MINUTES
BOARD OF ADJUSTMENT MEETING
City Hall – 550 Swift Boulevard – Council Chamber
Thursday, November 15, 2018
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 Richards, Van Hoff, Gray. Also attending was Planning Manager Mike Stevens. Member Boring was excused.

Approval of Minutes:

Chair Lowry presented the meeting minutes for the November 6, 2017 meeting. Chair Lowry noted that as the only member present at tonight's meeting that was present at that meeting he would prefer to table approval of the minutes until the next meeting when member Boring would be present. There were no objections.

Public Hearing:

Chairman Lowry read the Public Hearing Explanation to open the Public Hearing.

New Business

1. APPLICANT: 3-D Development
BA2018-101

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

Chairman Lowry introduced the item and asked the recorder if the project had been duly noticed as required. Ms. Follett indicated the proper noticing of the project and public hearing. Chair Lowry asked Planning Manager Stevens to provide the staff report.

Mr. Stevens reviewed the application for the Special Use permit to remove aggregate and rock materials. He detailed the proposed project, including details about the process, and projected mining timeline. Mr. Stevens also provided Board members with current zoning and land use designation information as well as permitted uses. For the record, Mr. Stevens also noted which agencies and interested parties had submitted comments. He also verified that the project meets all critical areas and environmental requirements. Mike also noted initial concerns from PNNL of possible impacts to research due to vibration created by the operation had been resolved.

Board member Van Hoff asked Mr. Stevens about current grade above sea level and the location of Mr. Larson's property in relation to the proposed mining site.

Mr. Stevens pointed out Exhibit 1D showing the highest point of approximately 400 ft. The lowest contour being approximately 385 ft. on the western portion of the property. **Mr. Stevens** also commented that he did not know which parcel belonged to Mr. Larson. After some investigation, the Board was able to determine the location. Additional questions were asked regarding PNNL comments and concerns. Mr. Stevens explained to the Board his understanding of the resolution of those concerns and the requested conditions placed on the draft approval.

Chair Lowry recognized Sam DeAtley, 1001 Joyce Road, Moscow, ID representing 3D Mining and invited him to give public testimony. Mr. DeAtley introduced himself and gave testimony about the timing of mining activities and stated he and PNNL representatives had toured the site and discussed the project since submittal of their original comments. He stated PNNL no longer objected and read a statement from PNNL to support his comments. He stressed his company's intent to do everything possible to keep the neighbors happy and provide services to help the Tri-Cities grow. Mr. DeAtley went on to point out the location of Mr. Larson's property and noted mining in this location was not expected to start until the current location was exhausted, most likely five to eight years.

Board member Gray thanked Mr. DeAtley and stated that he had answered the questions he had.

Board member Van Hoff asked for explanation about the sale of the property that already had a permit and the thought behind seeking approval to mine at this new property. Mr. DeAtley stated the land was purchased by 3D Development separate, but with a partnership with, American Rock Products. He noted American Rock Products owns the current mine site but never purchased or leased the subject property.

Board member Richards asked Mr. DeAtley if 3D Mining has run into any problems related to the reclamation process as they pulled out of the current site. Mr. DeAtley affirmed no issues and directed Board members to look at the area surrounding the BMX track in the area as an example of their reclamation efforts.

Chairman Lowry asked Mr. DeAtley if, in the future, PNNL experiences issues would 3D Mining sit down with PNNL to address and mitigate issues. Mr. DeAtley confirmed and pointed out their proactive approach to discuss operations even at this early stage.

Chair Lowry closed the Public Hearing at 6:33 p.m.

BOARD MEMBER VAN HOFF MOVED BOARD MEMBER GRAY SECONDED THE MOTION TO SPECIAL USE PERMIT 2018-101 AUTHORIZING THE OPERATION OF A 12-ACRE SITE FOR SAND AND AGREGATE REMOVAL, ROCK CRUSHING AND STOCK PILING SUBJECT TO THE TWENTY-THREE (23) CONDITIONS OF APPROVAL IN THE STAFF REPORT. THE BOARD ALSO ADOPTS THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS PREPARED BY STAFF.

MOTION PASSED 4-0.

Communications:

CHAIRMAN LOWRY Welcomed new members and thanked Mr. Stevens for the work put into the staff report

ADJOURNMENT:

The Board of Adjustment Regular Meeting was adjourned at 6:38 p.m.

PREPARED BY: Lynne Follett, Recorder, Planning and Development