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HEARING EXAMINER

Creating Solutions for Our Future

BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Application of)	NO. 2023101504
)	
Thomas Daniells)	
)	FINDINGS, CONCLUSIONS,
For Shoreline Conditional Use Permit and)	AND DECISIONS
<u>Shoreline Substantial Development Permit</u>)	

SUMMARY OF DECISIONS

The requested shoreline substantial development and shoreline conditional use permits to construct a steel mesh and soil nail retaining structure on the marine bluff face of a residential parcel are **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

William Halbert of Insight Geologic, on behalf of property owner Thomas Daniells (Applicant), requested a shoreline substantial development permit (SSDP) and shoreline conditional use permit (SCUP) to construct a steel mesh and soil nail landslide retaining structure at 2725 Schirm Loop NW, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on November 28, 2023. The record was held open through November 30, 2023 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comment was submitted, and the record closed on November 30, 2023. No in-person site visit was conducted, but the Examiner viewed the subject property and its environs on Google Maps.

Testimony

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

Heather Tschaekofske, Associate Planner/Biologist, Thurston County Community Planning & Economic Development Department

William Halbert, Insight Geologic, Applicant Representative

Thomas Daniells, Applicant

Exhibits

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

- Exhibit 1 Community Planning & Economic Development Department Report including the following exhibits:
- A. Notice of Public Hearing, dated November 13, 2023
 - B. Zoning/Vicinity Map
 - C. Master and JARPA SSDP Application, received April 7, 2023
 - D. Master and JARPA CUP Application, received October 12, 2023
 - E. Notice of Application for Shoreline permit, dated May 17, 2023
 - F. Site plans, received April 11, 2023, May 8, 2023, and November 1, 2023
 - G. Geotechnical Report from Insight Geologic, dated October 11, 2022
 - H. Comments from County Geotechnical Staff, dated June 15, 2023
 - I. Applicant's response to County communication matrix requests, submitted October 5, 2023
 - J. Approval memos from Thurston County Environmental Health, dated August 17, 2023 and October 31, 2023; including letter from Jim Hunter and Associates Septic Design
 - K. Comment email from the Squaxin Island Tribe, dated May 30, 2023
 - L. Comments from the Nisqually Indian Tribe, dated May 18, 2023 and October 18, 2023

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

FINDINGS

1. William Halbert of Insight Geologic, on behalf of property owner Thomas Daniells (Applicant), requested a shoreline substantial development permit (SSDP) and shoreline conditional use permit (SCUP) to construct a steel mesh and soil nail landslide retaining structure at 2725 Schirm Loop NW, Olympia, Washington.¹ *Exhibits 1, 1.C, and 1.D.*
2. The SSDP application was received on April 7, 2023 and determined to be complete for purposes of commencing project review on May 10, 2023. The SCUP application was received on October 12, 2023. *Exhibits, 1.C, 1.D, and 1.E.*

¹ The staff report identifies the legal description of the subject property as follows: Section 09 Township 19 Range 2W Plat EDGEWATER BEACH BLK 2 LT 15 Document 011/030 EDGEWATER BEACH L 15 B 2 TOG/W OL'S ADJ; also known as Tax Parcel No. 45800201500. *Exhibits 1 and 1.C.*

3. The subject property is 0.67 acres in area and is developed with a single-family residence. Surrounding properties are also developed with single-family residences. *Exhibits 1 and 1.F.*
4. The subject property is located on Eld Inlet of Puget Sound. *Exhibits 1 and 1.F.* The Shoreline Master Program for the Thurston Region (SMPTR) designates the subject property shoreline as Rural. Residential development is allowed in the Rural shoreline environment subject to the applicable policies and regulations of the SMPTR. *Exhibit 1; SMPTR Section Three, Chapter XVI.*
5. The subject property and all surrounding properties are zoned Rural Residential/Resource – One Dwelling Unit per Five Acres (RRR 1/5). The subject property was platted in 1940 and is considered a legal building lot. The residence was built in 1979. *Exhibit 1.*
6. The residence is situated on top of a steep marine bluff, which has been failing over the past few years. During heavy rain, a landslide damaged the stairs leading to the beach. The Applicant is concerned about the long-term safety of the slope and the potential for impacts to the residence. *Thomas Daniells Testimony; Exhibits 1.F and 1.G.*
7. Based on geotechnical evaluation, the geology of the site consists of surficial weathered glacial till overlying undisturbed glacial till with relatively low silt content. Till soils are generally stable on horizontal surfaces but can weather and fail on slopes. The weathered till has begun to weaken from the undisturbed glacial till upslope from the bluff. Under normal conditions, slope failure involving the surficial 12 to 18 inches of soil and overlying vegetation could be expected to occur every 10 to 20 years. *Exhibit 1.G.*
8. The Applicant proposes to stabilize the slope using a Geogrixx Tecco mesh reinforcement system, which would consist of high-tensile wire mesh secured to the hillside by grouted soil nails and spike plates. The soil nails would be installed six to eight feet apart (depending on angle) and extend a minimum of 16 feet into the hillside. A tripod-mounted hydraulic auger, anchored to the slope, would be used to install the soil nails. *Exhibits 1.C, 1.F, and 1.G; William Halbert Testimony.*
9. A shoreline substantial development permit is required for the project because it is within 200 feet of a regulated shoreline, does not fall within one of the statutory exemptions, and has a value exceeding the permit threshold of \$8,504.00. *Exhibits 1 and 1.C; Washington Administrative Code (WAC) 173-27-040; Washington State Register (WSR) 22-11-036.*
10. The SMPTR does not contain a use category that is applicable to the retaining structure (the closest category is “shoreline protection,” which includes structures such as bulkheads).² Pursuant to WAC 173-27-160, an unclassified use may be authorized with a shoreline conditional use permit. *WAC 174-27-160; WAC 173-27-030(4); Exhibit 1.*

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.*

11. The site's marine bluff is classified as a geologic hazard area under the Thurston County critical areas ordinance (CAO) (Title 24 Thurston County Code, or TCC). *Exhibit 1.* The CAO allows slope stabilization if necessary to protect a lawfully established existing structure, provided the project satisfies the requirements of the SMPTR and the selected stabilization technique is supported by a geological assessment. *TCC 24.15.150.* The Applicant submitted a report and engineering details prepared by a licensed engineering geologist in support of the proposed technique. *Exhibit 1.G.* The County's engineering geologist reviewed the report and determined that it satisfies the applicable requirements of the CAO. *Exhibit 1.H.*
12. All slope stabilization would occur on the upland portion of the site, with the bottom of the mesh above the ordinary high water mark at an elevation of 21 feet. No work would occur on the beach. *Exhibits 1.F and 1.I.*
13. No hard armoring of the shoreline is proposed, such as a bulkhead, riprap, or wall. *Exhibit 1.I.*
14. As recommended in the geotechnical report, stormwater runoff from impervious surfaces would be collected and piped to the base of the slope for discharge. There is a temporary stormwater collection system in place at present, which has been connected to gutters and downspouts on the residence. A permanent storm pipe, which would most likely be secured to the mesh system, would be installed after the stabilization system installation is complete. The pipe would be fitted with an energy dissipation device to prevent erosion at the point of discharge at the toe of the bluff. *Exhibits 1.G and 1.I; Testimony of William Halbert and Thomas Daniells.*
15. The project would not impact shoreline views. The retaining structure would be embedded into the bluff face below the residence. *Exhibits 1 and 1.F.* The bluff face would be hydroseeded after construction is complete. *Exhibit 1.I.*
16. The project would not increase impervious surfaces on site. *Exhibit 1.*
17. The subject property is served by the Edgewater Beach Group A water system and an onsite sewage system. The Thurston County Environmental Health Division reviewed the project and recommended as a condition of approval that no construction staging occur over sewage system components. *Exhibit 1.J.*
18. The Squaxin Island Tribe and the Nisqually Indian Tribe submitted comments indicating that they do not have issues of concern with respect to cultural resources. However, the Nisqually Indian Tribe expressed concern that the retaining structure would prevent natural erosional processes that provide beach nourishment. *Exhibits 1.K, and 1.L.* In response, the Applicant clarified that the project would prevent large-scale failures of the bluff face, which could bury beach habitat with silt and debris, but would not prevent erosion from rainfall. *Exhibit 1.I.* The Nisqually Indian Tribe confirmed that the response resolved its concern. *Exhibit 1.L.*

19. County Planning Staff recommended conditions of project approval requiring erosion control measures to be in place prior to construction, project debris to be removed to an approved location, releases of oils or other toxic materials to be contained and removed, and stormwater management to comply with the Stormwater Management Manual for Western Washington. *Exhibit 1.*
20. The project is categorically exempt from review under the State Environmental Policy Act. *Exhibit 1; WAC 197-11-800.*
21. Notice of the open record hearing was mailed to property owners within 500 feet of the site on November 3, 2023 and published in *The Olympian* on November 17, 2023. *Exhibit 1.A.* No public comment was submitted on the proposal. *Exhibit 1; Heather Tschaekofske Testimony.* At hearing, the Applicant waived objection to the recommended conditions in the staff report. *Testimony of William Halbert and Thomas Daniells.*

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 with 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

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

1. With conditions of approval, the project satisfies the criteria for a shoreline substantial development permit. It is consistent with Shoreline Management Act policies to protect against adverse effects to public health and the land and to preserve the character of the shoreline. The project is consistent with the shoreline regulations, in that the project is being reviewed under the appropriate criteria and the structure would not obstruct views. The project is consistent with the applicable regional criteria contained in the SMPTR. The project is protective of water quality by reducing the potential for landslide, and with the project's location on the bluff face and the proposed hydroseeding, would not degrade the scenic qualities of the shoreline. The conditions recommended by Planning and Environmental Health Staff, which are designed to protect water quality, have been incorporated into this decision. The public interest would not suffer as a result of the project. *Findings 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, and 21.*
2. The project satisfies the criteria for a shoreline conditional use permit. As described above, the project is consistent with the policies of RCW 90.58.020 and the SMPTR. The project is on a private parcel and would not affect public use of public shorelines. The project is protective of the existing single-family residential use of the property, which use is consistent with the SMPTR, the underlying RRR 1/5 zoning, and the existing and permitted uses of surrounding parcels. Due to its location above the ordinary high water mark and its potential for reducing future landslides, the project will not cause significant adverse effects to the shoreline environment. The conditions recommended by Planning and Environmental Health Staff, which are designed to protect water quality, have been incorporated into this decision. The public interest will not suffer as a result of the project. *Findings 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.*

DECISIONS

Based on the preceding findings and conclusions, the requested shoreline substantial development permit and shoreline conditional use permit to authorize construction of a steel mesh and soil nail landslide retaining structure at 2725 Schirm Loop NW are **GRANTED** subject to the following conditions:

1. The staging area for all construction vehicles, equipment, and materials shall be maintained off the on-site sewage system components and drainfield area to ensure they are protected from damage during construction.
2. 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.

3. The Applicant and subsequent property owners must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent disturbance or alteration, the Applicant must immediately stop work and contact the Tribes and the State Department of Archaeology and Historic Preservation.
4. All activities shall be in substantial compliance with the submitted plans and recommendations within the geotechnical report in the record at Exhibit 1.G.
5. Prior to or in conjunction with the issuance of any building permit, all regulations and requirements of the Thurston County Environmental Health Department, Thurston County Public Works Department, and the Thurston County Community Planning and Economic Development Department shall be met.
6. 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.
7. Any revision to the shoreline permit must be in compliance with WAC 173-27-100.
8. The Applicant must obtain a building permit from the Thurston County Community Planning and Economic Development Department for the retaining structure. Engineered plans must be submitted with the building permit application.
9. No discharge of sediments into Puget Sound shall be permitted at any time. Erosion control shall be in place prior to any ground disturbance on site.
10. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.
11. All removed debris resulting from this project must be disposed of at an approved site. Contact the Department of Ecology or the local jurisdictional health department for proper management of these materials.
12. This project shall comply with the Stormwater Management Manual for Western Washington developed by the Washington Department of Ecology.
13. Construction activity shall be limited to the hours of 7:00 am to 7:00 pm to minimize associated noise. All activities onsite shall fully comply with noise limitations outlined in WAC 173-60.

14. This approval does not relieve the Applicant from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant.
15. All development shall be in substantial compliance with drawings and site plan submitted and made part of this staff report. Any expansion or alteration of this use will require approval of a new or amended SSDP/CUP. The Development Services Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED December 13, 2023.



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 **\$821.00** for a Request for Reconsideration or **\$1,112.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center at 3000 Pacific Ave SE, Suite 100 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 ☐ \$821.00 for Reconsideration or \$1,112.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____, 20____.