



COUNTY COMMISSIONERS

John Hutchings  
District One

Gary Edwards  
District Two

Tye Menser  
District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. 2017101332
	)	
<b>Skookumchuck Wind Energy Project</b>	)	
	)	
For Approval of a Special Use Permit and a Shoreline Substantial Development Permit	)	FINDINGS, CONCLUSIONS, AND DECISIONS
	)	

**SUMMARY OF DECISIONS**

The requested special use permit to develop a 5.8-acre operation and maintenance center and 18.6-acre temporary laydown yard at 16340 Vail Loop Road SE to serve a wind energy generation facility located in Lewis County, and a shoreline substantial development permit to construct road improvements at the intersection of Vail Cut-Off Road SE and Vail Loop Road SE and along the Weyerhaeuser forest road south of the Skookumchuck River crossing, are **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Skookumchuck Wind Energy Project (Applicant) requested a special use permit to develop a 5.8-acre operation and maintenance center and 18.6-acre temporary laydown yard at 16340 Vail Loop Road SE in Thurston County, Washington to serve a wind energy generation facility that the Applicant proposes to develop in adjacent Lewis County, Washington. The proposal also includes a request for a shoreline substantial development permit to construct road improvements in two locations - at the intersection of Vail Cut-Off Road SE and Vail Loop Road SE and along the Weyerhaeuser forest road south of the Skookumchuck River crossing - within Thurston County, Washington. The portion of the development located within Lewis County, including the proposed wind turbines comprising the electricity generating facility, are not part of the present special use and shoreline substantial development permit requests and are not subject to Thurston County Hearing Examiner review.

**Hearing Date:**

The Thurston County Hearing Examiner held an open record hearing on the request on July 9, 2019. At the request of the undersigned, the Applicant agreed to extend the decision issuance deadline five business days, to July 30, 2019.

**Testimony:**

At the hearing the following individuals presented testimony under oath:

Robert Smith, Senior Planner, Thurston County  
Arthur Saint, Thurston County Public Works  
Sean Bell, RES America, Applicant representative  
Sean Flannery, RES America, Applicant representative  
Arron Lowe, RES America, Applicant representative  
Brian Schnall  
John Wilson  
Diana Peeples  
John Gargiso  
Sylvia Gargiso  
Tom Gauthier

Attorney Timothy McMahan of Stoel Reeves represented the Applicant at the hearing.

**Exhibits:**

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

1. Community Planning & Economic Development Department Report with the following attached exhibits:
  - A. Notice of Public Hearing
  - B. Zoning/Site Map
  - C. Master Application, received November 6, 2018
  - D. Special Use Permit Application, received March 23, 2017
  - E. JARPA Permit Application Revision, received November 6, 2018
  - F. Supplemental Filing for Special Use Permit, Chambers Group, Inc., dated April 2019
  - G. Supplemental Filing for Shoreline Substantial Development Permit, Chambers Group, Inc., dated April 2019
  - H. Site Plans for Operation and Maintenance Facility and showing Laydown Yards, dated May 8, 2019
  - I. Site Plan for Vail Loop Road/Vail-Cut Off Road Intersection improvements near the Deschutes River, received May 3, 2019
  - J. Site Plan for Weyerhaeuser Road improvements near the Skookumchuck River, dated December 6, 2017

- K. Complete Application letter, dated May 22, 2017
- L. Notice of Application for Special Use Permit, dated May 30, 2017
- M. Notice of Application for Shoreline Substantial Development Permit, dated December 7, 2018
- N. Memorandum of Understanding between Lewis County and Thurston County declaring that Lewis County is Lead Agency for SEPA review, dated March 21, 2018
- O. Determination of Significance and Request for Comments on Scope of EIS, issued by Lewis County on May 1, 2018
- P. Notice of Availability for DEIS, dated October 30, 2018
- Q. Notice of Availability for FEIS, dated February 21, 2019
- R. Critical Area Review Permit approval letter, Project 2019102057, dated June 19, 2019
- S. Comment Memorandum from Dawn Peebles, Thurston County Public Health and Social Services Department, dated June 20, 2019
- T. Comment Memorandum from Arthur Saint of the Thurston County Public Works Department, dated May 31, 2019
- U. Comment Letter from the Washington State Department of Ecology, dated February 1, 2018
- V. Comment Letter from Jackie Wall with the Nisqually Indian Tribe, dated January 18, 2018
- W. Public Comments:
  - 1. Rella Schafer, June 19, 2017
  - 2. Barbara Gay, June 19, 2017
  - 3. Chantal Lafont, June 21, 2017
  - 4. Christy White, June 27, 2017
  - 5. Erika Fehr, June 19, 2017
  - 6. Susan Mayer, June 19, 2017
  - 7. Brian Anderson, June 19, 2017
  - 8. Alex Foster, June 19, 2017
  - 9. Diana Peebles, June 19, 2017
  - 10. Roberto Mazarella, June 19, 2017
  - 11. Chris Nubbe, June 18, 2017
  - 12. Anne Mills, June 18, 2017
  - 13. Robert Schilt, June 19, 2017

14. Lucille Ryan, June 19, 2017
15. Alison Baker, June 19, 2017
16. Tessa Hale, December 21, 2018
2. Photos of site
3. Figure 6, Impacts to Aquatic Critical Areas
4. Comment Email from Gladys Doidge, dated July 2, 2019
5. Comment Letter from Tess Hail, dated June 22, 2019
6. Comment from TransAlta, dated July 2, 2019
7. Comment Letter from Puget Sound Energy, dated July 3, 2019
8. Comment Email from Constance Smith, dated June 23, 2019
9. Final Environmental Impact Statement (FEIS)
10. Applicant Hearing Packet, dated July 3, 2019
11. RES Response to Public Comment, dated July 2, 2019
12. PowerPoint Presentation, dated July 9, 2019
13. Draft Environmental Impact Statement (DEIS)
14. Enlarged Maps
15. Applicant Summary of FEIS
16. Spill Prevention Control & Counter Measures (SPECMP)

Based on the record developed at hearing, the Hearing Examiner enters the following findings and conclusions:

## **FINDINGS**

### *Background*

1. The Applicant requested a special use permit (SUP) to develop a 5.8-acre operation and maintenance center and 18.6-acre temporary laydown yard at 16340 Vail Loop Road SE in Thurston County, Washington to serve a wind energy generation facility approved in adjacent Lewis County, Washington. Also requested is a shoreline substantial development permit (SSDP) to construct road improvements at two locations: the intersection of Vail Cut-Off Road SE and Vail Loop Road SE and along the Weyerhaeuser forest road south of the Skookumchuck River crossing within Thurston County, Washington. *Exhibits 1, 1.C, 1.D, 1.E, 1.F, and 14.*
2. In Lewis County, the proposed wind energy generation facility would consist of up to 38 wind turbines with a total generation capacity of 137 megawatts, a substation, and an above-ground transmission line. The facility would be located approximately 12 miles east of Chehalis on the Weyerhaeuser Vail Tree Farm forest lands, where Lewis County allows such facilities as outright permitted uses (meaning without land use permit

review). The turbine nearest to the proposed operation and maintenance center would be approximately five miles from the subject property. On June 11, 2019, the Lewis County Hearing Examiner approved shoreline substantial development permits for three aerial energy transmission line stream crossings and recommended approval of a shoreline conditional use permit for one of the crossings to the Department of Ecology. With respect to the State Environmental Policy Act (SEPA), Lewis County acted as lead agency for review of the environmental impacts of the wind energy project. The proposal reviewed under SEPA in the Lewis County environmental review included the portions of the overall project occurring in Thurston County proposed in the instant SUP and SSDP proceedings. Lewis County issued a Determination of Significance and Request for Comments on Scope of EIS on May 1, 2018, a Draft Environmental Impact Statement (DEIS) on October 30, 2018, and a Final Environmental Impact Statement (FEIS) on February 21, 2019. The environmental determinations of the FEIS were not appealed and are now final. The FEIS identifies and includes mitigation for a wide range of potential impacts, including impacts to natural resources, wildlife, health and safety, aesthetics, noise, historic and cultural resources, transportation, public services, and socioeconomics. Following issuance of the FEIS, Lewis County approved shoreline substantial development and shoreline conditional use permits for transmission line stream crossings and vegetation clearing at Hanaford and Packwood Creeks.

Of note, the power generation facility originally proposed by the Applicant consisted of 51 wind turbines placed along two ridgelines; eight of the proposed turbines were in Thurston County. Through review and consideration in public processes, the project was scaled back to the 38 turbines located only in Lewis County. The revision removed the turbines from Thurston County because of the following: issues raised by wildlife agencies and other environmental stakeholders regarding project impacts to federally listed endangered species, particularly the marbled murrelet; concerns from the Federal Aviation Administration and Department of Defense about potential airspace conflicts with military training activities at Joint Base Lewis-McChord; and public opposition based on visual impacts. *Exhibits 1 (page 4), 1.N, 1.O, 1.P, 1.Q, 9, 10, and 15; Testimony of Sean Flannery and Robert Smith.*

*Special Use: Operation and Maintenance Center and Temporary Laydown Yards*

3. The western portion of the property that is the subject of the special use permit is zoned Long Term Forestry (LTF). The eastern portion of the property that is the subject of the special use permit (including the portion to be developed with the operation and maintenance center) is zoned Rural Residential Resource – One Dwelling Unit per Five Acres (RRR 1/5). *Exhibits 1 and 1.B.* Both zones allow “major energy generating facilities” with approval of a special use permit.<sup>1</sup> Although the actual energy generation would occur in Lewis County, the proposed operation and maintenance center and laydown yard were reviewed as part of an energy generation use, which in Thurston

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<sup>1</sup> Pursuant to TCC 20.03.040(84), "major energy transmission and generating facilities" means facilities for transmission and generation of electricity, petroleum or petroleum products or synthetic gas, exclusive of facilities generally used for providing direct service to residential and commercial customers, such as power substations and transmission lines serving residential areas.

County requires a special use permit. *Exhibits 1 and 10; Thurston County Code (TCC) 20.09.025; TCC 20.08D.025; TCC 20.54, Table 1).*

4. The special use permit application for the operation and maintenance center and temporary laydown yards was submitted on March 23, 2017 and was determined to be complete for the purpose of project review on April 20, 2017. *Exhibit 1.L.*
5. The Applicant evaluated several potential sites for the operation and maintenance center, including sites near the proposed turbines in Lewis County. The proposed Thurston County site was selected due to access, topographic, and other constraints at the alternate potential locations. The existing network of forest roads in the vicinity of the subject property can support the traffic required to construct the wind generation facility more feasibly than access roads to other potential locations. Electric utilities are already extended to the site. The subject property is largely level and has been previously disturbed, being the location of the old town of Vail, which limits the amount of clearing and grading required for the use. The selected site is close enough to the turbines to allow for regular staff access for maintenance activities. *Exhibits 1.F and 9; Testimony of Sean Flannery and Sean Bell.*
6. The overall economic impact of the wind generation facility (including the portion in Lewis County) is expected to be positive, in that employment for approximately 300 workers would be provided during the construction period, with approximately half expected to be from the surrounding region. Potential adverse impacts would be limited in duration and might occur if peak construction coincides with peak recreation uses, potentially resulting in a shortage of short-term lodging. *Exhibit 1.F.*
7. The proposed 5.8-acre operation and maintenance facility site is owned by Weyerhaeuser and is located adjacent to Weyerhaeuser's existing operations center in Thurston County. Proposed construction would include topsoil stripping, grading, excavation, foundation construction, and restoration of areas to be stabilized. Improvements would consist of an approximately 5,175 square foot single-story (20-foot height to roof peak) building, which would be constructed of sheet metal and painted in a neutral tone, and an approximately 2,771 square foot graveled parking area for employees, visitors, and equipment adjacent to the building. The building would be set back several hundred feet from Vail Loop Road. Approximately four acres of the remainder of the site would consist of a gravel area for temporary laydown and storage. The proposed laydown area was sized to allow the transfer of wind turbine blades from the trailers on which they would travel public roads to the laydown yard to the trailers needed to access the wind generation facility location, which allow long components to be raised at an angle during transport to go over trees and topography. The entire 5.8-acre site would be fenced with a locked gate. *Exhibits 1.F, 14, and 15; Sean Flannery Testimony.*
8. The RRR 1/5 zone requires maximum building coverage of 20,000 square feet, maximum building height of 35 feet, and minimum building setbacks of ten feet from Vail Loop Road SE and five from the side and rear property lines. As proposed, the operations and maintenance building would comply with the applicable bulk and setback standards of

the zone. The overall development of the site would also satisfy the maximum allowed hard surface standard of 10%. In this case, the project site for the operation and maintenance facility is part of a larger 67.55-acre parcel. The proposed building and surrounding gravel areas would occupy 6.1% of the parcel. *Exhibits 1 and 14.*

9. Three temporary laydown yards totaling 18.6 acres are proposed, to be located immediately south and west of the operation and maintenance compound along Vail Loop Road. The laydown yards would serve as staging areas for wind turbine components prior to their transport to construction locations in Lewis County. The construction period is expected to last six months. Access to the turbine locations from the subject property would be via Weyerhaeuser timber roads south of Vail Loop Road. Once the wind generation facility is constructed, the laydown yards would be restored to a vegetated condition and be available for active tree farm use. *Exhibits 1 and 14; Sean Flannery Testimony.*
10. Upon completion of construction, the operation and maintenance facility would be functionally similar to an office building. It would be staffed 10 to 12 hours per day during normal business hours. Each shift would have up to eight employees. Fifteen parking spaces would be provided adjacent to the building, with additional overflow parking available on the larger 5.8-acre site. *Exhibits 1 and 1.F.*
11. Site access to the operation and maintenance facility and temporary lay down yards would be restricted by locked gates for the protection of public safety. As proposed, lighting would be limited to the minimum necessary for safety and security. *Exhibit 15.*
12. Gear oil and hydraulic oil would be stored within a designated containment area in 55-gallon drums, in amounts of up to approximately 200 gallons at one time. The Applicant has developed a Spill Prevention, Control and Emergency Clean Up Plan. *Exhibits 15 and 16.*
13. The proposed operations and maintenance building would be located within the Southeast Thurston Regional Fire Authority District, a consolidated district including Fire Districts #2 and #4. Portions of the project's road access improvements are proposed outside the boundaries of any Thurston County fire district but within the bounds of the Thurston 911 Communications dispatch area of the Southeast Thurston Regional Fire Authority. According to the terms of the FEIS, the Applicant would be required to enter into a Fire Protection Services Agreement (Agreement) with the Southeast Thurston Regional Fire Authority for fire protection at the operation and maintenance facility site, developed by the Applicant in consultation with all applicable emergency responder agencies. The Agreement would address such things as routing for emergency calls and identifying which agencies provide which assistance in different types of emergencies. [Of note, local emergency services would not be doing response to emergencies at height; Applicant staff on site would address high angle extraction for injured persons on wind turbines.] This emergency response plan and a site security and safety plan (Security Plan, which addresses protecting the power generation facility from acts of vandalism or other malicious intent, have been produced and provided to Lewis County. The Security

Plan was designed in conjunction with Weyerhaeuser in order to effectively mesh with Weyerhaeuser protocols for public access to its property for allowed recreational uses. All persons accessing the site would be required to have safety training. *Exhibits 9 and 15; Sean Bell Testimony.*

14. The Applicant would have to enter into a haul route agreement with Thurston County for hauling oversize loads on county roads. The haul route agreement(s) would address traffic safety issues, such as the need for flaggers and lead and trail vehicles. The proposed haul route is depicted on Map 1 in Exhibit 14. *Testimony of Robert Smith, Arthur Saint, and Sean Flannery; Exhibit 14.*
15. The operation and maintenance building would be served by a new Group B exempt public water supply. The County Environmental Health Division has approved the proposed well site. *Exhibit 1.S.* Construction of the well would be subject to state regulations, and well reports would have to be submitted to the Department of Ecology. *Exhibit 1.U.*
16. The proposed building would be served by a new on-site sewage disposal system. Based on evaluation of test holes on the subject property, there are adequate depths of permeable, unsaturated soils for a properly designed system. *Exhibit 1.S.*

#### *Shoreline Permit: Road Improvements*

17. The shoreline substantial development permit application for the proposed Thurston County road improvements was submitted on December 22, 2017 and determined to be complete for the purpose of project review on January 19, 2018. A revised application was submitted November 6, 2018. *Exhibit 1.M.*
18. The haul route for turbine components within Thurston County would be from State Route 507 onto Vail Road, to Vail Cut-Off Road, to Vail Loop Road, to the subject property. Due to the large size of the turbine components, the largest of which is the turbine blades at 230 feet long, road widening improvements are required along the haul route. At the intersection of Vail Cut-Off Road and Vail Loop Road, the intersection is too narrow to allow for left turns, and there is existing vegetation within the projected sweep of the turbine blades. The Applicant proposes to temporarily widen the southeast corner of the intersection with approximately 1,070 cubic yards of fill within the existing right-of-way, and to temporarily clear (top) 3,400 square feet of vegetated areas along the north side of the intersection. These activities, which are proposed within the public right-of-way and on adjacent private properties, would be within 200 feet of the Deschutes River. All road widening would be within public rights-of-way. Near its crossing of the Skookumchuck River, the Weyerhaeuser forest road would be permanently widened to provide for a 20-foot roadway width plus five-foot shoulders, and vegetation would be removed and/or trees would be topped to allow for blade sweep. In addition, a temporary prefabricated steel “bridge jumper” might be required at the river crossing due to the weight of the loads. The 160-foot long and 10-foot high bridge jumper (if used) would extend over the existing bridge, allowing for one foot of clearance between it and the top of the existing bridge deck. Fill would be required at the



approaches to create ramps onto the temporary bridge deck, which would be removed when the project is complete. The determination of whether the bridge jumper would be required to be installed would be made by Applicant engineers later in the project; approval is being requested at this time to prevent the need to return for additional shoreline permitting. *Exhibits 1, 1.E, 1.G, 1.R, 10, 14, and 15; Sean Flannery Testimony.* Characterizing the extent of the road improvements and vegetation disruption in and adjacent to the public right-of-way as minor, County Staff noted that final approval of the haul route would not be a Planning or Public Works decision but would rather be decided by the County Sheriff in coordination with Washington State Department of Transportation (WSDOT) for portions on state controlled roads. *Testimony of Robert Smith and Arthur Saint.* Property owner agreements are already in place with the owners of property outside of the public right-of-way over which the proposed access route improvements are located for the Vail Road/Vail Loop Road intersection improvements. *Sean Flannery Testimony.*

19. The Deschutes and Skookumchuck Rivers are regulated shorelines under the Shoreline Management Act through the implementation of the Thurston County shoreline management program, known as Shoreline Master Program for the Thurston Region (SMPTR). The SMPTR designates the shorelines affected by the road improvements as Conservancy shoreline environments. Improvements to existing roads are allowed in the Conservancy environment, subject to compliance with the policies and regulations contained in the SMPTR, including the chapter on Road and Railroad Design and Construction (SMPTR Section Three, Chapter XVII). The project requires an SSDP because portions would occur within 200 feet of regulated shorelines and the project's total value exceeds the permit threshold of \$7,047.00. *Exhibits 1 and 1.E; Washington Administrative Code (WAC) 173-27-040; Washington State Register (WSR) 17-17-007.*
20. No fill would be placed within the affected rivers. The road improvements would not affect the natural movement of water. All work within 200 feet of the regulated shorelines would be temporary and disturbed areas would be revegetated once overall project construction is completed. *Exhibits 1, 1.G, and 15; Sean Flannery Testimony.*
21. At the intersection of Vail Cut-Off Road and Vail Loop Road, approximately 24 trees would need to be removed to allow for intersection widening. With respect to vegetation within the blade sweep, tree stumps, shrubs, and lower growing existing vegetation would be retained where possible. *Exhibits 1 and 1.G; Sean Flannery Testimony.*
22. Soil erosion would be reduced through implementation of a Storm Water Pollution Prevention Plan (SWPPP) as required by the Construction Stormwater General NPDES permit. The Applicant would implement best management practices (BMPs) to include covering exposed soils, managing runoff, and re-vegetating temporarily disturbed soils as soon as possible after construction. Construction debris and other waste material would be disposed of in a manner that would prevent its entry into the rivers. *Exhibit 1.G.*

23. The proposed road improvements would not affect public access to regulated shorelines. The Weyerhaeuser forest road crossing of the Skookumchuck River is on private property. *Exhibits 1 and 1.G.*

*Findings Applicable to Both Permits*

24. In addition to being regulated under the SMPTR, the Deschutes and Skookumchuck Rivers are regulated as critical areas under the Thurston County critical areas ordinance (CAO). The CAO identifies the stream buffers as riparian habitat areas. The Thurston County Department of Community Planning and Economic Development (CPED) administratively reviewed and approved a critical area review permit authorizing the proposed road improvements within the riparian habitat areas of the Deschutes and Skookumchuck Rivers, subject to conditions requiring the Applicant comply with the mitigation contained in a Wetlands and Aquatic Critical Areas Report, comply with all other local, state and federal regulations, obtain a Construction Stormwater Permit from the Department of Ecology (if required), and stop work if archaeological artifacts or human burials discovered during construction. In addition to Thurston County's critical areas review and Lewis County's SEPA review, the project has undergone a National Environmental Policy Act (NEPA) review process, through the course of which a habitat management plan addressing impacts to federally listed endangered species was approved by the US Fish and Wildlife Service. *Exhibits 1.R, 3, 9, and 10; Tim McMahan Comment.*
25. The Thurston County Public Works Department reviewed the proposal and determined that the preliminary requirements of the Thurston County Road Standards and the Drainage Design and Erosion Control Manual have been satisfied. Public Works recommended approval of the project, subject to conditions. *Exhibit 1.T; Arthur Saint Testimony.*
26. The Nisqually Indian Tribe reviewed the proposal and did not have comments but requested that the Tribe be informed if there are discoveries of archaeological resources or human burials during construction. *Exhibit 1.V.*
27. Notice of the public hearing was mailed to parties of record and to owners of surrounding property on June 19, 2019, published in The Olympian on June 28, 2019, and posted on site on June 25, 2019. *Exhibits 1(page 4), 1.A, and 2.*
28. A significant amount of public comment in opposition to the wind energy project was submitted to Thurston County in 2017 in response to the earlier version of the proposal that included wind turbines in Thurston County. The issues of concern related specifically to the turbines, and included wildlife and aesthetic impacts, noise, and fire risk. *Exhibit 1.W.* With respect to the proposal currently under review within Thurston County, public comment was received from the neighbor residing across Vail Loop Road SE from the operation and maintenance facility, requesting that a 50-foot buffer of trees be retained along the full length of the property frontage. *Exhibit 4.* Concern was raised by a different commenter, who opposes the wind energy project, that heavy loads would damage the roads and that vegetation removal at the intersection of Vail Loop Road and

Vail Cut-Off Road would adversely affect the Deschutes River. *Exhibit 5*. Concerns were also raised regarding noise from the laydown yards during construction, utility interruptions to surrounding residences and businesses from power pole removal, public road access limitations, safety, and congestion due to wind turbine truck traffic, and truck driver safety. At least one member of the public expressed concerns about aesthetic impacts from being able to view the wind turbine components from the public right-of-way during the active construction period. *Testimony of John Wilson, Diana Peebles, John Gargiso, Sylvia Gargiso, and Tom Gauthier*. Public comment was also received from an area resident who supports the project as a means of improving the environment. *Exhibit 8*.

29. In response to public comment, the Applicant offered testimony indicating that no road closures would be required as a result of the project and that no power poles would need to be removed. Transportation of the larger project components would occur over an approximately ten-week period, with approximately 30 to 50 turbine component transport trips per week. The Applicant would provide flaggers and temporary traffic management with each transport. With respect to visual impacts of the component staging activities, a buffer 20 to 25 feet wide would be maintained along Vail Loop Road between the proposed laydown yard and the right-of-way. *Sean Flannery Testimony*.

30. Puget Sound Energy (PSE) commented in support of the overall project and specifically the instant SUP and SSDP, stating (in part) as follows:

In 2017, twenty-one local municipalities, county and state government entities, and businesses signed up to be a part of PSE's Green Direct Program. The program will purchase power from [the Project], allowing these customers to make a significant step toward meeting their carbon reduction goals, while supporting the responsible development of local renewable energy. It is PSE's belief that Green Direct and [the Project] demonstrate the importance of collaboration in addressing the priorities of community in service of responsible and meaningful development. We are excited to be a part of this project.

*Exhibit 7*.

31. Thurston County recommended approval of the applications, subject to conditions requiring the Applicant to: comply with all requirements of the Public Health, Public Works, and Community Planning Departments, and the Fire Marshal; stop work and notify the Nisqually Tribe if archaeological resources are discovered during construction; perform testing and notify the Department of Ecology if contamination is suspected during construction; obtain a Construction Stormwater Permit from the Department of Ecology; revegetate disturbed areas after construction is complete; comply with erosion and storm water control best management practices; remove construction debris outside of the shoreline areas; obtain approval of a Forest Land Conversion permit before commencing clearing; comply with Public Health requirements relating to water, sewage disposal, hazardous materials and solid waste; and comply with Public Works requirements relating to Thurston County Road Standards and the Drainage Design and Erosion Control Manual. *Exhibit 1*. The Applicant concurred with the County's analysis

and recommended conditions of approval. *Timothy McMahan Argument.*

## CONCLUSIONS

### **Jurisdiction**

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 23.48.020 of the Thurston County Code.

The Hearing Examiner has 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**

#### **Special Use Permit**

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 20.54.040 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive Plan, and all applicable federal, state, regional, and Thurston County laws or plans.
- B. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.
- C. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
  1. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effects may occur.
  2. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

Use-Specific Standards Applicable to Major Energy Generating Facilities

Pursuant to TCC 20.54.070(20):

- a. These facilities are generally of a regional scope and include such uses as:
  - i. Electrical generating facilities exceeding ten megawatts in capacity; ...
- b. The need for the particular location proposed shall be demonstrated by the applicant to the satisfaction of the approval authority, including a full accounting of alternative locations and sites.
- c. The physical and economic impacts of such facilities will be evaluated, and measures to mitigate these impacts provided.

Shoreline Substantial Development Permit

Pursuant to 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 (SMPTR) designates the shoreline jurisdiction on the subject property as Conservancy. Road improvements such as those proposed are allowed in the Rural environment subject to the policies and regulations contained in the "Road and Railroad Design and Construction" chapter (Section Three, Chapter XVII).

SMPTR Section Three, Chapter XVII, Part B. Policies

1. Major highways, freeways and railways should be located away from shorelands, except in port and industrial areas, so that shoreland roads may be reserved for slow-moving local or recreational traffic.
2. Road and railroad locations should be planned to fit the topography and utilize existing corridors so that minimum alterations of natural conditions will be necessary. This is especially important on flood plains.
3. Roads and railroads should be designed, constructed, and maintained to minimize erosion and to permit natural movement of ground water and flood waters to the extent practical.
4. All debris, overburden, and other waste materials from construction should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any surface water body.
5. Scenic corridors containing public roadways should have provision for safe pedestrian and other nonmotorized travel. Also, provisions should be made for viewpoints, rest areas, and picnic facilities in appropriate areas.
6. Railroad beds should be screened with trees in scenic areas.

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

1. Excess construction materials shall be removed from the shoreline area.
2. Major roads and railroads shall cross shoreline areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
3. Filling of tidelands, shorelands and marshes for road or railroad rights-of-way shall be prohibited unless no viable alternative exists.
4. All excavation materials and soils exposed to erosion by all phases of road, bridge and culvert work shall be stabilized and protected by seeding, mulching or other effective means, both during and after construction.
5. All debris, overburden and other waste materials from road and railroad construction, if permitted on shorelines, shall be disposed of in such a way as to minimize their entry by erosion from drainage into any water body.
6. Private roads shall follow natural contours where possible. Natural benches, ridge tops and flat slopes are preferred locations. Erodible cuts and filled slopes shall be protected by planting or seeding with appropriate ground cover or matting immediately following construction. [N/A]
7. Where permitted to parallel shorelines, roads or railroads shall be setback a sufficient distance from the ordinary high-water line to leave a usable shoreline area. [N/A]
8. Storm water runoff shall be controlled to reduce suspended solids before entering any surface water body.

SMPTR Section Two, Chapter V. REGIONAL 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**

#### *A. Special Use Permit*

1. As conditioned, the proposal would comply with all applicable laws and plans. The requirements of the many County, State, and Federal agencies with jurisdiction over the project have been incorporated into the project plans and the conditions of approval. The environmental impacts of the project were thoroughly reviewed through the SEPA environmental impact statement (EIS) process and the FEIS was not appealed. The County has administratively approved a permit pursuant to the critical areas ordinance, which was not appealed. The conditions of approval address forest land conversion requirements. *Findings 2, 3, 8, 25, and 31.*
2. As conditioned, the use would comply with the general purposes of the LTF and RRR 1/5 zones and with applicable development standards and regulations. The operation and maintenance facility would not conflict with rural or forestry land uses. After the construction period is complete, the use would be low in intensity and would have no more impact than the nearby Weyerhaeuser offices. As proposed, the building would comply with all bulk dimensional standards for the zone, including setbacks and impervious surface areas, as well as with applicable parking and landscaping/screening requirements. *Findings 3, 7, 8, 9, and 10.* As conditioned, the proposal would also comply with the special standards applicable to major energy generating facilities. The Applicant has adequately demonstrated the need for the facility at the proposed location within Thurston County, due primarily to access issues for alternative locations that were considered and to the need for the proposal to be situated near the approved project in Lewis County. Physical and economic impacts were evaluated and mitigated as part of the EIS. Many of the potential impacts associated with the use would be temporary in nature, occurring during the approximately six-month construction period. Once construction is complete, surrounding property owners would experience negligible impacts from the operations and maintenance center. *Findings 2, 5, and 6.*
3. The proposed use is appropriate in the location for which it is proposed. As conditioned, the use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, traffic, parking, public facilities, or other matters affecting the public health, safety and welfare. The proposed maintenance and operation center would be located on Weyerhaeuser property, set back several hundred feet from the road. The laydown yards would be a temporary component of the use, which would be screened by



a buffer of retained vegetation while the wind power generation facility construction is in progress. The hauling of oversize loads would be limited in duration and number per week. Considering the timing and the proposed use of flaggers and traffic control, the impacts associated with the construction period would not be substantial or undue. Public health and safety would be further protected through compliance with the spill prevention plan and with County Environmental Health Division requirements for sewage disposal. With the proposed road improvements and on-site water and sewage disposal improvements, and with compliance with haul route agreement requirements, the use would be adequately served by and would not impose an undue burden on improvements, facilities, utilities, or services existing or planned to serve the area. *Findings 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 29, and 31.*

*B. Shoreline Substantial Development Permit*

1. As conditioned, the proposal is consistent with the policies and procedures of the Shoreline Management Act. The proposed improvements within shoreline jurisdiction are a “reasonable and appropriate use” of regulated shorelines that has been adequately mitigated through the SEPA and critical area review processes to protect against adverse effects to public health, the land, its vegetation, and wildlife. In particular, the vegetation removal process would preserve tree stumps and low growing vegetation where possible to minimize impacts to buffers. Erosion control measures would be implemented on the sites within shoreline jurisdiction. *Findings 18, 20, 21, 22, 23, 24, and 31.*
2. As conditioned, the use complies with applicable regulations in the Washington Administrative Code. The road improvements would not obstruct views. The conditions of approval address the minimum 21-day wait time for construction specified in WAC 173-27-190.
3. The proposal is consistent with the applicable policies and regulations of the Shoreline Master Program for the Thurston Region. The improvements would be to existing roads; no new roads or major road construction are proposed in the shoreline. Erosion control measures would be implemented, and debris would not be allowed to enter the rivers. No fill would be placed in a water body. There would not be an impact on the natural movement of water. The improvements would not affect scenic corridors; the forest road improvements are on private land. Disturbed areas would be revegetated. Stormwater runoff would be controlled consistent with County requirements. *Findings 20, 21, 22, 23, 24, 25, and 31.*

**DECISION**

Based upon the preceding findings and conclusions, the requested special use and shoreline substantial development permits are **GRANTED** subject to the following conditions:

- A. Prior to or in conjunction with the issuance of any building permit, all applicable regulations and requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshal and Thurston County Community Planning and Economic Development Department shall be met.

- B. The Applicant shall stop work and contact the proper authorities, including Nisqually Tribe Preservation Officer, Jackie Wall (360) 456-5221, if during excavation there are discoveries of archaeological artifacts or human burials.
- C. 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).
- D. 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.
- E. After construction is complete, disturbed upland soils shall be revegetated with native plant species.
- F. Erosion and storm water control best management practices meeting Thurston County standards; Chapter 15.05 shall be employed during all phases of the project. Proper erosion and sediment control practices shall be used on the construction site and adjacent areas to prevent upland sediments from entering the shoreline environment. All areas disturbed or newly created by construction activities shall be seeded, vegetated, or given some other equivalent type of protection against erosion.
- G. The Applicant and/or contractor shall remove construction debris to an approved site (landfill or recycling center) outside of the shoreline area.
- H. No tree cutting or land clearing shall begin within the area subject to the Forest Land Conversion application, project 2019102057 (19 105492 XB), until that application has been approved.
- I. Construction pursuant to the shoreline 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).
- J. The following Health related conditions:
  - 1. Prior to release of the building permit, the Group B Exempt water system must receive final approval.
  - 2. Prior to release of the building permit, an on-site sewage system permit application and design must be approved.

3. Prior to final building occupancy approval, the new on-site sewage system must be installed and the record drawing (as-built) and designer/engineer certification must be accepted by this department.
4. All hazardous materials must be stored and handled in such a way that any spilled or released materials are contained inside a secondary container, and are not allowed to release to the environment.
5. All solid waste must be properly disposed of offsite at a permitted solid waste facility.

K. The following Public Works related conditions:

1. The proposed roadway in concept and design shall conform to the Road Standards.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
3. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.
4. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. Please contact Thurston County Public Works – Development Review Section Staff to obtain the most current Thurston County guidelines.
5. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the Applicant shall be transferred to the Applicant.
6. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
7. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner and/or the property owners association.
8. Storm water runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.
9. The proposed water and sewer system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.
10. Proposed utility work within the Thurston County Right of Way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather only items such as restoration of the County right of way and traffic control.
  - a. Placement of utilities within the County right of way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.

- b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.20' of asphalt concrete pavement.
  11. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.
  12. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at (360) 754-4580.
  13. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
  14. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and Drainage Design & Erosion Control Manual.
  15. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at (360) 867-2051 for a final inspection.
  16. 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. One permit that may be required is a Construction Stormwater Permit from the Washington State Department of Ecology. Information on when a permit is required and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. Any additional permits and/or approvals shall be the responsibility of the Applicant.
  17. Once the planning department has issued the official approval, a construction permit application shall be submitted along with a complete set of construction drawings and the final drainage and erosion control report to Thurston County Public Works – Development Review Section for review and acceptance.
  18. Prior to construction, the Applicant shall:
    - a. Pay outstanding construction review and inspection fees\*
    - b. Receive erosion and sediment control permit
    - c. Have the erosion and sediment control inspected and accepted
    - d. Receive a construction permit
    - e. Schedule a pre-construction conference with county staff.
- \* The current fee schedule can be found online at <http://www.co.thurston.wa.us/permitting/fees/docs/Roads-Development-Review-Fees-20090301.pdf> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 754-3355, ext. 2046, or by e-mail at [ruthie.moyer@co.thurston.wa.us](mailto:ruthie.moyer@co.thurston.wa.us).

19. Prior to receiving final approval from this department, the following items shall be required:
- a. Completion of all roads and drainage facilities.
  - b. Final inspection and completion of all punch list items.
  - c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.
  - d. Receive and accept Engineer's Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
  - e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
  - f. Completion of required signing and stripping.
  - g. Payment of any required permitting fees.
- L. All development on the site shall be in substantial compliance with the approved site plans. Any expansion or alteration of this use beyond that initially approved by the Hearing Examiner will require approval of a new or amended Special Use Permit and/or Shoreline Substantial Development Permit. The Community Planning and Economic Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

Decided July 30, 2019 by:



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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 Community Planning & Economic Development 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 **\$750.00** for a Request for Reconsideration or **\$1,020.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development 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.



<b>Project No.</b> _____ <b>Appeal Sequence No.:</b> _____
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**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  \$750.00 for Reconsideration or \$1,020.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.