



Agenda
Board of Adjustment Meeting
Thursday, November 15, 2018
City Hall Council Chamber | 505 Swift Boulevard

Board Members: Chair Lowery, and Board Members Boring, Gray, Richards, and Van Hoff

Liaisons: Staff Liaison Planning Manager Stevens

Regular Meeting - 7:00 p.m. (City Hall Council Chamber)

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

November 6, 2017 Meeting Minutes

Public Hearing Explanation:

New Business – Public Hearing:

I. SUP 2018-101 3-D Development

Communications:

Adjournment

The next Board of Adjustment Meeting is will be held as needed.

Richland City Hall is ADA accessible with special parking and access available at the entrance facing George Washington Way. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the Board of Adjustment Meeting by calling the City Clerk's Office at 942-7388.



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 11/15/2018

Agenda Category: Approval of Minutes

Prepared By: Mike Stevens, Planning Manager

Subject:

November 6, 2017 Meeting Minutes

Department:

Community Development Services

Recommended Motion:

Approve the minutes of the Board of Adjustment meeting held on November 6, 2017.

Summary:

Attachments:

1. DRAFT BoA Mtg Mins 2017-11-06



MINUTES
BOARD OF ADJUSTMENT MEETING
City Hall – 550 Swift Boulevard – Council Chamber
Monday, November 6, 2017
6:00 PM

Call to Order:

Chairman Lowry called the meeting to order at 6:00 p.m.

Attendance:

Present: Chair Lowry and Board members Watson, Boring and Kobus. Also attending was Development Services Manager Rick Simon.

Approval of Minutes:

Chair Lowry presented the meeting minutes for the September 21, 2017 meeting.

BOARD MEMBER WATSON MOVED AND MEMBER KOBUS SECONDED A MOTION TO APPROVE THE MEETING MINUTES OF THE SEPTEMBER 21, 2017 MEETING AS PRESENTED. MOTIONED CARRIED.

Public Hearing:

New Business

- 1. APPLICANT: Neal Gifford
BA2017-102**

Chairman Lowry introduced the item.

Mr. Simon reviewed the application for variance and highlighted the pictures and information submitted by the applicant. Mr. Simon also noted the special conditions and justifications for approval related to this property.

Chair Lowry opened the Public Hearing at 6:08 PM.

Neal Gifford, applicant, spoke in support of his application and noted that he needed the garage in order to house his classic car.

Chair Lowry closed the Public Hearing at 6:12 p.m.

Board member Kobus noted that there is a structure on the adjacent lot that appears to be built on the property line, adjacent to the proposed location of the garage. He asked staff what measures are necessary to allow structures to be built in such close proximity to each other. Mr. Simon noted that the building code requires a one-hour fire wall separation in such instances.

A MOTION WAS MADE BY BOARD MEMBER BORING AND SECONDED BY BOARD MEMBER WATSON THAT THE BOARD OF ADJUSTMENT CONCUR WITH THE FINDINGS AND CONCLUSIONS SET FORTH IN THE STAFF REPORT AND APPROVE A VARIANCE FROM RICHLAND MUNICIPAL CODE SECTION 23.38.020(B)(4) TO ALLOW CONSTRUCTION OF A DETACHED GARAGE UP TO THE NORTH SIDE PROPERTY LINE OF 1105 WILLARD AVENUE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE DETACHED GARAGE SHALL BE LOCATED IN ACCORDANCE WITH THE SITE PLAN SUBMITTED WITH THE VARIANCE APPLICATION; AND**
- 2. THE GARAGE SHALL BE DESIGNED TO DIVERT STORMWATER TO BE CAPTURED AND INFILTRATED ON-SITE.**

AN AMENDMENT TO THE MOTION WAS OFFERED BY BOARD MEMBER KOBUS AND SECONDED BY BOARD MEMBER WATSON TO ADD A THIRD CONDITION STATING THAT A ONE-HOUR FIRE WALL BE PROVIDED ON THE NORTH SIDE OF THE GARAGE BUILDING.

THE AMENDMENT WAS PASSED BY A VOTE OF 4 – 0.

THE ORGINIAL MOTION AS AMENDED WAS THEN PASSED BY A VOTE OF 4 – 0.

Communications:

BOARD MEMBER WATSON reminded Board members of the Board and Commissioner training that is scheduled for November 16th.

ADJOURNMENT:

The Board of Adjustment Regular Meeting was adjourned at 6:18 p.m.

PREPARED BY: Lynne Follett, Recorder, Planning and Development



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 11/15/2018

Agenda Category: New Business – Public Hearing

Prepared By: Mike Stevens, Planning Manager

Subject:

SUP 2018-101 3-D Development

Department:

Community Development Services

Recommended Motion:

Approve SUP 2018-101 authorizing the operation of a 128 acre site for sand and aggregate removal, rock crushing and stockpiling subject to conditions of approval.

Summary:

3-D Development has requested a Special Use Permit requesting approval to remove aggregate and sand materials from a 128 acre site that is located immediately adjacent to an existing sand and gravel processing and concrete batch plant site. Activities proposed are limited to aggregate removal, rock crushing and stockpiling of materials. The site is located within the I-M Medium Industrial zone and M-2 Heavy Manufacturing zone. The excavation, processing and removal of topsoil, sand, gravel rock or similar natural deposits is a permitted use within these zones subject to the issuance of a Special Use Permit from the Board of Adjustment.

Attachments:

1. SUP 2018-101 Combined Staff Report and Exhibits

STAFF REPORT

TO: BOARD OF ADJUSTMENT
FILE NO.: SUP2018-101

PREPARED BY: MIKE STEVENS
MEETING DATE: NOVEMBER 15, 2018

GENERAL INFORMATION:

APPLICANT: 3D DEVELOPMENT

REQUEST: AUTHORIZATION TO OPERATE A 128 ACRE SITE FOR SAND AND AGGREGATE REMOVAL, ROCK CRUSHING AND STOCKPILING.

LOCATION: SOUTHWEST CORNER OF THE INTERSECTION OF STEVENS DRIVE AND BATTELLE BOULEVARD IN NORTH RICHLAND.

REASON FOR REQUEST

On April 19, 2018 "3D Development", hereafter referred to as the "Applicant" filed a Special Use Permit application (Planning Master File #SUP2018-101) requesting approval to remove aggregate and sand materials from a 128 acre site that is located immediately adjacent to an existing sand and gravel processing and concrete batch plant site. Activities proposed on the project site would be limited to aggregate removal, rock crushing and stockpiling of materials. Materials would be trucked or loaded onto a conveyor belt to the existing concrete batch plant. The proposal divides the 128 acre project site into 10 phases, each approximately 10 acres in size. Once materials have been removed to approximately the 365 ft. (MSL) elevation, the site would be reclaimed for industrial uses. Copies of the materials submitted by the applicant are attached (Exhibit 1).

The site is located within the I-M Medium Industrial zone and M-2 Heavy Manufacturing zone. The excavation, processing and removal of topsoil, sand, gravel rock or similar natural deposits is a use that is permitted within these zones subject to the issuance of a Special Use Permit by the Board of Adjustment.

SITE DESCRIPTION

LAND AREA: A 128-acre rectangular parcel

ZONING: I-M Medium Industrial & M-2 Heavy Manufacturing

CURRENT USE: Lay down yard for construction materials

EXISTING

IMPROVEMENTS: The site has been graded, leveled and graveled.

ACCESS: The site is bordered by Battelle Boulevard on its north property boundary; however; operational access is proposed from the south to the existing gravel operation and concrete batch plant.

SURROUNDING ZONING

NORTH: I-M Medium Industrial and M-2 Heavy Manufacturing
EAST: I-M Medium Industrial and B-RP Business Research Park
SOUTH: I-M Medium Industrial
WEST: M-2 Heavy Manufacturing

SURROUNDING LAND USES

Existing land uses adjacent to the site are as follows:

NORTH: Battelle Blvd., Apogee Logistics, Sigma Management, Stevens Storage
EAST: Railroad, Stevens Drive and PNNL Campus
SOUTH: Existing Pit Site
WEST: Perma-Fix Northwest and Central Washington Corn Processors



Note: This photo does not depict the present alignment of Hagen and Logan Roads which provides access to the existing pit site.

PROJECT HISTORY

The site has been used for the past several years as a construction materials lay down yard for the storage of materials to be used in the Hanford Vittrification Plant project. The applicants have now obtained ownership of the site and seek to excavate sands and gravels similar to the operation that exists immediately south of the site.

In 2000, American Rock Products submitted a special use permit application (SUP00-102) to mine a 187 acre parcel of property owned by the Port of Benton. The proposal consisted of the excavation, crushing, screening and stockpiling of sand and gravel for use in the on-site production of concrete and asphalt. Initially, the applicants were granted a 60 day test operation during which time detailed studies were conducted to document compliance with City regulations relating to noise, vibration and dust control. Following this initial testing period, a special use permit was granted by the Richland Board of Adjustment on June 21, 2001. (Refer to Exhibit 2 – Minutes of the Board of Adjustment Meeting, including the conditions of approval.) The facility has been operated continuously since then.

In 2003, American Rock Products applied for a second special use permit (SUP2003-101) to authorize the expansion of the mining operation to include an additional 40 acres located immediately west of the original project site boundary. This application was approved by the Richland Board of Adjustment on April 17, 2003, bringing the area eligible for mining activities to a total of 227 acres. Work on-site has been moving from the southern end of the property to the north. Approximately one third of the site has been excavated and reclaimed, a second third is under active excavation and is where the asphalt plant, concrete batch plant and material stockpiles are located. The northerly one third has not yet been excavated.

In 2018 the applicants gained ownership of the existing pit site from American Rock Products and continue to operate under the provisions of the existing special use permits.

Operation of the facility includes both asphalt plant and a concrete batch plant. Rock crushing equipment is brought onto the site for temporary use on an as needed basis, generally only 6 weeks annually. A gravel access road was initially extended from the plant site southward, tying into Robertson Road and onto SR 240. However, recent road improvements within the Horn Rapids Business Park were completed in 2017, so that the current access road ties into a fully improved Hagen Road and onto SR 240 at what is now a fully signalized intersection.

COMPREHENSIVE PLAN

The site is designated as suitable for industrial development under the City's current comprehensive plan. Goal and policy statements in the land use plan relating to economic development plan read as follows:

LU Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

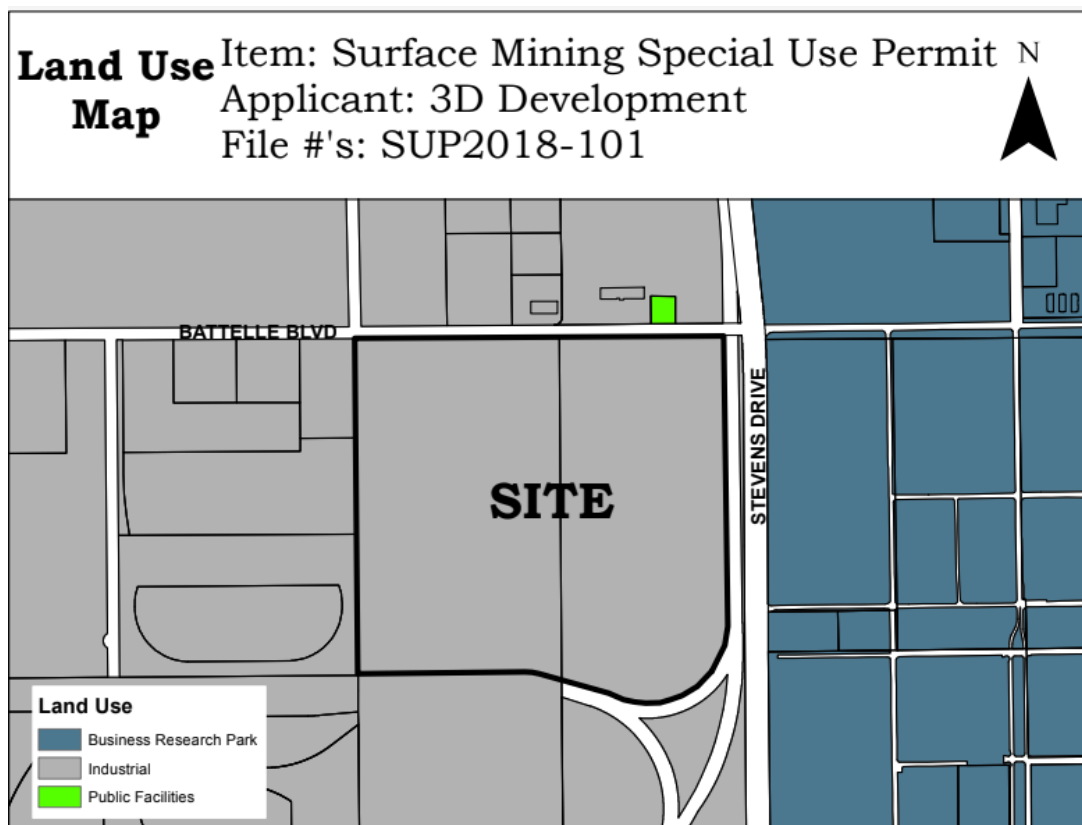
Policy 2: Promote developments such as business and research parks, office parks, technology centers, manufacturing and processing facilities, and other types for high- tech uses.

Policy 3: Locate neighborhood-oriented commercial land uses in Neighborhood Retail Business areas.

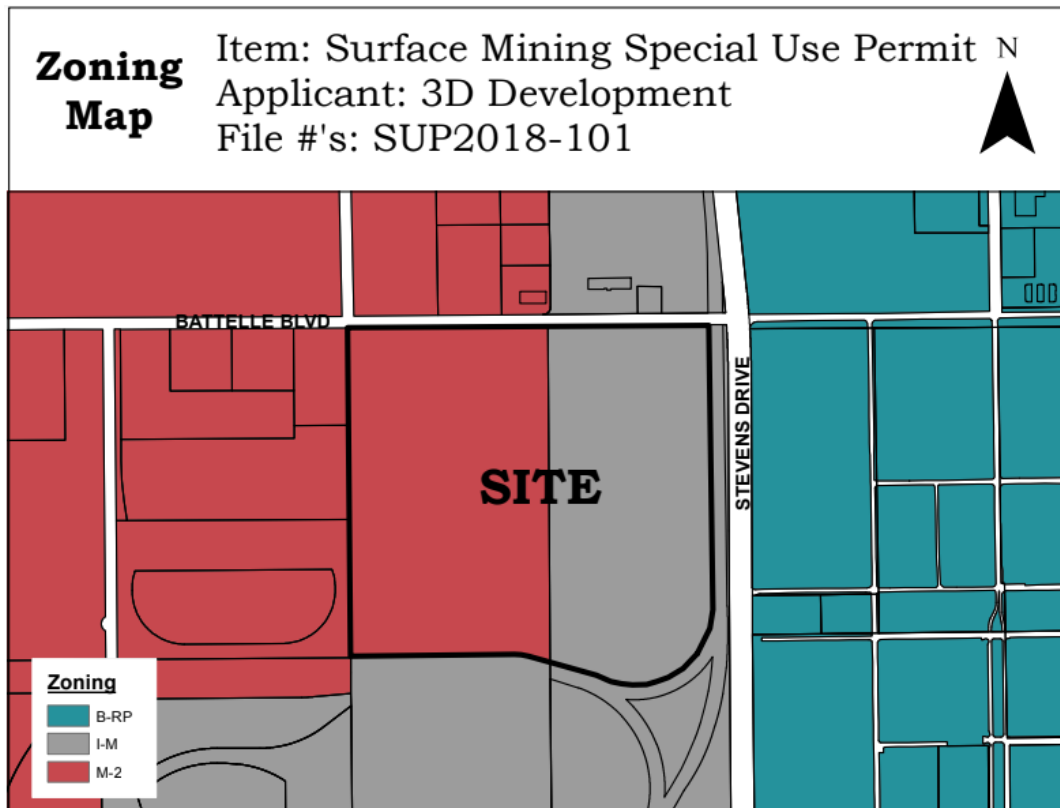
Policy 4: Encourage the use of buffers or transition zones between non- compatible land uses.

Policy 5: In areas where residential uses are in close proximity to industrial or commercial lands, adequate development standards should be used in industrial or commercial developments to mitigate the impacts on residential uses.

Policy 6: Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.



ZONING



The west half of the site is zoned M-2 Heavy Manufacturing and the east half is zoned I-M Medium Industrial. Both of these zoning designations permit sand and gravel extraction subject to the issuance of a special use permit.

PUBLIC NOTICE

The application was originally filed with the City in March of this year and supplemental application materials were submitted in June. The initial review of the application was scheduled for hearing in July but was postponed in order to review comments that were received from the public. Following review of the comments, notice was provided a second time. The specific dates that notice was given are as follows:

Notice Published:	July 8, 2018	Re-published:	October 7, 2018
Notice Posted:	June 25, 2018	Re-posted:	October 4, 2018
Notice Mailed:	June 21, 2018	Re-mailed:	October 3, 2018

Copies of the affidavits of posting and mailing are attached as exhibits 3 and 4.

COMPLIANCE WITH CRITICAL AREAS REGULATIONS

The project was reviewed under the City's Critical Areas regulations found in RMC 22.14. Aerial photos of the property were reviewed, as were the Washington State Department of Fish and Wildlife priority species maps. A determination was made that the site does not contain any identified priority habitats or species. Similarly, the National Wetland Inventory Maps do not identify any wetland areas on site. Neither do FEMA Floodplain maps identify the site as being located within a floodplain. The City's mapping shows that the site is outside any identified geologically hazardous areas or critical aquifer recharge areas. Finally, the site was determined to fall outside the jurisdictional boundaries of the City's Shoreline Master Program.

ENVIRONMENTAL REVIEW

As required under the State Environmental Policy Act, the applicants submitted an environmental checklist. Following staff's review of the checklist along with the application materials and previous environmental determinations, the City issued a Determination on Non-Significance on June 21, 28. Copies of the checklist and determination are attached as exhibits 5 and 6.

Previous environmental determinations of non-significance for the original 187 acre facility and the 40 acre expansion were issued in 2001 and 2003 respectively.

PUBLIC COMMENTS

The City received comment letters from the Department of Energy, Pacific Northwest National Laboratories, the State Department of Ecology, Bonneville Power Administration, Benton Clean Air Agency and the Tri-City Railroad Company. Copies of this correspondence are attached as exhibit 7.

The Department of Ecology correspondence provides a listing of the permitting that is required by the Department for the ongoing operations proposed by the applicants. The proposed conditions of approval include a requirement for the applicant to obtain all required Ecology permits prior to any disturbance taking place on-site.

The Tri-City Railroad Company noted that access over their railroad track would be considered by them to be trespass of their leasehold rights. However the section of track that the applicant is proposing crossing is owned by the City of Richland within an easement from the Port of Benton. Any proposed track undercrossing would be reviewed and approved under a separate process and is outside the scope of this Special Use Permit.

Comments from the Bonneville Power Administration (BP indicate that the Richland-White Bluffs transmission line could be impacted by the project and that any mining activities planned within or

near the BPA easement or transmission line need to be reviewed and approved by BPA prior to their occurrence.

The applicants are fully aware of the BPA easement and transmission line and know that any mining in the vicinity requires BPA approval.

The comments received from Benton Clean Air Agency state that a notice of construction application must be filed and an order of approval must be issued by the permitting authority prior to the establishment of any new source. Again, the applicants are fully aware of this requirement and have been in compliance with it for many years.

The comments received from the Department of Energy and Pacific Northwest National Laboratories expressed shared concerns regarding the project's suspected impact on the sensitive scientific research that is conducted within the PNNL campus. Of particular concern are the potential for noise, vibration and/or dust generated from the project site to negatively impact the ongoing activities within the PNNL campus. The DOE letter provides some detail citing air, water, animals, environmental health, land and shoreline use, historic and cultural preservation and transportation as specific areas that need to be further studied before a permit for the use is granted.

The following is a listing of each of the issues raised in the DOE letter (*printed in italicized type*) followed by a response from staff (*printed in red text.*)

Air – The applicant states that all construction, operation and maintenance will be in compliance with Benton Clean Air Authority Regulations. This statement does not take into account potential effects on sensitive radiological measurement equipment on PNNL's campus, which may be affected by the applicant's proposed activities. Additional SEPA analysis should be conducted to evaluate these anticipated environmental effects on adjacent land use, particularly considering the probable air quality impacts that this proposed activity could have on adjacent land owners.

Response: Lack of adequate dust control could have an adverse impact on the research activities conducted within the PNNL campus. Given the importance of the scientific research conducted therein, it is reasonable that additional measures be taken to protect PNNL's interests. For this reason, staff has recommended a specific condition that provides the City with the authority to impose additional conditions and/or suspend the special use permit until dust control measures can be implemented to effectively address the issue. However, much of the 128 acre site is well removed from the PNNL campus and likely will not require extraordinary dust control measures. The applicant's phasing plan calls for them to excavate material from the south to the north and from the west to the east. The PNNL site lies east of the site, meaning that the most likely time of impact of the proposed project would not be not be felt by PNNL until the last phases of excavation occur. Additionally, the applicant has operated the existing mining operation for more than 15 years adjacent to this site and has done so without dust/air issues.

Water – The applicant states that approximately 10,000 gallons of water per day will be applied to the site for crushing operations and dust control, but that no water will be discharged to

groundwater. Later in the application the applicant states that water will percolate to the ground, thereby being discharged to groundwater. Additional SEPA analysis should be conducted to determine if the discharge of approximately 10,000 gallons of water per day will have any impact of groundwater in surrounding and nearby properties, particularly considering DOE property in close proximity to the proposed activity with known contaminated groundwater plumes.

Response: Water used for the purpose of dust control would be applied to disturbed ground through the use of water trucks or sprinklers. The great majority of this water would evaporate into the atmosphere, or be removed from the site by sand/gravel /concrete being trucked from the site, rather than percolating into the ground water. The applicants stated that water runoff or stormwater would be collected and allowed to percolate into the ground. This volume of water is likely no different than what percolates into the soil presently with the existing laydown yard.

Animals – The applicant states that no threatened or endangered species have been observed on site. Recent studies on nearby properties have regularly revealed the presence of protected bird species that require special consideration and requirements under the Migratory Bird Treaty Act, the Endangered Species Act, and state and local requirements. Additional SEPA analysis should be conducted to confirm that listed, threatened, endangered and/or regulated bird species are not on or near the site of the proposed activity, particularly considering the topographical changes the proposed excavation would create and the corollary potential attraction for listed, threatened, endangered and/or regulation bird species.

Response: The site is presently used as a laydown yard. It has been graded, leveled and no longer contains any natural vegetation. Further, there are no water features on site that would attract wildlife. The City depends upon the State Department of Fish and Game for information regarding wildlife habitat and location of protected species. The Priority Habitat Species maps maintained by the state do not indicate the presence of any protected species or habitat.

Environmental Health – The applicant states that noise and vibration testing used in 2001 to cite adjacent land use (crushing operation) indicated no detrimental impacts to neighboring land uses or industry. Relying on that assumption, no new detrimental noise impacts are anticipated. Applicant fails to account for new/additional operations and activities at PNNL since 2001 that require no or low vibration or noise. Applicant further fails to take into account that prior studied operations were not adjacent to PNNL, but instead on a property significantly farther away from the sensitive operations and activities. Additional SEPA analysis should be conducted by applicant to evaluate environmental health, particularly noise impacts, on adjacent property uses at PNNL.

Response: Lack of adequate noise and vibration control could have an adverse impact on the research activities conducted within the PNNL campus. Given the importance of the scientific research conducted therein, it is reasonable that additional measures be taken to protect PNNL's interests. For this reason, staff has recommended a specific condition that provides the City with the authority to impose additional conditions and/or suspend the special use permit until noise and vibration mitigation measures can be implemented to effectively address the issue. Much of the 128 acre site is well removed from the PNNL

campus and may not require extraordinary mitigation measures. The applicant's phasing plan calls for them to excavate material from the south to the north and from the west to the east. The PNNL site lies east of the site, meaning that the most likely time of impact of the proposed project would not be felt by PNNL until the last phases of excavation occur.

Land and Shoreline Use – The applicant states that the proposed activity is compatible with existing and project land uses and the City's Comprehensive Plan by preparing the site for a future industrial/commercial development. The applicant does not mention the adjoining zoning for the Tri-Cities Research District, the 1700 acre research park that demonstrates clean energy technologies and further develops bioscience products and processes. The applicant further fails to mention PNNL, the multi-purpose national laboratory tackling some of the world's most challenging problems in energy, the environment and national security. Additional SEPA analysis should be conducted to confirm that the proposed activity is consistent with adjoining land uses like the Tri-Cities Research District and PNNL, among others.

Response: The existing land uses that are adjacent to the site consist of Central Washington Corn Processors and Perma-Fix Northwest that are located west of the project site. Both of these properties as well as the western half of the subject site are located within the M-2 Heavy Industrial zoning district. Land uses within this district are typically not sensitive uses requiring buffers or other forms of mitigation. To the north across Battelle Boulevard are Apogee Logistics, Sigma Management, Stevens Storage and Cast Transportation. To the east across Stevens Drive is the PNNL campus. The Stevens Drive right-of-way along with the Port of Benton Railroad Track which runs parallel with Stevens Drive provides a separation between the project site and the PNNL campus boundary of 200 feet or more. City code requires a 50 setback from the property boundary, so excavation activities will be at least 250 feet from the boundary of the PNNL campus. Along the north property line, the Battelle Boulevard right-of-way of 60 feet and the 50 foot setback requirement would provide a minimum separation of 110 feet from any existing uses along the north side of Battelle Boulevard. Additionally, the City code requires a landscape buffer along Battelle Boulevard.

Historical and Cultural Preservation – The applicant states that there are no 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 preservations registers. The applicant does not take into account the seven historical properties determined eligible for placement upon the National Register of Historic Places by DOE and the Washington State Historic Preservation Officer on the PNNL campus. Additionally, multiple tribes have stated that there are numerous cultural resources and sites located within the vicinity of the proposed activity site that are important to their cultural heritage. Additional SEPA analysis should be conducted to evaluate the presence of, and the potential effects the proposed activity could have, on historical and cultural resources.

Response: The proposed project would not have significant impacts on the nearby historic properties located on the PNNL campus. Note that properties that eligible for listing on an historic register are not the same as being on an historic register. State and federal regulations would not preclude development of the project site on that basis. Further, the

site has already been significantly disturbed when it was graded and leveled for the operation of the existing laydown yard. Whatever cultural artifacts that existed on-site were most likely disturbed at that time.

Transportation – The applicant states that the project will not result in traffic increases, however does not describe impacts during construction which may affect adjacent landowners. Additional SEPA analysis should be conducted by applicant regarding transportation impacts, particularly related to adjacent land owners and potential greenhouse gas impacts.

Response: The only point of access proposed to remove the excavated materials from the site would be to the south, across the existing sand and gravel processing facility. From the facility, trucks hauling materials would travel southward onto Hagen Road and Robertson Drive and onto the existing signalized intersection of Robertson/SR 240. To ensure that traffic generated by the project does not impact Battelle Boulevard, staff is recommending a condition of approval that would require any access proposed from the site onto Battelle Boulevard to be reviewed and approved by the Richland Traffic Engineer, subject to the preparation of a traffic study.

CITY CODE REQUIREMENTS

RMC Section 23.46.025(B)(5) establishes the Board of Adjustment as the hearing body to conduct the review of a special use permit applications for the excavating, processing, removal of topsoil, sand, gravel, rock or similar deposits in the AG – agricultural, I-M – medium industrial and M-2 – heavy manufacturing districts. As the subject property is located within the I-M and M-2 districts, the Board of Adjustment is the hearing body authorized to act on this application.

RMC Section 23.46.040(C) provides criteria for the consideration of special use permit applications, stating that 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.”*

Further, RMC 23.46.040(D) provides authority to the Board to impose conditions on an application, stating that: “*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.*

RMC 23.46.060 provides for how the Board must arrive at its decision on a special use permit application. It states:

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

RMC 19.60.095 provides criteria that must be met in order for the Board to approve any permit application. They are as follows:

- 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.*

Finally, Chapter 23.42 of Richland's municipal code establishes standards for the operation for a variety of uses that require special use permits under the zoning code. Specifically, Section 23.42.070 establishes standards for the proposed use. The following is a listing of the code requirements listed in RMC 23.42.070 (*printed in italicized type*) along with a comment evaluating the application. (**Comments are printed in red text.**)

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).*

Comment: The proposed conditions of approval include a condition that requires the applicant to provide a copy of any permits issued from state agencies to Richland Development Services before any on-site operations commence.

- 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.*

Comment: The applicant submitted a site plan and vicinity map as a part of the application materials. (See exhibit 1).

- 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.*

Comment: The applicant submitted a reclamation plan as a part of the application materials. (See exhibit 1g).

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

Comment: The application addresses design standards. See comments provided under subsection (C).

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

Comment: The application addresses proposed operations. See comments provided under subsection (D).

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.*

Comment: The application does not include a report from a licensed engineer or geologist. The proposed conditions of approval specify that exposed slopes shall not exceed 3:1 unless and until a report from a professional geologist or engineer supports slopes in excess of this standard.

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.*

Comment: The application does not include a traffic report. The traffic generated by the proposed use would be identical to existing traffic patterns and volumes, given that the existing operation/batch plant will process materials excavated from the proposed site. Recent improvements to the vicinity include a paved roadway (Hagen Road) that extends from the batch plant southerly to Robertson Drive and a traffic signal at the Robertson/SR 240 intersection. Given that the existing operation does not create traffic congestion currently, staff determined that no specific traffic studies were needed for the review of this application. Unless the applicant chooses to pursue an access onto Battelle Boulevard. In such case, approval from the Richland Traffic Engineer would be required, including the possibility of completing a traffic study as determined by the Richland Traffic Engineer.

- 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.*

Comment: The site, at 128 acres exceeds this minimum requirement.

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.*

Comment: The application proposes to extract the gravel materials in 12 phases. Each phase is approximately 10 acres in size and none would exceed 20 acres in area.

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.*

Comment: The application does not identify specific locations for fencing. The proposed conditions of approval require that fencing be installed in locations adjacent to steep slopes (2.5H:1V) or around any stormwater facility with slopes exceeding 3H:1V. There are no commercial or residentially zoned properties adjacent to the project site. The applicant is not required to fence the entire property according to the City's design requirements. The project border can include a combination of fencing and berms, as approved by the City.

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.*

Comment: The proposed conditions of approval require that any fencing meet the standards contained in this subsection.

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.*

Comment: The proposed conditions of approval require that warning signs meeting the standards contained in this subsection be installed.

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.*

Comment: No residentially zoned properties are located near the subject property.

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

Comment: The proposed conditions of approval require compliance with this standard.

- c. Fifty feet from any public street.*

Comment: The proposed conditions of approval require the applicants to observe setbacks of 50 feet from exterior property boundaries and public rights-of-way.

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.*

Comment: The application does not include the construction of any new structures. The proposed conditions of approval include a requirement that all stockpiles of materials be setback at least 50 feet from property lines, except along the southerly boundary of the 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.*

Comment: The proposed conditions of approval include a requirement to limit any excavation in accordance with this standard, except along the southerly property boundary, which is adjacent to an existing 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.*

Comment: There are no residential or commercially zoned properties adjacent to the subject site. Battelle Boulevard forms the northerly boundary of the subject property. The proposed conditions of approval require that landscape screening be installed along the northerly boundary.

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.*

Comment: the proposed conditions of approval require that any outdoor lighting conform to the City's outdoor lighting standards as found in 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).*

Comment: Noise testing was conducted at the time that the original processing facility was put into operation in 2001. The testing indicated that the facility operated within state

noise standards. The operation of the proposed project will be required to meet the same standard.

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.*

Comment: Blasting has not been part of the existing operations. Given the proximity of the project site to the existing operation and the nature of the material present on the surface, the need for blasting on-site is not anticipated. Should blasting be required, a blasting plan and conformance with this standard would be required.

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.*

Comment: Recommended permit conditions require the applicants to obtain approvals from the Benton Clean Air Authority prior to any on-site activities. The Clean Air Authority will monitor the site over the life of the project for conformance with clean air standards. The existing operation to the south has not produced significant air quality complaints over the 17 years of its operation.

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

Comment: This is a standard requirement for all sand and gravel operations.

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

Comment: Additional traffic control measures will not generally be required. No new access points will be constructed for this project. All traffic will be directed to the south onto Hagen Road as is presently occurring for the operation of the existing facility.

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

Comment: This requirement is in place on the existing operation and will be in force throughout the life of the proposed project.

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

Comment: There are no surface water features on-site. Recommended permit conditions require the approval of the State Department of Ecology prior to any on-site activities. Part of Ecology's review includes stormwater treatment and discharge.

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.*

Comment: The application indicates a floor elevation of 365 feet. This is the same as the adjacent pit site and so would not be expected to reach the water table, as the existing operations have not reached the water table. The applicant indicates that the site will be graded and prepared for future industrial use, indicating their intention to meet this requirement. In the event that excavation reaches the water table, the applicant would be required to take corrective actions.

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

Comment: Recommended conditions of approval include this requirement.

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.*

Comment: Beyond this code requirement, a further recommended condition of approval has been added that would address the specific needs of the PNNL campus to protect the continued operation of the sensitive scientific research that occurs on that property.

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.*

Comment: Recommended conditions of approval require that the applicant obtain all required permits from the State Department of Natural Resources prior to any on-site activities.

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.*

Comment: Recommended conditions of approval require that the applicant obtain all required permits from the State Department of Natural Resources prior to any on-site activities.

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.

Comment: The proposed conditions of approval include requirements that all reclamation standards shall be complied with throughout the life of the project. Specifically, in regard to noise, detailed noise testing was undertaken when the existing operation was initially started. The results of that testing would indicate that noise generated from the proposed land use will not detrimentally impact adjacent properties.

- 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.

Comment: Should the City require that a financial guarantee be posted, it should do so for each phase of the project. In such case, the applicant should provide a detailed cost estimate for the installation of all required landscape screening, fencing, dust suppression and any reclamation costs associated with that particular phase of operation. Given that the applicant has operated in this location for more than 15 years without issue, it is assumed that they will continue to operate in an appropriate manner.

- 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.

Comment: The existing operation that was begun in 2001, has been periodically monitored by City staff and has found to be operating within the standards outlined in City code and the conditions attached to the original special use permit.

- 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.

Comment: This standard has been included in the recommended conditions of approval.

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.

Comment: This site has not been designated as a mineral land of long-term commercial significance under the Richland comprehensive plan.

ANALYSIS

The application is consistent with the City's current land use plans. Subject to the recommended conditions of the approval, the application is also consistent with the operating standards for gravel pits that are contained in the zoning code.

The good operating record that the previous pit owners have established over the past 18 years on their pit site that is immediately adjacent to the project site shows that the general vicinity is free of existing land uses that would be negatively impacted by the operation. Further, the use of the existing street system to the south ensures that the proposal will not result in traffic impacts.

The proposal would be a logical extension of the existing pit site and will provide opportunities for future industrial land development in the future after the materials have been removed from the site, helping to fulfill the intent of the comprehensive land use plan.

The concerns voiced by the Department of Energy and Pacific Northwest National Laboratories need to be carefully considered. The improvements made in the PNNL campus and the sensitivity of the scientific research there could be negatively impacted by the proposed operation. However, clean operation of the pit site together with the fact that materials will be exported to the batch plants located to the south in the existing pit will help to limit the potential impacts of noise, vibration and dust on the PNNL campus. A recommended condition of approval addresses the potential for impacts to the PNNL campus by providing a mechanism for PNNL to work with both the City and the applicant to resolve any issues that may arise during the life of the project.

FINDINGS AND CONCLUSIONS

Staff has completed their review of the application for special use permit approval (SUP2018-101) and subject to the recommended conditions of approval submits that:

FINDINGS

1. The project site is located within an area designated for future Industrial development under the Richland Comprehensive Plan;
2. The project site is located in an area designated as Medium Industrial and Heavy Manufacturing. Both zoning designations allow for the removal of topsoil, sand, gravel, rock or similar natural deposits through the issuance of a special use permit in accordance with the operating standards set forth in RMC 23.42.070(A);
3. The site is located outside of any designated critical areas, under the City's Critical Areas Ordinance;
4. The site is located outside of the jurisdictional boundaries of the City's Shoreline Master Program;
5. Under the provisions of the State Environmental Policy Act, an environmental checklist prepared by the applicants was reviewed by staff and a Determination of Non-Significance was entered into the record on June 21, 2018;
6. The Board of Adjustment is designated in RMC 23.46.025(B)(5) as the hearing body to hear special use permit applications for gravel extraction applications;
7. RMC 23.46.040(C) provides criteria for the Board of Adjustment to use in evaluating special use permit applications;
8. The Board of Adjustment is empowered under RMC 23.46.040(D) to impose specific conditions of approval when granting a special use permit application;
9. The applicant has submitted an application consisting of a site plan and vicinity map that depicts the proposed operation, the use of existing haul roads, the zoning of the site and the site's relationship to surrounding properties as required under RMC 23.42.070(B)(1);
10. The applicant has submitted a reclamation plan showing that materials are to be removed from the site to the 360 foot contour in a total of twelve phases over the life of the project as required under RMC 23.42.070(B)(2);
11. The applicant has submitted a site plan that shows the 128 acre site shall be divided into 12 roughly equal phases, with each phase being larger than 10 acres and less than 20 acres, thereby conforming to the design standards contained in RMC 23.42.070(C);
12. As the proposed use is not adjacent to residential or commercially zoned properties, fencing is not required except for the protection of unstable slopes, settling or storm ponds, and the adjacent Battelle Boulevard public right-of-way and so the application meets the criteria set forth in RMC 23.42.070(C);

13. The application depicts a minimum setback of 50 feet from property boundaries and so is consistent with the setback requirements set forth in RMC 23.42.070(C);
14. The application depicts a 50 foot setback from property boundaries and so is consistent with the standard set forth in RMC 23.42.070(C)(6);
15. The proposed project does not trigger a requirement for landscaping, except along the northern boundary, which is formed by the Battelle Boulevard public right-of-way per RMC 23.42.070(C)(9);
16. Landscaping is not required along the eastern, western and southern boundaries because properties are not zoned for residential or commercial use; are not adjacent to a public rights-of-way (the eastern boundary is formed by a rail line, and so is not adjacent to Stevens Drive) and an existing gravel operation forms the southerly boundary of the site;
17. All outdoor lighting is required to meet the standards specified in RMC 23.58 and in so doing will be consistent with the design standards contained in RMC 23.42.070(C)(10). Additionally, the placement of overburden materials along the property boundaries will provide additional screening for adjacent properties from light and glare;
18. The project is an expansion of an existing gravel extraction and processing facility. The existing rock crushing, stockpiling and cement mixing activities that occur in the area will continue using the materials excavated from the project site. Previous noise testing of the existing facilities and the operation of the existing facility for 17 years without generating noise complaints provide sufficient evidence that the facility will be able to operate in compliance with state noise standards and the provisions of RMC 23.42.070(D). Additionally, the placement of overburden materials along the property boundaries will help to buffer noise impacts on the adjacent properties. Finally, the site is located in an area where noise sensitive uses are not immediately adjacent to the site.
19. The project requires the approval of the Benton Clean Air Authority for dust control. The applicants have indicated that they have water available on site to control fugitive dust. Operation of the facility will require that effective dust control measures remain in place throughout the life of the project.
20. An existing well on the site has capacity to provide 10,000 gallons of water daily to provide dust control provide for any other water needs on the project site;
21. The existing street network is adequate to serve the needs of the proposed project and given its adjacency to the existing concrete plant, it will not require the construction of any new road segments or require any new access points onto the City street system;

22. The proposed project does not require the extension of utilities from the City of Richland;
23. In accordance with the provisions of RMC 23.42.070(D), the applicant remains responsible for taking appropriate measures to prevent rock, dirt and mud from accumulating onto public roadways and for the repair of any damage to public roadways created by the operation of the facility;

CONCLUSIONS

1. The size and dimensions of the site provide adequate area for the intended gravel extraction use;
2. The site is suitable for the proposed gravel extraction operations;
3. Existing public facilities are in place and have adequate capacity to serve the proposed project;
4. As modified in the recommended conditions of approval, the proposed project is consistent with the zoning code standards for the excavating, processing, removal of topsoil, sand, gravel, rock or similar deposits as found in RMC 23.42.070;
5. The project is consistent with the City's comprehensive plan;
6. The project site is located outside of any identified critical area as set forth in the City's Critical Areas Regulations RMC 14.22;
7. The project site is located outside of the City's Shoreline Master Program regulations;
8. Identified impacts to adjacent properties and surrounding uses have been adequately mitigated through the imposition of City zoning standards and conditions of approval attached to the special use permit;
9. The proposed project will not create any new impacts to City public facilities and street systems;
10. The proposed project, as conditioned, satisfies the criteria needed to approve a special use permit application as set forth in RMC 32.46.040(D);
11. The proposed project, as conditioned, satisfies the criteria needed to approve a permit application as set forth in RMC 19.60.070;
12. Conditions of approval attached to the special use permit are consistent with the authority given to the Board of Adjustment and are necessary to control impacts of the proposed project.;

13. Based on the above findings and conclusions, approval of the request for a special use permit would be in the best interest of the community of Richland.

RECOMMENDATION

Staff recommends that the Board of Adjustment concur with the findings and conclusions set forth in Staff Report (SUP2018-101) and approve the request for special use permit to authorize the excavation of sand and gravel materials, rock crushing and stockpiling on a 128 acre site subject to the following conditions:

1. Prior to any disturbance of the project site, the applicant shall obtain all required permits from the Washington State Department of Natural Resources for the removal of sand and gravel materials from the project site in accordance with the Washington State Surface Mining Reclamation Act and RMC 23.42.070(A). A copy of said permit shall be filed with Richland Development Services;
2. Prior to any disturbance on the project site, a copy of the reclamation plan for the site as approved by the Washington State Department of Natural Resources shall be filed with Richland Development Services in accordance with RMC 23.42.070(E)(1);
3. Prior to any disturbance of the project site, the applicant shall obtain the required Sand and Gravel General Permit from the Washington State Department of Ecology for the removal of sand and gravel materials from the project site, including a site management plan in accordance with Ecology requirements. A copy of said permit shall be filed with Richland Development Services;
4. Prior to any disturbance of the project site, the applicant shall obtain any approvals necessary from the Washington State Department of Ecology for the discharge of storm water. A copy of any such permit shall be filed with Richland Development Services. The applicant shall be responsible to ensure that any surface water discharges occur in conformance with state requirements.
5. Prior to any disturbance of the site, the applicants shall obtain approvals from the Benton Clean Air Authority for the proposed ground disturbance activities. A copy of the Benton Clean Air Authority approval shall be filed with Richland Development Services.
6. Throughout the life of the project, the applicant shall comply with all standards and requirements as set forth in RMC 23.42.070;
7. 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).
- 8) Warning and trespass signs shall be installed around the perimeter of the active operation area at intervals of no greater than 200 linear feet.
- 9) The edge of any excavated area shall be setback a minimum of 50 feet from any property boundary, public street or rail line.
- 10) 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.
- 11) Any outdoor lighting installed on-site shall be consistent with the lighting standards contained in RMC Chapter 23.58.
- 12) The operation shall comply with noise standards as set forth in WAC 173-60-040 and RMC 23.42.070(D)(1). 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.
- 13) Given the sensitive nature of the scientific research conducted at the Pacific Northwest National Laboratories campus located east of the project site, impacts of vibration, dust and noise generated from the project site may require extraordinary mitigation measures. In the event that PNNL finds that the activities authorized under this special use permit (SUP2018-1010) are interfering with PNNL research, the following process shall be followed:
- a) PNNL shall notify both City Development Services and the applicant in writing that the applicant's mining activities have negatively impacted scientific research taking place on

the PNNL campus. It will be PNNL's 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 and PNNL shall meet together to identify the specific nature of the impact to PNNL research and to shall work cooperatively to determine options that would mitigate the impacts to PNNL research. Such a meeting will be scheduled as soon as it is possible for all parties to meet;
- c) A written agreement establishing procedures to be followed by the applicant in the conduct of their mining activities shall be signed by all parties and shall modify the conditions of approval attached to special use permit SUP 2018-101;
- 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 PNNL 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 as set forth in Title 19 of the Richland Municipal Code.

14)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, PNNL 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.

15)The 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.

16)The applicant shall be responsible for repairing any damage to public roadways caused by the operation of the facility.

17)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.

18)Upon the completion of the proposed gravel and sand extraction activities, all equipment, structures and appurtenances shall be removed from the site in accordance with RMC 23.42.070(D)(9).

19)In the event that any unprotected slope exceeds 3H:1V, a report prepared by a licensed or registered professional engineer or geologist shall be submitted for review and approval to both the Richland Public Works Department for review of slopes adjacent to the Battelle Boulevard right-of-way and to the Richland Building Official for all other slopes on site. Once

approved, the recommendations of the report shall become conditions of the special use permit.

- 20) 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 SUP 2018-101.
- 21) Administrative review of Special Use Permit SUP2018-101 shall occur within 5 years of the date of issuance of the permit as 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.
- 22) SUP2018-101 provides for the extraction, sorting and stockpiling of sand and gravel materials. Rock crushing and cement batching activities shall not take place on-site but may continue within the boundaries of the pit site authorized under 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.
- 23) 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.

EXHIBIT LIST

1. Application with Sub-Attachments
 - a. Special Use Permit Application Form and Related Materials
 - b. Reclamation Plan - Location Map
 - c. Reclamation Plan - Photo w/ Contours
 - d. Reclamation Plan - Existing Contours
 - e. Reclamation Plan - Section View (A-A)
 - f. Reclamation Plan - Section View (B-B)
 - g. Reclamation Plan - Mining Plan/Final Reclamation
2. Minutes of Board of Adjustment 6/21/01 Meeting approving original special use permit

3. Affidavits of Mailing
4. Affidavits of Posting
5. SEPA Checklist
6. SEPA Determination of Non-Significance and Public Notice
7. Public Comments
 - a. Department of Energy Correspondence 7/5/18
 - b. Pacific Northwest National Laboratories Correspondence 7/5/18
 - c. Department of Ecology Correspondence 7/5/18
 - d. Tri-City Railroad Company Correspondence 7/5/18
 - e. Bonneville Power Administration Correspondence 10/25/18
 - f. Benton Clean Air Authority Correspondence 10/17/18
 - g. Richard Larson Correspondence 10/17/18

Exhibit 1a

Development Services Division • Current Planning Section
840 Northgate Drive • Richland, WA 99352
General Information: 509/942-7794 • Fax: 509/942-7764

SPECIAL USE PERMIT APPLICATION

Applicant's Section			
Applicant 3D Development			
Address 4201 Snake River Ave		City Lewiston	State Idaho
Zip 83501			
Phone Number 208-743-6356	Fax Number 208-743-0158	Other	
Address and/or Location of Property SW Corner of Battelle Blvd. & Stevens Dr., Richland WA			
Legal Description (including lot, block, and plat)		Present Zoning Urban	
Request to use the above-described property for the following purpose (use this space to identify the intended use involved). Also include the title and section of the Richland Municipal Code under which the special use is sought.			
To develop the land to be used as a future industrial site which will include the removal of top soil, overburden and excavating a natural sand and gravel deposit. Crushing, screening, washing and stockpiling sand and gravel as permitted under section 23.42.035, A-2 Special Uses of the Richland Municipal Code.			

Explanation of use. Please complete the information below, selecting the items that apply to the proposed use, in order that the Physical Planning Commission and City Council may ascertain whether the intended use on the proposed site would conform to the stated purposes of Title 23, Zoning, Richland Municipal Code, and be compatible with the permitted uses in the zone.

What are the products resulting from the operations?

Sand, crushed and screened gravel to be used for concrete and asphalt production, and aggregate base and surfacing materials.

What supplies and materials are to be kept or used on the premises? Raw materials:

Excavating, crushing and related equipment only. Fuel storage will be stored off-site with the exception of fuel tanks on the equipment.

Finished products:

Sand, concrete aggregate and crushed rock.

What are the type, amount, and location of storage to be provided?

150,000 to 200,000 tons of sand and gravel could be stored onsite in stockpiles at one time.

If any of the materials used and stored in connection with this activity are hazardous, what is the nature of the hazard? What precautionary means will be employed to provide safety both to employees, customers, and adjoining properties?

How many people will be employed? 1 - 3 In the manufacture of the product? 5 - 10
In the sale of the product? 1 In any other capacity? 1 inspector periodically

What do you estimate will be the greatest number of persons on the premises at any one time, excluding employees?
1 or 2

What type of volume of trucking is involved? Off road trucks will be used to stockpile the materials. Dump trucks and trailers may be used for hauling and delivery off site.
What are the hours of peak loading and unloading? Being a commercial property, we'd like apply for unlimited hours for crushing and screening

What other type and volume of traffic would be generated? Only employees and management to and from the site.

Would the activity normally attract the public to the premises? Yes ☐ No ☒

Number of visitors daily? Occasionally 1 or 2 Number of patrons daily? Occasionally 1 or 2
5:30am - 11:30pm running time.
Will this activity be carried on outside of daylight working hours? If so, what are the hours? Maintenance before and after

What type of power would be employed? Electric ☒ Gas ☐ Oil ☐ Steam ☐
or Internal Combustion Engine ☒

What type and volume of noise results from operations on premises? Equipment noise will be kept within the limits of Richland Municipal Code.

Have you any evidence of the decibel rating of sound emanating from this or similar operations? If so, what is it?
The sound level at the equipment 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.

What odors, fumes, smoke, or dust result from the operations? Dust will be controlled with water spray on the crushing and screening equipment. Haul roads will be watered frequently with a water truck or treated with dust palliatives. There will be diesel exhaust from equipment.

Is there any sewage from the processes involved that would sterilize or overload existing wastewater (sewer) facilities?
Yes ☐ No ☒ What are they? _____

What are the demands of this activity upon available public facilities and utilities?

Electricity Power will be brought in to operate the crushing equipment

Water City water will be used for dust control and aggregate washing

Wastewater (Sewer) Disposal None

Refuse Disposal None

Transportation (railroad and streets) Minimal traffic on Battelle Blvd. and Stevens Dr. Most of the traffic will stay off the local roads. Sand and rock will be taken directly south to the American Rock Products site.

Explain in detail why this particular site is especially suited, if it is, for the intended purpose:

The site is located in a non-residential industrial area and is the location of a good sand and gravel resource.

Describe how the proposed use and improvements are designed and arranged to fit into the development of adjacent property and the neighborhood:

The land will be graded to provide a suitable site for future commercial and/or industrial use as a result of the proposed sand and gravel removal operation.

I have examined and am familiar with the regulations covered in Title 23 of the Richland Municipal Code, as they pertain to the application.

Brian N Deatley
Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

I have read and consent to the filing of this application as the owner of record of the property for which the Special Use Permit is being requested.

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COOMLETE.

3D Development

Owner's Name

Owner's Name

4201 Snake River Ave

Address

Address

Lewiston

City

City

Idaho

State

83501

Zip

State

Zip

208-743-6356

Phone No.

Other No.

Phone No.

Other No.

Brian N Deatley
Owner's Signature

Owner's Signature

EUCON
CORPORATION

4201 Snake River Ave.
Lewiston, Idaho 83501
Phone (208) 743-6356
Fax (208) 743-0158

EC

March 8, 2018

Rick Simon, Development Services Manager
City of Richland, Planning Dept.
P. O. Box 190, MS# 35
Richland, WA 99352

Re: Horn Rapids, Port of Benton Aggregate Production
and Industrial Development Project

Dear Mr. Simon:

As you may know, 3D Development, a division of Eucon Corporation, former owner of, American Rock Products, Inc., has acquired the 128 acres on the northern boundary of the "Hanford Pit". We originally turned in the drawings as a combined reclamation plan with the Hanford site, but since selling that location recently, we have re-done the plan as a stand-alone area to be developed for an industrial site in the future. We have made some revisions to the drawings, but the final reclamation plan is the same.

We are required by the Washington State Department of Natural Resources to have the local government review the reclamation plan for compliance with the zoning and land use regulations, and to review the proposed subsequent use for consistency with the local land use plan/designation. We have enclosed a copy of the reclamation plan for your review and the DNR County/Municipality Approval (SM-6) for your signature.

You may contact me at 208-743-6360 if you have questions, or if further information is needed. Thank you for your attention to this matter.

Sincerely,

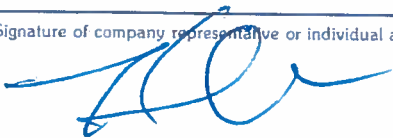


Doug Stout



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.) AMERICAN ROCK PRODUCTS INC. 2090 ROBERTSON DRIVE RICHLAND, WA. 99354		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>355</u> acres Maximum vertical depth below pre-mining topographic grade is <u>40</u> feet Maximum depth of excavated mine floor is <u>360</u> feet relative to mean sea level																																				
MAILING ADDRESS AMERICAN ROCK PRODUCTS INC. 4201 SNAKE RIVER AVE LEWISTON, ID. 83501 Telephone 208-743-6356		COUNTY <u>BENTON</u> No attachments will be accepted. Legal description of permit area: <table border="1"><thead><tr><th>1/4</th><th>1/4</th><th>Section</th><th>Township</th><th>Range</th></tr></thead><tbody><tr><td>NW, NE, SW, SE</td><td>NE</td><td>22</td><td>10N</td><td>28E</td></tr><tr><td>NW, SW</td><td>SE</td><td>22</td><td>10N</td><td>28E</td></tr><tr><td>NE, SE</td><td>SW</td><td>22</td><td>10N</td><td>28E</td></tr><tr><td>NE</td><td>NW</td><td>27</td><td>10N</td><td>28E</td></tr><tr><td>NW, SW</td><td>NE</td><td>27</td><td>10N</td><td>28E</td></tr><tr><td>NW, NE</td><td>SE</td><td>27</td><td>10N</td><td>28E</td></tr></tbody></table>		1/4	1/4	Section	Township	Range	NW, NE, SW, SE	NE	22	10N	28E	NW, SW	SE	22	10N	28E	NE, SE	SW	22	10N	28E	NE	NW	27	10N	28E	NW, SW	NE	27	10N	28E	NW, NE	SE	27	10N	28E
1/4	1/4	Section	Township	Range																																		
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NE	NW	27	10N	28E																																		
NW, SW	NE	27	10N	28E																																		
NW, NE	SE	27	10N	28E																																		
Proposed subsequent use of site upon completion of reclamation INDUSTRIAL																																						
Signature of company representative or individual applicant(s) 		Name and title of company representative (please print) KEN SCHUMACHER	Date signed 8-4-17																																			
TO BE COMPLETED BY THE APPROPRIATE COUNTY OR MUNICIPALITY:																																						
Please answer the following questions 'yes' or 'no'. <table border="1"><thead><tr><th></th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>1. Has the proposed surface mine been approved under local zoning and land-use regulations?</td><td>☒</td><td>☐</td></tr><tr><td>2. Is the proposed subsequent use of the land after reclamation consistent with the local land-use plan/designation?</td><td>☒</td><td>☐</td></tr></tbody></table>					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?	☒	☐																										
	Yes	No																																				
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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) Rick Simon		Address City of Richland Development Services 505 Swift Blvd; MS-35 Richland, WA 99352																																				
Signature 																																						
Title (please print) Development Services Manager																																						
Telephone 509.942.7596	Date 8/17/17	FOR DEPARTMENT USE ONLY: DNR Reclamation Permit No.																																				



WASHINGTON STATE DEPARTMENT 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. <i>(Type or print in ink.)</i> 3D Development		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.) <i>(See SM-8A.)</i> Total area permitted will be <u>128</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 4201 Snake River Ave Lewiston, Idaho 83501 Telephone <u>208-743-6356</u>		COUNTY <u>Benton</u>										
		No attachments will be accepted. Legal description of permit area:										
		1/4	1/4	Section	Township	Range						
		NW	NE	22	10N	28E						
		NE	NE	22	10N	28E						
		SW	NE	22	10N	28E						
		SE	NE	22	10N	28E						
Proposed subsequent use of site upon completion of reclamation Industrial												
Signature of company representative or individual applicant(s) 		Name and title of company representative <i>(please print)</i> Ken Schumacher / Vice President			Date signed <u>3-8-18</u>							
TO BE COMPLETED BY THE APPROPRIATE COUNTY OR MUNICIPALITY:												
Please answer the following questions 'yes' or '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 appropriate Department of Natural Resources regional office.						<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											
Name of planning director or administrative official <i>(please print)</i>		Address										
Signature												
Title <i>(please print)</i>												
Telephone	Date	FOR DEPARTMENT USE ONLY:			DNR Reclamation Permit No.							

3D DEVELOPMENT LLC

4201 Snake River Ave.
Lewiston, Idaho 83501
Phone (208) 743-6356

Shane O'Neill
Planning Manager
City of Richland Planning Department
P.O. Box 190 / 505 Swift Blvd MS# 35
Richland, WA 99352
509-942-7587

Gentlemen,

To clarify our recent Special Use Permit Application, this is the approximate location where the underpass/crossing will be.

We also understand that the city of Richland owns the track.

I hope this helps in the process.

Best regards,

A handwritten signature in dark ink, appearing to read 'Sam DeAtley', with a large, stylized initial 'S'.

Sam DeAtley
3D Development

**Proposed
underpass**



Stevens Dr

Exhibit 1b

Sec. 22, Twp. 10, Rng 28

SITE
LOCATION

3D Development

Kiona Quarry

Richland Wye Pit

Pasco Pit

Railroad Pit

3D Development
4201 Snake River Ave
Lewiston, Idaho 83501

Applicant: *ALC*

Date: 3-8-18

3D Development
Reclamation Plan
Location Map
Page 1 of 8
3/7/2018

Google earth



Exhibit 1c

Sec. 22, Twp. 10, Rng 28



Neighboring
Property Owned
by Old Castle

Mining Site

3D Development
4201 Snake River Ave
Lewiston, Idaho 83501

Applicant:  Date: 3-8-18

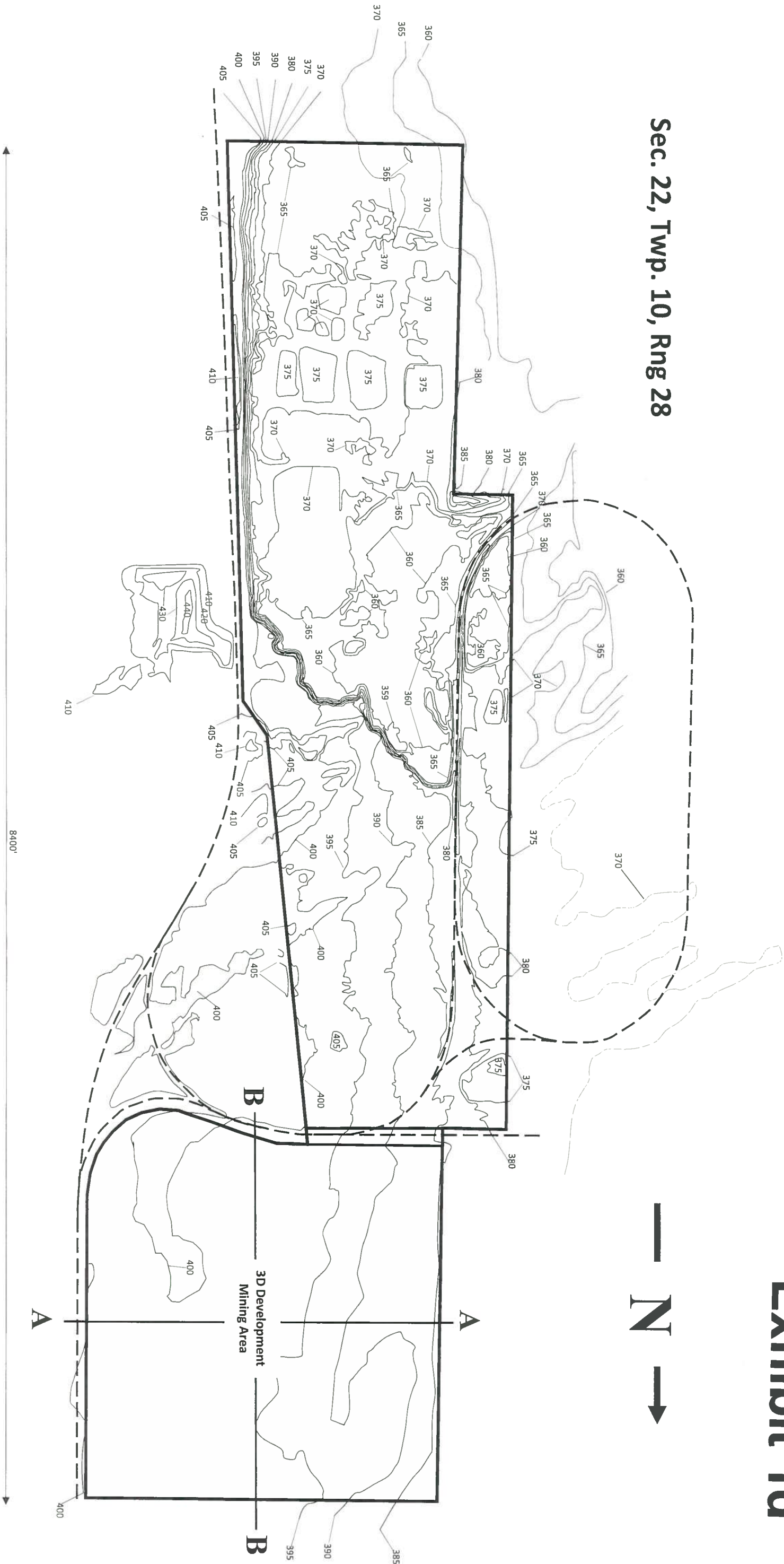
Drawn By: Doug Stout 208-743-6356

3D Development
Reclamation Plan
Photo w/ Contours
Page 2 of 8
3/7/2018

Exhibit 1d



Sec. 22, Twp. 10, Rng 28

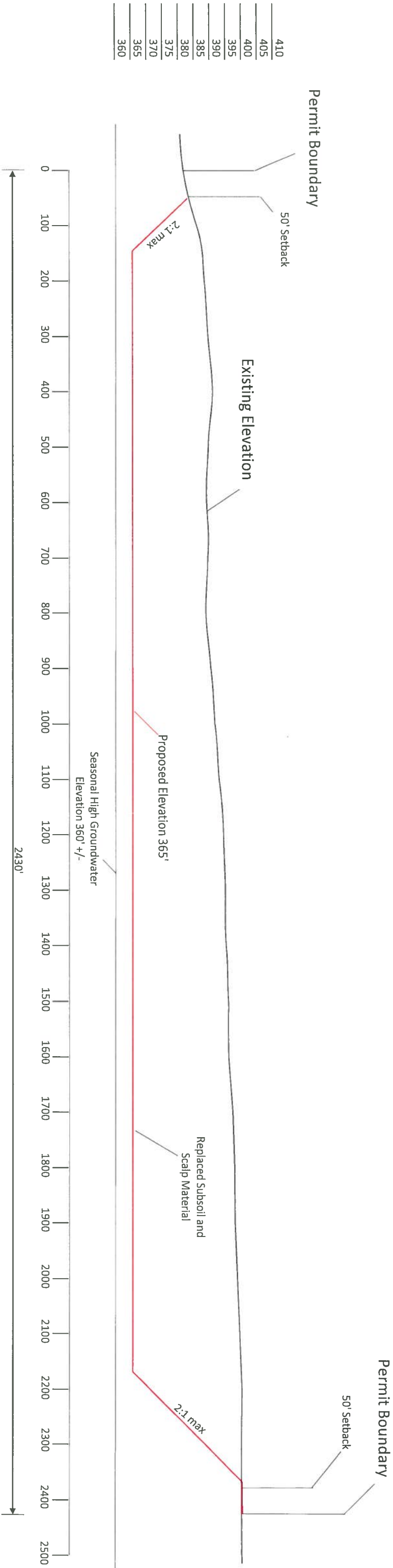


3D Development
4201 Snake River Ave
Lewiston, Idaho 83501

Applicant:  Date: 3-8-18

Drawn By: Doug Stout 208-743-6356

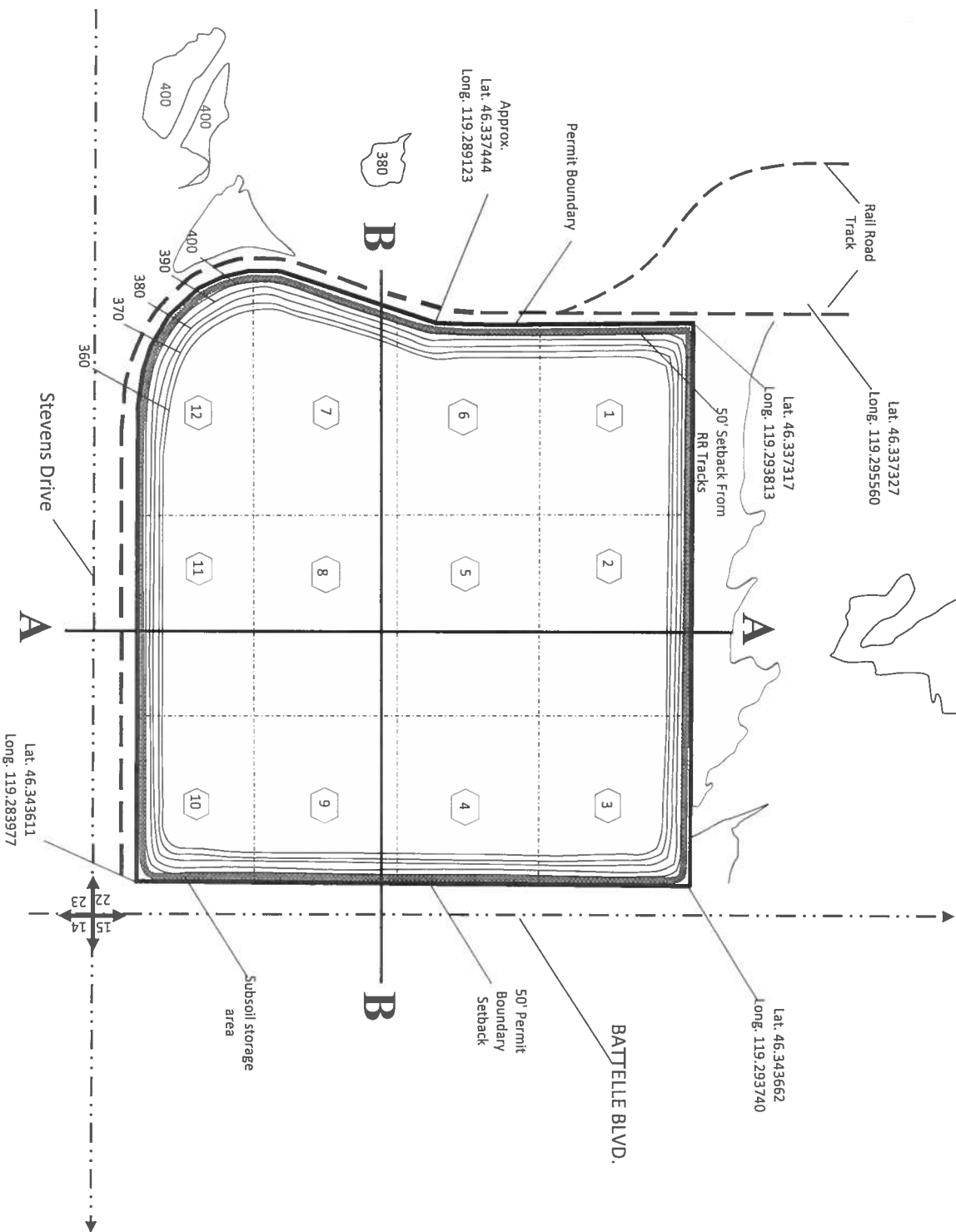
Exhibit 1e



3D Development
4201 Snake River Ave
Lewiston, Idaho 83501

Applicant: NEC Date: 3-8-18
Drawn By: Doug Stout 208-743-6356

Sec. 22, Twp. 10, Rng 28



3D Development
4201 Snake River Ave.
Lewiston, Idaho 83501

Applicant:  Date: 3-8-18
Drawn By: Doug Stout 208-743-6356

3D Development
Reclamation Plan
Mining Plan/Final Reclamation
Page 8 of 8
3/7/2018

Exhibit 2

RICHLAND BOARD OF ADJUSTMENT
COUNCIL CHAMBER - CITY HALL
JUNE 21, 2001

MEETING #02-2001

MINUTES

CALL TO ORDER

Chairman Eggen, Chairman, called Meeting #02-2001, June 21, 2001, a regular meeting of the Board of Adjustment, to order at 7:30 p.m.

ROLL CALL

Members Present: Dale Eggen, Chairman
Marianne Boring
Richard Hammond

Members Absent: Jack Collins, Excused
Sean Stockard

Also present: Rick Simon, Planning Manager, and Jeff Rolph, Senior Planner.

APPROVAL OF MINUTES

Minutes of Meeting #01-01, May 17, 2001, were approved as presented.

EXPLANATION OF PUBLIC HEARING AND APPEAL PROCEDURES

Chairman Eggen explained the public hearing procedure and the appeal process, stating that the meeting was being taped for permanent public record.

Mr. Rolph confirmed that notice was published in the Tri-City Herald and mailed to the surrounding property owners as required by law.

UNFINISHED BUSINESS – PUBLIC HEARING

AMERICAN ROCK PRODUCTS (SUP00-102A)

Mr. Rolph reviewed the Staff Report (SUP00-102) and recommendation for approval of a special use permit to allow for the excavation, processing, and removal of topsoil, sand, rock or similar natural deposits on an approximately 187-acre parcel located 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.

Chairman Eggen opened the public hearing at 7:35 p.m.

Applicant: Roger Wright, SCM Consultants, 7601 West Clearwater, Suite 301, Kennewick, WA, representing the applicant, was sworn in. He introduced others in the audience associated with the application, followed by an overview of the existing and proposed land uses surrounding the subject parcel. He reviewed the Port of Benton's plans to develop the former 1100 Area into a Manufacturing Mall, noting the benefits of this project to the Port of Benton, the City of Richland and the community. He advised that the test period approved by the Board of Adjustment in December had been completed and provided the results of the noise, vibration and dust monitoring required by the Board. He advised that the project would have a combination of a partial berm and a full berm for noise abatement. He pointed out that this project would result in a relatively flat, developed property with a 4:1 slope up to the railroad tracks. With regard to vibrations, he pointed out that neither LIGO nor EMSL had experienced any ill effects during the trial period, however, PNNL is concerned that there may be some impact during the crushing period. He stated that the applicant is very committed to working with PNNL and LIGO on an annual basis to coordinate when the crushing equipment will be on-site. He reviewed the changes requested to the conditions of approval: #1) The permit requirement was modified to agree with the lease between the applicant and the Port of Benton, which was just recently approved by the Port Commissioners. #2) The Department of Ecology permit title was corrected. #3) The wording was clarified so as not to exclude the use of recycled material in accordance with industry standards.

John Heltalina, Spokane, WA, was sworn in. He clarified that American Rock Products was a subsidiary of the Eucon Corporation, which was formed to operate the business here in the Tri-Cities. He advised that American Rock Products would be a local business run by local people. He noted that resource material was tested and approved by the Washington State Department of Transportation (WSDOT) and they are anxious to begin operations.

John Hawkinson, Port of Benton, 3100 George Washington Way, Richland, WA, was sworn in. He thanked staff for their hard work and support of this project. He confirmed that the Port Commissioners had approved a lease agreement with the applicant, noting that this project will help the Port in developing and financing the 1100 Area.

Dr. Alan Rohay, Pacific Northwest National Laboratories, Battelle Boulevard, Richland, WA, was sworn in. It was his understanding, based on meetings held over the past two weeks, that Battelle supported the special use permit and development of the Port of Benton property. He stated that they were concerned with how the vibration may impact some of the sensitive measurement activities at the EMSL lab. Based on their initial measurements, Battelle has determined that the mining activities generate vibrations similar to that of routine traffic during the daytime hours. Battelle would, however, like to protect the quiet time in the late evening and early morning hours for conducting their more sensitive experiments. He indicated that they have discussed this issue with the Port and

the applicant and feel they can work out a mutually agreeable schedule for the applicant's annual crushing activities, noting that a formal letter from Battelle will be forthcoming.

The public hearing was closed at 7:55 p.m.

Mr. Simon confirmed that the RMC allows for a review of the Special Use Permit at the end of five years, after which the permit can be extended. He pointed out that the conditions of approval drafted by staff suggest that the five-year review be conducted at the administrative level and that the applicant be required to submit annual reports to the City.

Mr. Wright confirmed that the noise, vibration and dust monitoring had been completed as required by the Board in December 2000. The noise study was included in the Staff Report; LIGO and PNNL conducted the vibration study internally with LIGO providing a letter tonight; Dr. Rohay indicated that a letter will be forthcoming from Battelle; and the Benton County Clean Air Authority indicated verbally to Mr. Wright that they had no concern relating to a new permit.

With regard to the landscaping plan, Mr. Wright indicated that there will be drought-resistant shrubs planted along the top of the berm along the south and west boundaries, with additional landscaping along the entrance road. He clarified the hours of operation, noting that most of the activity will happen during normal working hours. During the crushing operation, which runs 60-90 days per year, there will be a 17-hour double shift.

Mr. Heltalina advised that portable, down-tilting lights are used during the evening hours when the crushing operation is underway.

Ms. Boring suggested Condition #10 be clarified as follows: Required landscaping shall be continuously maintained in a living state by the site operator. In addition, she suggested adding a condition relating to site lighting, requiring the lights to be directed away from any residences as much as possible.

Mr. Rolph confirmed that the Board could add conditions, if necessary, that are appropriate and tied to the operations. He pointed out that the Medium Industrial zoning district includes standards for lighting, which specifies that any 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 project site.

MS. BORING moved that the Board of Adjustment concur with the findings and conclusions stated in Staff Report (SUP00-102A) and approve the request for Special Use Permit to allow for the excavation, processing and removal of topsoil, sand, gravel, rock or similar natural deposits, subject to the following conditions of approval:

1. The Special Use Permit is approved beginning on June 21, 2001 and shall be subject to a review of site design and operating standards at five-year intervals

in accordance with RMC Section 23.70.210. If the operation is found to be in compliance with RMC 23.70.210 and all other conditions of approval, the permit shall be continued for another five-year interval, up to a maximum of three, five-year extensions. In no event shall permit extensions be granted to authorize continuance of operations beyond June 21, 2021. In addition, the applicant shall provide an annual report to the City for review and shall include a meeting of the applicant's site manager and senior management staff and the City staff to review the operation and resolve concerns the City may have. The Special Use Permit may be terminated pursuant to RMC 23.70.210(g).

2. The 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 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 Sand and Gravel General Permit.
3. Operations shall at all times be in compliance with the requirements of Richland Municipal Code Sections 23.70.210 and 23.42.050.
4. Site operations shall be limited to mining and processing of material excavated on-site and 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 depleted all operations pursuant to the special use permit shall cease with the exception of those operations necessary to complete the approved reclamation plan. This conditions 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 the resources.
5. No excavation or processing activities pursuant to this Special Use Permit shall begin until fencing and warning signs are installed in accordance with RMC Section 23.70.210(b).
6. Initial access shall be from a newly constructed access haul road connecting directly to Robertson Drive. The applicant is required to obtain necessary access easements across City of Richland-owned property for construction of the initial access haul road. All operation related truck traffic shall be routed directly to and from SR240 via Robertson Drive and shall not utilize Logston Boulevard.
7. The site operator shall be responsible for repair or replacement of damaged

roadway on Robertson Drive caused by his operations. 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 replace 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 Robertson Drive.

8. Prior to beginning operations pursuant to the special use permit, the applicant shall submit a design acceptable to the City of Richland for the proposed access haul road connecting to Stevens Drive from the north side of the proposed operations area. Construction of that access haul road, according to the approved design standard, shall occur within 90 days of notification by the City of Richland to the site operator that the new access is required.
9. After required construction of the access haul road to Stevens Drive, the City shall have the authority to place access restrictions on the initial access haul road connecting directly to Robertson Drive.
10. A landscape berm, as depicted on the Landscape Layout Plan dated 5/21/01, shall be installed concurrent with the beginning of operations pursuant to the special use permit. Required landscaping shall be continuously maintained in a living state by the site operator.
11. Processing operations shall be limited to the operations area identified in the Compliance Noise Measurements report dated May 25, 2001 and will at all times operate with at least a partial berm as discussed in said report. Operations shall include connection to a line power source and use of a generator set shall be prohibited. Temporary operations outside of the identified operations area shall only be approved by the Richland Community and Development Services Department if documentation is submitted ensuring compliance with all operating conditions and standards and if it can be demonstrated that said operations will not adversely impact surrounding uses. Requests for temporary operations outside the boundary of the approved operations area shall be submitted in advance and include specific on type of operation, location, duration, hours of operations and proposed features, such as berms designed to ensure compliance with performance standards related to noise, vibration, dust and odor.
12. Information/specifications for the proposed equipment to be utilized for the asphalt and concrete batching operations shall be submitted to the Community and Development Services Department for review and approval. Staff shall consult as necessary with outside agencies including the Benton County Clean Air Authority, Department of Natural Resources and Department of Ecology to ascertain the proposed equipment's ability to comply with current emissions

standards. Seconded by Mr. Hammond.

It was clarified that the Motion was intended to include the modifications to Conditions #1, 2 and 4 as recommended by Mr. Wright in his letter dated June 21, 2001.

Motion carried on the following roll call vote: Yes – Boring, Hammond, Eggen. No – None. Absent: Collins, Stockard.

NEW BUSINESS - PUBLIC HEARINGS

DONNA BUSCHE (BA2-01)

Mr. Rolph reviewed the Staff Report (BA2-01) and recommendation on the request for a variance from Richland Municipal Code (RMC) Section 23.20.060(2)(a) to allow for construction of a house and garage addition that would encroach three and one half feet into the required 25-foot front yard setback on property located at 2149 Harris Avenue.

Chairman Eggen opened the public hearing at 8:12 p.m.

Applicant: Donna Busche, 2149 Harris, Richland, WA, was sworn in. She explained that the addition to garage is for her 27-foot boat. The room over the garage will be used as her craft room and will be large enough to hold her 18-foot quilting machine.

The public hearing was closed at 8:14 p.m.

Ms. Boring observed that this might become a common request due to the City's ordinance banning boats and other recreational vehicles from residential streets.

MR. HAMMOND moved that the Board of Adjustment, after considering all facts, materials, and testimony presented regarding the variance request, approve the application for variance (BA2-01) from RMC Section 23.20.060(2)(a) to allow for construction of a two story house and garage addition that would encroach approximately three and one half feet into the required 25-foot front yard setback. Seconded by Ms. Boring.

Motion carried on the following roll call vote: Yes – Boring, Hammond, Eggen. No – None. Absent: Collins, Stockard.

CHARLES AND ELAINE DAVIS (BA3-01)

Mr. Rolph reviewed the Staff Report (BA3-01) and recommendation on the request for a variance from Richland Municipal Code (RMC) Section 23.22.050(2)(a) to allow for construction of a garage addition that would encroach approximately 14.25 feet into the required 20-foot front yard setback on property located at 1726 Gaillard Place.

Exhibit 3

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

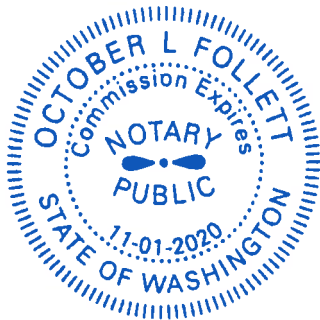
COMES NOW, Tracey L. Peloquin, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.

2. On the 3rd day of October, 2018, I mailed a copy of the attached NOTICE OF APPLICATION, PUBLIC HEARING to the attached list of individuals via regular USPS on the date indicated above. The Notice of Application and Public Hearing which has been filed for a Special Use Permit to operate a 128 acre site to be used for aggregate removal, rock crushing and stockpiling to provide sand and gravel materials to supply the continued operation of an existing, adjacent concrete batch plant within the I-M Medium Industrial and M-2 Heavy Manufacturing Zones. Located at the Southwest corner of Stevens Drive and Battelle Blvd in North Richland.


Signed: Tracey L. Peloquin

SIGNED AND SWORN to before me this 3rd day of October, 2018 by Tracey L Peloquin.




Notary Public in and for the State of Washington,

October L. Follett
Print Name
Residing at Benton County
My appointment expires: 11-1-2020

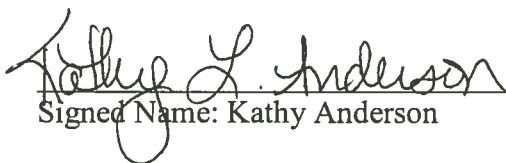
Owner	Mail Address	City	State	Zip
PACIFIC ECOSOLUTIONS INC	8302 DUNWOODY PLACE SUITE 250	ATLANTA	GA	30350
PORT OF BENTON	3250 PORT OF BENTON BLVD	RICHLAND	WA	99354
SIEMENS NUCLEAR POWER CORP	3315 OLD FOREST RD OF 4	LYNCHBURG	VA	24501-2912
BATTELLE MEMORIAL INSTITUTE	PACIFIC NORTHWEST NATIONAL LABORATORY	RICHLAND	WA	99352
INNOVATION CENTER TCRD LLC	11245 SE 6TH ST, STE 240	BELLEVUE	WA	98000-6594
10 NORTH WASHINGTON AVENUE LLC	PO BOX 6106	KENNEWICK	WA	99336
CENTRAL WASHINGTON CORN PROCESSORS INC	427 W 1ST AVE	SPOKANE	WA	99201
SAVAGE STONE HOLDING LLC	PO BOX 38	RICHLAND	WA	99352
SAGE BAY COMPANY LLC	601 S PIONEER WAY, STE F195	MOSES LAKE	WA	98837

AFFIDAVIT OF MAILING

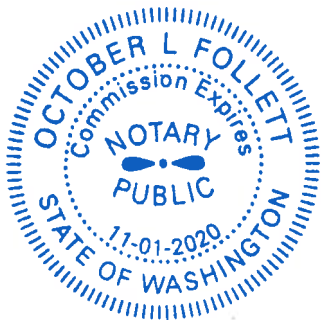
STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Kathy Anderson, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.
2. On the 21st day of June, 2018, I mailed a copy of the attached NOTICE OF APPLICATION, PUBLIC HEARING AND ENVIRONMENTAL DETERMINATION (SUP2018-101 & EA2018-116) to the attached list of individuals via regular USPS on the date indicated above. Application submitted by 3D Development for a special use permit to operate a 128 acre site to be used for aggregate removal, rock crushing and stockpiling to provide sand and gravel materials to supply the continued operation of an existing, adjacent concrete batch plant within the I-M Medium Industrial and M-2 Heavy Manufacturing zones. The project site is located at the southwest corner of Stevens Drive and Battelle Boulevard in North Richland. The City of Richland has issued a Determination of Non-Significance (DNS) under the provisions of the State Environmental Policy Act.


Signed Name: Kathy Anderson

SIGNED AND SWORN to before me this 21st day of June, 2018 by
Kathy Anderson.




Notary Public in and for the State of Washington,
Residing at Benton County
My appointment expires: 11-1-2020
October L. Follett
Printed Name

Exhibit 4

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Shane O'Neill**, who, being first duly sworn upon oath deposes and says:

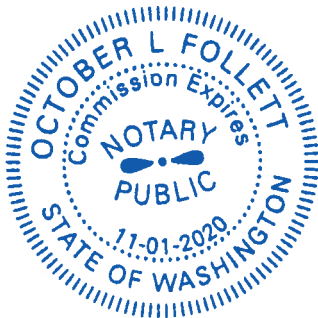
1. I am an employee in the Planning & Development Department for the City of Richland.

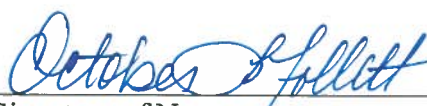
2. On the 25th day of June, 2018, I posted the attached NOTICE OF PUBLIC HEARING, File Number SUP2018-101 on the property generally located at the southwest corner of Battelle Blvd. and Stevens Drive in Richland WA:

PIN # 1-22081000001001


Print Name: Shane O'Neill

SIGNED AND SWORN to before me this 27th day of June, 2018 by SHANE O'NEILL.




Signature of Notary

October L. Follett
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: 11-1-2020

AFFIDAVIT OF POSTING - 1

SUP2018-101
3D- Development Mining

AFFIDAVIT OF POSTING

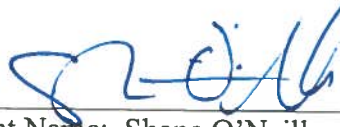
STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Shane O'Neill**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.

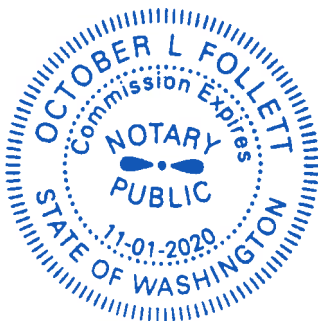
2. On the 4th day of October, 2018, I posted the attached NOTICE OF PUBLIC HEARING, File Number SUP2018-101 on the property generally located at the southwest corner of Battelle Blvd. and Stevens Drive in Richland WA:

PIN # 1-22081000001001



Print Name: Shane O'Neill

SIGNED AND SWORN to before me this 5th day of October, 2018 by SHANE O'NEILL.



Signature of Notary

October L. Follett

Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: 11-1-2020

AFFIDAVIT OF POSTING - 1

SUP2018-101
3D- Development Mining

Exhibit 5

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

1. Name of proposed project, if applicable: **Richland Site**
2. Name of applicant: **3D Development**
3. Address and phone number of applicant and contact person: **4201 Snake River Ave.
Lewiston, Idaho 83501 - 208-743-6356 - Dougstout@euconcorp.com (Doug Stout)**

4. Date checklist prepared: **April 5, 2018**
5. Agency requesting checklist: **City of Richland, WA**
6. Proposed timing or schedule (including phasing, if applicable): **We have leased this parcel to the current tenants until approx. 2027. We will start developing the area for a future industrial site at that time.**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **None at this time**
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 Reclamation Permit, DOE coverage under the Sand Gravel General Permit, BCAA Notice of Constructon and Order of Approval, City of Richland Special Use Permit.
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 site consists of 128 acres and will be used for aggregate removal, rock crushing and stockpiling to provide an aggregate source for the local construction industry.

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. **Location:**

128 acres on the SW corner of Battelle Blvd. and Stevens Dr. in Richland, WA.

Or:

THE NW ¼ OF THE NE ¼, THE NE ¼ OF THE NE ¼, A PORTION OF THE SW ¼, OF THE NE ¼ AND A PORTION OF THE SE ¼ OF THE NE ¼ OF THE NE 1/4 OF SECTION 22, TOWNSHIP 10 N, RNG 28E, W.M. BENTON COUNTY, WASHINGTON

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:]

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

- b. What is the steepest slope on the site (approximate percent slope)? **0-1%**
- 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. **Sand and gravel, with no measureable topsoil and 1-2 feet of sand overburden.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **NO**
- 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 overburden will be excavated and stockpiled along the 50 ft. perimeter of the property in each phase of the operation. Each phase will be reclaimed within 2 years of completion. Approximately 2.5 million tons of sand and gravel will be excavated and exported from the site during the life of the operation, leaving a level floor for future development.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **Overburden stockpiles could have potential for wind erosion. Wind erosion will be controlled by the use of a water truck as needed, establishment of vegetation and/or any other soil stabilization that may be necessary. The slopes of the excavation will not exceed 1.5:1. The floor of the excavated area will be gravel which will prevent any erosion.**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **Less than 1%**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **Erosion will be controlled by establishment of vegetation and/or any other soil stabilization that may be necessary.**

2. Air

- 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. **Automobile, equipment, dust. There will be diesel powered excavation equipment removing aggregate from the site which may produce some dust.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **NO**

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **Dust will be controlled with water and/or dust palliatives. All operations will be done in compliance with Benton Clean Air Authority regulations.**

3. Water

a. Surface Water:

- 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. **NO / NA**
- 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.
- 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. **N/A**
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **N/A**
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **NO**
- 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. **NO**

b. Ground Water:

- 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. **Yes, according to the Water Well Report from the State of Washington, start card No. 011489 there is a well within the permit boundary that we will be drawing out of. With crushing operations, and dust control, we will be using approx. 10,000 gallons per day, but there will be no discharges to groundwater**
- 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. **NONE**

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. **The site is very porous and storm water will percolate to the ground. No offsite discharges are likely, but the site will be managed in accordance with the DOE Sand and Gravel General Permit**

2) Could waste materials enter ground or surface waters? If so, generally describe. **No, portable toilets will be used**

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **Yes, as the new site is excavated, the drainage will be directed to the lowest point which will then percolate into the ground**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: **None required**

4. Plants

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:

b. What kind and amount of vegetation will be removed or altered? **None – the expansion site is currently a pipe stockyard and has no vegetation**

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

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **None - this site is currently a pipe stockyard and will be used as an industrial area when completed**

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

5. Animals

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:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other RABBITS, SKUNKS, MICE

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

- c. Is the site part of a migration route? If so, explain. **No**
- d. Proposed measures to preserve or enhance wildlife, if any: **None needed**
- e. List any invasive animal species known to be on or near the site. **None known**

6. Energy and Natural Resources

- 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. **Possibly electricity for the portable crusher we hire**
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No**
- c. 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 needed**

7. Environmental Health

- 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, when the portable crusher is on site, they will have a diesel storage tank for equipment fuel along with solvents and lubricants for maintenance**
 - 1) Describe any known or possible contamination at the site from present or past uses. **None known**
 - 2) 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. **None known**
- 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. **Diesel storage tank for equipment fuel, along with solvents and lubricants for maintenance**
 - 3) Describe special emergency services that might be required. **Police, fire protection, and ambulance service**
 - 4) Proposed measures to reduce or control environmental health hazards, if any: **Diesel fuel is stored in a double wall tank**

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None**

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. **Mining, screening, equipment operations and equipment repair work will produce noise during the operation of the site.**

3) Proposed measures to reduce or control noise impacts, if any: **Noise and vibration during the initial crushing operation of the site we owned to the south of us, (which was sold last month), was extensively monitored during a 60 day test period in early 2001 and found that it would not be detrimental to neighboring land uses or industry and we expect the same result in this location. All operations will be conducted in a manner compliant with City of Richland Municipal Code 23.42.050 performance standards and Washington State Maximum Environmental Noise Levels (Chapter 173-60-040 WAC).**

8. Land and Shoreline Use

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. **The current use of this area is a pipe stock yard, which is surrounded by either commercial or industrial facilities. Our proposal will not affect any nearby or adjacent properties.**

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 nonforest use? **NO – N/A**

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: **No**

c. Describe any structures on the site. **None**

d. Will any structures be demolished? If so, what? **No**

e. What is the current zoning classification of the site? **Medium 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**

- i. Has any part of the site been classified as a critical area by the city or county? If so, specify.
No
- i. Approximately how many people would reside or work in the completed project? **Not known, the completed project will be an industrial area to be built by the future owner**
- j. Approximately how many people would the completed project displace? **None**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **None needed**
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **The proposal prepares the property for a future industrial/commercial development which coincides with the area it's in**
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: **N/A**

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **None**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **None**
- c. Proposed measures to reduce or control housing impacts, if any: **None needed**

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **No permanent structures are planned**
- b. What views in the immediate vicinity would be altered or obstructed? **No views will be obstructed**
- c. Proposed measures to reduce or control aesthetic impacts, if any: **None needed**

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **Lights will be used on the crushing plant during hours of darkness**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **No**
- c. What existing off-site sources of light or glare may affect your proposal? **None**
- d. Proposed measures to reduce or control light and glare impacts, if any: **The crusher will be located in the pit floor and lights will be directed downward and away from adjacent properties. Berms that will be added will help shield the light from adjacent properties**

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? **There is an athletic field approx. 1 ½ miles south of the area and one 600' to the east**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **No**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None needed**

13. Historic and cultural preservation

- 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 registers ? If so, specifically describe. **No**
- 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**
- 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 – with all of industrial activity that's been done over the past many decades in this location, it would have been done before if it was in a critical area for cultural or historic resources**
- 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. **N/A**

14. Transportation

- 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. **Access to the site is by Battelle Blvd. to the north and we will make an access point on the south side of the property when mining begins**
- 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? **This site is not affected by public transit. The closest stop is .34 miles away on Einstein Ave.**
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? **None**
- d. 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 – we will access the project from the south entrance that we create**

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **Yes – the railroad borders the south boundary**
- f. 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 nonpassenger vehicles). What data or transportation models were used to make these estimates? **It depends on what's built in the acreage that's developed**
- g. 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**
- h. Proposed measures to reduce or control transportation impacts, if any: **There should be few adverse affects to the transportation in the area. Most access will be through the south side of the project. Some trucks will access Battelle Blvd. and Stevens Drive.**

15. Public Services

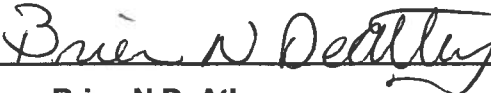
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **No**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **N/A**

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other **There is power on the outside of the property but it would have to be brought inside the property to be usable.**
- 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. **Possibly electricity, (City of Richland), to run the crusher. None other needed.**

C. Signature

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: 

Name of signee **Brien N DeAtley**

Position and Agency/Organization **Co-Owner / 3D Development**

Date Submitted: **4-9-2018**

Exhibit 6

File No. EA2018-116

CITY OF RICHLAND Determination of Non-Significance

Description of Proposal: A 128 acre site to be used for aggregate removal, rock crushing and stockpiling to provide sand and gravel materials to supply the continued operation of an existing, adjacent concrete batch plant.

Proponent: 3D Development.

Location of Proposal: Southwest corner of Battelle Boulevard and Stevens Drive.

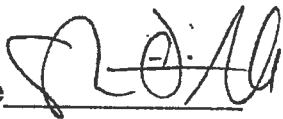
Lead Agency: City of Richland

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 43.21.C.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 upon request.

- ☐ There is no comment period for the DNS.
- ☒ The 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, which is **June 21, 2018**. Public comments must be submitted by **July 5, 2018**.
- ☐ 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: Shane O'Neill
Position Title: Planning Manager
Address: P.O. Box 190, Richland, WA 99352
Date: June 21, 2018.

Signature



FINDINGS IN SUPPORT OF SEPA DETERMINATION FOR EA 2018-116

1. The project site is located in an area that is designated for industrial purposes according to the City of Richland comprehensive plan.
2. The project site is designated as Medium Industrial zoning under City of Richland zoning regulations. The proposed use is permitted under this zoning designation through the issuance of a special use permit.
3. The project is an expansion of an existing gravel pit, rock crushing and concrete batch plant. The project would provide an additional source of material for the continued operation of the existing facility. It would not result in the construction of a new facility.
4. Noise and vibration impacts of the project are anticipated to be very similar to those associated with the existing gravel pit, given the proximity of the proposed gravel extraction operation.
5. The site is located on property that has currently been developed as a laydown yard. As such all existing vegetation has been removed.
6. The site is not located in an area identified as priority habitat under the Washington State Department of Fish and Wildlife priority species maps.
7. The City's Critical Areas ordinance does not identify the site as being located within a critical area.
8. Traffic impacts of the proposed project would be the same as those generated by the existing gravel pit/processing facility, both in terms of traffic volumes and traffic patterns.
9. The project's demand for water, used in dust control would be satisfied through the use of an existing water right.
10. The proposed project would not result in impacts to emergency services or utility services.
11. The operation of the proposed project would operate in conformance with existing state and local regulations relating to noise, dust, light and glare and reclamation of the site following completion of the project.



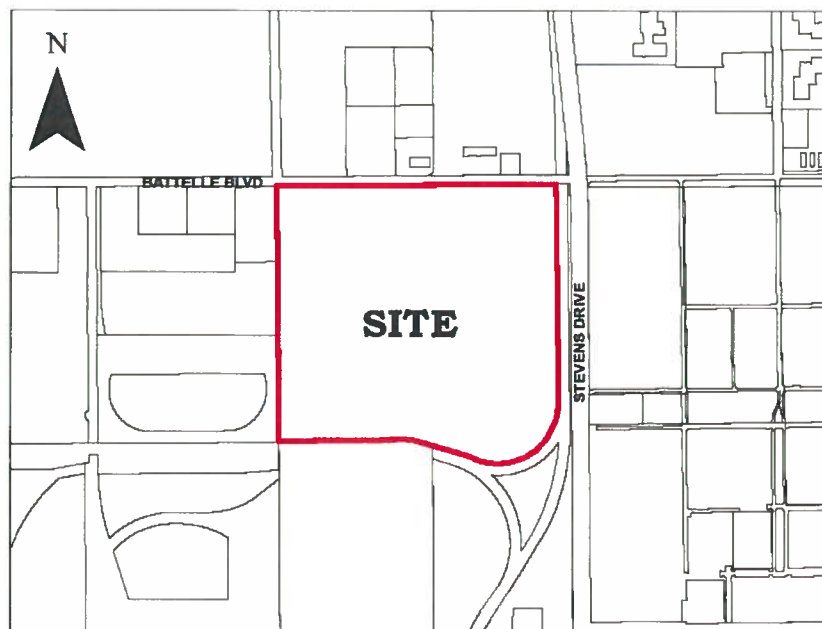
CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (SUP2018-101)

Notice is hereby given that 3D Development has filed an application for a Special Use Permit to operate a 128 acre site to be used for aggregate removal, rock crushing and stockpiling to provide sand and gravel materials to supply the continued operation of an existing, adjacent concrete batch plant within the I-M Medium Industrial and M-2 Heavy Manufacturing zones. The project site is located at the southwest corner of Stevens Drive and Battelle Boulevard in North Richland. A public hearing will be held to consider this special use permit application by the Richland Board of Adjustment on Thursday, November 15, 2018, beginning at 6:00 p.m. in the Richland City Council Chambers, Richland City Hall, 505 Swift Boulevard, Richland, WA.

The City of Richland issued a Determination of Non-Significance (DNS) under the provisions of the State Environmental Policy Act on June 21, 2018.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Mike Stevens, Planning Manager, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to (509) 942-7596 or emailed to mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Friday, October 26, 2018 to be incorporated into the Staff Report. Comments received after that date will be entered into the record at the hearing.

Copies of the staff report and recommendation will be available in the Development Services Division Office beginning Monday, November 5, 2018.





Department of Energy

Oak Ridge Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

Exhibit 7a

RECEIVED
JUL 12 2018

PERMIT AND INSPECTIONS
CITY OF RICHLAND

July 5, 2018

Sent via U.S. mail and email

Mr. Shane O'Neill
Interim Planning Administrator
City of Richland
840 Northgate Drive
Richland, Washington 99352
soneill@ci.richland.wa.us

Dear Mr. O'Neill:

COMMENTS ON THE CITY OF RICHLAND'S DETERMINATION OF NON-SIGNIFICANCE UNDER THE PROVISIONS OF THE WASHINGTON STATE ENVIRONMENTAL POLICY ACT FOR 3D DEVELOPMENT'S APPLICATION FOR A SPECIAL USE PERMIT TO OPERATE A 128-ACRE SITE TO BE USED FOR AGGREGATE REMOVAL, ROCK CRUSHING AND STOCKPILING

The purpose of this letter is to provide the U.S. Department of Energy's (DOE), and specifically the Office of Science's Pacific Northwest Site Office representing DOE, comments on the City of Richland's (City) Determination of Non-Significance (DNS) under the provisions of the Washington State Environmental Policy Act (SUP2018-101) regarding the above proposed activity. DOE understands that the City is the lead agency for State Environmental Policy Act (SEPA) and Richland Municipal Code (RMC) implementation. DOE understands that the City reviewed the applicant's SEPA environmental checklist (EA2018-116) on June 20, 2018, and issued the DNS on June 21, 2018. The following comments are based on a review of the DNS and the applicant's SEPA checklist; principally, DOE does not believe that the City's decision to forego additional environmental analysis by issuing a DNS is consistent with the spirit or intent of SEPA, and believes the following areas of potential environmental impacts of the proposed action should receive additional SEPA analysis to confirm that no significant impact is probable.

1. Air – The applicant states that all construction, operation and maintenance will be in compliance with Benton Clear Air Authority regulations. This statement does not take into account potential effects on sensitive radiological measurement equipment on PNNL's campus, which may be affected by the applicant's proposed activities. Additional SEPA analysis should be conducted to evaluate these anticipated environmental effects on adjacent land use, particularly considering the probable air quality impacts that this proposed activity could have on adjacent land owners.

2. Water – The applicant states that approximately 10,000 gallons of water per day will be applied to the site for crushing operations and dust control, but that no water will be discharged to groundwater. Later in the application, the applicant states that water will percolate to the ground, thereby being discharged to groundwater. Additional SEPA analysis should be conducted to determine if the discharge of approximately 10,000 gallons of water per day will have any impact on groundwater in surrounding and nearby properties, particularly considering DOE property in close proximity to the proposed activity with known contaminated groundwater plumes.
3. Animals – The applicant states that no threatened or endangered species have been observed on site. Recent studies on nearby properties have regularly revealed the presence of protected bird species that require special consideration and requirements under the Migratory Bird Treaty Act, the Endangered Species Act, and state and local requirements. Additional SEPA analysis should be conducted to confirm that listed, threatened, endangered and/or regulated bird species are not on or near the site of the proposed activity, particularly considering the topographical changes the proposed excavation would create and the corollary potential attraction for listed, threatened, endangered and/or regulated bird species.
4. Environmental Health – The applicant states that noise and vibration testing used in 2001 to cite adjacent land use (crushing operation) indicated no detrimental impacts to neighboring land uses or industry. Relying on that assumption, no new detrimental noise impacts are anticipated. Applicant fails to account for new/additional operations and activities at PNNL since 2001 that require no or low vibration or noise. Applicant further fails to take into account that prior studied operations were not adjacent to PNNL, but instead on a property significantly farther away from the sensitive operations and activities. Additional SEPA analysis should be conducted by applicant to evaluate environmental health, particularly noise impacts, on adjacent property uses at PNNL.
5. Land and Shoreline Use – The applicant states that the proposed activity is compatible with existing and projected land uses and the City's Comprehensive Plan by preparing the site for a future industrial/commercial development. The applicant does not mention the adjoining zoning for the Tri-Cities Research District, the 1,700-acre research park that demonstrates clean energy technologies and further develops bioscience products and processes. The applicant further fails to mention PNNL, the multi-purpose national laboratory tackling some of the world's most challenging problems in energy, the environment and national security. Additional SEPA analysis should be conducted to confirm that the proposed activity is consistent with adjoining land uses like the Tri-Cities Research District and PNNL, among others.

6. Historical and Cultural Preservation – The applicant states that there are no 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 registers. The applicant does not take into account the seven historical properties determined eligible for placement upon the National Register of Historic Places by DOE and the Washington State Historic Preservation Officer on the PNNL campus. Additionally, multiple tribes have stated that there are numerous cultural resources and sites located within the vicinity of the proposed activity site that are important to their cultural heritage. Additional SEPA analysis should be conducted to evaluate the presence of, and the potential effects the proposed activity could have, on historical and cultural resources.
7. Transportation – The applicant states that the project will not result in traffic increases, however, does not describe impacts during construction which may affect adjacent landowners. Additional SEPA analysis should be conducted by applicant regarding transportation impacts, particularly related to adjacent land owners and potential greenhouse gas impacts.

DOE appreciates the opportunity to submit comments on the proposed activity. DOE requests the City to hold a public meeting to discuss the DNS and to allow additional oral comments to be heard on the proposal. DOE welcomes the opportunity to discuss possible solutions to the issues identified either in a public meeting or further discussions between our representatives. DOE understands that PNNL has submitted a letter to the City in opposition to the corollary special use permit for aggregate removal, rock crushing and stockpiling on the property, and supports that letter and its position regarding the City's decision to grant, modify or deny the subject special use permit.

Should you have any questions or comments on the above, please contact me at your convenience at (865) 576-1205 or colin.colverson@science.doe.gov.

Sincerely,



Colin Colverson, Attorney
Office of Chief Counsel

cc:

Roger E. Snyder, SC-PNSO
Vincent A. Branton, PNNL



Exhibit 7b

902 Battelle Boulevard
P.O. Box 999, MSIN K1-59
Richland, WA 99352
(509) 375-6814
brian.cable@pnnl.gov
www.pnnl.gov

July 5, 2018

Mr. Shane O'Neill
Interim Planning Administrator
City of Richland
840 Northgate Drive
Richland, Washington 99352

RE: COMMENTS ON 3D DEVELOPMENT'S SPECIAL USE PERMIT

Dear Shane:

This letter is in response to the Notice of Application, Public Hearing and Environmental Determination (SUP2018-101 & EA2018-116) that Pacific Northwest National Laboratory (PNNL) received from the City of Richland on June 29, 2018. This notice described the proposed development, by 3D Development, of a 128-acre site to be used for aggregate removal, rock crushing and stockpiling. The location of the proposed development is on the southwest corner of Battelle Boulevard and Stevens Drive.

As you know, PNNL is a United States Department of Energy (DOE) national laboratory, operated by Battelle. The PNNL campus is immediately east from this proposed rock crushing operation. PNNL conducts research and development for the federal government in a wide variety of sensitive research areas, including national defense and international nuclear treaty compliance. In addition, we utilize noise/vibration-sensitive research equipment in a wide range of national scientific missions. Much of our ongoing research and capability could be negatively impacted by the proposed rock crushing operation, particularly considering potential air particulates, vibration, and sonic impacts. As such, we believe permitting such an operation as proposed is incompatible with the federal government's missions and significant capital investment already made in sensitive research equipment and capabilities. Such an impact makes the application for a Special Use Permit incompatible with these larger public interests.

Similar concerns were recently addressed in the land transfer of federal property to the Tri-Cities Washington Economic Development Council (TRIDEC) just north of the proposed permitted activity. Although the proposed special use permitted activity is not part of this deed,

it highlights the ongoing concerns that were addressed. Mining (aggregate removal) and vibration were both specifically called out as restricted uses, due in part to known and anticipated adverse impacts to PNNL.

PNNL requests that the City of Richland not permit an aggregate removal, rock crushing and stockpiling activity in such close proximity to the PNNL in light of the severe potential impacts to the important research missions conducted here, unless the parties are able to reach a mutually acceptable set of permitting conditions relating to any such use.

Finally, PNNL disagrees with the City of Richland's June 21, 2018 finding that the permitting of an aggregate removal, rock crushing and stockpiling activity would not have a probable significant adverse impact on the environment. It is our understanding that DOE plans to submit public comments on the decision not to require an environmental impact statement; we support and incorporate those comments by this reference, and request the City of Richland conduct additional SEPA analysis to address the concerns raised in those comments.

It is our understanding that the City has agreed to reschedule the public hearing that was previously scheduled for July 19, 2018 to a later date to give PNNL, the City and the applicant additional time to discuss these issues before any hearing. Please confirm the hearing will be rescheduled and let us know when the new date is set.

Sincerely,



Brian Cable
Associate General Counsel

BRC/jbt

cc: Colin Colverson, DOE Oak Ridge Operations
Julie Erickson, DOE, Pacific Northwest Site Office
Heather Kintzley, City of Richland
Mike Schlender, Pacific Northwest National Laboratory
Rick Simon, Rogers Surveying
Roger Snyder, DOE Pacific Northwest Site Office
Julie Turner, DOE Pacific Northwest Site Office



Exhibit 7c

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

July 5, 2018

Shane O'Neill
City of Richland
PO Box 190
Richland, WA 99352

Re: EA2018-116

Dear Mr. O'Neill:

Thank you for the opportunity to comment on the determination of nonsignificance for the aggregate removal, rock crushing and stockpiling, proposed by 3D Development. We have reviewed the documents and have the following comments.

WATER QUALITY

Site permit coverage. Ecology requires site permit coverage under the Sand and Gravel General Permit for all owners (or operators) of stationary asphalt or concrete batch plants. In addition, *all* concrete products manufacturers and property owners (or operators) of sand and gravel pits, rock quarries, and asphalt/concrete recycling facilities must apply for site permit coverage under the Sand and Gravel General Permit.

Portable facilities permit coverage. Owners or operators of a *portable* crushing, asphalt batching, or concrete batching plant must also apply for coverage under the sand and gravel permit for portable facilities if the plant will operate at sites without sand and gravel permit coverage for crushing, asphalt batching, or concrete batching or will operate at sites with inactive operating status.

For information about the Sand and Gravel General Permit, click <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Sand-Gravel-General-Permit>. To apply for the permit, the proponent must submit an application electronically using Ecology's Water Quality Permitting Portal at <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Sand-Gravel-General-Permit> unless the applicant applies for and receives an Electronic Reporting Waiver from Ecology. If the proponent does not have internet access, the proponent may call Cindy Huwe at (509) 457-7105 for application materials.



Mr. O'Neil
July 5, 2018
Page 2

Permit coverage requires a site management plan (SMP). The SMP includes Best Management Practices (BMPs) for preventing water pollution. The SMP consists of monitoring, erosion sediment control, spill, and stormwater pollution prevention plans. For information about the requirements of the SMP including BMPs, read pages 24 to 29 of the permit at <https://ecology.wa.gov/DOE/files/d2/d276657e-8179-48bb-bbc0-bebb05ea993b.pdf>.

Wastewater management (industrial storm, process, and mine dewatering water).
Any ditch, channel, impoundment or other BMP for routing or containing water must be designed, constructed, and maintained to contain the 10 year 24 hour storm event. If the site has a reclamation permit, Ecology recommends these BMPs be designed, constructed, and maintained to contain the 25 year 24 hour storm event.

If you have any questions or would like to respond to these Water Quality comments, please contact **Pam Perun** at (509) 454-7869 or pamela.perun@ecy.wa.gov.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepacoordinator@ecy.wa.gov

201803403



PROUDLY

Exhibit 7d

PO BOX 6000
KENNEWICK, WA 99336

TCRY.COM
lisaanderson@TCRY.COM

P 360.239.9067
F 509.582.4964

RECEIVED

JUL 09 2018

Planning &
Development Services

July 5, 2018

Shane O'Neill, Interim Planning Manager
Richland Development Services
City of Richland
840 Northgate Drive
Richland, WA 99352

via Email and USPS

Re: 3D Development Special Use Permit
Notice of Application, Public Hearing and Environmental Determination
SUP2018-101 & EA2018-116

Shane,

This correspondence provides comment on the pending determination submitted per the notice received on June 27, 2018.

The access over the tracks is a trespass of Tri-City Railroad's leasehold rights and subject to federal case number 2:17-CV-00191-TOR.

Sincerely,

Lisa Anderson
Executive Vice President

Cc: Breean Beggs, Paukert & Troppmann, PLLC
Troy Nelson, Randall | Danskin, P.S.
Ryan Best, Best Law PLLC



Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

Exhibit 7e

TRANSMISSION SERVICES

October 25, 2018

In reply refer to: 3-D Mining Special Use Permit Public Notice, SUP 2018-101
Located within a Portion of Section 22, in Township 10 North,
Range 28 East, WM, Benton County, Washington

Mike Stevens
City of West Richland
Community Planning/Senior Planner
3801 West Van Giesen
West Richland, WA 99353

Dear Mike:

Bonneville Power Administration (BPA) has had the opportunity to review 3-D Mining Special Use Permit Public Notice, SUP 2018-101 and its relationship to BPA's Richland-White Bluffs transmission line easement that this proposal impacts.

BPA easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, mining activities planned within the BPA easement or near the transmission line need to be reviewed and or approved by BPA prior to their occurrence. The landowner will need to submit site plans for any activity that may impact the transmission line and a land use application for any proposed use of BPA's easement area.

Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact me. I can be reached at (503) 230-5510 or by email at mjdeklyen@bpa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike DeKlyen", is located below the "Sincerely," text.

Mike DeKlyen
BPA Field Realty Specialist

Exhibit 7f



BENTON CLEAN AIR AGENCY

October 17, 2018

Re: File No: **EA 2018-116**
SUP2018-101

City of Richland Planning Dept.
Attn: Michael Stevens
P.O. Box 190
Richland, WA 99352

Proponent:
3D Developement
4201 Snake River Ave.
Lewiston, ID 83501

Dear Sirs;

It has come to our attention that you are reviewing a proposed project which may include a rock crusher and/or a portable batch plant on site for the above named applicant in Benton County, WA.

Washington Administrative Code **(WAC) 173-400-110 New source review for sources and portable sources**, including the operations described above, may require:

(2) Approval requirements.

(a) A notice of construction application must be filed and an order of approval must be issued by the permitting authority prior to the establishment of any new source ...

Benton Clean Air Agency Regulation 1 requires that sources complete a Notice of Construction (NOC), submit the appropriate filing and engineering fees, and receive an approval to operate prior to operation of the source.

Thank you for the opportunity to comment on this proposal. If you have any questions, or would like further information on this subject, please contact us at (509) 783-1304.

Sincerely,

Rob L Rodger
Air Quality Engineer

Exhibit 7g

601 So. Pioneer Way Ste. #195

Moses Lake, WA. 98837

SAGE BAY Co. LLC

Office: 509-766-9907

Cell: 509-989-5623

Oct. 17- 2018

City of Richland
Notice of application
for Public Hearing (SUP 2018-101)

fax # 509-942-7764
9:40 AM

We have property at 1060/1066 Battelle
Bldg. - an investment of $\pm$ \$600,000
with appraisal of \$1,125,000.00 & taxes \$8101.00.

If the gravel pit had been there, I would
not have even thought about putting a
Bldg. there.

Put the gravel pit on Narford ground.
The gravel pit would substantially
increase the traffic flow on Stevens Dr.
on Battelle Bldg.

My opinion is D Development should
look in an area of mining gravel
out of populated areas. Their Spec. Use
Permit should be turned down.

Sage Bay Co LLC

Richard Larson owner