 and two-family residences, agriculture, accessory farm housing, and home occupations. *Exhibit 1; Thurston County Code (TCC) 20.09A.020.*
4. The subject property is five acres in area and contains a vacant, dilapidated single-family residence (proposed for removal) served by a septic system, a detached carport, two sheds, and a well. Maple Valley Road SW borders the property to the west, and Swift Creek borders the property to the east. As shown on a September 2020 site plan, the existing residence, carport, one of the sheds, and the well are in the southwest corner of the subject property, in an area that is unencumbered by critical areas and buffers. *Exhibits 1 and 1.O.* The location of the septic system serving the existing residence is not shown on any of the site plans.
5. Parcels in the immediate vicinity of the subject property vary in size (with some as small as one acre) and are developed with single-family residences, averaging 1,957 square feet in area, and accessory structures. *Exhibits 1, 1.E, and 1.G.*
6. Swift Creek is a perennial Type F stream between five and 20 feet in width that traverses the west end of the site, meandering along the irregular western end of the subject property just inside and just outside the subject property. It requires a minimum 200-foot no-disturb buffer, and an additional 15-foot building setback from the outer edge of the buffer is required unless the Applicant can demonstrate that construction activities would not encroach into the protected area. *Exhibits 1 and 1.F; TCC Table 24.25-1; TCC 24.01.035.*
7. The subject property contains a 13,122 square foot forested and emergent slope wetland, which is adjacent to the west side of Swift Creek. The wetland is classified as a Category II wetland with a habitat score of 8, requiring a standard buffer width of 280 feet. The 200-foot Swift Creek stream buffer and associated 15-foot building setback fall within the 280-foot standard wetland buffer. Pursuant to TCC 24.30.050, the 280-foot wetland buffer may be administratively reduced to 210 feet with mitigation. An additional 15-foot building setback from the edge of the buffer is required unless the Applicant can

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<sup>1</sup> The legal description of the subject property is a portion of Section 23 Township 18 Range 3W Quarter NE SE, LL010262TC LT 4 Document 3400107; also known as Tax Parcel Number 13823410800. *Exhibit 1.*

demonstrate that construction activities would not encroach into the protected area. This allows a structure to be placed 225 feet from the edge of the wetland without reasonable use exception, so long as adequate mitigation is provided. *Exhibits 1.F and 1.O; TCC Table 24.30-2; TCC 24.01.035.*

8. The Applicant proposes to place a new 24- by 38-foot (footprint) residence in the north-central portion of the property, and a detached shop building of the same dimensions immediately to the northwest of the residence set back at least 10 feet from the northern site boundary.<sup>2</sup> The proposed residence would have a second story of the same area. At 1,824 square feet, the area of the proposed residence would be smaller than the average area of the residences in the immediate vicinity and would have a footprint of only 912 square feet. *Exhibits 1 and 1.O.*
9. The standard 280-foot wetland buffers (which incorporates the full stream buffer width) occupy approximately two-thirds to three-quarters of the subject property. However, the entire western portion of the property fronting Maple Valley Road SE is unencumbered to a depth ranging from approximately 180 feet at the southern property line to approximately 280 feet at the northern property line. This area is served by an existing driveway. Decreasing the wetland buffer to 210 feet pursuant to TCC 24.30.050 would further increase the potentially developable area and could be administratively approved. *Exhibits 1 and 1.O.*
10. As proposed, all construction would be outside of the 200-foot stream buffer and associated 15-foot building setback. The RUE is requested because the Applicant proposes to construct the residence within the reduced 210-foot wetland buffer. As measured by the Applicant's consultant, the residence would be approximately 176 feet from the wetland edge at its closest point.<sup>3</sup> The detached shop would be located just outside of the 210-foot administratively approvable buffer, although the site plan depicts that the building setback from the reduced buffer edge would be less than 15 feet. Both structures would be inside the standard 280-foot buffer. *Exhibits 1 and 1.O.* The wetland report states that the Applicant proposes "a [buffer] reduction of 2,768 square feet beyond what is allowed by code."<sup>4</sup> *Exhibit 1.F, page iii.*

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<sup>2</sup> The staff report says in various locations that the proposed residence would be 932 square feet and 920 square feet, and in testimony, the Applicant and representative stated that the footprint would be 952 square feet; however, the site plan shows 24 by 38, which would be 912 square feet, and the Applicant clarified that there would be a second story of the same dimensions on the residence. *Exhibits 1 and 1.O; Martin Emmick Testimony.*

<sup>3</sup> The wetland report contains a statement that the intrusion into the reduced 210-foot buffer would only be approximately 10 feet. *Exhibit 1.F, pages 18 and 29.* However, during the hearing, the Applicant's consultant measured the setback between the wetland and the proposed development at the narrowest distance using AutoCAD and reported the distance as approximately 176 feet. *Alex Callender Testimony.*

<sup>4</sup> It is not clear how this area of impact was calculated. The proposed residence is shown on the final site plan as measuring 24 by 38 feet, or 912 square feet, and the proposed shop to the northwest shows the same dimensions, which together would total 1,824 square feet of building footprint. Both structures are drawn within a rectangular area dimensioned as being 57 by 90 feet, which would be 5,130 square feet and which does not contain the septic drainfield. Further, the undersigned assumes – reading the report's information in context - that the total 2,768 square feet of impact only includes proposed development inside the 210-foot administratively reduced buffer. The

11. The proposed residence would be served by the existing well and a new on-site septic system. The Thurston County Environmental Health Division has approved the new septic system, and the submitted site plan depicts the approved design. The septic drainfield would be located outside of the 210-foot reduced wetland buffer available through administrative review, but inside the 280-foot standard buffer. *Exhibits 1.O and 1.H.*
12. As mitigation for the proposed development, the Applicant proposes to enhance 14,335 square feet of disturbed buffer to the east of the proposed development area by planting native species of vegetation. The plantings are expected to improve wetland functions by increasing roughness, increasing the nutrient uptake of stormwater, providing screening for wildlife, providing shade, and producing food for wildlife. The enhancement area would far exceed the area of buffer disturbed for the proposed residence and shop. *Exhibit 1.F.*
13. Based on review of the Washington Department of Fish and Wildlife Priority Habitats and Species database, the western pond turtle, a state-listed endangered species, has been recorded in the area. However, these turtles have been removed to a captive breeding program. Anadromous fish are not present in the area due to a downstream barrier. *Exhibits 1, 1.F, and 1.L.*
14. The proposed development is categorically exempt from review under the State Environmental Policy Act. *Exhibit 1; WAC 197-11-800; TCC 17.09.055(B).*
15. The Nisqually Indian Tribe and the Squaxin Island Tribe commented that they have no issues of concern; however, both requested to be notified if there are any inadvertent discoveries of archaeological resources or human burials. The Washington Department of Archaeology and Historic Preservation requested that the Applicant create an inadvertent discovery plan to keep on site during construction. County Planning Staff incorporated an inadvertent discovery plan requirement into the recommended conditions of RUE approval. *Exhibits 1, 1.I, 1.J, and 1.K.*
16. Notice of the open record hearing was mailed to property owners within 500 feet of the site on July 22, 2022 and published in *The Olympian* on July 29, 2022. There was no public comment on the application. *Exhibits 1, 1.A, and 1.H.*
17. During the hearing and in post-hearing comments, Planning Staff clarified that the Planning department does not offer a recommendation for either approval or denial of the requested RUE; rather, given the proposed location of the residence, an RUE is required and through the RUE process, the County has the ability to require the Applicant to provide buffer enhancement that it could not require absent the RUE. Planning Staff forwarded the position that, even in the absence of strict compliance with the criteria for

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record does not contain a calculation that clearly identifies all proposed development within the 280-foot standard buffer.

RUE, approval of the request could be viewed as fulfilling the purposes and objectives of the critical areas ordinance to protect the wetland and enhance the watershed, which drains into Puget Sound, and thus would protect species of concern. Staff submitted that the proposed mitigation would provide substantial improvement in ecological functions. Staff did not agree that approval of an RUE that would provide net environmental gain while not strictly complying with the criteria for approval is a “new reading” of the RUE criteria.<sup>5</sup> *Richard Felsing Testimony; Exhibit 3*. Planning Staff provided recommended conditions to ensure compliance with applicable provisions in the County code, in the event of approval. *Exhibit 1*.

18. Mitigation plantings are proposed in two “zones”, with different native species called out for 5,716 square feet identified as zone 1 and for 8,619 square feet of zone 2, for a total of 14,335 square feet of native plantings and invasive removal, to be subject to five years of monitoring and maintenance designed in accordance with best available science. Given the site’s soils, slopes, and because the proposed residence is so modest in area, the Applicant’s consultant contended that the mitigation proposed would result in a better condition for the critical area buffer between the proposed residence and the wetland and would not result in any reduction of ecological functions and values. *Alex Callender Testimony; Exhibit 1.F*.
19. According to the Applicant consultant, the proposed location of the septic drainfield within the standard 280-foot buffer was determined to be the best location on the property for the new septic system. Aside from the septic site plan the designer prepared, there was no information that could be added to the record regarding adequacy of soils in other locations, nor any discussion of the possibility of using the existing septic system for a new residence. *Alex Callender Testimony*.
20. The proposed 176-foot undisturbed buffer width would not be interrupted; no existing drainage would be removed from this area or added to the area. The driveway would be sloped away from the wetland. Placement of the house as proposed would not require removal of any trees, whereas moving the house outside the 210-foot administratively approvable buffer would require removal of approximately nine to 12 larch, hazelnut, and maple trees, according to the Applicant, who stated that he would prefer to keep the trees for privacy and for wildlife habitat; his preference is to keep all the natural vegetation. The Applicant indicated that a part of the basis for the request for permission to put the proposed structures within the standard buffer and the residence within the 210-foot administratively reduced buffer is to enable the residence to be placed away from the

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<sup>5</sup> However, despite disagreeing that approving an RUE that provides net environmental gain while not strictly complying with RUE approval criteria is a ‘new reading’ of the RUE provisions, in post-hearing comments staff further stated: “Here, an imperfect mitigation sequencing would need to be weighed against the broader objectives of Title 24 in which required mitigation plantings would result in a restored and expanded degraded buffer area and in improved protections of critical area Wetland A and the broader watershed, which feeds into Puget Sound. ...” *Exhibit 3*. The undersigned notes it is not mitigation sequencing, as established in TCC 24.35.015, that is ‘imperfect’ in this case, but rather the proposal’s compliance with the mandatory criteria for permit approval.

existing structures on adjacent properties, for privacy and view purposes. *Testimony of Alex Callender and Martin Emmick.*

## 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. Residential use of the subject property is clearly reasonable, based on the zoning and the existing residence and appurtenances already on site. The Applicant declined to design the proposal to comport with the administratively approvable 25% buffer reduction established in TCC 24.30.050. The record as a whole clearly demonstrates that there is ample area outside the regulated standard 280-foot wetland buffer on site for all proposed

improvements. Although it is not the Applicant's preference to develop the west end of the property with the desired improvements, it is legally and physically possible to do so without reasonable use exception. While the undersigned appreciates and empathizes with the Applicant's desire to avoid removing trees and to maximize privacy, the ample area of the subject property unencumbered by wetland buffer provides reasonable use of the property. Indeed, there are already a residence, multiple accessory buildings, a well, and presumably a septic system in the unencumbered portion of the property. Criterion A of TCC 24.45.030 is not satisfied. *Findings 3, 4, 7, 8, 9, 10, and 20.*

2. It would be possible establish a reasonable residential use of the parcel without encroaching into either standard 280-foot buffer or the 210-foot administratively reduced wetland buffer. Consequently, Criterion B of TCC 24.45.030 is not satisfied. *Findings 4, 7, 8, 9, 10, and 20.*
3. With the conditions recommended by Staff, the development would not threaten the public health, safety, or welfare on or off the development site, or increase public safety risks on or off the subject property. The recommended conditions incorporate the comments submitted by the Nisqually and Squaxin Island Tribes and the Washington State Department of Archaeology and Historic Preservation with respect to cultural resources. Environmental Health has approved the septic system and no other issues relating to public health, safety, or welfare were identified during the application review process. Criterion C of TCC 24.45.030 has been shown to be satisfied. *Findings 11, 13, 14, and 17.*
4. The proposal is not the minimum encroachment necessary to prevent denial of all reasonable use of the property. Encroachment could be entirely avoided by placing the new residence in the footprint of the existing residence, or elsewhere in the western third of the property, which is accessible by the existing driveway and is unencumbered by critical areas and associated buffers. Not only could reasonable use be made outside the 280-foot standard buffer, the Applicant would only need to move the proposed building area approximately 30 feet to the west to be outside the minimum 210-foot buffer, which clearly would be administratively approved by Planning Staff. Denying the RUE would not affect the Applicant's ability to make reasonable use of the property. Consequently, Criterion D of TCC 24.45.030 is not satisfied. *Findings 4, 7, 8, 9, 10, and 20.*
5. Because the property is capable of being improved with a residence and typical accessory structures served by septic and the existing well outside of any portion encumbered by regulated critical area buffer, the proposal does not represent the "minimal alteration of the critical area" required to demonstrate compliance with Criterion E of TCC 24.45.030. *Findings 4, 7, 8, 9, 10, and 20.*
6. With implementation of the proposed mitigation plan and compliance with other critical areas standards, the proposal would ensure no net loss of critical area functions and values. Criterion F is satisfied. *Finding 12, 13, 18, 19, and 20.*



7. The proposal would not result in unmitigated adverse impacts to species of concern. Criterion G is satisfied. *Finding 13.*
8. This decision is not based on the location and scale of existing development. Criterion H is therefore satisfied. As described in Conclusions 1, 2, 4, and 5, the decision to deny the RUE is based on the ability to make reasonable residential use of the parcel outside of critical areas and buffers. *Findings 4, 7, 8, 9, 10, and 20.*
9. As adopted by the County legislative body, TCC 24.45.030 contains a list of eight criteria for reasonable use exception approval, each of the first seven ending in the word “and.” As consistently applied by the hearing examiner since adoption of the current critical areas ordinance, the County hearing examiner’s authority to approve an RUE derives solely from the ability to enter findings and conclusions that all criteria for approval established in TCC 24.45.030 are satisfied. While Staff noted that allowing the RUE would trigger beneficial enhancement of the wetland buffer, resulting in an ecological “win” for the watershed (see Exhibit 1, page 5 and Exhibit 3), the plain language of the critical areas ordinance does not contemplate that kind of cost-benefit analysis as an alternative means of arriving at reasonable use exception approval. The RUE must be denied.

#### **DECISION**

Based on the preceding findings and conclusions, the request for a reasonable use exception for residential development within a Category II wetland buffer at 2018 Maple Valley Road SW is **DENIED**.

**DECIDED** August 22, 2022.



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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 **\$804.00** for a Request for Reconsideration or **\$1,093.00** 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  \$804.00 for Reconsideration or \$1,093.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.