



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. 2019106549
	)	
<b>Washington State</b>	)	
<b>Department of Fish and Wildlife</b>	)	<b>McIntosh Lake ADA Upgrade</b>
	)	
For Approval of a	)	
Shoreline Substantial Development Permit	)	FINDINGS, CONCLUSIONS, AND DECISION
	)	
	)	

**SUMMARY OF DECISION**

The requested shoreline substantial development permit to replace two fiberglass vault toilets with one ADA-compliant concrete vault toilet and install a new ADA-compliant parking stall at the McIntosh Lake public boat launch is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Washington State Department of Fish and Wildlife (WDFW, Applicant) requested a shoreline substantial development permit (SSDP) to replace two fiberglass vault toilets with one ADA-compliant concrete vault toilet and install a new ADA-compliant parking stall at the McIntosh Lake public boat launch. The subject property is located at 15034 Military Road SE, Tenino, Washington.

**Hearing Date:**

The Thurston County Hearing Examiner held a virtual open record hearing on the request on September 22, 2020. In order to ensure public access to the virtual hearing process, the record was held open two business days (through September 24, 2020) to allow written public comment from members of the public who may have had difficulty joining the virtual hearings, with additional time arranged for responses by the parties. No post-hearing public comment was submitted, and the record closed on September 24, 2020.

**Testimony:**

At the hearing the following individuals presented testimony under oath:

Jackson Ewing, Assistant Planner  
Arthur Saint, Thurston County Public Works  
Dawn Peebles, Thurston County Environmental Health Division  
Stephanie Kuhns, WDFW, Applicant Representative  
Webster Bergford, WDFW, Applicant Representative

**Exhibits:**

The following exhibits were admitted in the record:

EXHIBIT 1            Community Planning and Economic Development Report including the following attachments:

- |              |   |
|--------------|---|
| Attachment a | Notice of Public Hearing  |
| Attachment b | Master Application, received December 24, 2019                                  |
| Attachment c | JARPA Application, received December 24, 2019                                   |
| Attachment d | Revised Site Plan, received January 17, 2020                                    |
| Attachment e | Notice of Application, dated March 26, 2020                                     |
| Attachment f | Approval memo from Amy Crass with TC Environmental Health, dated April 14, 2020 |
| Attachment g | Comments from the Nisqually Tribe, dated April 3, 2020                          |

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

**FINDINGS**

1. The Applicant requested a shoreline substantial development permit (SSDP) to replace two fiberglass vault toilets with one Americans with Disabilities Act (ADA)-compliant concrete vault toilet and install a new ADA-compliant parking stall at the McIntosh Lake public boat launch. The subject property is located at 15034 Military Road SE, Tenino, Washington.<sup>1</sup> *Exhibits 1, 1.B, 1.C, and 1.D.*
2. The SSDP application was submitted on December 24, 2019 and determined to be complete for purposes of commencing County review on January 21, 2020. *Exhibit 1.E.*

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<sup>1</sup> The subject property is legally described as: 14-16-1W L4&5&NE-SW& SL ADJ COM 1100.6F E OF SW COR; also known as tax parcel number 11614341500. *Exhibit 1.*

3. The subject property is two acres in area and is zoned Residential Limited Area of More Intense Rural Development – One Dwelling Unit per Two Acres (RL 1/2). *Exhibit 1.* Existing development on the site consists of two articulated concrete boat ramps, two fiberglass vault toilets, and an associated parking area. Installed in or before 1969, the boat launch predates adoption of the County zoning code and is considered a legal nonconforming use within the RL 1/2 zone. Surrounding development is single-family residential. *Exhibits 1 and 1.C.*
4. The subject property is on McIntosh Lake, a shoreline that is regulated under the Shoreline Master Program for the Thurston Region (SMPTR). The SMPTR designates the project area as a Rural shoreline environment. Recreation uses and boating facilities (including boat ramps) are allowed in the Rural shoreline environment subject to the applicable regulations of the SMPTR. A shoreline substantial development permit is required for the development because it is within the regulated shoreline and the value exceeds the permit threshold of \$7047.00. *Exhibits 1 and 1.C; WAC 173-27-040; WSR 17-17-007; SMPTR Section Three, Chapters IV(D) and XIV(D).*
5. The proposed new concrete vault toilet would be installed in nearly the same location as the toilets it would be replacing, setback a slightly greater distance from the lot boundary than the existing toilet. While the replacement toilet and new ADA parking stall would occupy a slightly greater footprint than the existing facility, the area is similar in size and near existing parking areas within the same general portion of the subject property; Planning Staff submitted that the replacement work envelope is close enough to the same size as the existing facility's footprint so as not to be considered an expansion. The fencing around the existing toilets would be removed but not replaced. The excavated hole for the new toilet would be five feet deep, eight feet wide, and 14 feet long. The height of the structure would be approximately 9.5 feet to the top of the roof and approximately 12 feet to the top of the vent pipe. A 20-foot by 20-foot asphalt parking pad would be installed north of the new toilet for the ADA-compliant parking stall. Fresh gravel would be placed on the existing parking area. *Exhibits 1.C and 1.D; Jackson Ewing Testimony.*
6. No impacts to the lake are anticipated because the proposed work would occur approximately 166 feet upland of the ordinary high water mark, and waste would not be discharged to the lake. Erosion control measures would be inspected in the field prior to construction through the building permit process by County Public Works Staff. The existing vault toilets would be pumped out and their contents disposed of at the Lott treatment facility. The debris from demolition would be recycled if possible, as in the concrete, or disposed of at the landfill. Clean gravel would be imported for surfacing the parking area. No wetlands or other critical areas, species of wildlife listed under the Endangered Species Act, or priority habitats have been identified on the site. *Exhibit 1.C; Testimony of Stephanie Kuhns, Webster Bergford, and Arthur Saint.*
7. The project is not expected to adversely affect the surrounding neighborhood due to its small scale, because it is not a change in use, and due to the presence of existing

screening vegetation along the site's perimeter. Planning Staff submitted that the scale of the project does not warrant requiring additional landscaping. *Exhibit 1; Jackson Ewing Testimony.*

8. The Thurston County Environmental Health Division reviewed the SSDP application and did not identify any issues of public health concern. A tank placement application is currently under review and would have to receive final health department approval prior to construction. Environmental Health recommended land use approval of the SSDP application subject to a condition that the Applicant submit a record drawing for the vault toilet within 30 days of the date of notification of installation. *Exhibit 1.F; Dawn Peebles Testimony.*
9. The proposal is categorically exempt from review under the State Environmental Policy Act pursuant to TCC 17.09.055 and WAC 197-11-800. *Exhibits 1 and 1.C.*
10. Planning Staff recommended approval of the SSDP subject to conditions requiring the Applicant to: develop the site consistent with the approved plans and the SMPTR; comply with state erosion control requirements; remove construction debris to an approved site outside of the shoreline; contain and remove any releases of hazardous materials; and provide a record drawing for the vault toilet as requested by the Environmental Health division. *Exhibit 1.* The Applicant waived objection to the recommended conditions. *Stephanie Kuhns Testimony.*
11. Notice of the virtual public hearing was mailed to all property owners within 500 feet of the site on September 9, 2020 and published in The Olympian on September 11, 2020. *Exhibit 1.A.* The Nisqually Indian Tribe requested to be notified of inadvertent discoveries of archeological resources. *Exhibit 1.H.* There was no other public comment on the proposal, either before the hearing or during the post-hearing public comment period.

## CONCLUSIONS

### **Jurisdiction**

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

### **Criteria for Review**

#### *Shoreline Substantial Development Permit (WAC 173-27-150)*

To be approved by the Hearing Examiner, the proposed shoreline substantial development permit must be consistent with:

- A. The policies and procedures of the Shoreline Management Act;
- B. The provisions of applicable regulations; and
- C. The Shoreline Master Program for the Thurston Region.

*A. Shoreline Management Act*

Chapter 90.58 RCW, the Washington State Shoreline Management Act (SMA) of 1971, establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the Act. The Thurston County Shoreline Master Program (SMPTR) provides goals, policies and regulatory standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of Chapter 90.58 RCW.

The intent of the policies of RCW 90.58.020 is to foster “all reasonable and appropriate uses” and to protect against adverse effects to the public health, the land, and its vegetation and wildlife. The SMA mandates that local governments adopt shoreline management programs that give preference to uses (in the following order of preference) that: recognize and protect the statewide interest over local interest; preserve the natural character of the shoreline; result in long term over short term benefit; protect the resources and ecology of the shoreline; increase public access to publicly owned areas of the shorelines; and increase recreational opportunities for the public in the shoreline. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state is to be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline, are to be given preference.

*B. Applicable regulations from the Washington Administrative Code*

WAC 173-27-140 Review criteria for all development.

- a. 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.
- b. 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 proposal is governed by the policies and regulations contained in the “Recreation” and “Boating Facilities” chapters of the SMPTR.

### SMPTR Section Three, Chapter XIV, Part B. Recreation Policies

1. Priorities for recreational development of shorelines should relate directly to densities and unique characteristics of the population served. Priorities for acquisition should consider need and special opportunities as well as access by public transit.
2. All recreational development projects should be considered on the basis of their compatibility with the environment.
3. Access to recreational locations such as fishing streams and hunting areas should be planned to prevent concentration of use pressures.
4. The linkage of shoreline parks and public access points through provisions for linear open spaces should be encouraged. Such open space could include hiking paths, bicycle paths and/or scenic drives located as close to the water's edge as feasible.
5. Recreational developments should be designed to preserve, enhance or create scenic views and vistas. Favorable consideration should be given to those projects that complement their environment.
6. Where possible, parking areas should be located inland, away from the immediate edge of the water, and recreational beaches, and should be linked with the shoreline by walkways.
7. Recreational development should comply with all applicable city, county, state, and federal regulations.
8. Facilities for intensive recreational activities should be permitted only where sewage disposal and pest control can be accomplished to meet public health standards without altering the environment adversely.
9. Development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands should be encouraged as part of an overall recreation plan or development.
10. Where appropriate, nonintensive, recreational use should be encouraged on flood plains that are subject to recurring flooding.
11. Artificial marine life habitats should be encouraged in order to provide increased aquatic life for recreation. Such habitats should be constructed in areas of low habitat diversity.

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

1. Public access points on lakes must provide parking space appropriate for the intended use.

2. Recreation facilities or structures which are not compatible with the environmental designation in which they are proposed are prohibited.
3. Events and temporary uses in the public interest may be approved by the Administrator in any environment, provided that such uses will not damage the wetland environment.
4. Recreational developments must provide facilities for nonmotorized access, such as pedestrian, bicycle and/or equestrian path links to the shoreline.
5. Sewage disposal and pest control must meet public health standards; waste must not be allowed to enter the water.
6. The following regulations shall apply to artificial aquatic life habitats:
  - a. Habitats shall minimize interference with surface navigation.
  - b. Habitats shall be constructed of long-lasting, nonpolluting materials, and moored so as to remain in their original location even under adverse current or wave action.
  - c. Habitats may not be installed on publicly-owned submerged land without written permission of the administering governmental agency.
7. Public or private recreation areas which cater to the use of all-terrain or off-road vehicles as the primary recreational activity shall not be allowed in the shoreline areas.
8. All stair towers meeting one of the following conditions must be designed by a licensed civil engineer:
  - a. The location proposed is mapped as "Unstable" or "Intermediate Stability" in the Washington Coastal Zone Atlas prepared by the state Department of Ecology.
  - b. All stair towers 24 feet in height or taller.
  - c. Other instances where the building official determines that site conditions dictate the preparation of plans by a licensed civil engineer.
9. Stair towers shall be designed to minimize obstructing the views enjoyed by adjoining residences.

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

4. Rural Environment. Low to medium intensity recreational uses shall be permitted on Rural Environment shorelines, subject to the general regulations and the following specific regulations:
  - a. A recreational facility of structure which changes or detracts from the character of the Rural Environment (by building design or intensity of use) shall be prohibited.

- b. Roads, parking and vehicular camping facilities, including restrooms, shall not be located within fifty (50) feet of the ordinary high-water mark of any shoreline with the exception of access to boat launching facilities. Parking facilities and roadways may be within fifty (50) feet only if they provide access for handicap or for scenic viewpoints. Maintenance or upgrading of existing roads, parking and/or vehicle camping facilities including restrooms is permitted provided the area devoted to these facilities is not enlarged. Pedestrian and hiking trail access shall be provided to link upland facilities with the shoreline.

SMPTR Section Three, Chapter IV, Part B. Boating Policies (marinas and launching ramps)

1. Evidence of substantial demand must be demonstrated prior to allowance of new marina or boat launching facilities.
2. Shallow water embayments with poor flushing action should not be utilized for marinas or boat launching facilities.
3. Marinas and launching ramps should be located to minimize the need for continual dredging, filling, beach feeding, and other river, lake, harbor, and channel maintenance activities.
4. Fuel handling and storage procedures that minimize accidental spillage and provide satisfactory means for handling those spills that do occur should be required.
5. Solid and liquid wastes and untreated effluents should not be allowed to enter any bodies of water or to be discharged onto the land.
6. Where wet moorage is offered, pump-out and holding or treatment facilities should be provided by marinas for sewage contained on boats to protect water quality.
7. In locating marinas, the adverse effects of construction and operation of the facility upon fish and shellfish should be minimized.
8. Marinas and boat launching facilities should be located in areas where parking and access to the facility can be accommodated without causing adverse impacts upon the adjacent properties.
9. Landscaping should be utilized to moderate the visual impact of parking areas, marinas and boat launching facilities.
10. Illumination should be designed and constructed to minimize off-site light and glare.
11. Proposed marinas should provide for as many compatible shoreline dependent recreational uses as possible according to the size and extent of the facilities.

SMPTR Section Three, Chapter IV, Part C. Boating Regulations (marinas and launching ramps)

1. Marinas shall conform to the commercial and parking use regulations of this program.



2. Marinas and launch ramps shall be located in areas where there is adequate water mixing and flushing and shall be designed not to retard or negatively influence flushing characteristics.
3. Marinas and launch ramps shall be located on stable shorelines where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, lake, harbor and channel maintenance activities.
4. All boating facilities, including marinas and boat yards, shall utilize effective measures to prevent the release of oil, chemicals, or other hazardous materials onto or into the water. Such measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains, and planted buffers.
5. For marinas offering wet moorage, pump-out and holding or treatment facilities shall be provided to handle sewage contained on boats.
6. Marinas and their accessory facilities shall be located, designed, constructed and operated to minimize adverse effects on fish and shellfish.
7. In sensitive areas, such as near certified shellfish beds, the applicant shall be required to demonstrate that the maximum protection of shore features, water quality, and existing uses will be provided.
8. Perimeters of parking areas shall be landscaped. The permit application shall identify the size, type and location of landscaping.
9. Marinas shall make available public access opportunities, such access will not endanger public health and safety. If it is not physically feasible to develop public access, the project may be exempted from the requirement.
10. Accessory uses at marinas shall be limited to those uses that are shoreline dependent and of necessity to marina operation.
11. Marinas shall provide at least one method of boat launching, where feasible.
12. Restroom facilities must be provided at marinas and boat launching facilities.

SMPTR Section Three, Chapter IV, Part 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.

SMPTR Section Two, Chapter V. REGIONAL CRITERIA

The Shoreline Master Program for the Thurston Region contains regional criteria that apply to the proposal. All development within the jurisdiction of this Master Program shall demonstrate compliance with the following criteria:

- A. Public access to shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existed prior to establishment of public access.
- B. Protection of water quality and aquatic habitat is recognized as a primary goal. All applications for development of shorelines and use of public waters shall be closely analyzed for their effect on the aquatic environment. Of particular concern will be the preservation of the larger ecological system when a change is proposed to a lesser part of the system, like a marshland or tideland.
- C. Future water-dependent or water-related industrial uses shall be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to suitable industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.
- D. Residential development shall be undertaken in a manner that will maintain existing public access to the publicly-owned shorelines and not interfere with the public use of water areas fronting such shorelines, nor shall it adversely affect aquatic habitat.
- E. Governmental units shall be bound by the same requirements as private interests.
- F. Applicants for permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a Permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.18.180 (1), the person requesting the review shall have the burden of proof.
- G. Shorelines of this Region which are notable for their aesthetic, scenic, historic or ecological qualities shall be preserved. Any private or public development which would degrade such shoreline qualities shall be discouraged. Inappropriate shoreline uses and poor quality shoreline conditions shall be eliminated when a new shoreline development or activity is authorized.
- H. Protection of public health is recognized as a primary goal. All applications for development or use of shorelines shall be closely analyzed for their effect on the public health.

### **Conclusions Based on Findings**

1. As conditioned, the proposal is consistent with the policies and procedures of the Shoreline Management Act. The proposed restroom and parking improvements would improve public access to the shoreline while not affecting the existing character or ecology of the shoreline. The conditions of approval address erosion control, disposal of

construction debris, spill containment, and Environmental Health requirements. *Findings 3, 4, 5, 6, 7, 8, and 10.*

2. The proposal complies with applicable regulations in the Washington Administrative Code. No structure would exceed 35 feet above average grade. *Finding 5.*
3. As conditioned, the proposal is consistent with the policies and regulations of the Shoreline Master Program for the Thurston Region. Because the boat launch use is an existing use that would not be expanded or modified by the toilet replacement project, very few of the policies and regulations are applicable. With respect to the applicable recreation policies and regulations, the proposal would place new parking a significant distance upland of the water's edge, would comply with applicable regulations, would provide for sewage disposal that would meet public health standards and not result in discharge to the lake, and would not detract from the character of the rural environment. With respect to the applicable boating facilities policies and regulations, the proposal would not allow wastes and untreated effluents to enter the lake and would not create new visual impacts. Upgrading the existing restroom facilities is consistent with the boating regulation requiring that such facilities be provided. With respect to the applicable regional criteria, the proposal as conditioned would not affect water quality or degrade the condition of the shoreline. The application has been reviewed for potential public health impacts and none have been identified. *Findings 1, 3, 5, 6, 7, 8, and 10.*

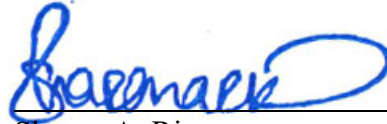
### **DECISION**

Based upon the preceding findings and conclusions, the requested shoreline substantial development permit to replace two fiberglass vault toilets with one ADA-compliant concrete vault toilet and install a new ADA-compliant parking stall at the McIntosh Lake public boat launch is **GRANTED** subject to the following conditions:

1. All construction shall be in substantial compliance with the plans included in the project JARPA application and shall comply with all applicable general policies and use regulations of the Shoreline Master Program for the Thurston Region (SMPTR).
2. During construction, the Applicant and/or agent shall ensure that activities are consistent with Washington Administrative Code, Revised Code of Washington, and County Drainage Design and Erosion Control Manual provisions that regulate erosion control near surface water.
3. The Applicant and/or agent shall remove construction debris to an approved site (landfill or recycling center) outside of the shoreline.
4. During construction, all releases of oils, hydraulic fluids, fuels and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over all other work at the site. Spill prevention and response material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site.

5. A record drawing for the vault toilet is required to be submitted within 30 calendar days from the date Environmental Health is notified of the installation of the vault toilet.

Decided October 6, 2020 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 **\$1,041.00** 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 \$1,041.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.