

**EXHIBIT LIST FOR CUP 2016-007**

			<b>DATED</b>
<b>Hearing Examiner Application Exhibit List</b>			
<b>HER 1</b>	HER 1.1	Conditional Use Permit Application with site maps	October 3, 2016
	HER 1.2	Environmental Checklist	October 3, 2016
<b>Hearings Examiner Staff Memo Exhibit List - November 21, 2016</b>			
<b>HEM 1</b> Includes:	HEM 1.1	Staff Memo	November 14, 2016
	HEM 1.2	Site maps	October 3, 2016
	HEM 1.3	Notice of Application	October 10, 2016
	HEM 1.4	Notice of Open Record Hearings	November 4, 2016
	HEM 1.5	Critical Areas	November 3, 2016
	HEM 1.6	Determination of Non-Significance	November 2, 2016
	HEM 1.7	Comment from Benton County Fire Marshal	October 11, 2016
	HEM 1.8	Comment from Benton PUD	October 11, 2016
	HEM 1.9	Comment from Benton Franklin Health District	October 14, 2016
	HEM 1.10	Comment from John S. Ziobro	October 24, 2016
	HEM 1.11	Comment from Department of Ecology	October 26, 2016
	HEM 1.12		
	HEM 1.13		
	HEM 1.14		
	HEM 1.15		
<b>Hearings Examiner Staff Hearing Exhibit List - November 21, 2016</b>			
<b>HEH 1</b> Includes:	HEH 1.1		
	HEH 1.2		
	HEH 1.3		

**The Exhibit Numbers are found in the Top Right Hand Corner of each document.**

**HER = Hearings Examiner Record Exhibits**  
**HEM = Hearings Examiner Memo Exhibits**  
**HEH = Exhibits submitted during Hearing**  
**HECH = Exhibits submitted during a continued hearing**

# Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

## HEM 1.1

### STAFF REPORT TO HEARINGS EXAMINER

**MEMO DATE:** NOVEMBER 15, 2016  
**HEARING DATE:** NOVEMBER 21, 2016  
**TO:** BENTON COUNTY HEARINGS EXAMINER  
**FROM:** CLARK POSEY  
ASSISTANT PLANNING MANAGER  
BENTON COUNTY PLANNING DEPARTMENT  
**RE:** CONDITIONAL USE PERMIT – CUP 2016-007  
**APPLICANT/OWNER:** COLUMBIA BASIN DEVELOPERS LLC  
2312 S ELY ST  
KENNEWICK, WA 99337

### **I. BACKGROUND INFORMATION**

#### SPECIFIC REQUEST

The applicant is seeking a Conditional Use Permit to operate a stone quarry for surface mining of crushed aggregates for private and commercial use on 32.4 acres of the 563 acre parcel. BCC 11.16B.050(a) allows a sand or gravel pit, stone quarry, or similar use for the development of natural resources extracted on-site to operate in the Rural Lands 20 zoning district.

#### PROJECT CHRONOLOGY

The Conditional Use Permit application (HER 1.1) was originally submitted to the Planning Department on October 3, 2016 and was determined to be complete as of October 7, 2016 at which time a letter of completion was sent to the applicant. The Conditional Use application was sent out for Agency Review on October 7, 2016. The Notice of Application (HEM 1.3) was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on October 11, 2016. The Notice of Open Record Hearing was published on November 9, 2016 in the Tri-City Herald (HEM 1.4) and is scheduled before the Hearings Examiner on November 21, 2016.

#### SITE DESCRIPTION

The project site consists of 32.4 acres out of a 563 acre parcel located at 37123 S Olympia St., Kennewick, WA 99337 in Section 25, Township 8 North, Range 29 East, W.M. Also identified as Parcel Number 1-2589-100-0002-003. At present, the property has not been developed and is vacant land. The following critical areas have been identified on the site: portions of the property have slopes of 15% or greater. (HEM 1.5).

#### SURROUNDING ZONING & LAND USE

The subject property is located in the Rural Lands 20 Acre District. The surrounding land uses include vacant rangeland, rural residential single family dwellings on 20 acre or larger lots, an active Benton County gravel pit, and orchards. North of the parcel there are single family dwellings on one acre or larger lots. The surrounding zoning is Rural Lands 20, GMA Agriculture, Rural Lands 5, Urban Growth Area Residential and Kennewick City Limits.

STATE ENVIRONMENTAL POLICY ACT:

The Conditional Use Permit application has been reviewed under the requirements of the State Environmental Policy Act as amended and a Determination of Non-Significance was issued on November 2, 2016 (HEM 1.6). The Environmental Checklist (HER 1.2), the Determination of Non-Significance and the comments received from reviewing agencies are attached to this memorandum.

**II. APPLICABLE DEVELOPMENT REGULATIONS AND DECISION CRITERIA**

This use is allowed as a business activity within the Rural Lands Twenty Acre District (RL-20) under Benton County Code 11.16B.050(a).

Benton County Code 11.52.090(a) states: "The conditional use/special permit application process allows the Hearings Examiner to review the location and design of certain proposed uses, the configuration of improvements, and the potential impacts on the surrounding area. The application process also allows the Hearings Examiner to ensure that development in each zoning district protects the integrity of that district. The notice, hearing, decision and enforcement procedures are as set forth herein and in BCC 11.52.089.

Certain uses are classified as conditional uses/special uses because of their unusual nature, infrequent occurrence, special requirements, or potentially significant impacts to the environment, public infrastructure or adjacent properties, and/or possible safety hazards and other similar reasons.

Once granted a conditional use/special permit may be transferred by a holder thereof after written notice to the Hearings Examiner; provided the use and location must remain the same and the transferee must continue to comply with the conditions of the permit and, if applicable, the requirements set forth in BCC 11.52.070."

Benton County Code Section 11.52.090(d) states: "A conditional use/special permit shall be granted only if the Hearings Examiner can make findings of fact based on the evidence presented sufficient to allow the Hearings Examiner to conclude that, as conditioned, the proposed use:

1. is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;
2. will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;
3. would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;
4. will be supported by adequate service facilities and would not adversely affect public services to the surrounding area;
5. would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district."

If reasonable conditions cannot be imposed so as to allow the Hearings Examiner to make the conclusions required above, the conditional use permit shall be denied.

### **III. FINDINGS OF FACT**

Based on the application and information received the planning staff makes the following findings.

1. The applicant/owner is Columbia Basin Developers LLC, 2312 S Ely St, Kennewick, WA 99337.
2. The subject property is located at 37123 S Olympia St., Kennewick, WA 99337 in Section 25, Township 8 North, Range 29 East, W.M. Parcel Number 1-2589-100-0002-003.
3. The applicant has applied for a Conditional Use Permit to operate a stone quarry for surface mining of crushed aggregates for private and commercial use on 32.4 acres of the 563 acre parcel.
4. The application for CUP 2016-007 was submitted to Benton County on October 3, 2016 with a complete letter sent on October 7, 2016.
5. The notice for the Benton County Hearings Examiner Open Record Hearing was published on November 9, 2016, in the Tri-City Herald was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on November 7, 2016 and Notice of Application was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on October 11, 2016. The Open Record Hearing is scheduled for November 21, 2016.
6. The subject property is zoned Rural Lands 20 Acre District. The proposed use is consistent with the Rural Lands 20 Acre designation within Benton County Code 11.16B.
7. A parcel Northwest to the subject property is developed as a gravel pit owned by the County.
8. Portions of the subject property have slopes of 15% or greater.
9. The applicant stated the hours of operation will be Monday through Friday with hours of operation from 7:00 a.m. to 5:00 p.m.
10. A Determination of Non-Significance was issued for EA 2016-018 on November 2, 2016.
11. The Benton County Fire Marshal and Benton PUD had no comments on this project permit application. (HEM 1.7) and (HEM 1.8)
12. The Benton Franklin Health District commented that they had no objections provided that their conditions of approval are met. (HEM 1.9)
13. John S. Ziobro, an attorney for Johanna K. Colby Limited Partnership commented regarding his client's concerns on how the applicants proposed to access the site. (HEM 1.10)
14. The Washington State Department of Ecology commented that permits may be required through their office. (HEM 1.11)

### **IV. SUGGESTED CONDITIONS OF APPROVAL**

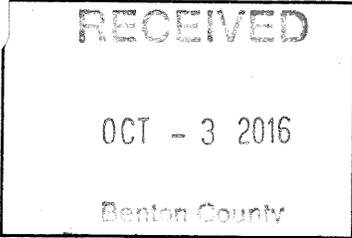
If the Hearings Examiner decides to approve Conditional Use Permit – CUP 2016-007 then the following are suggested conditions recommended by the Planning Department:

1. Any conditions imposed by the Hearings Examiner shall be completed prior to the Planning Department issuing the conditional use permit. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the conditional use permit until those conditions have been met. The conditional use permit shall not become effective until

- issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the conditional use permit within one (1) year from the time the Hearings Examiner conditionally approved the conditional use permit, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.
  3. Once all conditions are satisfied, CUP 2016-007 will be approved under BCC 11.16B.050(u) for a sand or gravel pit, mineral extraction and stone quarry for surface mining of crushed aggregates for private and commercial use.
  4. That the applicant obtains the appropriate building permits. The applicant must submit written documentation to the Planning Department that all the required permits and approvals have been obtained from the Benton County Building Department. The applicant shall meet this requirement for any additional buildings that may be constructed on site while Conditional Use Permit - CUP 2016-007 is in effect.
  5. That the applicant complies with all Benton Franklin Health District requirements while Conditional Use Permit - CUP 2016-007 is in effect and provide proof of such compliance to the Planning Department.
  6. The applicant provides a dust control plan as required under WAC 173-400-040(9)(a) which is approved by the Benton Clean Air Authority and provide a copy of said plan to the Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2016-007 is in effect.
  7. That the applicant complies with all Washington Department of Ecology requirements and provide proof of such compliance to the Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-006 is in effect.
  8. That the presence of customers/clients and employees shall be limited to Monday through Friday between the hours of 7:00 a.m. to 5:00 p.m. as stated in the application. No weekend operation of equipment or the crusher will be allowed. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2016-007 is in effect.
  9. The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin District Health Department, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-007 is in effect.
  10. That any waste created as a result of this Conditional Use Permit must be disposed of off-site in compliance with all local, state and/or federal regulations in a timely manner.
  11. Additional conditions may be altered, added or deleted by the Hearings Examiner when making a decision on this permit after the public hearing.

# HER 1.1

## BENTON COUNTY PLANNING DEPARTMENT CONDITIONAL USE APPLICATION FILE NO. CUP2016-007



1. Applicant Name Columbia Basin Developers LLC  
Applicant Address: 2312 S Ely St  
KENNEWICK, WA 99337  
Telephone number: Home \_\_\_\_\_ Work 509 582-3407

2. Legal owners name: SAME AS ABOVE  
Legal Owners address: \_\_\_\_\_  
Telephone number: Home \_\_\_\_\_ Work \_\_\_\_\_

If you wish to be contacted by email please list your email address:  
chuck@gameincgc.com

3. Parcel Number or Legal description of property for which permit is for:  
Attached legal description (32.4 ACRES OF 563 ACRE PARCEL)  
{ PARCEL ID 125891000662003 }

4. If you are amending a previous conditional use/special use permit please list the file number(s):  
N/A

5. The Conditional Use Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.** \_\_\_\_\_  
Commercial sand + gravel pits, stone quarries, mineral extraction

6. The property will be served by:  
WATER: Well  Private System  City System \_\_\_\_\_  
SEWER: Septic Tank  City Sewer \_\_\_\_\_  
POWER: PUD  REA \_\_\_\_\_  
PHONE: Yes \_\_\_\_\_ No  Name of Utility Fronier  
GAS: Yes \_\_\_\_\_ No  Name of Utility \_\_\_\_\_  
CABLE: Yes \_\_\_\_\_ No  Name of Utility \_\_\_\_\_  
IRRIGATION: Yes \_\_\_\_\_ No  Name of Utility \_\_\_\_\_  
PRIVATE IRR. Yes \_\_\_\_\_ No

7. Total acres of property: 32.4 OF 563 ACRES Zoning Classification of Property: RL 20  
Comprehensive Plan Designation \_\_\_\_\_

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.:  
RESIDENTIAL DWELLING + SHOP ON THIS PARCEL.

9. Describe existing structures and present land uses in the surrounding area of your property:  
DEVLAND, COUNTY GRAVEL PIT, RESIDENTIAL HOME + SHOP

10. Please answer the following questions. **PLEASE BE SPECIFIC - USE ADDITIONAL PAPER IF NECESSARY.**

- a. Is there a residence on site? Yes \_\_\_\_\_ No
- b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes  No \_\_\_\_\_
- c. Does at least one of the proprietors live in said residence? Yes \_\_\_\_\_ No
- d. List the number of non-resident employees. N/A
- e. What is the **total** square footage of the detached building to be used for the business? N/A
- f. What is the **total** square footage that will be used for the business activity?  
N/A
- g. Is only one detached building to be used for the business activity? Yes \_\_\_\_\_  
No N/A
- h. Are any signs going to be used with the business activity? Yes \_\_\_\_\_ No   
If yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used. \_\_\_\_\_
- i. State the number of vehicles marked to identify the business to be stored on site.  
0
- j. List the number of off street parking spots 100'S
- k. What County Road does the site access off of? SR 397
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week ~~MON~~ M-F  
Hours of Operation 7 AM - 5 PM

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.

- A. Dimensions of the property.
- B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
- C. Location and size of existing structures, complete with distances, buildings and all property lines.
- D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
- E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

\_\_\_\_\_

**Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.**

**Signature Block for individuals only.**

I certify that the information given above is true and complete.

_____ Applicant's Signature	_____ Print Name	_____ Date
_____ Signature of Legal Owners	_____ Print Name	_____ Date
_____ Signature of Person with additional ownership interest	_____ Print Name	_____ Date

**If the applicant or legal owner is a corporation/partnership/LLC etc. please use the following signature block. Please copy this page if there is more than one corporation/partnership/LLC signature required.**

Applicant or Legal Owner: Columbia Basin Developers of Kennewick, LLC

By: DAVID KENT Member  
 (print name) (Title)

Signature: [Signature] Member  
 (Signature) (Title)

The above signed officer of Columbia Basin Developers of Kennewick LLC (name of entity) warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit DAVID KENT to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

**(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)**

**Note:** The Conditional Use/Special Permit Application fee of \$630.00 and the \$300.00 applicant fee for the SEPA checklist, if required, must be submitted with the application. These fees are non-refundable. Please make your check payable to the Benton County Treasurer. There are no guarantees that your application will be approved.

**FOR OFFICIAL USE ONLY:**

Critical Area Review Completed by: Chuck Pacey on 10/3/2016.

Application approved for processing by Chuck Pacey on 10/3/2016.

Zoning \_\_\_\_\_ Comp Plan Designation \_\_\_\_\_.

## QUARRY LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 8 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25 SOUTH 89°21'54" EAST 2150.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID NORTH LINE SOUTH 00°38'06" WEST 1237.00 FEET; THENCE SOUTH 89°21'54" EAST 720.00 FEET; THENCE NORTH 00°38'06" EAST 378.64 FEET; THENCE NORTH 64°37'10" EAST 867.18 FEET; THENCE NORTH 00°38'06" EAST 478.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE ALONG SAID NORTH LINE NORTH 89°21'54" WEST 1049.67 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25 NORTH 89°21'54" WEST 449.64 FEET TO THE TRUE POINT OF BEGINNING.

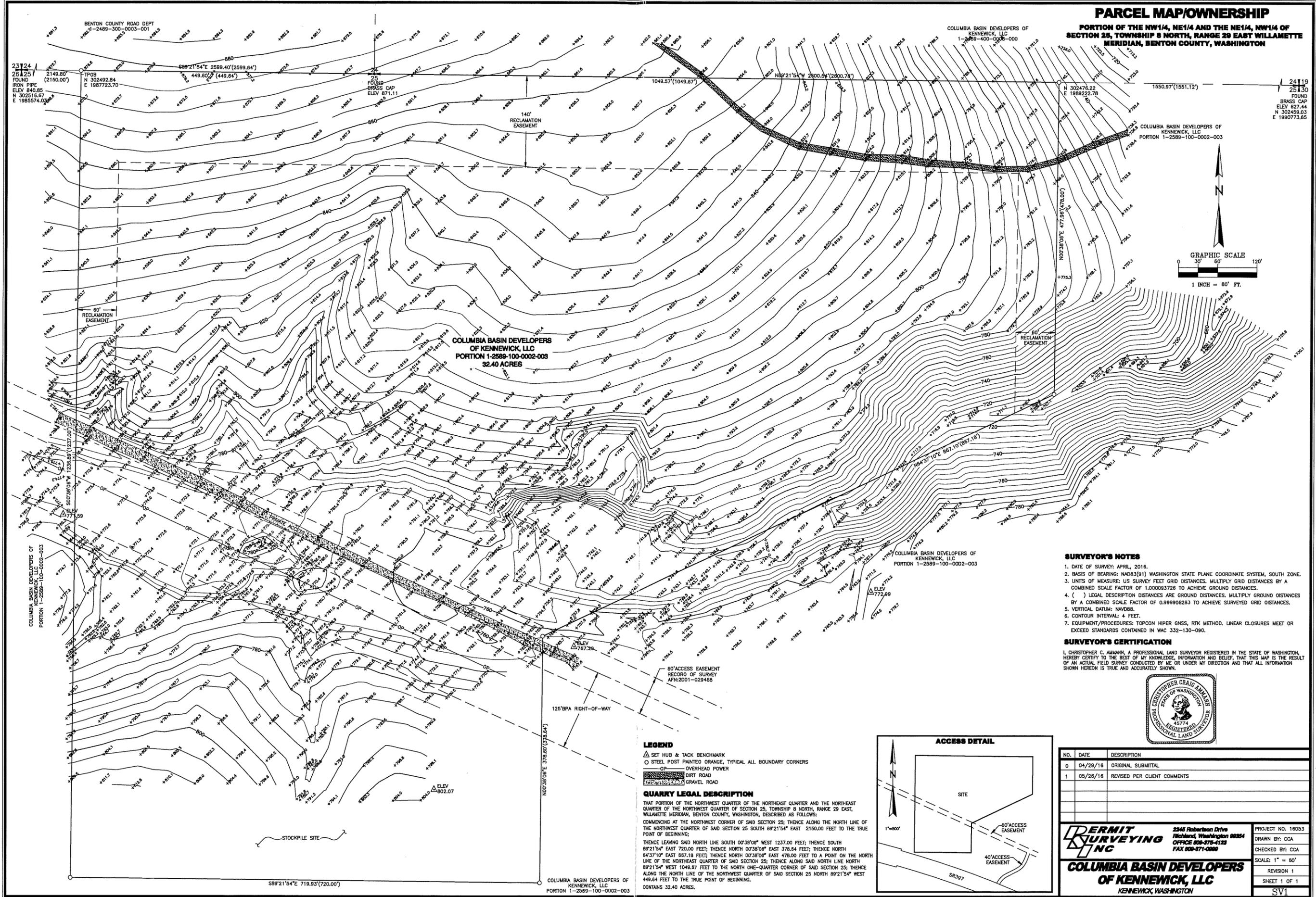
CONTAINS 32.40 ACRES.

Columbia Basin Developers, LLC proposed Quarry Vicinity Map  
Portion of NW 1/4, NE 1/4, and the NE 1/4 of NW 1/4, of  
Section 25, Township 8 N, Range 29 E, Willamette Meridian  
Benton County, WA



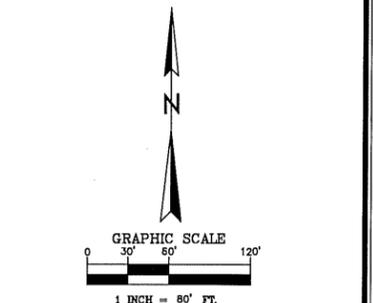
**PARCEL MAP/OWNERSHIP**

**PORTION OF THE NW1/4, NE1/4 AND THE NE1/4, NW1/4 OF SECTION 25, TOWNSHIP 8 NORTH, RANGE 29 EAST WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON**



24119  
25130  
FOUND  
BRASS CAP  
ELEV 877.44  
N 302458.03  
E 1980773.65

COLUMBIA BASIN DEVELOPERS OF KENNEWICK, LLC  
PORTION 1-2589-100-0002-003



COLUMBIA BASIN DEVELOPERS OF KENNEWICK, LLC  
PORTION 1-2589-100-0002-003  
32.40 ACRES

- SURVEYOR'S NOTES**
1. DATE OF SURVEY: APRIL, 2016.
  2. BASIS OF BEARING: NAD83(91) WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.
  3. UNITS OF MEASURE: US SURVEY FEET GRID DISTANCES. MULTIPLY GRID DISTANCES BY A COMBINED SCALE FACTOR OF 1.000093726 TO ACHIEVE GROUND DISTANCES.
  4. ( ) LEGAL DESCRIPTION DISTANCES ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY A COMBINED SCALE FACTOR OF 0.999906283 TO ACHIEVE SURVEYED GRID DISTANCES.
  5. VERTICAL DATUM: NAVD83.
  6. CONTOUR INTERVAL: 4 FEET.
  7. EQUIPMENT/PROCEDURES: TOPCON HIPER GNSS, RTK METHOD. LINEAR CLOSURES MEET OR EXCEED STANDARDS CONTAINED IN WAC 332-130-090.

**SURVEYOR'S CERTIFICATION**

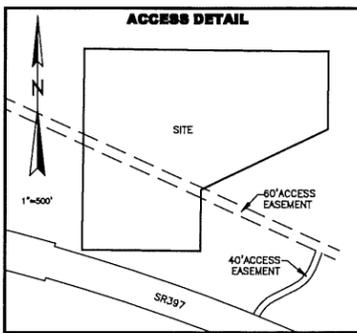
I, CHRISTOPHER C. AMMANN, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF WASHINGTON, HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THIS MAP IS THE RESULT OF AN ACTUAL FIELD SURVEY CONDUCTED BY ME OR UNDER MY DIRECTION AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND ACCURATELY SHOWN.



- LEGEND**
- △ SET HUB & TACK BENCHMARK
  - STEEL POST PAINTED ORANGE, TYPICAL ALL BOUNDARY CORNERS
  - OP — OVERHEAD POWER
  - DIRT ROAD
  - GRAVEL ROAD

**QUARRY LEGAL DESCRIPTION**

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COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25 SOUTH 89°21'54" EAST 2150.00 FEET TO THE TRUE POINT OF BEGINNING;  
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CONTAINS 32.40 ACRES.



NO.	DATE	DESCRIPTION
0	04/29/16	ORIGINAL SUBMITTAL
1	05/26/16	REVISED PER CLIENT COMMENTS

**DERMIT SURVEYING INC**  
2345 Robertson Drive  
Richland, Washington 98941  
OFFICE 509-376-4123  
FAX 509-371-0889

**COLUMBIA BASIN DEVELOPERS OF KENNEWICK, LLC**  
KENNEWICK, WASHINGTON

PROJECT NO. 16053  
DRAWN BY: CCA  
CHECKED BY: CCA  
SCALE: 1" = 80'  
REVISION 1  
SHEET 1 OF 1  
SV1



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

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

<p><b>NAME OF COMPANY OR INDIVIDUAL APPLICANT(S)</b> Same as name of the exploration permit holder. (Type or print in ink.)</p> <p>Columbia Basin Developers LLC 2312 S Ely St Kennewick, WA 99337</p>		<p><b>TOTAL ACREAGE AND DEPTH OF PERMIT AREA</b> (Include all acreage to be disturbed by mining, setbacks, and buffers, and associated activities during the life of the mine.) (See SM-8A.)</p> <p>Total area permitted will be <u>32.4</u> acres</p> <p>Maximum vertical depth below pre-mining topographic grade is <u>120</u> feet</p> <p>Maximum depth of excavated mine floor is <u>720</u> feet relative to mean sea level</p>																																
<p><b>MAILING ADDRESS</b></p> <p>2312 S Ely St Kennewick, WA 99337</p> <p>Telephone <u>509-582-3407</u></p>		<p>COUNTY <u>Benton</u></p> <p>No attachments will be accepted. Legal description of permit area:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <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</td> <td>NE</td> <td>25</td> <td>8</td> <td>29</td> </tr> <tr> <td>NE</td> <td>NW</td> <td>25</td> <td>8</td> <td>29</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			1/4	1/4	Section	Township	Range	NW	NE	25	8	29	NE	NW	25	8	29															
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NW	NE	25	8	29																														
NE	NW	25	8	29																														
<p>Proposed subsequent use of site upon completion of reclamation</p> <p>Open Space Dryland Similar to existing use.</p>																																		
<p>Signature of company representative or individual applicant(s)</p>		<p>Name and title of company representative (please print)</p> <p>Clark A. Posey Assistant Planning Manager Columbia Basin Developers LLC</p>		<p>Date signed</p> <p>6-29-16</p>																														
<p><b>TO BE COMPLETED BY THE APPROPRIATE COUNTY OR MUNICIPALITY:</b></p>																																		
<p>Please answer the following questions 'yes' or 'no'.</p> <p>1. Has the proposed surface mine been approved under local zoning and land-use regulations?</p> <p>2. Is the proposed subsequent use of the land after reclamation consistent with the local land-use plan/designation?</p> <p>When complete, return this form to the appropriate Department of Natural Resources regional office.</p>				<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </tbody> </table>	Yes	No																												
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<p>Name of planning director or administrative official (please print)</p> <p>CLARK A. POSEY</p>		<p>Address</p> <p>Benton County Planning P.O. Box 910 PROSSER, WA 99350</p>																																
<p>Signature</p>																																		
<p>Title (please print)</p> <p>Assistant Planning Manager</p>																																		
<p>Telephone</p> <p>509 786 5612</p>		<p>Date</p> <p>11/2/2016</p>	<p>DNR Reclamation Permit No.</p>																															
<p><b>FOR DEPARTMENT USE ONLY:</b></p>																																		

RECEIVED

## ENVIRONMENTAL CHECKLIST

EA 2016-018

OCT - 3 2016

Benton County  
Planning Department

### A. BACKGROUND

1. Name of proposed project, if applicable: Columbia Basin Developers Quarry

2. Name & Address of applicant: Columbia Basin Developers LLC  
2312 S Ely St  
Kennewick WA 99337

3. Address and phone number of contact person: Chuck Barr  
2312 S Ely St Kennewick WA 99337  
509-308-9596

4. Date checklist prepared: 06/17/2016 1-2589-100-0002-003

5. Agency requesting checklist: Benton County Planning Dept

6. Proposed timing or schedule (including phasing, if applicable): Jan 2017 ongoing phase surface mining to completion

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

No future plans for future additions, expansion, at this time.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

This SEPA checklist.

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.

None known.

10. List any government approvals or permits that will be needed for your proposal, if known.  
DNR Approval of Surface Mining, SEPA Checklist Approval + Benton County Mineral Extraction

---

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 purpose of this proposal is to open a new rock quarry for surface mining crushed aggregates for private and commercial use. Project site is approximately 34 acres.

---

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.

Site is located approximately 3/4 of a mile East of Olympia St and 1/4 mile North of SR 397. See attached legal description, site map, and vicinity map.

1-2589-100-0002-003

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## **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)?

Vertical to 1.5:1 (66.7%)

---

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 prime farmland.  
Sandy-Silt, Clays, Gravels, Rock

---

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There are no indications of unstable soils in the area.

---

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Remove overburden and stockpile for future reclamation use. Upon completion of mineral extraction stockpiled overburden to be used for constructing slopes required for reclamation. Total amount of material required to be determined by extraction or up to 300,000 CY. For total, reclamation

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Yes, however, BMPs will be utilized to prevent erosion. Additionally, site will be graded to contain all potential erosion within permitted boundary.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: BMP's will be utilized as required to control erosion. Hydromulching will be utilized to prevent wind erosion; berms will be constructed to contain all surface water within the permitted boundary.

## 2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if know.

Dust and normal emissions from crushing operations.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Water to control dust and other means as required to comply with Benton Co. Clean Air.

**3. Water**

**a. Surface:**

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.

---

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.

No.

---

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.

None.

---

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

All surface water (from stormwater) will be contained within permitted boundary. There are no surface water bodies seasonal or otherwise in the vicinity.

---

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 discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

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**b. Ground:**

1) Will ground water be withdrawn, or will water be discharge to ground water? Give general description, purpose, and approximate quantities if known.

No water withdraws. All storm water will infiltrate to ground.

---

2) Describe waster 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 storm water):**

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.

All storm water will be contained and infiltrated on site. Site will be graded to keep all storm water on site. No flows anticipated to leave site. No waters in vicinity.

---

2) Could waste materials enter ground or surface waters? If so, generally describe.

Fuel or oil spills from crushing equipment could enter ground. However, all spills will be contained, cleaned, as per Spill Prevention Control Countermeasures Plan.

---

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Site grading to contain water runoff. BMPs to be in place as necessary to control runoff.

---

**4. Plants**

a. Circle 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; wet soil plants: cattail, buttercup, bulrush, 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?

Cheat grass, sagebrush, tumbleweeds

---

c. List threatened or endangered species known to be on or near the site.

None known.

---

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Hydro mulching and / or seeding.

---

## 5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site: birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other: \_\_\_\_\_

fish: bass, salmon, trout, herring, shellfish, other: MICE

b. List any threatened or endangered species known to be on or near the site.

None known.

---

c. Is the site part of a migration route? If so, explain.

None known.

---

d. Proposed measures to preserve or enhance wildlife, if any:

None.

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## 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.

Diesel powered equipment, generators.

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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 feature are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

---

## **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.

Fuel or oil spills from crushing equipment. However, all spills will be contained, cleaned, as per Spill Prevention Control Countermeasures Plan.

---

1) Describe special emergency services that might be required.

No special services required.

---

2) Proposed measures to reduce or control environmental health hazards, if any:

Spill Prevention Control Countermeasures Plan. Dust control and erosion control.

---

### **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 associate 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.

Noise from crushing operations and aggregate removal. Typical hours 6AM - 6PM.

*CUD states 7:00AM - 5:00 P.M.*

---

3) Proposed measures to reduce or control noise impacts, if any:

None.

---

### **8. Land and Shoreline Use**

a. What is the current use of the site and adjacent properties?

Site currently dryland with 1 single family dwelling and small shop on 563 Acre parcel. County pit to NW. Single Family dwelling to East. Dryland to North, South, and West.

---

b. Has the site been used for agriculture? If so, describe.

No.

---

c. Describe any structures on the site.

No structures within the permitted boundary.

---

d. Will any structures be demolished? If so, what?

No.

---

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

RL 20

---

f. What is the current comprehensive plan designation for the site?

RL 20

---

g. If applicable, what is the current shoreline master program designation of the site?

N/A.

---

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No.

---

i. Approximately how many people would reside or work in the completed project?

2

---

j. Approximately how many people would the completed project displace?

0

---

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

---

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None.

---

## **9. Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low- income housing.

No housing.

---

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:

N/A

---

**10. Aesthetics**

a. What is the tallest height of any proposed structures(s) not including antennas; what is the principal exterior building material(s) proposed?

N/A

---

b. What views in the immediate vicinity would be altered or obstructed?

N/A

---

c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

---

**11. Lights and Glare**

a. What type of light or glare will be the proposal produce? What time of day would it mainly occur?

N/A

---

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

---

c. What existing off-site sources of light or glare may affect your proposal?

N/A

---

d. Proposed measures to reduce or control light and glare impacts, if any:

N/A

---

**12. Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

Hiking, biking, ORV, seasonal hunting. No designated recreational areas.

---

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

---

c. Proposed measures to reduce or control impacts or recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A

---

### **13. Historic and Cultural Preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No.

---

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

N/A

---

c. Proposed measures to reduce or control impacts, if any:

N/A

---

### **14. Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plan, if any.

SR 397. See attached vicinity map.

---

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

No.

---

c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A

---

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

---

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation. If so, generally describe.

No.

---

f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.

Varies. Peak times 7 AM- 5 PM Mon-Fri.

---

g. Proposed measures to reduce or control transportation impacts, if any:

None.

---

### **15. Public Services**

a. Would the project result in an increased need for public services (for example, fire protection, police protection, health care, schools, etc.)? If so, generally describe.

No.

---

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

---

### **16. Utilities**

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

None.

---

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.

None.

---

**ESA LISTED SALMONIDS CHECKLIST**

The Listed Salmonids Checklist is provided in order that the county may initially identify a project's potential impacts (if any) on salmonids that have been listed as "threatened" or "endangered" under the Federal Endangered Species Act (ESA). A salmonid is any fish species that spends part of its life cycle in the ocean and returns to fresh water. Potential project impacts that may result in a "taking" of listed salmonids must be avoided, or mitigated to insignificant levels. Generally, under ESA, a "taking" is broadly defined as any action that causes the death of, or harm to, the listed species. Such actions include those that affect the environment in ways that interfere with or reduce the level of reproduction of the species.

**If ESA listed species are present or ever were present in the watershed where your project will be located, your project has the potential for affecting them, and you need to comply with the ESA. The questions in this section will help determine if the ESA listing will impact your project. The Fish Program Manager at the appropriate Department of Fish and Wildlife (DFW) regional office can provide information for the following two questions. Please contact the Dept. of Fish and Wildlife at 1701 S. 24th, Yakima WA 98902-5720, Phone No. 509-575-2740.**

1. Are ESA listed salmonids currently present in the watershed in which your project will be?

YES  NO

Please Describe.

---

2. Has there ever been an ESA listed salmonid stock present in this watershed?

YES  NO

Please Describe.

---

If you answered "yes" to either of the above questions, you should complete the remainder of this checklist.

**PROJECT SPECIFIC:** The questions in this section are specific to the project and vicinity.

A1. Name of watershed N/A

A2. Name of nearest water body Columbia River

A3. What is the distance from this project to the nearest body of water? 4.5 Miles NE

Often a buffer between the project and a stream can reduce the chance of a negative impact to fish.

A4. What is the current land use between the project and the potentially affected water body (parking lots, farmland, etc.)

Orchard, farms, residential, etc

A5. Is the project above a:

Natural permanent barrier (waterfall)  YES  NO

Natural temporary barrier (beaver pond)  YES  NO

Man-made barrier (culvert, dam)  YES  NO

Other (explain)

A6. If yes, are there any resident salmonid populations above the blockage?

YES  NO  Don't Know

A7. What percentage of the project will be impervious surface (including pavement & roof area)? None

**FISH MIGRATION:** The following questions will help determine if this project could interfere with migration of adult and juvenile fish. Both increases and decreases in water flows can affect fish migration.

B1. Does the project require the withdrawal of:

a. Surface water?  YES  NO

Amount N/A

Name of surface water body N/A

b. Ground water?  YES  NO

Amount N/A

From Where N/A

Depth of Well N/A

B2. Will any water be rerouted?

If yes, will this require a channel change?

No.

---

B3. Will there be retention ponds?  YES  NO

If yes, will this be an infiltration pond or a surface discharge to either a municipal storm water system or a surface water body?

N/A

---

If to a surface water discharge, please give the name of the water body. N/A

B4. Will this project require the building of new roads? Increased road mileage may affect the timing of water reaching a stream and may, thus, impact fish habitat.

No.

---

B5. Are culverts proposed as part of this project?  YES  NO

B6. Will topography changes affect the duration/direction of runoff flows?  YES  NO

If yes describe the changes.

N/A

---

B7. Will the project involve any reduction of the floodway or floodplain by filling or other partial blockage of flows?  YES  NO

If yes, how will the loss of flood storage be mitigated by your project?

N/A

---

**WATER QUALITY:** The following questions will help determine if this project could adversely impact water quality. Such impacts can cause problems for listed species. Water quality can be made worse by runoff from impervious surfaces, altering water temperature, discharging contaminants, etc.

C1. Do you know of any problems with water quality in any of the streams within this watershed?  YES  NO

If yes please describe.

N/A

---

C2. Will your project either reduce or increase shade along or over a water body? Removal of shading vegetation or the building of structures such as docks or floats often result in a change in shade.

YES  NO

N/A

---

C3. Will the project increase nutrient loading or have the potential to increase nutrient loading or contaminants (fertilizers, other waste discharges, or runoff) to the water body?

YES  NO

N/A

---

C4. Will turbidity be increased because of construction of the project or during operation of the project? In-water or near water work will often increase turbidity.  YES  NO

N/A

---

C5. Will your project require long term maintenance, i.e., bridge cleaning, highway salting, chemical sprays for vegetation management, clearing of parking lots?  YES  NO

Please Describe.

Chemical sprays for vegetation management possible.

---

**Vegetation:** The following questions are designed to determine if the project will affect riparian vegetation, thereby, adversely impacting salmon.

D1. Will the project involve the removal of any vegetation from the stream banks?

YES  NO

If yes, please describe the existing conditions and the amount and type of vegetation to be removed.

N/A

---

D2. If any vegetation is removed, do you plan to re-plant?

YES  NO

N/A

---

**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: \_\_\_\_\_

Print Name- \_\_\_\_\_

Date Submitted: \_\_\_\_\_

FOR OFFICIAL USE ONLY:

Critical Area Review Completed by Clark Posing on 10/3/2016.

Application approved for processing by Clark Posing on 10/3/2016.

Zoning RL5 Comp. Plan Designation \_\_\_\_\_

C. SUPPLEMENTAL SHEET FOR **NON PROJECT** ACTIONS  
**(do not use this sheet for project actions)**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

---

Proposed measures to avoid or reduce such increases are:

---

2. How would the proposal be likely to affect plants, animals, fish or marine life?

---

Proposed measures to protect or conserve plants, animals, fish or marine life are:

---

3. How would the proposal be likely to deplete energy or natural resources?

---

Proposed measures to protect or conserve energy and natural resources are:

---

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains, or prime farmlands?

---

Proposed measures to protect such resources or to avoid or reduce impacts are:

---

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

---

Proposed measures to avoid or reduce shoreline and land use impacts are:

---

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

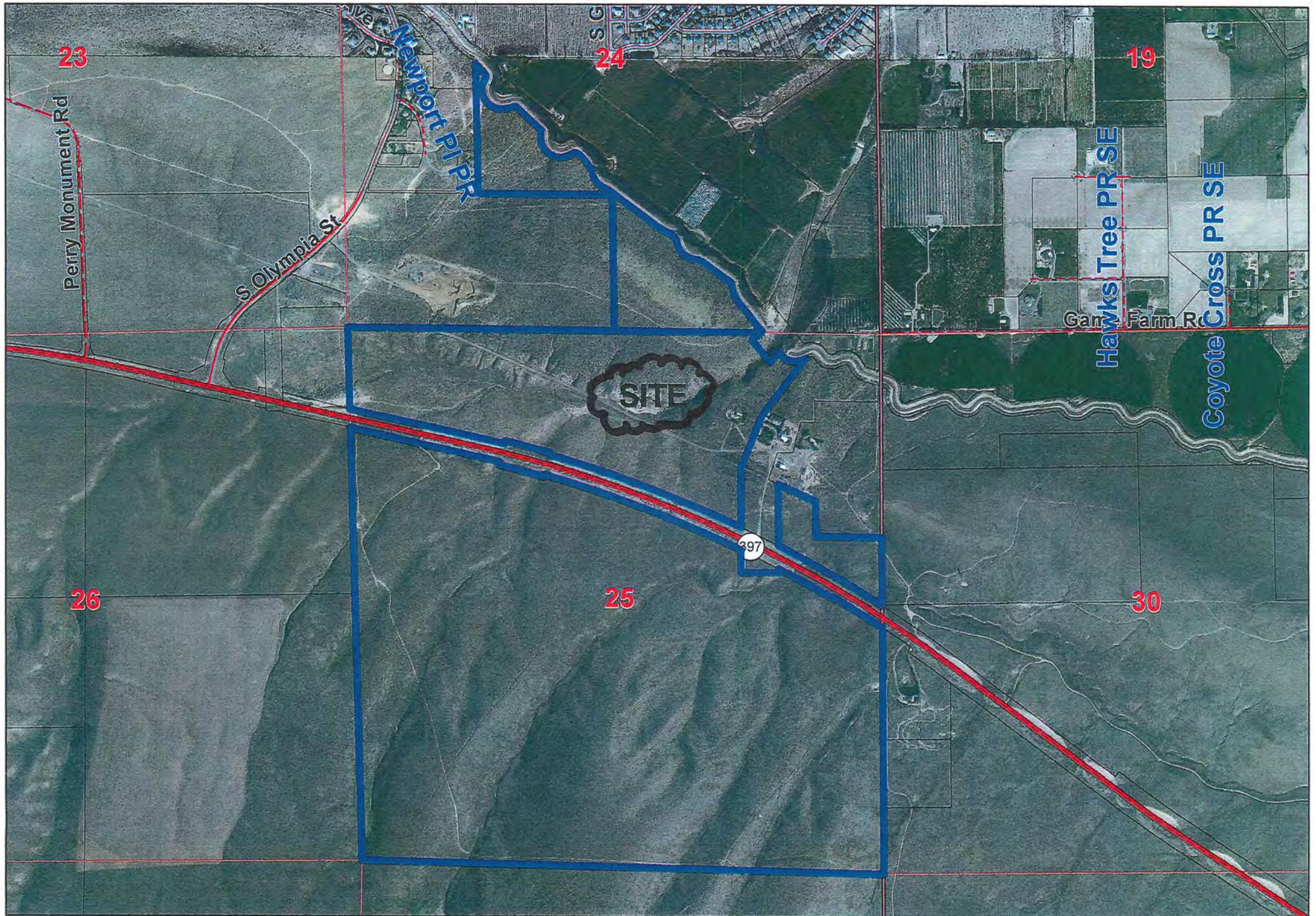
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Proposed measures to reduce or respond to such demands(s) are:

---

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

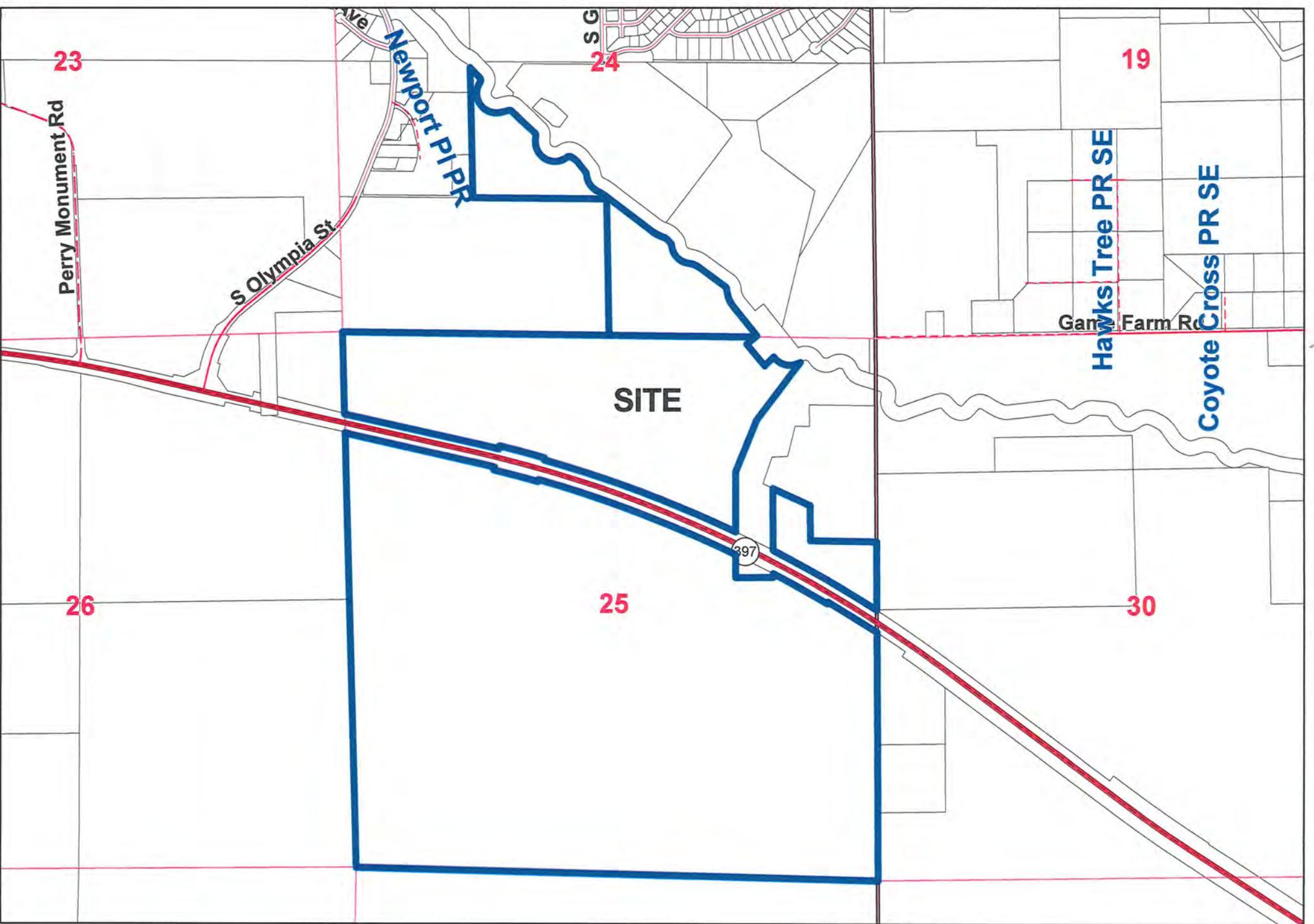
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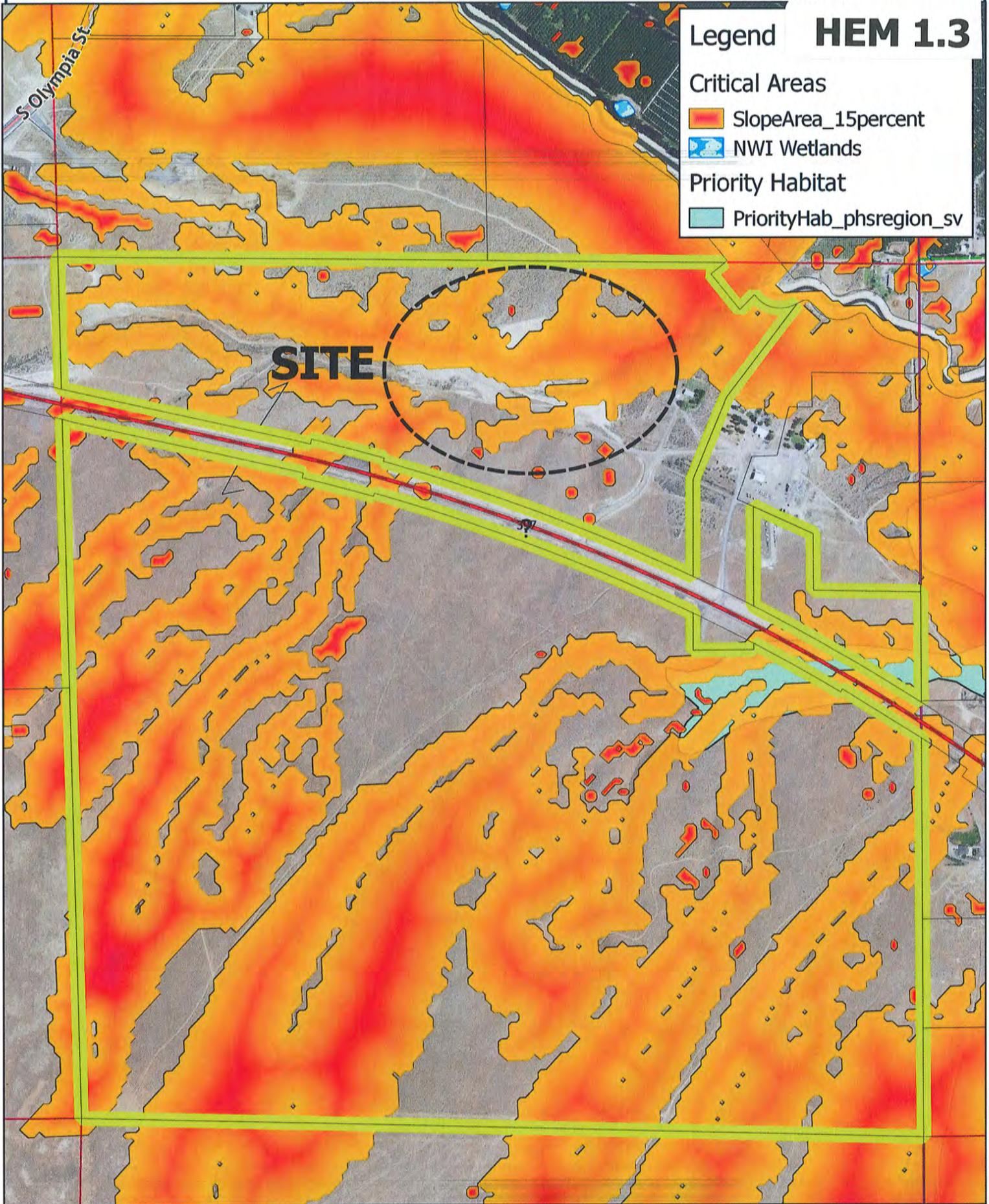




SECTION 25, TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M  
CONDITIONAL USE PERMIT CUP # 2016-007  
COLUMBIA BASIN DEVELOPERS LLC 1-2589-100-002a-003  
MAP PRINTED OCTOBER 3, 2016

Benton County does not warrant, guarantee, or accept liability for accuracy, precision or completeness of any information shown hereon or for any inferences made therefrom. Any use made of this information is solely at the risk of the user. Benton County makes no warranty, expressed or implied, and any oral or written statement by any employee of Benton County or agents thereof to the contrary is void and ultra vires. The information shown hereon is a product of the Benton County Geographic Information Systems, and is prepared for presentation purposes only.





**Legend HEM 1.3**

**Critical Areas**

- SlopeArea\_15percent
- NWI Wetlands

**Priority Habitat**

- PriorityHab\_phsregion\_sv

# Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

## HEM 1.4

### NOTICE OF APPLICATION

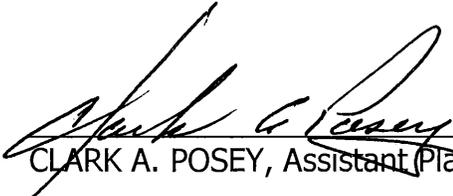
NOTICE IS HEREBY GIVEN that there has been proposed to the Benton County Planning Department, an application (File No. EA 2016-018/CUP 2016-007) received October 3, 2016 and submitted by Columbia Basin Developers LLC for a rock quarry to extract, crush and remove aggregate for private and commercial use. The date of the written determination of completeness on this action is October 7, 2016. The site is located in Kennewick, East of Olympia Street and North of Hwy 397 in Section 25, Township 8 North, Range 25, W.M.

The Benton County Planning Department will review said application and a public hearing will be scheduled at a later date and property owners within 300 feet of the boundaries of the project site will receive a public hearing notice. Said proposal will be reviewed under the requirements of the State Environmental Policy Act. The Benton County Planning Department expects to issue a Determination of Non-Significance (DNS) utilizing the optional DNS process set forth in WAC 197-11-355. A copy of the subsequent threshold determination for this proposal may be obtained from the Benton County Planning Department.

All concerned persons will have fourteen (14) days from the date of publication of this notice to comment in writing on this action. This comment period may be the only opportunity to comment on the environmental impacts of this proposal. Comments and questions should be submitted to the Benton County Planning Department by mail to P.O. Box 910, Prosser, WA 99350.

Any information submitted to Benton County is subject to the public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

Signed at Prosser, Washington on this 10<sup>th</sup> day of October, 2016

  
CLARK A. POSEY, Assistant Planning Manager

PUBLISH ON: 10/13/16

# Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

## NOTICE OF OPEN RECORD HEARINGS

# HEM 1.5

**NOTICE IS HEREBY GIVEN** that the following applications have been proposed to the Benton County Hearings Examiner, Benton County, Washington.

**CUP 2016-007/EA 2016-018** - The applicants are requesting permission to surface mine 34 of 563 acres for 1.5 million cubic yards of crushed aggregate. The site is located in Kennewick, East of Olympia Street and North of Hwy 397 in Section 25, Township 8 North, Range 25, W.M. Parcel Number: 1-2589-100-0002-003. Applicants: Columbia Basin Developers, LLC

**CUP 2016-006/EA 2016-014** - The applicant is requesting a Conditional Use Permit for the construction of a concrete batch plant, office, aggregate processing, and rock storage as well as a future shop and truck scales on approximately 37 acres in the Hedges Industrial Site. The site is located at 225939 East Hedges Road in Section 14, Township 8 North, Range 30, W.M. Applicant: Rocking River, LLC

**NOTICE IS FURTHER GIVEN** that said applications have been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A Determination of Non-Significance for EA 2016-014 was issued on October 12, 2016 and the Determination of Non-Significance for EA 2016-018 was issued on November 2, 2016. Comments regarding the determinations and the environmental impacts of the proposals can be made to the planning department by November 21, 2016.

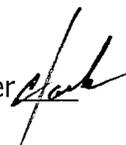
**NOTICE IS GIVEN** that said applications will be considered by the Benton County Hearings Examiner at public hearings on Monday, November 21, 2016 at 10:00 a.m. in the Planning Annex Hearing Room, 1002 Dudley Avenue, Prosser WA 99350. All concerned persons may appear and present any support for or objections to the applications or provide written testimony to the Hearings Examiner in care of the Planning Department prior to the hearings. More information concerning these actions can be obtained by contacting Clark A. Posey, Assistant Planning Manager at the Benton County Planning Department, 1002 Dudley Avenue, P.O. Box 910, Prosser, WA 99350 or by calling (509) 736-3086 or (509) 786-5612. Any information submitted to Benton County is subject to the public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public. It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department by 8:30 a.m. the morning of the hearing to confirm that the hearing will be conducted as scheduled.

It is Benton County's policy that no qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of its services, programs, or activities or be subjected to discrimination. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please download and submit the Accommodation Request Form 48 hours prior to the date of the meeting. The form is located on the Benton County website which is [www.co.benton.wa.us](http://www.co.benton.wa.us) under the Personnel Department or contact the Benton County Planning Department at the numbers noted above for assistance.

Dated this 4<sup>th</sup> day of November, 2016

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

CLARK A. POSEY, Assistant Planning Manager  
Benton County Planning Department



PUBLISH: November 9, 2016

# HEM 1.6

## DETERMINATION OF NONSIGNIFICANCE

**Description of proposal:** Request permission to surface mine 34 of 563 acres for 1.5 million cubic yards of crushed aggregate.

**Proponent:** Columbia Basin Developers, LLC  
2312 S Ely Street  
Kennewick, WA 99337

**File Number:** EA 2016-018

**Location:** The site is located in Kennewick, East of Olympia Street and North of Hwy 397 in Section 25, Township 8 North, Range 25, W.M. Parcel Number: 1-2589-100-0002-003.

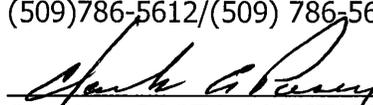
**Lead agency:** BENTON COUNTY

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

### THERE IS NO COMMENT PERIOD FOR THIS DNS DETERMINATION

Responsible Official: Clark A. Posey  
Position/Title: Assistant Planning Manager  
Address: P.O. Box 910, Prosser WA 99350  
Email: [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)  
Phone/Fax: (509)786-5612/(509) 786-5629

Date: November 2, 2016

  
CLARK A. POSEY, ASSISTANT PLANNING MANAGER

### THERE IS NO AGENCY APPEAL

#### DISTRIBUTION:

Applicant	Department of Transportation
News Media	Washington State Department of Health
Benton County Building Department	Department of Ecology (Olympia)
Dept. of Natural Resources (Olympia)	Department of Ecology (Yakima)
Dept. of Natural Resources (Ellensburg)	Fire District #1
Benton Clean Air Authority	Benton County Fire Marshal
Bureau of Reclamation	Bureau of Land Management
Benton County Roads Department	Washington Department of Fish and Wildlife
Benton Franklin Health District	Dept. of Archaeology & Historic Preservation
Kennewick Irrigation District	Futurewise
City of Kennewick	

8

**Benton County Fire Marshal's  
Review of Proposed Planning Applications**

**TO: BC Planning Department**

**HEM 1.7**

**CUP 16-07**

**Date Received 10-7-16 Date Returned 10-11-16**

**Comments:**

The applicant is requesting permission to surface mine 34 of 563 acres for 1.5 million cubic yards of crushed aggregate. The site is located East of Olympia Street and North of HWY 397 in Kennewick in Section 25, Township 8 North, Range 29 East, W.M.

**Fire Marshal's Comments: None**

8

**April Brown**

---

**From:** Chad Brooks <brooksc@bentonpud.org>  
**Sent:** Tuesday, October 11, 2016 9:04 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review letter for CUP 2016-007

**HEM 1.8**

No comments at this time

Chad Brooks  
Distribution Design Tech I  
Benton PUD  
Email: [brooksc@bentonpud.org](mailto:brooksc@bentonpud.org)  
Main # (509)582-2175  
Direct # (509)582-1233

---

**From:** Planning Department [<mailto:Planning.Department@co.benton.wa.us>]  
**Sent:** Friday, October 07, 2016 4:21 PM  
**To:** Jeff Liner; Benton-Franklin Health District; City of Kennewick-Greg.McCormick; City of Kennewick; Kennewick Irrig. Dist.-Seth Defoe; Kennewick Irrigation District - Ben Woodard; Fire District #1-Billie ; Fire District #1-Staff; Dale Wilson; Ken Williams; Michelle Johnson; Rod Worthington; Steve Brown; Tomi Chalk; Troy Taylor; Chad Brooks; Roxanne Weller; Bob Roe; David Smith; Jeff Vosahlo; Rick Sunford; Mike Irving  
**Subject:** Agency Review letter for CUP 2016-007

Attached is a copy of a Conditional Use Permit application with attachments and maps. The applicant is requesting permission to surface mine 34 of 563 acres for 1.5 million cubic yards of crushed aggregate. The site is located East of Olympia Street and North of HWY 397 in Kennewick in Section 25, Township 8 North, Range 29 East, W.M.

Parcel #: 1-2589-100-0002-003  
Applicant: Columbia Basin Developers, LLC

PLEASE SUBMIT YOUR COMMENTS BELOW OR TO THE FOLLOWING EMAIL ADDRESS:  
[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) or you may contact Clark Posey, Assistant Planning Manager directly at 509-786-5612 or by email at [clark.posey@co.benton.wa.us](mailto:clark.posey@co.benton.wa.us)

PLEASE SUBMIT COMMENTS WITHIN SEVEN DAYS OF THE ABOVE NOTED DATE, THANK YOU.

**Benton County Planning Department**

PO Box 910  
Prosser WA 99350  
509-786-5612 or 509-736-3086  
Fax: 509-786-5629

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

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Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.



HEM 1.9

October 10, 2016

RECEIVED

OCT 14 2016

Clark A. Posey, Senior Planner  
Benton County Planning and Building Department  
P. O. Box 910  
Prosser, WA 99350

Benton County  
Planning Department

RE: CUP 2016-007  
Parcel #: 1-2589-100-0002-003  
Applicant: Columbia Basin Developers, LLC

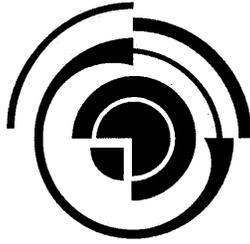
Dear Mr. Posey:

This office has reviewed the above referenced proposal and has no objections provided:

- 1) The business is served by an approved public water supply in accordance with WAC 246-290.
- 2) The business is served by an on-site sewage disposal system that is permitted, installed and approved in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2 for the intended use.
- 3) The on-site sewage disposal system and drainfield replacement area are protected against having vehicles driving over it or parking on it.

Sincerely,

JoDee A. Peyton, R.S.  
Environmental Health Specialist II



**HEM 1.10**

**Telquist Ziobro McMillen Clare**

Attorneys at Law

**RECEIVED**

October 19, 2016

OCT 24 2016

Denton County  
Planning Department

Mr. Clark Posey  
Asst. Planning Manager  
P.O. Box 910  
Prosser, WA 99350

Re: Notice of Application – EA 2016-018/CUP Space 2016-007

Dear Clark:

I am writing you on behalf of the Johanna K. Colby Limited Partnership related to the above-referenced application. The Johanna K. Colby Limited Partnership owns, among other parcels, Parcel No. 123893000002002. My clients wish to comment as follows:

1. There is no objection so long as access is solely limited to access off U.S. 397 where labeled existing access road.
2. You will notice from your aerial map a dirt road from Olympia Street to the site. I am attaching the following recorded easements, (1) Auditor's File No.'s 92-8577, Vol 558 page 1551-52 and (2) 92-10672, 559 pages 2556-57. The conveyance language in document 92-10672 is "use as a driveway to be burdened no more than two single family residences . . ." The conveyance language in document 92-8577 is "for the purpose of assisting Mehlenbacher to have access to property . . ."

My clients believe their family granted the easement for a limited residential use as opposed to commercial trucking of extracted rock and aggregate.

Based on the above, my clients request an express provision which prohibits the use of the easement for any activities related to the rock quarry.

---

**George E. Telquist • John S. Ziobro • Robert G. McMillen • Andrea J. Clare**

**Richard D. Whaley • Jillian A. Cook • Nickolas J. Ward • Allen R. Benson**

1321 Columbia Park Trail • Richland, WA 99352

(509) 737-8500 • Toll Free (877) 789-LAW1 • Fax (509) 737-9500

www.tzmlaw.com

Mr. Clark Posey  
October 19, 2016  
Page - 2

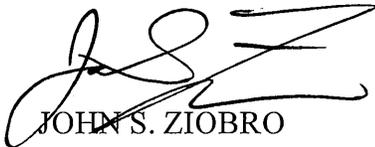
More generally, my clients would object to an asphalt plant based upon impacts associated with odor if it is contemplated as part of the quarry.

So long as these two issues are addressed with appropriate conditions of approval, my client do not oppose to the conditional use permit.

I am requesting that you provide me a copy of any future notices related to a hearing date and any reply by the applicant, along with the notices that would otherwise be owed to my client.

Very truly yours,

TELQUIST ZIOBRO McMILLEN CLARE, PLLC



JOHN S. ZIOBRO

JSZ/kf

cc: Sally McMillen  
Joan Bell

---

**George E. Telquist • John S. Ziobro • Robert G. McMillen • Andrea J. Clare  
Richard D. Whaley • Jillian A. Cook • Nickolas J. Ward • Allen R. Benson**

1321 Columbia Park Trail • Richland, WA 99352

(509) 737-8500 • Toll Free (877) 789-LAW1 • Fax (509) 737-9500

[www.tzmlaw.com](http://www.tzmlaw.com)

Return to:  
Quentin Mehlenbacher  
1424 Martindale Rd  
Pasco, WA 99301

VOL. 558 PAGE 1551  
92- 8577

OFFICIAL RECORDS

FILED BY

APR 20 11 58 AM '92

BOBBIE GAGNER  
BENTON COUNTY, AUDITOR

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

For a valuable consideration the undersigned, JOHANNA K. COLBY, also known as Johanna Austin, a married woman dealing with her separate property, does hereby grant unto QUENTIN MEHLENBACHER and DORIS MEHLENBACHER an easement for purpose of ingress and egress over that portion of the Southeast quarter of Section 23, Township 8 North, Range 29 E.W.M., more particularly described as follows:

The West 60 feet of the East 713.4 feet of the Southeast quarter of said section 23 lying Southerly of Owens Road. All in Benton County, Washington.

It is understood that this easement is for the purpose of assisting Mehlenbacher to have access to property owned by Mehlenbacher described as:

All of Section 25, Township 8 North, Range 29 E.W.M., Benton County, Washington, lying Southerly of the Kennewick Irrigation District canal, AND the North 60 feet of the East 713.4 feet of the Northeast quarter of Section 26, Township 8 North, Range 29 E.W.M. in Benton County, Washington.

It is understood that all surveying, engineering and construction work of whatever kind necessary to improve such easement for securing and providing such access will be solely and exclusively at the expense of Mehlenbacher.

It is further acknowledged that such easement as is granted from Colby (Austin) to Mehlenbacher by this instrument

EXCISE TAX NOT REQUIRED  
BENTON COUNTY EXCISE TAX DIVISION  
BY Still H-20-92 DEPUTY

OFFICIAL RECORDS

is also available for the use of Kennewick Public Hospital District for providing access to property of Kennewick Public Hospital District in Section 26 of said Township 8 North Range 29 E.W.M.

This easement is intended to be a burden upon the land of the grantor and a benefit for the land of the grantee and it is intended to run with the land for the benefit and burden of the respective heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF this instrument was signed this 17<sup>th</sup> day of MARCH, 1992.

*Johanna K. Colby*  
Johanna K. Colby also known as  
Johanna Austin

STATE OF WASHINGTON )  
                  BENTON ) ss  
County of ~~Franklin~~ )

I certify that I know or have satisfactory evidence that JOHANNA K. COLBY, also known as Johanna Austin, signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 17<sup>th</sup> day of MARCH, 1992.



*Joan M. Slagle*  
Notary Public in and for the State  
of Washington, residing at ~~PASCO~~ KENNEWICK  
My appointment expires:



CITY OF KENNEWICK  
RESOLUTION NO. 92-25

A RESOLUTION AUTHORIZING THE SALE OF AN ACCESS EASEMENT  
TO QUENTIN AND DORIS MEHLENBACHER

WHEREAS, the City of Kennewick is the owner of certain property located near South Olympia Street and 53rd Avenue which was previously used as the site for a municipal garbage dump, and

WHEREAS, Quentin and Doris Mehlenbacher have purchased property lying east of this site and acrossed which they desire to maintain a driveway to their premises for two residential structures, and

WHEREAS, the maintenance of such a driveway will not materially interfere with the present or future anticipated use of this property by the City or the public, NOW, THEREFORE,

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, that the Mayor and City Clerk are authorized to sign an Easement Deed for driveway along property-legally described as:

The north 60 feet of the east 653.4 feet of Section 26, Township 8 North, Range 29 East, W.M.; and a portion of the southeast quarter of Section 23 described as follows: Beginning at the southeast section corner of Section 23, thence west along the south section line 568.4 feet to the True Point of Beginning; thence west along the south section line 85 feet; thence north along a line parallel to the east section line of Section 23, 85 feet; thence southeasterly on a straight line to the True Point of Beginning,

in a form substantially the same as the Easement Deed annexed hereto. The said deed shall not be delivered until the consideration has been deposited with the City Treasurer.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 21st day of April, 1992, and signed in authentication of its passage this 21st day of April, 1992.

Attest:

R. B. Quay  
R. B. QUAY, Mayor

M. A. Price  
M. A. PRICE, City Clerk

RESOLUTION NO. 92-25 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington, this 22nd day of April, 1992.

Approved as to Form:

William L. Cameron  
WILLIAM L. CAMERON  
City Attorney

M. A. Price  
M. A. PRICE, City Clerk



HEM 1.11

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 24, 2016

Clark Posey  
Benton County Planning  
PO Box 910  
Prosser, WA 99350

RECEIVED

OCT 26 2016

Re: EA 2016-018, CUP 2016-007

Benton County  
Planning Department

Dear Mr. Posey:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Columbia Basin Developers Quarry. We have reviewed the documents and have the following comments.

**WATER QUALITY - Sand and Gravel Operations**

**Site Permit Application and 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, 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.

**Sand and Gravel Permit Portable Facilities Coverage.** Owners or operators of *portable* facilities that crush, manufacture ready-mix concrete or concrete blocks/bricks, or manufacture asphalt/tar paving mixtures and blocks must 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 paving, or concrete ready-mix. This permit for portable facilities does not provide permit coverage for excavating or digging.

**Permit applications are at <http://www.ecy.wa.gov/programs/wq/sand/permit.html>.**

The proponent may download the application form and instructions for **site** coverage by clicking "Application for Coverage." For portable facilities coverage click "Application for Coverage – NEW Portables." If the proponent does not have internet access, the proponent may call **Cindy Huwe** at (509) 457-7105 for application materials. It can take **up to 45 days** to issue the permit for a portable crusher or concrete/asphalt batch plant and much longer to issue a site permit.

Sincerely,

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