



COUNTY COMMISSIONERS

Cathy Wolfe
District One
Sandra Romero
District Two
Karen Valenzuela
District Three

HEARING EXAMINER

Creating Solutions for Our Future

FOR THURSTON COUNTY

In the Matter of the Application of) NO. 2010104047
)
)
Gary Schelhammer)
) FINDINGS, CONCLUSIONS,
) AND DECISION
)
For a Reasonable Use Exception)
_____)

SUMMARY OF REQUEST:

The Applicant has requested a Reasonable Use Exception to construct a single-family residence on a 21.27 acre property located within the 100-year floodplain of the Skookumchuck River.

LOCATION OF THE PROPOSAL:

The subject project would be located at 8546 Skookumchuck Road SE, in Tenino, Washington, in a portion of the southeast quarter of Section 11, Township 15 North, Range 1 West and a portion of the Southwest Quarter of Section 12, Township 15 North, Range 1 West, and known as Tax Parcel No. 11511430200.

SUMMARY OF DECISION:

The request for a Reasonable Use Exception is GRANTED.

HEARING AND RECORD:

The open record hearing on this request was held before the undersigned Hearing Examiner on July 16, 2012. The following exhibits are admitted as part of the record:

EXHIBIT 1 Resource Stewardship Department Report with the following Attachments:

- Attachment a Notice of Public Hearing.
- Attachment b Zoning/Site Map.
- Attachment c Master Application, received December 16, 2010.

- Attachment d Reasonable Use Exception Application, received December 16, 2010.
- Attachment e Site Plan, received dated December 16, 2010.
- Attachment f January 12, 2011 Comment Memorandum from John Ward, Thurston County Public Health and Social Services Department.
- Attachment g January 5, 2011 Comment Memorandum from Chuck Meyers, Thurston County Public Works Department.
- Attachment h June 6, 2012 Comment Memorandum from Kevin Hughes, Thurston County Public Works Department.
- Attachment i January 3, 2011 Comment from Tim Rubert, Thurston County Floodplain Administrator.
- Attachment j January 10, 2011 Comment Letter from the Washington State Department of Ecology.
- Attachment k August 15, 2011 Comment Letter from the Washington State Department of Ecology.
- Exhibit 2 A blown up version of Exhibit 1, Attachment e.
- Exhibit 3 August 19, 2011, Wetland Delineation Report from Pacific Rim Soil & Water, Inc. for the subject property.
- Exhibit 4 A photograph of the Notice of Public Hearing posted on the gate approaching the subject property.
- Exhibit 5 August 29, 2003, letter from Scott Davis of the Roads and Transportation Development Review Division to Michael Szramek regarding a bridge relating to the subject proposal.
- Exhibit 6 September 2, 2003, letter from Gary Schelhammer regarding the bridge related to the subject proposal.
- Exhibit 7 July 16, 2012, letter from Robert Smith of the Resource Stewardship Department to the Hearing Examiner.

At the hearing, the following individuals testified under oath:

- Robert Smith, Senior Planner, Thurston County Resource Stewardship Department.

- John Ward, Thurston County Public Health and Social Services Department.
- Gary Schelhammer, Applicant.

After considering the testimony and exhibits described above, the Hearing Examiner makes the following findings of fact, conclusions of law, and decision.

FINDINGS OF FACT

1. The Applicant seeks approval of a Reasonable Use Exception (RUE) to construct a single-family residence on a 21.27 acre property located within the 100-year floodplain of the Skookumchuck River. Ex. 1.
2. The entire 21.27 acre property is located entirely within the 100-year floodplain of the Skookumchuck River. The single-family residence proposed would be constructed in the north central portion of the property in a location that is outside wetland buffer areas and as far from the river as is practical. Exhibit. 1, Attachments d, e, f, and g.
3. The new residence proposed would be served by an individual well and an on-site septic system. Access to the residence will be way of an existing driveway from Skookumchuck Road SE. Exhibit. 1, Attachments d, e, f, and g.
4. The subject property is located in rural Thurston County and is zoned Rural Residential Resource - One Dwelling Unit Per Five Acres (RRR 1/5). Critical areas, including the Skookumchuck River, its 100-year floodplain, and wetlands exist on the property and are subject to requirements of the Thurston County Critical Areas Ordinance (TCC 17.15). The Skookumchuck River is a shoreline within the jurisdiction of the Shoreline Master Program for the Thurston Region (SMPTR) and is designated as a Conservancy shoreline. Ex. 1; Test. of Robert Smith.
5. The Skookumchuck River forms the southern and a portion of the western boundary of the mostly level property. The property is forested in the eastern half, along the river and in the western tip. The middle section of the western half of the parcel, including the proposed homesite, is a grass field. Surrounding land uses consist of single-family residences on smaller lots to the south across the Skookumchuck River; Washington State Department of Natural Resources forest lands to the west; Washington State Department of Natural Resources forest lands and a hard rock mine to the north; and Washington State Department of Natural Resources forest lands and rural residences on large lots to the east. Ex. 1; Testimony of Robert Smith.
6. The existing driveway providing access to the proposed home site includes two bridges that cross two separate creeks. The bridge over one of the creeks does meet the load bearing requirements for emergency vehicles. The Applicant had requested an exemption from access standards to use the existing bridge. The Thurston County Public Works Department

approved the exemption request, subject to conditions. The conditions include requiring that the new home have a fire sprinkler system, placing load limit signs on the bridge, and requiring the Applicant to prepare and record a statement acknowledging that emergency access to the home may be impeded. Ex. 1; Ex. 1, Attach h; Ex. 3; Test. of Robert Smith; Test. of Gary Schellhammer.

7. The underlying property contains Skookumchuck River frontage, the 100-year floodplain for the river, and a category 3 wetland. Ex. 1; Ex. 3.
8. The Applicant submitted a wetland/stream delineation and categorization report prepared for the property by Pacific Rim & Soil, Inc. As indicated in that report, the category 3 wetland is .17 acres. Ex. 3.
9. The proposed home site is approximately 350 feet from the river. The entire parcel is within the 100-year floodplain of the Skookumchuck River. Ex. 1; Ex. 3.
10. A driveway to access the proposed residence already exists, so the only impact will be from placing the residence itself. Ex. 1.
11. The wetlands/stream delineation report, Ex. 3, addresses erosion control, provides a topographic survey, and flood proofing for building within the 100-year floodplains. The conceptual drainage and erosion control plan in the report states that a silt fence will be installed between the construction site and the river, stockpiles of dirt will be covered with plastic, and that any disturbed areas will be reseeded with an erosion control grass seed mix. The report contains an elevation survey. The proposed home site is at an elevation of 293.4 feet, which appears to be near the highest point on the property. Ex. 1; Ex. 3.
12. The proposed home location is situated in the area of greatest elevation on the property and is set back a considerable distance from the river itself. The proposed location of the residence would appear to result in the least possible impact to the critical area. Ex. 1; Test. of Smith.
13. The river shoreline of the subject property extends for approximately 3,700 feet. Therefore, the required 100-foot shoreline buffer along the river frontage encompasses approximately 8.5 acres. Subtracting the shoreline buffer from the gross acreage of the property leaves approximately 13 acres. Ex. 7.
14. A thirteen acre agricultural operation, without a residence, likely would not be economically viable. Ex. 7.
15. Logging activities on the property would require the clearing of floodplain woodlands that provide habitat. Ex. 7. The large wooded area along the stream, currently serves as a buffer that provides significant wildlife habitat and riparian corridor protection. Ex. 7. Constructing a residence in the existing cleared area of the property would result in less impact to habitat than would logging inside of the existing wooded area long the river. Ex. 7.

16. As conditioned, the proposed activity will not result in damage to other properties and should not threaten the health, safety, or welfare on or off the site. Ex. 1; Test. of Smith.
17. The Applicant did not subdivide or otherwise alter the underlying property. Ex. 1; Test. of Smith.
18. As proposed, the new residence would be set back approximately 350 feet from the ordinary high water mark of the Skookumchuck River and the total impervious surface coverage in the upland SMPTR jurisdiction portion of the property is well under thirty percent. Ex. 1; Test. of Smith.
19. One of the two bridges along the access road to the subject property does meet the load bearing requirements for emergency vehicles. The Applicant had requested an exemption from access standards to utilize the existing bridge. The Public Works Department approved the exemption request, subject to conditions. The county has proposed that the application be approved subject to conditions that include requiring that the new home have a fire sprinkler system, placing load limit signs on the bridge, and requiring the Applicant to prepare and record a statement acknowledging that emergency access to the home may be impeded. Ex. 1, Attach. h.
20. County staff recommends approval of subject proposal subject to the following conditions:
 - A. Prior to or in conjunction with the issuance of any building permit, all applicable regulations and requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshal and Thurston County Resource Stewardship Department shall be met.
 - B. All additional permits required for this project will need to meet the applicable edition of the Thurston County Road Standards and the Drainage Design and Erosion Control Manual at the time of application.
 - C. *Condition B repeated.*
 - D. Prior to issuance of a building permit the Applicant shall submit a Drainage and Erosion Control Plan.
 - E. The Applicant shall comply with the following conditions for access:
 1. Residential structures on the property shall have a sprinkler system.
 2. The bridge's load limit/rating shall be calculated by a licensed structural engineer and a load limit sign shall be placed at the bridge.

3. A statement shall be prepared by an attorney and recorded with the County according to section 4.07-K of the Road Standards acknowledging that the lack of compliance with the standards may impede access of emergency services.

4. The local fire district shall be notified regarding the load limit of the bridge.

F. Plans and specifications for the construction of the home must meet the requirements of chapter 14.38.050 of the Thurston County Building Code. The finished floor must be two feet above the base flood elevation. The foundation must be designed by a licensed engineer.

G. An elevation certificate must be completed by a licensed surveyor and must be filed with Thurston County Development Services. (Certificates and elevation details are available at the Thurston County Permit Assistance Center).

H. The occupants must subscribe to the Thurston County flood warning system. The subscription is of no cost to owners. Call (360) 754-3360 to register.

I. The owner must obtain and maintain flood insurance covering improvements to the property.

J. If contamination is currently known or suspected during construction, testing of potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by testing, The Washington State Department of Ecology must be notified [Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300].

21. The Washington Department of Ecology submitted two comment letters primarily regarding water quality, water rights, and toxic cleanup issues that could be related to the development of the subject site. Ex. 1, attachs. j and k.

CONCLUSIONS OF LAW

1. Thurston County Code (TCC) 17.15.415 provides: The application for a RUE, along with a recommendation made by the department, shall be heard by the Thurston County hearing examiner, who shall render a decision pursuant to TCC Chapter 2.06.
2. The Rural Residential Resource – One Dwelling Unit Per Five Acres zoning district (RRR 1/5, TCC 20.09A) allows certain primary uses. TCC 20.09A.020. The proposed single-family residence is an allowed use in the RRR 1/5 zone and is a reasonable use. The entire 21.27- acre parcel is located within the 100 year floodplain of the Skookumchuck River. Therefore, there is nowhere on the property to build a residence without approval of a Reasonable Use Exception.

3. The features associated with the subject property – that it contains Skookumchuck River frontage, that it is within the 100-year floodplain for the river, and that it contains a category 3 wetland -- are critical areas subject to protection through the Critical Areas Ordinance (TCC 17.15, Part 900).
4. Because the wetland/stream delineation and categorization report identifies the category 3 wetland as being .17 acres, it is below the size regulated by the Critical Areas Ordinance. Ex. 3.
5. The Critical Areas Ordinance requires a Drainage and Erosion Control Plan, a topographic survey, and a flood proofing certification be submitted for a proposal to build within 100-year floodplains. TCC 17.15.1000(A). The wetlands/stream delineation report, Ex. 3, addresses these requirements. The applicant submitted a conceptual drainage and erosion control plan, which is included in the wetlands/stream delineation report, Ex. 3, because a specific home plan has not been yet prepared for the site. This conceptual plan states that a silt fence will be installed between the construction site and the river, stockpiles of dirt will be covered with plastic, and that any disturbed areas will be reseeded with an erosion control grass seed mix. An elevation survey is included within wetlands/stream delineation report, Ex. 3, p. 5, Figure 2. The proposed home site is at an elevation of 293.4 feet, which appears to be near the highest point on the property. The applicant is required to construct the residence in compliance with TCC 14.38.050, the County building requirements for flood prone areas. At the time of building permit the applicant will be required to submit a flood elevation certificate demonstrating that the home is elevated at least 2 feet above the 100-year flood level. Accordingly, the requirements of TCC 17.15.1000(A) have been met, as much as they can be at this stage.
6. The Critical Areas Ordinance requires a minimum 100-foot buffer along the river. TCC 17.15.935(A)(2)(a). The proposed home site is approximately 350 feet from the river and the buffer requirement is met.
7. The entire parcel, however, is within the 100-year floodplain of the Skookumchuck River. Construction of a single-family residence is therefore prohibited in the floodplain, Table 5, TCC 17.15, unless a Reasonable Use Exception is granted.
8. According to TCC 17.15.415 C, a reasonable use exception may be granted only if all of the following requirements are met:
 1. No other reasonable use of the property as a whole is permitted by this chapter;
 2. No reasonable use with less impact on the critical area or buffer is possible;
 3. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the development proposal site;

4. Any alteration to a critical area is the minimum necessary to allow for reasonable use of the property; and
5. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of this chapter.
9. Potential uses of the subject property are determined by the applicable land use zone from the Thurston County Zoning Ordinance. The zoning designation for the property is Rural Residential Resource – One Dwelling Unit per Five Acres. The primary permitted uses in the zone are agriculture, including forest practices, single-family and two-family residences, home occupations, and farm housing. TCC 20.90A.020. Home Occupations require an existing residence from which to operate the business and farm housing is a type of residence.
10. The Critical Areas Ordinance (CAO) places limitations on uses within critical areas, with allowances for various types of uses listed in Table 5. Under Table 5, single family residences are prohibited within the 100-year floodplain. However, agriculture, including forest practices, is permitted. The subject property also includes the shoreline of the Skookumchuck River. The CAO requires retention of a 100-foot vegetative buffer along the river shoreline. Any agricultural use would have to observe that buffer.
11. The river shoreline of the subject property extends for approximately 3,700 feet. Therefore, the required 100-foot shoreline buffer along the river frontage encompasses approximately 8.5 acres.
12. Subtracting the shoreline buffer from the gross acreage of the property leaves approximately 13 acres that could be used for agricultural purposes. A thirteen acre agricultural operation, without a residence, likely would not be economically viable. Therefore, it would not be a reasonable use of the property. Also, any logging activity would clear additional floodplain woodlands that currently provide habitat. A 100-foot buffer along the river is the minimum required. However the larger buffer that currently exists provides better wildlife habitat and riparian corridor protection. Constructing a residence in the existing cleared area of the property would result in less impact to the habitat on the property than would logging.
13. For the reasons set forth in paragraphs 8 through 11, it has been demonstrated that the requirement of TCC 17.15.415 C has been met that no other reasonable use of the property as a whole is permitted by this chapter.
14. The entire 21.27- acre parcel is within the 100 year floodplain of the Skookumchuck River, so if a residence is to be allowed on the property it must be within the floodplain. The proposed home location is situated in the area of greatest elevation on the property and is set back a considerable distance from the river itself. The proposed location of the residence would appear to result in the least possible impact to the critical area.

15. For the reasons set forth in paragraphs 8 through 11, and in paragraph 13, it has been demonstrated that the requirement of TCC 17.15.415 C has been met that no reasonable use with less impact on the critical area or buffer is possible.
16. As conditioned, the proposed activity will not result in damage to other properties and should not threaten the health, safety, or welfare on or off the site. Therefore, it has been demonstrated that the requirement of TCC 17.15.415 C has been met that the requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the development proposal site.
17. The entire 21.27- acre parcel is within the 100 year floodplain of the Skookumchuck River; if a residence is to be allowed on the property it must be within the floodplain. A driveway to access the proposed residence already exists, so the only impact will be from placing the residence itself. Therefore, it has been demonstrated that the requirement of TCC 17.15.415 C has been met that the proposed alteration to a critical area is the minimum necessary to allow for reasonable use of the property.
18. The Applicant did not subdivide or otherwise alter the underlying property. Therefore, it has been demonstrated that the requirement of TCC 17.15.415 C has been met the inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary to create an undevelopable condition.
19. The Shoreline Master Program for the Thurston Region (SMPTR) designates the shoreline jurisdiction on the subject property as Conservancy. Single-family residences are covered in the “Residential Development” chapter, Section Three, Chapter XVI, of the SMPTR and are allowed subject to standards. Development standards in the Conservancy shoreline environment include a 100-foot setback for structures from the ordinary high water mark and a maximum thirty percent lot coverage of impervious surfaces. Section Three, Chapter XVI(D)(4)(b and c). As proposed, the new residence would be set back approximately 350 feet from the ordinary high water mark of the Skookumchuck River and the total impervious surface coverage in the upland SMPTR jurisdiction portion of the property is well under thirty percent. Therefore, the proposed project meets the standards set forth in Section Three, Chapter XVI, of the SMPTR.
20. Based on the foregoing, the application for a RUE should be approved subject to the following conditions:
 - a. Prior to or in conjunction with the issuance of any building permit, all applicable regulations and requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshal and Thurston County Resource Stewardship Department shall be met.
 - b. All additional permits required for this project will need to meet the applicable edition of the Thurston County Road Standards and the Drainage Design and Erosion Control Manual at the time of application.

- c. Prior to issuance of a building permit the Applicant shall submit a Drainage and Erosion Control Plan.
- d. The Applicant shall comply with the following conditions for access:
 - Residential structures on the property shall have a sprinkler system.
 - The bridge's load limit/rating shall be calculated by a licensed structural engineer and a load limit sign shall be placed at the bridge.
 - A statement shall be prepared by an attorney and recorded with the County according to section 4.07-K of the Road Standards acknowledging that the lack of compliance with the standards may impede access of emergency services. There must be a recording on the property's title that will run with the land and notify all potential future purchases of the property about this limitation on emergency services to the property.
 - The local fire district shall be notified regarding the load limit of the bridge.
- e. Plans and specifications for the construction of the home must meet the requirements of chapter 14.38.050 of the Thurston County Building Code. The finished floor must be at least two feet above the base flood elevation. The foundation must be designed by a licensed engineer.
- f. An elevation certificate must be completed by a licensed surveyor and must be filed with Thurston County Resource Stewardship. (Certificates and elevation details are available at the Thurston County Permit Assistance Center).
- g. The occupants must subscribe to the Thurston County flood warning system. The subscription is of no cost to owners. Call (360) 754-3360 to register.
- h. The owner must obtain and maintain flood insurance covering improvements to the property.
- i. If contamination is currently known or suspected during construction, testing of potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by testing, The Washington State Department of Ecology must be notified [Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300].
- j. Development of the property must be in compliance with the comments provided and the terms set forth in the January 10, 2011 and August 15, 2011, letters from the Washington Department of Ecology relating to water rights to the property for

water usage associated with the property's development, protection of water quality during the property's development, and possible toxic issues that arise as the property is being developed.

DECISION

The RUE to construct a residential structure within the 100-year floodplain is GRANTED.

Dated this date of July 30, 2012



Jacqueline Brown Miller
Thurston County Hearing Examiner *pro tem*



Project No. 2010104047 RUX
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 \$595.00 for Reconsideration or \$820.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Resource Stewardship Department this _____ day of _____, 20____.

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 13.21C.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 Resource Stewardship 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 **\$595.00** for a Request for Reconsideration or **\$820.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Permit Assistance 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.