



# PLAUCHÉ & STOCK

LLP



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Amanda M. Stock

August 16, 2012

**Re: Final Hearing Examiner Decision for Taylor mussel raft Substantial  
Development Application**

Dear Hearing Examiner Bjorgen:

This letter is Taylor's response to the Hearing Examiner's tentative final decision dated July 19, 2012, regarding the Taylor Mussel Raft project. Taylor appreciates that the Hearing Examiner has given Taylor options for proceeding. After much thought and deliberation, Taylor has decided to request a final decision at the Hearing Examiner's earliest convenience, based on the record that was presented to the Examiner, even if that decision must be a project denial.

An appeal of a substantial development permit decision to the Shoreline Hearings Board ("SHB") is a unique creature in Washington law in that it is the only remaining significant exception to the "one open record hearing" rule of the Local Project Review Act, Ch.36.70B RCW. That means that, if the Examiner's decision is appealed, the parties before the Examiner will be required to present their entire case de novo before the SHB. Given the likelihood of further appeals by the project opponents; the significant time and expense involved in presenting this entire case twice; and, in particular, the de novo standard of review before the SHB, Taylor believes the issuance of a final decision by the Examiner, without further factual or expert development, will lead to the most expeditious resolution of this case. We expect these are the very same factors that the Hearing Examiner considered when drafting the options for Taylor in moving forward.

Thank you for your courtesy.

Sincerely,  
  
Samuel W. Plauché

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