

BEFORE THE BOARD OF COUNTY COMMISSIONERS
THURSTON COUNTY, WASHINGTON

In Re the Matter of,
Lakeside Industries

)
) SUP/APPL 990457
)
) DECISION ON REMAND
) FROM SUPERIOR COURT
)
)

THIS MATTER came before the Board of County Commissioners (Board) on September 17, 2001 as a result of three separate appeals by Thurston County Development Services Department, Friends of the Nisqually and the Nisqually Indian Tribe (Appellants) of the hearing examiner's decision dated April 20, 2001, approving Lakeside Industries special use application (SUP) to construct an asphalt plant in Holroyd=s gravel mine in the Nisqually Valley. The Board, in a Decision dated September 24, 2001, reversed the hearing examiner's approval of Lakeside's SUP to construct an asphalt plant in the Holroyd mine in Nisqually Valley.

On July 5,2002, Judge Sawyer of Mason County Superior Court reversed the Board's Decision of September 24, 2001. Judge Sawyer further remanded this matter back to the Board with direction to issue the permit as approved by the hearing examiner by decision dated April 20, 2001 with the following exception: The Board is directed to add one additional condition to read as follows: "Provided, however, the reprocessing of asphalt by Lakeside Industries shall be prohibited at this location."

//

//

//

IT IS HEREBY ORDERED AS FOLLOWS:

Pursuant to Judge Sawyer's order of July 5, 2002, the decision of the hearing examiner in this matter is affirmed with the following amendment and addition:

1. Condition 2 is amended as follows:
Recycling of asphalt or concrete is permitted as an accessory use only in conjunction with a permitted crusher and in accordance with County and State Health Department regulations and requirements.
2. A new condition, which shall be condition #8, shall be added as follows:
"Provided, however, the reprocessing of asphalt by Lakeside Industries shall be prohibited at this location."

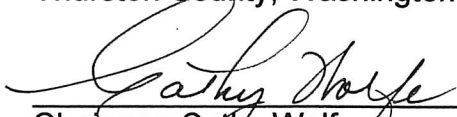
DATED this 29 day of July, 2002.

ATTEST:


Clerk of the Board

BOARD OF COUNTY
COMMISSIONERS

Thurston County, Washington


Chairman Cathy Wolfe


Commissioner Kevin J. O'Sullivan


Commissioner Diane Oberquell