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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. 2019102781
)	
James & Kristan Blum)	Blum SSDP
)	
For Approval of a)	
Shoreline Substantial Development Permit)	FINDINGS, CONCLUSIONS,
)	AND DECISION
)	

SUMMARY OF DECISION

The requested shoreline substantial development permit to construct a boathouse, marine railway, and dock and to remove existing unpermitted shoreline development at 431 Summit Lake Shore NW is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

James and Kristan Blum (Applicants) requested a shoreline substantial development permit (SSDP) to construct a boathouse, marine railway, and dock at 431 Summit Lake Shore Road NW, Olympia, Washington. Existing unpermitted shoreline development on the site, including a boathouse, dock and bulkhead, would be removed in conjunction with the project.

Hearing Date:

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on May 26, 2020. Due to the newness of virtual hearings, the record was held open two business days to allow for public comment, with additional time arranged for responses by the parties. The record closed on May 28, 2020 with no post-hearing public comment submitted.

Testimony:

At the hearing, the following individuals presented testimony under oath:

Scott McCormick, Associate Planner, Thurston County CPED
Dawn Peebles, Thurston County Environmental Health
Leanne Eby McDonald, Shoreline Solutions, Applicant Representative
Kristan Blum, Applicant
Jim Blum, Applicant

Exhibits:

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

- EXHIBIT 1 Community Planning & Economic Development Department Report including the following exhibits:
- A. Notice of Public Hearing
 - B. Zoning map
 - C. Master Application, received June 10, 2019
 - D. JARPA Application, received June 10, 2019
 - E. Narrative summary, received October 2, 2019
 - F. Site plan of Existing Conditions, received October 2, 2019
 - G. Site plan of Proposed Conditions (undated) with boat registration information on back side
 - H. Site plan showing landscaping boulders and boat house with boat house detail on back side (undated)
 - I. Dock details (plan view and profile view (undated)
 - J. Marine railway and boat house details (undated)
 - K. Boat house details (plan and profile views)
 - L. Photos of existing boat house, dock, and bulkhead (undated)
 - M. Set of undated aerial photos showing lengths of adjacent docks within 100 feet
 - N. Impervious surface calculations
 - O. Good faith asbestos survey by Envirotech dated September 12, 2019
 - P. Notice of Application, dated August 29, 2019 with adjacent property owners list, dated August 20, 2019
 - Q. SEPA MDNS, dated December 19, 2019
 - R. SEPA Checklist, signed June 10, 2019
 - S. Comment letter from the Nisqually Indian Tribe dated December 20, 2019

- T. Letter from the WA Dept. of Ecology, dated September 18, 2019
- U. Email from Lauren Whybrew with ORCAA, dated September 3, 2019
- V. Letter from the WA Dept. of Ecology, dated July 3, 2019
- W. Letter from the Nisqually Indian Tribe, dated June 25, 2019
- X. Email from the Squaxin Tribe, dated June 28, 2019
- Y. Approval memo from Thurston County Environmental Health, dated February 25, 2020 with attached site plan showing well locations
- Z. Email from Tim Rubert, TC Flood Plain Manager, dated March 5, 2020

EXHIBIT 2 Hydraulic Project Approval issued February 3, 2020

Based on the record developed through the hearing process, the following findings and conclusions are entered in support of the decision of the Hearing Examiner:

FINDINGS

1. James and Kristan Blum (Applicants) requested a shoreline substantial development permit (SSDP) to construct a boathouse, marine railway and dock at 431 Summit Lake Shore Road NW, Olympia, Washington.¹ Existing unpermitted shoreline development on the site, including a boathouse, dock and bulkhead, would be removed in conjunction with the project. The unpermitted improvements were in place when the Applicant purchased the subject property in 2014. *Exhibits 1, 1.C, 1.D, and 1.E; Testimony of Jim and Kristan Blum.*
2. The subject property is on the south shore of Summit Lake, a shoreline regulated pursuant to the Washington State Shoreline Management Act as implemented by the Shoreline Master Program for the Thurston Region (SMPTR). The SMPTR designates the subject shoreline as Rural shoreline environment. *Exhibit 1.* Boating facilities including docks, boathouses, and marine railways are allowed in the Rural environment subject to the standards contained in the SMPTR. *Exhibit 1; SMPTR, Section 3, Chapter IV(D).* The project requires an SSDP because the value exceeds the permit threshold of \$7,047.00. *Exhibits 1 and 1.D; WAC 173-27-040; WSR 17-17-007.*
3. The subject property is 0.5 acres in area and is zoned Residential LAMIRD two dwelling units per acre (RL 2/1). Existing development on the subject property consists of a single-family residence, a detached garage, a pole barn, a 300 square foot (15 x 20) boathouse located near the west property line, a 50-foot long dock, and a 60-foot long bulkhead. Surrounding waterfront parcels are similarly developed with single-family residences and docks. The average length of the docks within 100 feet of the property lines of the subject property is approximately 72 feet. *Exhibits 1, 1.E, 1.F, 1.L, and 1.M.*

¹ The legal description of the subject property is a portion of Section 13, Township 18 North, Range 4 West; also known as Tax Parcel Number 14813141000. *Exhibit 1.C.*

4. The Applicant proposes to remove the existing boathouse, dock and bulkhead, which were constructed without permits. The proposed new development would consist of the following:
- A 420 square foot (14 x 30) boathouse, to be located near the east property line, landward of the ordinary high water mark. The proposed dimensions are the minimum needed to accommodate the Applicants' approximate eight- by 22-foot boat and the boat rail motor and winch system, while complying with building standards requiring an additional two feet of building width on each side of the ten-foot wide garage door and providing for a modest walking area around the boat's perimeter. The maximum height of the boathouse would be ten feet above average grade. *Exhibits 1, 1.E, 1.G, and 1.K.*
 - A 40-foot long, maximum ten-foot wide marine rail extending from the boathouse, which would be supported by three to six-inch galvanized steel pilings. The span between pilings would be ten feet. The railway would be located as close to existing grade as feasible. *Exhibits 1 and 1.J.*
 - A 70-foot long, 260 square foot L-shaped dock, to be centrally located along the subject property shoreline, to the east of the existing dock and more than ten feet from each property line. The dock would be six feet wide for the first 60 feet of its length, and 20 feet wide at the L. The dock would be 100% grated and would be supported by three to six-inch galvanized steel pilings, spaced 10 or 12 feet apart. The maximum height above the lake bottom would be five feet. The distance to the opposite shore would be more than 150 feet. *Exhibits 1, 1.G, and 1.I.*
 - Landscaping, including placement of a row of maximum 30-inch boulders and native plants parallel to and set back approximately 20 feet from the shoreline. *Exhibits 1.E, 1.G, and 1.H.*
5. In accordance with the Olympic Region Clean Air Agency (ORCAA) requirements, the existing boathouse to be demolished has been tested for asbestos and none was detected. Per ORCAA's comments on the application, even without asbestos, demolition of the structure requires submittal of a Demolition Notification to ORCAA. *Exhibits 1.O and 1.U.*
6. The residence is served by a single-family well and an individual on-site septic system. The Thurston County Environmental Health Division reviewed the project for compliance with the Thurston County Sanitary Code, and recommended approval on condition that there be no staging of materials or vehicle/equipment parking over any portion of the septic system. *Exhibit 1.Y; Dawn Peebles Testimony.*
7. The Applicant received hydraulic project approval (HPA) from the Washington Department of Fish and Wildlife (WDFW) on February 3, 2020. The HPA includes numerous requirements with respect to sediment and erosion control, pollution containment, construction materials, pile removal and driving, bulkhead removal, and site cleanup. Compliance with the conditions would ensure, among other things: that sound attenuation is used during pile driving; that trenches and holes in the lakebed are

backfilled to prevent fish entrainment; that disturbed areas are reseeded; and that no wood treated with creosote or other oil-type preservatives is used in the aquatic environment. *Exhibit 2.*

8. The Thurston County Community Planning & Economic Development Department (CPED) reviewed the project under the State Environmental Policy Act (SEPA) and issued a mitigated determination of non-significance (MDNS) on December 19, 2019. This determination was based on review of the Master Application, SEPA Environmental Checklist, JARPA, site plans, and comments from the Nisqually and Squaxin Tribes, Washington Department of Ecology, and ORCAA. The MDNS contains conditions requiring the following: that work stop and agencies/tribes be notified if archaeological artifacts are observed; that erosion control measures be in place prior to clearing, grading or construction; that any spills be contained; that construction be limited to the hours of 7:00 am to 7:00 pm and comply with state noise restrictions; that the project conform to submitted plans; that unapproved treated wood products such as creosote not be used in the marine environment; and that the project comply with the requirements of the SMPTR and not exceed 30 percent impervious surface coverage. The MDNS became final on January 9, 2020 at the close of the appeal deadline. No appeals were filed. *Exhibits 1, 1.Q, 1.S, 1.T, 1.U, 1.V, 1.W, and 1.X.*
9. Notice of the public hearing was sent to all property owners within 500 feet of the site and published in The Olympian on or before May 15, 2020. *Exhibits 1 and 1.A.* There was no public comment on the application.

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for shoreline substantial development permits pursuant to RCW Chapter 36.70, WAC 173-27, and Section One, Part V of the Shoreline Master Program for the Thurston Region.

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

The Shoreline Master Program for the Thurston Region designates the shoreline jurisdiction on the subject property as Rural. Docks, piers, and floats are covered in the “Boating Facilities” chapter, Section Three, Chapter IV, and are allowed subject to standards contained in the specific regulations of the chapter and a permit review process.

SMPTR Section Three, Chapter IV, Part B. Policies

Piers and Docks:

12. Pier and docks should be designed and located to minimize obstructions to scenic views,

and conflicts with recreational boaters and fishermen.

13. Cooperative uses of piers, docks and floats are favored especially in new subdivisions.
14. Moorage buoys are preferred over piers and docks especially in tidal waters.

Marine Railways:

17. Marine railways should not obstruct shoreline access.

Covered Moorage:

18. The size of the covered moorage should be the minimum necessary for the use proposed.
19. Covered moorage over the water should be discouraged in tidal waters and prohibited in fresh water.
20. Covered moorage should be designed and located to maintain view corridors and blend with the surrounding environment.

SMPTR Section Three, Chapter IV, Part C. General Regulations

Piers and Docks:

13. [N/A]
14. All pier and dock development shall be painted, marked with reflectors or otherwise identified so as to prevent unnecessarily hazardous conditions for water surface users during day or night.
15. Docks and piers are prohibited on lakes or marine water bodies where the distance to the opposite shore is one hundred fifty (150) feet or less. This is to insure the maintenance of navigation.
16. [N/A]
17. [N/A]
18. [N/A]
19. The width of recreational docks or piers shall not exceed eight (8) feet.
20. In fresh water areas, new docks shall not exceed the average length of the existing docks within one hundred (100) feet of the property lines
21. [N/A]
22. Docks and piers shall be set back ten (10) feet on fresh and twenty (20) feet on tidal water from the side property line. These setbacks may be waived if two single-family property

owners wish to construct a joint pier on the common property line under the following conditions: a. Both property owners must record a non-exclusive easement granting each other the right to use the pier. b. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family pier.

23. Span between pilings for piers or docks on pilings shall be eight (8) feet or greater.

Marine Railways:

29. Marine railways shall be located on the existing grade where feasible.

Covered Moorage:

30. A boathouse for residential property is permitted landward of the ordinary high-water mark. It shall not exceed one hundred (100) square feet unless the size of the applicant's boat demands a larger structure. The structure shall not exceed ten (10) feet in height.

31. Covered moorage is prohibited over fresh water.

SMPTR Section Three, Chapter IV, Part D. Environmental Designations and Regulations

2. Rural Environment. Marinas, boat ramps, piers, docks, boathouses, mooring buoys, recreational floats and marine railways are permitted subject to the Policies and General Regulations.

SMPTR Section Two, Chapter V. REGIONAL CRITERIA

The Shoreline Master Program for the Thurston Region contains regional criteria that apply to the proposal. All development within the jurisdiction of this Master Program shall demonstrate compliance with the following 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.

Conclusions Based on Findings

1. As conditioned, the proposal is consistent with the policies and procedures of the Shoreline Management Act. Boating facilities are water-dependent uses. With the conditions of the HPA and the MDNS, the proposed new structures and removal of existing unpermitted structures would be protective of the ecology of the shoreline and would not alter the overall character of the shoreline. *Findings 3, 4, 7, and 8.*
2. As conditioned, the proposal complies with applicable regulations in the Washington Administrative Code. None of the structures would be more than 35 feet above average grade. A condition of approval would ensure compliance with the requirements of WAC 173-27-190. *Finding 4.*
3. As conditioned, the proposal is consistent with the applicable Boating Facilities policies and regulations of the Shoreline Master Program for the Thurston Region. The proposal would not affect scenic views as it involves replacement of unpermitted structures with similar new structures that would comply with all height and setback standards. The dock would not interfere with boating as it is compatible in length with surrounding docks and there is adequate distance to the opposite shore. The railway would not obstruct shoreline access. The size of the boathouse would be the minimum necessary for the Applicants' use. The boathouse would not be over water, and it should not negatively affect view corridors, as the width would not exceed the width of the boathouse it is replacing, and the height would not exceed ten feet. Conditions of approval address the SMP requirement for use of reflectors on the dock. The distance to the opposite shore would be more than 150 feet. The width of the dock would be less than eight feet, and the length of the dock, at 70 feet, would not exceed the average of the

docks within 100 feet of the property lines. The dock would meet setback requirements. The proposed span between pilings would be at least eight feet. The marine railway would be located at grade where feasible. The boathouse would be landward of the ordinary high water mark, and the Applicant has demonstrated that the size proposed is necessary to accommodate the Applicant's boat. Its height would not exceed ten feet. *Findings 3 and 4.*

4. As conditioned, the proposal is consistent with the applicable regional criteria. The proposal has been reviewed for impacts to the aquatic environment, both by County Staff through the SEPA process, and by the Washington Department of Fish and Wildlife through the HPA process. Both processes identified extensive mitigation measures that would prevent or minimize impacts. The project would include removal of an unpermitted bulkhead in conjunction with the proposed new development. The proposal has been reviewed for impacts to public health, including impacts associated with demolition activities, and the conditions of this decision address potential construction impacts to septic system components, spill containment, and applicable floodplain construction standards. *Findings 4, 5, 6, 7, and 8.*

DECISION

Based on the preceding findings and conclusions, the requested SSDP to construct a boathouse, marine railway, and dock and to remove existing unpermitted shoreline development at 431 Summit Lake Shore Road NW, Olympia, Washington is **GRANTED** subject to the following conditions:

1. No physical work on the dock and marine railway shall be initiated until the Applicants obtain all required State and Federal permits and approvals, including a hydraulic project approval (HPA) from the Washington State Department of Fish and Wildlife and permit from the US Army Corps of Engineers.
2. All construction shall be in substantial compliance with the plans included in the project JARPA application and shall comply with all applicable general policies and use regulations of the Shoreline Master Program for the Thurston Region.
3. The Applicants shall remove construction debris to an approved site (landfill or recycling center) outside of the shoreline area to avoid degradation of state waters.
4. To minimize impacts to water quality and beach habitat, construction of the proposed dock shall be done with marine grade or non-treated wood and/or materials that will not release toxic substances into the water.
5. During construction, all releases of oils, hydraulic fluids, fuels 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 shall take precedence over all other work at the site. Spill prevention and response material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site.

6. The dock shall be constructed in the location proposed, maintaining a minimum of a 10-foot setback from property lines.
7. The maximum dock length shall not exceed 70 feet as measured from the ordinary high-water mark.
8. To avoid potential damage, caution must be taken to prevent any vehicle or equipment travel over the existing on-site sewage system or water lines. There shall be no parking of vehicles or equipment and no staging of materials over the drainfield area, on-site sewage components (tanks, building sewer lines, transport lines, etc.), or water lines.
9. Reflectors shall be installed to make the dock more visible in low light conditions in order to prevent unnecessary hazards for water surface users during day or night.
10. The span between pilings shall not be less than eight feet.
11. Permanent lighting of the dock shall not be permitted. Any temporary lighting shall be directed such that off-site glare is minimized to the extent possible.
12. 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, Thurston County CPED and affected Tribes shall be contacted to assess the situation prior to resumption of work.
13. A Construction Stormwater Permit from the Washington State Dept. of Ecology may be required. Information about the permit and 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.
14. Best Management Practices shall include:
 - Comply with State water quality standards (WAC 173-201A)
 - Have spill cleanup materials on vessel
 - Regularly check and maintain fuel hoses, oil valves, and fittings for leaks
 - Comply with federal, state, and local permit conditions and Best Management Practices
15. Per the Thurston County flood plain manager, the project must meet the requirements of Thurston County Code 14.38.050.A.2.d, identified below:
 - d. Residential accessory structures shall meet the following criteria:
 - i. Limited to a single story that is no more than five hundred seventy-six square feet with elevated electrical elements, flood damage resistant materials, and flood vent openings meeting the requirements of Section 14.38.050(B)(1)(b). Agricultural structures may be larger than five

hundred seventy-six square feet but be no more than seven hundred seventy-five square feet, see TCC Section 14.38.050.

- ii. Designed by a licensed Washington State design professional and built in such a manner that results in minimal damage to the structure and its contents, including being anchored to resist flotation, collapse, and lateral movement.
 - iii. Constructed using flood damage/resistant materials below the base flood elevation (BFE) with mechanical and utility equipment elevated or floodproofed to two feet above the BFE freeboard. See FEMA Technical Bulletin 7 for additional information.
 - iv. Limited to be used for parking and/or to be used for storage.
 - v. In compliance with 14.38.050(E)(2) if located in a floodway.
 - vi. In compliance with the Thurston County Critical Area Ordinance TCC Chapter 24.20.
 - vii. Complete and record a non-conversion agreement. The building use shall be limited to parking and/or to be used for storage.
16. 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).

Decided June 10, 2020.



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 **\$1,041.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



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 ☐ \$750.00 for Reconsideration or \$1,041.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____ 20____.