

Thurston County Board Briefing

<u>Briefing Date/Time:</u>	Thursday, December 2, 2020, 2:30-3:30 pm		
<u>Office/Department & Staff Contact:</u>	Community Planning & Economic Development Department Maya Teeple, Senior Planner, 360-545-2593 Jennifer Davis, Planning Manager, x5475 Joshua Cummings, CPED Director, x4995		
<u>Topic:</u>	CP11 – Recycled Asphalt Policy		
<u>Purpose:</u> (check all that apply)	<input type="checkbox"/> Information only <input checked="" type="checkbox"/> Decision needed <input checked="" type="checkbox"/> Follow up from previous briefing	Optimal Time Frame for Decision is: (12/2/2020)	
<u>Synopsis/Request/Recommendation:</u>			
<ol style="list-style-type: none"> 1. Staff will provide an overview of the comments received at Dec. 1 public hearing on Docket Item CP-11, the Recycled Asphalt Policy. 2. Staff requests BoCC direction on which option to include in the final resolution of Comprehensive Plan updates, planned for adoption on December 15, 2020. The Board may also direct staff to develop additional options or conduct additional research, which delays adoption to 2021. 			
<u>Background</u>			
<p>Lakeside Industries, Inc. submitted a Comprehensive Plan Amendment application in November 2016 proposing amendments to Policy E.5 of the Nisqually Subarea Plan. The application requests that the County consider a Comprehensive Plan Amendment to policy language within the Nisqually Subarea Plan. Specifically, the request is to consider a text amendment to policy E.5 of the Nisqually Subarea Plan, which currently precludes the reprocessing of asphalt (reclaimed asphalt pavement, hereby RAP) in the subarea due to water quality concerns. The proposed amendment would allow the recycling of asphalt pavement to occur as an accessory use within the mined-out portion of gravel pits within the Nisqually Subarea.</p> <p>This docket item is #CP-11 on the 2020-2021 Comprehensive Plan Amendment Docket. The docket was prioritized by the Board of County Commissioner's in May 2020, and this item tied for 3rd (out of a total of 6 citizen-initiated amendments). This docket item was also previously docketed on the 2017-2018 and 2018-2019 Official Docket of Comprehensive Plan Amendments.</p> <p>The Planning Commission produced a unanimous (9-0) recommendation of approval of the proposed amendments, as presented in Option 3 on October 7, 2020. On October 29, 2020 the Board held a work session to review the proposed amendment and directed staff to bring forward a request to set a public hearing.</p> <p>This update aligns with strategic initiative 6.</p>			
<u>Summary of Comments Received:</u>			
<p>The Board held a public hearing on December 1, 2020 to accept public testimony on proposed amendments to the Comprehensive Plan and all proposed options, including the Planning Commission recommended option. As of November 24, 2020, staff have received 27 public comments (Board public hearing comment period only from 11/4/20 to 12/1/20) on CP11 – Recycled Asphalt Policy. Of those, 16 comments are against the proposal, and 11 in support. Major themes include:</p> <ul style="list-style-type: none"> • Support for no change of the policy language, maintain prohibition (16/27) <ul style="list-style-type: none"> ○ Support for League of Women Voters Comment (policy amendment is premature, should not be approved, should be reviewed with full Subarea Plan update, and that science does not support 			

the amendment as literature review didn't evaluate RAP near critical areas, & SEPA concerns) (13/27)

- Support for the proposed amendment (11/16)
 - Support for proposal as long as the RAP pile is required to be covered, preferable in an unwall metal building with airspace above (1/16)

Other common themes include:

- Concerns over CARA I site and water pollution
- Concerns over toxicity
- RAP is sustainable and environmentally friendly
- RAP reduces costs

From the start of this project in 2017 up until the comment period for this public hearing opened, staff received 111 public comments. Of those, 62 comments were against, 26 in support, 15 requested a change, and 8 requested information or had questions. The Board can view all public comments received in the public comment document available online at: https://www.thurstoncountywa.gov/planning/planningdocuments/CP-11_Matrix%20Summary.pdf

Documents Attached:

- Attachment A: Proposed amendments in bill format for Policy E.5 Options and TCC 20.54
- Attachment B: Public Comments Received for BoCC Public Hearing as of November 24, 2020

(please note: all public comments from prior to the hearing comment period are available online, but are not included as an attachment to this briefing document due to the size of the file. As new comments are received for the public hearing, they will be included in the online comment link:
https://www.thurstoncountywa.gov/planning/planningdocuments/CP-11_Matrix%20Summary.pdf)

Summary & Financial Impact:

This item is included on the Comprehensive Plan Docket, and is funded by the applicant, Lakeside Industries, Inc.

Affected Parties:

Thurston County residents, business, and visitors, as well as most county departments.

Options with Pros & Cons:

There are three options for the proposed amendment. The Board may choose to direct staff to make other changes at their discretion.

Option 1: Make no changes to the current policy E.5 of the Nisqually Subarea Plan. Continue to prohibit reprocessing of asphalt in the Nisqually Subarea.

Considerations:

- This option does not fulfill the applicant's request.
- Continues to prohibit asphalt recycling in the Nisqually Subarea.

Option 2: Adopt the applicant's proposed amendment to Policy E.5 of the Nisqually Subarea Plan, thus removing the prohibition on asphalt recycling as an accessory use within the Nisqually Subarea.

Considerations:

- Amends policy E.5, as requested by the applicant.
- Removes the prohibition on asphalt recycling in the Nisqually Subarea.
- Allows for asphalt recycling in the Nisqually Subarea to occur as an accessory use within the mined-out portion of gravel pits, subject to other permitting requirements.
- Best management practices to cover RAP stockpiles to minimize exposure would not be required under this option but may still be implemented if an operator chooses to.
- Does not indicate any project approvals to recycle asphalt. Any operation that wishes to

recycle asphalt would need to go through the site-specific permit review process, adhering to local, state, and federal regulations.

Option 3: Planning Commission Recommendation - Adopt the applicant's proposed amendment to Policy E.5 of the Nisqually Subarea Plan, thus removing the prohibition on asphalt recycling as an accessory use within the Nisqually Subarea, but also add the requirement that Best Management Practices (specifically covering stockpiles) be employed. This option also includes amendments to the Thurston County Code, Chapter 20.54.

- Amends policy E.5 as requested by the applicant but includes additional amendments to require best management practices be employed for stockpile covering to minimize exposure.
- Removes the prohibition on asphalt recycling in the Nisqually Subarea.
- Allows for asphalt recycling in the Nisqually Subarea to occur as an accessory use within the mined-out portion of gravel pits, subject to other permitting requirements.
- Requires best management practices to cover RAP stockpiles to minimize exposure in the Nisqually Subarea. The type of best management practice used (tarp, shed, pavilion) would be determined by the operator during the permit process.
- Does not indicate any project approvals to recycle asphalt. Any operation that wishes to recycle asphalt would need to go through the site-specific permit review process, adhering to local, state, and federal regulations.

Board Direction:

Staff are requesting direction from the Board on next steps/timeline, and which option to include in final adoption.

Next Steps/Timeframe:

There are three options for next steps and timing of the proposed amendment.

Option A:

- Direct staff to move forward the proposed amendment for final action, and direct which option to include (Option 1, 2, or 3 under the "Options" section, above).
 - Findings would be developed and included in the once-a-year Comprehensive Plan Amendment resolution, scheduled for December 15, 2020.

Option B:

- Direct staff to hold additional briefings, conduct further research, stakeholder work, or develop new options, which will delay final action on CP-11 Recycled Asphalt Policy to 2021.
 - Additional briefings may be necessary for the Board to specify what additional research/stakeholder work is needed if selecting this as the next step.

Option C:

- Direct staff to delay action on this proposed amendment, and review it further with the Nisqually Subarea Plan update. This will delay final action on Recycled Asphalt Policy (E.5) to 2021 or possibly later.