THURSTON COUNTY
WASHINGTON
SINCE 1852

COUNTY COMMISSIONERS

John Hutchings
District One
Gary Edwards
District Two
Bud Blake
District Three

RESOURCE STEWARDSHIP DEPARTMENT

Creating Solutions for Our Future

Brent A. Butler, AICP, Director

MEMORANDUM

CERTIFIED

TO: Shorelands Permit Coordinator
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

AND TO: Washington State Attorney General
Ecology Division
1125 Washington St. SE
Olympia, WA 98504-0100

AND TO: Parties of Record

FROM: Cami Petersen
Land Use Clerk

DATE: May 18, 2017

SUBJECT: **Project No. 2014108800, Sequence No. 14-129647 XC, ChangMook Sohn**

Attached is a copy of the Decision of the Board of Thurston County Commissioners regarding Shoreline Substantial Development Permit (SSDP) # 2014108800.

Any person aggrieved by this decision may seek review from the shorelines hearings board by filing a petition for review pursuant to chapter 90.58 RCW.

Please contact me at (360) 754-3355 extension 6348 if you have questions regarding this Decision.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
THURSTON COUNTY, WASHINGTON

In Re the Matter of, **ChangMook Sohn** for a Shoreline Substantial Development Permit for an Intertidal Aquaculture Operation on Private Tidelands at 930 – 76th Avenue NW, Olympia, WA	Appeal No. 16-106159 VE Project No. 2014108800 DECISION

THIS MATTER came before the Board of County Commissioners (Board) on May 3, 2017, as a result of an appeal filed by Patrick and Kathryn Townsend, and Anneke Jensen, of the hearing examiner's decision dated February 17, 2017. This decision approved, subject to conditions, Mr. Sohn's application for a shoreline substantial development permit to develop an intertidal geoduck aquaculture operation on 1.1 acres of private tidelands addressed as 930 – 76 th Avenue NW, Olympia. The Appellants argue the hearing examiner erred because she failed to consider the proposed aquaculture's impact on eelgrass, recreation and aesthetics and environmental pollution caused by plastics used in the aquaculture operation.

The issue before the Board is whether the evidence presented to the hearing examiner demonstrated that Mr. Sohn's application complied with the applicable shoreline substantial development permit criteria.

The Board reviewed the hearing examiner's decision, and the evidence presented to the hearing examiner. In addition, two Board members made a declaration, pursuant to the Appearance of Fairness Doctrine, that since the time this appeal was filed with the Board, that they have had no ex-parte contact with any of the parties about this case and that they

could fairly and impartially judge this case on the record and pursuant to applicable law. Commissioner Edwards recused himself from this case due to a familial relationship with one of the parties, and limited ex parte contact with a member of the public.

While the Board understands the Appellants concerns, it recognizes that the Board must examine the hearing examiner's approval of the substantial development permit based only on the record in this case. A review of this record reflects that the findings made by the hearing examiner are supported by substantial evidence in the record. Further the conclusions of law are supported by the findings, the evidence and the applicable law.

IT IS HEREBY ORDERED AS FOLLOWS:

The hearing examiner's decision is affirmed.

DATE:

5-18-17

ATTEST:

Cami S. Petersen
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Bud Blake
Chair

Vice-Chair

Commissioner