



COUNTY COMMISSIONERS

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HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2020105563
)	
Washington State Parks and Recreation Commission)	Millersylvania State Park
)	Fiber Optic Installation
)	
)	FINDINGS, CONCLUSIONS,
)	AND DECISIONS
For a Shoreline Conditional Use Permit and)	
<u>Shoreline Substantial Development Permit</u>)	

SUMMARY OF DECISIONS

The request for a shoreline substantial development permit and shoreline conditional use permit to install approximately 4,500 linear feet of underground fiber optic line for internet and network connectivity to facilities within Millersylvania State Park are **GRANTED**.

SUMMARY OF RECORD

Request

Washington State Parks and Recreation Commission (Applicant) requested a shoreline substantial development permit (SSDP) and shoreline conditional use permit (SCUP) to install 4,500 linear feet of underground fiber optic line within or adjacent to existing roadways in Millersylvania State Park located at 12245 Tilley Road South, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on March 23, 2021. The record was held open until March 25, 2021 to allow any members of the public who had difficulty joining the virtual hearing to submit written public comments, with time scheduled for responses from the parties. No post-hearing public comments were submitted, and the record closed on March 11, 2021.

Testimony

At the open record public hearing, the following individuals presented testimony under oath:

Heather Tschaekofske, Associate Planner/Biologist, Thurston County Community Planning & Economic Development Department
Chelsea Hamer, Applicant Representative

Exhibits

At the open record public hearing, the following exhibits were admitted into the record:

- EXHIBIT 1 Community Planning & Economic Development Department Report, including the following attachments:
- A. Notice of Public Hearing, dated March 12, 2021
 - B. Zoning Vicinity Map
 - C. Master Application, received November 17, 2020
 - D. JARPA Permit Application, received November 17, 2020
 - E. Aerial site plan, received November 17, 2020
 - F. Notice of Application, dated January 20, 2021
 - G. Supplemental project information, revised site plan, and Archaeological response to hold letter, submitted February 16, 2021
 - H. Comment Memorandum from Amy Crass, Thurston County Public Health & Social Services Department, dated January 22, 2021
 - I. Comment Letters from Brad Beach, Nisqually Indian Tribe, dated December 16, 2020, and February 1, 2021
 - J. Comment email from Shaun Dinubilo, Squaxin Island Tribe, dated February 17, 2021
 - K. SEPA exemption determination letter
 - L. Emails between Shaun Dinubilo and Heather Tschaekofske, dated January 22 and January 25, 2021

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

FINDINGS

1. Washington State Parks and Recreation Commission (Applicant) requested a shoreline substantial development permit (SSDP) and shoreline conditional use permit (SCUP) to install approximately 4,500 linear feet of underground fiber optic line within or adjacent to existing roadways for internet and network connectivity in Millersylvania State Park located at 12245 Tilley Road South, Olympia, Washington.¹ *Exhibits 1, 1.C, and 1.D.*

¹ The legal description of the subject property is a portion of Section 34, Township 17, Range 2 West

2. The application was submitted on November 17, 2020 and determined to be complete for purposes of commencing project review on December 15, 2020. *Exhibits 1.C and 1.F.*
3. The underlying property is Millersylvania State Park, which is located in unincorporated Thurston County and has a Public Parks, Trails, and Preserves District (PP) zoning designation. Portions of the project are proposed to be developed within 200 feet of the ordinary high water mark (OHWM) of Deep Lake and associated wetlands, which areas are designated as Conservancy shoreline environment and are regulated in the Shoreline Master Program for the Thurston Region (SMPTR). Only the portions of the proposal within 200 feet of the Conservancy shoreline are subject to the instant shoreline applications. *Exhibits 1, 1.B, and 1.D; Google Maps site view.*
4. The overall underlying property is developed as a state park for recreation and park uses, including administrative offices. To the west of Tilley Road, the underlying property contains maintained lawn around existing structures and the road shoulder, while east of Tilley Road the site is forested with mature Douglas fir and Western hemlock, with a native species understory. Thurston County Assessor fieldnotes indicate early park structures have been in place on the property since approximately 1935. Surrounding properties are developed with rural single-family residential uses, agriculture, and forestlands. *Exhibits 1, 1.B, and 1.D.*
5. The proposal would install new fiber optic communication line within existing paved and graveled roads in the Millersylvania State Park. The selected fiber optic line route would co-locate the proposed conduit with existing utilities in already disturbed/impervious areas and is verbally described as follows: from park property on the east side of Tilley Road South, in a north to south direction in the forest, underneath Tilley Road South via directional boring, and then continuing underground in existing roadways to park and administrative offices, the sewer lab, and the ranger booth. No new poles or other above-ground structures are proposed. The total length of the fiber optic line is approximately 4,500 linear feet, of which only a portion of the total length is within shoreline jurisdiction. Trenching would be approximately 12 inches wide and 30 inches deep. The proposed route is essentially flat. No trees are proposed to be removed or impacted. The purpose of the proposal is to improve internet and network connectivity for park infrastructure, including the park office, welcome booth/contact station, sewer lab, and administrative offices, which would improve efficiency and customer service. *Exhibits 1, 1.B, 1.C, 1.D, and 1.E; Chelsea Hamer Testimony.*
6. The proposed fiber optic line is a utility use in support of permitted park and recreation usage. A shoreline substantial development permit is required for the project because it is within 200 feet of a regulated shoreline and, at approximately \$50,000.00, its value exceeds the permit threshold of \$7,047.00. As established in the “Utilities” chapter

Section 34 Township 17 Range 2W SW Less NW SW Also SE Ptn Of Pk Within FD #11; Section 35 Township 17 Range 2W SW Less NE SW Ptn Of Pk Within F.D.#11; also known as Tax Parcels 12734300000 and 12735300000. *Exhibits 1.A and 1.C.*

(Section Three, Chapter XX) of the SMPTR, communication lines are allowed in the Conservancy shoreline environment subject to review and approval of a shoreline conditional use permit (CUP). *Exhibits 1 and 1.D; WAC 173-27-040; WSR 17-17-007.* The fiber optic communications line is exempt from regulation of the County's zoning ordinance. *Thurston County Code (TCC) 20.05.030(1)(a).*

7. At the closest points, the fiber optic route would be trenched approximately 150 feet from the ordinary high water mark of Deep Lake, and approximately 30 feet from associated wetlands. No in- or over water work is proposed, and no direct or indirect impacts to the shoreline are anticipated. The proposal includes use of erosion control construction techniques to prevent sediments from reaching any water body. Work is proposed to be performed in the dry. The application materials demonstrate that care would be taken to avoid impacts to the critical root zones of trees along the proposed route. Additional proposed best management practices include maintaining proper working order of equipment and deployment of silt fencing and/or coir logs to avoid impacts to wetlands and water quality. *Exhibits 1 and 1.D.*
8. The project would not impact shoreline views from or of the site. The fiber optic line would be installed entirely underground, and all disturbed areas would be promptly backfilled and restored to existing conditions (maintained grass lawn, paved, and gravel roads). *Exhibits 1 and 1.D.*
9. The proposed fiber optic line is not considered a major transmission line, nor a hydroelectric facility, and is not located on the Nisqually River. No changes or impacts to water or sewer lines or facilities are proposed. Once construction is complete, there would be no impact to public shoreline access or boat use of the lake. In following the existing utility corridor, the proposal takes the most direct route available, resulting in the least disruption to the shoreline areas. There are no known aquacultural activities in Deep Lake and the associated wetlands. The proposed utility installation is not considered industrial activity by the standards of the SMPTR. The Applicant submitted, and Planning Staff agreed, that additional similar proposals would not result in cumulative adverse impacts to shorelines of the state. *Exhibits 1 and 1.D.*
10. The Thurston County Comprehensive Plan designation for the subject property is Public Parks, Trails, and Preserves District (PP), which designation was created to identify and protect unique and outstanding examples of publicly owned fish and wildlife habitat conservation areas or unique geologic features (Comprehensive Plan, Chapter 2 – Land Use). The proposed fiber optic line is a utility land use intended for the support of permitted park and recreation use of the land. Planning Staff submitted that, with the conditions recommended in the staff report, the project would be consistent with applicable provisions of the Thurston County Comprehensive Plan. *Exhibit 1.*
11. The project is categorically exempt from review under the State Environmental Policy Act. *Exhibits 1 and 1.K; WAC 197-11-800(23).*

12. The Thurston County Environmental Health Division reviewed the project and submitted that, conditioned to require caution in avoiding any existing sewerage or water utility transport lines, that it is consistent with the applicable provisions of the Thurston County Sanitary Code. *Exhibit 1.H.*
13. The Squaxin Island Tribe and the Nisqually Indian Tribe reviewed the project and did not identify issues of concern. *Exhibits 1.I, 1.J, and 1.L.*
14. Notice of the shoreline permit application was issued January 20, 2021 with a comment period through February 9, 2021. *Exhibit 1.F.* Notice of the virtual open record hearing was mailed to property owners within 500 feet of the site, and to East Olympia Lake Fire Department and Tenino School District on March 5, 2021 and was published in The Olympian on March 12, 2021. No public comment was submitted prior to, during, or after the virtual hearing.² *Exhibits 1 and 1.A; Heather Tschaekofske Testimony.*
15. Having reviewed all application materials and heard all testimony, Planning Staff maintained the recommendation for approval of the proposal subject to the conditions in the staff report. *Exhibit 1; Heather Tschaekofske Testimony.* The Applicant representative waived objection to the recommended conditions. *Chelsea Hamer Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for shoreline permits pursuant to RCW Chapter 36.70, WAC 173-27, TCC 19.04.010, and Section One, Part V of the Shoreline Master Program for the Thurston Region. Pursuant to WAC 173-27-200, decisions to approve a shoreline conditional use permit must be submitted to the Department of Ecology for a final decision to approve, approve with conditions, or disapprove the permit.

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

² The absence of post-hearing written public comment was confirmed by email from the hearing clerk on April 7, 2021.

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

SMPTR Section Three, Chapter XX, Part B. Policies

1. Wherever utilities must be placed in a shoreline area, the locations should be chosen so as not to obstruct or destroy scenic views. Utilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.

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

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

1. Applicants for permits to locate utility lines in the shoreline jurisdictional area shall submit a location plan with their application which shows existing utility routes in the vicinity of the proposed utility line. The proposed utility lines shall follow existing utility, natural drainage or transportation routes where feasible.
2. All utility facilities shall be located on lots or routes no larger than necessary.
3. The approved projects shall identify a method of reclamation which provides for revegetation and protection of wetland areas from erosion. As a minimum, this shall include the restoration of the affected area to pre-development elevation, replanted with native or pre-existing species and provisions for maintenance care for the newly planted or seeded vegetation until it is established.
4. Utility services accessory to individual projects shall be regulated by the specific use regulations for the activity in addition to the standards of this section and shall not require separate Substantial Development Permits for utility service installations.
5. Where feasible, utilities shall be placed underground unless such undergrounding would be economically or technically prohibitive or significantly detrimental to the environment.
6. Utility facilities shall be designed for minimal environmental and aesthetic impact and shall be coordinated with local comprehensive plans.
7. Underwater utilities shall be located at a depth sufficient to prevent interference between the utility and other shoreline use activities.

8. All utility facilities must provide safeguards to ensure that no long-term damage will be caused to the adjacent or downstream environment should an accident occur involving the utility.
9. No discharge of waste material which could result in decertification of aquacultural areas or products or cause lowering of water quality ratings is permitted.
10. No new hydroelectric generating facilities are allowed on the Nisqually River pursuant to the recommendations of the Nisqually River Management Plan.

SMPTR Section Two, Chapter V. REGIONAL CRITERIA

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

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

- H. Protection of public health is recognized as a primary goal. All applications for development or use of shorelines shall be closely analyzed for their effect on the public health.

Shoreline Conditional Use Permit (WAC 173-27-160)

1. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - A. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - B. That the proposed use will not interfere with the normal public use of public shorelines;
 - C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - E. That the public interest suffers no substantial detrimental effect.
2. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
3. Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
4. Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

Conclusions Based on Findings

1. With conditions of approval, the project satisfies the criteria for a shoreline substantial development permit. Utility uses are allowed in the Conservancy shoreline environment through the shoreline conditional use permit process, the conclusions of which are addressed below. The proposal is consistent with Shoreline Management Act policies to protect against adverse effects to public health and the ecological values and functions of the shoreline, and to preserve the character of the shoreline. The project is consistent with the shoreline regulations, in that the project is being reviewed under the appropriate criteria and does not involve any structure that would obstruct views. The project is consistent with the regional criteria contained in the SMPTR. The project is protective of water quality by implementing appropriate best management practices during and post installation, reducing the potential for erosion. The completed project would not degrade

the scenic qualities of the shoreline. No public health issues were identified during the review process. *Findings 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, and 15.*

2. The project satisfies the criteria for a shoreline conditional use permit. As described above, the project is consistent with the policies of RCW 90.58.020 and the SMPTR. The proposed utility line is within regulated shorelands on a public parcel, but it would be installed wholly underground in a previously established utility corridor under existing road and graveled areas; there would be no impact to public use of public shorelines. The project is supportive of agency and public use of the state park, which use is consistent with the PP zoning and the established and permitted uses of surrounding parcels. Due to its location well outside the ordinary high water mark of any waterbody and its proposed methods for preventing erosion, the project would not cause significant adverse effects to the shoreline environment. The public interest would not suffer as a result of the project. Finally, if similar future public utility projects were proposed within Conservancy shorelines, conditioned as the instant project is conditioned, approval of such future projects would not result in net cumulative adverse impacts to shoreline functions and values. *Findings 3, 4, 5, 6, 7, 8, 9, 10, 12, and 15.*

DECISION

Based on the preceding findings and conclusions, the request for a shoreline substantial development permit and shoreline conditional use permit to install approximately 4,500 linear feet of underground fiber optic line within Millersylvania State Park are **GRANTED** subject to the following conditions:

1. Prior to or in conjunction with the issuance of any building or construction permits, all applicable regulations and requirements of the Thurston County Public Health and Social Services department, Public Works Department, Fire Marshall, and Thurston County Community Planning and Economic Development Department shall be met.
2. Applicant is responsible for compliance with other jurisdictional permitting requirements.
3. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and 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.
4. Work is proposed within the road right-of-way adjacent to existing developed areas. Caution should be taken to prevent damage to any existing sewage or water utility transport lines.
5. Best management practices (BMPs) such as completing work during the dry season and maintaining proper working order of equipment, as well as temporary erosion and sediment control (TESC) methods including silt fencing and/or coir logs shall be implemented. All disturbed areas will be promptly backfilled and reseeded following installation, and TESC measures will remain in place until site conditions are restored.

6. Per the State Parks Archaeological recommendation, during proposed construction activities, an archaeological monitor shall be present to evaluate the exposed sediments during ground disturbing activities.
7. The Applicant must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent disturbance or alteration, the Applicant must immediately stop work and contact the Tribe and the State Department of Archaeology and Historic Preservation.
8. Construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

DECIDED April 8, 2021.



Sharon A. Rice
Thurston County Hearing Examiner

NOTE: Pursuant to TCC 22.62.020(C)10, affected property owners may request a change in valuation for property tax purposes.

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 **\$777.00** for a Request for Reconsideration or **\$1,054.00** 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.



Project No. _____
Appeal Sequence No.: _____

Check here for: **RECONSIDERATION OF HEARING EXAMINER DECISION**

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

Check here for: **APPEAL OF HEARING EXAMINER DECISION**

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW _____
on this _____ day of _____, 20___, as an APPELLANT in the matter of a Hearing Examiner's decision rendered on _____, 20___, by _____ relating to _____

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance _____
2. Platting and Subdivision Ordinance _____
3. Comprehensive Plan _____
4. Critical Areas Ordinance _____
5. Shoreline Master Program _____
6. Other: _____

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

STANDING

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

APPELLANT NAME PRINTED

SIGNATURE OF APPELLANT

Address _____

Phone _____

Please do not write below - for Staff Use Only:

Fee of \$777.00 for Reconsideration or \$1,054.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____, 20___.