



COUNTY COMMISSIONERS

Cathy Wolfe
District One

Sandra Romero
District Two

Bud Blake
District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2014102675
)	
Washington State)	
Department of Fish and Wildlife)	Black Lake Boat Launch SSDP
)	
For Approval of a)	
Shoreline Substantial Development Permit)	FINDINGS, CONCLUSIONS, AND DECISION
)	
_____)	

SUMMARY OF DECISION

The requested shoreline substantial development permit to replace two existing boat ramps, install a new boarding float between the launch ramps, replace two existing vault toilets with new ADA compliant vault toilets, and to pave some of the existing graveled parking area at the existing Black Lake boat launch facility within a Conservancy shoreline environment is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

Washington State Department of Fish and Wildlife (WDFW, Applicant) requested a shoreline substantial development permit to remove and replace two existing boat ramps, install a new boarding float between the launch ramps, replace two existing vault toilets with new ADA-compliant vault toilets, and to pave some of the existing graveled parking area in a Conservancy shoreline environment at the Black Lake boat launch.

Hearing Date:

The Thurston County Hearing Examiner held an open record hearing on the request on January 20, 2015.

Testimony:

At the hearing the following individuals presented testimony under oath:

Robert Smith, Senior Planner, Resource Stewardship Department
Dawn Peebles, Environmental Health Division

Chris Gourley, WDFW, Applicant Representative

Exhibits:

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

Exhibit 1 Resource Stewardship Department, Land Use and Environmental Review Section Report including the following attachments:

- Attachment a Notice of Public Hearing
- Attachment b Zoning/Site Map
- Attachment c Master Application, received June 12, 2014
- Attachment d JARPA Permit Application, received June 12, 2014
- Attachment e Site Plan Set, dated April 2, 2014
- Attachment f Complete Application Letter, dated November 6, 2014
- Attachment g Notice of Application, dated November 6, 2014
- Attachment h Determination of Non Significance, dated April 15, 2014, Issued by the Washington Department of Fish and Wildlife
- Attachment i Comment Memorandum from Brad Sangston, Public Health and Social Services Department, dated August 14, 2014
- Attachment j Comment Memorandum from Kevin Chambers, Public Works Department, dated July 15, 2014
- Attachment k Comment letter from the Washington State Department of Ecology, dated November 25, 2014
- Attachment l Comment Letter from Thomas L. McDowell, US Fish and Wildlife Service, dated August 7, 2014

Exhibit 2 Color copy of photo of posted hearing notice, taken by County Staff

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 to replace the existing boat launch facilities at Blake Lake. The underlying property is a 2.4-acre lot located on the eastern shore of Black Lake in the Tumwater Urban Growth Area. It is

located on the west side of Fairview Road SW, approximately 2200 feet south of 66th Avenue SW in Olympia.¹ The Comprehensive Plan land use designation and land use zoning designation of the site are Tumwater UGA Open Space (OS). The project area is designated as a Conservancy shoreline environment pursuant to the Shoreline Master Program for the Thurston Region (SMPTR). *Exhibit 1; Exhibit 1, Attachment D.*

2. The OS zone allows parks and other related recreation facilities as uses permitted outright with no permit. *Thurston County Code (TCC) 22.31.020(A)*. The proposed replacement of the existing facilities is an allowed maintenance activity that does not require a land use permit. However, based on the anticipated value of the project (\$480,000) within the shoreline jurisdiction, a shoreline substantial development permit (SSDP) is required. *Exhibit 1; Exhibit 1, Attachment D.*
3. WDFW acquired the site in 1957 and subsequently developed the public boat launch. Establishment of the use predates adoption of land use zoning and the SMPTR. Black Lake abuts the site to the west of the project area. Existing public access improvements consist of two side by side boat launches, a paved driving/maneuvering/parking area, graveled parking areas, and two vault toilets. Vegetation on the property consists of intermittent forested areas in the central and eastern portions of the site. Topographically, the parcel slopes down from Fairview Road at the east boundary to Black Lake at the west boundary. Surrounding land uses consist of single-family residences. *Exhibit 1; Exhibit 1, Attachments B and E.*
4. The subject property is mapped with soil types known to have the potential to provide habitat for prairie species including the Mazama pocket gopher. No other regulated critical areas exist on the property. On April 8, 2014, the U.S. fish and Wildlife Service (USFWS) listed the Mazama pocket gopher under the Endangered Species Act. County and USFWS Staff conducted a site visit on July 31, 2014 to survey the subject property for protected prairie species; however, no evidence of protected species was found on-site. Based on this review, USFWS issued a letter stating that the proposed project is not expected to result in a 'take' of the listed gopher and excluding the site from further review. *Exhibit 1; Exhibit 1, Attachment L.*
5. The proposal would upgrade public access to the boat launch facilities on Black Lake; no change to the existing use is proposed. Two existing side by side concrete boat ramps would be replaced with two new ramps in the same general location. The new pre-cast concrete plank ramps are each proposed to measure 12 by 80 feet, extending approximately 50 feet waterward of the ordinary high water mark (OHWM). A concrete abutment is proposed to be poured between the upland portions of the new ramps and a new six-foot by 60-foot ADA-compliant boarding float would be installed between the new ramps anchored to the concrete abutment. Other proposed work includes replacing two existing vault toilets with two new ADA-compliant vault toilets. The proposed location of the new toilets would be 190 feet upland from the OHWM in an existing

¹ The legal description of the subject property is a portion of the Southeast Quarter of the Southeast Quarter of Section 6, Township 17 North, Range 2 West, W.M.; also known as tax parcel number 12706440400. *Exhibit 1.*

graveled parking area, which would be approximately 30 feet closer to the lake than the existing toilets. The new vault toilets would be installed on a new concrete pad from pre-cast components brought to the site. Minor grading and paving of existing gravelled parking areas is proposed. *Exhibit 1, Attachments D and E.*

6. Property line setbacks for structures are established in the individual zoning chapters of the County's zoning ordinance; however, the OS zone does not identify required property line setbacks. The two ADA-compliant vault toilets are proposed in the center of the underlying property, approximately 55 feet from side property lines. This setback greatly exceeds the minimum side yard setback of five feet in the adjacent single-family residential zoning designations. *Exhibit 1; Attachment E.* Resource Stewardship Staff asserted that the proposed upgrades are allowed under applicable zoning regulations. *Exhibit 1.*
7. Pursuant to the SMPTR, public boat launches and recreational water access are allowed uses in the Conservancy shoreline environment. The proposal would improve an existing facility that includes parking and driveway/maneuvering areas presently located within 100 feet of OHWM. No additional parking is proposed within the shoreline area. Replacement of the existing boat ramps is a maintenance activity that would facilitate continued public use of the facility. Public access would be improved for all visitors to the existing public recreation facilities. The proposed improvements would not change the existing site character or scenic views from or of the site. No new landscaping is proposed. *Exhibit 1; Smith Testimony.*
8. The proposal includes appropriate erosion control measures in place prior to construction commencement to prevent sediments from entering Black Lake. No industrial activities as defined by the SMPTR are proposed. *Exhibit 1.*
9. The Applicant would be required to obtain all applicable state and federal permits prior to commencement of grading/construction. The Joint Aquatic Resources Permit Application (JARPA) submitted for the instant County review was submitted to appropriate agencies for review of applicable state and federal permits. *Gourley Testimony; Exhibit 1.*
10. The application was reviewed by the both the Thurston County Public Health/Social Services and Thurston County Public Works Departments. No issues of public health concern were identified and the County Health Department recommended approval, noting that a record drawing of the new toilets must be submitted to the County for approval and that final inspection would be required. Public Works noted that a Department of Ecology Construction Stormwater General permit may be required for the project and that it is the Applicant's responsibility to comply with state water quality requirements. *Exhibit 1, Attachment I and J; Brallier Testimony.*
11. Consistent with the State Environmental Policy Act (SEPA), WDFW assumed lead agency status for review of the proposal's environmental impacts. Upon completion of review, WDFW issued a determination of non-significance (DNS) on April 15, 2014,

which was not appealed and became final. *Exhibit 1, Attachment H.*

12. Notice of the public hearing was sent to all property owners within 500 feet of the site and was published in The Olympian on January 2, 2015. Notice of hearing was posted on-site on January 9, 2015. *Exhibit 1, Attachment A; Exhibit 2.* There was no public comment on the application. *Smith 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

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 Conservancy. Public boat launches and lake access point projects such as the subject proposal are covered in the "Recreation" chapter, Section Three, Chapter XIV, and are allowed subject to standards contained in the specific regulations of the chapter and a permit review process.

SMPTR Section Three, Chapter XIV, Part B. Policies

1. Priorities for recreational development of shorelines should relate directly to densities and unique characteristics of the population served. Priorities for acquisition should consider need and special opportunities as well as access by public transit.
2. All recreational development projects should be considered on the basis of their compatibility with the environment.
3. Access to recreational locations such as fishing streams and hunting areas should be planned to prevent concentration of use pressures.
4. The linkage of shoreline parks and public access points through provisions for linear open spaces should be encouraged. Such open space could include hiking paths, bicycle paths and/or scenic drives located as close to the water's edge as feasible.
5. Recreational developments should be designed to preserve, enhance or create scenic views and vistas. Favorable consideration should be given to those projects that complement their environment.

6. Where possible, parking areas should be located inland, away from the immediate edge of the water, and recreational beaches, and should be linked with the shoreline by walkways.
7. Recreational development should comply with all applicable city, county, state, and federal regulations.
8. Facilities for intensive recreational activities should be permitted only where sewage disposal and pest control can be accomplished to meet public health standards without altering the environment adversely.
9. Development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands should be encouraged as part of an overall recreation plan or development.
10. Where appropriate, nonintensive, recreational use should be encouraged on flood plains that are subject to recurring flooding.
11. Artificial marine life habitats should be encouraged in order to provide increased aquatic life for recreation. Such habitats should be constructed in areas of low habitat diversity.

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

1. Public access points on lakes must provide parking space appropriate for the intended use.
2. Recreation facilities or structures which are not compatible with the environmental designation in which they are proposed are prohibited.
3. Events and temporary uses in the public interest may be approved by the Administrator in any environment, provided that such uses will not damage the wetland environment.
4. Recreational developments must provide facilities for nonmotorized access, such as pedestrian, bicycle and/or equestrian path links to the shoreline.
5. Sewage disposal and pest control must meet public health standards; waste must not be allowed to enter the water.
6. The following regulations shall apply to artificial aquatic life habitats:
 - a. Habitats shall minimize interference with surface navigation.
 - b. Habitats shall be constructed of long-lasting, nonpolluting materials, and moored so as to remain in their original location even under adverse current or wave action.
 - c. Habitats may not be installed on publicly-owned submerged land without written permission of the administering governmental agency.

7. Public or private recreation areas which cater to the use of all-terrain or off-road vehicles as the primary recreational activity shall not be allowed in the shoreline areas.
8. All stair towers meeting one of the following conditions must be designed by a licensed civil engineer:
 - a. The location proposed is mapped as "Unstable" or "Intermediate Stability" in the Washington Coastal Zone Atlas prepared by the state Department of Ecology.
 - b. All stair towers 24 feet in height or taller.
 - c. Other instances where the building official determines that site conditions dictate the preparation of plans by a licensed civil engineer.
9. Stair towers shall be designed to minimize obstructing the views enjoyed by adjoining residences.

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

4. Conservancy Environment. Low intensity recreational uses are permitted in the Conservancy Environment provided:
 - a. Roads, parking and vehicular camping facilities, including restrooms, shall not be located within one hundred (100) feet of the ordinary high-water mark of any shoreline with the exception of access to boat launch facilities. Maintenance or upgrading of existing roads, parking and/or vehicle camping facilities including restrooms is permitted. Parking facilities and roadways may be within one hundred (100) feet only if they provide access for handicap or scenic viewpoints. Pedestrian or hiking trail access should be provided to connect upland facilities with the shoreline.
 - b. Whenever possible, landscaping shall be done with native species.
 - c. A recreational facility or structure which changes or detracts from the character of the Conservancy Environment (by building design or intensity of use) shall be prohibited.
 - d. Public or private recreation areas which cater to the use of all-terrain or off-road vehicles as the primary recreational activity shall not be allowed in the shoreline areas.

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. Replacing the existing boat launch and restrooms at a public recreation area with new, ADA-compliant facilities making the public recreation area accessible to more members of the public, is a reasonable and appropriate use within the Conservancy Shoreline Environment. Minimal above-grade construction is proposed, and that only to replace existing above-grade development. No adverse effects to scenic views of or from the site are anticipated. The project was reviewed by the County's Health Department and no impacts to public health were identified. Conditions would ensure that the project is developed with minimal impact to the shoreline and surrounding properties. *Findings 1, 2, 5, 7, and 10.*

2. As conditioned, the proposal complies with applicable regulations in the Washington Administrative Code. No additional above-grade buildings would be installed. Considering the existing landscaping surrounding the recreational facility in use since 1957, replacement of the existing vault toilets and installation of new, ADA-compliant boat launch facilities would not significantly impact views or the character of the area. A condition of approval would ensure compliance with the requirements of WAC 173-27-190. *Findings 1, 2, 5, and 7.*
3. The proposal is consistent with the applicable policies and regulations of the Shoreline Master Program for the Thurston Region, the Thurston County Comprehensive Plan, and the Thurston County critical areas ordinance. The proposed upgrade of an existing recreation area would facilitate continued public use of the site by a greater number of members of the public. There would be no change in use and no alteration to the character of the area. Only minimal changes to the parking areas are proposed, and no additional parking would be established in the shoreline area. The proposed new vault toilets, setback approximately 190 feet from the ordinary high water mark, would improve access to and upgrade existing sanitary services for facility guests. Erosion control measures would be implemented prior to construction commencement to protect the lake from sediment-laden runoff. No industrial activities are proposed. The Applicant would be required to obtain applicable state and federal permits prior to beginning work on replacing the two boat ramps. The County Health Department reviewed the proposal and recommended approval. A SEPA determination of non-significance was issued and not appealed. *Findings 1, 2, 3, 4, 5, 7, 8, 9, 10, and 11.*

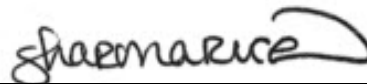
DECISION

Based upon the preceding findings and conclusions, the requested shoreline substantial development permit to remove and replace two existing boat ramps in the same footprint, install a new boarding float between the launch ramps, replace two existing vault toilets with new ADA compliant vault toilets, and to pave some of the existing graveled parking area in a Conservancy shoreline environment at Black Lake is **GRANTED** subject to the following conditions:

1. 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).
2. Prior to or in conjunction with the issuance of any building permits, all applicable regulations and requirements of the Thurston County Public Health and Social Services department, Public Works Department, Fire Marshall, and Thurston County Resource Stewardship Department shall be met.
3. All on-site construction activities shall fully comply with noise limitations outlined in WAC 173-60.

4. 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.
5. 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.
6. Erosion control measures must be in place prior to any clearing, excavation, grading or construction and must be approved by the Resource Stewardship Department. These measures must be effective to prevent soil from being carried into surface water by stormwater runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.
7. The proposed silt curtain to contain sediments generated by replacement of the boat ramps shall be in place and properly functioning prior to start of work.
8. 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.
9. 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).
10. On April 8, 2014, the U.S. fish and Wildlife Service listed the Mazama Pocket Gopher under the Endangered Species Act. The subject parcel contains potential pocket gopher habitat. It is the responsibility of the landowner to comply with applicable federal regulations. Approval of this and other County permits may be superseded by federal law.

Decided February 3, 2015 by



Sharon A. Rice
Thurston County Hearing Examiner

THURSTON COUNTY
PROCEDURE FOR APPEAL TO BOARD
AFTER HEARING EXAMINER RECONSIDERATION

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 after reconsideration, you may file an appeal. The appeal process is described in A below. Unless appealed, decisions of the Hearing Examiner after reconsideration become final on the 11th day after the date of the reconsideration decision. **The Board of Thurston County Commissioners renders decisions within 60 days following a notice of appeal unless the Board, the applicant, and the appellant mutually agree to a longer period.

An appeal of a SEPA decision must be filed in Superior Court pursuant to the Land Use Petition Act, RCW Chapter 36.70C. An appeal of a decision relating to SEPA shall be done in accordance with RCW 43.21C.075 and TCC 17.09.160 (T).

A. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS

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 **ten (10) days** of the date of the Hearing Examiner's decision on a reconsideration request.
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.

B. STANDING All appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the appeal should be granted.

C. FILING FEES AND DEADLINE If you wish to appeal this determination, please do so in writing on the back of this form accompanied by a non-refundable fee of **\$866.00**. Any 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 above. **Postmarks are not acceptable.** If your application fee as well as completed application form is not filed by this time, you will be unable to appeal this determination. This deadline may not be extended.

** *Shoreline Permit decisions are not final until a 30-day appeal period to the state has elapsed following the date the County decision becomes final.*



Project No. _____ Appeal Sequence No. _____
--

APPEAL OF HEARING EXAMINER DECISION AFTER RECONSIDERATION

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 _____, 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.

 APPELLANT NAME PRINTED

 SIGNATURE OF APPELLANT

Address _____

 Phone _____

Please do not write below - for Staff Use Only:

Fee of \$846.00 Received: Initial _____ Receipt No. _____ Filed with the Resource Stewardship Department this _____ day of
 _____, 20____.