



Agenda
Board of Adjustment Meeting
Thursday, May 18, 2023
Richland City Hall ~ Council Chambers
625 Swift Boulevard

Board Members: Chair Van Hoff, Vice-Chair Gray, and Members Bricker, Nuzum and Raffa

Staff Liaison: Stevens

Regular Meeting - 6:00 p.m.

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

2023.02.16 Board of Adjustment Meeting Minutes

Public Hearing Explanation:

Unfinished Business - Public Hearing:

New Business - Public Hearing:

2. SUP 2023-103 Port of Benton Special Use Permit Request to Allow Mining Operation

-

Matthew Howie, Senior Planner

Communications:

Adjournment

Richland City Hall is ADA accessible. Any individual who has difficulty attending the meeting in-person may request to provide comments remotely. (Ch. 42.30 RCW) Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 5/18/2023

Agenda Category: Approval of Minutes

Prepared By:

Subject:
2023.02.16 Board of Adjustment Meeting Minutes

Department:
Development Services

Recommended Motion:
Move to approve the February 16, 2023 meeting minutes

Summary:
February 16, 2023 minutes are attached for review and consideration.

Attachments:

1. 2023.02.16 BoA Mtg Mins

Fiscal Impact Summary: Approval of the minutes does not have a fiscal impact to the city.



**MINUTES
BOARD OF ADJUSTMENT MEETING
THURSDAY, FEBRUARY 16, 2023
City Hall – 625 Swift Boulevard – Council Chamber
6:00 p.m.**

Call to Order:

Chairman Van Hoff called the meeting to order at 6 p.m.

Attendance:

Present: Chairman Van Hoff and Board members Justin Raffa, Brad Bricker, and Jennifer Nuzum. Also attending were Planning Manager Stevens, Planner Hendricks and Permit Technician Hogan.

Board Member Gray requested to be excused.

Approval of Agenda:

Chairman Van Hoff asked for a motion to approve the agenda.

BOARD MEMBER NUZUM MOVED AND BOARD MEMBER RAFFA SECONDED THE MOTION TO APPROVE THE AGENDA. MOTION PASSED 4-0.

Approval of Minutes:

Chairman Van Hoff presented the meeting minutes of the May 9, 2022 meeting and called for a motion to approve.

BOARD MEMBER RAFFA MOVED AND BOARD MEMBER BRICKER SECONDED THE MOTION TO APPROVE THE MINUTES OF THE MAY 9, 2022 MEETING. MOTION PASSED 4-0.

Public Hearing:

Chairman Van Hoff asked Ms. Hogan to read the Public Hearing Explanation.

New Business

APPLICANT: M2023-103 580 Columbia Point Drive Parking Modification

Planning Manager Stevens affirmed that proper notice and public hearing was given. Then Mr. Hendricks gave the staff report published. On January 12, 2023, Brian and Cindy

Goulet submitted a letter to the Board of Adjustment requesting that a 25% reduction in required parking be granted for a joint use parking facility between Lulu's Restaurant and the proposed The Perch Restaurant. The analysis provided by the applicant in their request letter indicates that a total of 194 parking spaces are required for both restaurants. However, if the 25% reduction is granted by the Board of Adjustment per RMC 23.54.080 Joint use of parking facilities – Spaces required, the applicant will only need to provide a combined total of 146 parking stalls in the joint use parking facility due to the existing size of Lulu's Restaurant and the proposed size of The Perch Restaurant minus 25%.

At the conclusion of the staff report, Chairman Van Hoff recognized the applicant.

Paul Knutzen spoke in support of the application.

Cindy Goulet spoke in support of their application.

Matthew Howie spoke as resident and senior planner and voiced his concerns with approving the 25% reduction. Expressed concern of inadequate parking to support both restaurants.

Paul Knutzen spoke again responding to concerns voiced by Mr. Howie.

Mike Stevens spoke regarding what applies to the application for 25% parking reduction.

The Board asked questions of staff related to code provisions, asked questions of applicants, and held a brief discussion of the merits of the request before acting to approve the request.

MEMBER BRICKER MOVED AND MEMBER RAFFA SECONDED THE MOTION THAT THE BOARD OF ADJUSTMENT (APPROVE/DENY) THE REQUESTED 25% JOINT USE PARKING ALLOWANCE AS REQUESTED BY FILE NO. M2023-103. THIS MOTION IS BASED ON REVIEW OF THE APPLICATION MATERIALS, COMMENTS RECEIVED, TESTIMONY PROVIDED DURING THE FEBRUARY 16, 2023 MEETING, AND THE FINDINGS AND CONCLUSIONS PROVIDED IN THE STAFF REPORT. MOTION PASSED 3-1 ON A ROLL CALL VOTE.

COMMUNICATIONS:

Mike Stevens thanked everyone and introduced new staff.

ADJOURNMENT:

Chairman Van Hoff adjourned the meeting at 6:12 p.m.

PREPARED BY:

Jodi Hogan, Permit Technician

REVIEWED BY:

Mike Stevens, Planning Manager

APPROVED BY:

Carl Van Hoff, Chairman

DRAFT



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 5/18/2023

Agenda Category: New Business - Public Hearing

Prepared By: Matthew Howie, Senior Planner

Subject:

SUP 2023-103 Port of Benton Special Use Permit Request to Allow Mining Operation

Department:

Development Services

Recommended Motion:

Staff has completed its review of the request for special use permit (SUP2023-103, EA2023-112) and recommends approval of the request subject to conformance with the conditions of approval, which are warranted because the project as conditioned will conform to the City's adopted Comprehensive Plan and zoning regulations; has followed the required State Environmental Policy Act procedures; and will fully consistent with the requirements of Washington State Department of Natural Resources, Washington State Department of Ecology, the Benton Clean Air Authority, and other state or federal agencies, as applicable.

Summary:

Roger Wright, on behalf of on behalf of American Rock Products and The Port of Benton has filed an application for a special use (Type II) permit to expand and operate an industrial aggregate mining operation on approximately 25 acres within Assessor's Parcel Numbers 1-22081000002001 and 1-22081000001002.

Richland Municipal Code (RMC) Chapter 23.46.025 states that the "board of adjustment shall be the hearing body to conduct the review of special use permit applications for the following uses", to include "excavating, processing, removal of topsoils, sand, gravel, rock or similar deposits in the AG – agricultural, I-M – medium industrial and M-2 – heavy manufacturing districts".

The site was originally permitted with SUP00-102 and SUP2003-101. A yet-fulfilled expansion was permitted with SUP2018-101. These approvals all had required conditions. Approval is also required through a Washington State Department of Natural Resources Surface Mining and Reclamation and Washington State Department of Ecology Sand and Gravel General Permits, and, Benton Clean Air Authority review.

Staff sought comments from tribal representatives, other state and local agencies, LIGO, PNNL, Cascade Natural Gas and others.

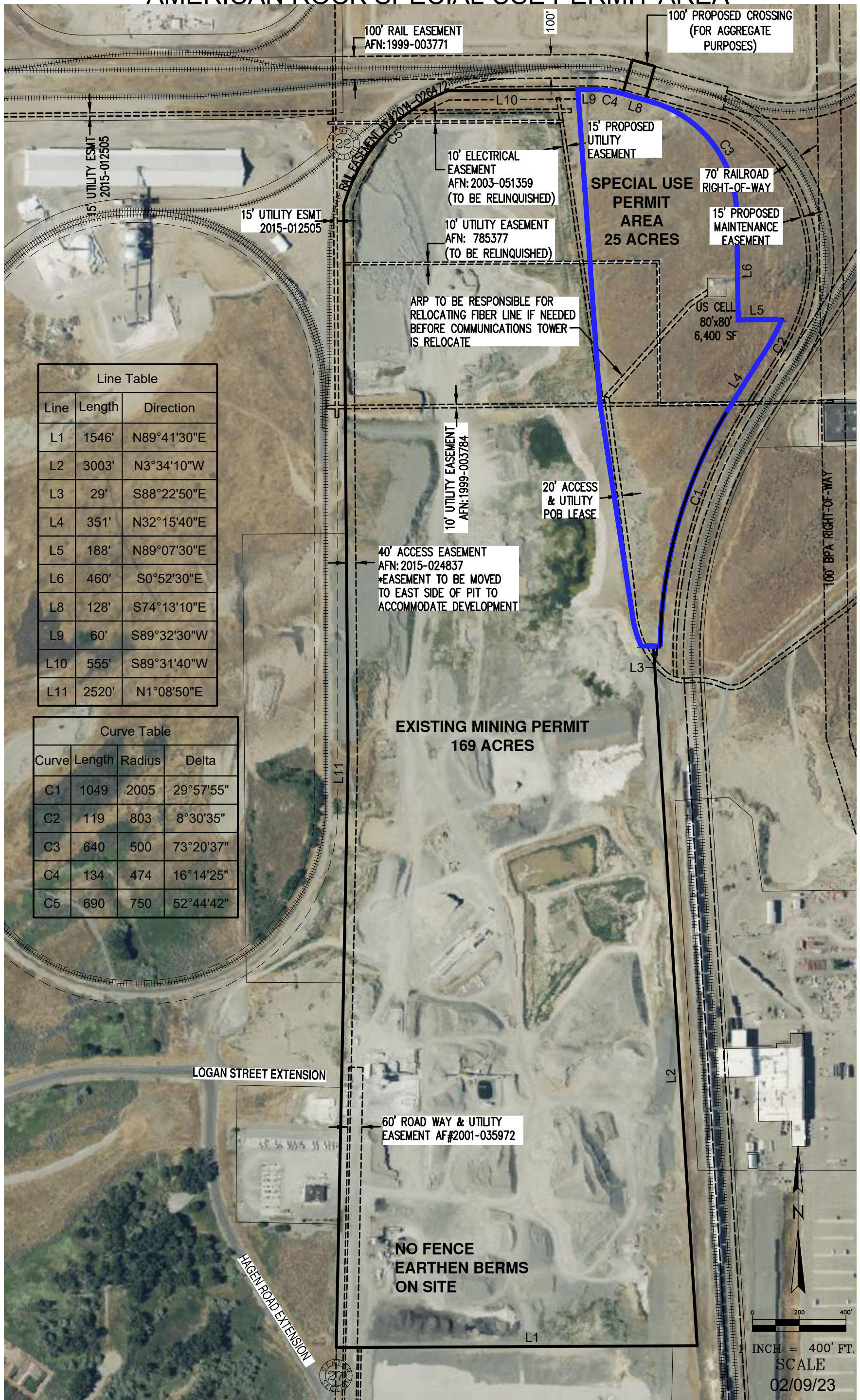
The Staff Report includes a review of site development, to include mine expansion, but also as relates to City contracts (well, leases, option agreements), building permits, Code analysis and presentation of historic issues of note to the current review.

Attachments:

1. SUP2023-103 Site Plan
2. SUP2023-103 2580 Hagen Road Staff Report [FULL REPORT]

Fiscal Impact Summary: None.

AMERICAN ROCK SPECIAL USE PERMIT AREA



**CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE BOARD OF ADJUSTMENT**

GENERAL INFORMATION:

PROPOSAL NAME: 2580 Hagen Road Mining Expansion

LOCATION: Address: 2580 Hagen Road
Parcel Numbers: 104984000001000 and 104984000002000

APPLICANT: Roger Wright on behalf of American Rock Products and The Port of Benton

FILE NOS.: SUP2023-103 and EA2023-112

DESCRIPTION: Request to expand and operate an industrial aggregate mining operation on approximately 25 acres.

PROJECT TYPE: Type II Special Use Permit

HEARING DATE: May 18, 2023

REPORT BY: Matthew Howie, Senior Planner

RECOMMENDED ACTION: Approval subject to proposed conditions.

Vicinity Map

Item: 2850 Hagen Road
Applicant: Roger Wright, Port of Benton
File #: SUP2023-103, EA2023-112

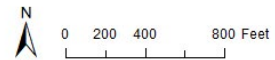


Figure 1 - Vicinity Map

DESCRIPTION OF PROPOSAL

Roger Wright, on behalf of on behalf of American Rock Products and The Port of Benton has filed an application for a special use (Type II) permit to expand and operate an industrial aggregate mining operation on approximately 25 acres within Assessor's Parcel Numbers 1-22081000002001 and 1-22081000001002.

REASON FOR REQUEST AND REVIEW AUTHORITY

Richland Municipal Code (RMC) Chapter 23.46.025 states that the "board of adjustment shall be the hearing body to conduct the review of special use permit applications for the following uses", to include "excavating, processing, removal of topsoils, sand, gravel, rock or similar deposits in the AG – agricultural, I-M – medium industrial and M-2 – heavy manufacturing districts". Other direction to the Board of Adjustment continues:

19.60.095 Required findings.

No development application for a Type II or Type III permit shall be approved by the city of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:

- A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.
- B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.
- C. The development application is beneficial to the public health, safety and welfare and is in the public interest.
- D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.
- E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.

23.46.040 Hearings – Findings – Conditions.

The hearing body shall conduct an open record public hearing on an application for special use permit as required by RMC Title 19 for a Type III permit application.

- A. Any person may appear at the public hearing in person, or by agent or attorney.
- B. The hearing body shall make a finding that it is empowered under the section of this code described in the application to consider the application for the special use permit.
- C. The hearing body shall approve, approve with conditions or deny an application for a special use permit based on findings of fact with respect to the following criteria:
 - 1. The size and dimensions of the site provide adequate area for the proposed use;
 - 2. The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development;
 - 3. All required public facilities necessary to serve the project have adequate capacity to serve the proposed project;
 - 4. The applicable requirements of this zoning regulation (RMC Title 23), the city comprehensive plan, the city sensitive area regulations (RMC Title 20), the city shoreline management regulations (RMC Title 26) and the city sign regulations (RMC Title 27) have been met; and

5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.
- D. The hearing body may impose conditions on the approval of a special use permit in addition to or above and beyond those required elsewhere in this title, which are found necessary to ensure the use is compatible with the public interest. These conditions may include, but are not limited to, the following:
 1. Limiting the hours, days, place and/or manner of operation;
 2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and/or dust;
 3. Requiring additional setback areas, lot area and/or lot depth or width;
 4. Limiting the building height, size or lot coverage, and/or location on the site;
 5. Designating the size, number, location and/or design or vehicle access points;
 6. Requiring street right-of-way dedication and/or street improvement;
 7. Requiring additional landscaping, berms and/or screening of the proposed use and/or its parking or loading areas and designating the required size, height, type and/or location of fencing and landscaping materials;
 8. Limiting the number, size, location, height and/or lighting of signs.
- E. Violation of any conditions, requirements, and safeguards, when made a part of the terms under which the special use permit is granted, shall be deemed a violation of this code and punishable under RMC 23.70.270.
- F. The hearing body may prescribe a time limit within which the action for which the special use permit is required shall be begun and/or completed. Failure to begin and/or complete such action within the time limit set shall void the special use permit. The time limits may be extended by the hearing body for good cause shown. In the event that no specific time limit to begin or complete a special use permit is identified, then the special use permit shall remain valid for a period of two years from the date that the permit was issued. The hearing body may authorize issuance of a special use permit for a specified probationary period of time, at the termination of which the applicant must resubmit a new application in accordance with the provisions of RMC 23.46.020.

23.46.060 Hearing examiner or board action.

A decision on a special use permit by the board of adjustment shall be by the affirmative vote of not less than a majority of the quorum of the board. A decision shall be by a recorded motion in the case of the board of adjustment or by written decision in the case of the hearing examiner. A decision shall incorporate findings of fact and refer expressly to the ordinance, or sections thereof, upon which the board's or hearing examiner's actions are based. Approval of a special use permit application shall authorize the administrative official to issue a special use permit. Conditions may be

attached to authorization by the board or hearing examiner that must be complied with prior to the issuance of the permit.

SITE DESCRIPTION & ADJACENT LAND USES

The site of the proposed 25-acre expansion is within the American Rock Product mining operation, sprawling across three (3) parcels totaling approximately 200-acres, with Hagen Road to the west, the Port of Benton's industrial rail spur to the east, and the City of Richland's rail spur to the north. The parcel is roughly in the shape of a stubbed umbrella handle with approximately 600-feet of frontage along Hagen Road.

Though mostly flat, the site features a number of manmade nodes of elevation with rock and other material pilings spread out across the site. While in operation over the past 20 years, mining has reduced the overall elevation of the site by increasing degrees. The site for expansion will be reduced in height by some thirty-five (35) feet by activities. Access will come through existing operation area by primary entrance off of Hagen Road.

The northern and eastern boundary of the site is formed by railroad rights-of-way. The southern boundary of the site is along approximately 1,300-feet of parcel 1-27081000001003 and the western boundary of the site is immediately adjacent to a privately owned railroad loop.

HISTORY

This proposal presents staff and the Board of Adjustment with a sizable, if not altogether novel, task to compile, consolidate, and comprehend several decades of thought, deliberation, and decision-making. In what follows, Staff will attempt to succinctly summarize preceding information. Note: While generally the breath of this information would find its way to an Exhibit, Staff believes it necessary to put the current proposal in its context and alert reviewers to the full scope of potential concerns or items of discussion.

Hanford 1100 Site Transfer and Historic Study (1998)

As a part of the transfer of the former 1100 Area and Hanford Southern Rail Connection in 1998, DOE commissioned a Cultural Resources Report (DOE/EA-1260). A good portion of this 1100 area has since been appropriated by the Port of Benton for the use of the mining operation in question. Said 1100 area had been the property of a handful of farmers who grew crops on the irrigated land as late as 1943. Most items of historical interest denoted in the survey dated from the early 20th century, such as cans and car parts, but the majority of findings had to do with the survey identifying former Hanford items of significance within the confines of the still-standing buildings onsite. Tribal representatives were among those with an opportunity to comment, including L. Seelatsee of the Wanapum and D. Powaukee of the Nez Perce, though neither chose to comment. The study uncovered few remaining traces of pre-agriculture historic items. It is unclear what efforts were made following this study to recover Hanford-era and other artifacts, but needless to say recent mining operations have long since removed any chance of historic item recovery. For his part, applicant Roger Wright, entered testimony on record at the December 20, 2000 Board of

Adjustment hearing that to his knowledge the Office of Archaeology and Historic Preservation had already cleared the site to proceed with development.

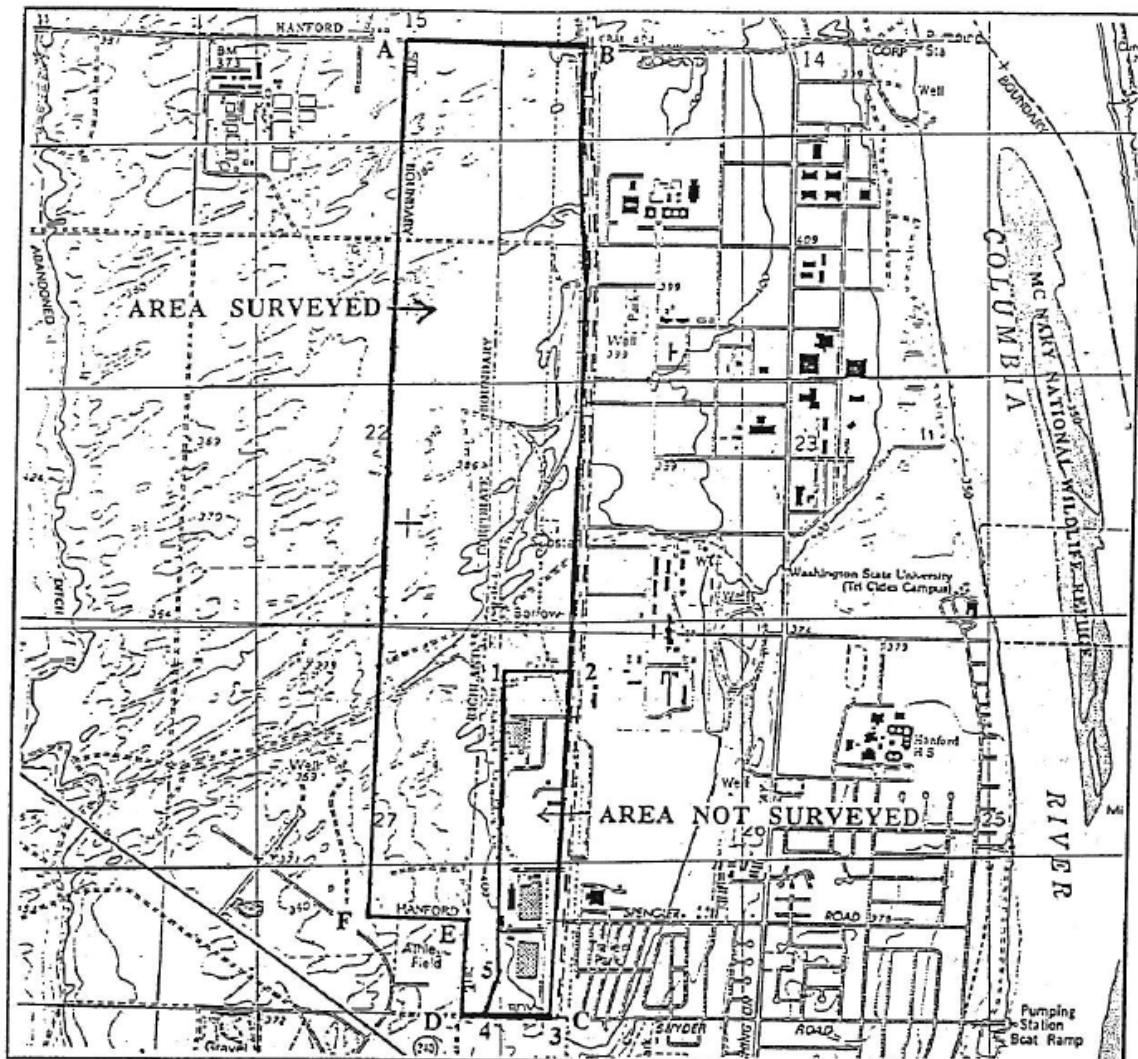


Figure 2 – DOE/EA-1260 Survey Area Delineation

SUP00-102, EA30-00

Eucon Corporation, with support from the owner, the Port of Benton, filled for an application a Special Use Permit November 13, 2000 for the development of a mining operation on 187 acres. This came before the Board of Adjustment December 20, 2000. The Port of Benton identified this site not only in terms of its potential natural resource extraction, but also as a means to provide a near-level site for future Port industrial development. Indeed, according to documentation provided with the current application by Shannon & Wilson, entitled "Geotechnical Engineering Reconnaissance; Port of Benton – American Rock Products Grading" (January 12, 2010) the finished site will have two elevations, one 10-feet higher to the south, the other being the current mining operation "floor". Starting at the westerly portion of the Horn Rapids Rail Center (1100 area facility) and moving north and east the proposal

would dig horizontally into the ever-increasing hillside removing between 25 and 40 feet of elevation through mining efforts.

For dust control, wind erosion control, as well as basic concrete operations Eucon anticipated using an existing City of Richland well located at the end of the former Logston Boulevard. Eucon agreed, per their Reclamation and Operations Plan, that fencing was to be installed near active extracting, processing, stockpiling, and loading of materials, anywhere unstable slopes or any slope exceeding a grade of (40%) (2.5H:1V) was present, near any settling pond or other storm water facility with side slopes exceeding 3H:1V. Likewise, Eucon agreed to screen operations from public view, which would include landscaping adjacent to a public street with irrigation system included. A condition of approval likewise enshrined in the December 20, 2000 Staff Report approved by the Board of Adjustment that “Detailed landscape screening plans shall be developed to screen the mining operations from the Horn Rapids Athletic Complex and Horn Rapids Business Park to the south and west.” In its reclamation plans Eucon agreed to remove all features (buildings, structures, and appurtenances) of development following the completion of operations, finalizing grading and vegetation schemes, stabilizing slopes and achieving other end-of-project milestones.

There were other concerns about the nature of mining operations at the site, crucially, the impact of ground vibration on nearby scientific endeavors at the Laser Interferometer Gravitational-Wave Observatory [LIGO] and Pacific Northwest National Laboratory [PNNL] sites. To put respective concerns at ease, the applicant proposed a 60-day test period to confirm that prospective methods and equipment would not have a negative impact on the scientific missions. Both EA30-00 Determination of Non-Significance (issued December 15, 2000) and the Board of Adjustment approval of SUP00-102 (December 20, 2000) were conditioned on the implementation of this test period. Fred Robb, Director of LIGO and Alan Rohay with PNNL testified at that December 20th meeting that neither anticipated having vibration-related concerns with the project proposed and welcomed the test period. Alan Rohay did express reservations, however “that acceptable results for the proposed test site may not accurately reflect potential impacts of operations near the northern boundary and significantly closer” to PNNL assets such as EMSL (the Environmental Molecular Sciences Laboratory). To that end, Board member Sean Stockard “suggested an annual review” of operations to take place, allowing the Board and concerned parties (LIGO/PNNL) an avenue to appraise liabilities with continued mining operations.

60-Day Test Period – March 28, 2001 to April 18, 2001

Third-party testing and analysis of noise and vibration issues during the 60-day period was undertaken by MFG Consulting (document entitled “American Rock Products Sand & Gravel Operation”, May 25, 2001). The relevant standards considered by MFG were state noise limits established by Washington Administrative Code [WAC] 173-60 based on the Environmental Designation for Noise Abatement (EDNA) of the noise source and the receiving properties. Due to its location, Class C EDNAs were most applicable since both source and receiving properties are in industrial areas.

The study found that sound levels “complied with the applicable noise limits at all property line locations and other potentially affected properties except at the western

property line. The measured sound level (L_{25}) at the western property line exceeded the allowable noise limit by 5 dBA." Likewise, it was the study's conclusion that it was "highly unlikely that noise from the proposed operation would exceed the noise limits at the Battelle [PNNL] site under any of the scenarios studied".

Additional excerpt from the MFG analysis:

"With no intervening berm, it would be difficult for the gravel operation to meet the noise limits at any of the nearest potentially affected properties, although it would meet the limits at the Battelle Laboratories site. With no berm, it would be difficult for the operation to meet the limits at the nearest properties even if the Gen Set were eliminated.

With an intervening berm or terrain *partially* blocking the view of the equipment, the operation would meet the noise limits at the more distant properties (i.e. Horn Rapids Athletic Complex and nearest residential development), but would still have difficulty meeting the noise limits at the closer property line locations. This is also the case if the Gen Set were eliminated.

With a full intervening berm completely obstructing any view of the operation, the gravel operation could meet the applicable noise limits at all of the neighboring properties with a minimum setback from the property line of at least 120 feet. This setback could be reduced to approximately 85 feet if the Gen Set was not required as part of the operation.

As a note, at more distant locations from the operations, the intervening terrain and the below-grade location of the processing and excavation activities would tend to serve as a partial berm. Therefore, except for the closest property line locations, most of the distant locations would likely see some noise reduction from intervening terrain acting as a partial noise barrier."

Note the following Figure (3), below. In it, MFG lists the distances to receiving properties. A full berm would be required to operate at night since, as shown in the table, nighttime noise levels with a partial berm would exceed maximums at the nearest residential sites. Likewise, a partial berm would be required for operations closest to the Horn Rapids Athletic Complex. [Reference the "All Equipment Except Gen Set columns for corroborating information.]

During the test period, on April 12th and 13th, LIGO and PNNL collaborated to set up portable seismic monitoring devices to likewise monitor proceedings. Analysis demonstrated that mining operations would not likely be a concern going forward. However, in a June 2001 comment, Fred J. Raab, Head of the LIGO Hanford Observatory, did offer the reflection that, "It is possible that introducing equipment with different levels of vibration, or that moving the same equipment to different locations, could cause negative impacts to occur at the LIGO site." He requested " that the permit for operation recognize the need for LIGO to have the cooperation of American Rock Products [Eucon] in monitoring future mining activity to ensure that the vibration levels near the mine do not increase in (the) future. Such cooperation would include

timely notification to LIGO of future mining activity and access to the mine area for portable seismic monitoring apparatus.”

Table 4. Minimum Distances for Compliance

Location		Nearest Distance to Site	Distance for Compliance						Noise Limit
			All Equipment included in the Test Operation			All Equipment Except Gen Set			
			No Berm	Partial Berm	Full Berm	No Berm	Partial Berm	Full Berm	
Battelle Laboratories		1,775	740	310	120	535	220	85	70
NE Corner		50							
East PL		150							
SE Corner		50							
West PL		50							
Horn Rapids Athletic Complex		870	1,310	550	210	950	395	150	65
Residential Area to SE ¹	Daytime	1,640	2,330	975	365	1,685	700	265	60
	Nighttime		7,380	3,075	1,160	5,330	2,220	835	50

¹ Daytime hours are 7 a.m. to 10 p.m. Nighttime hours are 10 p.m. to 7 a.m.

Figure 3 – MFG Study Analysis

In their June 7, 2001 letter to Planning Staff, SCM Consultants recapped the test period and MFG results, the LIGO and PNNL opinion (as discussed in the above Fred Raab letter), and conclusion of the Benton Clean Air Authority that “the use of multiple sprinklers” worked to successfully suppress airborne dust emissions. From the standpoint of prospective works SCM (an architectural and engineering firm) proposed a 10-foot-tall partial or full berm. In their words, “if a partial berm exists the operations can be positioned nearly anywhere on the site. If a full berm exists, the operations can occur anywhere on site and still meet the noise limits at the receiving properties.”

SUP00-102 Permitting

After the testing period and collected comments from involved parties, City Staff issued an amended set of approval conditions on June 21, 2001. In brief these conditions required the following:

1. Site design and operating standard review required every 5 years, and allowed to continue provided all conditions are met and all other permits are active. If so, permit extensions could allow operations to continue through June 21, 2021, but no further. Applicant required to provide an annual report and conduct an annual meeting with City Staff to review operations. Failure to do so would terminate the Special Use Permit.
2. Outside permits required:
 - a. Washington State Department of Natural Resources Surface Mining and Reclamation Permit.
 - b. Benton County Clean Air Authority approval.

- c. Department of Ecology Sand and Gravel General Permit.
3. Operations required to comply with the Richland Municipal Code requirements for "Excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits" and Special Use Permits.
4. Import of materials otherwise mined on site to be prohibited. When site resources were depleted, applicant was required to comply the approved reclamation and other state-approved plans to decommission the site.
5. Fencing and warning signs required before beginning mining operation.
6. Required new access road to Robertson Drive.
7. Required applicant to repair or replace Robertson Drive road surface as operation-related defects were identified by City Staff.
8. Required City approval for access road plans from Roberson to the anticipated operations starting area.
9. City allowed to set additional restrictions on access road once constructed.
10. Construction of a landscape berm required at the start of operations, to be maintained until conclusion of operations.
11. Processing operations required to have the partial berm identified in the MFG report, be connected to electric power, and, work within denoted operations area unless otherwise authorized by Staff.
12. Provide equipment specifications for Staff and agency review for emissions compliance.

The landscape berm proposed by the applicant team, and required in Condition 10, is included in the following pages.

GENERAL LANDSCAPING NOTES

1. ALL IMPROVEMENTS SHALL MEET CITY OF RICHLAND STANDARD SPECIFICATIONS.
2. UNLESS SEED IS COVERED WITH SOIL DURING SEED APPLICATION, A CLEATED ROLLER, CRAWLER TRACTOR, OR SIMILAR EQUIPMENT, APPROVED BY THE ENGINEER, THAT FORMS LONGITUDINAL DEPRESSIONS AT LEAST 2 INCHES DEEP SHALL BE USED FOR COMPACTION AND PREPARATION OF THE SURFACE TO BE SEED. THE ENTIRE AREA SHALL BE UNIFORMLY COVERED WITH LONGITUDINAL DEPRESSIONS FORMED PERPENDICULAR TO THE NATURAL FLOW OF WATER ON THE SLOPE UNLESS OTHERWISE APPROVED BY THE ENGINEER. THE SOIL SHALL BE CONDITIONED WITH SUFFICIENT WATER SO THE LONGITUDINAL DEPRESSIONS WILL REMAIN IN THE SOIL SURFACE UNTIL COMPLETION OF THE SEEDING. THE AREA SHALL BE COMPACTED WITHIN THREE WEEKS PRIOR TO SEEDING.
3. THE SCREENING BERM SHALL BE HYDROSEEDING WITH A CITY OF RICHLAND-APPROVED SEED MIX THAT WILL COMPRISE OF GRASSES INDIGENOUS TO THE AREA.
4. TIME OF HYDROSEED APPLICATION SHALL BE COORDINATED WITH THE CITY OF RICHLAND.
5. SOURCE OF SIBERIAN PEA SHRUB SHALL BE APPROVED WITH THE CITY OF RICHLAND BEFORE PURCHASE. INITIAL PLANTING SIZE SHALL BE 2 GAL - 18 INCH HEIGHT.
6. SIBERIAN PEA SHRUB SHALL BE OF THE CARAGANA ARBORESCENS 'PENDULA' VARIETY.
7. ALL SHRUBS WILL BE WATERED MANUALLY.

Figure 4a – General Landscaping Notes

Following the approval of the SUP00-102 Special Use Permit, Washington State Department of Natural Resources [DNR] issued approval of various required state permits, including a Surface Mining Reclamation Permit (No. 70-012968, Surface Mining Reclamation Permit and Standard Reclamation Plan. Amongst other things, these permits required (per RCW 78.44 and Chapter 332-18 WAC) that reclamation take place no fewer than two years following the cessation of mining activities. In the permit, Eucon established that long-term material storage areas (such as stored topsoil) will be stabilized by native vegetation and hydroseeded.

Washington State DNR formally issued their revised "Additional Conditions of the Permit on July 12, 2001. Of note, conditions required 50-feet of mining setback from property lines, mandated no more than 40 vertical feet of mining take place, the separate storing of topsoil and overburden, requiring 1-foot of topsoil and subsoil placed on post-mining slopes, and, requiring slopes be no more than 4H:1V.

Following Figure 4 landscaping details, see Figure 5 approved DNR maps for the mining site. *Staff note regarding Figure 4c: this is the location and extent of the proposed, approved, and required "partial berm". The berm is considered "partial" because it does not wrap around the entirety of the property. The barrier should be continuous as shown.*

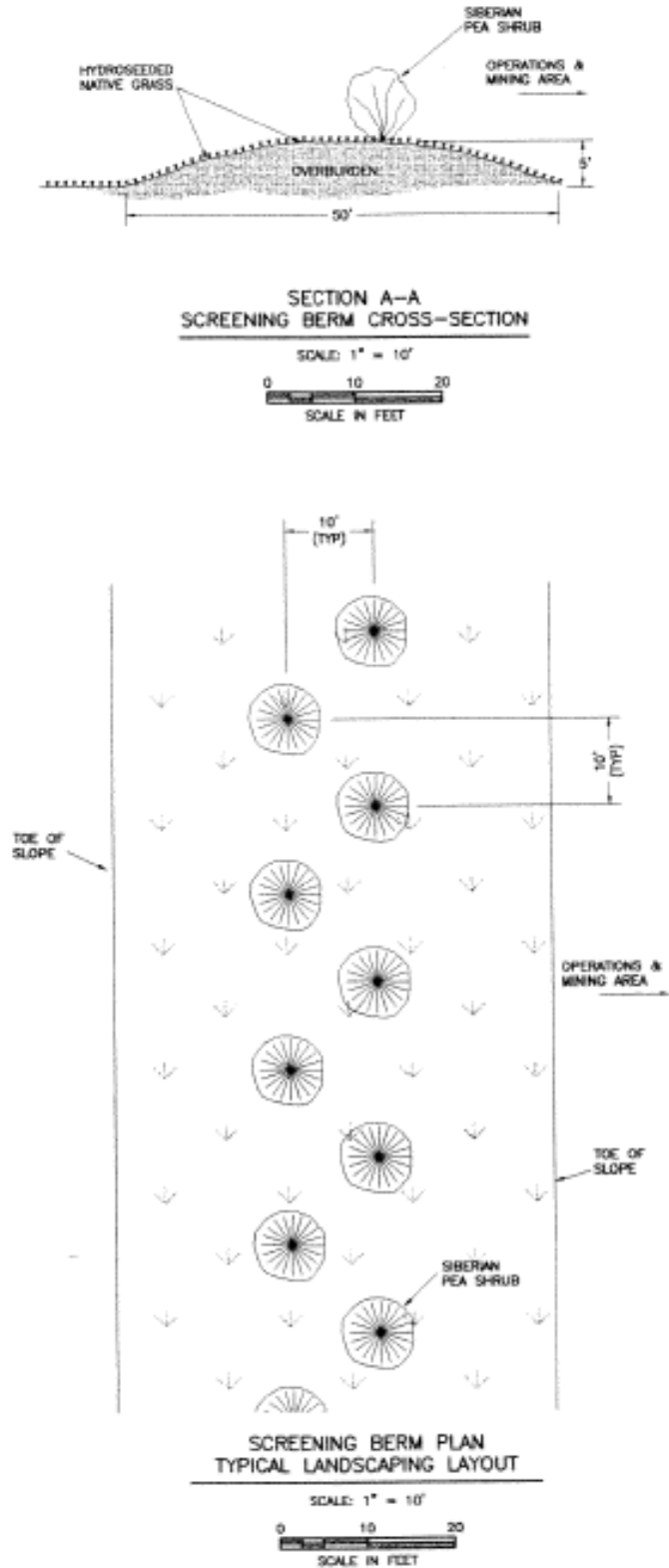


Figure 4b – Berm Cross-Section Detail

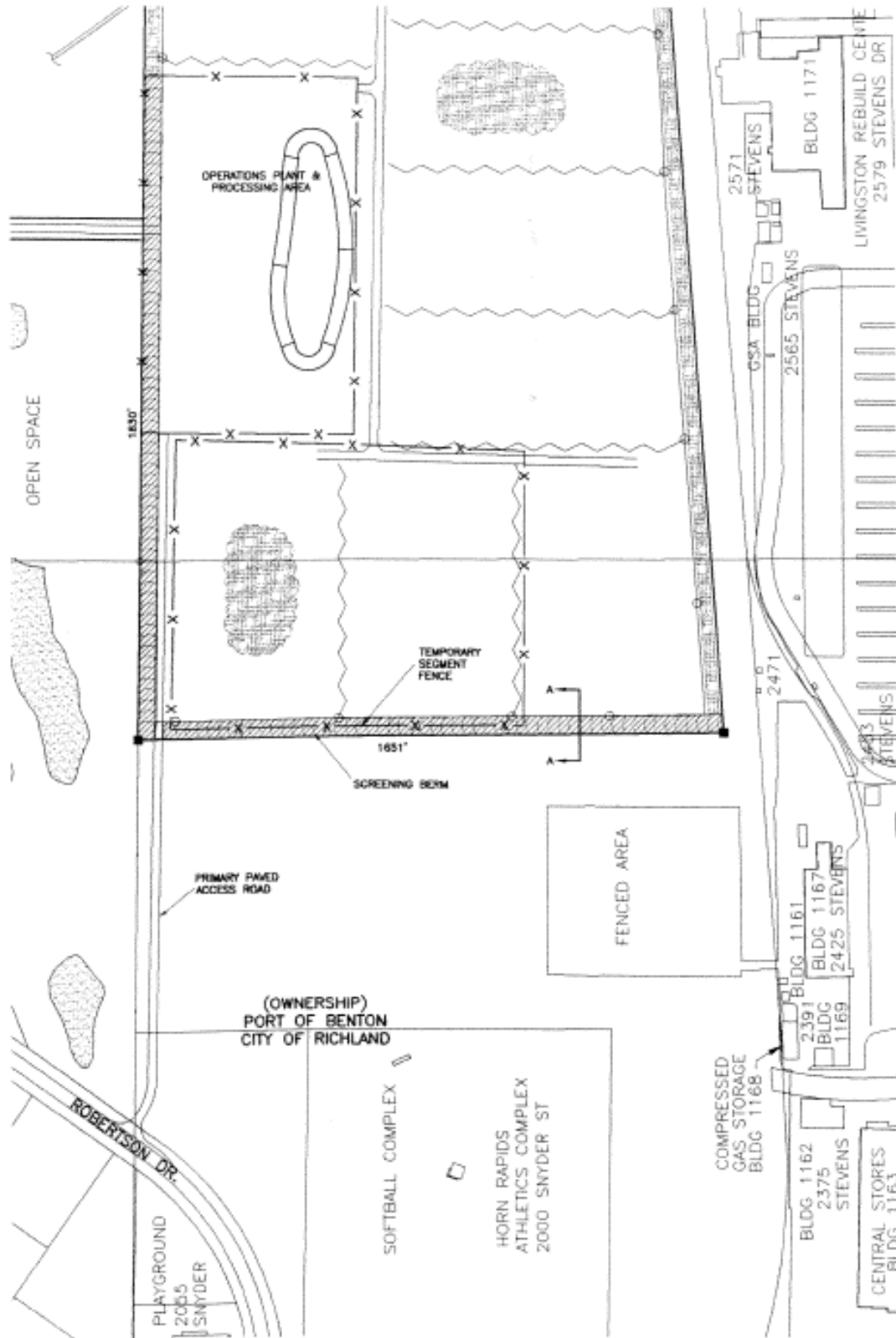


Figure 4c – Berm Location Site Plan

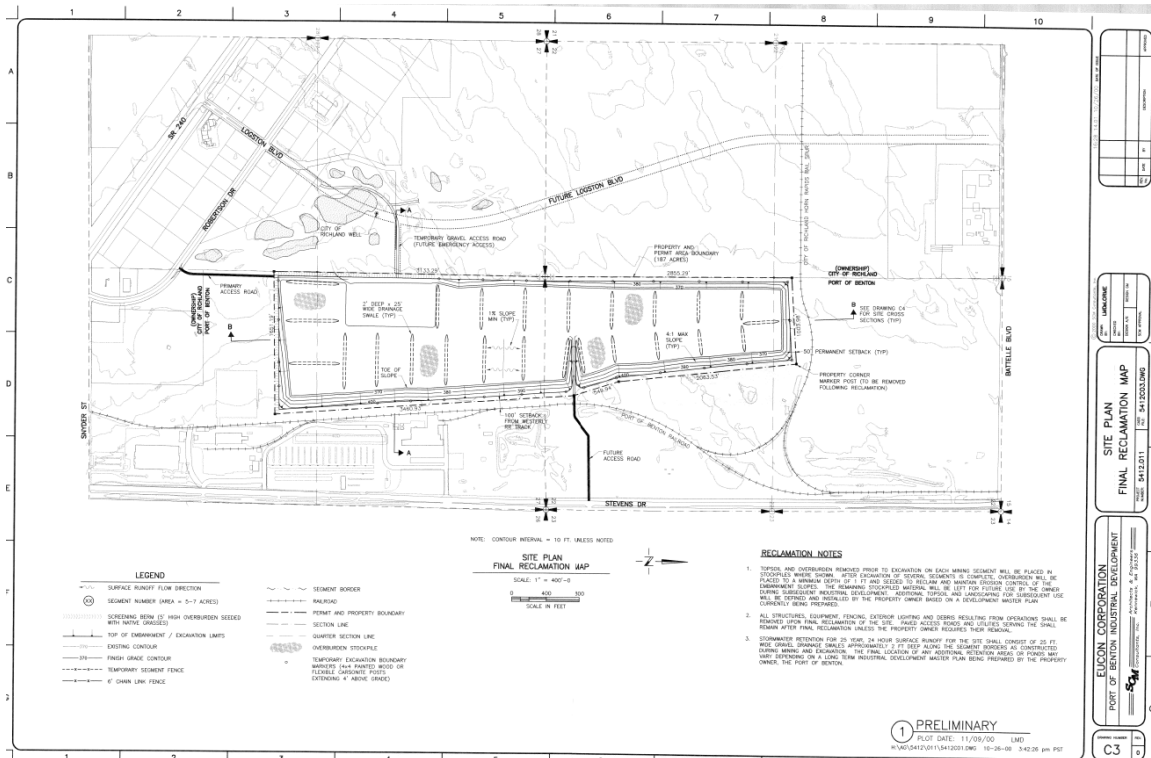
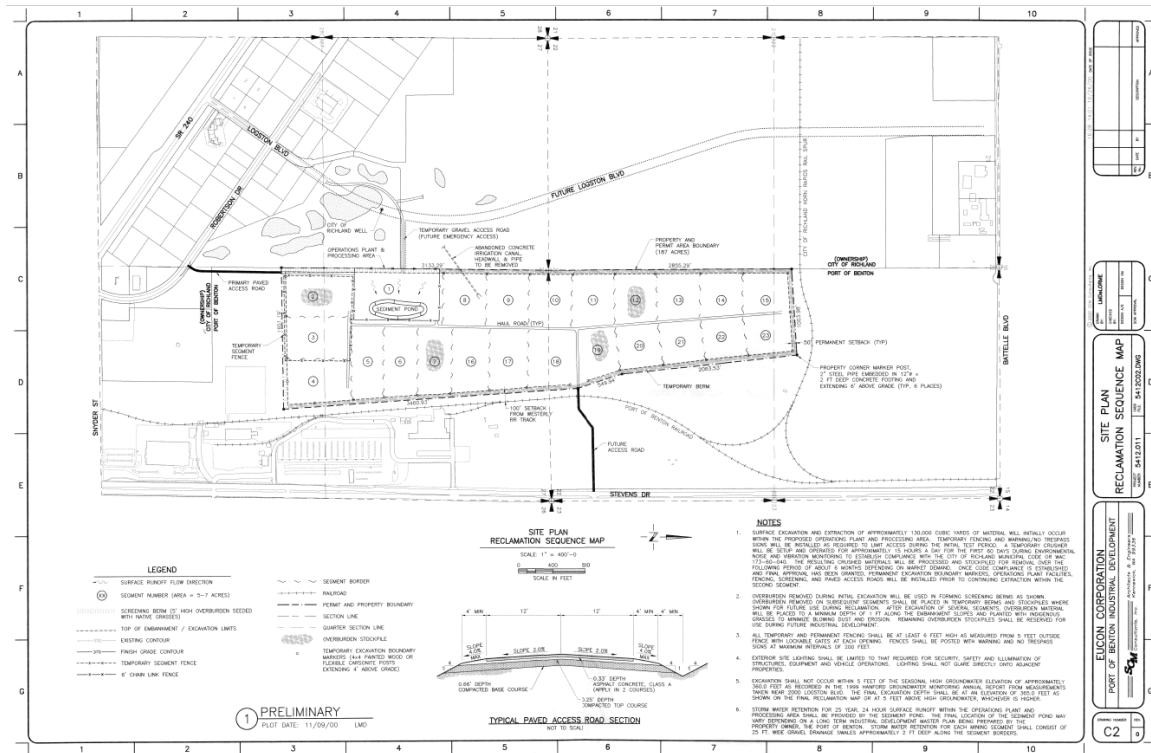


Figure 5 – DNR Approved Maps (2001)

SUP2003-101, EA5-03 and Updated DNR Review (2007 – 2008)

American Rock Products (formerly Eucon) submitted a SEPA Checklist and another Special Use Permit Application for City consideration January 16th and March 3rd, respectively, to expand their mining operation on 40-acres to the northwest of the original site. In this effort they provided updated background information related to ongoing and anticipated future operations. Of note, the applicant anticipated operating crushing/screening operations for fewer days during the year, but increasing numbers of hours each day, up to 17 hours per day. [Recall that the mining operation had noise-abatement requirements per Figure 3, that forbade more than 15 hours of daily work in the absence of a full berm.] Applicant stated that equipment sound levels “may be as high as 95 dBA, but equipment will be within the excavated or bermed area and positioned to minimize disturbance beyond the property boundaries.”

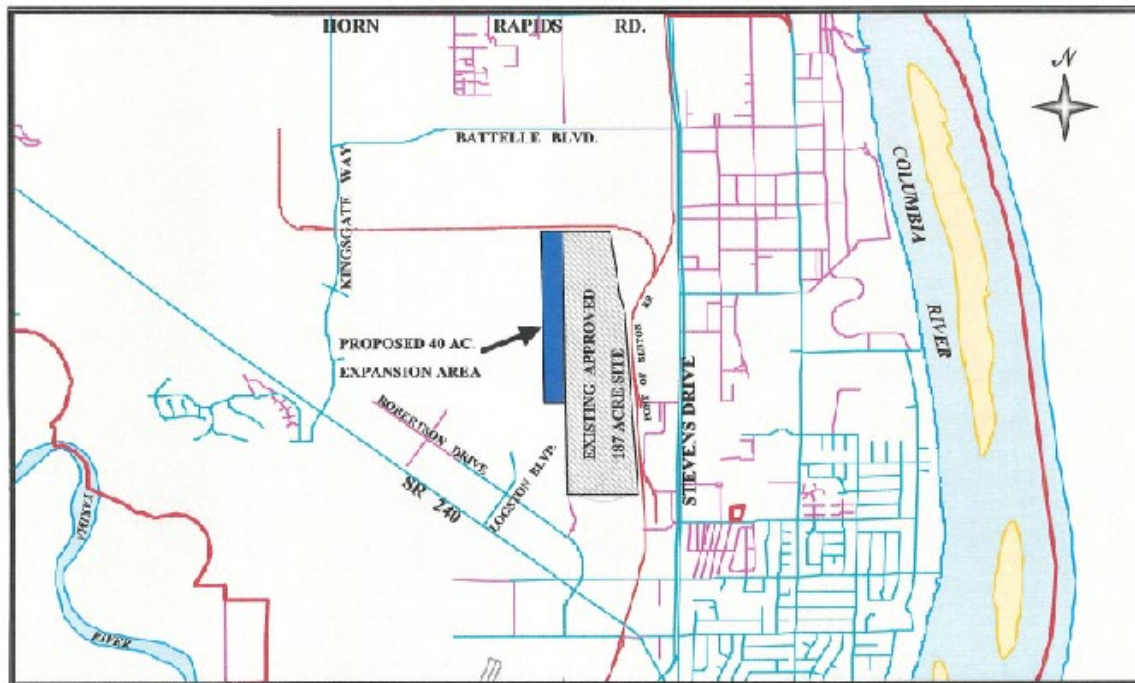


Figure 6 – 40-Acre Expansion Area

On April 9, 2003, City Staff issued a Mitigated Determination of Non-Significance on the American Rock proposal (EA5-03). The Staff Report for the Special Use Permit was issued eight days later. Staff opinion was that the new 40-acre expansion “should not significantly change the impacts that were reviewed and addressed as part of the original special use permit” and chose not to prescribe any updated conditions to their approval beyond those already laid out in 2001. At the Board of Adjustment meeting that same day, the Board concurred with the Staff Report. A Michael McKinney, representing the applicants did testify that a new Benton County Clean Air Permit would be required due to the expansion of processing facilities but not due to the 40-acre expansion.

In the follow-up DNR permits (2007 and 2008 - DNR Reclamation Permit No. 70-012968), the applicant refines methods for maintenance of the topsoil and subsoil stockpiles, to construct them at 2H:1V, cat-track them, and seed them with grass. American Rock continues, in their project narrative, gravel and screening washwater ponds would also be recipients of stored topsoil, and be future landscape areas in Port of Benton development plans. This detail was and has never been stated in any other provided documentation.

Washington State DNR formally updated their Conditions of the Permit April 8, 2008. Notable amendments or additions included the placement of metal post boundary markers per Form SM-8A requirements, allowance of five more feet of vertical excavation (operation floor still set to 365-feet above mean sea level), to 45 feet of permitted vertical excavation, the mandate to follow Best Management Practices [BMPs] regarding erosion and stormwater management, controls regarding topsoil leaving the site and importation of foreign soil, and finally, requiring final mine slopes to be no more than 2H:1V, to break up “straight or planar” slope faces. (Note: the 2008 update to Permit 70-012968 supercedes the early 2001 language). Again, new maps were updated and approved:

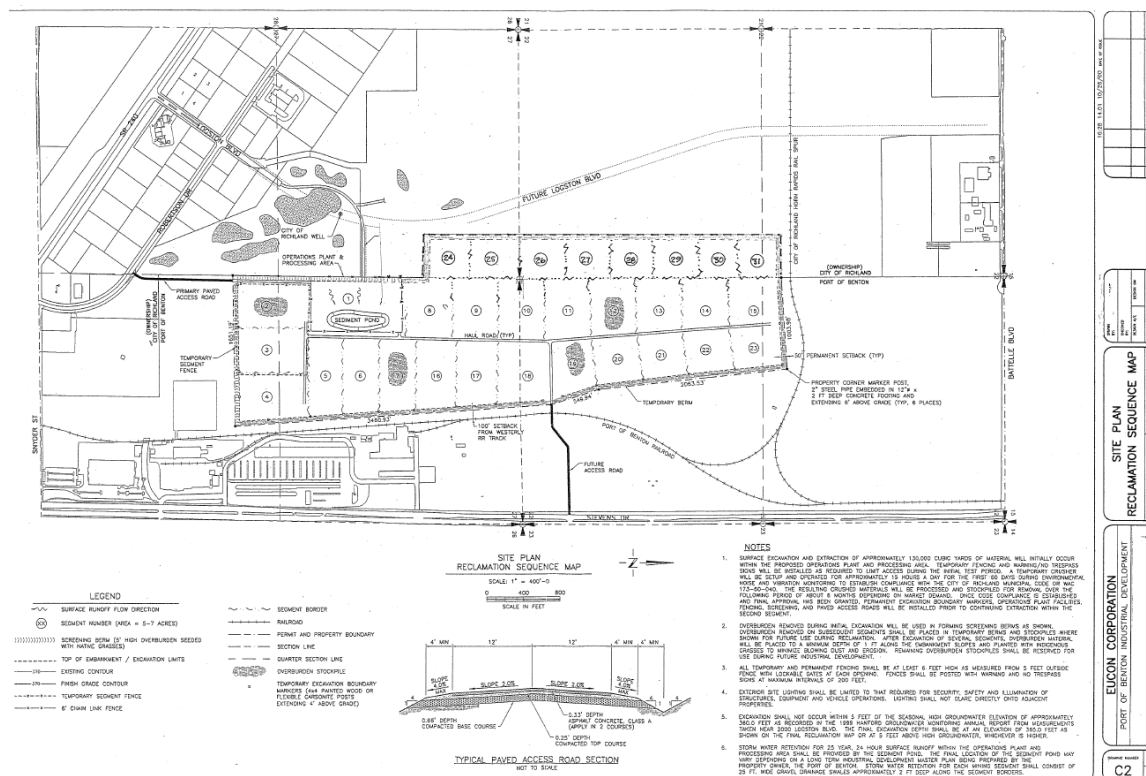


Figure 7a – DNR Approved Maps (2007)

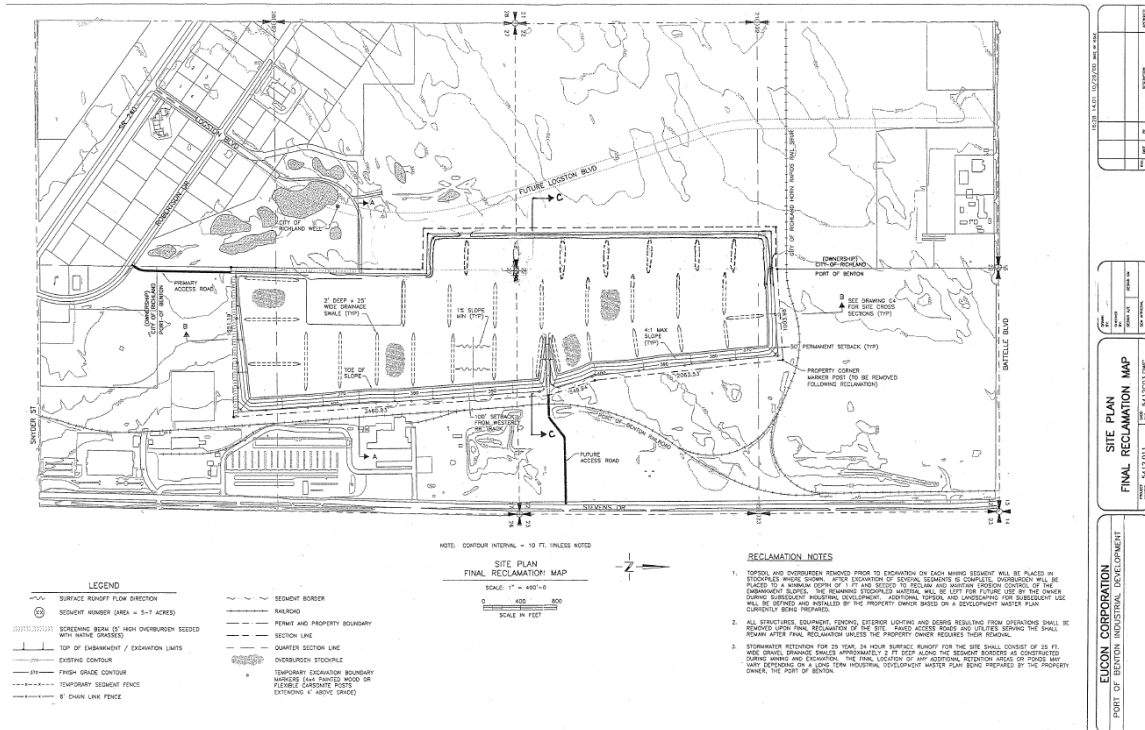


Figure 7b – DNR Approved Maps (2007)

Contract #126-04 Purchase and Sale, and, Real Estate Option Agreement (2004)

The City was the owner of the subject property permitted per SUP2003-101, and as such, would need to formally agree to sale or lease it American Rock Products. Economic Development Staff agreed on two separate vehicles to do this with American Rock Products. First, it would sell one 20-acre block to American Rock, and secondly, would set up a 10-year Real Estate Option Agreement April 26, 2004 to reserve an additional 20-acre block for expanded mining operations.

The City anticipated the construction of the Horn Rapids Rail Loop (as it exists today) and saw the mining operation as one way to level out their parcel. This, likewise, had been a consideration of the Port of Benton.

BP04-00473 American Rock Products New Office Building (2002 – 2004)

As the American Rock Products' Hanford Pit grew in size, administrative offices and garage space was required. Building permits were requested March 12th, 2004 and issued April 26th for an 8,052 square foot building.

As required by the Medium Industrial (I-M) landscape standards (RMC 23.26.060 and 23.54.160), trees would need to be planted along the building's frontage. This was anticipated as early as 2002. Figure 8 shows the proposed landscape plan. [Note north arrow in the provided plan points down – unclear why the counterintuitive choice to reverse cardinal orientation was made.] At that time American Rock Products

proposed a landscaped berm to extend along the south and west of the admin building with drainage swale to capture stormwater runoff from the building and grounds.

However, by the time of the 2004 building permits, the westerly berm had been removed along with at least one area of “low” landscaping north of the equipment storage area access driveway. City Staff approved these plans. Removing the proposed berm from the approved site plan was a violation of SUP00-102 Condition 11 requiring the site “operate with at least a partial berm” per the 2001 MFG noise compliance study and follow-up SCM letter stating work would only proceed with full and partial berms in place. Still no berm exists in that position today. Additionally, the permitted plantings north and west of the administration building are also no longer in place. It is likewise unclear if DNR and SUP00-102 (*Condition 5*) signage was installed.

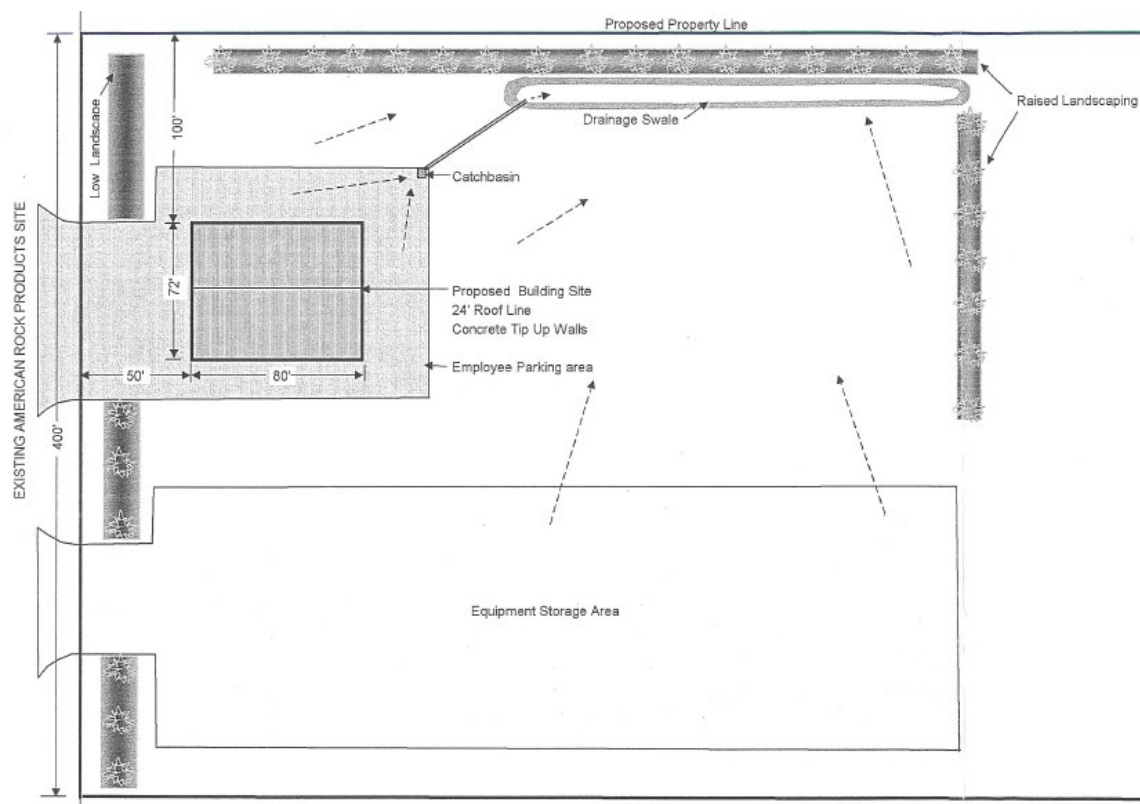


Figure 8a – Proposed Landscape Plan (2002)

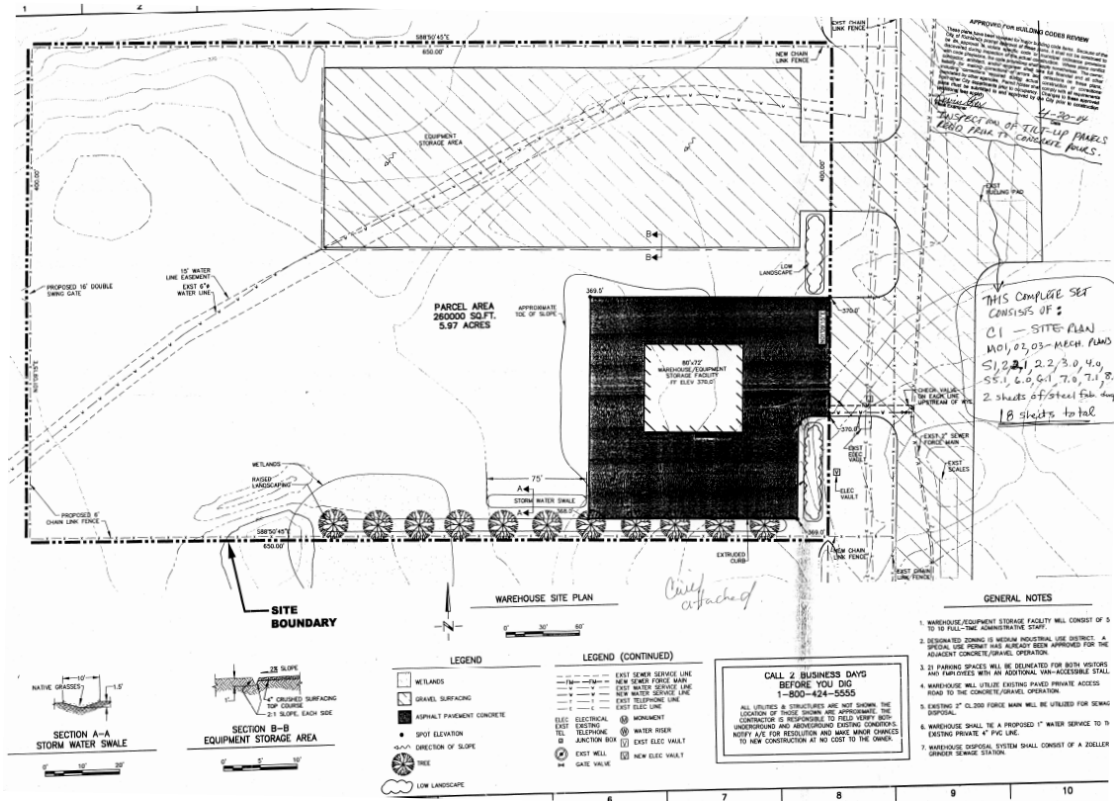


Figure 8b – Approved Landscape Plan (2004)

Communications and SUP00-102 Condition 1 (2005 – 2018)

After the 2003 Special Use Permit current Staff know of no interceding annual updates, meetings with Staff as required per SUP00-102 Condition 1, or, 5-year design and operating standard reviews required under RMC 23.42.070(G) (formerly located under another Code designation). To the knowledge of the current Staff, Eucon, American Rock Products and Port of Benton were operating in violation of Condition 1 as early as June 21, 2002. It is assumed that SUP2003-101 brought the site back into compliance with Condition 1 and reset the 5-year timer on 23.42.070(G). Condition 1 was directly reaffirmed by SUP2003-101. However, again, the site has since operated in violation of Condition 1 from April 17, 2004 through the writing of this report, and, has been in violation of RMC 23.42.070(G) since April 17, 2008, and can/should have its Special Use Permit terminated with immediate effect. One additional note for clarity: SUP2018-101 (to be discussed shortly) pertains to the future operations immediately south of Battelle Blvd. and in no way supercedes the agreements or conditions of either SUP00-102 or SUP2003-101.

To the best knowledge of current Staff and the compiled documentation at City Hall there has never been an attempt by applicant(s) to comply with Condition 1. Likewise, there is no indication that Condition 1, or RMC 23.42.070(G), has ever been enforced by the City. Per documentation, it appears only one attempt was made to execute the intent of annual contact known to Staff via an October 21, 2009 letter to Planning

Manager Rick Simon from American Rock Products' Project Engineer, Kelby Johnson. His letter has the following comments of note:

"During our initial phases of operation, we installed fencing as required around the operational areas of the site. In addition to the fencing, we also utilized installation of berms to both shield the site and to provide additional protection. We also have posted warning and trespassing signs around the site. The approach areas to our site and the more public areas around our office and operational area have all been landscaped. We monitor the condition of our access road and Robertson Road for signs of excess wear and tear, and to date have not observed any degradation of the roadway. We were required to have our operation reviewed after 5 years, that review was completed without additional conditions or comment. We actively worked with LIGO and PNNL on our operational impacts and continually update them with any changes in our plans or initiation of our crushing operations."

"We are currently working with the Port of Benton on a grading plan for the property to the south of our operation. This property will be graded and developed for future industrial or commercial use. With mining nearing completion in the area near the Port's other properties, the time is appropriate to integrate their plans with the final reclamation of the southern section of our property. A consistent and coordinated reclamation of our bordering property with the Port's grading actions will yield a much more uniform and useful area for continued development. We have been in contact with DNR and they have said they would work with us to integrate a grading plan approved by the city with our currently approved DNR reclamation plan."

Contract #138-13 Recission of Contract 126-04 (2014)

With the 10-year Real Estate Option Agreement in City Contract 126-04 soon to sunset Economic Development Staff moved to reacquire property and use rights back from American Rock Products in order to construct the Horn Rapids Rail Loop. American Rock agreed to the action and was extended by the City a "License Agreement for Mining and Removal of Aggregate" (Contract 138-13, Exhibit D, January 28, 2014).

Via the License Agreement, the City would grant mining operation use of the subject SUP2003-101/Contract 126-04 40-acre property for five additional years. This new agreement extended rights to American Rock including "right to mine, produce, store and remove aggregate materials" with some additional language not within prior agreements. Of concern within 138-13 is the City's flexibility to advance rail loop development. Once construction began, American Rock could no longer "store material within the rail loop area, and [would] be required to reclaim the ground after gravel removal in order to level the ground for use" in coordination with development efforts. Following the removal of mining material, American Rock would then be responsible "for returning the property to the condition required by any reclamation plan". *(Staff Note: 5/9/2023 correspondence with DNR representative Nicole Damer confirmed that applicant intends to remove this area from their project scope, triggering DNR reclamation procedures. Staff will monitor these improvements.)*

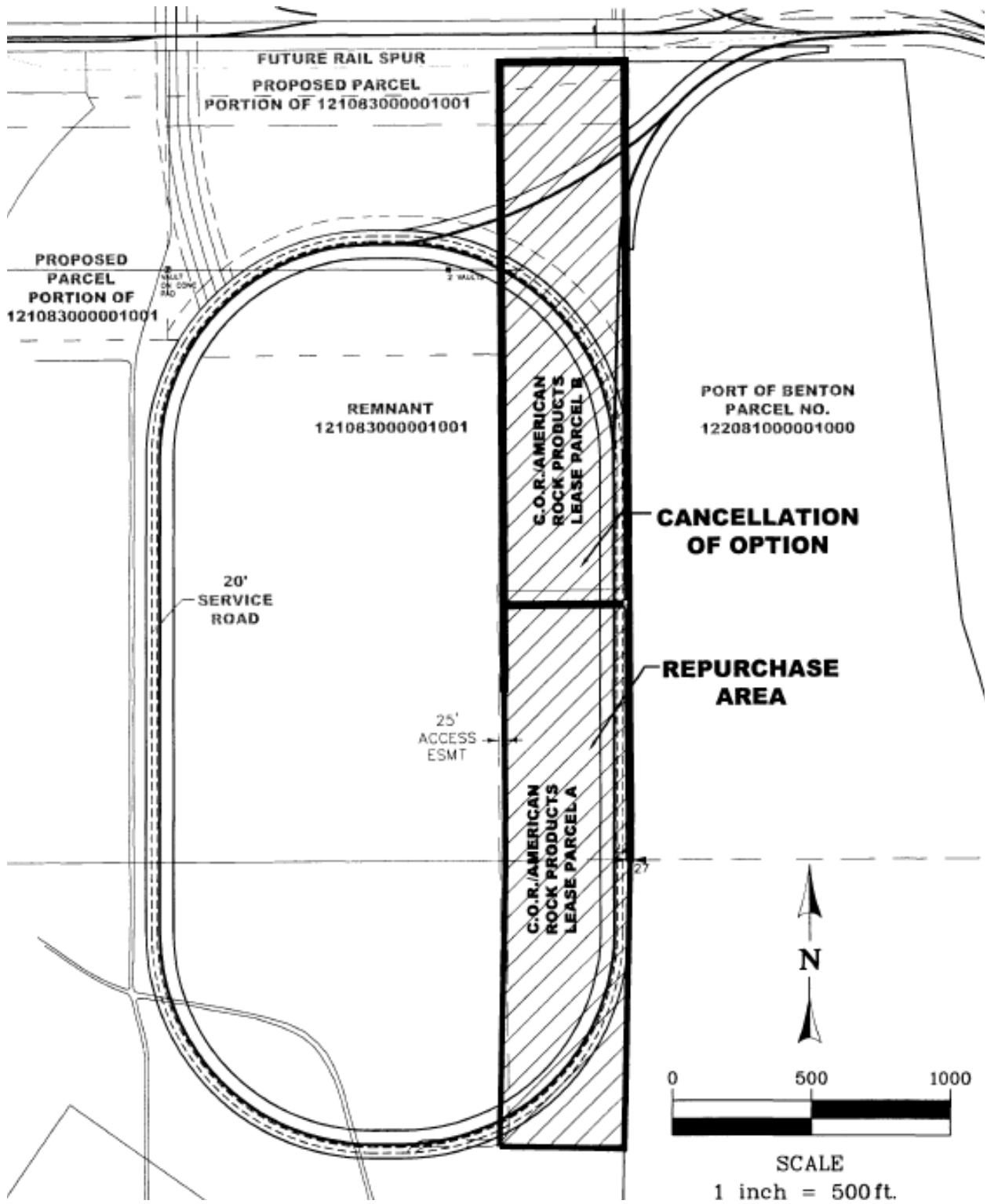


Figure 9 – Contract 138-13 Exhibit C Site Map

SUP2018-101, EA2018-116 and Updated DNR Review

In 2018, “3D Development” requested yet another expansion of the mining operation otherwise referred to as the Hanford Pit. The proposal was to expand out north to the other side of the City of Richland Industrial Rail Spur encompassing a new, 128-acre project site. The site was (and is still being) used as a storage laydown yard for the Department of Energy’s Vitrification Plant. This expansion would bring the entire operation to 227 acres in size.

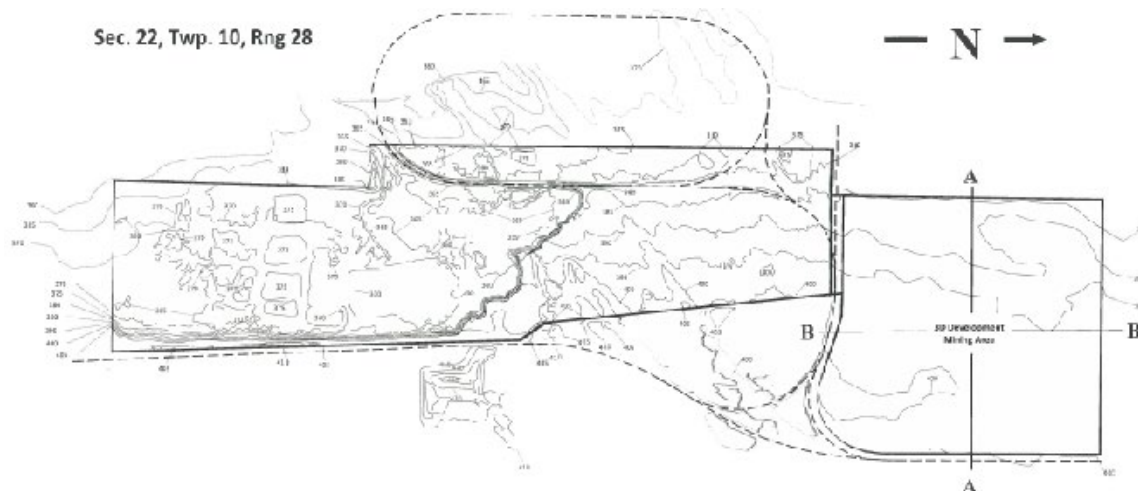


Figure 10 – Updated Site Map (2018)

On the Special Use Permit Application (not dated) “3D” indicated they would prefer “unlimited hours for crushing and screening”, at least 5:30am – 11:30pm. They also repeated the same quote included in their 2003 application, “The sound level at the equipment may be as high as 95dBA, but equipment will be excavated or bermed area and positioned to minimize disturbance beyond the property boundaries.” However, while the statement was duplicated from 2003, it was also still decoupled from the MFG/SMI documentation that required a full berm to operate overnight (10pm to 7am).

This Special Use Permit did receive comment from Attorney Colin Colverson in the Office of Chief Counsel at DOE’s Oak Ridge Office and Brian Cable, Associate General Counsel with PNNL. As had been raised with SUP00-102, concerns were expressed regarding noise, vibration, and dust, at sensitive PNNL facilities. Most of their concerns were directed at the notion of further study from a number of angles. More convincingly, they expressed reservations about operation creep, and the idea that vibration, noise, and dust which may not be an issue at startup may become an issue over time, at which point they might not have an avenue to redress mounting grievances. At the November 15th, 2018 Board of Adjustment Meeting, 3D representative Sam DeAtley testified that PNNL concerns had been addressed and read a statement to that effect. Staff do not have evidence of that communication and upon request, a representative with PNNL could not produce documentation to corroborate that claim.

The SUP2018-101 Conditions of Approval were more extensive than had originally been applied with SUP00-102 and continued with SUP2003-101. They are summarized in a condensed form below:

1. DNR Surface Mining Reclamation Permit, per RMC 23.42.070(A), is required prior to the commencement of onsite operations.
2. DNR Reclamation Plan shall be on file before commencement of onsite operations per 23.42.070(E)(1).
3. Washington State Department of Ecology Sand and Gravel General Permit required before commencement of onsite operations.
4. Washington State Department of Ecology approval for discharge of stormwater required prior to commencement of onsite operations.
5. Benton Clean Air Authority approval required prior to the commencement of onsite operations.
6. Compliance with all provisions of RMC 23.42.070 required.
7. Perimeter fencing required:
 - a. where 2.5H:1V slope exists within 50 feet of the property line
 - b. adjacent to Battelle Blvd. right-of-way
 - c. where settling pond slopes are in excess of 3H:1V
 - d. prior to work in said locations
 - e. to be constructed of solid, sight-obscuring material no less than 6-feet in height, per 23.42.070(C).
8. Warning and trespass signage required along the property every 200-feet.
9. Setback for excavation activities set at 50 feet from property lines and right-of-way.
10. Landscape plan required before excavations along Battelle Blvd.
11. Outdoor lighting required to be consistent with RMC Chapter 23.58.
12. Operations to comply with WAC 173-60-040 and RMC 23.42.070.
13. PNNL contact and consultation required to include:
 - a. PNNL notification of any mining-related impacts
 - b. Pending demonstratable impacts, applicant, City Staff, and PNNL should establish a meeting date
 - c. Following such cooperation a written agreement would be established
 - d. Following no agreement between parties, City Staff to consider new permit conditions
 - e. Further grievances to be resolved by appeal to Hearing Examiner.
14. Blasting, if ever required, to comply with 23.42.070(D)(2), with blasting plan to be first approved by PNNL representatives.
15. Mining operations required to keep public roadways free of worksite debris.
16. Applicant required to repair any public roadway damage from operations.
17. Excavation to proceed no lower than 365-feet above mean sea level.
18. All mining equipment, structures, and appurtenances to be removed following the completion of operations per RMC 23.42.070(D)(9).
19. Requiring a licensed or registered engineer or geologist report for any slope in excess of 3H:1V and Public Works' review of all slopes adjacent to Battelle Blvd, with potential new conditions to follow. NOTE: It's currently unclear if, or how many, preexisting slopes on site are in excess of 3H:1V, although the aforementioned Shannon & Wilson report (2010) described cut and fill slopes as much as 1.5H:1V.

20. Site access restricted from new area to existing site via south unless approved by City Staff via traffic studies or new conditions.
21. Reestablishes the 5-year permit review per RMC 23.42.070(G).
22. Requires crushing and batching to be restricted to the original Site permitted via SUP00-102 and SUP2003-101.
23. Does not permit access between new and old sites to take place across the City of Richland Industrial Rail Spur without Public Works' approval.

Once again, Washington State DNR issued their own conditions for the new mining expansion under Surface Mining Reclamation Permit #70-013265 (Exhibit A, Form SM-9, January 31, 2020). In the conditions DNR reaffirms the original 40-foot vertical excavation depth, where as they had used 45-feet in 2008. Also, there are fewer restrictions listed regarding post-mining slopes with the exception of the 2H:1V slope standard this time around. Natural revegetation is no longer considered to be acceptable as the sole method to maintain slope stability, contrary to the applicant's narrative. Revegetation methods must be approved by DNR prior to installation. Lastly, DNR provides the following required documents for their permitting process:

- Permit Letter
- Surface Mining Reclamation Permit (Form SM-9)
- Exhibit A, listing 11 conditions of the permit
- Standard Reclamation Plan
 - Reclamation Permit (Form SM-8A)
 - County or Municipality Approval for Surface Mining (Form SM-6)
 - Reclamation Plan Narrative
 - Reclamation Plan Maps

Staff and Applicant Communications (2018 – 2023)

Planning Manager Mike Stevens was reached for comment regarding coorespondence originating from the Port of Benton, Roger Wright, 3D Development, or American Rock Products to himself from the time of the SUP2018-101 Notice of Decision (November 16, 2018) until the submission of the SEPA Checklist for EA2023-112 (Feburary 8, 2023), and, whether any such coorespondece intended to satisfy the requirements of SUP00-102 and SUP2003-101, Condition 1, or, SUP2018-101 Condition 21, or, otherwise enshrined as 23.42.070(G). Note, the 5-year review for SUP2018-101 is due November 16, 2023. He confirmed that at no time during his tenure, or to his knowledge at any time prior to his tenure, did applicant (or applicant's predecessors) make communications to satisfy aforementioned Code requirements.

Figure 11 – Overview Table

Activity	SUP00-102	SUP2003-101	SUP2018-101	SUP2023-103
<i>Working Hours</i>	5am – 10pm ¹	17 hours a day ⁵	24 hours a day, 18 hours a day for crushing/ screening ops ⁸	Unchanged ¹²
<i>Stormwater</i>	Drainage swales, sediment ponds,	Drainage swales, sediment ponds,	No stated methods of stormwater control ⁹	Drainage swales, sediment ponds,

	lined evaporation ponds ²	lined evaporation ponds ⁶		lined evaporation ponds ¹²
<i>Sewer</i>	Portable toilets, concrete holding tanks, municipal ²	City of Richland ⁶	Portable toilets, City of Richland ⁹	City of Richland ¹²
<i>Water</i>	Municipal ²	City of Richland ⁶	City of Richland, well water ⁹	City of Richland ¹²
<i>Electric</i>	Municipal ²	City of Richland ⁶	City of Richland ⁹	City of Richland ¹²
<i>Screening/ Crushing Duration</i>	2 months per year ¹	4 – 6 weeks per year ⁵	6 weeks per year ¹⁰	6 – 8 weeks per year ¹²
<i>Dust Control</i>	Water trucks and sprinklers ²	Bag houses, water, dust palliatives, and haul road paving ⁶	Water spray, water on haul roads, dust palliatives ⁸	Watering, dust palliatives, and reduced truck speeds ¹²
<i>Wind Erosion</i>	Sprinklers ²	Sprinklers, vegetation ⁶	Water truck, establishing vegetation, other soil stabilization ⁹	Water truck ¹²
<i>Max. Slopes</i>	4H:1V ³	“Near vertical”, backfilled to 2H:1V ⁷	1.5H:1V ⁹	3H:1V ¹²
<i>Truck Trips</i>	200 per day ⁴	200 – 400 per day ⁶	Not discussed	Unchanged ¹²
<i>Required Approvals</i>	DNR Reclamation Permit, BCAA, DOE Water Quality Permit ⁴	DNR Reclamation Permit, DOE Sand Gravel General Permit, BCAA, City of Richland Special Use Permit ⁷	DNR Reclamation Permit, DOE Sand Gravel General Permit, BCAA, City of Richland Special Use Permit ¹¹	Unchanged ¹²

Sources

1. Special Use Permit Application, 11/20/2000
2. EA30-00 SEPA Checklist, 11/13/2000
3. Port of Benton Industrial Development Property, Eucon Corporation Proposal For Mining, Concrete, and Asphalt Batching, 12/14/2000
4. SUP00-102 Staff Report, Jeff Rolph, 12/20/2000
5. Special Use Permit Application, 3/3/2003
6. EA5-03 SEPA Checklist, 1/16/2003
7. Washington State DNR, Form SM-8A, 10/29/2007
8. SUP2018-101 Application
9. EA2018-116 SEPA Checklist, 4/9/2018
10. SUP2018-101 Staff Report, 11/15/2018
11. EA2018-116 SEPA Checklist, 4/9/2018, and, Notice of Decision, 11/16/2018
12. EA2023-112 SEPA Checklist

The above table (Figure 11) was produced by Staff to briefly summarize basic information across applications across the lifespan of site activities. With the history of the site in place, Staff would now like to explore contemporary issues, the current context for this project, and provide analysis.

CURRENT LAND USE DESIGNATION AND USES :

North: IND (Industrial), railway corridor

East: IND (Industrial), railway corridor

South: IND (Industrial), vacant

West: IND (Industrial), railway or roadway corridor

**Land Use
Map**

Item: 2850 Hagen Road
Applicant: Roger Wright, Port of Benton
File #: SUP2023-103, EA2023-112

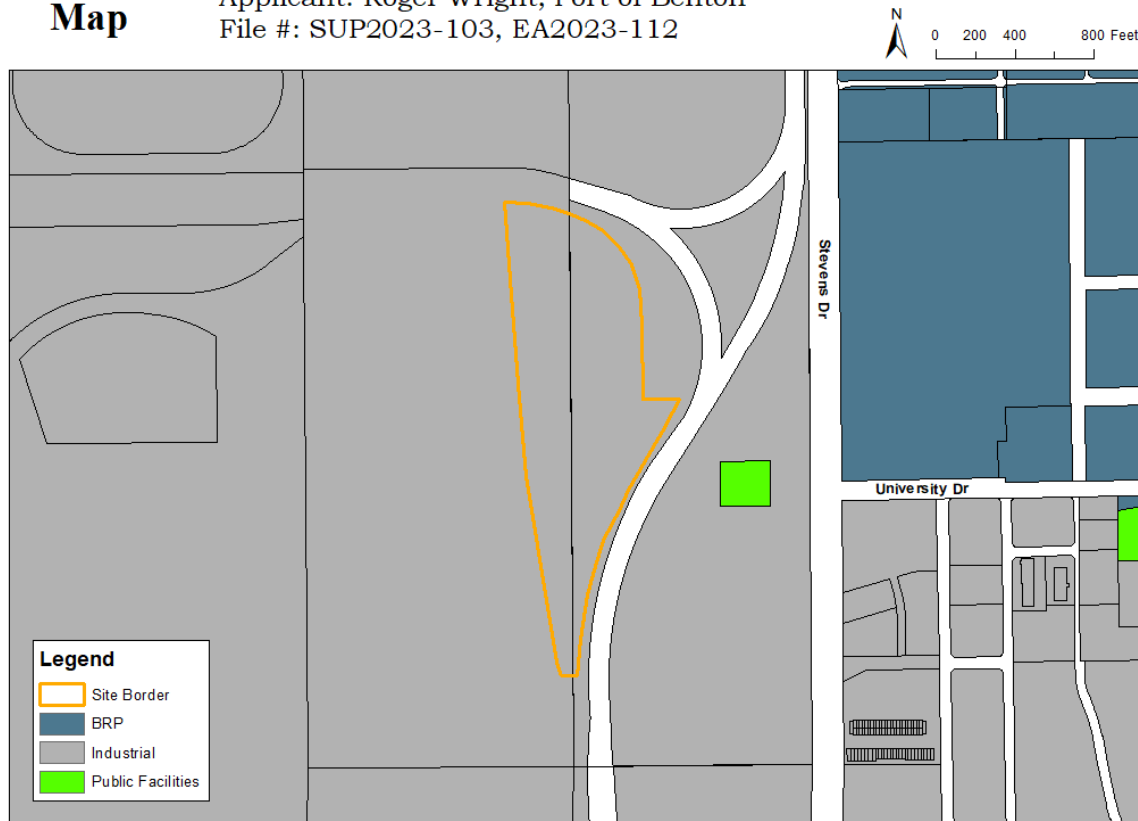


Figure 12 – Comprehensive Plan Land Use Map

COMPREHENSIVE PLAN

As illustrated in Figure 12 (above), Richland's Comprehensive Plan designates the site for Industrial (IND) land use (RMC 23.26).

Applicable Goals & Policies

Provided below is a set of Comprehensive Plan goals & policies which are particularly applicable to the subject proposal.

Economic Development Goal 1: Build the diversity, resiliency, and equity of the City's economy to ensure opportunities for growth and shared prosperity.

Policy 1: Support the growth of a balanced mix of companies in the following sectors: high technology, professional service, personal service, retail trade, agricultural processing, energy industries, manufacturing, and tourism.

Land Use Goal 8: Address unique land use situations in the urban area with policies specific to those situations that ensure compatibility between land uses without infringing on private property rights.

Policy 5: Define and identify mineral resource lands located within its boundaries that are not already compromised by on-site, immediate, or adjacent urban growth and that have long-term significance for the extraction of minerals on a commercially-viable basis.

CURRENT ZONING

The subject site is zoned I-M, medium industrial use district. Surrounding parcels are zoned as follows:

North: I-M, medium industrial use district

East: I-M, medium industrial use district

South: I-M, medium industrial use district

West: I-M, medium industrial use district

Zoning Map

Item: 2850 Hagen Road
Applicant: Roger Wright, Port of Benton
File #: SUP2023-103, EA2023-112

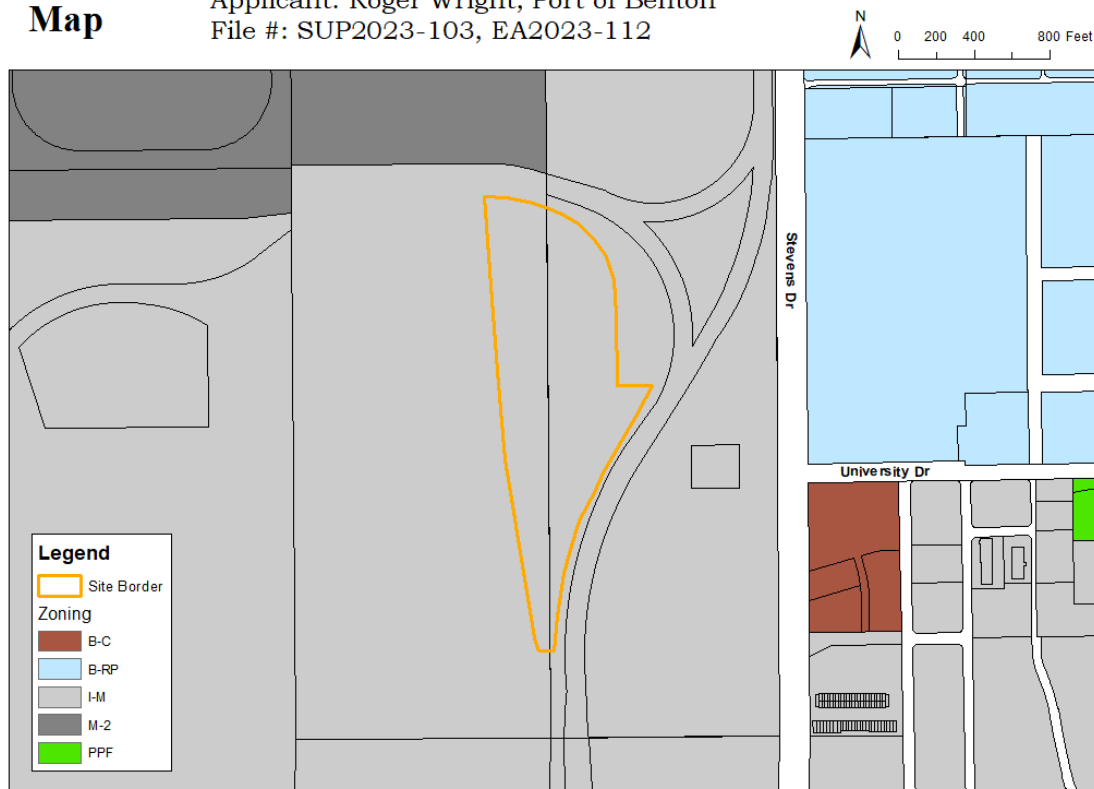


Figure 13 – Zoning Map

The medium industrial use district (I-M) is a zone providing for limited manufacturing, assembly, warehousing and distribution operations and retail and wholesale sales of products manufactured on the premises or products allied thereto; and administrative and research and development facilities for science-related activities and commercial

uses that are supportive and compatible with other uses allowed in the district. Regulations are intended to prevent frictions between uses within the district, and also to protect nearby residential districts. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan (RMC 23.26.010(A)).

RMC Section 23.26.020 has a dedicated set of standards and requirements applicable to all projects in industrial use districts:

23.26.020 Industrial performance standards and special requirements.

A. I-M – Medium Industrial and M-2 – Heavy Manufacturing. The maximum permissible limits of the detrimental effects specified in this chapter shall be as defined in this section:

1. Smoke. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringlemann Chart as published by the U.S. Bureau of Mines is prohibited, except that Ringlemann No. 3 will be permitted for three minutes during any eight-hour period for the purpose of building fires or soot blowing.

2. Dust and Other Particulate Matter. The total net rate of emission from all sources within the boundaries of a lot in the I-M or M-2 district shall not exceed one pound per acre of lot area during any one hour. The emission from all sources within any lot area of particulate matter containing more than 10 percent by weight of particles having a diameter larger than 44 microns is prohibited. Dust and other types of air pollution carried by a wind from such sources as storage yards, piled materials, yards, roads, etc., shall be included in particulate matter measurements and limitations, and shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling, sprinkling, or other acceptable means. Measurements shall be taken at the source of the emission.

3. Method of Measuring Emission of Particulate Matter from All Sources. Determination of the total net rate of emission of all particulate matter within the boundaries of any lot shall be made as follows:

- a. Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross hourly rate of emission in pounds per acre.
- b. For each gross hourly rate of emission, deduct the height of emission correction factor from the following table, interpolating as necessary for heights not given:

ALLOWANCE FOR HEIGHT OF EMISSION

Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre
50	0.01
100	0.06
150	0.10

ALLOWANCE FOR HEIGHT OF EMISSION

Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre
200	0.16
300	0.30
400	0.50

The result is the net hourly rate of emission in pounds per acre from each source of emission.

Adding together individual net rates of emission gives the total net rate of emission from all sources of emission within the boundaries of the lot.

4. Noise. In the I-M and M-2 districts, the sound pressure level resulting from any activity shall not exceed the maximum decibel level set forth in Chapter 173-60 WAC, Maximum Environmental Noise Levels for Class C Industrial Zones.

5. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.

6. Odor. All measurements of odor for purposes of this standard shall be made according to the "dilution method" as prescribed in ASTM D1391-57. The following odor restrictions apply to this medium industrial use district:

a. At the district boundary, the odor from any source within the district must not exceed one odor unit per cubic foot, as measured by the procedures in ASTM D1391-57.

b. Within the district, the odor from any source within a given property or lot must not exceed 10 odor units per cubic foot at the boundary of the property, again measured by the procedures in ASTM D1391-57, except that uses existing prior to the effective date of the ordinance codified in this chapter shall be required to comply with only this subsection (A)(6)(b).

For the purposes of estimating the dilution of odors by the atmosphere between their point of origin and either the property boundary or the district boundary, the method of Pasquill ("The Estimation of the Dispersion of Windborne Material," Meteorol. Mag., 90, 1063, 33-49, 1961) as modified by Gifford ("Uses of Routine Meteorological Observations for Estimating Atmospheric Dispersion," Nuclear Safety, 2, 47-51, 1961) shall be used.

The atmospheric conditions to be assumed for this calculation are:

- i. Stability Category F, moderately stable air;
- ii. Surface wind speed of one meter/second (about two mph).

A procedure and necessary graphs for making this estimate are given in D. Bruce Turner's "Workbook of Atmospheric Dispersion Estimates," Dept. HEW, Environmental Health Series, Public Health Service Publication No. 999-AP-26, Revised 1969.

7. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property.

8. Heat, Glare and Humidity (Steam). In the I-M or M-2 districts any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the I-M or M-2 district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the I-M or M-2 district.

9. Industrial Wastes. The disposal of industrial wastes shall be subject to the regulations of the state Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

10. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland.

I-M DIMENSIONAL STANDARDS

The following standards apply in the I-M zone per RMC 23.26.040:

Minimum Lot Area Requirement	None
Minimum Front Yard Setback	0 feet ¹
Minimum Side Yard Setback	None
Minimum Rear Yard Setback	None
Maximum Building Height – Main Building	55 feet ²

1. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
2. Except as otherwise provided in this section, the maximum building height in the I-M district shall be 55 feet:
 - a. Any building or structure located within 300 feet of any residential use district shall be limited to 24 feet in height.
 - b. Any building further than 300 feet but less than 600 feet from districts described in note (2)(a) of this section shall not exceed 55 feet in height.
 - c. Except as provided in notes (2)(a) and (b) of this section, buildings may exceed the maximum height in accordance with the provisions of RMC 23.38.090.

Staff acknowledge that contemporary state standards will likely exceed those currently adopted within the Richland Municipal Code. Staff will include a recommended Condition of Approval that directs the applicant to follow all applicable standards as set by 23.26.020. That aside, the Code also includes language specific to extraction operations included by this proposal. Those are included, below, as referenced by the table in RMC 23.26.030 Industrial use districts permitted land uses, Footnote 7:

23.42.070 Excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits.

The excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits, when such use is specifically permitted as a special use in the use district or when the site is identified as mineral resource land by the comprehensive plan, may be permitted; provided, that the following requirements are met:

A. No extractive operation shall commence until the applicant submits evidence from the State of Washington Department of Natural Resources that a permit and reclamation plan have been approved. All extractive operations approved under this chapter shall be carried out in strict conformance with the requirements of this section and the Washington State Surface Mining Reclamation Act (Chapter 78.44 RCW).

B. The applicant shall submit the following information for review:

1. A site plan and vicinity plan showing the location of the proposed site, access and haul roads, zoning of the proposed site and its relationship to the surrounding property and use districts.
2. A reclamation plan, showing the extent of the proposed excavation and supplying detailed plans for grading and planting after the excavation is finished. Drawings or maps that are part of the reclamation plan shall be drawn at a scale of not larger than 50 feet or smaller than 100 feet to one inch.
3. A site plan that demonstrates compliance with design standards of subsection (C) of this section.
4. An operations plan that demonstrates compliance with operating standards of subsection (D) of this section.
5. A report prepared by a licensed or registered professional engineer or geologist that contains data regarding the nature, type, distribution and strength of materials, slope stability and erosion potential, and evidence that demonstrates that the site contains material of a commercial quality and quantity.
6. A report prepared by a transportation engineer that demonstrates that surrounding streets are suitable in consideration of existing and projected traffic volumes, the type and nature of existing traffic, and the condition of the streets.

C. Design Standards. No permit shall be issued unless the following standards are satisfied before granting a special use permit or demonstrated that the standards can be satisfied with conditions of approval.

1. The minimum site area of an extractive operation shall be 10 acres.

2. Extractive operations on sites larger than 20 acres shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process.
 3. Fences shall be provided in a manner which discourages access to safety hazards which may arise on areas of the site where:
 - a. Active extracting, processing, stockpiling, and loading of materials is occurring;
 - b. Boundaries are in common with residential or commercial zoned property or public lands;
 - c. Any unstable slope or any slope exceeding a grade of 40 percent (2.5 H:1 V) is present; or
 - d. Any settling pond or other stormwater facility with side slopes exceeding 3 H:1 V is present.
 4. All fences shall be at least six feet in height above grade measured at point five feet from the outside of the fence, installed with lockable gates at all openings and entrances, with no more than four inches from the ground to the fence bottom, and maintained in good repair.
 5. Warning and trespass signs advising of the extractive operation shall be placed on the perimeter of the site at intervals no greater than 200 feet.
 6. Setbacks for the edge of any excavation, building, or structure used in the processing of materials shall be no closer to property lines than the following standards:
 - a. One hundred feet from any residentially zoned properties.
 - b. Fifty feet from any other zoned property, except when adjacent to another extractive site.
 - c. Fifty feet from any public street.
 7. Setbacks for offices and equipment storage buildings shall not be closer than 20 feet from any property line except when adjacent to another extractive site. Scale facilities and stockpiles shall not be closer than 50 feet from any property line except when adjacent to another extractive site.
 8. No clearing, grading, or excavation, excluding that necessary for roadway or storm drainage facility construction or activities pursuant to an approved reclamation plan, shall be permitted within 20 feet of any property line except along any portion of the perimeter adjacent to another extractive operation.
 9. Landscaping designed and intended to screen operations from view is required around the perimeter of the site adjacent to a public street or residential or commercial zoned property. Landscaping shall be provided with an automatic irrigation system unless a landscape architect certifies that plants will survive without irrigation.
 10. Lighting shall be limited to that required for security, lighting of structures and equipment, and vehicle operations, and shall not directly glare onto surrounding properties.
- D. Operating Standards. No permit shall be issued unless the following standards can be satisfied before granting a special use permit or demonstrated that the standards can be satisfied with conditions of approval.

1. Noise levels produced by an extractive operation shall not exceed levels specified by the Richland Municipal Code or WAC 173-60-040, Maximum Permissible Environmental Noise Levels, for noise originating in a class C-EDNA (industrial area).
2. Blasting shall be conducted under a blasting plan approved by the city, consistent with industry standards, during daylight hours, and according to a time schedule provided to residents and business located within one-half mile of the site.
3. Dust and smoke produced by extractive operations shall be controlled by watering of the site and equipment or other methods required to satisfy the Benton Clean Air Authority and which will not substantially increase the existing levels of suspended particulates at the perimeter of the site.
4. The applicant shall provide measures to prevent transport of rocks, dirt, and mud from trucks onto public roadways.
5. Traffic control measures such as flaggers or warning signs shall be provided by the applicant during all hours of operation.
6. The applicant shall be responsible for cleaning of debris or repairing of damage to roadways caused by the operation.
7. Surface water and site discharges shall comply with state requirements.
8. Excavation shall not occur below the contours identified on the site plan or within five feet of the seasonal water table, whichever is reached first.
9. Upon depletion of mineral resources or abandonment of the site, all structures, equipment, and appurtenances accessory to the operations shall be removed.
10. Failure to comply with the conditions of this section shall require modifications of operations, procedures, or equipment until such compliance is demonstrated to the satisfaction of the administrative official or, if referred by the administrative official, to the satisfaction of the hearing body. Such modifications may require a permit modification if they are inconsistent with the approved permit conditions.

E. Reclamation.

1. A valid clearing and grading permit shall be maintained throughout the reclamation of the site required pursuant to Chapter 78.44 RCW.
2. No extractive operations shall commence until a reclamation plan approved pursuant to the requirements of RCW 78.44.090 shall be submitted to the city.
3. Reclamation plans shall require:
 - a. The removal of all buildings, structures, apparatus, or appurtenances accessory to the extractive operations.
 - b. Final grades suitable for uses permitted within the underlying zoning district.
 - c. No less than one foot of topsoil shall be returned to the surface of the land, with the exception of roads.

d. The site shall be planted with indigenous plants, such as grasses and shrubs, which shall be maintained to minimize blowing dust.

e. Graded or backfilled areas shall be reclaimed in a manner that will not allow water to collect and permit stagnant water to remain.

f. Waste or soil piles shall be leveled and the area treated with surfacing and planting as required by this subsection.

F. Financial Guarantees. The city may require a financial guarantee when it determines it necessary to assure that all conditions of approval, design standards, and operating standards will be satisfied. The financial guarantee may apply to installation of landscaping for screening, fencing, dust suppression, or any other reasonable purpose as determined necessary by the city to enforce the requirements of this chapter.

G. Permit Review. All extractive and processing operations shall be subject to a review of site design and operating standards at five-year intervals. The review shall be conducted by the administrative official and shall include a written decision containing facts, findings and conclusions supporting the decision, demonstrating compliance with the terms and conditions of the decision granting the special use permit. The administrative official may determine that:

1. The site is operating consistent with all existing permit conditions; or
2. The most current site design and operating standards should be applied to the site through additional or revised permit conditions. Additional or revised conditions necessary to mitigate identifiable environmental impacts to be applied to the site through additional or revised permit conditions shall be identified. The administrative official shall mail a copy of the written decision to the applicant or operator, if a separate party.

H. Any permit issued under this section may be terminated if provisions of this section are not met or if substantial evidence indicates that mining operations are causing or continuation of operations would cause significant adverse impacts to water quality or to the geo-hydraulic functioning of water resources in the vicinity.

I. Any portion of a larger site designated by the Richland comprehensive plan as mineral lands of long-term commercial significance shall be protected against any new incompatible on-site or adjacent uses, or any change in zoning status or restrictions, at such time as any landowner or mineral rights owner applies for and is granted a special use permit under the provisions of this section. For purposes of meeting the requirements of RMC 19.30.020, the mineral rights holder shall be required to prove exclusive ownership of the subject mineral interest and control of the surface for mining purposes.

Staff will provide analysis of this proposal alongside the language of 23.42.070 shortly.

UTILITY AVAILABILITY

There are existing sewer, water, natural gas, fiber, stormwater and electric connections in place, available within existing rights-of-way near the site with adequate capacity to supply the proposed project, if required.

Utility Map

Item: 2850 Hagen Road
Applicant: Roger Wright, Port of Benton
File #: SUP2023-103, EA2023-112

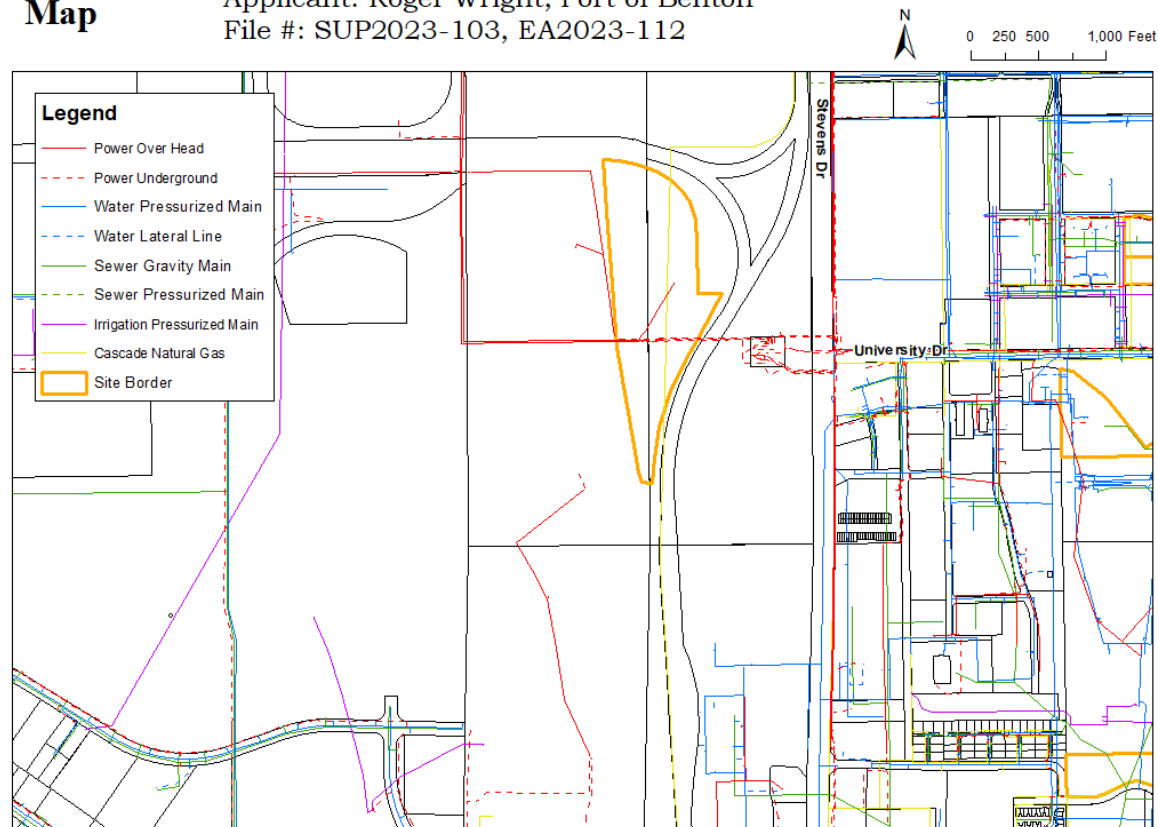


Figure 14 – Utilities Map

Sewer

A 1.5-inch force, pressurized main does exist at the American Rock Products' Hagen Road entrance as well as 12-inch gravity mains stubbed north and east under the Hagen Road/Logan Street intersection. The main administrative building on site is connected to City sewer though portable toilet facilities are in place in more remote area of the site.

Water

A 2-inch domestic line with meter does exist at the American Rock Products' Hagen Road entrance as well as 12-inch distribution mains stubbed north and east under the Hagen Road/Logan Street intersection. The main administrative building is connected to City water. Other water usage is brought in from a nearby City well. See below, "Irrigation".

Irrigation

There is a City of Richland wellhead that serves up to 10,000 gallons of water per day to the American Rock Product property. A letter from City or Richland Public Works' engineer Pete Rogalsky January 18, 2001 noted the following: "[The American Rock Products worksite] is located within the City's Wellhead Protection Area and is within an estimated five-year time of travel to domestic water sources. However, we do not anticipate that Eucon's operation will impact the groundwater or the City's drinking water sources." A follow-up phone call by Staff to Mr. Rogalsky April 21st, 2023 confirmed that Public Works' stance has not changed. The use of 10,000 gallons of water dispersed across the Hanford Pit site is not anticipated to have a negative impact on well water quality, on other nearby monitored wells, or, on the height of the water table in the area.

Applicant is permitted a well and water right per State of Washington Department of Ecology "Permit to Appropriate Public Waters of the State of Washington" G4-29925. The original permit allows the use of the well for "continuous industrial use". The City has recorded a number of easements with Benton County to ensure public access to the wells. Finally, the City's Public Works Director reviews the American Rock Product (mining) operations on a 5-year cycle and monitors the well as formalized in City Contract Number 126-04, Exhibit D, "Water Usage Agreement (April 19, 2004). Public Works staff confirmed the active status of the permit, and that water usage at the well is within permit limits.

Stormwater

There are dedicated stormwater ditches along Hagen and Logan rights-of-way per City specifications in this area. No on-site stormwater facilities are identified on City maps. Stormwater facilities, to include onsite swales, retention ponds, and lined detention ponds were required per original permitting and Washington State DNR Form SM-8A. The onsite assets are required to have fencing in certain conditions. The maintenance, much less the efficacy or continued existence of these onsite facilities is not known and has not recently been described in any detail.

Power

The site access to electric power via a number of different sources. The supply for the bulk of onsite operations comes from an overhead primary conductor that originates in the main building and goes north. More power is routed east-to-west across the site connecting areas to either side, providing power for a wireless facility on site. The applicant is working with City Staff to move power and easements as site development continues and will leave power in place until such time as it is necessary for assets to be moved, removed, or relinquished. The lease on the wireless facility is up in 2025 and the Port of Benton indicates that they will not be extending that lease. Until that time work on the site will proceed around that use. Follow-up conversations with Energy Services Staff suggest movement of overhead lines or movement/relinquishment of energy-related easements can proceed as required by mining operations. Staff do not anticipate complications or hardships associated with the applicant's proposal.

Natural Gas

With the submitted SEPA Checklist (EA2023-112) the applicant stated, “The only known hazard on the site is an existing natural gas pipeline that is located adjacent but to the east of the proposed work area.” As shown in Figure 14, the 6-inch Cascade Natural Gas Company [CNGC] high-pressure main lies within site Phases 19 and 20. Staff consulted with CNGC Field Operations Coordinator Alan Nelson and sought comment (Exhibit 6). Alan spoke with applicant representatives about the nature of work and provided preliminary language for Staff to use in drafting a recommended Condition of Approval requiring mining operations to proceed no closer than 25-feet of the gas main.

Elevation Map

Item: 2850 Hagen Road
Applicant: Roger Wright, Port of Benton
File #: SUP2023-103, EA2023-112

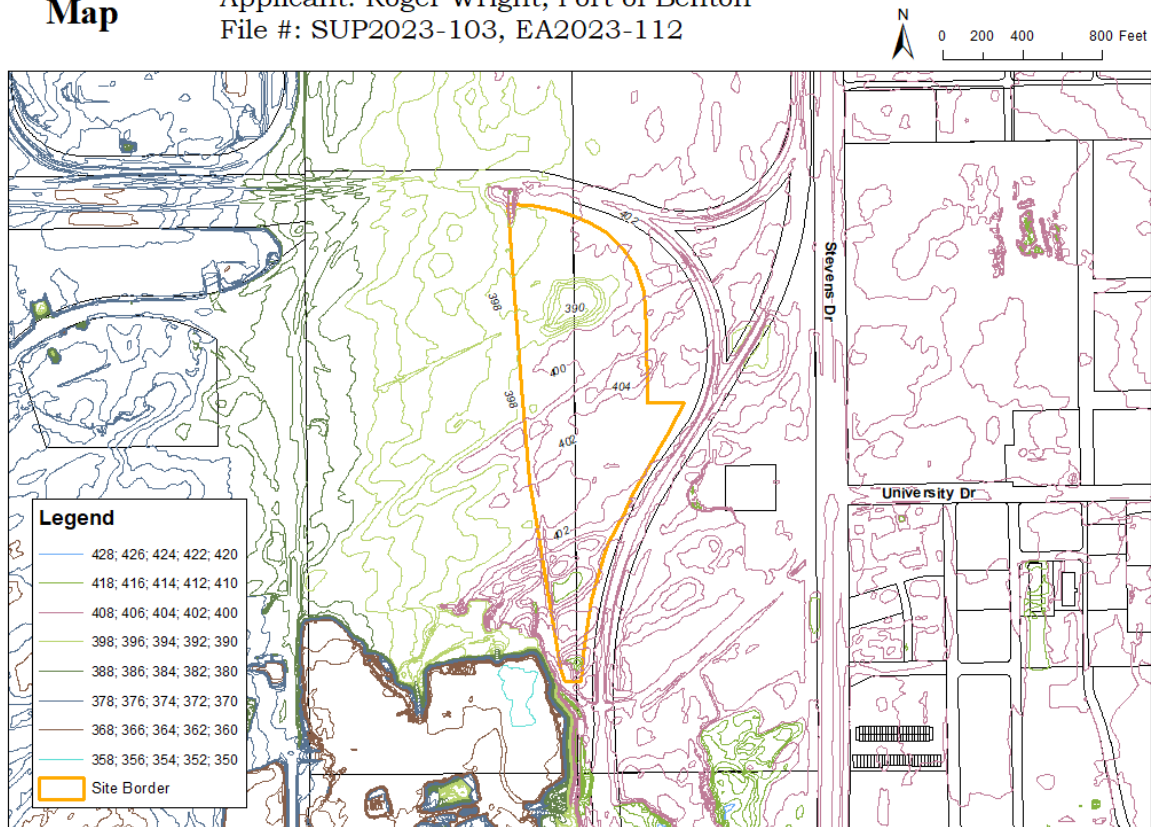


Figure 15 – Elevation Map

TRANSPORTATION & ACCESS

Primary access into the site will come from the American Rock Product entrance on Hagen Road, 1,500 feet north of the intersection of Hagen and Robertson Drive. Hagen Road is classified by the City as a “Major Collector”.

With wetlands to the west and former or current large scale industrial projects to the east, Hagen Road has few encumbrances to traffic movements back to SR 240. Highway 240 likewise provides ample regional access.

Sidewalks and on-street bicycle lanes are not amenities included within the Hagen Road right-of-way in immediate proximity to the site, though sidewalks are in place along the west of Hagen south of Robertson Drive. Public transportation via Ben Franklin Transit [BFT] is not within proximity to the subject site.

Parking

Applicant's proposal for expansion will be for the sake of maintaining existing operational levels, not to increase staff on site. No additional parking is anticipated as associated with this proposal. Planning understands that parking onsite is and will be sufficient for staffing levels as a result of the expansion with this proposal.

Transportation Map Item: 2850 Hagen Road
Applicant: Roger Wright, Port of Benton
File #: SUP2023-103, EA2023-112



Figure 16 – Transportation Map

EASEMENTS

A number of easements encumber the property as called out in the Applicant-supplied site plans and as historically detailed by Schedule B within the provided Title Report. The main driveway entrance from Hagen Road is sixty (60) feet in width until such a point it meets potential future extension of Logan Street. A 40-foot access easement runs along the west side of the aggregate site to the north. A handful of electric and other utility easements cut east-to-west across the site and a fiber, access and electric easements are in place for the sake of a wireless facility

leased by the Port of Benton. Applicant anticipates the removal of that facility at the end of its lease.

FIRE SAFETY

The City of Richland Fire Department will provide fire protection services to the subject property and resulting development. A number of hydrants at prescribed distances are in place along Hagen and Logan rights-of-way. The closest hydrant to the work site is, however, on the opposite side of railroad corridor to the northwest of the project area. No ready access of water for emergency services appears to be readily available to the project work area. No comment by the City Fire Marshal was provided in response to this item.

SCHOOLS

The plat falls within the boundaries of the Richland School District. There are no primary or secondary educational institutions within close proximity of the subject site.

PARKS

The nearest park amenity is the Horn Rapids Athletic Complex some 2,200-feet to the south of the American Rock Products' entrance on Hagen Road.

SEPA

A SEPA checklist addressing potential impacts of the proposed use was included in along with the special use permit application. On May 1, 2023 staff issued a Determination of Non-Significance (DNS) on EA2023-112 (*Exhibit 4*) using the Optional DNS process available under the provisions of WAC 197-11-355.

Critical Areas

The subject site does lie within a 10-year aquifer recharge area. Throughout original and subsequent permits, City Staff have not identified or recorded concerns regarding the mining operation's impact on City well sites or the aquifer at large.

Floodplains

The subject site is outside of the jurisdiction of identified FEMA 100-year floodplains.

Shoreline Master Program

The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.

AGENCY COMMENTS

A variety of public agencies and City departments were given an opportunity to comment on the proposal. Copies of all agency comments received by the City are included as *Exhibit 6*.

PUBLIC COMMENTS

Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. The City has received no public comment.

PUBLIC NOTICE

Application Complete Date:	March 27, 2023
Combined Notice of Hearing/Optional DNS Mailed:	April 5, 2023
Combined Notice of Hearing/Optional DNS Posted:	April 5, 2023
Combined Notice of Hearing/Optional DNS Issued:	May 1, 2023
Public Hearing:	May 18, 2023

A combined notice of application and SEPA Optional DNS determination was provided by mailing notices to property owners within 300 feet. Public hearing notices were distributed through posting of the property, mailing of notice to property owners within 300 feet of the site, publication in the Tri-City Herald newspaper and the City's website. Copies of the notices and affidavits are included in *Exhibit 5*.

ANALYSIS

Turning back to the Code language in RMC 23.42.070, discussed previously, Staff will offer the following analysis *in italics*.

A. No extractive operation shall commence until the applicant submits evidence from the State of Washington Department of Natural Resources that a permit and reclamation plan have been approved. All extractive operations approved under this chapter shall be carried out in strict conformance with the requirements of this section and the Washington State Surface Mining Reclamation Act (Chapter 78.44 RCW).

This and additional documentation required per recommended Condition of Approval 3. Original Reclamation Plan for Permit # 70-012968 is and has been on file since SUP00-102 submission. (SUP2018-101 will operate per Permit #70-013265.)

B. The applicant shall submit the following information for review:

1. A site plan and vicinity plan showing the location of the proposed site, access and haul roads, zoning of the proposed site and its relationship to the surrounding property and use districts.

Zoning, Land Use and haul and access roads are not specifically delineated on provided site plans or maps. Staff are aware of zoning, land use, and where site access originates, however, Staff does have interest in understanding where haul roads are to be placed because both the EA5-03 SEPA Checklist (1/16/2003) and 2018 SUP Application designate the paving of haul roads as a strategy to reduce dust emissions. The recommended Conditions of Approval will include an item regarding this Code provision.

2. A reclamation plan, showing the extent of the proposed excavation and supplying detailed plans for grading and planting after the

excavation is finished. Drawings or maps that are part of the reclamation plan shall be drawn at a scale of not larger than 50 feet or smaller than 100 feet to one inch.

While reclamation plans are on file, nothing has ever been provided to the City detailed in regards to post-mining grading or planting. Some basic descriptions of these activities are found within various Washington State DNR documentation, for example, but no practicable plans have ever been produced demonstrative of methods or plantings following the end of site activities. Recommended Conditions of Approval will require the submission of detailed landscaping and grading plans.

3. A site plan that demonstrates compliance with design standards of subsection (C) of this section.

A recommended Condition of Approval is included to require applicant to create a site plan showing distribution of all design standard features.

4. An operations plan that demonstrates compliance with operating standards of subsection (D) of this section.

5. A report prepared by a licensed or registered professional engineer or geologist that contains data regarding the nature, type, distribution and strength of materials, slope stability and erosion potential, and evidence that demonstrates that the site contains material of a commercial quality and quantity.

Applicant has supplied a report by Shannon & Wilson, Inc., "GEOTECHNICAL ENGINEERING RECONNAISSANCE; PORT OF BENTON – AMERICAN ROCK PRODUCTS GRADING" (January 12, 2009) to speak to the strength and stability of materials and slopes. Likewise, the commercial potential of the site for the applicant's intended use has been demonstrated over the previous 22 years and is not in question.

6. A report prepared by a transportation engineer that demonstrates that surrounding streets are suitable in consideration of existing and projected traffic volumes, the type and nature of existing traffic, and the condition of the streets.

Site access is provided by a driveway onto Hagen Road. This road was engineered and designed during the life of this project with project demands in mind. The surrounding area is zoned for industrial development and road network established to support such intensities of use. Staff does not anticipate increase in traffic volumes and does not recommend such a report to be produced by the applicant team.

C. Design Standards. No permit shall be issued unless the following standards are satisfied before granting a special use permit or demonstrated that the standards can be satisfied with conditions of approval.

1. The minimum site area of an extractive operation shall be 10 acres.

Hanford Pit site is in compliance with this standard.

2. Extractive operations on sites larger than 20 acres shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process.

In the applicant's response (Exhibit 1) to this item the following is stated, "This existing 25 acre addition will be completed in a single phases from the north end to the south end." However, documentation provided in this update to the reclamation plan clearly shows this area as being two phases, 19 and 20 (see lower right-hand area in Figure 17). In either case, applicant shall comply with this item of Code and operate in two separate phases. A recommended Condition of Approval will be included in regards to this item.

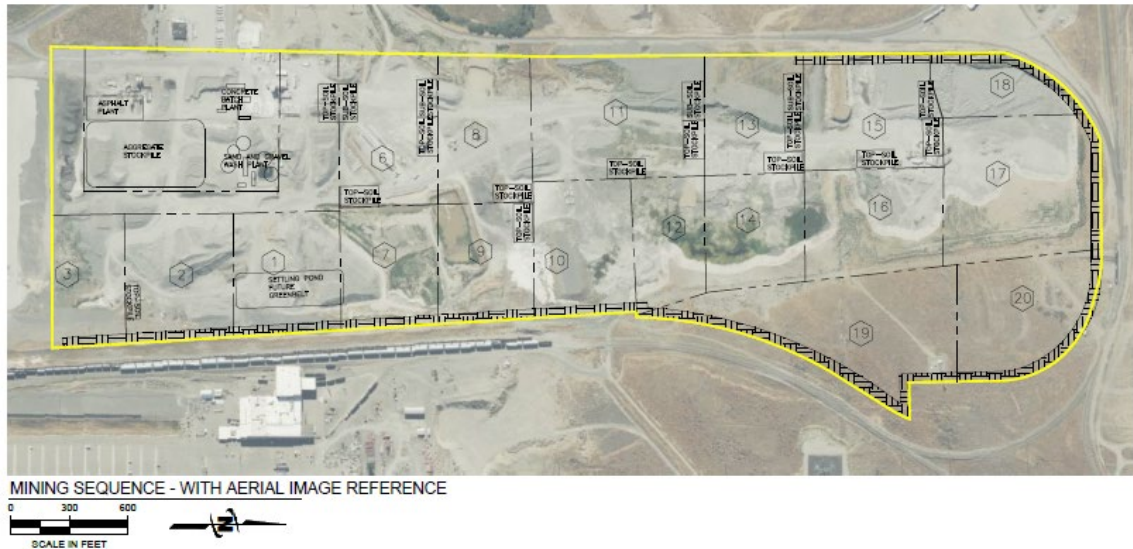


Figure 17 – Site Phasing

3. Fences shall be provided in a manner which discourages access to safety hazards which may arise on areas of the site where:

- Active extracting, processing, stockpiling, and loading of materials is occurring;
- Boundaries are in common with residential or commercial zoned property or public lands;
- Any unstable slope or any slope exceeding a grade of 40 percent (2.5 H:1 V) is present; or
- Any settling pond or other stormwater facility with side slopes exceeding 3 H:1 V is present.

In this response, the applicant states "All of the site is currently, and has always been[,] behind a minimum 6ft earthen berm. This provides both a visible barrier, vehicle barrier, and restricts pedestrian access." This is not the case around the entirety of the site, as previously discussed. Mining operations have never had a full berm, and as previously described in SUP2018-101 Staff Report, material storage has been cited as providing only partial berming around site for the purpose of noise reduction. At any rate, the City does not recognize a berm as providing any meaningful barrier to those intentionally or otherwise accessing

the site. Staff also references the included Shannon & Wilson report "Geotechnical Engineering Reconnaissance; Port of Benton – American Rock Products Grading" (January 12, 2010) which concludes a number of slopes exist on site that would require fencing, some notably unstable:

"We measured slope angles along the fill berm near 1.5 horizontal to 1 vertical (1.5H:1V) to 2H:2[V]. A steep cut slope exists along the southern end of the pit exposing the black sand and gravel. We measured the steep cut near a 1H:1V inclination. This steep slope has experienced sloughing of the slope face. Slopes exposing the black sand and gravel along the existing side of the pit are flatter. We measured slope inclinations at approximately 1.5H:1V. These slopes appear relatively stable but have some surface erosion and have not developed vegetation." Recommended Conditions of Approval will include language regarding fencing on site.

4. All fences shall be at least six feet in height above grade measured at point five feet from the outside of the fence, installed with lockable gates at all openings and entrances, with no more than four inches from the ground to the fence bottom, and maintained in good repair.

Applicant shall comply with this design standard.

5. Warning and trespass signs advising of the extractive operation shall be placed on the perimeter of the site at intervals no greater than 200 feet.

This signage should be in place per previous phases of operation, but, likewise shall be replaced or refaced if found currently deficient.

6. Setbacks for the edge of any excavation, building, or structure used in the processing of materials shall be no closer to property lines than the following standards:

- a. One hundred feet from any residentially zoned properties.

There are no residentially zoned properties within 100 feet of the project site.

- b. Fifty feet from any other zoned property, except when adjacent to another extractive site.

Applicant shall comply with this design standard.

- c. Fifty feet from any public street.

Applicant shall comply with this design standard.

Staff does have concerns about the apparent proximity of operations from City of Richland train track along the northwest corner of the site, within phase 18. Using City mapping tools, Staff found that along this right-of-way, site operations may be as close as 41 to 43-feet of the tracks. See screenshot of measurement tool in Figure 18.



Figure 18 – Site Phasing

7. Setbacks for offices and equipment storage buildings shall not be closer than 20 feet from any property line except when adjacent to another extractive site. Scale facilities and stockpiles shall not be closer than 50 feet from any property line except when adjacent to another extractive site.

Applicant shall comply with this design standard.

8. No clearing, grading, or excavation, excluding that necessary for roadway or storm drainage facility construction or activities pursuant to an approved reclamation plan, shall be permitted within 20 feet of any property line except along any portion of the perimeter adjacent to another extractive operation.

Applicant shall comply with this design standard.

9. Landscaping designed and intended to screen operations from view is required around the perimeter of the site adjacent to a public street or residential or commercial zoned property. Landscaping shall be provided with an automatic irrigation system unless a landscape architect certifies that plants will survive without irrigation.

There is no documentation regarding landscaping besides reference to a berm-topped “Siberian Pea Shrub” ever included in provided documentation. It is unclear whether or not any planting were done, but since the Condition-required berms are nearly completely absent, likewise there is no screening currently provided from the public street to operations. While an appropriate plant selection from the utilitarian perspective of providing screening, this plant, if used, would be inappropriate here in the Tri-Cities. It is nonnative plant, considered by some states as invasive due to its capacity to make soils hostile to other plants. Recommended conditions to reestablish berms will include requiring the site to adopt screening required by RMC 23.42.070(C)(9) and SUP00-102 Condition 10.

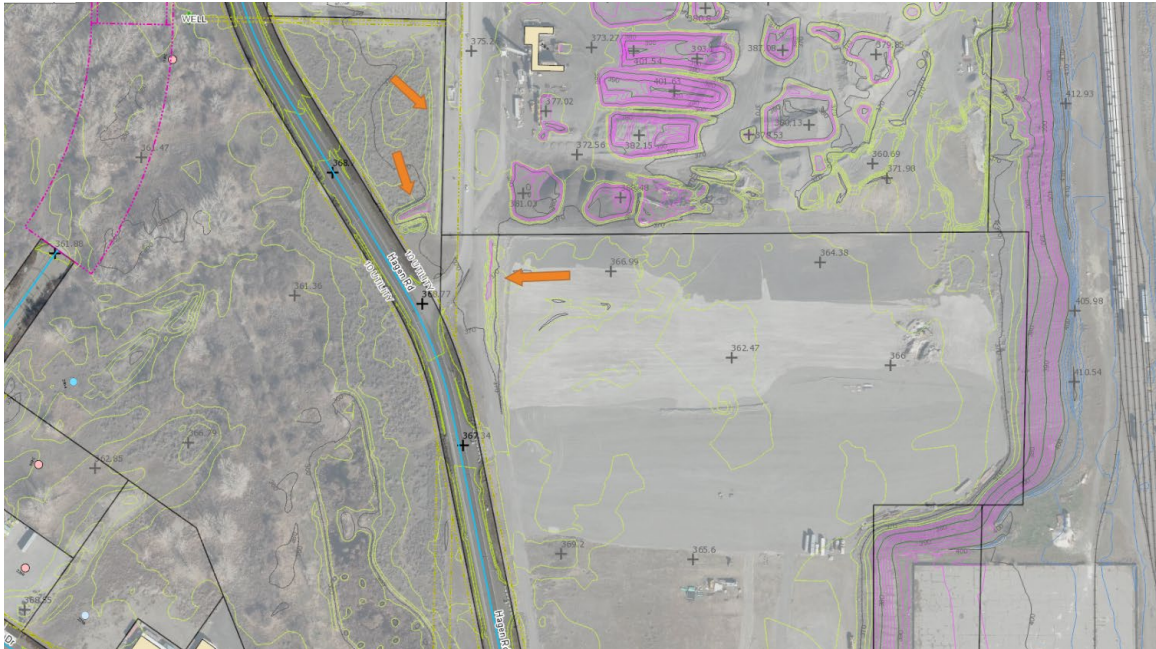


Figure 19a – Remaining Berms

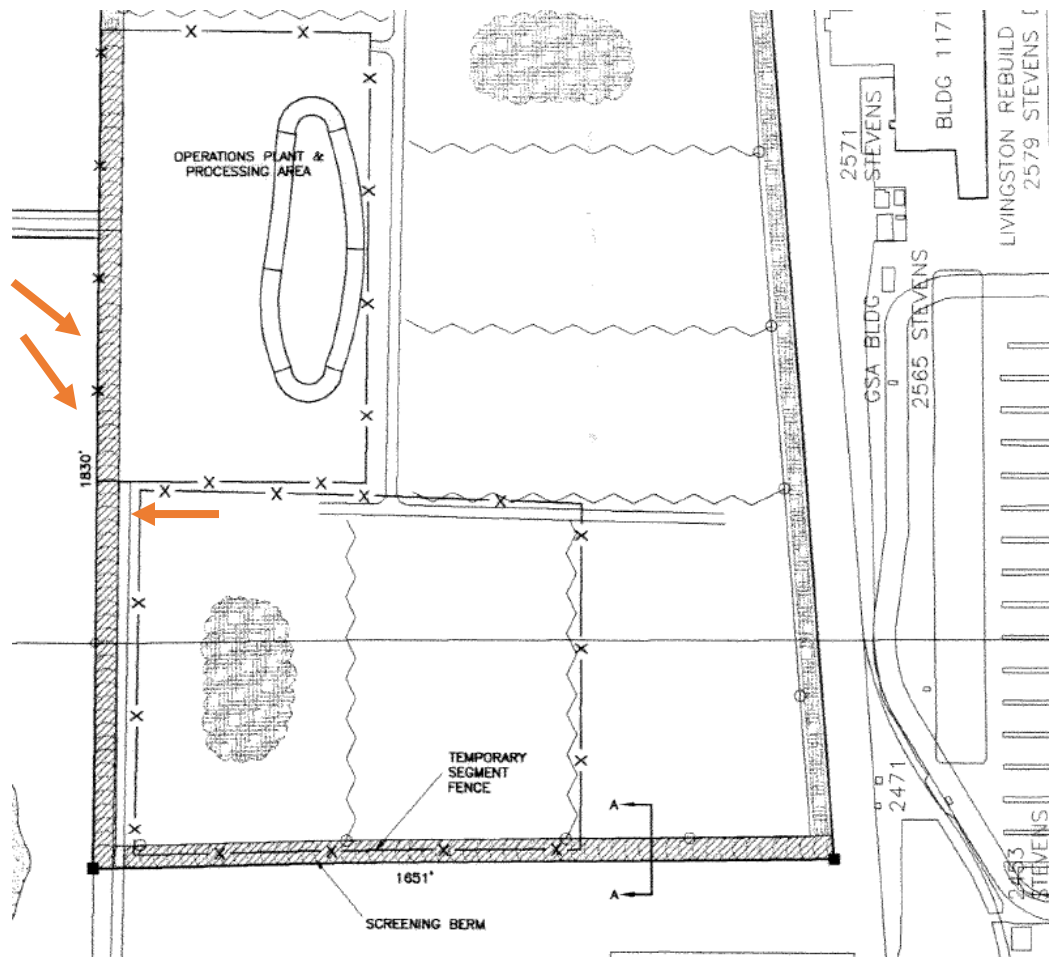


Figure 19b – Berming Plan

Staff has provided the above analysis (Figure 19) of remaining berms originally required per SUP00-102, Condition 10. Note, per Condition 10 that berming was required to stay in place throughout the lifespan of operations, which is not the case.

10. Lighting shall be limited to that required for security, lighting of structures and equipment, and vehicle operations, and shall not directly glare onto surrounding properties.

All lighting on site shall comply with RMC 23.58.

D. Operating Standards. No permit shall be issued unless the following standards can be satisfied before granting a special use permit or demonstrated that the standards can be satisfied with conditions of approval.

1. Noise levels produced by an extractive operation shall not exceed levels specified by the Richland Municipal Code or WAC 173-60-040, Maximum Permissible Environmental Noise Levels, for noise originating in a class C-EDNA (industrial area).

A recommended Condition of Approval will reestablish the MFG report "American Rock Products Sand & Gravel Operation" report (May 25, 2001) and SUP00-102/SUP2003-101's Condition 10. Partial berms around the entirety of the site are the only method by which onsite work can comply with daytime noise compliance and berming and landscaping shall be required to be improved or put in place for work to continue under this permit.

2. Blasting shall be conducted under a blasting plan approved by the city, consistent with industry standards, during daylight hours, and according to a time schedule provided to residents and business located within one-half mile of the site.

Blasting is not a component of this mine extraction. That said, Staff is recommending Condition of Approval language from SUP2018-101 regarding this item.

3. Dust and smoke produced by extractive operations shall be controlled by watering of the site and equipment or other methods required to satisfy the Benton Clean Air Authority and which will not substantially increase the existing levels of suspended particulates at the perimeter of the site.

A recommended Condition of Approval requires Benton Clean Air Authority approval of all operations.

4. The applicant shall provide measures to prevent transport of rocks, dirt, and mud from trucks onto public roadways.

A recommended Condition of Approval incorporates this language.

5. Traffic control measures such as flaggers or warning signs shall be provided by the applicant during all hours of operation.

The site has an established entrance for all ingress and egress which does not otherwise require temporary means of traffic control. All onsite moving equipment should operate as appropriate per state and federal regulation, such as through OSHA or ANSI equipment and site safety standards.

6. The applicant shall be responsible for cleaning of debris or repairing of damage to roadways caused by the operation.

Recommended Condition of Approval requires that damage to Hagen Road caused by applicant activities may/can trigger road repairs at the direction of City Staff.

7. Surface water and site discharges shall comply with state requirements.

The applicant's compliance with their Washington State Department of Ecology Sand and Gravel General Permit covers such activities of concern.

8. Excavation shall not occur below the contours identified on the site plan or within five feet of the seasonal water table, whichever is reached first.

A recommended Condition of Approval incorporates this language.

9. Upon depletion of mineral resources or abandonment of the site, all structures, equipment, and appurtenances accessory to the operations shall be removed.

Language of this Code item would be enforced by Staff at the time of end-of-operations reclamation. See "E. Reclamation", below.

10. Failure to comply with the conditions of this section shall require modifications of operations, procedures, or equipment until such compliance is demonstrated to the satisfaction of the administrative official or, if referred by the administrative official, to the satisfaction of the hearing body. Such modifications may require a permit modification if they are inconsistent with the approved permit conditions.

Staff acknowledges this language and incorporates it within a recommended Condition of Approval.

E. Reclamation.

1. A valid clearing and grading permit shall be maintained throughout the reclamation of the site required pursuant to Chapter 78.44 RCW.

Staff is aware that a valid Reclamation Permit #70-012968 is and has been maintained throughout operations.

2. No extractive operations shall commence until a reclamation plan approved pursuant to the requirements of RCW 78.44.090 shall be submitted to the city.

Staff is not aware of mining activities ever occurring without an updated reclamation plan.

3. Reclamation plans shall require:

a. The removal of all buildings, structures, apparatus, or appurtenances accessory to the extractive operations.

b. Final grades suitable for uses permitted within the underlying zoning district.

c. No less than one foot of topsoil shall be returned to the surface of the land, with the exception of roads.

d. The site shall be planted with indigenous plants, such as grasses and shrubs, which shall be maintained to minimize blowing dust.

e. Graded or backfilled areas shall be reclaimed in a manner that will not allow water to collect and permit stagnant water to remain.

f. Waste or soil piles shall be leveled and the area treated with surfacing and planting as required by this subsection.

The following Code language shall be enforced at the time that active mining operations cease at the site. The standards here included are largely in line with state requirements.

F. Financial Guarantees. The city may require a financial guarantee when it determines it necessary to assure that all conditions of approval, design standards, and operating standards will be satisfied. The financial guarantee may apply to installation of landscaping for screening, fencing, dust suppression, or any other reasonable purpose as determined necessary by the city to enforce the requirements of this chapter.

Noted.

G. Permit Review. All extractive and processing operations shall be subject to a review of site design and operating standards at five-year intervals. The review shall be conducted by the administrative official and shall include a written decision containing facts, findings and conclusions supporting the decision, demonstrating compliance with the terms and conditions of the decision granting the special use permit. The administrative official may determine that:

1. The site is operating consistent with all existing permit conditions; or
Site operations are not consistent with all existing permit conditions..

2. The most current site design and operating standards should be applied to the site through additional or revised permit conditions. Additional or revised conditions necessary to mitigate identifiable environmental impacts to be applied to the site through additional or revised permit conditions shall be identified. The administrative official shall mail a copy of the written decision to the applicant or operator, if a separate party.

The recommended Conditions of Approval within this report are drafted to bring current operations in line with past, still-active, SUP00-102, SUP2003-101 Conditions.

H. Any permit issued under this section may be terminated if provisions of this section are not met or if substantial evidence indicates that mining operations are causing or continuation of operations would cause significant adverse impacts to water quality or to the geo-hydraulic functioning of water resources in the vicinity.

Compliance with 23.42.070, state or federal agency regulations, and the included recommended Conditions of Approval, below, are subject to this standard.

I. Any portion of a larger site designated by the Richland comprehensive plan as mineral lands of long-term commercial significance shall be protected against any new incompatible on-site or adjacent uses, or any change in zoning status or restrictions, at such time as any landowner or mineral rights owner applies for and is granted a special use permit under the provisions of this section. For purposes of meeting the requirements of RMC 19.30.020, the

mineral rights holder shall be required to prove exclusive ownership of the subject mineral interest and control of the surface for mining purposes.

This site has not been designated as a mineral land of long-term commercial significance under the Richland Comprehensive Plan.

Summary

Over the past several decades the mining operation at the Hanford Pit has continued through a number of expansions and under multiple City and DNR permits. However, the language of Richland Municipal Code 23.42.070 "Excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits" has only moved location, not changed its requirements. In order to meet Code requirements, such as 23.42.070(D)(1), applicant performed studies, supplied plans and designs, and was required to implement those approved plans and designs in order to operate in compliance with the Code (and other State regulations). Staff has identified in the review of this application and historical materials deficiencies which have accumulated overtime that must be corrected in order to assert Code compliance. Recommended Conditions of Approval will address these concerns per approval of the Richland Board of Adjustment.

FINDINGS, CONCLUSION, AND RECOMMENDATION:

Findings of Fact

Staff has completed its review of the request for a Special Use Permit (SUP2023-103) and recommends approval of the request subject to conformance to the conditions of approval identified below and based on the following findings:

1. The City of Richland Comprehensive Plan designates the subject site as suitable for proposed use subject to a Special Use Permit per Richland Municipal Code [RMC] 23.26.030.
2. The subject site is located within the medium industrial use district (I-M).
3. RMC Chapter 23.46.025(B)(5) designates the Board of Adjustment to conduct the review of special use permit applications for the excavation, processing, removal of topsoils, sand, gravel, rock or similar deposits medium industrial use districts.
4. Roger Wright, on behalf of on behalf of American Rock Products and The Port of Benton has filed an application for a special use (Type II) permit to expand and operate an industrial aggregate mining operation on approximately 25 acres.
5. Excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits is evaluated under the criteria contained in RMC 23.42.070.
6. A special use permit is classified as a Type II application under RMC 19.20.030.
7. Required findings for Type II applications are found under 19.60.095.
8. Public notice of the application and hearing was provided via mail to surrounding landowners within 300 feet of the site; through the posting of a sign on-site, on the City website, and through a legal advertisement in the Tri-City Herald, all in accordance with the notice provisions contained in RMC 19.40.010.

9. The applicant filed an environmental checklist along with their special use permit application.
10. The City issued a Determination on Non-Significance (EA2023-112) for the project on May 1, 2023, thus satisfying the requirements of the State Environmental Policy Act (*Exhibit 4*).
11. The size of the property exceeds the minimum lot standards for excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits stipulated in 23.42.070(C)(1).
12. The physical conditions of the site are suitable for the proposed development.
13. Public facilities consisting of sewer, water and street access are in place and available to serve the proposed development. All utility systems have adequate capacity to serve the proposed development.
14. The proposal, as conditioned, is consistent with the City's comprehensive plan.
15. The proposed site is not impacted by the City's Critical Areas regulations or Shoreline Master Program.
16. City staff and others have reviewed the project and have recommended specific conditions of approval as set forth in this report.
17. As conditioned, the project meets the criteria for the issuance of a special use permit as established in RMC 23.46.040.
18. As conditioned, the proposed special use permit makes appropriate provisions for the public health, safety and general welfare, is consistent with the adopted comprehensive plan, meets the requirements and intent of the Richland Municipal Code, and, has appropriately identified and mitigated environmental impacts as described under RMC Chapter 22.09.
19. The initial development of the site operation was approved with conditions following the approval of SUP00-102 by the City of Richland Board of Adjustment
20. The subsequent expansion of the mining operation was approved with conditions following the approval of SUP2003-101 by the City of Richland Board of Adjustment
21. The as-yet unmined expansion of mining operation activities was approved with conditions following the approval of SUP2018-101 by the City of Richland Board of Adjustment.

Recommendation

Staff has completed its review of the request for special use permit (SUP2023-103, EA2023-112) and recommends approval of the request subject to conformance with the conditions of approval, below, which are warranted because the project conforms to the City's adopted Comprehensive Plan and zoning regulations; has followed the required State Environmental Policy Act procedures; and is (or will be) fully consistent with the requirements of Washington State Department of Natural Resources, Washington State Department of Ecology, the Benton Clean Air Authority, and other state or federal agencies, as applicable.

RECOMMENDED CONDITIONS OF APPROVAL

Should the Board of Adjustment find approval of the Special Use Permit is justified, Planning staff has developed the following set of approval conditions upon which the project should be conditioned. In the interest of consolidating all mining operation conditions, Staff here consolidates the following Conditions as appropriate to properties subject to this and prior permits, including SUP00-102, SUP2003-101, and SUP2018-101. Those former permit Conditions of Approval are hereby superseded.

General Conditions

1. The applicant shall provide an annual report to the Department of Development Services Planning Department and representatives from LIGO and PNNL for review and shall include a meeting of the applicant's site manager and senior management staff and City Staff to review the operation and resolve concerns the City, LIGO, or PNNL may have. Failure to do so is grounds for permit termination per 23.42.070(H). The annual report shall cover all existing and prospective operations originally permitted via SUP00-102, SUP2003-101, SUP2018-101 and SUP2023-103. The first report and meeting shall take place no later than one (1) calendar year from the date of the Notice of Decision.
2. Administrative review of Special Use Permits SUP00-102, SUP2003-101, SUP2018-101 and SUP2023-103 shall occur within 5 years of the date of the Notice of Decision, as otherwise provided for in RMC 23.42.070(G). Once the 5-year period of Special Use Permit validity has expired the City reserves the right to reject the extension of mining and excavation authorization if operations fail to comply with the approval conditions listed herein, per RMC 23.42.070(H).
3. This Special Use Permit shall be contingent upon the applicant obtaining and maintaining compliance with all necessary permits, licenses, certifications, and approvals required by any federal, state or local governmental agency having jurisdiction over said activities. A copy of said permits, and any ancillary documentation such as site management plans or maps) shall be filed with Richland Development Services. Falling out of compliance with permits or operating beyond listed parameters of operation as specified in "Conditions of the Permit" or approved and reviewed application documentation to said agencies shall be considered violating the terms of this condition and therefore subject to permit termination under RMC 23.42.070(H). Required permits shall include, but not be limited to:
 - a. Washington State Department of Natural Resources Surface Mining and Reclamation Permit (per 23.42.070(E)(1)).
 - b. Benton Clean Air Authority approval.
 - c. Washington State Department of Ecology Sand and Gravel General Permit.
4. All mining and reclamation shall comply with the Washington State Department of Natural Resources [DNR] Surface Mining Reclamation Permit #70-012968 Conditions of the Permit as dated April 8, 2008 and Conditions of the Permit #70-013265 dated January 31, 2020, and, any updated conditions to follow per this, or, future proposals at this site, unless such prior agency conditions are superseded by new/updated conditions. Applicant is required to provide the City with the updated DNR approval and Conditions of the Permit. Violation of

- DNR Conditions are, and will be considered, a violation of the terms of this condition and therefore subject to permit termination under RMC 23.42.070(H).
5. Site operations shall be limited to mining and processing of material excavated from the site. Importation of off-site materials shall be limited to those materials necessary to process the material being excavated on site. At such time as the on-site materials have been excavated and processed, all operations permitted pursuant to SUP00-102, SUP2003-101, SUP2018-101 and SUP2023-103 shall cease with the exception of those operations necessary to complete the approved reclamation plan. This condition does not limit the use of recycled materials in the production of asphalt and concrete in accordance with industry standards which is necessary for the efficient utilization of those resources. Likewise, all equipment, structures and appurtenances shall be removed from the site in accordance with RMC 23.42.070(D)(9).
 6. Operations shall at all times be in compliance with the requirements of Richland Municipal Code Sections 23.42.070 "Excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits", or, successor Code standards. Including, but not restricted to the following items:
 - a. *Per 23.42.070(B)(1), applicant shall supply Staff an updated site plan showing the location of onsite haul roads.*
 7. On site activities shall comply with all provisions of RMC 23.26.020 Industrial performance standards and special requirements.
 8. Processing operations shall be limited to the area identified in the Compliance Noise Measurements report by MFG Consultants (dated May 25, 2001) to be in compliance with WAC 173-60-040 and RMC 23.42.070(D)(1) for "daytime" work hours of 7am through 10pm, shall at all times operate with at least a landscaped partial berm as discussed in said report, via methods, materials, and landscaping described within the SCM Consultant letter ("Eucon Corporation – Port of Benton Industrial Land Development, June 7, 2001) and located where indicated in the SCM Consultants Landscape Layout (May 21, 2001) (shown in Figure 4a, 4b & 4c and approved via SUP00-102/SUP2003-101, Condition 10), as approved with the BP04-00473 Landscape Plan (2004), and, as originally proposed in the 2002 Site Plan (the latter two both shown in Figure 8). Applicant shall update their berming/landscaping plan for review and approval by Development Services Staff prior to expansion of mine operations authorized by this permit. Staff will allow more region-appropriate plantings on top of new/reestablished berms, as noted in Analysis section, in lieu of original, approved plantings. Noise complaints filed with the City will be investigated. If violations of the noise standards are found, the applicant shall amend its operating conditions through the adjustment of the hours of operation; the use of different equipment that generates a lower volume of noise, the relocation of noise producing equipment or employ similar strategies or combinations of strategies until noise levels emanating from the site are found to be in compliance with the noise standards. The costs associated with testing for noise standard compliance will be borne by the applicants.
 9. Rock crushing and cement batching activities shall continue within the boundaries of the pit site authorized under SUP00-102/SUP2003-101. Materials excavated from the project site shall be transported to existing rock crushing and batch plant facilities by truck and/or conveyor belt.

10. Warning and trespass signs shall be installed around the perimeter of the active operation area at intervals of no greater than 200 linear feet.
11. Prior to the commencement of work in the proposed 25-acre expansion area, applicant shall supply City of Richland Development Services a site plan with locations of all furnishings required per RMC 23.42.070(B)(3), showing all setbacks, structures, haul roads, locations of warning signs, fencing, and conveyors, and, shall update said site plan on an annual basis.
12. Blasting is not anticipated to be required. In the unlikely event that any blasting on site is needed, the applicants shall submit a blasting plan to Richland Development Services for review and approval. Said plan shall comply with the provisions of RMC 23.42.070(D)(2). Additionally, representatives at PNNL and LIGO shall be given a copy of any blasting plan and the opportunity to review and provide input on the plan prior to the City's review and approval.
13. Applicant shall supply detailed plans for post-mining grading and planting prior to commencing new excavation within Phases 19 and 20. Drawings or maps that are part of the reclamation plan shall be drawn at a scale of not larger than 50 feet or smaller than 100 feet to one inch. Said activities shall comply with landscaping standards within RMC 23.54.160 and Washington State DNR reclamation plan documentation.
14. No excavation or processing activities pursuant to this Special Use Permit shall begin until fencing and warning signs are installed per RMC 23.42.070(C)(3 & 4). This is to include project phase areas as originally conditioned per SUP00-102 and SUP2003-101 where such fencing was never installed, has since been removed, or in any case is required per Code, such as in the following areas:
 - a. Active extracting, processing, stockpiling, and loading of materials is occurring.
 - b. Boundaries are in common with residential or commercial zoned property or public lands.
 - c. Any unstable slope or any slope exceeding a grade of 40 percent (2.5 H:1 V) is present; or
 - d. Any settling pond or other stormwater facility with side slopes exceeding 3 H:1 V is present.
 - e. And, all fences shall be at least six feet in height above grade measured at point five feet from the outside of the fence, installed with lockable gates at all openings and entrances, with no more than four inches from the ground to the fence bottom, and maintained in good repair.
15. In the event that any unprotected slopes onsite exceed 3H:1V, a report prepared by a licensed or registered professional engineer or geologist shall be submitted for review and approval to the City of Richland Building Official for all slopes on site prior to the commencement of mining activities within Phases 19 and 20. Once approved, the recommendations of the report shall become conditions of the special use permit.
16. Excavation shall not occur below the 365-foot contour as identified upon the approved site plans or when ground water is reached, whichever comes first. Final grading of the floor of the pit shall be completed in such a way as to maintain buildable industrial sites throughout the project site.
17. The edge of any excavated area shall be setback a minimum of 50 feet from any property boundary, public street, or rail line. In the event this condition has

- been violated, applicant shall seek immediate remediation and restore buffer area with soil, plantings, or other amenities indicative of the nearest non-disturbed area, though not required to directly restore the area pre-work site conditions.
18. Per RMC 23.42.070(C)(2) extractive operations permitted here shall proceed in phases per submitted Reclamation Plan #70-012968 (November 2022), Sheet 3, and, SUP2018-101 Exhibit 1g.
 19. City of Richland Development Services Staff, PNNL, and LIGO representatives shall be notified any time new equipment or methods are anticipated which exceed or otherwise significantly depart from noise/vibration/emission levels/ranges previously observed on site, and, specifications for the proposed equipment shall be provided all aforementioned parties.
 20. Applicant shall implement the use of all available measures to prevent the transport of rocks, dirt and mud from haul trucks onto public roadways throughout the life of the project.
 21. Applicant shall be responsible for repairing any damage to public roadways caused by the operation of the facility. Evidence of such damage shall be rutting, cracking, and/or settlement of the road surface in excess of adjacent road sections not utilized by the operator. In the event the City Engineer determines that such damage has occurred the site operator shall repair and/or replacement the damaged roadway surface as required by the City. The site operator's responsibility shall be determined as his proportionate share of truck traffic on Hagen Road.
 22. Outdoor lighting installed on-site shall be consistent with the lighting standards contained in RMC Chapter 23.58 and the Pattern Outdoor Lighting Code (USA) Standard version 2.0 (July 2010).
 23. Given the sensitive nature of the scientific research conducted at the Pacific Northwest National Laboratories (PNNL) and Laser Interferometer Gravitational-Wave Observatory (LIGO) campuses located near the project site, impacts of vibration, dust and noise generated may require extraordinary mitigation measures. In the event that PNNL or LIGO finds that the activities authorized under this special use permit, or SUP00-102, SUP2003-101, and SUP2018-101, are interfering with PNNL research, the following process shall be followed:
 - a. PNNL or LIGO shall notify both City Development Services and the applicant in writing that the applicant's mining activities have negatively impacted scientific research taking place. It will be their (PNNL/LIGO) responsibility to demonstrate that the interference comes from mining activities taking place on the project site and not from other sources.
 - b. Representatives from the City, the applicant, PNNL/LIGO shall meet to identify the specific nature of the impact to research and to shall work cooperatively to determine options that would mitigate the impacts. Said meeting shall be scheduled for the first moment of availability between all respective parties.
 - c. A written agreement establishing updated mining procedures shall be signed by all parties and shall modify the Conditions of Approval attached to this or other applicable special use permits active for the Hanford Pit site.

- d. In the event that an agreement cannot be reached, City Development Services shall determine whether or not amendments to the applicant's conditions of approval are needed. If it finds that such amendments are necessary to protect research activities, it shall issue written amendments to the permit conditions that the applicants shall be required to observe.
 - e. Parties that are aggrieved with the decision of the City Staff have the opportunity to file an appeal to the City Hearing Examiner, following the procedures for the appeal of an administrative determination set forth in Title 19 of the Richland Municipal Code.
24. Prior to the commencement of excavation, applicant shall coordinate with Staff for a site visit to inspect signage, fencing, slopes, berms, landscaping and other Code/Condition-related improvements here required.

SUP2018-101 Specific Conditions

25. Access to the site shall be provided from the southerly property boundary across the existing gravel extraction and processing operation permitted through SUP2003-101. No other access road extending to Battelle Boulevard or crossing the eastern or western property boundaries is authorized under this special use permit. In the event that the applicant seeks access onto Battelle Boulevard, it shall submit a site plan to the Richland Traffic Engineer depicting the proposed access onto Battelle Boulevard along with any proposed improvements to Battelle Boulevard that may be necessary to safely accommodate such access. The Richland Traffic Engineer may require that a traffic study prepared by a qualified consultant be submitted for the approval of the Richland Traffic Engineer. If approved by the Richland Traffic Engineer, an access onto Battelle Boulevard may be constructed. Any conditions of approval attached to construction of the access road shall modify the conditions of approval attached to special use permit SUP2018-101 and SUP2023-103.
26. Perimeter fencing shall not be required except in the following circumstances:
- a. Fencing shall be provided along a property boundary where the adjacent slope exceeds 2.5H:1V within 50 feet of a property boundary
 - b. Fencing shall be installed adjacent to the Battelle Boulevard right-of-way.
 - c. Fencing shall be provided around any settling ponds which contain slopes in excess of 3H:1V.
 - d. Fencing required in items a -& b listed above shall be installed at the beginning of work within a new phase. Fencing required around settling ponds shall be installed at the time that the settling pond is created.
 - e. All required fencing shall be constructed of a solid, sight-obscuring material and shall be a minimum of six (6)) feet in height as required under RMC 23.42.070(C).
27. Prior to any excavation within phases 3, 4, 9 or 10, the applicant shall submit a landscape plan to Richland Development Services for review and approval identifying the type, size and spacing of landscape screening along Battelle Boulevard. Once approved, the landscape plan shall be installed for the portion of the Battelle Boulevard frontage contained within a particular phase of development.

28. Future project slopes along Battelle Boulevard shall be sent to the City of Richland Public Works Department and the City of Richland Building Official. Once approved, the recommendations of the report shall become conditions of the special use permit.
29. Issuance of this special use permit does not authorize the applicants to cross the existing City of Richland Industrial Rail Spur. The applicant shall be responsible for obtaining any necessary agreement(s) from the City of Richland Public Works Department to cross their track.

Agency Conditions

State of Washington Department of Ecology

30. Interstate Concrete & Asphalt Hanford Pit has Sand and Gravel General Permit (Permit) Coverage (WAG505182) with Department of Ecology (Ecology). Expansion of this site *may* require the existing permit to be modified. The Site Management Plans *will* need to be updated as site conditions change. (See attached letter in *Exhibit 6*.)

Cascade Natural Gas Company

31. Mining operations shall not encroach within 25-feet of the gas line running north-to-south through the proposed excavation area.
32. CNGC representatives are required to monitor excavations within 2-feet of high-pressure gas mains.
33. Mining operations shall follow all applicable Washington state dig laws as outlined by the Washington Utilities Transportation Commission (WUTC).

EXHIBIT LIST

1. Application Materials
2. Site Plan
3. SEPA Checklist
4. EA2023-112 Determination of Non-Significance
5. Public Notice and Affidavits
6. Agency Comments



Exhibit I

Application Materials



**City of Richland
Development Services**

625 Swift Blvd. MS-35
Richland, WA 99352
☎ 509-942-7794
📠 509-942-7764

Special Use Permit Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION

☒ Contact Person

Owner: Port of Benton - Roger Wright

Address: 3250 Port of Benton Blvd

Phone: 509-375-3060

Email: roger@rgwenterprises.com

APPLICANT/CONTRACTOR INFORMATION (if different)

☐ Contact Person

Company: American Rock Products

UBI#:

Contact: Wade Blagg, General Manager

Address: 11919 Harris Road, Pasco, WA 99301

Phone: 509-547-2380

Email: wade.blagg@americanrockproducts.com

PROPERTY INFORMATION

Legal Description:

See Attached

Parcel #: 1-2208-100-0002-001

1-2208-100-0001-002

Current Zoning: Medium Industrial

Current Land Use Designation: Industrial

DESCRIPTION OF PROJECT

American Rock has operated an industrial aggregate mining operation at this location for more than 20 years. The mining is near complete but the last remaining aggregate was not included in the original legal description. This application simply adds the remaining mining area.

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. SEPA Checklist
3. Title Report showing ownership, easements, restrictions and accurate legal description of the property involved
4. Site Plan, which shall be drawn at a scale of not less than 30-feet to the inch, nor more than 100-feet to the inch, and shall be clear, precise and shall contain the following information:
 - Boundaries and dimensions of property
 - Location and width of boundary streets
 - Size and location of existing or proposed buildings, structures, or activities on the site
 - Roadways, walkways, off-street parking, loading facilities, and emergency vehicle access
 - Fencing, screening, or buffering with reference to location, type, dimension, and character
 - Open spaces or Natural Areas
 - Easements, rights-of-way, etc.
 - Architect's sketches showing elevations of proposed buildings or structures, complete plans, and any other information needed by the Hearing Examiner as determined by the Administrator

COMPLETE QUESTIONS WITH AS MUCH DETAIL AS POSSIBLE (Use additional sheet if needed)

Describe how the size and dimension of the site provide adequate area for the proposed use:

The existing mining operation has been on this 180 acre site for more than 20 years. There is existing remaining approximately 20 acres of area where mining can still occur adjacent to existing area.

Describe how the proposed Special Use is compatible with the physical characteristics of the subject property (including size, shape, topography and drainage): The existing parcel has been used for aggregate mining for more than 20 years. The additional area is well suited for aggregate mining and can easily be added to the existing mine. In addition, this will allow all of the area within the rail spur to be graded to the same elevation.

Describe the infrastructure which will serve the proposed Special Use, including but not limited to roads, fire protection, water, wastewater disposal and storm water control: The site is served with electrical, but no other utilities are required for mining. Following the mining/aggregate removal, the site will be developed into rail operations area. Electrical, water, sewer, and roads to serve the industrial area.

Describe how all applicable requirements of this zoning regulation (RMC Title 23), the City Comprehensive Plan, the City Critical Area Regulations (RMC Title 20), the City Shoreline Management regulations (RMC Title 26) and the City sign regulations (RMC Title 27) have been met: The area is currently zoned Industrial which is correct for the proposed mining operation and for the future rail operations.

Identify the impacts which may occur to adjacent properties, surrounding areas and public facilities and how those impacts are proposed to be mitigated: The surrounding area is zoned industrial and is well suited for the current mining operations and the future rail operations.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

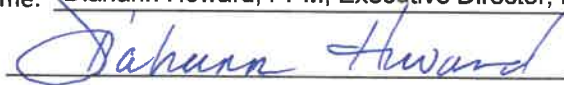
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

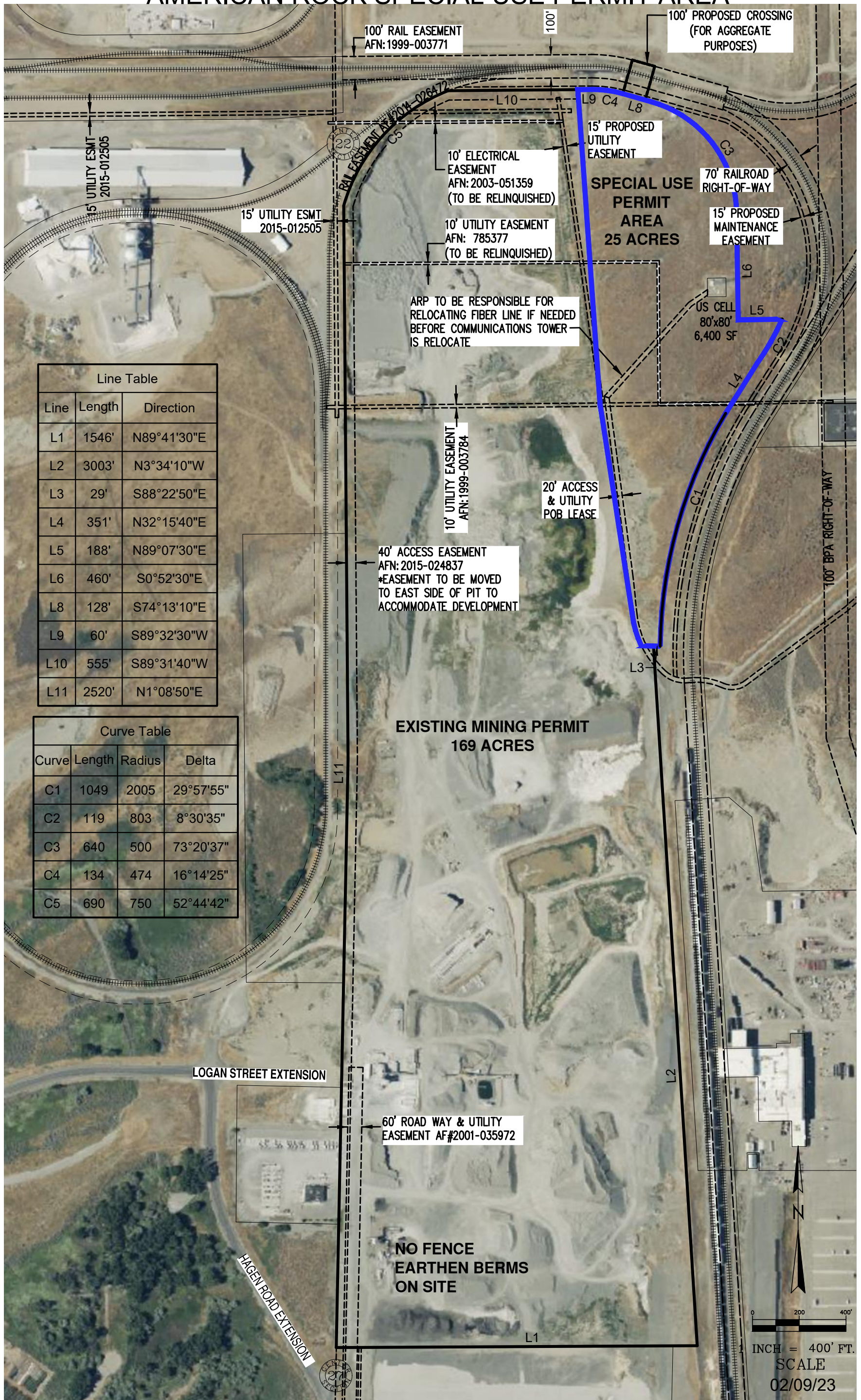
Applicant Printed Name: Diahann Howard, PPM, Executive Director, Port of Benton, Land Owner.

Applicant Signature: 

Date

12-20-2022

AMERICAN ROCK SPECIAL USE PERMIT AREA



23.42.070 Excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits.

The excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits, when such use is specifically permitted as a special use in the use district or when the site is identified as mineral resource land by the comprehensive plan, may be permitted; provided, that the following requirements are met:

A. No extractive operation shall commence until the applicant submits evidence from the State of Washington Department of Natural Resources that a permit and reclamation plan have been approved. All extractive operations approved under this chapter shall be carried out in strict conformance with the requirements of this section and the Washington State Surface Mining Reclamation Act (Chapter [78.44](#) RCW).

DNR has the application from American Rock Products for this work and has completed their review with the exception of the Zoning Approval by the City.

B. The applicant shall submit the following information for review:

1. A site plan and vicinity plan showing the location of the proposed site, access and haul roads, zoning of the proposed site and its relationship to the surrounding property and use districts. **Completed and provided to City.**
2. A reclamation plan, showing the extent of the proposed excavation and supplying detailed plans for grading and planting after the excavation is finished. Drawings or maps that are part of the reclamation plan shall be drawn at a scale of not larger than 50 feet or smaller than 100 feet to one inch. **Completed and provided to City.**
3. A site plan that demonstrates compliance with design standards of subsection (C) of this section. **Completed and provided to City.**
4. An operations plan that demonstrates compliance with operating standards of subsection (D) of this section. **Completed and provided to City.**
5. A report prepared by a licensed or registered professional engineer or geologist that contains data regarding the nature, type, distribution and strength of materials, slope stability and erosion potential, and evidence

that demonstrates that the site contains material of a commercial quality and quantity. **Previously provided by Shannon and Wilson.**

6. A report prepared by a transportation engineer that demonstrates that surrounding streets are suitable in consideration of existing and projected traffic volumes, the type and nature of existing traffic, and the condition of the streets. **This application will not change any existing traffic.**

C. Design Standards. No permit shall be issued unless the following standards are satisfied before granting a special use permit or demonstrated that the standards can be satisfied with conditions of approval.

1. The minimum site area of an extractive operation shall be 10 acres. **This is a 25-acre expansion to an existing ~170 acre excavation site.**

2. Extractive operations on sites larger than 20 acres shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process. ARP has provided all excavation and mining in phases. **This existing 25 acre addition will be completed in a single phase from the north end to the south end. The rest of the 170-acre site has been and is being reclaimed.**

3. Fences shall be provided in a manner which discourages access to safety hazards which may arise on areas of the site where:

a. Active extracting, processing, stockpiling, and loading of materials is occurring;

b. Boundaries are in common with residential or commercial zoned property or public lands;

c. Any unstable slope or any slope exceeding a grade of 40 percent (2.5 H:1 V) is present; or

d. Any settling pond or other stormwater facility with side slopes exceeding 3 H:1 V is present.

All of the site is currently, and has always been behind a minimum 6 ft earthen berm. This provides both a visible barrier, vehicle barrier, and restricts pedestrian access.

4. All fences shall be at least six feet in height above grade measured at point five feet from the outside of the fence, installed with lockable gates at all openings and entrances, with no more than four inches from the ground to the fence bottom, and maintained in good repair.

This location is part of a 170 acre mining operation in an existing industrial park with limited or no pedestrian traffic. 6 ft berms around the facility has operated without incident for more than 20 years.

5. Warning and trespass signs advising of the extractive operation shall be placed on the perimeter of the site at intervals no greater than 200 feet.

Some signs exist due to the current operation. Signs will be added around the new area.

6. Setbacks for the edge of any excavation, building, or structure used in the processing of materials shall be no closer to property lines than the following standards:

- a. One hundred feet from any residentially zoned properties.
- b. Fifty feet from any other zoned property, except when adjacent to another extractive site.
- c. Fifty feet from any public street.

The mining site is located inside an operating industrial area and is surrounded by other Port industrial area providing excess setback area.

7. Setbacks for offices and equipment storage buildings shall not be closer than 20 feet from any property line except when adjacent to another extractive site. Scale facilities and stockpiles shall not be closer than 50 feet from any property line except when adjacent to another extractive site.

Existing offices and equipment have the required setback area. No new building nor equipment will be added due to this additional area.

8. No clearing, grading, or excavation, excluding that necessary for roadway or storm drainage facility construction or activities pursuant to an approved reclamation plan, shall be permitted within 20 feet of any property line except along any portion of the perimeter adjacent to another extractive operation.

The additional mining area is located well within Port property and no mining will occur anywhere near an existing property line.

9. Landscaping designed and intended to screen operations from view is required around the perimeter of the site adjacent to a public street or residential or commercial zoned property. Landscaping shall be provided with an automatic irrigation system unless a landscape architect certifies that plants will survive without irrigation.

The mining area is located within an existing industrial park where landscaping is not required. The 6 ft berm shields any visibility of the mining area.

10. Lighting shall be limited to that required for security, lighting of structures and equipment, and vehicle operations, and shall not directly glare onto surrounding properties.

No new lights will be added as part of this additional mining area.

D. Operating Standards. No permit shall be issued unless the following standards can be satisfied before granting a special use permit or demonstrated that the standards can be satisfied with conditions of approval.

1. Noise levels produced by an extractive operation shall not exceed levels specified by the Richland Municipal Code or WAC [173-60-040](#), Maximum Permissible Environmental Noise Levels, for noise originating in a class C-EDNA (industrial area).

The existing mining operation complies with the RMC noise standards and there will be no change to the site operations with this additional mining area.

2. Blasting shall be conducted under a blasting plan approved by the city, consistent with industry standards, during daylight hours, and according to a time schedule provided to residents and business located within one-

half mile of the site.

This mining area has no material larger than 8" in diameter and does not require blasting.

3. Dust and smoke produced by extractive operations shall be controlled by watering of the site and equipment or other methods required to satisfy the Benton Clean Air Authority and which will not substantially increase the existing levels of suspended particulates at the perimeter of the site.

The existing operations provide dust control and has had no illegal emissions from this site.

4. The applicant shall provide measures to prevent transport of rocks, dirt, and mud from trucks onto public roadways.

The current facility operates without tracking out material or gravel and will continue these operations.

5. Traffic control measures such as flaggers or warning signs shall be provided by the applicant during all hours of operation.

The existing facility uses public roadways with existing traffic control. No changes to this operation will occur due to the additional mining area.

6. The applicant shall be responsible for cleaning of debris or repairing of damage to roadways caused by the operation.

There has been no debris or track out from the existing operations for more than 20 years. If there is any track out, American Rock Products will be responsible for clean up.

7. Surface water and site discharges shall comply with state requirements.

Surface water is limited to wash water which is handled under existing permit.

8. Excavation shall not occur below the contours identified on the site plan or within five feet of the seasonal water table, whichever is reached first.

Excavation from the additional area will continue to follow these rules as the operation has for 20 years.

9. Upon depletion of mineral resources or abandonment of the site, all structures, equipment, and appurtenances accessory to the operations shall be removed.

American Rock Products continues to reclaim the mined area following the approved reclamation plan and will continue to follow that reclamation plan.

10. Failure to comply with the conditions of this section shall require modifications of operations, procedures, or equipment until such compliance is demonstrated to the satisfaction of the administrative official or, if referred by the administrative official, to the satisfaction of the hearing body. Such modifications may require a permit modification if they are inconsistent with the approved permit conditions.

American Rock Products has performed extremely well at this site for over 20 years and plan to continue to operate carefully.

E. Reclamation.

1. A valid clearing and grading permit shall be maintained throughout the reclamation of the site required pursuant to Chapter [78.44](#) RCW.

The site will continue to operate under the approved reclamation plan.

2. No extractive operations shall commence until a reclamation plan approved pursuant to the requirements of RCW [78.44.090](#) shall be submitted to the city.

This RCW has been repealed. However, American Rock Products will continue to operate under the currently approved Reclamation Plan.

3. Reclamation plans shall require:

- a. The removal of all buildings, structures, apparatus, or appurtenances accessory to the extractive operations.
- b. Final grades suitable for uses permitted within the underlying zoning district.
- c. No less than one foot of topsoil shall be returned to the surface of the land, with the exception of roads.
- d. The site shall be planted with indigenous plants, such as grasses and shrubs, which shall be maintained to minimize blowing dust.
- e. Graded or backfilled areas shall be reclaimed in a manner that will not allow water to collect and permit stagnant water to remain.
- f. Waste or soil piles shall be leveled and the area treated with surfacing and planting as required by this subsection.

There is an existing approved reclamation plan that American Rock Products has operated under for more than 20 years and will continue to operate under this approved plan.

F. Financial Guarantees. The city may require a financial guarantee when it determines it necessary to assure that all conditions of approval, design standards, and operating standards will be satisfied. The financial guarantee may apply to installation of landscaping for screening, fencing, dust suppression, or any other reasonable purpose as determined necessary by the city to enforce the requirements of this chapter.

G. Permit Review. All extractive and processing operations shall be subject to a review of site design and operating standards at five-year intervals. The review shall be conducted by the administrative official and shall include a written decision containing facts, findings and conclusions supporting the decision, demonstrating compliance with the terms and conditions of the decision granting the special use permit. The administrative official may determine that:

- 1. The site is operating consistent with all existing permit conditions; or

2. The most current site design and operating standards should be applied to the site through additional or revised permit conditions. Additional or revised conditions necessary to mitigate identifiable environmental impacts to be applied to the site through additional or revised permit conditions shall be identified. The administrative official shall mail a copy of the written decision to the applicant or operator, if a separate party.

H. Any permit issued under this section may be terminated if provisions of this section are not met or if substantial evidence indicates that mining operations are causing or continuation of operations would cause significant adverse impacts to water quality or to the geo-hydraulic functioning of water resources in the vicinity.

I. Any portion of a larger site designated by the Richland comprehensive plan as mineral lands of long-term commercial significance shall be protected against any new incompatible on-site or adjacent uses, or any change in zoning status or restrictions, at such time as any landowner or mineral rights owner applies for and is granted a special use permit under the provisions of this section. For purposes of meeting the requirements of RMC [19.30.020](#), the mineral rights holder shall be required to prove exclusive ownership of the subject mineral interest and control of the surface for mining purposes. [Ord. 28-05 § 1.02].



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**

**COUNTY OR MUNICIPALITY
APPROVAL FOR
SURFACE MINING
(Form SM-6)**

NAME OF COMPANY OR INDIVIDUAL APPLICANT(S) Same as name of the exploration permit holder. (Type or print in ink.) Interstate Concrete & Asphalt dba American Rock Products Inc.		TOTAL ACREAGE AND DEPTH OF PERMIT AREA (Include all acreage to be disturbed by mining, setbacks, and buffers, and associated activities during the life of the mine.) (See SM-8A.) Total area permitted will be <u>182</u> acres Maximum vertical depth below pre-mining topographic grade is <u>45</u> feet Maximum depth of excavated mine floor is <u>365</u> feet relative to mean sea level										
MAILING ADDRESS PO Box 3366 Spokane, WA 99220 Telephone <u>509.534.6221</u>		COUNTY <u>Benton</u> No attachments will be accepted. Legal description of permit area:										
		<u>1/4</u>	<u>1/4</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>						
		ALL	SE	22	10N	28EWM						
		SW, SE	NE	22	10N	28EWM						
		ALL	NE	27	10N	28EWM						
		NE,NW	SE	27	10N	28EWM						
Proposed subsequent use of site upon completion of reclamation Industrial development												
Signature of company representative or individual applicant(s)		Name and title of company representative (please print)			Date signed							
TO BE COMPLETED BY THE APPROPRIATE COUNTY OR MUNICIPALITY:												
Please answer the following questions 'yes' or 'no'.						<table border="1"><tr><td>Yes</td><td>No</td></tr><tr><td></td><td>☒</td></tr><tr><td>☒</td><td></td></tr></table>	Yes	No		☒	☒	
Yes	No											
	☒											
☒												
1. Has the proposed surface mine been approved under local zoning and land-use regulations?												
2. Is the proposed subsequent use of the land after reclamation consistent with the local land-use plan/designation?												
When complete, return this form to the Department of Natural Resources.												
Name of planning director or administrative official (please print) Mike Stevens		Address 625 Swift Blvd. Richland, WA 99352										
Signature 												
Title (please print) Planning Manager												
Telephone 509-942-7596	Date 11/17/22	FOR DEPARTMENT USE ONLY:			DNR Reclamation Permit No.							

CITY OF RICHLAND
NOTICE OF APPLICATION
AND PUBLIC HEARING (SUP00-101)

Notice is hereby given that the Eucon Corporation on November 13, 2000 filed application for a special use permit to allow for excavation, processing and removal of topsoil, sand and gravel. The proposal involves an approximately 187 acre parcel located in the City of Richland, generally north of Spengler Road extended west, west of and adjacent to the Port of Benton's railroad right-of-way and south of Horn Rapids Road. Pursuant to Richland Municipal Code (RMC) Section 19.30.030 the City of Richland issued a Notice of Completeness on November 16, 2000.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Rick Simon, Planning Manager, 840 Northgate Avenue, P.O. Box 190, Richland, WA 99352 in writing within 15 days of the date of issuance of this Notice of Application which is November 19, 2000.

Written comments should be received no later than 5:00 p.m. on December 4, 2000. Comments may also be faxed to (509) 942-7764.

Notice is further given that the applicant has filed an environmental checklist as required by the State Environmental Policy Act (SEPA). Copies of the checklist and other information related to the application are available for review at the Richland Planning and Development Services Division Office at 840 Northgate Avenue.

Based on the initial review of the application, the City of Richland anticipates issuing a Mitigated Determination of Non-Significance for the proposal. The environmental review is being conducted under WAC 197-11-355(Optional DNS Process). As such, this may be the only opportunity to comment on the environmental impacts of the proposal.

The proposal may include mitigation measures required under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is required. A copy of the subsequent threshold determination for the proposal may be obtained upon request submitted to the address listed above.

At this time the following conditions are being considered to mitigate environmental impacts that could result from the proposal:

1. Prior to beginning operations, the applicant shall obtain and comply with all conditions of approval of necessary permits, licenses, certifications and approvals required by any federal, state or local agency having jurisdiction over said activities which shall include but not be limited to:
 - a. Washington State Department of Natural Resources Surface Mining and Reclamation Permit.
 - b. Benton County Clean Air Authority approval.
 - c. Department of Ecology Water Quality Certification Permit.
2. Noise emanating from the site as a result of operations shall comply with the regulations set forth in Washington Administrative Code Chapter 173-60 Maximum Environmental Noise Levels and/or with the standards set forth in Richland Municipal Code Section 23.42.050(3) whichever is most restrictive. Documentation as to the operations ability to comply with these regulations must be provided to the satisfaction of the Richland Planning Manager prior to final permit issuance.
3. A site screening/landscape plan that effectively screens the operations from view of adjoining properties shall be prepared and approved by the Richland Planning Manager, with said landscaping/screening installed prior to final permit issuance.

Notice is further given that the Richland Board of Adjustment, on Wednesday, December 20, 2000, will conduct a public hearing and review of the application at 7:30 p.m. in the Council Chamber, Richland City Hall, 505 Swift Boulevard. All interested parties are invited to attend and give testimony. Copies of the Staff Report and recommendation will be available in the Planning and Development Services Division Office and the Richland Public Library beginning Friday December 15, 2000.

The proposed application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulation Administration and RMC Section 23.70.210 Excavation, Processing and Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning and Development Services Division at the above referenced address with questions related to the available appeal process.



RICK SIMON,
PLANNING MANAGER

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable: **American Rock Products, Additional Mining Area.**
2. Name of applicant: **American Rock Products, Port of Benton land owner.**
3. Address and phone number of applicant and contact person: **Wade Blagg, American Rock Products.**

American Rock Products, 11919 Harris Road, Pasco, WA 509-547-2380
Diahann Howard, Port of Benton, 3250 Port of Benton Blvd, Richland, 509-375-3060.

4. Date checklist prepared: **December 9, 2022.**
5. Agency requesting checklist: **City of Richland**
6. Proposed timing or schedule (including phasing, if applicable): **Begin excavation in March 2023.**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **This will complete the available mining area.**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **Previous SEPA checklists for the original mining application.**
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **No.**
10. List any government approvals or permits that will be needed for your proposal, if known. **DNR mining permit expansion.**
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The existing mining operation has existed for more than 20 years without incident or problems. This expansion area will complete the remaining area within the rail spur and should have been included in the original permit application. Proposed and current adjacent land use includes aggregate mining, rock crushing and stockpiling, concrete batch plant, asphalt plant, asphalt and concrete recycling, equipment repair shop and office. All uses listed may operate in the expanded area in the future. The property is owned by the Port of Benton.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The project is located west of Stevens Drive, west of the Port of Benton's industrial rail spur, and east of the existing rail loop track and south of the City of Richland's rail spur, and north of Logan Road. See attached exhibit map. The existing site address is 2090 Robertson Drive, Richland, WA 99352. Located specifically in portions of Sections 22 and 27, Township 10N, Range 28EWM

B. Environmental Elements [\[HELP\]](#)

1. **Earth** [\[help\]](#)

- a. General description of the site: **The existing site is essentially flat. The area proposed for expansion is currently approximately 30 ft higher than the mined area. Once this new area is mined, all of the area within the railroad track will be at the same elevation.**

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

- b. What is the steepest slope on the site (approximate percent slope)? **In the proposed expansion area, there are no steep slopes. Once the area is mined, the slopes along the edges will be 3:1 per the original geotechnical report and mining reclamation report.**

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. **All of the site is sands and gravels. Sand and gravel; Soil Classification is Quincy-Hezel-Burbank – General Soil type is Dq1; Region D and generally characterized a “Dry sandy soils on terrace and dunes that have formed under sparse dune vegetation or shrub-steppe vegetation in wind-deposited sand or silt over glaciolacustrine deposits from cataclysmic glacial outburst floods; most have low water-holding capacity wind-deposited sand or silt over glaciolacustrine deposits from cataclysmic glacial outburst floods; most have low water-holding capacity.**

d.

Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **There are no unstable soils. All of the site is covered with brush and grasses.**

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. **The site would be leveled for future industrial development as has the rest of the site. The cleared and leveled site will produce sands and gravels for the purpose of asphalt and concrete production for local construction projects. There is an estimated 1,000,000 cubic feet of material available. Asphalt and concrete may be imported for recycling.**

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **The existing site has been used for mining for more than 20 years without wind or surface water erosion. Yes, there may be a potential for wind erosion from topsoil and overburden stockpiles, but is generally resolved by water truck during excavation. Mining slopes will be 3:1 or gentler to prevent erosion from wind or water. The floor of the excavated area will be flat and not at risk of erosion.**

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **None, it will be leveled for future development. Expanded Mining activities will not leave any impervious surfaces.**

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **Normal construction practices using water during excavation activities. Gentle sloping, temporary vegetation as needed, moving material in ideal weather conditions.**

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. **Normal aggregate mining operations would provide very limited emissions. The only emissions would be the occasional dust emissions during windy conditions; however, the existing mining operations has been there for more than 20 years and have been able to completely control any emissions. For the expanded mining area, there could be dust and odor from excavating and crushing/recycling, concrete & asphalt production equipment that may run diesel or other fossil fuels.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **The adjacent railroad and industrial areas have normal construction emissions but none that affect the mining operation.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **Normal watering operations to control dust. Dust will be controlled with water, dust palliatives and reduced speeds. All operations will be done in compliance with Benton Clean Air Agency.**

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)
- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **There is no surface water on site or adjacent to the site. The nearest surface water is more than a mile to the east in the Columbia River.**
 - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **There are no surface waters near or adjacent to the site (none within 200ft).**
 - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **No soils will be removed from surface water or wetlands.**
 - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **There is an existing City of Richland groundwater well, and water right, that American Rock Products has a lease on for purposes of production water and use as dust control. The well and water right allows for withdrawal under water right G4-29925 for up to 1,100 gpm.**
 - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **No, the site is not within a 100-year floodplain.**
 - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **The production**

water is discharged to settling/evaporation ponds on site. It does not nor could it discharge to the Columbia River.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. **Groundwater is not withdrawn for drinking water as the site is served by domestic water by the City of Richland. The existing groundwater well owned by the City of Richland is located west of Hagen Road, just south of Logan Street, and that ground water is used for production water. The excess production water is discharged to unlined evaporation ponds. A portion of the excess production water does enter the groundwater from these evaporation ponds, however, there is limited contamination in the excess water from washing off equipment from dust and concrete residue.**
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **The site is served with sanitary sewer so all sanitary wastewater is discharged to the sewer. The excess wastewater that partially discharges to the groundwater only has dust and concrete residue.**

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **None of the new area will have impervious surfaces so all surface water will drain into the existing soils as it does now. Stormwater will be discharged to ground and diverted to drainage swales as needed. Any gravel wash water will be discharged to existing settling ponds. Any water associated with concrete and asphalt production facilities will be properly managed per permit requirements.**
- 2) Could waste materials enter ground or surface waters? If so, generally describe. **The only discharge would be from the water used for production and dust control. The only other waste materials on site are equipment fuels and lubricants. These will be controlled by normal best practices for construction equipment.**
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **There are no drainage facilities on this site. Currently stormwater simply infiltrates into the natural ground which it will continue to do after the material is excavated.**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage

pattern impacts, if any: **Compliance with all applicable regulations and the Department of Ecology Sand and Gravel General Permit.**

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation, **sage and rabbit brush and natural grasses.**

b. What kind and amount of vegetation will be removed or altered? **The entire site will be cleared. After mining and grading, the site will be restored ready for industrial development the same as all of the existing mining area.**

c. List threatened and endangered species known to be on or near the site. **None known.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **None required.**

e. List all noxious weeds and invasive species known to be on or near the site. **None known.**

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: **Seagulls, pheasants, ducks, geese.**

mammals: deer, bear, elk, beaver, other: **rabbits, skunks, field mice.**

fish: bass, salmon, trout, herring, shellfish, other **Nearest fish are in the Columbia River approximately 1.5 miles to the east.**

b. List any threatened and endangered species known to be on or near the site. **None known according to the Washington Fish and Wildlife web page <https://databasin.org/maps/660e09521fcd44b0a4e812c1052c0b51/>.**

c. Is the site part of a migration route? If so, explain. **Normal migratory path for pheasants, ducks, geese, etc.**

- d. Proposed measures to preserve or enhance wildlife, if any: **None required. Area is already a heavy industrial area.**
- e. List any invasive animal species known to be on or near the site. **None known.**

6. *Energy and Natural Resources* [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **Very few utilities are needed. Only electrical during the actual mining/crushing operation. The existing processing facility has full utilities. The expanded mining area may utilize electricity, natural gas, propane, diesel, oil and possibly solar. Diesel for equipment, electricity and natural gas/propane for crushing, concrete & asphalt production equipment and maintenance activities.**
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **The mining operation will not affect the ability to use the site for solar energy.**
- c. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No.**
- d. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **None required as the project only requires electricity to serve the crusher.**

7. *Environmental Health* [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. **Yes, it is possible in the expanded mining area with equipment operating that uses diesel, lubricating oils, etc. Concrete and asphalt production equipment and maintenance activities also have materials associated with them that could have a potential for spills, etc.**

1) Describe any known or possible contamination at the site from present or past uses.

- a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

The only known hazard on the site is an existing natural gas pipeline that is located adjacent but to the east of the proposed work area. The only other hazard adjacent to the site is the operating railroad but it is also outside the work area and it has daily inspection by track representatives.

There are no other known environmental issues on this site. Prior to transfer to the Port, the Department of Energy completed a detailed environmental investigation on the site.

- b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. **No toxic or hazardous chemicals will be stored or produced on site. The only chemicals on site will be normal construction equipment fuels and lubricants.**

c. Describe special emergency services that might be required. **Only normal emergency services should there be a health or accident need on site, however, normal construction practices should provide for a safe site and these types of responses are rare.**

d. Proposed measures to reduce or control environmental health hazards, if any. **Maintaining normal safe construction procedures will control any environmental health hazards. Any chemicals stored in the expanded area will be stored in appropriate double containment.**

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **This is an existing industrial park. The current noises are typical for an industrial and manufacturing site such as trucks and heavy equipment. None of these noises would affect this mining operation.**

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **Normal construction noises would be created by this operation 24 hours a day. However, this site is at least ½ mile from any residential site. The current construction and crushing equipment has operated here for several years without complaint. The crushing operation has additional noise and vibration. This has been coordinated with LIGO for the last 20 years and has easily been coordinated and handled with LIGO and with the PNNL EMSL facility without incident. In the expanded mining area, there will be noise from mining and crushing/recycling activities on an intermittent basis 6-8 weeks per year, possible longer depending on market demands. Concrete & asphalt production and maintenance facilities may be temporary or stationary operations.**

3) Proposed measures to reduce or control noise impacts, if any: **Existing procedures are controlling noises adequately. All operations will be conducted in compliance with Environmental Noise Level ordinances.**

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. **Current land use and zoning, as well as current use is Industrial. This has been an operating industrial site for 40 years. The current proposal is an expansion of what has already been occurring on the site.**

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non forest use? **The adjacent property was used for a few years (1989 – 2013) for agricultural operations; however, the City of Richland only did this for purpose of developing the water right and leveling the ground so it could be used for future industrial use. The site where this project will be occurring was never used for farming purposes but has been industrial use since World War II.**

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: **There is no longer farming operations adjacent to the mining area.**
- c. Describe any structures on the site. **There are no structures on the site. There is an old mobile office still on the site but it is on skids and is due to be demolished. There is also a cell tower on site but it's lease is up in 2025 and is scheduled to be removed. The rest of the site has not been developed other than as a rail storage area.**
- d. Will any structures be demolished? If so, what? **Just the old mobile office.**
- e. What is the current zoning classification of the site? **Industrial.**
- f. What is the current comprehensive plan designation of the site? **Industrial.**
- g. If applicable, what is the current shoreline master program designation of the site? **N/A.**
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. **This area is part of the groundwater 10-year aquifer recharge area. However, none of this operation gets into the groundwater.**
- i. Approximately how many people would reside or work in the completed project? **No one will live on the site. Currently there are more than 50 that work on the adjacent site, a portion of which will extend into this additional mining area.**
- j. Approximately how many people would the completed project displace? **None.**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **None required since no one is getting displaced.**
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **Mining/grading of the site would fit in perfectly with existing use and with the current zoning and comprehensive plan. Additionally, this mining and grading of the site prepares is for future industrial development.**
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: **This is not required since there is no current agricultural development on or adjacent to the site.**

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, mid-

dle, or low-income housing. **No housing units will be provided.**

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **No housing units will be eliminated.**
- c. Proposed measures to reduce or control housing impacts, if any: **None required since no housing units will be removed or provided. This is an industrial area that doesn't allow residential.**

10. *Aesthetics* [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **The tallest existing structure on the site or adjacent to the site are the cell tower east of the site and the grain elevator west of the site. Both of these are approximately 125 ft in height. The tallest structures in the expansion area would be a temporary crusher approximately 30 feet high when on site.**
- b. What views in the immediate vicinity would be altered or obstructed? **None since this site sits approximately 40 ft below the adjacent ground so the crusher will not be visible from the adjacent properties.**
- b. Proposed measures to reduce or control aesthetic impacts, if any: **None required since this is an existing industrial property and the adjacent sites already have structures higher than will be on this site.**

11. *Light and Glare* [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **Lights may be used on the portable, temporary crushing plant when it is onsite and for concrete & asphalt production plants. Lights would be used mainly during dusk and dawn.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **No since there will only be light on this site during mining operations and only for a very short term.**
- c. What existing off-site sources of light or glare may affect your proposal? **None. There are minimal light from buildings adjacent to this site.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **The crusher will be located in the gravel pit floor and lights will directed downward and away from adjacent properties. Any concrete and asphalt production facilities would also be located in the gravel pit floor, lighting would also be directed downward and away from property line. Berms and topography will block most of the light.**

12. *Recreation* [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? **None, this is an existing industrial area.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **No. This is an industrial site. The only recreational uses in the area are a separated bike/pedestrian path adjacent to some roads.**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None required since this project isn't constructing any buildings or roads.**

13. **Historic and cultural preservation** [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers¹⁴? If so, specifically describe. **No. The site was reviewed for cultural impacts by the Department of Energy prior to transfer to the Port in 1998. The only structure on site is an old mobile office on skids that is already scheduled for demolition.**
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. **No. The site was reviewed for cultural and historical items in 1998 by the Department of Energy.**
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. **None required. The site was already reviewed in depth by the Department of Energy prior to transfer to the Port and consultations with the tribes were already held. This is just adding on a small area adjacent to the existing mining operation.**
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. **None required.**

14. **Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. **The site is accessible through the existing roads serving the existing mining operation. Access is provided by Hagen Road and Logan Street.**
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? **There is no transit currently to the site.**
- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe

(indicate whether public or private). **No new roads for this action.**

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **The nearest water serving the site is the Columbia River about 1 mile to the east. There is existing rail serving the site to the east and north. The nearest air service is the Richland Airport almost 2 miles to the South. None of these services are required for the current action. The future industrial development will use all of these and that use is not impacted by this expansion effort.**
- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? **There are no new traffic trips as part of this action. The existing mining operation trips will not change.**
- f. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. **No. There are no agricultural or forest products moving on the adjacent roadways.**
- g. Proposed measures to reduce or control transportation impacts, if any: **None required as this project will not change transportation patterns or trip amounts.**

15. **Public Services** [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **Not the proposed action. Nothing will change for the current aggregate operation.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **None required since no new services will be required.**

16. **Utilities** [\[help\]](#)

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

All are available at the existing operations area, but may be expanded to that area to accommodate production facilities.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **There will be no change in utility needs for this expansion.**

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Wade Blagg

Name of signee Wade Blagg

Position and Agency/Organization General Manager

Date Submitted: February 8, 2023

AMERICAN ROCK PRODUCTS
HANFORD PIT
BENTON COUNTY, WASHINGTON

NOVEMBER 2022

RECLAMATION PLAN

PERMIT NO. 70-012968

PERMIT INFORMATION	
PERMIT NO.	
ADDRESS OF PERMIT HOLDER	CRH AMERICAS MATERIALS, INC. 5111 E. BROADWAY AVE, SPOKANE, WA 99212
SIGNATURE	



J-U-B ENGINEERS, INC.

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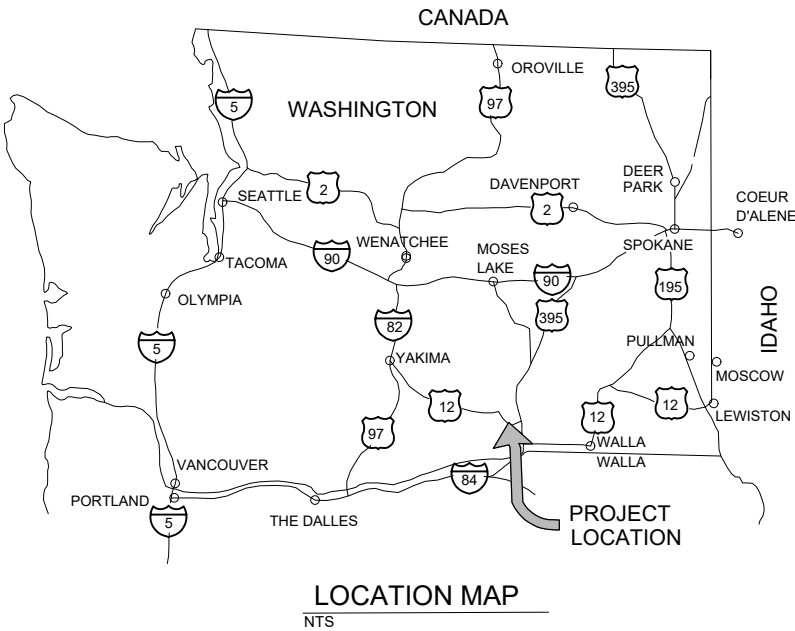
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REVISION	NO.	DESCRIPTION	BY	DATE

SHEET INDEX

1. COVER SHEET - VICINITY MAP
2. SITE PLAN - EXISTING TOPOGRAPHY
3. RECLAMATION SEQUENCE MAP
4. FINAL RECLAMATION PLAN
5. CROSS SECTIONS



AMERICAN ROCK PRODUCTS
HANFORD PIT

RECLAMATION PIT
COVER SHEET - VICINITY MAP

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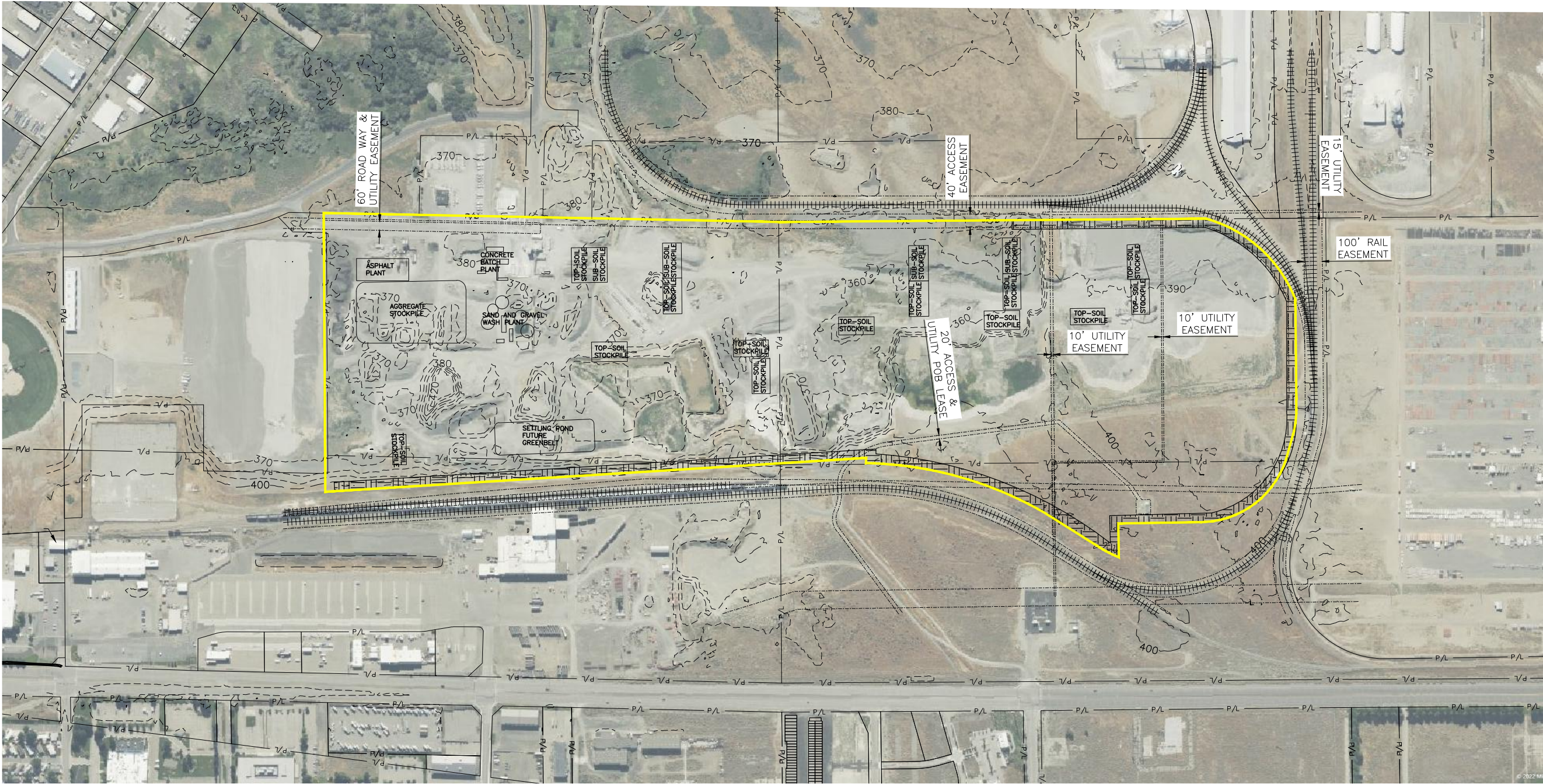
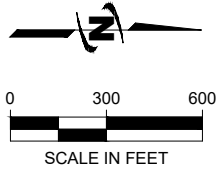
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SHEET GENERAL NOTES

- APPROXIMATELY 12.7 ACRE ADDED TO AMERICAN ROCK PRODUCTS, INC. PERMIT AREA.
- TOPOGRAPHY DATA RETRIEVED FROM WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES DIVISION OF GEOLOGY AND EARTH RESOURCES LIDAR PORTAL (COLUMBIA VALLEY FEMA SOUTH, 2020). ELEVATIONS ARE DEPICTED FOR SCREENING AND ILLUSTRATIVE PURPOSES AND SHOULD NOT BE CONSIDERED ACCURATE FOR SITE DESIGN.
- PARCEL AND BOUNDARY DATA RETRIEVED FROM BENTON COUNTY GIS SERVICES. PARCEL AND PERMIT BOUNDARIES ARE DEPICTED FOR SCREENING AND ILLUSTRATIVE PURPOSES AND SHOULD NOT BE CONSIDERED ACCURATE FOR LEGAL DESCRIPTIONS OR DESIGN.
- MINING AND RECLAMATION PHASES ARE SUBJECT TO CHANGE OR MOVEMENT.

LEGEND

- PROPERTY LINES (BENTON COUNTY GIS MAPPING)
- EXISTING EASEMENT AS LABELED
- EXISTING RAIL (TRACED FROM AERIAL IMAGERY)
- EXISTING CONTOUR MAJOR (50' INTERVAL)
- EXISTING CONTOUR MINOR (10' INTERVAL)
- PROPOSED PERMIT BOUNDARY (APPROXIMATELY 182 ACRES)



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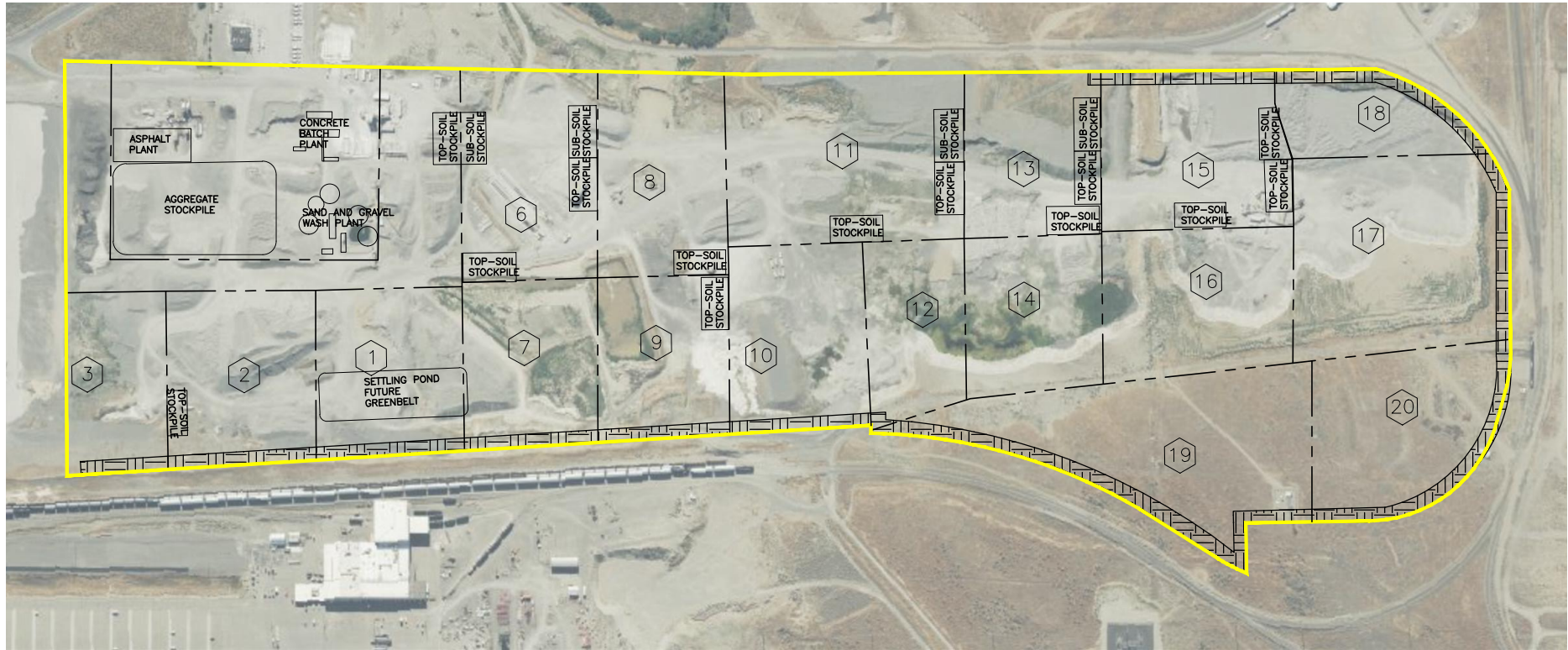
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AMERICAN ROCK PRODUCTS
HANFORD PIT

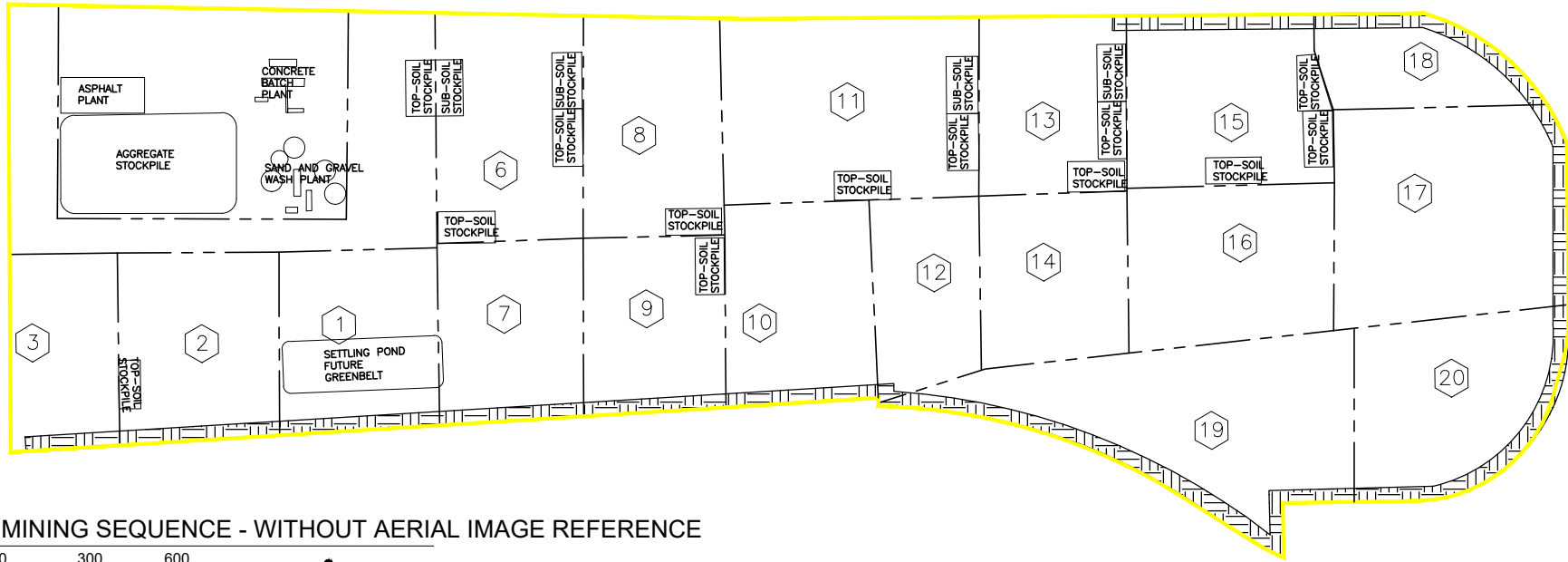
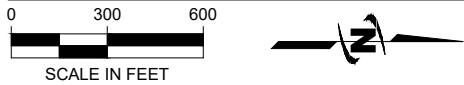
RECLAMATION PIT
SITE PLAN - EXISTING TOPOGRAPHY

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MINING SEQUENCE - WITH AERIAL IMAGE REFERENCE



MINING SEQUENCE - WITHOUT AERIAL IMAGE REFERENCE



SHEET GENERAL NOTES

1. PARCEL AND PERMIT BOUNDARIES ARE DEPICTED FOR SCREENING AND ILLUSTRATIVE PURPOSES AND SHOULD NOT BE CONSIDERED ACCURATE FOR LEGAL DESCRIPTIONS OR DESIGN.
2. MINING AND RECLAMATION PHASES ARE SUBJECT TO CHANGE OR MOVEMENT.

LEGEND

- PROPOSED PERMIT BOUNDARY
- MINING PHASE BOUNDARY
- MINING PHASE SEQUENCE



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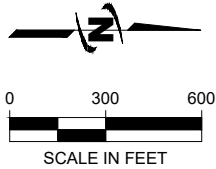
AMERICAN ROCK PRODUCTS
HANFORD PIT
RECLAMATION PIT
RECLAMATION SEQUENCE MAP

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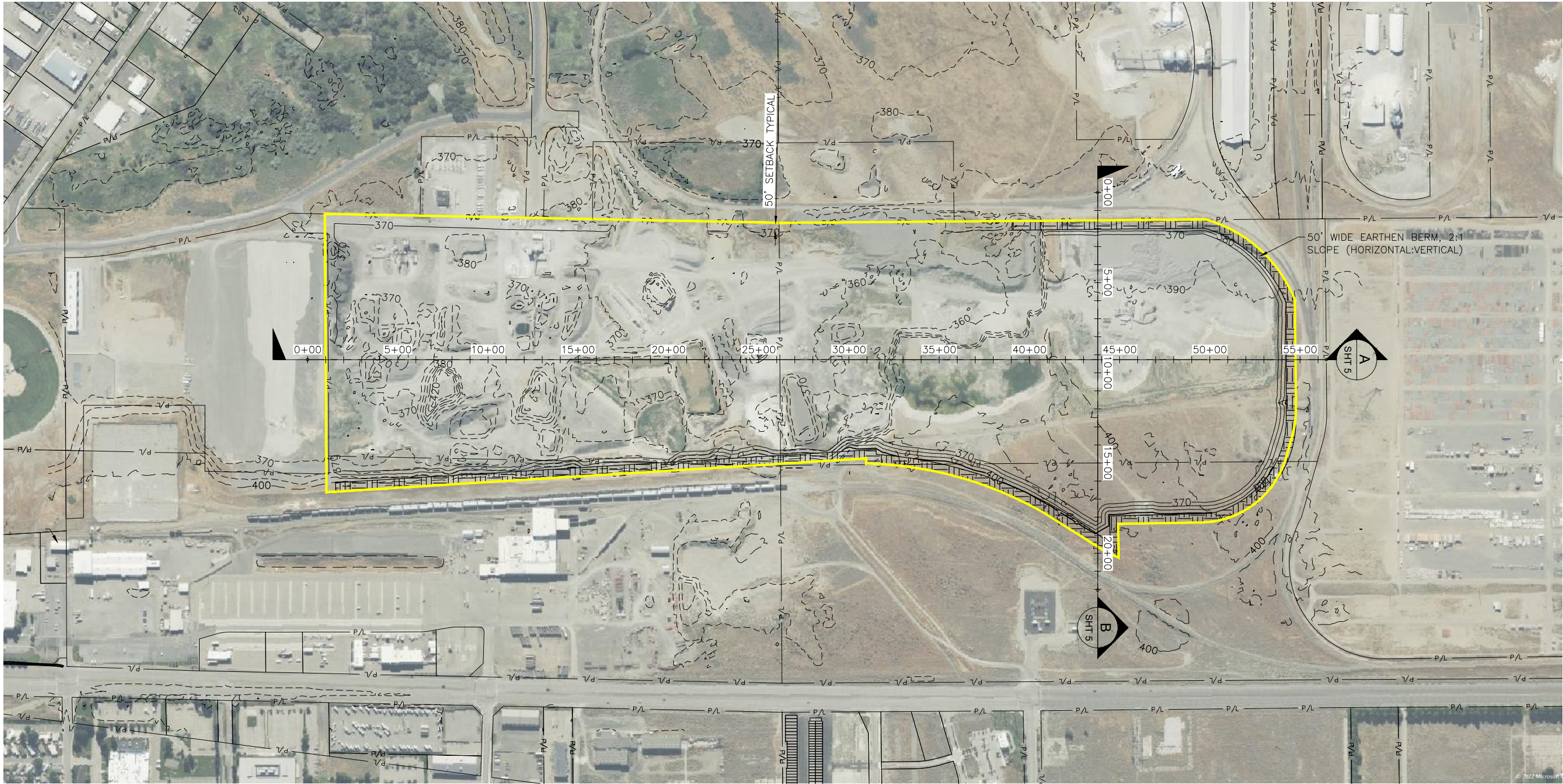
SHEET GENERAL NOTES

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LEGEND

- EXISTING CONTOUR MAJOR (50' INTERVAL)
- EXISTING CONTOUR MINOR (10' INTERVAL)
- FINAL CONTOUR MAJOR (50' INTERVAL)
- FINAL CONTOUR MINOR (10' INTERVAL)
- PROPOSED PERMIT BOUNDARY
- EARTHEN BERM



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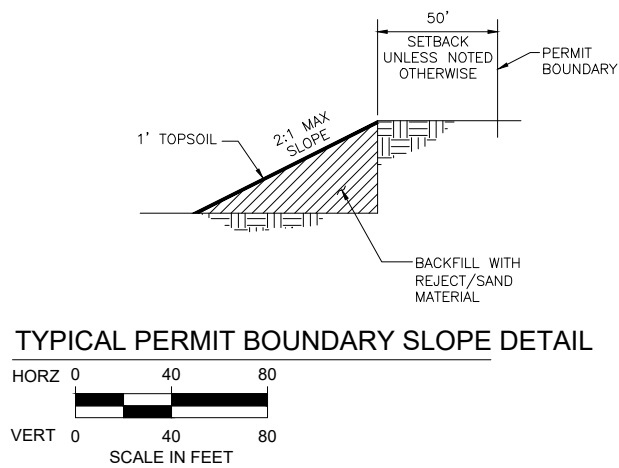
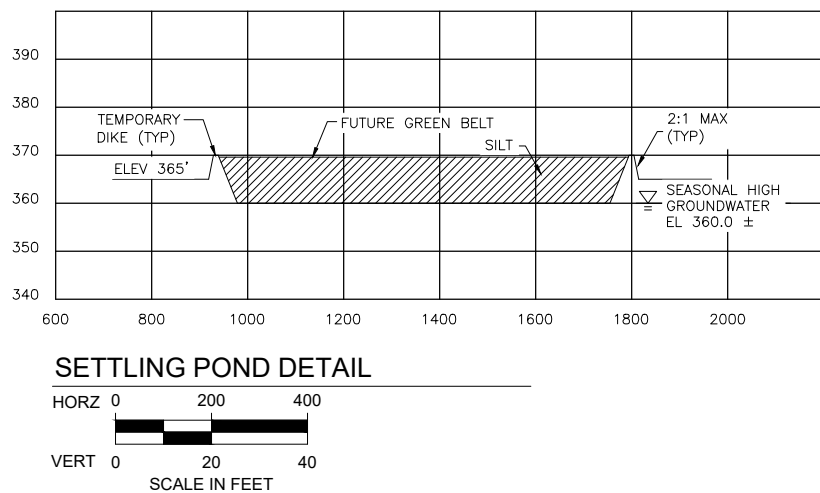
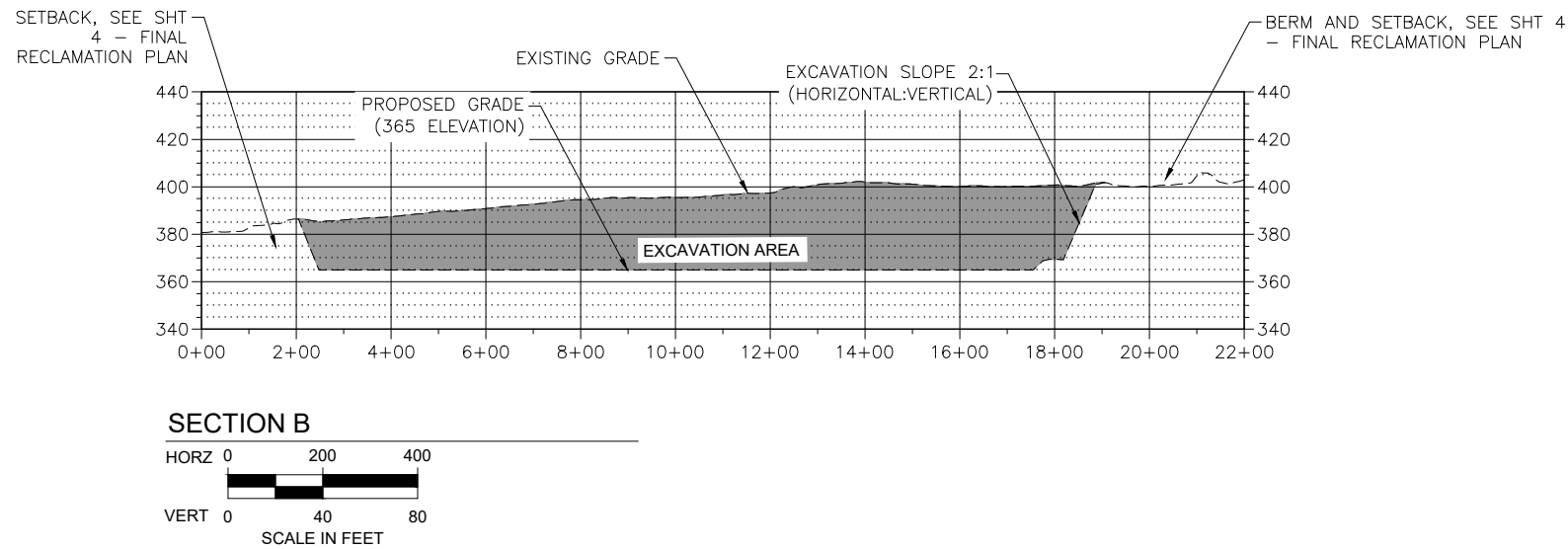
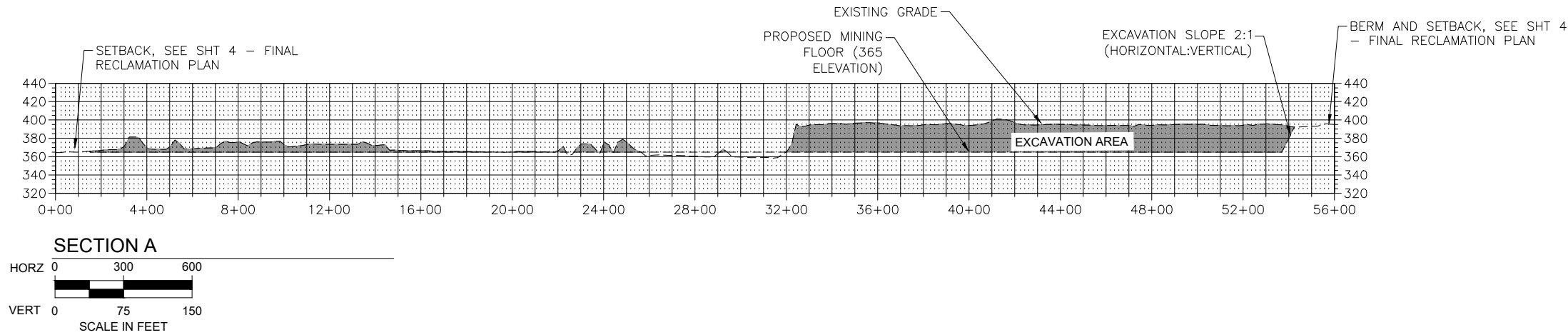
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AMERICAN ROCK PRODUCTS
HANFORD PIT

RECLAMATION PIT
FINAL RECLAMATION PLAN

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HANFORD PIT

RECLAMATION PIT
CROSS SECTIONS

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January 12, 2010

RGW Enterprises, P.C.
3100 George Washington Way
Richland, Washington 99354

Attn: Mr. Roger Wright, P.E.

**RE: GEOTECHNICAL ENGINEERING RECONNAISSANCE; PORT OF BENTON –
AMERICAN ROCK PRODUCTS GRADING; RICHLAND, WASHINGTON**

Shannon & Wilson, Inc. is pleased to present this letter report discussing our geotechnical engineering reconnaissance at the Port of Benton – American Rock Products grading site in Richland, Washington. We performed our work in general accordance with our proposal dated December 29, 2009.

Our scope of work included reviewing published geologic maps, observing the site conditions, and preparing our short letter-report that summarizes the anticipated soil conditions at the site and comments on typical slope inclinations exhibited at the existing pit.

BACKGROUND INFORMATION

The site is located north of Highway 240 and west of Stevens Drive in north Richland (Figure 1). The irregular-shaped, 40-acre parcel lies north of Snyder Road. The site runs approximately 2300 feet north of Snyder along the west side of the Port of Benton railroad. A softball complex is located to the south and west of the project area. The American Rock Products gravel pit is located to the north. A soil fill berm separates the site from the gravel pit.

The property is currently undeveloped and gently slopes down to the west. We understand that the grading will extend south from the existing American Rock Products pit into the proposed area. Grading will lower the property to create two benches for the Industrial Development. The area east of the softball complex will be graded to elevation +375 feet (approximately softball field grade). The northern end of the site will be graded to elevation +365 feet (gravel pit floor elevation). The proposed grades will require a cut slope along the eastern property boundary. The cut slope will range from approximately 0 feet near Snyder Road to approximately 37 feet high at the northern end. The final grading will create approximately 2700 lineal feet of cut slopes.

SITE OBSERVATIONS

A Shannon and Wilson, Inc. engineer met with you at the site on January 7, 2010, to observe the site conditions and slope inclinations at the adjacent gravel pit. The gravel pit cut slopes indicate that the surface profile consists of a thin layer of tan, silty sands overlying black sand and gravel deposits. The fill berm between the gravel pit and the proposed grading area consists of the tan, silty sand overburden material. We understand that this material was stripped from the pit area and loosely placed to create the berm.

We measured several slope inclinations at the gravel pit using a hand-held, inclinometer. The fill berm material appears to be near its natural angle of repose. We measured slope angles along the fill berm near 1.5 horizontal to 1 vertical (1.5H:1V) to 2H:1H.

A steep cut slope exists along the southern end of the pit exposing the black sand and gravel. We measured the steep cut near a 1H:1V inclination. This steep slope has experienced sloughing of the slope face.

Slopes exposing the black sand and gravel along the existing side of the pit are flatter. We measured slope inclinations at approximately 1.5H:1V. These slopes appear relatively stable but have some surface erosion and have not developed vegetation.

AREA GEOLOGY

The Geologic Map of the Richland 1:100,000 Quadrangle, Washington (Washington Division of Geology and Earth Resources OFR 94-8) maps the proposed grading site and existing gravel pit areas as gravel outburst flood deposits (Qfg₄). The map describes the outburst flood deposits as gravels with grain sizes ranging from sand to boulders. The grain size generally decreases away from the major flood channels. These sand and gravels were deposited by outburst floods from glacial Lake Missoula.

Well logs published on the Washington State Department of Ecology web site indicate that subsurface conditions in the area consist of sand and gravel soils.

We understand that the groundwater level at the existing gravel pit is approximately elevation +360 feet.

CONCLUSIONS

Based on the geologic maps, well log records, and the soil conditions exposed in the existing gravel pit, we anticipate that the subsurface conditions at the proposed grading site will consist of a thin layer of tan, silty sand soil overlying black sand and gravel deposits.

The existing slopes at the gravel pit indicate that 11H:1V slopes slough and are not stable on a long term basis. The 1.5H:1V slopes are relatively stable but experience surficial erosion and have not develop a vegetative cover. Based on our site observations, it is our opinion that approximately 2H:1V cut slope inclinations will be required for permanent slopes. The final slope inclinations may require adjustments based on the soil conditions exposed in the excavation.

LIMITATIONS

The conclusion and recommendations contained in this letter-report are based upon site conditions as the presently exist. We further assume that the soils observed on the site slopes are representative of the subsurface conditions under all portions of the proposed project; i.e., subsurface conditions are not significantly different from those disclosed by observations.

If subsurface conditions different from those we observed in the excavation, we should be advised at once so that we can review these conditions and reconsider our recommendations, where necessary. If conditions change because of natural forces or construction at the site, we recommend that we review this letter-report to determine the applicability of the conclusion and recommendations concerning the changed conditions contained in this letter-report.

Our report was prepared for the exclusive use of RGW Enterprises, P.C. and their design team, in the planning of the proposed site grading in Richland, Washington. This letter-report should be made available to prospective contractors for information on factual data only and not as a warranty of subsurface conditions, such as those interpreted from the discussions of subsurface conditions included in this report.

The scope of services did not include any environmental assessment or evaluation regarding the presence or absence of wetlands or hazardous or toxic materials in the soil, surface water, groundwater, or air, on or below the site, or the evaluation or disposal of contaminated soils or groundwater, should any be encountered.

RGW Enterprises, P.C.
Attn: Mr. Roger Wright, P.E.
January 12, 2010
Page 4

SHANNON & WILSON, INC.

As an integral part of this report, we have prepared the attachment "Important Information About Your Geotechnical Engineering Report," to help you more clearly understand its use and limitations.

Sincerely,

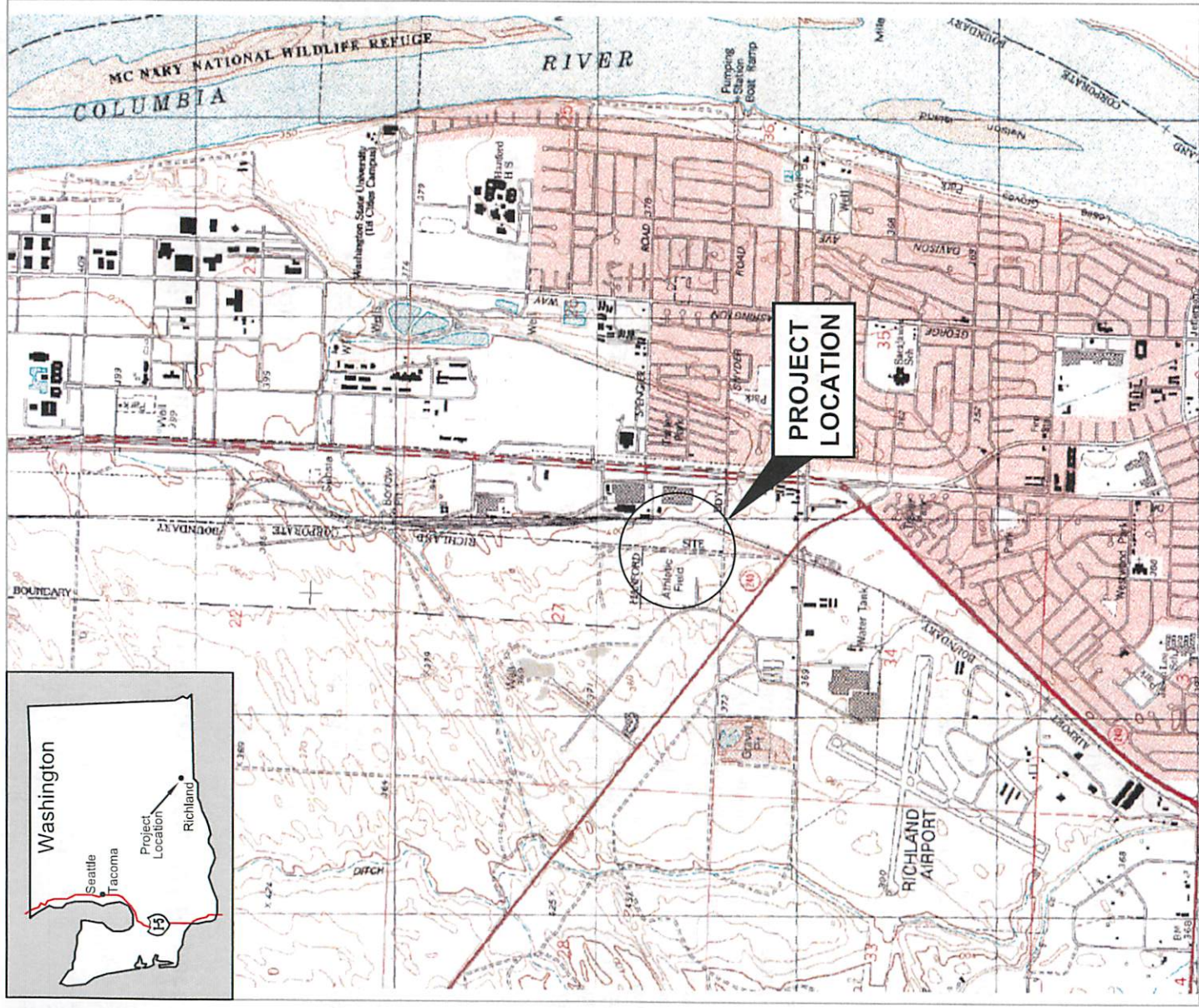
SHANNON & WILSON, INC.



Lloyd J. Reitz, P.E.
Senior Principal Engineer

LJR:DJB/ljr

Attachments: Figure 1 – Vicinity Map
 Important Information About Your Geotechnical Engineering Report



Scale in Miles
0 1/2 1

NOTE

Map adapted from 1:24,000 USGS topographic map of Richland (1992), WA quadrangle.

Port of Benton
American Rock Products Grading
Richland, Washington

VICINITY MAP

January 2010

22-1-02753-001

SHANNON & WILSON, INC.
Geotechnical and Environmental Consultants

FIG. 1



Date: January 11, 2010
To: RGW Enterprises, P.C.
American Rock Products Grading

Important Information About Your Geotechnical/Environmental Report

CONSULTING SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES AND FOR SPECIFIC CLIENTS.

Consultants prepare reports to meet the specific needs of specific individuals. A report prepared for a civil engineer may not be adequate for a construction contractor or even another civil engineer. Unless indicated otherwise, your consultant prepared your report expressly for you and expressly for the purposes you indicated. No one other than you should apply this report for its intended purpose without first conferring with the consultant. No party should apply this report for any purpose other than that originally contemplated without first conferring with the consultant.

THE CONSULTANT'S REPORT IS BASED ON PROJECT-SPECIFIC FACTORS.

A geotechnical/environmental report is based on a subsurface exploration plan designed to consider a unique set of project-specific factors. Depending on the project, these may include: the general nature of the structure and property involved; its size and configuration; its historical use and practice; the location of the structure on the site and its orientation; other improvements such as access roads, parking lots, and underground utilities; and the additional risk created by scope-of-service limitations imposed by the client. To help avoid costly problems, ask the consultant to evaluate how any factors that change subsequent to the date of the report may affect the recommendations. Unless your consultant indicates otherwise, your report should not be used: (1) when the nature of the proposed project is changed (for example, if an office building will be erected instead of a parking garage, or if a refrigerated warehouse will be built instead of an unrefrigerated one, or chemicals are discovered on or near the site); (2) when the size, elevation, or configuration of the proposed project is altered; (3) when the location or orientation of the proposed project is modified; (4) when there is a change of ownership; or (5) for application to an adjacent site. Consultants cannot accept responsibility for problems that may occur if they are not consulted after factors, which were considered in the development of the report, have changed.

SUBSURFACE CONDITIONS CAN CHANGE.

Subsurface conditions may be affected as a result of natural processes or human activity. Because a geotechnical/environmental report is based on conditions that existed at the time of subsurface exploration, construction decisions should not be based on a report whose adequacy may have been affected by time. Ask the consultant to advise if additional tests are desirable before construction starts; for example, groundwater conditions commonly vary seasonally.

Construction operations at or adjacent to the site and natural events such as floods, earthquakes, or groundwater fluctuations may also affect subsurface conditions and, thus, the continuing adequacy of a geotechnical/environmental report. The consultant should be kept apprised of any such events, and should be consulted to determine if additional tests are necessary.

MOST RECOMMENDATIONS ARE PROFESSIONAL JUDGMENTS.

Site exploration and testing identifies actual surface and subsurface conditions only at those points where samples are taken. The data were extrapolated by your consultant, who then applied judgment to render an opinion about overall subsurface conditions. The actual interface between materials may be far more gradual or abrupt than your report indicates. Actual conditions in areas not sampled may differ from those predicted in your report. While nothing can be done to prevent such situations, you and your consultant can work together to help reduce their impacts. Retaining your consultant to observe subsurface construction operations can be particularly beneficial in this respect.

A REPORT'S CONCLUSIONS ARE PRELIMINARY.

The conclusions contained in your consultant's report are preliminary because they must be based on the assumption that conditions revealed through selective exploratory sampling are indicative of actual conditions throughout a site. Actual subsurface conditions can be discerned only during earthwork; therefore, you should retain your consultant to observe actual conditions and to provide conclusions. Only the consultant who prepared the report is fully familiar with the background information needed to determine whether or not the report's recommendations based on those conclusions are valid and whether or not the contractor is abiding by applicable recommendations. The consultant who developed your report cannot assume responsibility or liability for the adequacy of the report's recommendations if another party is retained to observe construction.

THE CONSULTANT'S REPORT IS SUBJECT TO MISINTERPRETATION.

Costly problems can occur when other design professionals develop their plans based on misinterpretation of a geotechnical/environmental report. To help avoid these problems, the consultant should be retained to work with other project design professionals to explain relevant geotechnical, geological, hydrogeological, and environmental findings, and to review the adequacy of their plans and specifications relative to these issues.

BORING LOGS AND/OR MONITORING WELL DATA SHOULD NOT BE SEPARATED FROM THE REPORT.

Final boring logs developed by the consultant are based upon interpretation of field logs (assembled by site personnel), field test results, and laboratory and/or office evaluation of field samples and data. Only final boring logs and data are customarily included in geotechnical/environmental reports. These final logs should not, under any circumstances, be redrawn for inclusion in architectural or other design drawings, because drafters may commit errors or omissions in the transfer process.

To reduce the likelihood of boring log or monitoring well misinterpretation, contractors should be given ready access to the complete geotechnical engineering/environmental report prepared or authorized for their use. If access is provided only to the report prepared for you, you should advise contractors of the report's limitations, assuming that a contractor was not one of the specific persons for whom the report was prepared, and that developing construction cost estimates was not one of the specific purposes for which it was prepared. While a contractor may gain important knowledge from a report prepared for another party, the contractor should discuss the report with your consultant and perform the additional or alternative work believed necessary to obtain the data specifically appropriate for construction cost estimating purposes. Some clients hold the mistaken impression that simply disclaiming responsibility for the accuracy of subsurface information always insulates them from attendant liability. Providing the best available information to contractors helps prevent costly construction problems and the adversarial attitudes that aggravate them to a disproportionate scale.

READ RESPONSIBILITY CLAUSES CLOSELY.

Because geotechnical/environmental engineering is based extensively on judgment and opinion, it is far less exact than other design disciplines. This situation has resulted in wholly unwarranted claims being lodged against consultants. To help prevent this problem, consultants have developed a number of clauses for use in their contracts, reports and other documents. These responsibility clauses are not exculpatory clauses designed to transfer the consultant's liabilities to other parties; rather, they are definitive clauses that identify where the consultant's responsibilities begin and end. Their use helps all parties involved recognize their individual responsibilities and take appropriate action. Some of these definitive clauses are likely to appear in your report, and you are encouraged to read them closely. Your consultant will be pleased to give full and frank answers to your questions.

The preceding paragraphs are based on information provided by the
ASFE/Association of Engineering Firms Practicing in the Geosciences, Silver Spring, Maryland



Northern, Inc.

• Consulting Engineers • Environmental Scientists • Construction Material Testing

6713 W. Clearwater, Ste. F
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Fax (509) 734-9321

722 No. 16th Ave., Ste. 31
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(425) 825-0327
Fax (425) 825-0328

81006 Hwy. 395 No.
Hermiston, OR 97838
(541) 564-0991
Fax (541) 564-0928

November 10, 2000

Mr. Kevin Barney
SCM Consultants
7601 W. Clearwater, Suite 301
Kennewick, WA 99336

Re: Naturally Occurring Aggregate Source Suitability
Proposed Quarry Site
Richland, Washington

Dear Mr. Barney:

GN Northern, Inc. performed sieve analysis testing for two samples collected from a proposed gravel quarry located west of Stevens Drive and north of the Vantage Highway in Richland, Washington. The sieve analyses indicate that coarse gravel with sand and cobbles were present in both samples. The gradation indicates a uniform distribution of materials between the Number 30 sieve and 5 inches. Minimal fines (fine sand and silt) were present in either sample.

Based on the gradation of the samples, processing will be required to achieve WSDOT specification for the gradations of concrete aggregate, crushed surfacing materials or asphalt aggregate. The sample gradations, when processed appear well suited for use as a coarse concrete aggregate. Excluding the gravel, the grading of the sand fraction is near the WSDOT maximum percentage allowed for fine concrete aggregate for the Number 4 through 30 sieve sizes but nearer the WSDOT minimum percentages for the Number 50 through 200 sieve sizes. We believe both screening and processing will be required to proportion the material to meet the requirements for fine concrete aggregate. Refer to Chapter 9 of the WSDOT Standard Specification for screening, gradation and approval requirements for various materials uses on municipal construction projects.

If you have any question regarding our sieve analysis or our preliminary evaluation of the naturally occurring aggregate source as a possible quarry site, please feel free to contact us at your convenience. Additional evaluation and testing must be completed on aggregates for acceptance per the WSDOT specifications.

Respectfully submitted,

GN Northern, Inc.

Gerald Harper
Division Manager

Imran Magsi, P.E.
Engineering Manager



Northern, Inc.

• Consulting Engineers • Environmental Scientists • Construction Material Testing

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81006 Hwy. 395 No.
Hermiston, OR 97838
(541) 564-0991
Fax (541) 564-0928

Client: SCM Consultants
7601 W. Clearwater, Suite 301
Kennewick, WA 99336

Date: 11-02-00
Job Number: -
Invoice No.: 21186TC
Sample No.: 203620

Project: 5412-011

Material Description: Poorly Graded Gravel with Sand
Sample Location: Stock-pile in Pit Floor
Sampled By: G. Harper
Date Sampled: 11-02-00
Date Received: 11-02-00

Sieve Analysis Test Results
Standard(s): ASTM C117 & C136

<u>Sieve Size</u>	<u>Percent Passing</u>
5".....	100
4".....	94
3".....	91
2".....	82
1".....	67
¾".....	60
½".....	51
3/8".....	46
No. 4.....	39
No. 8.....	33
No. 16.....	27
No. 30.....	19
No. 50.....	3
No. 100.....	1
No. 200.....	0.9

Reviewed By,

Gerald G. Harper
Division Manager



Northern, Inc.

• Consulting Engineers • Environmental Scientists • Construction Material Testing

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Hermiston, OR 97838
(541) 564-0991
Fax (541) 564-0928

Client: SCM Consultants
7601 W. Clearwater, Suite 301
Kennewick, WA 99336

Date: 11-02-00
Job Number: -
Invoice No.: 21186TC
Sample No.: 203621

Project: 5412-011

Material Description: Poorly Graded Gravel with Sand
Sample Location: South Wall Pit
Sampled By: G. Harper
Date Sampled: 11-02-00
Date Received: 11-02-00

Sieve Analysis Test Results
Standard(s): ASTM C117 & C136

<u>Sieve Size</u>	<u>Percent Passing</u>
5".....	100
4".....	96
3".....	93
2".....	83
1".....	63
3/4".....	54
1/2".....	45
3/8".....	41
No. 4.....	33
No. 8.....	27
No. 16.....	19
No. 30.....	12
No. 50.....	3
No. 100.....	1
No. 200.....	0.3

Reviewed By,

Gerald G. Harper
Division Manager

Nov-08-00 11:19P Mainline Rock & Ballast
Nov 07 00 02:10P Budinger & Assoc. Inc.

15094431699
SUS-333-3333

P.03

Port of Benton Pit
Benton County, WA

Project Number L00309

**FINE AGGREGATE
LABORATORY SUMMARY**

	UNITS		
LABORATORY NUMBER			0.1055
SAMPLE NUMBER			1
SAMPLED BY			Client
SAMPLE TYPE			Bulk
DATE RECEIVED			10/9/00
		SPEC	
ORGANIC IMPURITIES	P/F	-	Pass
COAL & LIGNITE	%	0.5 MAX	0.4
CLAY LUMPS & FRIABLE PARTICLES	%	3 MAX	0.8
SULFATE SOUNDNESS	% LOSS	10 MAX	6.4

budinger & associates, inc.
geotechnical & material engineers

Nov-08-00 11:19P Mainline Rock & Ballast
Nov 07 00 02:10P Budinger & Assoc. Inc.

15094431699
508-535-9589

P.04

Port of Benton Pit
Benton County, WA

Project Number 1.00309

**COARSE AGGREGATE
LABORATORY SUMMARY**

	UNITS		
LABORATORY NUMBER			00-1056
SAMPLE NUMBER			1
SAMPLED BY			Client
SAMPLE TYPE			Bulk
DATE RECEIVED			10/9/00
		SPEC	
COAL & LIGNITE	%	0.5 MAX	0
CLAY LUMPS & FRIABLE PARTICLES	%	2 MAX	0.1
LA ABRASION	% LOSS	50 MAX	11.7
SULFATE SOUNDNESS	% LOSS	12 MAX	0.5

Port of Benton Pit
 Benton County, WA

Project Number L00309

**C-33 SAND
 LABORATORY SUMMARY**

LABORATORY NUMBER		UNITS		00-1050	00-1051	00-1052	00-1053	00-1054
SAMPLE NUMBER				1	2	3	4	5
SAMPLED BY				Client	Client	Client	Client	Client
SAMPLE TYPE				Bulk	Bulk	Bulk	Bulk	Bulk
DATE RECEIVED				10/9/00	10/9/00	10/9/00	10/9/00	10/9/00
			SPRC					
S	3/8"	%	100	100	100	100	100	100
I	#4		95-100	86	85	83	85	90
E	#8	P	80-100	71	74	70	74	85
V	#16	A	50-85	48	62	51	61	78
E	#30	S	25-60	23	42	25	45	63
	#50	S	5-30	6	6	3	8	14
S	#100	I	0-10	3	2	0.4	4	6
I	#200	N	0-5, 3	1.7	1.4	0.1	1.8	3.3
Z		G						
E								

PORT OF BENTON

INDUSTRIAL DEVELOPMENT PROPERTY

RECLAMATION AND OPERATIONS PLAN

FOR

EUCON CORPORATION

November 2000

By

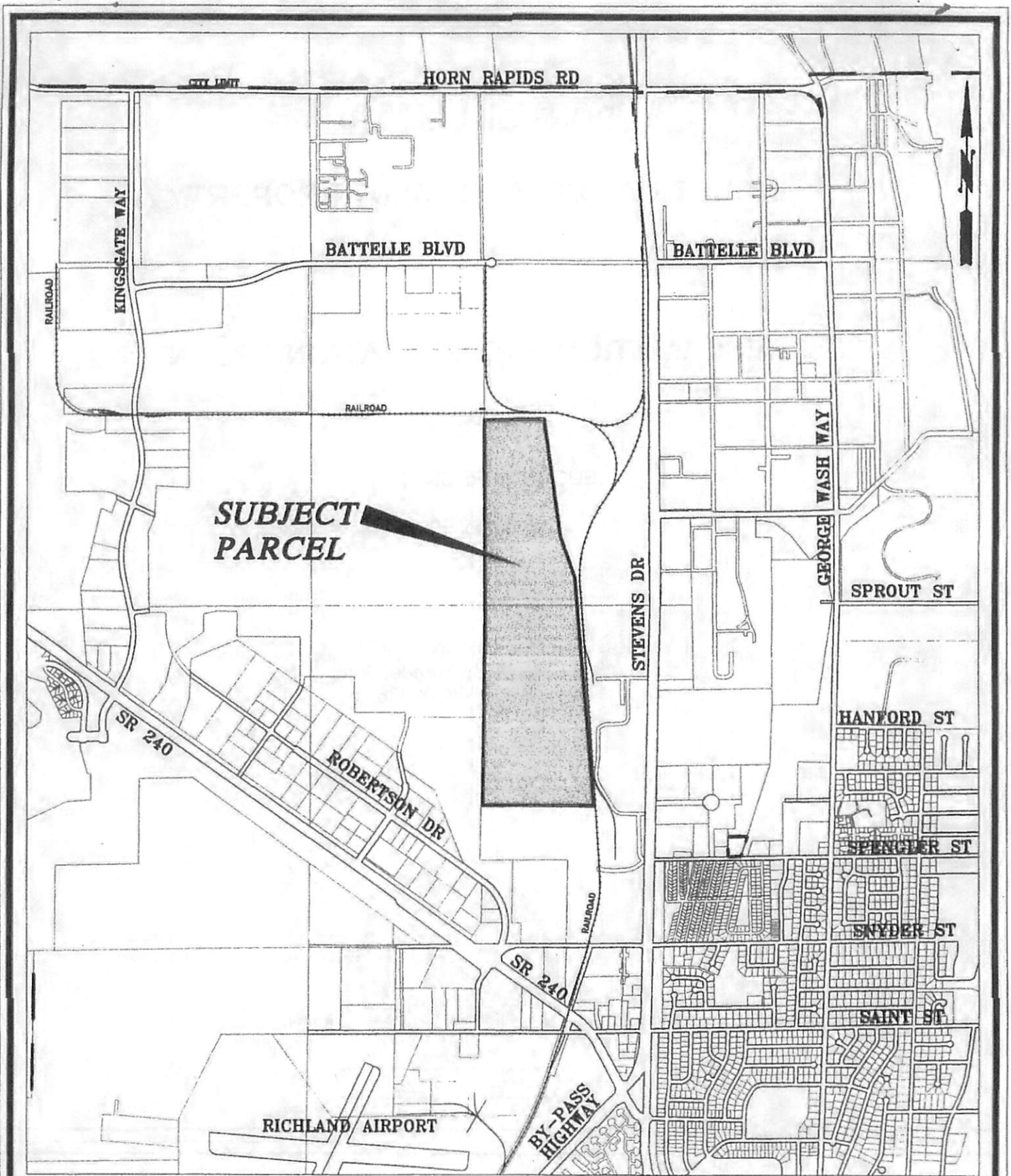
SCM CONSULTANTS, INC.
7601 West Clearwater Avenue, Suite 301
Kennewick, WA 99336



EXPIRES 6-8-01



Consultants, Inc.
Architects & Engineers
A Tetra Tech Company



PLANNING & DEVELOPMENT SERVICES
 DRAWING: JICSTADHR FILE: SUP00-101.DWG
 DATE: 11-00

SUP00-101

THE CITY OF RICHLAND OWES NO WARRANTY, EXPRESSED OR IMPLIED, FOR THE
 ACCURACY, PRECISION OR COMPLETENESS OF ANY INFORMATION SHOWN HEREON OR FOR
 ANY OF THE INFORMATION CONTAINED HEREIN. THE CITY OF RICHLAND SHALL NOT BE
 LIABLE FOR ANY DAMAGES, INCLUDING BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL,
 INCIDENTAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES, OR FOR ANY LOSS OF PROFITS,
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Reclamation and Operations Plan

CONTENTS

- I. City of Richland Ordinance No. 1-2000
Chapter 23.70 – General Provisions and Special Conditions
 - A. Section 23.70; Excavation, Processing and Removal of Topsoil, Sand Gravel, Rock or Similar Natural Deposits.
 - 1. Submittal Documents
 - 2. Design Standards
 - 3. Operating Standards
 - 4. Reclamation
- APPENDIX A: Soils Report
- APPENDIX B: Reclamation Maps

I. City of Richland Ordinance No. 1-2000
Chapter 23.70 – General Provisions and Special Conditions

A. Section 23.70; Excavation, Processing and Removal of Topsoil, Sand Gravel, Rock or Similar Natural Deposits.

The board of adjustment may grant, grant with conditions, or deny a special use permit for the excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits, when such use is specifically permitted as a special use in the use district or when the site is identified as mineral resource land by the comprehensive plan, and provided that the following requirements are met. If the board of adjustment approves or approves with conditions a permit under this section, no extractive operations shall commence until the applicant submits evidence from the State of Washington Department of Natural Resources that a permit and reclamation plan have been approved. All extractive operations approved under this chapter shall be carried out in strict conformance with the requirements of this section and the Washington State Surface Mining Reclamation Act (Chapter 78.44 RCW).

1. Submittal Documents

The applicant shall submit the following information for review by the board of adjustment:

- (a) A site plan and vicinity plan showing the location of the proposed site, access and haul roads, zoning of the proposed site and its relationship to surrounding property and use districts.

A 1999 aerial photograph is shown on the title sheet and vicinity map, Drawing T1 included Appendix B. The photograph shows current zoning and uses designations and identifies the proposed site boundaries and access roads. Also, the Existing Site Topographic Map, Drawing C1 shows existing facilities and identifies property ownership and addresses of all nearby structures.

- (b) A reclamation plan, showing the extent of the proposed excavation and supplying detailed plans for grading and planting after the excavation is finished. Drawings or maps that are part of the reclamation plan shall be drawn at a scale of not larger than fifty (50) feet or smaller than one hundred (100) feet to one (1) inch.

The Reclamation Sequence Map, Drawing C2 in Appendix B shows the limits of planned excavation and segmental patterns. The Final Reclamation Map and site cross sections,

Drawings C3 and C4 identify the details involving final elevation slopes and reclamation planting.

- (c) A site plan that demonstrates compliance with design standards of 23.70.210(2).

The site plan, Reclamation Sequence Map, Drawing C2 demonstrates compliance with the design standards of Section 23.70.210 (2).

- (d) An operations plan that demonstrates compliance with operating standards of 23.70.210(3).

The reclamation and operations plan herein contains all documentation required to demonstrate compliance with operating standards of Section 23.70.210 (3).

- (e) A report prepared by a licensed or registered professional engineer or geologist that contains data regarding the nature, type, distribution and strength of materials, slope stability and erosion potential, and evidence that demonstrates that the site contains material of a commercial quality and quantity.

A soils report containing documentation of the site material characteristics is included in Appendix A of this report.

- (f) A report prepared by a transportation engineer that demonstrates that surrounding streets are suitable in consideration of existing and projected traffic volumes, the type and nature of existing traffic, and the condition of the streets.

Documentation related to transportation and traffic considerations in the vicinity of the proposed site is included in the SEPA checklist.

2. Design Standards

The board of adjustment shall determine that the following standards are satisfied before granting a special use permit or that the standards can be satisfied with conditions of approval.

The site plan maps and cross-sections included in the appendix demonstrate compliance with the Design Standards identified by the City of Richland Ordinance 1-2000, Section 23.70.210 (2).

- (a) The minimum site area of an extractive operation shall be ten (10) acres.

The total site area is about 187 acres.

- (b) Extractive operations on sites larger than twenty (20) acres shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process.

Excavation of materials shall occur on phased segments approved by the DNR.

- (c) Fences shall be provided in a manner which discourages access to safety hazards which may arise on areas of the site where:

- (i) Active extracting, processing, stockpiling, and loading of materials is occurring;
- (ii) Boundaries are in common with residential or commercial zoned property or public lands;
- (iii) Any unstable slope or any slope exceeding a grade of forty percent (40%) (2.5H: 1V) is present; or
- (iv) Any settling pond or other storm water facility with side slopes exceeding 3H: 1V is present.

Temporary and permanent fences will be installed as necessary to limit access into operations and processing areas and active excavation areas within the site.

- (d) All fences shall be at least (6) feet in height above grade measured at point five (5) feet from the outside of the fence, installed with lockable gates at all openings and entrances, with no more than four (4) inches from the ground to the fence bottom, and maintained in good repair.

All fences shall meet the minimum requirements as identified in the general notes on the Reclamation Sequence Map, Drawing C2.

- (e) Warning and trespass signs advising of the extractive operation shall be placed on the perimeter of the site at intervals no greater than two hundred (200) feet.

Posting of the required signs on fences will be done at approved intervals as noted on Drawing C2.

- (f) Setbacks for the edge of any excavation, building, or structure used in the processing of materials shall be no closer to property lines than the following standards:
 - (i) One hundred (100) feet from any residentially zoned properties.
 - (ii) Fifty (50) feet from any other zoned property, except when adjacent to another extractive site.
 - (iii) Fifty (50) feet from any public street.

Permanent setbacks from property lines of 50 feet will be maintained around the entire perimeter of the permitted site. No residential zoning districts exist adjacent to or near the site.

- (g) Setbacks for offices and equipment storage buildings shall not be closer than twenty (20) feet from any property line except when adjacent to another extractive site. Scale facilities and stockpiles shall not be closer than (50) feet from any property line except when adjacent to another extractive site.

All plant support facilities and structures shall be setback from property lines at least 20 feet. No stockpile or scale facilities will be placed within permanent 50 foot setback lines.

- (h) No clearing, grading, or excavation, excluding that necessary for roadway or storm drainage facility construction or activities pursuant to an approved reclamation plan, shall be permitted within twenty (20) feet of any property line except along any portion of the perimeter adjacent to another extractive operation.

No clearing, grading or excavation will occur within 20 feet of property lines, except where necessary for road or storm facility construction or placement of screening berms and temporary reclamation stockpile berms.

- (i) Landscaping designed and intended to screen operations from view is required around the perimeter of the site adjacent to a public street or residential or commercial zoned property. Landscaping shall be provided with an automatic irrigation system unless a landscape architect certifies that plants will survive without irrigation.

Screening of operations shall be done to meet the approval of the City of Richland. The proposed site boundaries are not adjacent to any public streets or residential or commercial zoning districts.

- (j) Lighting shall be limited to that required for security, lighting of structures and equipment, and vehicle operations, and shall not directly glare onto surrounding properties.

Exterior site lighting shall only be installed where necessary for safety or security and will be prevented from glaring onto adjacent properties.

3. Operating Standards

- (a) Noise levels produced by an extractive operation shall not exceed levels specified by the Richland Municipal Code or WAC 173-60-040 maximum permissible environmental noise levels for noise originating in a class C EDNA (industrial area).

Environmental noise monitoring to establish compliance shall be performed during an initial 60 day trial period during which rock excavation and crushing will occur. The temporary crushing operation will process a total of approximately 100,000 cubic yards of material during daily periods of about 15 hours of operation.

Although asphalt and concrete plants will be operated, rock crushing will produce the most noise and vibration of processing activities.

- (b) Blasting shall be conducted under a blasting plan approved by the City, consistent with industry standards, during daylight hours, and according to a time schedule provided to residents and business located within one half mile of the site.

Blasting will not be required on this site due to the type and nature of excavation.

- (c) Dust and smoke produced by extractive operations shall be controlled by watering of the site and equipment or other methods required to satisfy the Benton Clean Air Authority and which will not substantially increase the existing levels of suspended particulates at the perimeter of the site.

Dust and smoke levels will also be monitored during the 60-day trial period involving temporary rock crushing and processing of materials. These activities will be carried out using water spraying or other approved methods to establish acceptance by the Benton Clean Air Authority.

- (d) The applicant shall provide measures to prevent transport of rocks, dirt, and mud from trucks onto public roadways.

All permanent haul roads leaving the site and entering public road systems shall be surfaced with asphalt or concrete pavement for a distance of at least 100 feet from any public road.

- (e) Traffic control measures such as flaggers or warning signs shall be provided by the applicant during all hours of operation.

All extraction and processing of materials will occur on-site and will not impact public roadways or traffic.

- (f) The applicant shall be responsible for cleaning of debris or repairing of damage to roadways caused by the operation.

Access roads leading to the site processing area will be paved to prevent debris due to transporting materials from the site consistent with that typical of this type of facility. Because the proposed facility is being relocated from another portion of the city, the resulting impact to the road system is expected to be minimal.

- (g) Surface water and site discharges shall comply with state requirements.

Due to the nature of excavation and site topography, storm water runoff will not be discharged from the site into surface waters or into storm drain systems which may discharge into a surface water.

- (h) Excavation shall not occur below the contours identified on the site plan or within five (5) feet of the seasonal water table, whichever is reached first.

The depth of excavation is identified on the Reclamation Sequence Map, Drawing C2 and will not be less than 5 feet above the seasonal high ground water elevation.

- (i) Upon depletion of mineral resources or abandonment of the site, all structures, equipment, and appurtenances accessory to the operations shall be removed.

As noted on the Final Reclamation Map, Drawing C3, all temporary structures, equipment and debris will be removed from the site following final reclamation. Any permanent buildings associated with the project will be constructed on adjacent land purchased from the Port of Benton and maintained in good repair for subsequent use.

- (j) Failure to comply with the conditions of this section shall require modifications to operations procedures, or equipment until such compliance is demonstrated to the satisfaction of the planning manager, or if referred by the planning manager, to the satisfaction of the board of adjustment. Such modifications may require a permit modification if they are inconsistent with the approved permit conditions.

4. Reclamation

- (a) A valid clearing and grading permit shall be maintained throughout the reclamation of the site required pursuant to RCW 78.44.

A current surface mining permit issued by the Department of Natural Resources will be maintained throughout the duration of the development project in conformance with Rev. 78.44.

- (b) No extractive operations shall commence until a reclamation plan approved pursuant to the requirements of RCW 78.44.090 shall be submitted to the City.

The approved reclamation plan will be submitted to the city prior to beginning any excavation or extraction activities on the site.

- (c) Reclamation plans shall require:
 - (i) The removal of all buildings, structures, apparatus, or appurtenances accessory to the extractive operations.
 - (ii) Final grades suitable for use permitted within the underlying zoning district.
 - (iii) No less than one (1) foot of topsoil shall be returned to the surface of the land, with the exception of roads.

- (iv) The site shall be planted with indigenous plants, such as grasses and shrubs, which shall be maintained to minimize blowing dust.
- (v) Graded or backfilled areas shall be reclaimed in a manner will not allow water to collect and permit stagnant water to remain.
- (vi) Waste or soil piles shall be leveled and the area treated with surfacing and planting as required by this section.

Upon completion of development, all buildings, structures and appurtenances shall be removed from the site. Finish grading and planting of indigenous vegetation will be consistent with the proposed subsequent use for industrial development, and to minimize wind erosion. Stockpiled overburden will be reserved on the site in approved locations for future development and landscaping by the property owner.

APPENDIX A

SOILS REPORT

SOILS REPORT

A subsurface study was conducted for the proposed industrial development project located within the City of Richland on property owned by the Port of Benton. The subsurface study was performed to evaluate the characteristics of the site materials with respect to slope stability, erosion potential and commercial quality.

The proposed development includes approximately 190 acres of undeveloped land, which is currently owned by the Port of Benton. The existing surface consists of relatively mild slopes and rolling topography.

Field exploration was done to observe the site conditions and obtain representative samples of subgrade materials for analytical laboratory testing. Test specimens were collected from test pits near the center of the proposed development, which appear to be relatively uniform over the entire site. The samples were taken to a laboratory to determine the physical and engineering properties and to evaluate the quality of material.

Laboratory test results, along with a statement of commercial quality are included in the following pages.

The site materials generally consist of poorly graded gravel with sand extending to unknown depths well below any test pits excavated on the site. The surface overburden is characterized as silty sand, which varies in depth from a few inches at the south end of the property to about 2 feet near the north end of the property. Very little topsoil was observed on the site. Naturally occurring vegetation including sagebrush minimizes erosion of the overburden due to wind and precipitation runoff.

Site development will initially involve stripping and removal of vegetation and surface overburden. This will be done in smaller segments not exceeding 7 acres in size as required by the Department of Natural Resources to minimize erosion of the superficial materials and maintain stability of the slopes. Overburden will be stockpiled for subsequent use in reclamation activities after excavation is complete.

Excavation within each segment will be performed using scrapers and front-end loaders. Temporary excavation side slopes are anticipated to be stable at about 1.5H:1V (horizontal:vertical). However, for permanent excavation and embankments a 2H:1V or flatter slope is recommended due to the type of materials present at the site. Final reclamation slopes are intended to be graded to a maximum of approximately 4H:1V prior to placing topsoil material.

After excavation is complete, reclamation activities should be carried out in a timely manner to establish and maintain long term stability of the excavation slopes.

Overburden or topsoil should be placed over the exposed subgrade material to a depth of at least 1-foot and re-vegetated by hydroseeding or other suitable means to

initiate rapid growth. Reclaimed slopes should be formed with varied steepness and a sinuous appearance to control surface runoff and minimize erosion potential. Large rectilinear planes and right angles should be avoided in the final topography.

Long-term erosion control measures taken during final reclamation are recommended to preclude erosion and high velocity runoff during higher intensity storm events. In addition to vegetation, recommended measures include small discontinuous terraces, furrows, benches or berms formed perpendicular to the slopes. Strategically placed drainage chutes or swales, buttresses, and rolling mounds are also recommended to help control and direct surface runoff. Retarding runoff flow velocity on slopes may also involve use of organic debris, landscape planting, mulch or gravel placed over bare subsurface materials. Due to the planned subsequent industrial use of the property, the pit floor will not be reclaimed with topsoil and planting. However, erosion and drainage runoff control is not expected to be necessary due to the permeability of the site subsurface materials.



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**

**COUNTY OR MUNICIPALITY
APPROVAL FOR
SURFACE MINING
(Form SM-6)**

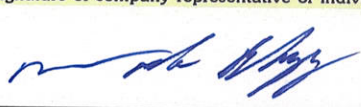
NAME OF COMPANY OR INDIVIDUAL APPLICANT(S) Same as name of the exploration permit holder. (Type or print in ink.) Interstate Concrete & Asphalt Co.		TOTAL ACREAGE AND DEPTH OF PERMIT AREA (Include all acreage to be disturbed by mining, setbacks, and buffers, and associated activities during the life of the mine.) (See SM-8A.) Total area permitted will be <u>182</u> acres Maximum vertical depth below pre-mining topographic grade is <u>55</u> feet Maximum depth of excavated mine floor is <u>355</u> feet relative to mean sea level										
MAILING ADDRESS PO Box 3366 Spokane, WA 99220 Telephone <u>509.534.6221</u>		COUNTY <u>Benton</u> No attachments will be accepted. Legal description of permit area:										
		1/4	1/4	Section	Township	Range						
		ALL	SE	22	10N	28EWM						
		SW, SE	NE	22	10N	28EWM						
		ALL	NE	27	10N	28EWM						
		NE,NW	SE	27	10N	28EWM						
Proposed subsequent use of site upon completion of reclamation Industrial development												
Signature of company representative or individual applicant(s) 		Name and title of company representative (please print) Wade Blagg General Manager			Date signed 1/31/21							
TO BE COMPLETED BY THE APPROPRIATE COUNTY OR MUNICIPALITY:												
Please answer the following questions 'yes' or 'no'.						<table border="1"><tr><td>Yes</td><td>No</td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>	Yes	No				
Yes	No											
1. Has the proposed surface mine been approved under local zoning and land-use regulations?												
2. Is the proposed subsequent use of the land after reclamation consistent with the local land-use plan/designation?												
When complete, return this form to the Department of Natural Resources.												
Name of planning director or administrative official (please print)		Address										
Signature												
Title (please print)												
Telephone												
Date		FOR DEPARTMENT USE ONLY:			DNR Reclamation Permit No.							



Exhibit 2

Site Plan

AMERICAN ROCK SPECIAL USE PERMIT AREA

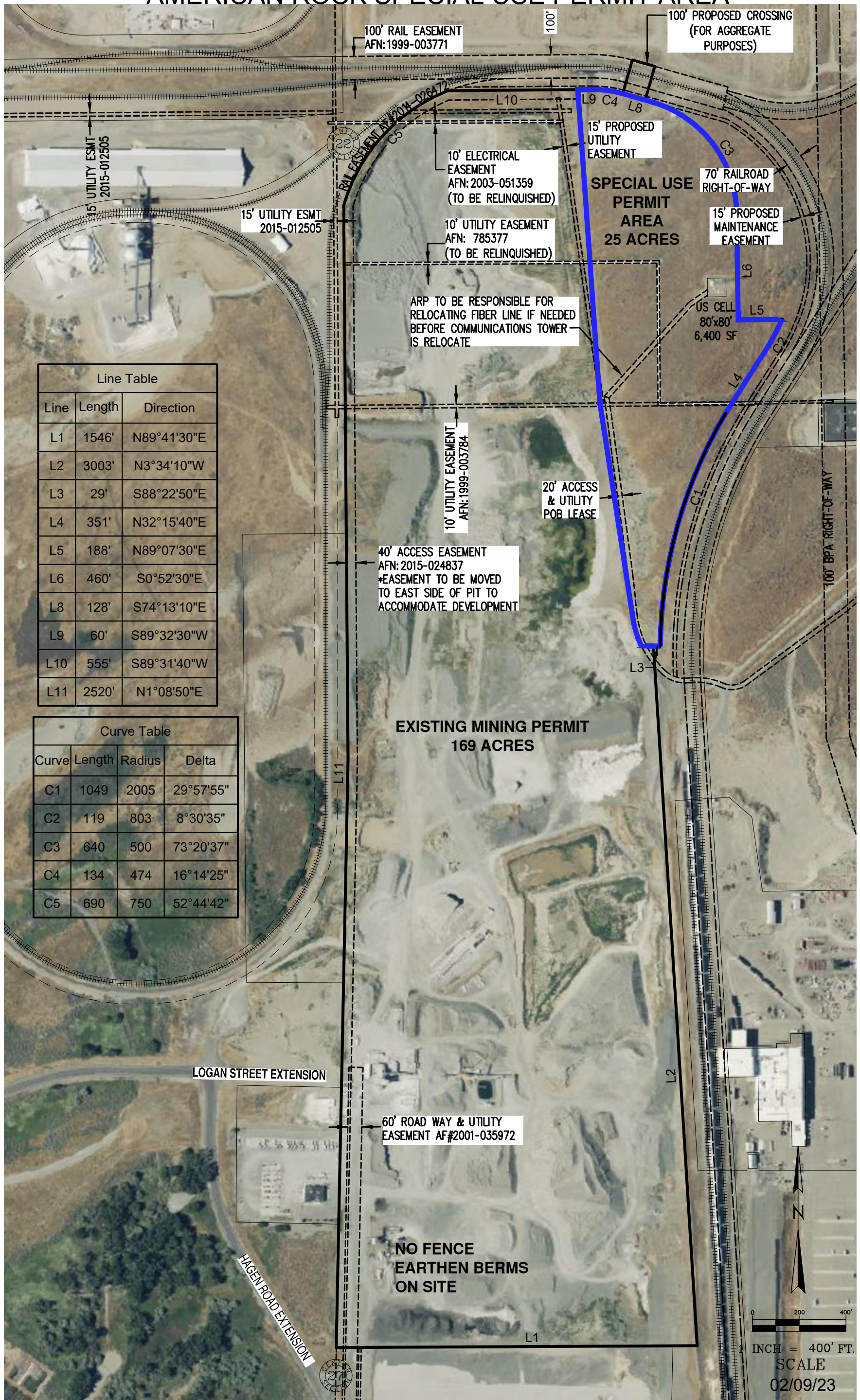




Exhibit 3

SEPA Checklist

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable: **American Rock Products, Additional Mining Area.**
2. Name of applicant: **American Rock Products, Port of Benton land owner.**
3. Address and phone number of applicant and contact person: **Wade Blagg, American Rock Products.**

American Rock Products, 11919 Harris Road, Pasco, WA 509-547-2380
Diahann Howard, Port of Benton, 3250 Port of Benton Blvd, Richland, 509-375-3060.

4. Date checklist prepared: **December 9, 2022.**
5. Agency requesting checklist: **City of Richland**
6. Proposed timing or schedule (including phasing, if applicable): **Begin excavation in March 2023.**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **This will complete the available mining area.**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **Previous SEPA checklists for the original mining application.**
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **No.**
10. List any government approvals or permits that will be needed for your proposal, if known. **DNR mining permit expansion.**
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The existing mining operation has existed for more than 20 years without incident or problems. This expansion area will complete the remaining area within the rail spur and should have been included in the original permit application. Proposed and current adjacent land use includes aggregate mining, rock crushing and stockpiling, concrete batch plant, asphalt plant, asphalt and concrete recycling, equipment repair shop and office. All uses listed may operate in the expanded area in the future. The property is owned by the Port of Benton.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The project is located west of Stevens Drive, west of the Port of Benton's industrial rail spur, and east of the existing rail loop track and south of the City of Richland's rail spur, and north of Logan Road. See attached exhibit map. The existing site address is 2090 Robertson Drive, Richland, WA 99352. Located specifically in portions of Sections 22 and 27, Township 10N, Range 28EWM

B. Environmental Elements [\[HELP\]](#)

1. **Earth** [\[help\]](#)

- a. General description of the site: **The existing site is essentially flat. The area proposed for expansion is currently approximately 30 ft higher than the mined area. Once this new area is mined, all of the area within the railroad track will be at the same elevation.**

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

- b. What is the steepest slope on the site (approximate percent slope)? **In the proposed expansion area, there are no steep slopes. Once the area is mined, the slopes along the edges will be 3:1 per the original geotechnical report and mining reclamation report.**

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. **All of the site is sands and gravels. Sand and gravel; Soil Classification is Quincy-Hezel-Burbank – General Soil type is Dq1; Region D and generally characterized a “Dry sandy soils on terrace and dunes that have formed under sparse dune vegetation or shrub-steppe vegetation in wind-deposited sand or silt over glaciolacustrine deposits from cataclysmic glacial outburst floods; most have low water-holding capacity wind-deposited sand or silt over glaciolacustrine deposits from cataclysmic glacial outburst floods; most have low water-holding capacity.**

d.

Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **There are no unstable soils. All of the site is covered with brush and grasses.**

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. **The site would be leveled for future industrial development as has the rest of the site. The cleared and leveled site will produce sands and gravels for the purpose of asphalt and concrete production for local construction projects. There is an estimated 1,000,000 cubic feet of material available. Asphalt and concrete may be imported for recycling.**

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **The existing site has been used for mining for more than 20 years without wind or surface water erosion. Yes, there may be a potential for wind erosion from topsoil and overburden stockpiles, but is generally resolved by water truck during excavation. Mining slopes will be 3:1 or gentler to prevent erosion from wind or water. The floor of the excavated area will be flat and not at risk of erosion.**

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **None, it will be leveled for future development. Expanded Mining activities will not leave any impervious surfaces.**

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **Normal construction practices using water during excavation activities. Gentle sloping, temporary vegetation as needed, moving material in ideal weather conditions.**

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. **Normal aggregate mining operations would provide very limited emissions. The only emissions would be the occasional dust emissions during windy conditions; however, the existing mining operations has been there for more than 20 years and have been able to completely control any emissions. For the expanded mining area, there could be dust and odor from excavating and crushing/recycling, concrete & asphalt production equipment that may run diesel or other fossil fuels.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **The adjacent railroad and industrial areas have normal construction emissions but none that affect the mining operation.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **Normal watering operations to control dust. Dust will be controlled with water, dust palliatives and reduced speeds. All operations will be done in compliance with Benton Clean Air Agency.**

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)
- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **There is no surface water on site or adjacent to the site. The nearest surface water is more than a mile to the east in the Columbia River.**
 - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **There are no surface waters near or adjacent to the site (none within 200ft).**
 - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **No soils will be removed from surface water or wetlands.**
 - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **There is an existing City of Richland groundwater well, and water right, that American Rock Products has a lease on for purposes of production water and use as dust control. The well and water right allows for withdrawal under water right G4-29925 for up to 1,100 gpm.**
 - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **No, the site is not within a 100-year floodplain.**
 - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **The production**

water is discharged to settling/evaporation ponds on site. It does not nor could it discharge to the Columbia River.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. **Groundwater is not withdrawn for drinking water as the site is served by domestic water by the City of Richland. The existing groundwater well owned by the City of Richland is located west of Hagen Road, just south of Logan Street, and that ground water is used for production water. The excess production water is discharged to unlined evaporation ponds. A portion of the excess production water does enter the groundwater from these evaporation ponds, however, there is limited contamination in the excess water from washing off equipment from dust and concrete residue.**
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **The site is served with sanitary sewer so all sanitary wastewater is discharged to the sewer. The excess wastewater that partially discharges to the groundwater only has dust and concrete residue.**

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **None of the new area will have impervious surfaces so all surface water will drain into the existing soils as it does now. Stormwater will be discharged to ground and diverted to drainage swales as needed. Any gravel wash water will be discharged to existing settling ponds. Any water associated with concrete and asphalt production facilities will be properly managed per permit requirements.**
- 2) Could waste materials enter ground or surface waters? If so, generally describe. **The only discharge would be from the water used for production and dust control. The only other waste materials on site are equipment fuels and lubricants. These will be controlled by normal best practices for construction equipment.**
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **There are no drainage facilities on this site. Currently stormwater simply infiltrates into the natural ground which it will continue to do after the material is excavated.**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage

pattern impacts, if any: **Compliance with all applicable regulations and the Department of Ecology Sand and Gravel General Permit.**

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation, **sage and rabbit brush and natural grasses.**

b. What kind and amount of vegetation will be removed or altered? **The entire site will be cleared. After mining and grading, the site will be restored ready for industrial development the same as all of the existing mining area.**

c. List threatened and endangered species known to be on or near the site. **None known.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **None required.**

e. List all noxious weeds and invasive species known to be on or near the site. **None known.**

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: **Seagulls, pheasants, ducks, geese.**

mammals: deer, bear, elk, beaver, other: **rabbits, skunks, field mice.**

fish: bass, salmon, trout, herring, shellfish, other **Nearest fish are in the Columbia River approximately 1.5 miles to the east.**

b. List any threatened and endangered species known to be on or near the site. **None known according to the Washington Fish and Wildlife web page <https://databasin.org/maps/660e09521fcd44b0a4e812c1052c0b51/>.**

c. Is the site part of a migration route? If so, explain. **Normal migratory path for pheasants, ducks, geese, etc.**

- d. Proposed measures to preserve or enhance wildlife, if any: **None required. Area is already a heavy industrial area.**
- e. List any invasive animal species known to be on or near the site. **None known.**

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **Very few utilities are needed. Only electrical during the actual mining/crushing operation. The existing processing facility has full utilities. The expanded mining area may utilize electricity, natural gas, propane, diesel, oil and possibly solar. Diesel for equipment, electricity and natural gas/propane for crushing, concrete & asphalt production equipment and maintenance activities.**
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **The mining operation will not affect the ability to use the site for solar energy.**
- c. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No.**
- d. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **None required as the project only requires electricity to serve the crusher.**

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. **Yes, it is possible in the expanded mining area with equipment operating that uses diesel, lubricating oils, etc. Concrete and asphalt production equipment and maintenance activities also have materials associated with them that could have a potential for spills, etc.**

1) Describe any known or possible contamination at the site from present or past uses.

- a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

The only known hazard on the site is an existing natural gas pipeline that is located adjacent but to the east of the proposed work area. The only other hazard adjacent to the site is the operating railroad but it is also outside the work area and it has daily inspection by track representatives.

There are no other known environmental issues on this site. Prior to transfer to the Port, the Department of Energy completed a detailed environmental investigation on the site.

- b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. **No toxic or hazardous chemicals will be stored or produced on site. The only chemicals on site will be normal construction equipment fuels and lubricants.**

c. Describe special emergency services that might be required. **Only normal emergency services should there be a health or accident need on site, however, normal construction practices should provide for a safe site and these types of responses are rare.**

d. Proposed measures to reduce or control environmental health hazards, if any. **Maintaining normal safe construction procedures will control any environmental health hazards. Any chemicals stored in the expanded area will be stored in appropriate double containment.**

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **This is an existing industrial park. The current noises are typical for an industrial and manufacturing site such as trucks and heavy equipment. None of these noises would affect this mining operation.**

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **Normal construction noises would be created by this operation 24 hours a day. However, this site is at least ½ mile from any residential site. The current construction and crushing equipment has operated here for several years without complaint. The crushing operation has additional noise and vibration. This has been coordinated with LIGO for the last 20 years and has easily been coordinated and handled with LIGO and with the PNNL EMSL facility without incident. In the expanded mining area, there will be noise from mining and crushing/recycling activities on an intermittent basis 6-8 weeks per year, possible longer depending on market demands. Concrete & asphalt production and maintenance facilities may be temporary or stationary operations.**

3) Proposed measures to reduce or control noise impacts, if any: **Existing procedures are controlling noises adequately. All operations will be conducted in compliance with Environmental Noise Level ordinances.**

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. **Current land use and zoning, as well as current use is Industrial. This has been an operating industrial site for 40 years. The current proposal is an expansion of what has already been occurring on the site.**

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non forest use? **The adjacent property was used for a few years (1989 – 2013) for agricultural operations; however, the City of Richland only did this for purpose of developing the water right and leveling the ground so it could be used for future industrial use. The site where this project will be occurring was never used for farming purposes but has been industrial use since World War II.**

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: **There is no longer farming operations adjacent to the mining area.**
- c. Describe any structures on the site. **There are no structures on the site. There is an old mobile office still on the site but it is on skids and is due to be demolished. There is also a cell tower on site but it's lease is up in 2025 and is scheduled to be removed. The rest of the site has not been developed other than as a rail storage area.**
- d. Will any structures be demolished? If so, what? **Just the old mobile office.**
- e. What is the current zoning classification of the site? **Industrial.**
- f. What is the current comprehensive plan designation of the site? **Industrial.**
- g. If applicable, what is the current shoreline master program designation of the site? **N/A.**
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. **This area is part of the groundwater 10-year aquifer recharge area. However, none of this operation gets into the groundwater.**
- i. Approximately how many people would reside or work in the completed project? **No one will live on the site. Currently there are more than 50 that work on the adjacent site, a portion of which will extend into this additional mining area.**
- j. Approximately how many people would the completed project displace? **None.**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **None required since no one is getting displaced.**
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **Mining/grading of the site would fit in perfectly with existing use and with the current zoning and comprehensive plan. Additionally, this mining and grading of the site prepares is for future industrial development.**
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: **This is not required since there is no current agricultural development on or adjacent to the site.**

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, mid-

dle, or low-income housing. **No housing units will be provided.**

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **No housing units will be eliminated.**
- c. Proposed measures to reduce or control housing impacts, if any: **None required since no housing units will be removed or provided. This is an industrial area that doesn't allow residential.**

10. *Aesthetics* [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **The tallest existing structure on the site or adjacent to the site are the cell tower east of the site and the grain elevator west of the site. Both of these are approximately 125 ft in height. The tallest structures in the expansion area would be a temporary crusher approximately 30 feet high when on site.**
- b. What views in the immediate vicinity would be altered or obstructed? **None since this site sits approximately 40 ft below the adjacent ground so the crusher will not be visible from the adjacent properties.**
- b. Proposed measures to reduce or control aesthetic impacts, if any: **None required since this is an existing industrial property and the adjacent sites already have structures higher than will be on this site.**

11. *Light and Glare* [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **Lights may be used on the portable, temporary crushing plant when it is onsite and for concrete & asphalt production plants. Lights would be used mainly during dusk and dawn.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **No since there will only be light on this site during mining operations and only for a very short term.**
- c. What existing off-site sources of light or glare may affect your proposal? **None. There are minimal light from buildings adjacent to this site.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **The crusher will be located in the gravel pit floor and lights will directed downward and away from adjacent properties. Any concrete and asphalt production facilities would also be located in the gravel pit floor, lighting would also be directed downward and away from property line. Berms and topography will block most of the light.**

12. *Recreation* [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? **None, this is an existing industrial area.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **No. This is an industrial site. The only recreational uses in the area are a separated bike/pedestrian path adjacent to some roads.**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None required since this project isn't constructing any buildings or roads.**

13. **Historic and cultural preservation** [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers¹⁴? If so, specifically describe. **No. The site was reviewed for cultural impacts by the Department of Energy prior to transfer to the Port in 1998. The only structure on site is an old mobile office on skids that is already scheduled for demolition.**
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. **No. The site was reviewed for cultural and historical items in 1998 by the Department of Energy.**
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. **None required. The site was already reviewed in depth by the Department of Energy prior to transfer to the Port and consultations with the tribes were already held. This is just adding on a small area adjacent to the existing mining operation.**
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. **None required.**

14. **Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. **The site is accessible through the existing roads serving the existing mining operation. Access is provided by Hagen Road and Logan Street.**
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? **There is no transit currently to the site.**
- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe

(indicate whether public or private). **No new roads for this action.**

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **The nearest water serving the site is the Columbia River about 1 mile to the east. There is existing rail serving the site to the east and north. The nearest air service is the Richland Airport almost 2 miles to the South. None of these services are required for the current action. The future industrial development will use all of these and that use is not impacted by this expansion effort.**
- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? **There are no new traffic trips as part of this action. The existing mining operation trips will not change.**
- f. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. **No. There are no agricultural or forest products moving on the adjacent roadways.**
- g. Proposed measures to reduce or control transportation impacts, if any: **None required as this project will not change transportation patterns or trip amounts.**

15. **Public Services** [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **Not the proposed action. Nothing will change for the current aggregate operation.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **None required since no new services will be required.**

16. **Utilities** [\[help\]](#)

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
- All are available at the existing operations area, but may be expanded to that area to accommodate production facilities.**
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **There will be no change in utility needs for this expansion.**

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Wade Blagg

Name of signee Wade Blagg

Position and Agency/Organization General Manager

Date Submitted: February 8, 2023



Exhibit 4

Determination of Non-Significance



File No. EA2023-112

CITY OF RICHLAND
Determination of Non-Significance

Description of Proposal: Special Use Permit to expand and operate an industrial aggregate mining operation on approximately 25-acres of land.

Proponent: American Rock Products and Port of Benton
Attn: Roger Wright
3250 Port of Benton Blvd.
Richland, WA 98101

Location of Proposal: The site address is 2580 Hagen Road, Richland, WA 99354 and is located upon APN Nos. 122081000002001 and 122081000001002.

Lead Agency: City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

() There is no comment for the DNS.

() This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen days from the date of issuance.

(**X**) This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Mike Stevens

Position/Title: Planning Manager

Address: 625 Swift Blvd., MS #35, Richland, WA 99352

Date: May 1, 2023

Signature



Exhibit 5

Public Notice and Affidavits



CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (SUP2023-103 & EA2023-112)

Notice is hereby given that The Port of Benton has filed a special use permit application on behalf of American Rock Products to expand and operate an industrial aggregate mining operation on approximately 25 acres within Assessor's Parcel Numbers 1-22081000002001 and 1-22081000001002.

Public Hearing: The Richland Board of Adjustment will conduct a public hearing and review of the application at 6:00 p.m., Thursday, May 18, 2023. All interested parties are invited to attend in-person and present testimony at the public hearing. Copies of the complete application packet can be obtained by visiting the City of Richland website (www.ci.richland.wa.us).

Environmental Review: The proposal is subject to environmental review. The City of Richland is lead agency for the proposal under the State Environmental Policy Act (SEPA) and has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. *This may be your only opportunity to comment on the environmental impacts of the proposed development.* The environmental checklist and related file information are available to the public and can be viewed at the City of Richland website (www.ci.richland.wa.us).

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner at 625 Swift Boulevard, MS #35, Richland, WA 99352. Comments may also be emailed to mhowie@ci.richland.wa.us or mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Tuesday, April 18, 2023, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comments will not be accepted after 5:00 p.m. on May 18, 2023; however verbal comments may be presented during the public hearing.

Appeal: The application will be reviewed in accordance with the regulations in Richland Municipal Code [RMC] Title 19 Development Regulations Administration and Title 23 Zoning. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Staff at the above referenced address with questions related to the available appeal process.



AFFIDAVIT OF MAILING

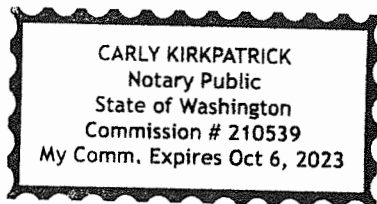
STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

- I am an employee in the Planning Division of the Development Services Department for the City of Richland.
- On the 5th day of April, 2023, I mailed a copy of the attached NOTICE OF PUBLIC HEARING (SUP2023-103) to the attached list of individuals via regular USPS on the date indicated above. The Richland Planning Commission will conduct a public hearing and review of the application on May 18, 2023.

Jodi Hogan
Signed: Jodi Hogan

SIGNED AND SWORN to before me this 5th day of April, 2023 by Jodi Hogan.



Carly Kirkpatrick
Notary Public in and for the State of Washington,

Carly Kirkpatrick
Print Name

Residing at Benton County

My appointment expires: Oct. 6, 2023

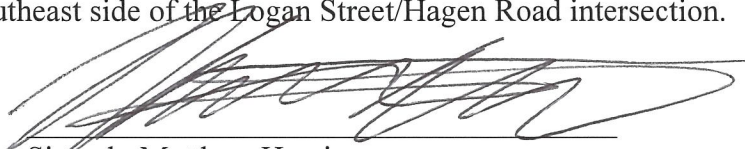
AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Matthew Howie**, who, being first duly sworn upon oath deposes and says:

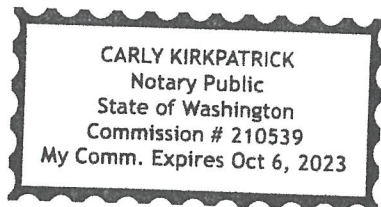
1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 5th day of April, 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number SUP2023-103 & EA2023-112 in the following location:

To the immediate west of an existing entrance to American Rock Products 1,500 feet north of the Robertson Drive/Hagen Road intersection on Hagen Road, and, at the southeast side of the Logan Street/Hagen Road intersection.


Signed: Matthew Howie

SIGNED AND SWORN to before me this 5th day of April 2023, by Matthew Howie.


Signature of Notary



Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: Oct. 6, 2023



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	406094	Print Legal Ad-IPL01174520 - IPL0117452	2023.05.18 BOA PHN-SUP	\$219.91	1	79 L

Attention: Jennifer Anderson

CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

**CITY OF RICHLAND
NOTICE OF APPLICATION, PUB-
LIC HEARING AND OPTIONAL
DNS (SUP2023-103 &
EA2023-112)**

Notice is hereby given that The Port of Benton has filed a special use permit application on behalf of American Rock Products to expand and operate an industrial aggregate mining operation on approximately 25 acres within Assessor's Parcel Numbers 1-22081000002001 and 1-22081000001002.

Public Hearing: The Richland Board of Adjustment will conduct a public hearing and review of the application on **Thursday, May 18, 2023 at 6:00 p.m.** All interested parties are invited to attend in-person and present testimony at the public hearing. Copies of the complete application packet can be obtained by visiting the City of Richland website at www.ci.richland.wa.us.

Environmental Review: The proposal is subject to environmental review. The City of Richland is lead agency for the proposal under the State Environmental Policy Act (SEPA) and has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. *This may be your only opportunity to comment on the environmental impacts of the proposed development.* The environmental checklist and related file information are available to the public and can be viewed at the City of Richland website at www.ci.richland.wa.us.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner at 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may also be emailed to mhowie@ci.richland.wa.us or mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Tuesday, April 18, 2023, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comments will not be accepted after 5:00 p.m. on May 18, 2023; however, verbal comments may be presented during the public hearing.

Appeal: The application will be reviewed in accordance with the regulations in Richland Municipal Code [RMC] Title 19 Development Regulations Administration and Title 23 Zoning. Appeal procedures of decisions related to the above-referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Department staff at the above-referenced address with questions related to the available appeal process.

Date Published: Sunday April 9, 2023
IPL0117452
Apr 9 2023

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 04/09/2023, and ending on 04/09/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:

04/09/23

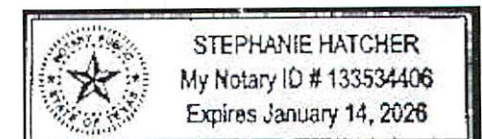
Stefani Beard

(Signature of Legals Clerk)

Sworn to and subscribed before me this 10th day of April in the year of 2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



Exhibit 6

Agency Comments

From: [Nelson, Walter](#)
To: [Howie, Matthew](#)
Cc: [Stevens, Mike](#)
Subject: RE: SUP2023-103, EA2023-112 2580 Hagen Road
Date: Tuesday, May 9, 2023 3:58:15 PM
Attachments: [image001.png](#)
[image002.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

We would ask that excavation within 2' of the pipeline to require monitor, or any potholing, exposing of the main.

I don't believe the WAC gives a specific distance, more about notification to the pipeline operator as changing topography could affect the requirements for excavation around pipeline

Walter Alan Nelson
Field Operations Coordinator
Cascade Natural Gas Corporation
200 N Union St
Kennewick, WA 99336
Office: 509-736-5568
Cell: 509-378-5935
walter.nelson@cngc.com



From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Tuesday, May 9, 2023 3:48 PM
To: Nelson, Walter <Walter.Nelson@cngc.com>
Cc: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Subject: RE: SUP2023-103, EA2023-112 2580 Hagen Road

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Alan,

Thank you for getting back to me. At what distance from the gas line do you require CNGC representatives on site? Or is that kind of thing dictated by the WUTC?



Matthew Howie
Senior Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7587

From: Nelson, Walter <Walter.Nelson@cngc.com>
Sent: Tuesday, May 9, 2023 3:43 PM
To: Howie, Matthew <mhowie@ci.richland.wa.us>
Cc: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Subject: RE: SUP2023-103, EA2023-112 2580 Hagen Road

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Howie,

Sorry for the late response, thank you for following up on this.

CNGC requires CNGC representatives to be on site with any excavation near High Pressure gas mains
Mining should not encroach within 25' either side of the line.
Contact CNGC for any excavation, potholing near gas mains
Please follow all applicable Washington state dig laws as outlined by the WUTC

Let me know if you have any questions

Walter Alan Nelson
Field Operations Coordinator
Cascade Natural Gas Corporation
200 N Union St
Kennewick, WA 99336
Office: 509-736-5568
Cell: 509-378-5935
walter.nelson@cngc.com



From: [Hill, Kelly](#)
To: [Howie, Matthew](#)
Cc: [Bircher, Joe](#)
Subject: RE: SUP2023-103, EA2023-112 1010 University Drive
Date: Wednesday, May 3, 2023 8:43:51 AM
Attachments: [image001.png](#)
[image002.png](#)

Not at this time. The plan will be to address the individual issues as they come up, sounds like they are going to try and work around facilities to minimize the impacts as much as possible.

Thanks



Kelly Hill, PE
Chief Electrical Engineer
625 Swift Blvd., MS-23 | Richland, WA 99352
(509) 942-7416

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Thursday, April 27, 2023 2:29 PM
To: Hill, Kelly <khill@CI.RICHLAND.WA.US>
Cc: Bircher, Joe <jbircher@CI.RICHLAND.WA.US>
Subject: RE: SUP2023-103, EA2023-112 1010 University Drive

Gentlemen,

I wanted to follow up in regards the mining operation out near Port of Benton. I understand there were ongoing discussions with Roger Wright. Are there any updates I should be aware of?



Matthew Howie
Senior Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7587

From: Hill, Kelly <khill@CI.RICHLAND.WA.US>
Sent: Thursday, April 6, 2023 11:01 AM
To: Howie, Matthew <mhowie@ci.richland.wa.us>
Subject: RE: SUP2023-103, EA2023-112 1010 University Drive

Yea I saw that too, I think Roger started the talks with Joe Bircher about it in the pre-app meeting, but Joe is out of the office this week to ask. I will follow up with him next week.

Thanks
Kelly

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Thursday, April 6, 2023 10:14 AM
To: Hill, Kelly <khill@ci.richland.wa.us>
Subject: RE: SUP2023-103, EA2023-112 1010 University Drive

Kelly,

I will say that I'm still getting up to speed on all the materials with this project. I see their various site plans do detail a few different utility/electric easements going across the property. Some of the callouts indicate they anticipate requesting relinquishments/moving of these easements as work progresses.



Matthew Howie
Senior Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7587

From: Howie, Matthew
Sent: Wednesday, April 5, 2023 3:14 PM
To: Hill, Kelly <khill@ci.richland.wa.us>
Subject: RE: SUP2023-103, EA2023-112 1010 University Drive

I know they are going to be decommissioning the wireless tower on property, but nothing other than that.



Matthew Howie
Senior Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7587

From: Hill, Kelly <khill@ci.richland.wa.us>
Sent: Wednesday, April 5, 2023 3:06 PM
To: Howie, Matthew <mhowie@ci.richland.wa.us>
Subject: RE: SUP2023-103, EA2023-112 1010 University Drive

Matthew,

Have they provided any kind of plan on how they are going to work around the existing power lines?
Or if the plan is to have them relocated?

Thanks



Kelly Hill, PE

Chief Electrical Engineer

625 Swift Blvd., MS-23 | Richland, WA 99352

(509) 942-7416

From: [Stevens, Mike](#)
To: [Howie, Matthew](#)
Subject: RE: SUP2023-103, EA2023-112
Date: Thursday, April 27, 2023 3:37:06 PM
Attachments: [image001.png](#)

We did an optional DNS for this so I need to know if there have been any comments received that would change us from issuing a formal DNS. I will look through comments on Monday and talk with you then.

I haven't had any conversations with any of those folks/businesses about that Condition.

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Thursday, April 27, 2023 1:58 PM
To: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Subject: SUP2023-103, EA2023-112

Mike,

I wanted to check in about two things:

1. Any status updated on the SEPA for this project?
2. Could you provide me via attachment or forward (for the report) any communications you've had with American Rock Products, "3D Development", Port of Benton, Roger Wright, etc., regarding mining operations at the Hanford Pit from November 16th 2018 through February 8th 2023? I'm trying to establish whether or not they've made any efforts during your tenure to fulfill SUP00-102 Condition #1 or 23.42.070(G).

Hope you have/had a great weekend,



Matthew Howie
Senior Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7587

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

From: [Damer, Nicole \(DNR\)](#)
To: [Howie, Matthew](#)
Cc: [DNR RE SEPACENTER](#); [SHAHER, ANA \(DNR\)](#)
Subject: RE: SUP2023-101, EA2023-106 Van Giesen RV Park
Date: Thursday, April 6, 2023 2:45:35 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Hi Matthew,

Thank you for the opportunity to comment on the aggregate mining operation expansion as proposed by American Rock Products. DNR Surface Mine Reclamation Program staff have reviewed the SEPA checklist and associated documents and have no comment.

Nicole Damer

Reclamation Geologist & Plan Specialist

Washington Geological Survey

Washington Department of Natural Resources

Cell: [360.870.7805](tel:360.870.7805)

Nicole.Damer@dnr.wa.gov

www.dnr.wa.gov

From: ONEAL, ELIZABETH (DNR) <ELIZABETH.ONEAL@dnr.wa.gov>
Sent: Tuesday, April 4, 2023 5:07 PM
To: Damer, Nicole (DNR) <Nicole.Damer@dnr.wa.gov>; SHAHER, ANA (DNR) <ANA.SHAHER@dnr.wa.gov>
Subject: FW: SUP2023-101, EA2023-106 Van Giesen RV Park

Hello,

The checklist States the need for DNR permitting.

Liz

Elizabeth O'Neal
External Affairs Program Lead
Environmental and Legal Affairs Section
Washington State Department of Natural Resources
360-259-9120 Cell
Elizabeth.oneal@dnr.wa.gov

From: [Landry, Michael R.](#)
To: [Howie, Matthew](#)
Subject: Re: SUP2023-103, EA2023-112 2580 Hagen Road
Date: Sunday, April 23, 2023 1:28:36 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Dear Matthew,

Thank you again for contacting me regarding the proposed expansion to American Rock Products aggregate mining operation in Richland. Scientists at LIGO Hanford Observatory have reviewed the material you forwarded to us and have concluded that the Special Use Permit application to access and operate on additional 25 acres of land adjacent to the existing mine will have negligible impact on LIGO Hanford Observatory operations. We expect minimal additional seismic coupling to be propagated into LIGO instrumentation as a result of this expansion.

A seismically sensitive instrument package is located in the EMSL laboratory at PNNL, located much closer in proximity to the aggregate mine than our observatory. As you have contacts within the National Lab, I assume this has been vetted by the EMSL team, but it is certainly worth confirmation.

Again thank you Matthew for reaching out. I would similarly appreciate any future contacts owing to major developments in Richland and the greater Benton County that could impact seismic, acoustic, and/or electromagnetic backgrounds in the region.

Best regards,
Michael

--

Dr. Michael Landry, Head
LIGO Hanford Observatory
P.O. Box 159
Richland, WA
U.S.A. 99352

phone 509-372-8133
<http://www.ligo-wa.caltech.edu/>

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Thursday, April 13, 2023 16:09
To: Landry, Michael R. <mlandry@caltech.edu>
Subject: RE: SUP2023-103, EA2023-112 2580 Hagen Road

Very good. Mike, we do have a PNNL contact to circulate this information with, but if there are other parties on the larger Hanford campus that you think would be interested or care to know, feel

free to pass my information along.

Looking forward to your feedback,



Matthew Howie

Senior Planner

625 Swift Blvd., MS-35 | Richland, WA 99352

(509) 942-7587

From: Landry, Michael R. <mlandry@caltech.edu>
Sent: Thursday, April 13, 2023 3:38 PM
To: Howie, Matthew <mhowie@ci.richland.wa.us>
Subject: Re: SUP2023-103, EA2023-112 2580 Hagen Road

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Dear Matthew,

I received both emails and all attachments. Thanks once again for contacting me in this regard! I will read through and come back to you next week with some questions and information.

Best regards,

Mike

--

Dr. Michael Landry, Head
LIGO Hanford Observatory
P.O. Box 159
Richland, WA
U.S.A. 99352

phone 509-372-8133
<http://www.ligo-wa.caltech.edu/>

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Thursday, April 13, 2023 15:19
To: Landry, Michael R. <mlandry@caltech.edu>
Subject: SUP2023-103, EA2023-112 2580 Hagen Road

Mike,

The current "Referral Packet" of information being circulated is attached. There was also an expansion permitted in 2018. I have included the Staff Report and Board of Adjustment decision for that item as well. As a note- the 2018 site expansion has not yet taken place.

I'm not sure what your email service has set as their maximum file size for attachments so I will send the original Special Use Permit from 2000 (SUP00-101) separately, just in case.



Matthew Howie

Senior Planner

625 Swift Blvd., MS-35 | Richland, WA 99352

(509) 942-7587

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From: [Maciboba, Kate C](#)
To: [Howie, Matthew](#)
Subject: RE: SUP2023-101, EA2023-112 2580 Hagen Road
Date: Monday, April 24, 2023 8:19:31 AM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Matthew,

Thank you for your patience as I tracked down the appropriate contacts. PNNL is requesting the same verbiage be used from the 2018 Notice of Decision (Condition of Approval #13) in this year's documentation. Do you require a formal letter from PNNL, or does this email satisfy your request?

Thank you,

Kate

Kate Maciboba

Team Lead | Campus Planning
Operational Systems Directorate
Pacific Northwest National Laboratory

Office: (509) 371-6851

Email: Kathryn.Maciboba@pnnl.gov

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Wednesday, April 19, 2023 2:29 PM
To: Maciboba, Kate C <Kathryn.Maciboba@pnnl.gov>
Subject: RE: SUP2023-101, EA2023-112 2580 Hagen Road

Kate,

I'm still working through the documentation here on the mining operation expansion. Came across something I wanted to alert you to. In the documentation I provided, there was a condition of approval made by the City that the applicant and PNNL organize meetings to resolve any vibration, noise or other concerns. See the attached Notice of Decision from 2018, Item #13. To my knowledge, in the information provided to me, I have no evidence that such discussions were held.

Also, in the process of discovery, I found that an additional mine expansion took place in 2003. That action reused the 2000 conditions and language and has almost no new information to add to the narrative, otherwise I would send you a copy of that as well.

Finally, I wanted to mention two individuals that commented on the final expansion proposal back in 2018, if they or another contemporary, be so compelled to comment on this proposal:

Tim Doyle – Manager – Facility Strategic Planning – PNNL

Colin Colverson – Attorney – Office of Chief Council – DOE – Oak Ridge Office

I will say, I have called both the phone numbers provided to us at that time and left messages.

Appreciate you time,



Matthew Howie

Senior Planner

625 Swift Blvd., MS-35 | Richland, WA 99352

(509) 942-7587

From: Maciboba, Kate C <Kathryn.Maciboba@pnnl.gov>

Sent: Thursday, April 13, 2023 4:13 PM

To: Howie, Matthew <mhowie@ci.richland.wa.us>

Subject: RE: SUP2023-101, EA2023-112 2580 Hagen Road

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Thank you Matthew! Nice talking to you today.

Kate

Kate Maciboba

Team Lead | Campus Planning
Operational Systems Directorate
Pacific Northwest National Laboratory

Office: (509) 371-6851

Email: Kathryn.Maciboba@pnnl.gov

From: Howie, Matthew <mhowie@ci.richland.wa.us>

Sent: Thursday, April 13, 2023 2:59 PM

To: Maciboba, Kate C <Kathryn.Maciboba@pnnl.gov>

Subject: SUP2023-101, EA2023-112 2580 Hagen Road

Check twice before you click! This email originated from outside PNNL.

Kathryn,

Thank you for reaching out. The current “Referral Packet” of information being circulated is attached. There was also an expansion permitted in 2018. I have included the Staff Report and

Board of Adjustment decision for that item as well. As a note- the 2018 site expansion has not yet taken place.

I'm not sure what PNNL has set as their maximum file size for attachments, but I will send the original Special Use Permit from 2000 (SUP00-101) separately, just in case.



Matthew Howie

Senior Planner

625 Swift Blvd., MS-35 | Richland, WA 99352

(509) 942-7587

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From: [ECY RE CRO SEPA Coordinator](#)
To: [Howie, Matthew](#)
Subject: SEPA 202301559 comments for EA2023-112 and SUP2023-103
Date: Friday, April 14, 2023 3:48:42 PM
Attachments: [202301559 BENTON American Rock Products, Additional Mining Area.pdf](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Please see the attached comment letter for the American Rock Products, Additional Mining Area.

Share these comments with the applicant.

Thank you,

Lucila Cornejo
WA State Dept. of Ecology
Central Regional ERTS & SEPA Coordinator
1250 W, Alder Street
Union Gap, WA 98903-0009
(509) 208-4590



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

April 14, 2023

Matthew Howie
Senior Planner
625 Swift Boulevard
Richland, WA 99352

RE: 202301559, EA2023-112 and SUP2023-103

Dear Matthew Howie:

Thank you for the opportunity to comment on the Notice of Application for the American Rock Products, Additional Mining Area. We have reviewed the application and have the following comment.

WATER QUALITY

Interstate Concrete & Asphalt Hanford Pit has Sand and Gravel General Permit (Permit) Coverage (WAG505182) with Department of Ecology (Ecology). Expansion of this site may require the existing permit to be modified. The Site Management Plans will need to be updated as site conditions change.

For further assistance, contact Stephanie Giesin, Sand & Gravel General Permit Manager at Stephanie.giesin@ecy.wa.gov or phone (509) 454-7869.

Sincerely,

Lucila Cornejo

Lucila Cornejo
SEPA Coordinator
Central Regional Office
(509) 208-4590
crosepacoordinator@ecy.wa.gov

From: [WSDOT Aviation Land Use Inquiries and Application Submittals](#)
To: [Howie, Matthew](#)
Subject: RE: [EXTERNAL] SUP2023-103, EA2023-112 1010 University Drive
Date: Tuesday, April 4, 2023 3:28:33 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

M Howie,

WSDOT Aviation Division reviewed this proposal on 04/04/2023 and determined that there were no land use compatibility issues with the Richland Airport. If any structure on the site exceeds 70' above the local ground level, the FAA must be informed. For more information please visit:

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Cheers,

David Ison, PhD | Aviation Planner
Airport Land Use Compatibility & Emerging Aviation Technologies
Washington State Department of Transportation
isond@wsdot.wa.gov C: 360-890-5258

From: [Corrine Camuso](#)
To: [Howie, Matthew](#); sepa@dahp.wa.gov
Cc: [Casey Barney](#); [Jessica Lally](#); [Noah Oliver](#)
Subject: Re: SUP2023-103, EA2023-112 1010 University Drive
Date: Thursday, April 6, 2023 1:42:55 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Good afternoon,

Thank you for contacting the Yakama Nation Cultural Resources Program regarding the proposed undertaking located within the traditional lands of the Yakama. The project is located within a high risk probability area for encountering archaeological resources. There is one previously recorded precontact resource within proximity to the project area. The SEPA indicates the site was reviewed for cultural resources in 1998 by the Department of Energy. However, the area appears as unsurveyed on the DAHP database. Could the survey report be provided to our office?

Regards,

Corrine Camuso
Yakama Nation
Cultural Resources Program Archaeologist
Office 509-865-5121 ext. 4776