



COUNTY COMMISSIONERS

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 District One
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 District Two
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 District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. SSDP-2012102883
)	
City of Olympia)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For Approval of a)	
Shoreline Substantial Development Permit)	
)	
)	

SUMMARY OF DECISION

The request for a shoreline substantial development permit to allow replacement of an existing water main in the Pearl Beach neighborhood within 200 feet of Puget Sound is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

The City of Olympia (Applicant) requested a shoreline substantial development permit to replace and relocate an existing water main serving residential properties on Pearl Beach Road NW. The subject property is located within the Rural Shoreline Environment on Budd Inlet.

Hearing Date:

The Thurston County Hearing Examiner held an open record hearing on the request on February 19, 2013.

Testimony:

At the hearing the following individuals presented testimony under oath:

- Scott McCormick, Associate Planner, Resource Stewardship Department
- Rick Dougherty, Project Manager, City of Olympia
- Brian Philumalee, Applicant Representative

Exhibits:

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

Exhibit 1 Resource Stewardship Department Staff Report, including the following attachments:

- Attachment a Notice of Public Hearing
- Attachment b Master Application, received July 7, 2012
- Attachment c JARPA Permit Application, received June 29, 2012
- Attachment d Notice of Application dated August 21, 2012
- Attachment e Vicinity map (2012 aerial photo) by staff
- Attachment f Vicinity map and aerial photo submitted with application
- Attachment g Vicinity map (drawn map) with attached reduced size plans, (7 pages)
- Attachment h Stormwater Pollution Prevention Plan dated June 12, 2012, (27 pages)
- Attachment i July 20, 2012 Comment Memorandum from Arthur Saint, Public Works Department
- Attachment j August 17, 2012 Comment Memorandum from Sara Brallier, Public Health and Social Services Department
- Attachment k Email from Cari Hornbein, City of Olympia to Rick Dougherty, City of Olympia dated May 7, 2012

Exhibit 2 Color copy of two photos of the notice of hearing posted on-site

Based upon the record developed at hearing, the following findings and conclusions are entered in support of the decision of the Hearing Examiner:

FINDINGS

1. The Applicant requested a shoreline substantial development permit (SSDP) to replace and relocate an existing water main serving residential properties on Pearl Beach Road NW.¹ The municipal water main needs to be replaced due to age, materials that no longer comport with current code, and unfavorable terrain. The existing easement is not large enough to allow water line maintenance without damage to landscaping, and due to the

¹ The legal description of the subject property is a portion of the west half of Section 03 Township 18 Range 2W, W.M., also known as Parcel numbers 72302400000, 72302500700, 72302500500, 72302500100, 72302500300. *Exhibit 1, page 1.*

slope, replacement in-place is less feasible; therefore relocation of a portion of the main is proposed. *Exhibit 1, pages 1-2; Exhibit 1, Attachment B; Philumalee Testimony.*

2. The project site is located on the east side of Cooper Point, near the western shore of Budd Inlet. It is surrounded by relatively dense residential development in West Olympia. The site is zoned Residential 4 Dwelling Units Per Acre (R-4) within the Olympia urban growth area. The existing water utility is an allowed use in the R-4 zone. *Exhibit 1, pages 1- 4.*
3. The proposed project site is within the jurisdiction of the Shoreline Master Program for the Thurston Region (SMPTR), which designates the shorelands of the site as Rural Shoreline Environment. Utilities are allowed in the Rural Shoreline Environment subject to SSDP approval. The estimated fair market value of the project is between \$75,000.00 and \$100,000.00. *Exhibit 1, page 4; SMPTR, Section Three, Chapter XX; Exhibit 1, Attachment B.*
4. Approximately 335 linear feet of two-inch diameter cast iron pipe and 120 linear feet of six-inch asbestos concrete pipe currently in use would be replaced. The proposal would construct a new water main along Pearl Beach Road to the end of an existing private driveway. The existing mains would be abandoned in place along Old Port Drive to avoid unnecessary disturbance to soils and residential landscaping. No clearing and grubbing is proposed. Removal and demolition activities would be limited to a small area of pavement sawcutting on Pearl Beach Road and removal of existing asphalt or BST surface. *Exhibit 1, Attachments B and H.*
5. Portions of the project within 50 to 110 feet of the Budd Inlet ordinary high water mark (OHWM) would be performed using trenchless directional drilling to minimize impacts to the landscape and terrain. Farther from the OHWM, work would be performed using conventional open trench methods. The proposal includes replacing a portion of the two-inch water main in a new location away from a steep bank. The proposed new main location would provide easier access for maintenance and would reduce the future risk of losing the water main to landslide; it would allow one fire hydrant to be added to the water main system. The project would install 145 linear feet of six-inch diameter ductile iron pipe; 348 linear feet of two-inch plastic pipe; 21 linear feet of two – one-inch service lines; and 107 linear feet of four - 3/4 inch service lines. Restoration of disturbed areas to pre-project conditions is proposed. *Exhibit 1, Attachment B; Dougherty Testimony.*
6. The directional drilling portion of the project would involve excavation of small drill pits about four feet by ten feet at the entry point for the drilling machine and at the exit point for connection to the existing service. Two to three drill pits may be needed in order to complete the line. *Exhibit 1, Attachment B.*
7. Between 110 and 520 feet from the OHWM, the proposed water lines would be installed using conventional open trench methods. Temporary trenching would be excavated to a depth of about 42 inches by trenching machine, a mini-excavator, and/or in some places by hand. Compaction would either be performed using a small portable mechanical

compactor or a vibratory head on the mini-excavator. Trenching is proposed primarily in the County road right-of-way and in gravel parking areas within City of Olympia utility easements. *Exhibit 1, Attachment B.*

8. The Applicant submitted a stormwater pollution prevention plan (SWPPP) prepared to the specifications of the City of Olympia's 2009 Drainage Design and Erosion Control Manual. The SWPPP establishes the best management practices proposed to be implemented to prevent release of sediments into Puget Sound. *Exhibit 1, Attachment H.*
9. The application included site plans that show existing and proposed utilities in the area. The route of the replacement water main is as short as it can be given topography and existing improvements. No work would occur closer than 50 feet to the shoreline, and no in- or over-water work is proposed. All improvements would be installed underground with the exception of new (replacement) water meters and access to the mains. No portion of the project would encroach upon wetlands or flood zones. *Exhibit 1, Attachment B; Exhibit 1, pages 4-5.*
10. The project includes implementation of erosion control measures during construction, compliance with which was recommended by County Staff for inclusion as a condition of approval. Once construction is completed, it is possible that line rupture could result in temporary localized erosion; however the proposed replacement line location would make maintenance easier both in advance of and during any potential line rupture event. The proposed water main would conduct potable water to existing residential users; it would not discharge pollutants that could harm the environment or people. *Exhibit 1, Attachment B; Exhibit 1, pages 6-7.*
11. No sewage treatment, water reclamation, desalinization, power plants, hydroelectric generating facilities, or sewage outfalls are included in the proposal. The proposed replacement water mains are not considered a major transmission facility or industrial activity by the SMPTR. The proposed use is not water-dependent or water-related for the purposes of the Shoreline Management Act. *Exhibit 1, Attachment B; Exhibit 1, pages 4-7.*
12. The project involves less than 500 cubic yards of grading and excavation. The largest pipes proposed to be installed are six inches in diameter. Based on these factors, the proposal was determined to be categorically exempt from State Environmental Policy Act (SEPA) review pursuant to both WAC 197-11-800 – Categorical exemptions and Thurston County Code TCC 17.09.055 – Categorical exemptions. *Exhibit 1, page 8; Exhibit 1, Attachment K.*
13. Thurston County Public Works Development Review Section reviewed the application and plans and determined that as proposed, the project satisfies all requirements of the County's Road Standards and Drainage Design and Erosion Control Manual. Public Works Staff recommended a condition of approval requiring the Applicant to apply for and obtain a Construction Stormwater Permit from the Washington State Department of Ecology, if required for this project. *Exhibit 1, Attachment I.*

14. The proposal was routed to Thurston County Environmental Health Division (EHD) for review of its compliance with County health code requirements. EHD Staff noted that because it is a Group A public water system, review and approval of construction plans are under the purview of the Washington State Department of Health Office of Drinking Water. No environmental health issues are anticipated to be associated with construction of the proposal within City of Olympia utility easements. EHD Staff recommended approval without conditions. *Exhibit 1, Attachment J.*
15. Notice of the public hearing was sent to all property owners within 300 feet of the site and published in The Olympian on February 8, 2013, more than ten (10) days prior to the hearing. Notice was also posted on-site on February 8th. *Exhibit 1, page 4; Exhibit 1, Attachment A; Exhibit 2.* The County received no public comment on the application. *McCormick Testimony.*

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

To be approved by the Hearing Examiner, a 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.

Washington Administrative Code (WAC) 173-27-150.

(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 following are applicable provisions of the SMPTR:

Section Two -- General Goals and Policies

...

C. Rural Environment

Purpose. The primary purposes of the Rural Environment are to protect areas from urban expansion, restrict intensive developments along undeveloped shore-lines, function as a buffer between urban areas, and maintain open spaces for recreational purposes compatible with rural uses. New developments in a Rural Environment are to reflect the character of the surrounding area.

Definition. The "Rural Environment" designates shoreline areas in which land will be protected from high-density urban expansion and may function as a buffer between urban areas and the shorelines proper. This environment is characterized by low intensity land use and moderate to intensive water use. Residential development does not exceed two dwellings per acre. Visual impact is variable with a moderate portion of the environment dominated by structures of

impermeable surfaces. Intensive cultivation and development of the renewable soils, aquatic and forest resources, as well as limited utilization of nonrenewable mineral resources is permitted. Recreational activities and public access to the shoreline are encouraged to the extent compatible with other rural uses and activities designated for this environment.

SMPTR Section Three, Chapter XX, Part B. Policies

1. Wherever utilities must be placed in a shoreline area, the locations should be chosen so as not to obstruct or destroy scenic views. Utilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.
2. Where construction connected with utility placement occurs on shorelines, banks should be restored to their pre-project configuration, replanted with native species and maintained until the new vegetation is established.
3. Sewage treatment, water reclamation, desalinization and power plants should be designed and located so as not to interfere with, and to be compatible with recreational, residential or other public uses of the water and shorelands.
4. Sewage outfalls to waterbodies should be avoided in preference to recycling or land disposal of sewage wastes. Where no alternative to outfalls into water exist, location of such outfalls should be part of the appropriate regional plan for solutions to sewage management problems.
5. Utility rights-of-way should be used for public access to and along waterbodies where feasible.
6. If utilities must be located over the water, they should be placed on bridge-like structures rather than fill, and said structures should provide clearance for all marine vessels normally using the area.
7. New major transmission facilities should follow existing utility corridors unless prohibited by the environmental designation and regulations.

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

1. Applicants for permits to locate utility lines in the shoreline jurisdictional area shall submit a location plan with their application which shows existing utility routes in the vicinity of the proposed utility line. The proposed utility lines shall follow existing utility, natural drainage or transportation routes where feasible.
2. All utility facilities shall be located on lots or routes no larger than necessary.
3. The approved projects shall identify a method of reclamation which provides for revegetation and protection of wetland areas from erosion. As a minimum, this shall include the restoration of the affected area to pre-development elevation, replanted with native or pre-existing species and provisions for maintenance care for the newly planted or seeded vegetation until it is established.

4. Utility services accessory to individual projects shall be regulated by the specific use regulations for the activity in addition to the standards of this section and shall not require separate Substantial Development Permits for utility service installations.
5. Where feasible, utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive or significantly detrimental to the environment.
6. Utility facilities shall be designed for minimal environmental and aesthetic impact and shall be coordinated with local comprehensive plans.
7. Underwater utilities shall be located at a depth sufficient to prevent interference between the utility and other shoreline use activities.
8. All utility facilities must provide safeguards to ensure that no long-term damage will be caused to the adjacent or downstream environment should an accident occur involving the utility.
9. No discharge of waste material which could result in decertification of aquacultural areas or products or cause lowering of water quality ratings is permitted.
10. No new hydroelectric generating facilities are allowed on the Nisqually River pursuant to the recommendations of the Nisqually River Management Plan.

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 would be consistent with the policies and procedures of the Shoreline Management Act. The proposed replacement water main is a “reasonable and appropriate use” of the on-site shorelands. The proposal would not locate new utilities on the shoreline but would replace an existing, aging main with a new one in an easier-to-access location, resulting in no significant change to the character of the shoreline. Conditions would ensure that minimal disruption would occur to vegetation and disturbed areas would be restored to pre-project conditions. The proposal was reviewed by the County’s Health Department and no impacts to public health were identified. The replacement water main would not impact public shoreline access or views. *Findings 1, 3, and 5.*
2. As conditioned, the proposed replacement main complies with applicable regulations in the Washington Administrative Code. No part of the improvements would be 35 feet or taller from grade at any point. There would be no impact to views. A condition of approval would ensure compliance with the requirements of WAC 173-27-190. *Findings 3 and 9.*
3. The proposal is consistent with the applicable policies and regulations of the Shoreline Master Program for the Thurston Region. Utilities are allowed in the Rural Shoreline Environment. The project would replace an aging water main located partially in the shorelands. Part of the replacement main would be relocated off of a steep slope area, improving access for future maintenance and reducing the risk of service interruption due to slope failure. At its closest point, the project would be setback 50 feet from the shoreline. All improvements are proposed in County rights-of-way or City utility

easements. All disturbed areas would be restored to pre-project conditions. Improvements would be underground and there would be no impacts to views, aesthetics, shoreline access, or neighborhood character. Environmental impacts would be minimized by implementation of a stormwater pollution prevention plan and best management practices throughout construction to prevent sediments from entering Puget Sound. Compliance with the SWPPP and BMPs would be ensured via conditions of permit approval. No grading, over-water work, or impacts to submerged lands would occur. No public health concerns were identified through County Health Department review. *Findings 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 14.*

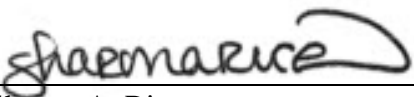
DECISION

Based upon the preceding findings and conclusions, the requested shoreline substantial development permit to allow replacement of an existing, failing water main in the Pearl Beach neighborhood within 200 feet of Puget Sound in the Rural Shoreline Environment is **GRANTED** subject to the following conditions:

1. Prior to or in conjunction with the issuance of any building permits, all applicable regulations in the Thurston County Code and all requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshall, and Thurston County Resource Stewardship Department shall be satisfied.
2. All on-site construction activities shall fully comply with noise limitations outlined in WAC 173-60.
3. All activities shall fully comply with the Thurston County Stormwater Drainage Design and Erosion Control Manual (TCC 15.05) throughout all phases of the proposed project.
4. 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.
5. All removed debris and waste materials resulting from this project must be disposed of at an approved site. Property owners, developers, and contractors are encouraged to recycle all possible left over construction, demolition, and land clearing (CDL) materials and reduce waste generated. Please visit <http://1800recycle.wa.gov> to find facilities that recycle construction, demolition, and land clearing materials in your area.
6. 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).

7. Vegetation removal shall be minimized during construction. All disturbed areas must be restored to pre-project conditions.
8. Construction shall comply with the recommended best management practices in the Stormwater Pollution Prevention Plan, in the record at Exhibit 1, Attachment H.
9. Construction must commence within two years and all construction must be complete within five years of the effective date of this permit. The effective date is the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed.
10. 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 March 4, 2013 by



Sharon A. Rice
Thurston County Hearing Examiner

THURSTON COUNTY
PROCEDURE FOR RECONSIDERATION AND APPEAL
OF HEARING EXAMINER DECISION TO THE BOARD

NOTE: THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the 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.



Project No. 2012102883 SSDP
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___.