

ERRATA MEMORANDUM

To: Thurston County Hearing Examiner
Kraig Chalem, Thurston County Senior Planner

From: Kyler Danielson, Land Use Project Manager, Lakeside Industries, Inc. (Lakeside)

Date: November 13, 2023

Re: Errata Memorandum Correcting Errors in Staff Report for Project No 2022105705
Lakeside Industries, Inc.'s Special Use Permit Amendment to Allow for Asphalt Recycling and Storage of Reclaimed Asphalt Pavement (RAP) [Hearing Date: November 14, 2023]

In accordance with the Thurston County Hearing Examiner's email guidance on correcting errors in a staff report (November 2, 2023), Lakeside is submitting these errata to correct the record in advance of its November 14, 2023 Hearing on Asphalt Recycling and RAP storage at its existing Durgin Road SE location. This memo provides corrections to the following sections in the memo: Project Description, Background, Department analysis of Zoning (TCC 20), and the Staff responses to Department Analysis of Use – Specific Standards, Sections e, g, k and l.

Project Description

The Project Description in the County's staff report contains several inaccurate statements regarding the uses proposed at the site and the existing uses at the site, specifically that Lakeside does not operate a concrete plant or mine, and that Lakeside's proposal has always requested import of material from paving projects throughout the region. The corrections are provided in redline below:

PROJECT DESCRIPTION

The applicant has stated that their "state-of-the-art" asphalt plant at Durgin Rd. does not currently reprocess asphalt. However, the recent amendment of the Nisqually sub area plan allows asphalt recycling and reclaimed asphalt product (RAP) stockpiles if they are covered. The Applicant requests to amend their existing Special Use Permit (SUP) to allow for recycling asphalt material and the storage of RAP under a cover structure at their existing ~~surface mining operation, concrete asphalt & batch~~ plant (Attachments B & C). The intention of the current application is to store approximately 8,800 cubic yards of ~~internally sourced reclaimed asphalt product (RAP)~~ on site under a 15,383 square foot storage ~~tent~~structure, which is proposed to be approximately 37-feet in height. RAP will be imported from paving projects throughout the region.

The new cover structure storage tent and RAP would be situated in the ~~north~~east area of the site on paved surface level compacted gravel with no significant vegetation near the existing ~~concrete asphalt~~ plant, which is accessory to an existing ~~mineral lands~~ mining operation operated by Holroyd Co. in the 'Nisqually Sub Area' ~~and is a "dry mix" plant previously approved in December of 2012 where dry components (sand, gravel and cement) are loaded into the concrete truck after which water is added. The truck rotates its barrel to mix the dry components and water to create concrete. The project includes existing equipment, offices, and associated parking. No new impervious surfaces are proposed. The RAP would be added to asphalt mixes during asphalt mix manufacturing. Components of the operation include an aggregate feed hopper, mixing bin, a water tank, and silos, which are already existing on site.~~ Access to the ~~batch asphalt~~ plant will be by way of an existing driveway from Old Highway 99 SE. Employees will use existing facilities located within an existing office building.

Thurston County code requires review of approved mineral extraction and accessory use permits no less often than every five years (TCC 20.54.070(3.1)).

Background

The “Background” section in the staff report provides information about another company’s operations. As mentioned previously, Lakeside does not operate a surface mine or a concrete plant at this location. Lakeside’s corrections are limited to the first two paragraphs of this section in the staff report. The corrections to those two paragraphs are in redline below:

BACKGROUND

~~The existing surface mine began operations in 1979, prior to zoning regulations and requirements for County land use permits. The mine operates under a State Department of Natural Resources surface mining permit. The concrete asphalt plant was originally approved by the Hearing Examiner on April 20, 2001 with Special Use Permit Number 990457, and the concrete batch plant Special Use Permit (2011101306) was approved by the Hearing Examiner on December 27, 2012 with conditions including a 5 Year Review every five years. The 5-year review was recently approved on July 21, 2021. (Attachment –H)~~

The project is in the Rural Residential – One Dwelling Unit Per Five Acres Zoning District (RR 1/5), within the rural designated part of the County. ~~Concrete Asphalt batch~~ plants are allowed in the RR 1/5 zoning district as an accessory to a mineral extraction use, subject to obtaining a Special Use Permit [TCC 20.54.070(3.1)].

Department Analysis

There are several revisions required to multiple sections of the Department Analysis portion of the staff report, specifically A. Zoning (TCC 20) and B. Use – Specific Standards [TCC 20.54.070(3.1)]. The edits are included below with explanation:

A. Zoning (TCC 20)

Thurston County Code Section 20.54, Table 1, Section 3.1 states that asphalt production is allowed in the applicable zone. As mentioned above, the operation here is an asphalt plant – not a concrete plant.

A. Zoning (TCC 20)

The Rural Residential – One Dwelling Unit Per Five Acres Zoning District (RR 1/5, TCC 20.09) allows certain primary uses (TCC 20.09.020) and Special Uses (TCC 20.09.025). Potential special uses are listed in Chapter 54 of the Zoning Ordinance (TCC 20.54), Table-1. The potential Special Uses include ~~concrete batch plants~~ asphalt production as an accessory use to a mineral extraction use [TCC 20.54.070(3.1)]. Additional analysis provided below.

B. Use – Specific Standards

This section of the Staff Report contains errors in Sections e, g, k, and l. See below for a description of each required change:

Sections e, g and k require changes because they are inconsistent with Lakeside’s application materials for this project. This application requested for RAP to be sourced from paving projects around the region – it never proposed to source all material on site. All application materials were consistent regarding the

import of RAP. For example, the Project Description provided with Lakeside's Special Use Permit Application provided the following description:

"Most imported material will be internally sourced from Lakeside projects, but we will also accept some material from outside entities as well. Lakeside has a policy prohibiting acceptance and import of RAP from industrial or commercial hazardous material storage sites or sites undergoing cleanup action."

The staff responses to Sections e, g and k should be corrected as proposed in the below redlines:

Section e:

e. Asphalt plants shall provide necessary space to accommodate delivery trucks on the site.

Staff Response: *This standard is met. The applicant has stated that RAP material will be imported from paving projects throughout the region. ~~sourced on-site.~~ Lakeside provided a Traffic Trip Generation Memo, which is included as Attachment N to this Staff Report.*

Section g:

g. The source of recycled asphalt pavement (RAP) shall only be from highways, roadways, runways, parking lots and shall not be from a contaminated site such as a superfund site or Model Toxic Control Act (MTCA) site. The asphalt plant operator shall provide semiannual reports to the county documenting the source of all recycled asphalt pavement brought to the production site.

Staff Response: *This standard is met. The RAP proposed to supply this application is ~~purported to originate~~ will be imported from paving projects throughout the region. ~~on site.~~ Lakeside has stated in its SUP Application Project Description that it has a policy prohibiting acceptance and import of RAP from industrial or commercial hazardous material storage sites or sites undergoing cleanup action. The site is currently subject to review every 5-years to maintain required operational permit. Staff asks that applicant speak to this requirement for a more comprehensive description of how this is met.*

Section k:

k. Asphalt plants shall meet all applicable requirements of [Chapter 17.20](#) TCC, Mineral Extraction and Asphalt Production.

Staff Response: *This standard is met. The plant's operation is existing and subject to periodic review at the site level. This current request is limited to the storage, ~~covering~~ ~~of, import, and allowing processing of~~ RAP material ~~produced on-site to be processed~~ on site. Staff asks that applicant speak to this requirement for a more comprehensive description of how this is met.*

Section I also requires a change because there is a typo in the size of the storage structure that is proposed on site. The request and the SEPA DNS state that the proposed structure would be 15,383 square feet.

Section I:

1. For operations that process and store recycled asphalt pavement (RAP) within the Nisqually subarea, operators shall employ best management practices to mitigate leachate by providing covered storage of processed/recycled asphalt stockpiles. Specific practices will be determined through the site-level permit review process, but may include tarping, storage sheds, or other methods.

Staff Response: *This standard is met. The current RAP material is covered by tarps. A part of the applicant's request is to construct a 15,3~~85~~3 square foot storage shed. (Attachment - D)*

Finally, the staff report did not include the SEPA Checklist as an attachment. Our understanding is that staff has provided the SEPA Checklist to the Hearing Examiner as Attachment K. We request that the Staff Report be amended to include the SEPA Checklist in the list of attachments as Attachment K, consistent with the County's designation of that document.