

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2006103057
)	
)	
LAKESIDE INDUSTRIES)	REQUEST FOR CLARIFICATION
)	
)	
For Amendment to a Special Use Permit)	
_____)	

On December 19, 2006, the Hearing Examiner approved Lakeside Industries' (Applicant) request for approval of an amendment to a 2001 Special Use Permit (SUPT 990457) which authorized the construction and operation of an asphalt production facility at its Holroyd Gravel Mine. The amendment allowed the Applicant to construct three asphalt storage silos instead of two silos authorized under the original SUPT for the Holroyd Gravel Mine within the Nisqually Sub-Area Planning Area of Thurston County at 11125 Durgin Road SE, Olympia, Washington.

The amendment to SUPT 990457 was subject to seven conditions. On December 27, 2006, the Applicant submitted a Request for Clarification¹ in regard to Condition No. 6 which provides:

A maximum of three asphalt storage silos shall be located on the subject property. The storage silos shall a maximum height above grade of 66 feet and a maximum combined storage capacity of 16, 316 cubic feet.

The Applicant stated that clarification of this condition was needed so it would be

¹ TCC 2.06.060 provides for "Reconsideration by Examiner" and requires that an aggrieved party file a Request for Reconsideration within ten days of the date of the written decision. The Applicant stated that they agreed with the Hearing Examiner's decision and were not requesting reconsideration but rather clarification. The request does not amount to a formal reconsideration of the December 19, 2006 decision and therefore full compliance with the provisions of TCC 2.06.060 are not required.

“absolutely certain that everyone understands Lakeside’s plans.” The Applicant requested the following sentence be added to the condition:

The maximum height of the silos does not include ancillary equipment, e.g. conveyor and control equipment, on top of the silos.

The original 2001 decision of the Hearing Examiner was for the facilities proposed by the Applicant to include two storage silos of up to 90 feet tall. There was no reference to ancillary equipment. *Exhibit 7, Finding No. 1.* The Applicant did not appeal this finding of the original decision.

Testimony was received at the November 28, 2006 public hearing that the storage silos, including ancillary equipment, would be approximately 70 to 90 feet tall, which is equal to or less than the originally proposed silo height. *Testimony of Mr. Glastetter; Testimony of Mr. Kain; Testimony of Mr. Lee.* A key element in the Applicant’s request for the amendment to the SUPT was that the “use of three 65.5’ storage silos, instead of two 90’ silos, *reduces* overall environmental impact. In fact, by reducing the height of the silos, we have addressed one of the project elements that was most troubling to the community – that of visibility.” *Exhibit 1, Attachment E.* Part of the Hearing Examiner’s decision of December 19, 2006, was based on the lessening of the aesthetic impact of the facility that would result from the use of shorter storage silos.

DECISION

The Applicant’s request resulted in a reduction of overall environmental impact of the facility, specifically visibility. In granting the amendment the Hearing Examiner’s decision was based, in part, on this premise. The reduction of the height of the silos will result with the amendment. While the ancillary equipment may extend higher than 66 feet it will not exceed the previously approved height of 90 feet.

Condition No. 6 of the Hearing Examiner’s December 19, 2006 decision of SUPT 2006103057 is modified to read as follows:

6. A maximum of three asphalt storage silos shall be located on the subject property. The storage silos shall a maximum height above grade of 66 feet and a maximum combined storage capacity of 16, 316 cubic feet. The maximum height of the silos does not included ancillary equipment, such as conveyor and control equipment, placed on top of the silos. Total height of the silos and any and all ancillary equipment shall not exceed 90 feet.

Decided this 4th day of January, 2007.

James M. Driscoll
Hearing Examiner for Thurston County