



COUNTY COMMISSIONERS

Carolina Mejia-Barahona
District One

Gary Edwards
District Two

Tye Menser
District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2021101746
)	
Leonard Thompson)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For a Reasonable Use Exception)	
_____)	

SUMMARY OF DECISION

The request for a reasonable use exception to place a 1,792 square foot manufactured home and a 1,232 square foot family member unit within a 100-year floodplain is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

James Thompson (Applicant) requested a reasonable use exception to place a 1,792 square foot manufactured home and a 1,232 square foot family member unit within the 100-year floodplain of the Skookumchuck River. The 1,792 square foot manufactured home would replace a single-family residence at the same location that was demolished in 2021. The subject property is located at 21013 Bucoda Highway SE, Centralia in unincorporated Thurston County, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on July 26, 2022. The record was held open through July 28, 2022 to allow members of the public who had difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comments were submitted and the record closed on July 28, 2022. In addition, the record was held open for County Staff to submit additional information relating to accessory structures on the site, riparian management requirements, and family member unit regulations. No in-person site visit was conducted, but the Examiner viewed the property on Google Maps. During deliberations, the Examiner reopened the record for submission of limited additional information necessary to address the request as proposed at hearing.

Testimony

At the open record public hearing, the following individuals presented testimony under oath:¹

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

Dawn Peebles, Environmental Health Specialist, Thurston County Public Health and Social Services Department

Leonard Thompson, Applicant/Owner

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, issued July 8, 2022
- B. Master Application, submitted August 10, 2021
- C. Reasonable Use Exception Application, submitted August 10, 2021
- D. Revised Site Plan, submitted April 30, 2022
- E. Base Flood Elevation Certificate, dated August 27, 2021
- F. Notice of Application, dated May 6, 2022
- G. Approval memo, Amy Crass, Thurston County Environmental Health, dated May 17, 2022
- H. Comment letter, Brad Beach, Nisqually Indian Tribe, dated August 17, 2021
- I. Comment emails, Shaun Dinubilo, Squaxin Island Tribe, dated August 20, 2021; and May 3, 2022
- J. Building Permit #5805
- K. Assessor's Office Record
- L. Mobile Home Data Sheet – date of purchase: June 15, 2020

Exhibit 2 Post-Hearing Analysis and Information, submitted by CPED

- A. Email from Tim Rubert, dated July 27, 2022 re: retention of existing shipping containers
- B. Family Member Unit affidavit (blank County form)

Exhibit 3 Applicant's response to August 5, 2022 Order Reopening the Record²

¹ A representative of the Thurston County Public Works Department was available to answer questions related to his Department's review, but no questions for him arose and he did not testify.

² The August 5, 2022 Order Reopening the Record shall be made part of the record of these proceedings.

Exhibit 4 Planning's Staff's response to August 5, 2022 Order Reopening the Record

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

FINDINGS

1. James Thompson (Applicant) requested a reasonable use exception to place a 1,792 square foot manufactured home and a 1,232 square foot family member unit within the 100-year floodplain of the Skookumchuck River. The 1,792 square foot manufactured home would replace a single-family residence at the same location that was demolished in 2021. The subject property is located at 21013 Bucoda Highway SE, Centralia in unincorporated Thurston County, Washington. *Exhibits 1, 1.B, 1.C, 1.D, and 2.*
2. The application was submitted on August 10, 2021 and determined to be complete for the purpose of commencing project review on September 7, 2021. *Exhibit 1.F.*
3. The subject property is zoned Rural Residential Resource One Dwelling Unit per Five Acres (RRR 1/5). *Exhibit 1.* Primary permitted uses in the RRR 1/5 zone include single-family and two-family residences, home occupations, agriculture (including forest practices), and accessory farm housing. *Thurston County Code (TCC) 20.09A.020.* A temporary mobile/manufactured or modular home ("family member unit" or FMU) may be placed on a lot in the RRR 1/5 zone for the purpose of housing family members of a person residing in the primary structure. The FMU does not count towards the maximum residential density of the zone and must be removed when the family members no longer occupy the unit or when the property is sold (unless the purchaser uses for family). Such units must have an approved sewage disposal system and adequate water source. Compliance with the FMU requirements is determined administratively at the time of building permit review, based on an affidavit submitted by the applicant to the Building Development Center. *Exhibits 2 and 2.B; TCC 20.09A.030.*
4. The subject property is 1.77 acres in area and is considered a legal lot because it was established prior to the County's adoption of its first zoning ordinance. *Exhibit 1.*
5. A single-family residence was first constructed on the subject property in 1946 and remodeled in 1966, and a mobile home was subsequently added to the property pursuant to a building permit approved in November 1980. The 1980 building permit indicated that the property was not within a flood control zone at the time. The Applicant purchased the subject property in 2019 and demolished the residence in 2021. Although the Applicant originally intended to remodel the residence, issues including a lack of building foundation and termite and rodent infestation precluded a remodel. The residence had been mounted on rotting logs, was not anchored, and did not have flood-proofing design elements. The mobile home has also been removed from the property,

but it is not clear from the record when that occurred.³ At present, structures on the subject property include a 2,592 square foot shop building, three shipping containers used for storage, a well pump house, and a shed. There are also two septic systems on the property. *Exhibits 1.J and 1.K; Exhibit 2; Leonard Thompson Testimony*. There was testimony regarding the fact that the shop is recently constructed, but its exact time of construction and permitting status were not addressed in the record.

6. The proposed manufactured home would be placed centrally on the subject property, at the same location as the residence that was removed in 2021. The FMU would be placed at the western corner of the subject property, as far from the river as possible. The Applicant proposes to retain the shipping containers for storage, but as they were placed without required building permits and approval under the critical areas code, permits would be required to retain them. Two of the shipping containers currently contain the household goods that would go into the two residences, and the third shipping container is enclosing goods and equipment related to the Applicant's hobby of working on antique cars. The Applicant testified that until the two residences are built, removal of the shipping containers would necessitate paying for storage of the items off site, which would be a financial burden. The Applicant desires to keep the shipping containers for additional accessory structure use. County Staff recommended that the Hearing Examiner consider including approval of the shipping containers in the requested reasonable use exception, as accessory structures to the manufactured home, so that the Applicant does not need to apply for another RUE in order to keep them. The County Floodplain Manager submitted that the Applicant would be required to submit plans and place each container on an elevated engineered foundation with flood venting and meet the flood hazard building requirements of TCC 14.38. Otherwise, the shipping containers would be required to be removed prior to final inspection of the manufactured home. With respect to the existing shop building, no additional requirements were identified to retain the structure. Based on the submitted site plan, which indicates that the total impervious surface coverage would be 8,352 square feet, Planning Staff determined that all proposed new and existing structures can be retained on the site consistent with the hard surface coverage standard of the RRR 1/5 zone, which, for lots less than 2.5 acres in area, limits hard surfaces to the lesser of 60% of the lot area or 10,000 square feet. *TCC 20.09A.050.6.b; Exhibits 1.D, 1.J, 2, 2.A, and 4; Richard Felsing Testimony*. See Finding 19 below for more detailed discussion of impervious surfaces on site.
7. Land uses in the vicinity of the subject property are consistent with the proposed use of the subject property, with six to eight parcels ranging from approximately one to four acres in area that are developed with manufactured homes, approximately six parcels ranging from five to 12 acres in area that are developed with manufactured homes or ramblers, and several agricultural parcels ranging from approximately 15 to 30 acres in area. *Exhibit 1*.

³ In Exhibit 1, Staff wrote that the Applicant removed the mobile home in 2021, but in Exhibit 2, consistent with the Applicant's testimony at hearing, clarified that it was the stick-built home that was removed in 2021. *Exhibits 1 and 2; Leonard Thompson Testimony*.

8. Frequently flooded areas are critical areas that are regulated under the Thurston County critical areas ordinance (CAO). The CAO defines “frequently flooded areas” as follows:

... lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year or areas within the highest known recorded flood elevation, or within areas subject to flooding due to high ground water. This includes all areas within unincorporated Thurston County identified on flood insurance rate maps prepared by the Federal Insurance Administration, as supplemented by "The Flood Insurance Study for Thurston County," dated November 17, 1980, as amended.... Frequently flooded areas may include special flood hazard areas as defined in Chapter 14.38 TCC or high ground water flood hazard areas, where high ground water forms ponds on the surface, or may overlap with other critical areas, such as streams, rivers, lakes, coastal areas, and wetlands.

TCC 24.03.010. The subject property is entirely within the 100-year floodplain of the Skookumchuck River. Based on a Flood Insurance Rate Map (FIRM) dated June 19, 2020, the subject property is in flood zone AE. The base flood elevation is 230.7 feet. However, the subject property is outside of high groundwater hazard areas, the Skookumchuck River floodway, and the 1996 and 1999 floods of record. A reasonable use exception is required because the CAO prohibits new residential development within frequently flooded areas. *Exhibits 1, 1.E, and 2; TCC 24.20.135.*

9. Freshwater riparian habitat areas are critical areas that are regulated under the CAO. However, the maximum regulated width is 250 feet from the ordinary high water mark. In this case, the subject property is at least 700 feet from the ordinary high water mark. *Exhibit 2.*
10. The Skookumchuck River is a Shoreline of the State under the Shoreline Management Act, and development within the regulated shoreline (which includes the floodplain) is subject to the requirements of the Shoreline Master Program for the Thurston Region (SMPTR). Thurston County mapping indicates that the subject property has been designated as a Conservancy shoreline environment. All proposed development would exceed the minimum 100-foot setback from the ordinary high water mark. Although the maximum density of the Conservancy environment is one dwelling unit per acre, TCC 20.09A.030 specifies that FMUs are considered temporary structures, in that they must be removed when no longer used to house a family member, and that they do not count towards density. A shoreline substantial development permit is not required for the project because the construction of a single-family residence is exempt pursuant to Washington Administrative Code (WAC) 173-27-040(2)(g). *Exhibits 2 and 2.B.*
11. During review of the application, County Staff did not identify any adverse impacts to species of concern. The subject property is a significant distance from the river floodway, and it is separated from the floodway by Bucoda Highway SE. Consequently, the property does not contain waterfowl breeding habitat. The property has been heavily impacted by human usage and largely consists of grass and driveway. There are no trees in the proposed development area. *Exhibits 1 and 1.D.*

12. Thurston County Code Chapter 14.38 contains building regulations applicable to flood hazard areas, which are designed to promote the public health, safety, and general welfare, and to minimize losses due to flood conditions. *TCC 14.38.010*. These regulations include requirements that manufactured homes be placed on a permanent foundation with the lowest floor at least two feet above base flood elevation, and be securely anchored to prevent flotation, collapse, and lateral movement. Areas beneath the lowest floor must be designed to allow for the entry and exit of floodwaters. *TCC 14.38.050*. The County Flood Plain Manager submitted comments identifying the applicable requirements for the shipping containers proposed to be retained to be adequately flood proofed and in compliance with TCC Chapter 14.38. *Exhibit 2.A*.
13. There are two existing septic systems on the subject property. The manufactured home would be served by the septic system repaired under HD permit number 2019104559 recently installed by the Applicant, and the FMU would be served by the septic system installed in 1980 under HD permit number 5805. Both residences would be served by an existing two-family water supply on the subject property. The Thurston County Environmental Health Division reviewed the application and recommended approval, subject to a condition that the record drawing associated with HD permit number 5805 be submitted for Environmental Health review and acceptance prior to building permit issuance for the FMU. At the hearing, Environmental Health Staff clarified that both septic systems require final approval, with the system to serve to the primary residence still requiring demonstration that the pump electric box would be elevated above base flood elevation. *Exhibits 1.G and 1.D; Testimony of Leonard Thompson and Dawn Peebles*.
14. 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. This request was incorporated into the recommended conditions of permit approval. *Exhibits 1.H and 1.I*.
15. The proposal is exempt from review under the State Environmental Policy Act pursuant to TCC 17.09.055.B, which exempts the construction of up to four residential structures outside of the urban growth area. *Exhibit 1; TCC 17.09.055*.
16. Notice of the open record hearing was mailed to property owners within 500 feet of the site on July 8, 2022 and published in *The Olympian* on July 15, 2022. *Exhibits 1 and 1.A*. There was no public comment on the application.
17. Having heard all testimony and considered the complete record, Planning Staff maintained their recommendation of approval subject to the conditions in the staff report. *Exhibits 1 and 2; Richard Felsing Testimony*. The Applicant waived objection to the recommended conditions. *Leonard Thompson Testimony*.

18. In response to the post-hearing order reopening the record issued on August 5, 2022, the Applicant submitted the following additional information in support of his request that RUE approval extend to include the three shipping containers.

It seems that there's some concern about whether I need them or not which I assure you I do. I have the current shop space filled with tooling and equipment for fabrication needs and enough room to work on project vehicles. Additional area is needed for parts storage when disassembling an old car as the parts are boxed and shelved for later use. I would also use the containers which will be placed on the north side of the shop to provide a visual buffer from the public road of project cars. The container facing the East will be covered with matching metal siding as the shop.

Environmentally I cannot see anything that these would harm other than to perhaps add an additional 964 [square feet] of surface area. I do have enough material such as sheet metal, tubing, and parts to easily need this space. I believe it would do more harm than good to have all these things laying outside under a bunch of blue tarps. This property was a giant mess when we purchased it and it is our intention to keep it very respectful and nice looking.

Exhibit 3.

19. Of note, the Applicant's reference to an additional "964 square feet" for the three shipping containers would be consistent with eight- by 40-foot containers, which are a standard size. The site plan identifies the containers as 20- by 40-foot containers and assigns a total of 2,400 square feet to the three containers. Planning Staff's calculation of 8,352 square feet of impervious surface area in finding 6 above is based on the 20- by 40-foot call out on the site plan. However, a Google Maps site view shows three shipping containers on the property that appear to be eight by 40 feet, meaning the three shipping containers would only total 960 square feet. Thus, the five structures (including primary residence, FMU, detached shop, well pump house, and shed) would total 5,952 square feet, and the shipping containers would add only 960 square feet, for a total of 6,912 square feet of impervious roof area on site. *Exhibits 1.D and 3; Google Maps site view.* This would allow up to 3,088 square feet of impervious surface allowance for compacted gravel driveway or any impervious patio or walkways that might be present on the site without exceeding the maximum allowed in the zone. There is no discussion in the record regarding whether the driveway is comprised of compacted gravel, or whether there are any paved patios or walkways, that would be considered impervious surface area under the zoning code. However, on the site plan, the driveway is depicted as comprising two sections, one measuring 207 by 12 feet, and the other measuring 64 by 12 feet. Combined, this would be 3,252 square feet. Added together, these areas are approximately (very slightly over) 10,000 square feet. Google Maps shows the driveway that existed at the time its image was captured was graveled rather than paved.

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.

Additional Applicable Ordinances:

TCC 24.20.080 Frequently Flooded Areas – General Standards

The following requirements apply, as applicable, to all uses and activities listed in TCC Table 24.20- 1.

- A. Applications to undertake a use or activity within frequently flooded areas or a 100-year channel migration hazard area shall contain all information necessary to evaluate the proposed activity, its impacts, its compliance with the applicable provisions of this chapter and Chapter 14.38 TCC, Development in Flood Hazard Areas.
- B. All development in frequently flooded areas and one-hundred-year channel migration

hazard areas shall be designed to avoid habitat degradation, consistent with Chapter 24.25 TCC, Fish and Wildlife Habitat Conservation Areas.

- C. Development in frequently flooded areas shall be designed so it does not increase flood hazards, except as provided for in this section and Chapter 14.38 TCC.
- D. The approval authority shall deny proposed developments and uses if it is determined that they would require structural flood hazard reduction measures including, but not limited to, channeling the floodway or creating a new impact upstream or downstream at the time of construction/implementation or anytime thereafter, except as provided for in Chapter 24.25 TCC.
- E. Excavation and development shall be prohibited in the one-hundred-year floodplain of Type S and F streams if the approval authority determines that it would cause significant dewatering of the hyporheic zone (the saturated zone located beneath and adjacent to streams with subsurface flow between surface water and the water table), block ground water flow or significantly inhibit recharge of the hyporheic zone. The approval authority may require the applicant to submit data as necessary to determine if excavation, soil compaction, or impervious surfaces associated with the project would cause significant, detrimental disruption to the ground water system.
- F. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of frequently flooded areas or usages permitted within such areas will not be subject to flooding or flood damage. This chapter shall not create liability on the part of Thurston County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

TCC 24.20.135 Frequently Flood Areas – Residential- Single Family Home

- A. Residential and accessory structures, and typical residential-scale activities are prohibited, except as allowed under Chapters 24.50 and 24.55 TCC, this chapter, and other applicable sections of the Thurston County Code and Thurston County Sanitary Code. Onsite septic systems, including those associated with residential uses, are addressed in TCC Section 24.20.130. Gardens for personal consumption are permitted as consistent with Table 24.20-1.
- B. Use and storage of hazardous materials at typical residential scale are allowed for legally approved residential uses, subject to applicable sections of the Thurston County Code and Thurston County Sanitary Code.

Conclusions Based on Findings

- 1. Single-family residential use is the only reasonable use of the property considering the area and zoning of the property, the historic use of the property, and surrounding land uses. Based on the allowances of the zoning ordinance, the FMU can be considered part of the single-family residential reasonable use. The property already has a residential well and two septic systems. Accessory structures are a typical feature of normal

residential use of property. The RRR 1/5 zone allows up to 10,000 square feet of impervious surface area on parcels under five acres, and the proposed structures, including retention of the three shipping containers, and the driveway as depicted on the site plan tally approximately 10,000 square feet. Conditioned to require the shipping containers to be flood proofed consistent with the County Flood Plain Manager's recommendations, the proposal to retain the three shipping containers together with the five other structures would fall within reasonable residential use as it is allowed on parcels under five acres in area in the RRR 1/5 zone. *Findings 4, 5, 6, 7, 12, 17, 18, and 19.*

2. No reasonable use with less impact on the critical area or buffer is possible. Residential use of the subject property predates its full encumbrance mapped floodplain. The proposed manufactured home would be centrally located on the parcel, in the same location as the original residence. The FMU would be placed near the western edge of the parcel, as far from the river as possible. The shipping containers, if retained, would be made compliant with special flood hazard area standards and thus their retention would not impact the critical area. *Findings 6, 8, 12, 17, 18, and 19.*
3. 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 subject property. The conditions of approval incorporate the recommendations of the County Floodplain Manager with respect to required home elevation, anchoring, foundation design, and openings to allow floodwater to flow through. Flood proofing requirements would also be applied to the shipping containers if they are retained. The floodproofing features would eliminate public health and safety hazards that previously existed on the property. The septic systems would be reviewed for and brought into compliance with Environmental Health standards, also alleviating existing risks to public health. *Findings 5, 6, 12, and 13.*
4. The proposed reasonable use including the replacement primary residence, placement of the FMU, and retention of detached accessory structures, properly flood proofed, up to 10,000 square feet of impervious surface area, would be the minimum encroachment into the flood plain needed to prevent denial of reasonable use of the property. Because the entire parcel is within a 100-year floodplain, any residential development would result in encroachment into the floodplain. In this case, the encroachment would be minimized because the manufactured home would replace a prior structure in the same location, and because the footprint of the FMU – which is inherently a temporary structure - would be relatively small. The shipping containers, as accessory structures, are also inherently temporary in nature and are very small. The overall development footprint, including accessory structures, would comply with zoning code limitations. *Findings 1, 6, 8, 12, 17, 18, and 19.*
5. The proposed reasonable use would result in minimal alteration of the critical area. The floodplain on the subject property has already been altered, as the parcel's residential use was established before the floodplain map was updated to incorporate the parcel. No

trees would need to be removed for the proposed construction. Regulated riparian habitat does not extend to the subject property. *Findings 5, 9, and 11.*

6. As conditioned, the proposal ensures no net loss of critical area functions and values. The proposed residential use would comply with floodplain construction standards to avoid displacement of floodwater. *Finding 12.*
7. The use would not result in unmitigated adverse impacts to any known species of concern. *Finding 11.*
8. The location and scale of existing development is not the sole basis for granting the reasonable use exception. The reasonable use exception is needed because the entire parcel has been recently remapped to consist of 100-year floodplain, and such designation precludes residential development of the property. *Finding 8.*

DECISION

Based on the preceding findings and conclusions, the request for a reasonable use exception to place a 1,792 square foot manufactured home and a 1,232 square foot family member unit, with the option to retain three shipping containers if properly floodproofed and subject to the RRR 1/5 zone's impervious surface coverage limits, within a 100-year floodplain at 21013 Bucoda Highway SE 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 and Economic Development Department shall be met.
2. Inadvertent Discovery. 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.
3. All development on site shall be in substantial compliance with the approved Reasonable Use Exception application, 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.
4. Septic Systems. Prior to building permit issuance for the family member unit (FMU), the on-site septic system record drawing associated with HD Permit #5805 must be submitted to this Department and accepted. The other existing septic system, which was repaired under permit #2019104559, must also received final Environmental Health approval related to its pump electric box being elevated above Base Flood Elevation and/or any other outstanding matters.

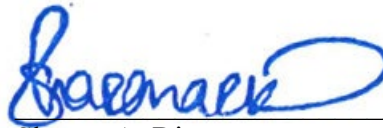
Flood Requirements. The following conditions shall be fulfilled to the satisfaction of the Floodplain Manager. All conditions apply to both the FMU and the manufactured home.

5. Openings shall be installed in the walls to allow for flood water to flow in and out of the structure. The openings must not be more than 12 inches above grade. The open area shall be one inch for each 100 square feet of floor area in the building.
6. Plans and specifications for the construction for the home shall meet the requirements of Chapter 14.38.050 of the Thurston County Building Code. The bottom of the floor joists must be two feet above the base flood elevation. Submit four color photographs front, rear, left side, and right side (see A6 of Flood Elevation Certificate). The foundation must be designed by a licensed engineer.
7. Anchoring Manufactured Homes. All manufactured homes shall be anchored to prevent floatation, collapse, and lateral movement (TCC 14.38.050(B)(5)).
8. Elevation above Base Flood Elevation (BFE). The Manufactured Home and FMU shall be elevated on a permanent foundation such that the bottom of floor joists of the manufactured homes are two feet above the base flood elevation and shall be securely anchored to prevent floatation, collapse, and lateral movement. Methods of anchoring may include but are not limited to the use of either over-the-top ties or to the use of frame ties that are connected to ground anchors. See FEMA P-85 for detailed guidance.
9. Equipment and Services. All electrical, heating, ventilation, heating ducts, plumbing, and air-conditioning equipment or other service facilities shall be designed and/or otherwise elevated two feet above the base flood elevation or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
10. Foundation. The mobile home and FMU shall have a foundation system designed by a licensed engineer so that it is anchored to prevent floatation, collapse, and lateral movement. The Applicant shall ensure the engineer has a copy of the pre-elevation certificate to review for designing the foundation system.
11. The occupants can subscribe to the Thurston County flood warning system. There is no cost to subscribe. Call (360) 754-3360 to register.
12. Erosion Control. Prior to building permit issuance, erosion control measures shall be installed and inspected by Thurston CPED staff. Photos may substitute for inspection.
13. The Applicant shall remove all construction related debris to an approved site (landfill or recycling center) outside of critical areas and their buffers.
14. The proposed project is subject to compliance with the following policies and regulations, including any applicable mitigation requirements: Thurston County Comprehensive Plan, Zoning Ordinance (TCC 20), Critical Areas Ordinance (TCC 24), Stormwater Drainage Design and Erosion Control Manual (TCC 15.05), Uniform

Building Code (TCC 14), and State Environmental Policy Act (SEPA) Ordinance (TCC 17.09).

15. Prior to building permit issuance for the FMU, an affidavit meeting Thurston County requirements (see Exhibit 2b) to establish compliance with TCC 20.09A.030 shall be completed, notarized, and recorded.
16. The three shipping containers are approved accessory structures to the manufactured home provided all applicable building and flood hazard requirements are satisfied, including submittal of required plans and permit applications. The containers must be placed on elevated engineered foundations with flood venting and meet the requirements for construction in the Special Flood Hazard Area per TCC 14.38.

DECIDED August 11, 2022.



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.



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 \$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___.