BEFORE THE BOARD OF COUNTY COMMISSIONERS
THURSTON COUNTY, WASHINGTON

In Re the Matter of,
Mary Skelton

PROJECT NO.  2005103173
DECISION

THIS MATTER came before the Board of County Commissioners (Board) on June 27, 2006, 2006 as a result of an appeal by Mary Skelton of the hearing examiner's decision dated April 27, 2006, which denied an appeal of an administrative decision regarding a shoreline approval for a setback reduction at 2204 Gravelly Beach Loop NW in Thurston County, Washington.

The Board reviewed the hearing examiner's decision, the evidence presented to the hearing examiner and reviewed transcripts of the hearing. Commissioner Wolfe, in addition, conducted a site visit.

Based on the above record, the Board moved to affirm the hearing examiner for the following reasons:

This case turns on the correct interpretation of the language in section 3 (XVI) (D) (16) (b) of the Shoreline Master Program for the Thurston Region.

The appellant urges us to read this language to require that the distance of existing structures both within and outside the setback be included in the averaging calculation.

The Development Services Department (Department) on the other hand has consistently interpreted this language to mean that only the distance of existing structures within the setback are included, and all other parcels that do not have residences within the setback are assigned a 50 foot value.

Based on the Code's language of "setback's" which is possessive, the Department interpretation is correct. If the Code had used language that said "the setbacks of existing structures within the 300-foot area," then the appellant's argument would be more persuasive.

IT IS HEREBY ORDERED AS FOLLOWS:

The hearing examiner's decision is affirmed.

Dated: July ___, 2006

BOARDS OF COUNTY COMMISSIONERS
ATTEST:
Thurston County, Washington
Clerk of the Board _______________________________

ROBERT N. MACLEOD, Chair _______________________________

CATHY WOLFE, Vice-Chairman _______________________________

DIANE OBERQUELL, Commissioner