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HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE THURSTON COUNTY
HEARING EXAMINER**

In the Matter of the Application of)	
)	Project No. 2016102861
Daniel Bonjorni)	
)	
)	
For Approval of a Shoreline Substantial)	
Development Permit)	FINDINGS, CONCLUSIONS,
_____)	AND DECISION

SUMMARY OF DECISION

The request for a shoreline substantial development permit to allow construction of an eight- by 42-foot floating dock, as an accessory to a single-family dwelling on Summit Lake in Olympia, Washington is **GRANTED** with conditions.

SUMMARY OF RECORD

Request:

Daniel Bonjorni (Applicant) requested approval of a shoreline substantial development permit to allow construction of an eight-foot by 42-foot floating dock as an accessory to a single-family dwelling on Summit Lake in Olympia, Washington.

Hearing Date:

The Thurston County Hearing Examiner conducted an open record hearing on the request on November 21, 2016.

Testimony:

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

- Leah Davis, Associate Planner, Thurston County Resource Stewardship Department
- Dawn Peebles, Thurston County Environmental Health Division
- Kim Pawlawski, Applicant Representative

Exhibits:

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

Exhibit 1 Resource Stewardship Department Report including the following attachments:

- A. Notice of Public Hearing
- B. Master Application, dated June 16, 2016
- C. JARPA Application, dated June 16, 2016
- D. SEPA Application, dated June 16, 2016
- E. Revised site plan, dated August 25, 2016
- F. Notice of Application, dated July 19, 2016
- G. Mitigated Determination of Non-Significance (MDNS), issued August 12, 2016
- H. Memorandum from Kyle Overton, Environmental Health Department, dated August 30, 2016
- I. Washington State Department of Ecology comment letter, dated August 8, 2016
- J. Nisqually Indian Tribe comment letter, dated June 24, 2016
- K. Construction drawing, dated June 16, 2016
- L. Department of Ecology comments, dated July 7, 2016

Exhibit 2 Photos of posted notice

Exhibit 3 Photos of views of adjacent docks from the subject property

Based on the record developed at hearing, the following findings and conclusions are entered:

FINDINGS

1. The Applicant requested approval of a shoreline substantial development permit to allow construction of an eight-foot by 42-foot floating dock, anchored with pilings and attached as an accessory structure to a single-family dwelling on Summit Lake. The proposed dock would provide moorage and recreational access to the lake. The subject property is

located at 825 Summit Lake Shore Road NW, Olympia, Washington.¹ *Exhibit 1 and 1.B.*

2. The 0.48-acre subject property is zoned Rural LAMIRD Two Dwelling Units per Acre (RL2/1). Because the proposed dock is considered a residential accessory, no land use permit is required. Surrounding land uses include single-family residences to the east, west, and south. Summit Lake abuts to the north and is greater than 150 feet wide at the subject property. *Exhibits 1, 1.E, and 3.*
3. The subject property contains a single-family dwelling and is vegetated. There are no wetlands or streams on-site, and there is no known habitat or presence of endangered species on-site. There are remnants of a previous dock located waterward of the OHWM on-site. *Exhibits 1, 1.C, and 1.D.*
4. Summit Lake is a waterbody regulated pursuant to the Shoreline Master Program for Thurston Region (SMPTR). Upland areas within 200 feet of the ordinary high water mark (OHWM) are designated Rural Shoreline Environment, which designation allows docks with an approved shoreline permit application subject to standards. Docks are addressed in the SMPTR “Boating Facilities” chapter (Section Three, Chapter IV). In fresh water, docks may be a maximum of 50 feet in length from the OHWM or the average of existing docks within 100 feet of the property lines. They are restricted to a maximum of eight feet in width, must be set back at least 10 feet from side property lines, must have a minimum eight-foot span between pilings, and may have a maximum 200 square foot “float” at the end. *Section Three, Chapter IV, Part C, Numbers 19, 20, 21, 22, and 23.*
5. The SMPTR requires a buffer of existing groundcover to be maintained between the ordinary high water mark and 20 feet from the structure; for a residence set back 50 feet from the OHWM, a 30-foot buffer is required. *SMPTR, Section Three, Chapter XVI, Part D, Number 3.d.*
6. The proposed eight- by 42-foot dock would cover approximately 336 square feet of near shore substrate. No float is proposed. Perpendicular to the shoreline, it would stand approximately two feet above the surface of the lake at its tallest point and would be built in approximately the middle of the subject parcel’s north boundary, at least 25 feet from either lot line. Composite decking and pressure treated wood are proposed for portions of the project above the water line. Four-inch steel piles are proposed to be installed by pile driver waterward of the ordinary high water mark; pile driving is expected to take not more than seven days. No bulkhead is proposed, and no dredging, excavation, or fill are proposed. No lighting or utilities would be installed. The fair market value of the proposed improvements is anticipated to be \$15,000. *Exhibits 1, 1.C, 1.D, 1.E, and 1.F; Pawlawski Testimony.*

¹ The legal description of the property is S18 T18 R3W Quarter of NW NE Plat Summit Lake Tracts LT 87 E2, Document 011/029; known as tax parcel number 77200008700. *Exhibit 1.*

7. The affected areas of the Summit Lake shoreline would be minimally impacted. Vegetated areas disturbed during construction would be revegetated with native species. Construction is proposed to take place during low water conditions. The project includes removal of the abandoned remnants of a former dock in approximately the same location as the proposal. Erosion control measures are proposed to be installed during construction. *Exhibit 1.C; Pawlawski Testimony.*
8. Within 100 feet, to the east of the subject property, there are two docks each measuring approximately 42-feet long. There are no docks immediately to the west. Photographs in the record depict the docks to the east, which appear to be very similar in design and appearance to the dock proposed. Resource Stewardship Staff submitted that the proposal is a typical dock commonly seen on surrounding properties that would not interfere with boaters, fishers, or others accessing the lake. *Exhibits 1 and 3.*
9. Due to the proposed in-water work, the project would be required to obtain an hydraulic project approval (HPA) permit from the Washington Department of Fish and Wildlife and may require DNR aquatic lease authorization. *Exhibit 1.C.*
10. Pursuant to the State Environmental Policy Act, Thurston County acted as lead agency for review of probable significant adverse environmental impacts of the proposed dock. Review included the following documents: an environmental checklist; the joint aquatic resources permit application (JARPA); the master application; construction drawing and site plans; and agency comments from Thurston County Environmental Health, Washington State Department of Ecology, and the Nisqually Indian Tribe. The SEPA Responsible Official issued a mitigated determination of non-significance (MDNS) on August 12, 2016, which was not appealed and became final. Required mitigation measures addressed the potential discovery of contaminated soils during construction, implementation of erosion control measures prior to ground disturbance, and removal and proper disposal of construction debris, among other items. *Exhibits 1 and 1.G.*
11. Thurston County Environmental Health Division had no concerns about the project. *Exhibit 1.H.* The Washington State Department of Ecology submitted a comment letter indicating that the project must comply with applicable toxics clean up and water quality program requirements. *Exhibits 1.I and 1.L.* The Nisqually Indian Tribe commented that it had no concerns and requested to be notified in the event of inadvertent discovery of cultural resources. *Exhibits 1.J.*
12. The application was submitted June 16, 2016 and deemed to be complete on June 28, 2016. Notice of application and likely issuance of the MDNS was mailed to surrounding property owners on June 19, 2016. No comments or appeals were filed. *Exhibits 1 and 1.F; Davis Testimony.*
13. Written notice of the public hearing was mailed to property owners within 500 feet of the site and published in The Olympian on November 11, 2016. Notice was posted on-site on November 8, 2016. *Exhibits 1 and 1.A.* There was no public comment on the application or at the time of hearing. *David Testimony.*

14. Resource Stewardship Staff recommended approval with conditions. *Exhibit 1*. The Applicant representative waived objection to the conditions. *Pawlawski Testimony*.

CONCLUSIONS

Jurisdiction:

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

Shoreline Substantial Development Permit Criteria for Review:

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.

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 with 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 (page 30)

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.

Goal Statements (pages 30-31)

1. Economic Development. Available resources should be utilized consistent with the definition and purpose of the Rural Environment.
2. Public Access. The primary goal of this element is to provide adequate public access areas to ensure maximum enjoyment of recreational and scenic opportunities with minimum conflict with other rural uses. It is the intent of this goal to:
 - a. Recognize and protect private property rights consistent with the public interest;
 - b. Prevent the destruction of the more fragile recreation areas through excessive use; and
 - c. Exercise due regard for the safety of the public.
3. Circulation. The goal of the Circulation Element in the Rural Environment is to provide facilities that are necessary only for local usage. Trail systems for safe nonmotorized traffic are to be encouraged where compatible with rural uses. Major planned circulation systems shall be located away from shoreline areas whenever possible.
4. Recreation. The recreation goal is to assure diverse, convenient and adequate water-related recreational opportunities along the shorelines of the County located in such a way as to minimize conflicts with other rural activities.
5. Shoreline Use. Areas for intensive public use should be distributed in such a manner as to avoid concentration of user pressure, to discourage intrusions endangering life or property, and to avoid uses having adverse effects on fragile natural systems.
6. Conservation. This goal shall be to have sound management in the conservation of all natural resources within the Rural Environment.
7. Historical and Cultural Values. The goal of this element shall be to promote, protect and preserve historical, cultural scientific or educational values on shorelines where these values are acknowledged.
8. Restoration. This goal is to restore to a useful or original condition those areas (including waters) which are blighted by present uses, discontinued uses and dilapidated or abandoned structures.

Section Three -- Policies and Regulations For Use Activities (pages 47-54)

IV. Boating Facilities

A. Scope and Definition: Boating facilities include marinas, boat ramps, piers, docks, boathouses, mooring buoys, recreational floats and marine railways. "...“Piers and docks” are structures generally built from the shore extending out over the water to provide moorage for commercial and/or private recreation water craft or float planes or for water recreational use.... “Marine railways” are a pair of sloping tracks used to launch watercraft.... “Boathouses” are a type of covered moorage which have walls and are usually for the storage of one (1) boat.

B. Policies

...

Piers and Docks:

12. Pier and docks should be designed and located to minimize obstructions to scenic views, and conflicts with recreational boaters and fishermen.
13. Cooperative uses of piers, docks and floats are favored especially in new subdivisions.
14. Moorage buoys are preferred over piers and docks especially in tidal waters.

...

C. General Regulations

...

Piers and Docks:

13. Prior to final project approval of a residential development, a usable area shall be set aside for pier or dock unless there is no suitable area. Only one dock or pier is permitted in a new residential development.
 14. All pier and dock development shall be painted, marked with reflectors or otherwise identified so as to prevent unnecessarily hazardous conditions for water surface users during day or night.
 15. Docks and piers are prohibited on lakes or marine water bodies where the distance to the opposite shore is one hundred fifty (150) feet or less. This is to insure the maintenance of navigation.
- ...
18. There is no maximum length and width for commercial piers or docks; however, the proponent must show the size proposed is the minimum necessary to allow the use proposed.
 19. The width of recreational docks or piers shall not exceed eight (8) feet.
 20. In fresh water areas, new docks shall not exceed the average length of the existing docks within one hundred (100) feet of the property lines. If there exists a dock on one side of a new proposed one but not on the other, the average to be used for the side without a dock shall be fifty (50) feet. If there are no docks with one hundred (100) feet, the length shall not exceed fifty (50) feet as measured from the ordinary high water mark.
 21. At the terminus of a dock or pier, a float is normally attached for purposes of a landing and for moorage of watercraft. These floats may either be parallel to the dock or pier, or form a tee. The float cannot exceed four hundred (400) gross square feet for a piling dock/pier in tidal waters, two hundred fifty (250) gross square feet for a floating dock/pier on tidal water, and two hundred (200) gross square feet for docks/piers on fresh water. The total length of the dock/pier with an attached float cannot exceed the total length allowed under General Regulations #17 and #20.
 22. Docks and piers shall be set back ten (10) feet on fresh and twenty (20) feet on tidal water from the side property line. These setbacks may be waived if two single-family property owners wish to construct a joint pier on the common property line under the following conditions:

- a. Both property owners must record a non-exclusive easement granting each other the right to use the pier.
 - b. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family pier.
23. Span between pilings for piers or docks on pilings shall be eight (8) feet or greater.
- ...

D. Environmental Designations and Regulations

...

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

...

Applicable Provisions of the Shoreline Master Program for the Thurston Region:

SMPTR Section Two, Chapter V: Regional Criteria

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 ...
- 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 dock is allowed in the SMPTR in the Rural Shoreline Environment and would be a “reasonable and appropriate use” of the on-site shorelands. Conditions would ensure that minimal disruption to the shorelands would occur and that disturbed areas are replanted with native species. The project was reviewed by the County’s Health Department and no public health impacts were identified. The project on private property would not impact public shoreline access. The proposal was reviewed for compliance with the requirements of SEPA and an MDNS was issued. *Findings 1, 2, 4, 6, 7, 9, 10, 11, and 14.*
2. As conditioned, the proposed dock complies with applicable regulations in the Washington Administrative Code. There would be no significant impact to views of the upland residences because the improvements would be built not more than two feet above the water’s surface, unlit, and visually consistent with existing docks on adjacent parcels. A condition of approval would ensure compliance with the requirements of WAC 173-27-190. *Findings 4, 6, and 8.*
3. The proposal is consistent with the applicable SMPTR policies and regulations. The subject property is an existing lot; no subdivision is proposed. Conditions would ensure that reflectors or other design elements are incorporated to ensure the dock is visible to nighttime lake users. The project would not interfere with navigation. No bulkhead is proposed. As conditioned, the proposal satisfies the maximum dock width, property line setback, and piling spacing standards applicable in the Rural Shoreline Environment. There is no public shoreline access in the vicinity and approval would not impact public access. The project would remove construction debris and the remnants of the former dock from the subject property for proper off-site disposal. Compliance with the MDNS mitigation measures, as well as with any requirements of the HPA and DNR approvals if triggered, would ensure that erosion is prevented during and after construction. *Findings 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, and 14.*

DECISION

Based upon the preceding findings and conclusions, the requests for shoreline substantial development permit to allow construction of an eight-foot by 42-foot floating dock, as an accessory to a single-family residence on Summit Lake in Olympia, Washington, is **GRANTED** subject to the following conditions:

1. All regulations and requirements of the Thurston County Resource Stewardship Department shall be met.
2. The proposed project must be consistent with all applicable policies and other provisions of the Shoreline Management Act, its rules, and the Shoreline Master Program for the Thurston Region.
3. Proper erosion and sediment control practices shall be used at the construction site and adjacent areas to prevent upland sediments from entering the water body. All areas disturbed or newly created by construction activities shall be seeded, vegetated, or given some other equivalent type of protection against erosion.
4. The dock must be clearly marked with reflectors or other highly visible markings so as to prevent unnecessarily hazardous conditions for water surface users during day or night.
5. Pilings and other dock components in direct contact with the water must not be treated or coated with biocides such as paint or pentachlorophenol. Over-water application of paint, preservative treatments, or other chemical compounds is prohibited.
6. Composite plastics, polyethylene, untreated wood, pre-cast concrete, or other non-toxic alternatives must be used for the pilings. The span between pilings must be eight feet or greater.
7. If, during construction of the dock, archaeological artifacts or remains are discovered, construction must halt immediately, and the Applicant shall contact the WA Department of Archaeology and Historic Preservation at (360) 586-3065 and the Nisqually Indian Tribe.
8. Any waste materials from construction shall not be left on the shoreline, but disposed of upland. Remnants of the previous dock still located in the shoreline shall be removed.
9. Per Thurston County Environmental Health, project activities must be done to avoid compacting the soil of the approved septic system and reserve drainfield.
10. All development shall be in substantial compliance with the construction drawings and site plan submitted and made part of this staff report. Any expansion or alteration of this use will require approval of a new or amended Shoreline Substantial Development Permit. The Resource Stewardship Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

11. This approval does not relieve the Applicant from compliance with all other local, state, and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant.
12. Construction pursuant to this permit shall not begin and is not authorized until 21 days from the date of filing of the Hearing Examiner's decision with the Department of Ecology as required in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of filing have been terminated, except as provided in RCW 90.58.140(5)(a) and (b).

Decided December 7, 2016.



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 **\$651.00** for a Request for Reconsideration or **\$866.00** 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. _____ 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 \$651.00 for Reconsideration or \$866.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Resource Stewardship Department this _____ day of _____, 20___.