



COUNTY COMMISSIONERS

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District One

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District Two

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HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

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|---|---|------------------------|
| In the Matter of the Application of |) | NO. 2018104986 |
| |) | |
| Harold Cochrane, Jr. |) | |
| |) | |
| For Approval of a Shoreline Substantial |) | FINDINGS, CONCLUSIONS, |
| Development Permit, Shoreline Conditional |) | AND DECISION |
| Use Permit, and Flood Plain Permit |) | |

SUMMARY OF DECISIONS

The request for a shoreline substantial development permit, shoreline conditional use permit, and flood plain permit to construct a concrete block retaining wall at 7928 Noble View Lane NW in Olympia is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

Harold (Larry) Cochrane, Jr. (Applicant) requested shoreline substantial development and shoreline conditional use permits to construct a concrete block retaining wall waterward of the residence at 7928 Noble View Lane NW, Olympia, Washington.

Hearing Date:

The Thurston County Hearing Examiner held an open record hearing on the request on September 10, 2019.

Testimony:

At the hearing the following individuals presented testimony under oath:

Scott McCormick, Associate Planner, Thurston County
Dawn Peebles, Thurston County Environmental Health
Harold Cochrane, Applicant

Exhibits:

At the hearing the following exhibits were admitted in the record:

EXHIBIT 1 Community Planning & Economic Development Department Report including the following attachments:

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| Attachment a | Notice of Public Hearing |
| Attachment b | Zoning Map |
| Attachment c | Master Application Forms, received August 30, 2018 |
| Attachment d | JARPA Application, received August 30, 2018 |
| Attachment e | Project narrative |
| Attachment f | Cost breakdown, received August 30, 2018 |
| Attachment g | Engineering narrative, received August 30, 2018 |
| Attachment h | Segmental Block Wall Detail, received August 30, 2018 |
| Attachment i | Cross sectional view detail, received August 30, 2018 |
| Attachment j | Computer simulation of proposed wall face |
| Attachment k | Septic design showing existing conditions |
| Attachment l | Landscaping Plans (2 pages) |
| Attachment m | Plan view of proposed conditions with new home and retaining wall |
| Attachment n | Notice of Application with adjacent home owners list (500 foot radius), dated October 11, 2018 |
| Attachment o | Habitat Assessment Report, received May 6, 2019 |
| Attachment p | Soil Investigation, dated February 8, 2018 |
| Attachment q | Approval Memo from Jeremy Baarsma, Thurston County Environmental Health, dated June 14, 2018 |
| Attachment r | Comments from Washington Department of Ecology, dated November 28, 2018 |

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| Attachment s | Comments from Washington Department of Ecology, dated October 9, 2018 |
| Attachment t | Comments from the Squaxin Tribe, dated October 31, 2018 |
| Attachment u | Comments from Zachary Meyer, Washington Department of Ecology, dated October 15, 2018 |
| Attachment v | Comments from the Washington Department of Archaeology and Historic Preservation, dated October 9, 2018 |
| Attachment w | Comments from the Nisqually Tribe, dated September 25, 2018 |

EXHIBIT 2 Photos of site

EXHIBIT 3 Zoning map and photos of surrounding properties

EXHIBIT 4 Comment email from Jim Farris, dated August 30, 2019

Based upon the record developed at hearing, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested shoreline substantial development, shoreline conditional use, and floodplain permits to construct a concrete block retaining wall waterward of the residence at 7928 Noble View Lane NW, Olympia.¹ *Exhibits 1, 1.C, 1.D, and 1.E.*
2. The subject property is 0.5 acres in area and is located on the western shore of Eld Inlet of Puget Sound, south of Sanderson Harbor. The property is developed with an existing single-family residence, septic system, boathouse, and bulkhead. *Exhibits 1, 1.B, 1.J, 1.K, and 3.*
3. There is a low marine bluff behind and above the bulkhead. The marine bluff is not classified as a landslide hazard area because it is less than 15 feet in height. *Exhibit 1.* Based on evaluation by a geotechnical engineer, the bluff is stable, consisting of “highly cement glacial till.” *Exhibit 1.G.* The existing residence is on top of the bluff, and the boathouse and a proposed septic drainfield are on a shelf between the bulkhead and the bluff. The Applicant proposes to install the wall along the bluff face in order to provide a storm drainage capture system to: direct runoff away from the septic drainfield, prevent freezing material from flaking onto the septic drainfield, replace the rotting railroad ties

¹ The legal description of the subject property is SANDERSON HARBOR L 5, 6 & 7 TOG/W OL'S ADJ COM 237.5 F E OF E 653. S 9 / 19N / 2W; WM.; also known as Tax Parcel no. 72000000512. *Exhibit 1.*

currently installed across front of the bluff, and to improve the appearance and usability of bulkhead area. *Exhibits 1, 1.E, 1.G, 1.J, 1.K, 1.P, and 2; Harold Cochrane Testimony.*

4. The project would replace and update an existing wall made of old railroad ties. *Exhibits 2 (see photos of proposed wall location) and 3 (see photo showing 7928 Noble View Lane).* The proposed wall, which would protect the exposed soil face of the marine bluff, would be segmented to accommodate existing structures; at the boathouse, for example, the wall would be behind the boathouse as viewed from the shoreline. Each segment would be 22 inches wide and none would exceed eight feet in height. The distance between the bulkhead and the wall would range from seven to 13 feet. As recommended by the project geotechnical engineer, the lower blocks would be grouted with concrete for wall segments exceeding six feet in height. *Exhibits 1.E, 1.G, 1.H, and 1.I; Harold Cochrane Testimony.*
5. For stormwater control, the area between the wall and the bluff would be filled with drain rock and a perforated drainpipe would be installed at the base, which would discharge into existing drainpipes in the bulkhead. The improvements would be consistent with the recommendations of the project geotechnical engineer. *Exhibits 1.E, 1.I, and 1.P.*
6. The subject property is zoned Rural Residential Resource – One Dwelling Unit per Five Acres (RRR 1/5). *Exhibits 1 and 1.B.* The area of the subject property, while nonconforming, is consistent with the area of surrounding shoreline lots. Surrounding lots are also developed with single-family residences and shoreline structures such as bulkheads and retaining walls. *Exhibit 3.*
7. The Shoreline Master Program for the Thurston Region (SMPTR) designates the shoreline on the subject property as Rural shoreline environment. While single-family residential development is allowed in the Rural shoreline environment, the County does not consider a retaining wall that is unassociated with the residential structure to be a normal appurtenance to the residential use. The SMPTR does not contain a use category that is applicable to a wall such as the one proposed; the closest category is “shoreline protection,” which includes structures such as bulkheads; however, the proposed wall is behind an existing bulkhead and no alteration to the bulkhead is proposed.² Planning Staff submitted that the proposed wall is an unclassified use for the purposes of the SMPTR. Pursuant to Washington Administrative Code (WAC) 173-27-160, an unclassified use may be authorized with a shoreline conditional use permit. *Exhibit 1; WAC 174-27-160; WAC 173-27-030(4).*
8. In addition to the shoreline conditional use permit, the project requires a shoreline substantial development permit because it is within 200 feet of a regulated shoreline and the value exceeds the permit threshold of \$7,047.00. *Exhibits 1 and 1.F; WAC 173-27-040; WSR 17-17-007.*

² The SMPTR defines “shoreline protection” as “action taken to reduce adverse impacts caused by current, flood wake or wave action. ...” *SMPTR, Section 3, Chapter XVIII, Section A.*

9. No in-water work is proposed. Construction equipment would be staged in upland locations, and best management practices would be implemented during construction to control erosion and sedimentation. Drain rock for the footing of the wall would be the only imported fill material. All soils excavated for placement of the proposed wall segments would be used behind/upland of the wall. The Applicant provided a professionally prepared geotechnical evaluation of the site's soils and their capacity to support the proposed retaining wall segments. The geotechnical report included design recommendations for drainage provisions and an active lateral earth pressure analysis, concluding that the proposed wall is feasible from a geotechnical standpoint. *Exhibits 1.D, 1.O, and 1.P.*
10. Because the project would occur within the 100-year floodplain of Puget Sound, it requires a floodplain permit. The Applicant was required to prepare a habitat assessment to evaluate project impacts on species of wildlife and critical habitat listed under the Endangered Species Act. *Exhibits 1 and 1.O.* The conclusion with respect to all listed species potentially occurring within the project area was that the project "may affect, but not likely to adversely affect" the species. *Exhibit 1.O.* The requested floodplain permit would be administratively issued following shoreline permit approvals, if they are granted. *Scott McCormick Testimony.*
11. As mitigation for the project, the Applicant proposes to plant species of groundcover, vines, and shrubs between the bulkhead and the proposed wall and at the top of the wall. Trees would be planted at the north and south property lines. *Exhibit 1.L.*
12. The Thurston County Environmental Health Division submitted that the project is consistent with the requirements of the Thurston County Sanitary Code and recommended approval. *Exhibit 1.Q.*
13. The Washington State Department of Archaeology and Historic Preservation (DAHP) submitted comments indicating that the state agency has reason to believe the project area has potential to contain archaeological resources and recommended that a professional archaeological survey be conducted prior to ground disturbing activities. *Exhibit 1.V.* The Squaxin Island Tribe submitted comments concurring with DAHP's recommendation. *Exhibit 1.T.* The County recommended that the Applicant provide the requested survey prior to building permit issuance, or obtain concurrence from the DAHP and the Squaxin Island Tribe that, due to the nature of the project, a survey is not required. *Exhibit 1.*
14. The Nisqually Indian Tribe reviewed the proposal and did not have comments but requested that the Tribe be informed if there are discoveries of archaeological resources or human remains during construction. *Exhibit 1.W.*
15. A shorelands specialist with the Washington Department of Ecology visited the site and expressed concern that the project could not meet the cumulative impacts criterion for a

shoreline conditional use permit, and suggested that the Applicant demonstrate a unique reason for the structure (such as slope instability) and mitigate impacts by planting native vegetation along the shoreline. *Exhibits 1.U and 1.R*. The County, in its analysis, submitted that the cumulative impacts criterion is satisfied in this case due to the erosion control benefit and the relatively uncommon and costly nature of the project. The Applicant has submitted a landscaping plan for mitigation. *Exhibits 1 and 1.1*.

16. Thurston County determined that the project is exempt from review under the State Environmental Policy Act because it would not require grading or in-water work. *McCormick Testimony*.
17. The hearing was originally noticed for a July 23, 2019 hearing date; however, the matter was rescheduled. Notice of the public hearing was mailed to parties of record and property owners within 500 feet of the site and published in The Olympian on August 30, 2019, and posted on site on August 28, 2019. *Exhibits 1 and 2*. Public comment submitted by a neighboring property owner supported approval of the application. *Exhibit 4*.
18. At the conclusion of all testimony, Planning Staff recommended approval with conditions of both shoreline permits. *Exhibit 1; Scott McCormick Testimony*. The Applicant waived objection to the recommended conditions. *Harold Cochrane Testimony*.

CONCLUSIONS

Jurisdiction

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

Criteria for Review

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

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

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

A. Shoreline Management Act

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

standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of Chapter 90.58 RCW.

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

B. Applicable regulations from the Washington Administrative Code

WAC 173-27-140 Review criteria for all development.

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

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

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

C. Shoreline Master Program for the Thurston Region

Because the proposed use is unclassified, the portions of the SMPTR containing use-specific policies and regulations do not apply. However, the following criteria apply to all uses:

SMPTR Section Two, Chapter V. Regional Criteria.

- A. Public access to shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existed prior to establishment of public access.

- B. Protection of water quality and aquatic habitat is recognized as a primary goal. All applications for development of shorelines and use of public waters shall be closely analyzed for their effect on the aquatic environment. Of particular concern will be the preservation of the larger ecological system when a change is proposed to a lesser part of the system, like a marshland or tideland.
- C. Future water-dependent or water-related industrial uses shall be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to suitable industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.
- D. Residential development shall be undertaken in a manner that will maintain existing public access to the publicly-owned shorelines and not interfere with the public use of water areas fronting such shorelines, nor shall it adversely affect aquatic habitat.
- E. Governmental units shall be bound by the same requirements as private interests.
- F. Applicants for permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a Permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.18.180 (1), the person requesting the review shall have the burden of proof.
- G. Shorelines of this Region which are notable for their aesthetic, scenic, historic, or ecological qualities shall be preserved. Any private or public development which would degrade such shoreline qualities shall be discouraged. Inappropriate shoreline uses and poor quality shoreline conditions shall be eliminated when a new shoreline development or activity is authorized.
- H. Protection of public health is recognized as a primary goal. All applications for development or use of shorelines shall be closely analyzed for their effect on the public health.

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

- (1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - (a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - (b) That the proposed use will not interfere with the normal public use of public shorelines;
 - (c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - (d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - (e) That the public interest suffers no substantial detrimental effect.

- (2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- (3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
- (4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

Conclusions Based on Findings

A. Shoreline Substantial Development Permit

1. As conditioned and with approval of the conditional use permit, the proposal is consistent with the policies and procedures of the Shoreline Management Act. Given the project purposes with respect to stormwater control and protection of the on-site septic system, and the fact that the proposed wall would replace an existing older wall, the proposal represents a “reasonable and appropriate use” of the shoreline that would be consistent with the control of pollution and prevention of damage to the natural environment. *Findings 2, 3, and 5.*
2. As conditioned and with approval of the conditional use permit, the use complies with applicable regulations in the Washington Administrative Code. The unclassified use requires a conditional use permit pursuant to WAC 173-27-160. No portion of the wall would exceed 35 feet above average grade. *Findings 3, 4, and 7.*
3. As conditioned and with approval of the conditional use permit, the proposal is consistent with the SMPTR. There would not be adverse impacts to the aquatic environment; the project would result in improved erosion and stormwater control along the marine bluff. The wall would be set back several feet from the bulkhead and no in-water work is required. The project would be compatible with the character of surrounding shoreline development. The project would be protective of public health through its protection of the on-site septic drainfield. Built wholly within private property (and not on the beach), the project would not impact public access to shorelines. *Findings 2, 3, 5, 6, 9, 10, 11, and 12.*

B. Shoreline Conditional Use Permit

1. As described in Conclusions A.1 and A.3 above, the proposed use is consistent with the policies of RCW 90.58.020 and the SMPTR.

2. The proposed retaining wall, which would be located behind the bulkhead, would not interfere with normal public use of public shorelines. *Findings 3 and 4.*
3. The use and design of the project would be compatible with other authorized uses within the area and with uses planned for the area. The overall residential use of the property is consistent with the zoning ordinance and surrounding uses. *Finding 6.*
4. With implementation of the mitigation plan, the use would cause no significant adverse effects to the shoreline environment. Effects on listed species of wildlife and habitat were also considered. *Findings 3, 4, 5, 7, 9, 10, and 11.*
5. As conditioned, the public interest would suffer no detrimental effect. The project incorporates the recommendations of a geotechnical engineer. A condition of approval address potential impacts to cultural resources. *Findings 4, 5, and 13.*
6. Cumulative impacts have been appropriately considered. With implementation of the planting plan, the impacts of the proposal (which would be minimal) would still be consistent with the policies of the Shoreline Management Act if aggregated with similar shoreline development elsewhere. Further, the proposed wall would serve purposes other than aesthetic considerations, which would not necessarily be applicable to other properties. *Findings 3, 9, 10, 11, and 15.*

DECISION

Based upon the preceding findings and conclusions, the requests for shoreline substantial development permit and shoreline conditional use permit to construct a concrete block retaining wall at 7928 Noble View Lane NW in Olympia are **GRANTED** subject to Washington State Department of Ecology approval of the shoreline conditional use permit and subject to the following conditions:

1. Storm water runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact the existing drainage or other properties. The stormwater management system shall conform to the current Thurston County Drainage Design & Erosion Control Manual and Title 15.05 Thurston County Code.
2. Proper erosion and sediment control practices shall be used on the construction site and adjacent areas to prevent upland sediments from entering the stream/wetland. All areas disturbed or newly created by construction activities shall be seeded, vegetated, or given some other equivalent type of protection against erosion. Erosion control shall be maintained until the site has been fully revegetated and surface soils are sufficiently stabilized by the retaining wall system and vegetation.
3. A cultural resources survey (CRS) shall be conducted prior to building permit issuance for the project unless the Applicant can obtain concurrence from both DAHP and the Squaxin

Tribe that due to the nature of the project a CRS is not needed. This information shall be presented to Community Planning and Economic Development prior to building permit issuance for the proposed retaining wall.

4. All development shall be in substantial compliance with drawings and site plans submitted and made part of this staff report.
5. The proposed project must be consistent with all applicable policies and other provisions of the Shoreline Management Act, its rules, and the Shoreline Master Program for the Thurston Region.
6. Washington State Water Quality Laws, Chapter 90.48 RCW Water Pollution Control and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, define quality of state waters. Any discharge of sediment-laden runoff or of other pollutants to waters of the state is in violation of these state laws and may be subject to enforcement action.
7. Prior to final approval of the building permit a bond or irrevocable assignment of savings in the amount of 125% of the cost of the planting plan shall be provided to Community Planning and Economic Development if all plantings have not been installed.
8. The plants used in the project revegetation shall be native species suited to the site. No invasive species such as English ivy, shall be used in the project.
9. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the Applicant's responsibility to obtain this permit if required.

Decided September 24, 2019 by



Sharon A. Rice
Thurston County Hearing Examiner

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 **\$1,020.00** 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.



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| Project No. _____ Appeal Sequence No.: _____ |
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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 \$1,020.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Community Planning & Economic Development Department this _____ day of _____, 20___.