

**EXHIBIT LIST FOR CUP 2018-003
Central Washington Asphalt, LLC**

			DATE
Hearing Examiner Application Exhibit List			
HER 1	HER 1.1	Application and supporting documents	April 4, 2018
Includes:	HER 1.2	SEPA Checklist	April 4, 2018
	HER 1.3		
	HER 1.4		
Hearings Examiner Staff Memo Exhibit List - May 21, 2018			
HEM 1	HEM 1.1	Staff Memo	May 14, 2018
Includes:	HEM 1.2	Site and vicinity maps	April 26, 2018
	HEM 1.3	Notice of Application	April 13, 2018
	HEM 1.4	Comments from Department of Natural Resources	April 20, 2018
	HEM 1.5	Comments from Benton Clean Air Agency	April 20, 2018
	HEM 1.6	Comments from Department of Transportation	April 23, 2018
	HEM 1.7	Comments from Benton County Fire Marshal	April 23, 2018
	HEM 1.8	Comments from Benton County Public Works Department	May 1, 2018
	HEM 1.9	Comments from Washington Department of Fish and Wildlife	May 1, 2018
	HEM 1.10	Comments from Washington Department of Ecology	May 4, 2018
	HEM 1.11	Determination of Non-Significance	May 8, 2018
	HEM 1.12	Notice of Open Record Hearings	May 9, 2018
	HEM 1.13		
Hearings Examiner Staff Hearing Exhibit List - May 21, 2018			
HEH 1	HEH 1.1		
Includes:	HEH 1.2		
	HEH 1.3		
Hearings Examiner Staff Continued Hearing Memo Exhibit List - May 21, 2018			
HECH 2	HECH 2.1		
Includes:	HECH 2.2		
	HECH 2.3		
	HECH 2.4		
	HECH 2.5		

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**

Planning Department
P.O. Box 910
1002 Dudley Avenue
Prosser, WA 99350



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planning.department@co.benton.wa.us
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STAFF REPORT TO HEARINGS EXAMINER

HEM 1.1

MEMO DATE: May 14, 2018
HEARING DATE: MAY 21, 2018
TO: BENTON COUNTY HEARINGS EXAMINER
FROM: CLARK POSEY
ASSISTANT PLANNING MANAGER _____
BENTON COUNTY PLANNING DEPARTMENT
RE: CONDITIONAL USE PERMIT - CUP 2018-003
APPLICANT: CENTRAL WASHINGTON ASPHALT, INC.
P.O. BOX 939
MOSES LAKE, WA. 98837
OWNER: A.G. EDWARDS
16 S. UNDERWOOD STREET
KENNEWICK, WA 99336

I. BACKGROUND INFORMATION

SPECIFIC REQUEST

The applicant is seeking a Conditional Use Permit under BCC 11.34.050(b) which allows a Commercial Sand and Gravel rock quarry to operate in the GMA Agricultural zoning district. The CUP would allow the applicant to excavate, drill, crush and process rock products with the use of a portable rock crusher along with a portable asphalt batch plant. This permit will allow the applicant to also process and store aggregate products on site and sell rock for commercial sales off-site. Phase 1 will be on the north side of E. Locust Grove Road Phase 2 will be on the south side of E. Locust Grove Road on the same parcel of land for a total of 50 acres.

PROJECT CHRONOLOGY

The Conditional Use Permit application was submitted to the Planning Department on April 4, 2018 and was determined to be a complete application on April 11, 2018 at which time a letter of completion was sent to the applicant. The Conditional Use application was sent out for Agency Review on April 20, 2018. The Notice of Application for this CUP was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on April 6, 2018 and the Notice of Open Record Hearing was published on May 11, 2018 in the Tri-City Herald. The Open Record Hearing is scheduled for May 21, 2018.

SITE DESCRIPTION

The subject property is on S. Locust Grove Road Kennewick, WA 99338 this project will utilize 50.0 acres within a 628.69-acre parcel in the West one/half of the Northeast Quarter of Section 35, Township 8 North, Range 28 East, W.M. Parcel Number: 1-3588-100-0002-000. Steep Slopes have been identified on the site between the range of 15% to 39%, with some areas having slopes of 40% or greater.

SURROUNDING ZONING & LAND USE

The subject property being requested for the CUP is 50.0 acres within the GMA-AG Zoning District on both sides of E. Locust Grove Road. The surrounding land uses include agricultural, rural residential, and pasture ground. The Comprehensive Plan designates the site as agricultural. The surrounding areas are zoned GMA-AG (Growth Management Act Agriculture).

The operation of a rock quarry for excavating, drilling, crushing and processing of rock products would not hinder or discourage the development of outright permitted uses on neighboring properties in the GMA-AG Zoning District as a result of the location, size, noise or dust of the proposed use.

STATE ENVIRONMENTAL POLICY ACT:

A SEPA Environmental checklist was submitted on April 14, 2018 and has been reviewed under the requirements of the State Environmental Policy Act and a Determination of Non-Significance was issued on May 10, 2018. The Environmental Checklist, the Determination of Non-Significance and the comments received from reviewing agencies are attached to this memorandum.

II. APPLICABLE DEVELOPMENT REGULATIONS

Benton County Code (BCC) 11.34.050 Uses Requiring a Conditional Use Permit. The following uses may be permitted on a single parcel of record within the Growth Management Act (GMA-AG) if a conditional use permit is issued by the Hearings Examiner after notice and a public hearing as provided by BCC 11.52.090.

- (e) Concrete plant.

Benton County Code 11.52.090(a) states "*Conditional Use/Special Permit General Standards.* 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."

III. DECISION CRITERIA

Benton County Code 11.52.090(d) states: "*Conditional Use/Special Permit—Permit Granted or Denied.* 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; and
 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.

IV. FINDINGS OF FACT

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

1. The applicant is Central Washington Asphalt, Inc. P.O. Box 939 Moses Lake, WA. 98837. The property owner is A.G. Edwards 16 S. Underwood Street. Kennewick, WA 99336.
2. The subject property is on S. Locust Grove Road Kennewick, WA 99338 this project will utilize 50.0 acres within a 628.69-acre parcel in the West one/half of the Northeast Quarter of Section 35, Township 8 North, Range 28 East, W.M. Parcel Number: 1-3588-100-0002-000. Steep Slopes have been identified on the site. Permit will contain two phases, Phase 1 would be located north of E Locust Road and Phase 2 will be south of E. Locust Road with the two phases totaling 50 acres.
3. The CUP would allow the applicant to excavate, drill, crush and process rock products with the use of a portable rock crusher along with the above operation applicant is requesting installation of a portable asphalt batch plant. This permit will allow the applicant to also process and store aggregate products on site and sell rock for commercial sales off-site. The subject property is zoned GMA-AG. The proposed use is consistent with the GMA-AG designation within the Benton County Code 11.34.
4. The applicant requests the hours of operation be Monday through Friday 24 hours a day. The applicant has requested approval for the placement of one 4x8 sign in conjunction with the business.
5. The application for CUP 2018-003 was submitted to Benton County on April 4, 2018 and a complete letter for EA 2018-008 and CUP 2018-003 was sent on April 11, 2018.
6. The notice for the Open Record Hearing for application CUP 2018-003 was published on May 9, 2018 in the Tri-City Herald. The Notice of Application was published on April 18, 2018 and mailed to property owners of record within 300 feet of the outer boundaries of the parcel on April 17, 2018. The Open Record Hearing is scheduled for May 21, 2018.
7. A Determination of Non-Significance was issued for EA 2018-008/CUP 2018-003 on May 8, 2018.
8. Washington State Department of Transportation Commented that

- a. The subject project is adjacent to Locust Grove Road Interchange on Interstate 82 (I-82 Exit 114, a fully-controlled limited access facility with a posted speed limit of 70 miles per hour. Locust Grove Road transitions to State Route 397 (SR 397) through the Interchange, SR 397 is a managed access class two highway with a posted speed of 40 miles per hour transitioning to 60 miles per hour after a quarter mile. Access to I-82 and SR 397 is available through Locust Grove Road.
 - b. All loads transported on WSDOT rights-of-way must be within the legal size and load limits or have a valid oversized and/or overweight permit.
 - c. It is the applicant's responsibility to keep and maintain the road from the quarry pit to I-82 & 397 free of debris being transported from the quarry site.
9. State of Washington Department of Fish and Wildlife submitted the following comments,
 - a. The proposed quarry site is adjacent to PHS shrub-steppe habitat which is also a Benton County Critical Area.
 - b. Based on the information in the SEPA check\list, the proposed action will occur only within a 50-acre site identified as dryland wheat.
 - c. They are generally supportive of the proposed action provided it occurs within the area identified in the SEPA as the 50 areas of dryland wheat.
10. Benton Clean Air Agency commented that for operation of a rock crusher or possibly a concrete and asphalt batch plant that under Washington Administrative Code (WAC) 173-400-110 New source review for sources and portable sources, including the operations described may require:
 - (2) Approval requirements.
 - 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.
11. The Benton County Road Department had the following comments,
 - a. The site is currently served by Edwards Road a County operated and maintained roadway. Edwards Road begins at Locust Grove Road and extends 914 feet south to the project site, and continues south 4,555 ft to the end of the County road right of way. The first 389 feet of Edwards Road is paved from its intersection with Locust Grove Road. The remaining is an unpaved gravel roadway
 - b. The unpaved portion of Edwards Road is insufficient to support the traffic that will be generated by this proposal. The applicant will be required to improve the unpaved portion of Edwards Road, beginning at the end of the existing pavement to the intersection of the southernmost access road to the quarry, to current Benton County Standards for the paved roadway. The applicable standard is R-1. Work shall be done in accordance with the Washington State Department of Transportation Standard Specifications. Plans for the road improvements shall be prepared by a professional engineer licensed to practice in the State of Washington.
 - c. Additionally the applicant will be required to obtain a road approach permit and construct the approach to applicable County Standards prior to being open for

business. The design of the approach should take into consideration the type of traffic generated by the proposal (i.e. predominately heavy loaded trucks).

12. Washington State Department of Natural Resources had the following comment that Per RCW 78.44 a surface mining reclamation permit is required for this project. Central Washington Asphalt Inc, will need to submit the application to the Department of Natural Resources surface mine reclamation program prior to creating a disturbed area larger than 3 acres or 30ft in depth from the original ground surface. According to their environmental checklist they will exceed these thresholds. Contact Person Bryan Massey, Surface Mine Specialist. Olympia, WA (360) 688-0724
13. The Washington State Department of Ecology submitted the following comments

Air Quality

- a. While an air permit for the pit site is not required, installation and operation of any new or modified air pollutant source requires a preconstruction air quality permit, unless otherwise exempted. [Washington Administrative Code 173-400-1 10] Such air pollution sources include rock crushers, asphalt plants, and concrete batch plants. For additional information regarding air permit applicability and/or process, please contact Ryan Vicente, at 509-454-7899. Quarries, and asphalt/concrete recycling facilities must apply for site permit coverage under the Sand and Gravel General Permit.

Water Quality

- b. This will be a new sand and gravel site. The proponent should implement BMPs to keep industrial storm water on site and out of seasonal drainages/gullies.
- c. 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
- d. 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. To apply for the permit, the proponent must submit an application electronically using Ecology's Water Quality Permitting Portal unless the applicant applies for and receives an Electronic Reporting Waiver from Ecology. The proponent may call Cindy Huwe at (509) 457-7105 for application materials.
- e. 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 storm water pollution prevention plans.
- f. 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

14. Benton Franklin Health District commented that they have not received any applications from the applicants regarding their plans for septic systems or public drinking water sources as no buildings are being proposed for this project.

V. SUGGESTED CONDITIONS OF APPROVAL

If the Hearings Examiner decides to approve Conditional Use Permit File number CUP 2018-003 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. 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 2018-003 is in effect.
4. If structures are built for employees the applicant must comply with all Benton Franklin Health District requirements while Conditional Use Permit - CUP 2018-003 is in effect and provide proof of such compliance to the Planning Department.
5. 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 2018-003 is in effect.
6. That the applicant complies with all Washington Department of Ecology requirements listed in their comment letter of May 4, 2018 and provide proof of such compliance to the Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2018-003 is in effect.
7. That the applicant complies with the Benton PUD requirements regarding easements for all primary underground or overhead line extensions and provide proof of such compliance to the Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2018-003 is in effect.
8. Applicant complies with all the requirements of the Benton Clean Air Authority in the operation of the rock quarry, portable rock crusher, and the possible addition of an

asphalt batch plant

9. The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Road Department, Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, 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 2018-003 is in effect.
10. Any lighting to be used on-site must be shielded in a downward direction. Furthermore, accessories will be added where appropriate to shield glare from neighboring properties all together (i.e. House side shields and louvers will be used to block direct view of the luminous LEDs from specific viewing points, namely, behind the fixture). Other accessories, such as visors and lensing will be used to reduce glare and contribute to visual comfort where appropriate. Finally, pole heights will be selected based on location to balance the requirements of efficiently distributed light on the target area against the management of controlling direct glare and light trespass". The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2018-003 is in effect.
11. Conditions of this permit may be altered, added or deleted by the Hearings Examiner when deciding on the approval of this permit, after conclusion of the public hearing.
12. 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.

BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE PERMIT APPLICATION

FILE NO. CUP 2018-003
See also EA 2018-008



1. Applicant's Name Central Washington Asphalt, Inc.

Address PO Box 939 Moses Lake, WA 98837

Phone Number (509) 765-5757

2. Owners Name A G Edwards Inc.

Address 16 S Underwood St. Kennewick, WA 99336

Phone Number (509) 582-5326

3. Parcel Number or Legal description of property for which permit is for:
135881000002000

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.)

gravel pit/mining and asphalt batch plant (portable).

6. The property will be served by:

Water Kennewick Fire Hydrant Sewer N/A

Power Benton PUD Natural Gas N/A

Telephone N/A Irrigation N/A

7. Total Acres of property 628.69 Zoning Classification Property Use 83

Comprehensive Plan Designation GMA Ag.

8. Describe existing structures and/or uses currently existing on your property such as well, septic, residential dwelling, garage, etc:

Grain Silo's, Dry land farming, Small mining & aggregate crushing

9. Describe existing structures and present land uses in the surrounding area of your property.

Dry land farming

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
- 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. 1 4'x8'
- I. State the number of vehicles marked to identify the business to be stored on site.

3

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

Applicant or Legal Owner: Central Washington Asphalt, Inc.

By: Pamp M. Maiers, President
(print name) (Title)

Signature: , President
(Signature) (Title)

The above signed officer of Central Washington Asphalt, Inc. warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit Central Washington Asphalt, Inc. 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.

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.

NOTE: THE CONDITIONAL USE PERMIT APPLICATION FEE OF \$630.00 and THE \$300.00 APPLICATION 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	<u>Slopes 15-39% Some 40% to</u> on <u>4/25/2018</u>
Application approved for processing by	<u>Mark Perry</u> on <u>4/25/2018</u>
Zoning	<u>GMK-AG</u> Comp Plan Designation <u>AG</u>

CENTRAL WASHINGTON ASPHALT, INC.

PO BOX 939
MOSES LAKE, WASHINGTON 98837
(509) 765-5757 (phone) / (509) 765-8052 (fax)



April 4, 2018

Project: Edwards Quarry

1. The total acreage of the parcel is 628.69 acres of which we intend to mine 50 acres in the northeast corner of the parcel.

Phase 1 of the mining would begin on the westerly side of the 50 acre parcel and north of the gravel road that runs east and west through the 50 acre area. It is anticipated to take 4 years to mine out Phase 1 at which time we will move to the second phase.

Phase 2 will also begin on the west side and move east. The phases and direction are shown in attachment B.

The type of materials to be produced will primarily be road bases and in the future possibly HMA Aggregate. Please see attachment B for stockpile locations.

2. We expect to occupy the 50 acre area for ten years. Crushing operations will be done with a portable crusher. It is planned to bring the crusher in once a year for approximately two months. The hours of operation would be 24 hours a day, the majority of WSDOT, even city projects are primarily done at night.
3. Dust control will be accomplished by water truck along with sprayers on the crusher.
4. Peak truck traffic is estimated to be approximately 50 loads per day at peak operating times. The primary haul points would be Locust Grove Road to US 395.

5. Portable scales will be used onsite. The scales will be remotely operated. See (Attachment B)
6. There are no structures planned to be constructed at this time.

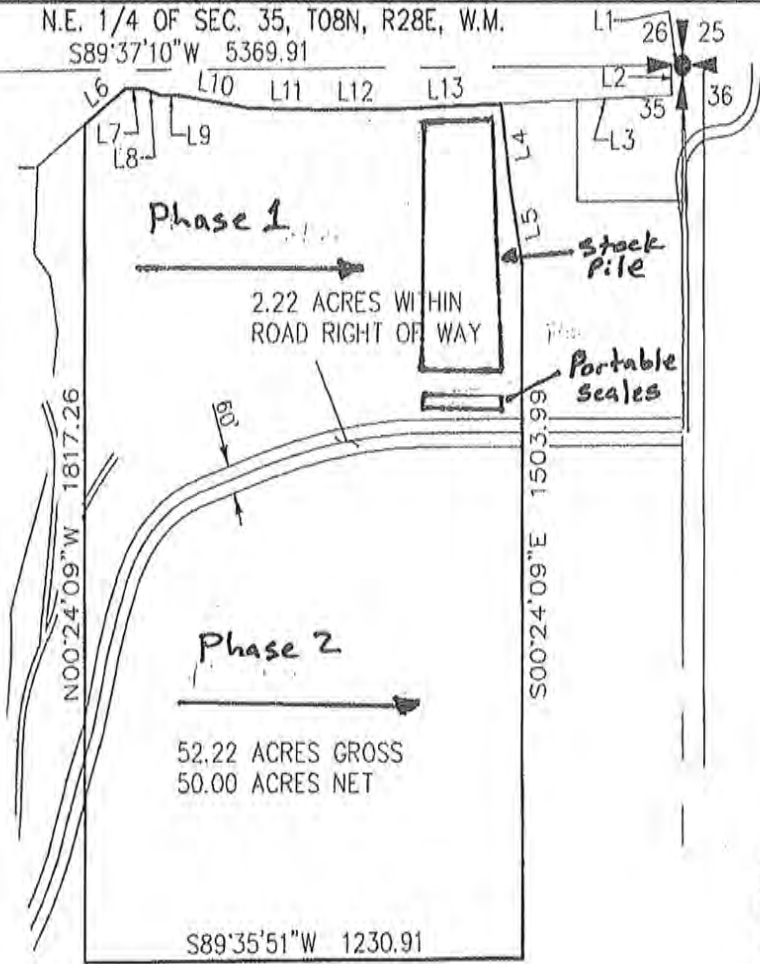
Attachment B

EXHIBIT A



N.E. 1/4 OF SEC. 35, T08N, R28E, W.M.
S89°37'10"W 5369.91

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	S89°37'10"W
L2	65.00	S00°24'07"E
L3	477.78	S87°47'56"W
L4	190.97	S08°23'21"E
L5	164.55	S11°02'21"E
L6	139.08	N55°24'13"E
L7	50.00	N89°37'10"E
L8	52.20	S73°40'53"E
L9	50.00	N89°37'10"E
L10	202.24	S81°50'59"E
L11	200.06	S88°56'54"E
L12	200.00	N89°37'10"E
L13	309.14	N87°47'56"E



SCALE 1" = 400'

SKETCH FOR
CWA



**STRATTON SURVEYING
& MAPPING, PC**

313 NORTH WOODRUM STREET
KENNESAW, WA 99156
(509) 735-7364
FAX: (509) 735-6560
stratton@strattonsurvey.com

5404SK1A.DWG

© 2018

DATE: 01/16/2018

SHT. 1 OF 1

DRAWN BY: AAD

JOB # 5404



STRATTON SURVEYING MAPPING, PC

313 NORTH MORAIN STREET

KENNEWICK, WA 99336

PHONE: (509) 735-7364

FAX: (509) 735-6560

E-MAIL: stratton@strattonsurvey.com

DATE: January 16, 2018
DRAWING: 5404SK1.DWG
QUARRY SITE



DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF ABOVE SAID SECTION;
THENCE SOUTH 89°37'10" WEST ALONG THE NORTH LINE OF SAID SECTION 30.00 FEET; THENCE SOUTH 00°24'07" EAST 65.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF A ROAD KNOWN AS LOCUST GROVE;
THENCE 87°47'56" WEST ALONG SAID SOUTHERLY RIGHT OF WAY 477.78 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 08°23'21" EAST 190.97 FEET; THENCE SOUTH 11°02'21" EAST 164.55 FEET; THENCE SOUTH 00°24'09" EAST 1503.99 FEET; THENCE SOUTH 89°35'51" WEST 1230.91 FEET; THENCE NORTH 00°24'09" WEST 1817.26 FEET TO A POINT ON SAID RIGHT OF WAY; THENCE NORTH 55°24'13" EAST ALONG SAID RIGHT OF WAY 139.08 FEET; THENCE NORTH 89°37'10" EAST ALONG SAID RIGHT OF WAY 50.00 FEET; THENCE SOUTH 73°40'53" EAST ALONG SAID RIGHT OF WAY 52.20 FEET; THENCE NORTH 89°37'10" EAST ALONG SAID RIGHT OF WAY 50.00 FEET; THENCE SOUTH 81°50'59" EAST ALONG SAID RIGHT OF WAY 202.24 FEET; THENCE SOUTH 88°56'54" EAST ALONG SAID RIGHT OF WAY 200.06 FEET; THENCE NORTH 89°37'10" EAST ALONG SAID RIGHT OF WAY 200.00 FEET; THENCE NORTH 87°47'56" EAST ALONG SAID RIGHT OF WAY 309.14 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT COUNTY ROAD RIGHT OF WAY.

TOGETHER WITH AND SUBJECT TO EASEMENTS,
RESERVATIONS, COVENANTS AND RESTRICTIONS
OF RECORD

SEE EXHIBIT A



RECEIVED
 APR 4 2018
 Benton Co. Planning Dept.



EXHIBIT A 27 26
 34 35

LINE TABLE		BEARING
L1	30.00	S89°37'10"W
L2	65.00	S00°24'07"E
L3	477.78	S87°47'56"W
L4	190.97	S08°23'21"E
L5	164.55	S11°02'21"E
L6	139.08	N55°24'13"E
L7	50.00	N89°37'10"E
L8	52.20	S73°40'53"E
L9	50.00	N89°37'10"E
L10	202.24	S81°50'59"E
L11	200.06	S88°56'54"E
L12	200.00	N89°37'10"E
L13	309.14	N87°47'56"E

SKETCH FOR
CWA


STRATTON SURVEYING & MAPPING, PC
313 NORTH MORRIS STREET
 KENNEBEC, WA 99336
 (509) 735-7354
 FAX: (509) 735-6560
 stratton@strattonsurvey.com

5404SK1A.DWG	© 2018
DATE: 01/16/2018	SHT. 1 OF 1
DRAWN BY: AAD	JOB # 5404



COPY

AGREEMENT TO REMOVE ROCK PRODUCTS

This agreement made by and between, A.G. Edwards Inc., hereafter, "Lessor" and Central Washington Asphalt, Inc., hereafter "Lessee" (collectively, the "Parties") (the "Agreement").

SECTION 1 – MATERIAL SOLD

Lessor, in and for the consideration and upon the terms, conditions, and provisions herein, does hereby grant, sell, and convey to Lessee the exclusive right to remove and sell rock products and soil, (hereafter "Materials") from the following described land in Benton County, Washington, legally described as follows:

Approximately 50 acres in the North East Quadrant of Benton County Parcel No. 1358881000002000, as detailed by the attached map from Stratton Surveying Mapping, PC. (hereafter "Property").

SECTION 2 - TERM

2.01 Term. Except as otherwise provided herein, the Agreement shall commence upon receipt of all applicable permits by Central Washington Asphalt, Inc., and shall continue for a term of 10 years. To clarify, this Agreement shall have no binding effect unless and until Lessee obtains all permits required for Lessee to use the Property in accordance with this Agreement. Upon obtaining all required permits, Lessee shall provide written notice to Lessor that the permits have been obtained. Upon Lessor's receipt of said notice, the Agreement term shall commence (the "Commencement Date").

2.02 Extension. Extensions of this Agreement term may be granted upon the same terms and conditions set forth in this Agreement, but subject the following added conditions:

1. In the judgement of the Lessor, Lessee is acting in good faith and is endeavoring to remove Materials from the Property.
2. A written request for the extension of the Agreement period must be received ninety (90) days prior to the expiration date of the Agreement.
3. Royalty amount per ton shall be adjusted to reflect the increase or decrease of the Producer Price Index (PPI) for Construction Sand and Gravel (SIC1442) from the Commencement date to the Extension date.
4. In no event shall this Agreement be extended for more than ten (10) years beyond the original term.

2.03 Termination. Lessee shall have the right to terminate this Agreement upon sixty (60) days advance written notice to Lessor. Upon termination, all right, title and interest of Lessee shall terminate. Lessee shall remain liable for all obligations accruing prior to termination, including without limitation, all required site cleanup and restoration of the Property in accordance with any permit or applicable federal, state or local law, regulation or ordinance.

SECTION 3 - RIGHT OF ENTRY

3.01 Right of Entry. So long as Lessee is not in default, Lessee shall have the right to enter on to the property during the term of this Agreement to remove the Materials subject to Section 12 of this Agreement and any restrictions specified in any permit or applicable federal, state or local law, regulation or ordinance.

3.02 Machinery and Equipment. Lessee shall have the right to use any portion of the property for the purpose of erecting any and all portable equipment, it may need to mine, process and remove the Materials.

3.03 Improvements. Lessor may erect or place improvements on the property that are necessary for normal business operations.

SECTION 4 – PAYMENT

4.01 One-time Payment. Lessee shall pay Lessor \$50,000.00 (in cash or cash equivalent) upon completion of the permitting process. This amount shall be treated as an advance on royalty payments (defined below), such that the first \$50,000.00 of royalty fees earned during the term of this Agreement will not be paid by Lessee to Lessor. All royalty fees earned during the term of this Agreement in excess of this advance shall be paid by Lessee to Lessor as set forth below.

4.02 Royalty. Lessee shall pay to Lessor, as royalty, \$0.50 ("Royalty") for each short ton (2,000 pounds - hereafter "Unit") of Material to be removed during the term of this Agreement.

1. Royalty Adjustment. During the initial term, and any extension of the Agreement term, the royalty payable shall be adjusted as described in this paragraph. On the second (2nd) anniversary of the Commencement Date, and every (2) years thereafter (the "adjustment date"), the royalty shall be adjusted to an amount equal to the product obtained by multiplying the current royalty rate, by the fraction, the denominator of which is the monthly data for the month of January 2018 from the Producers Index for sand and gravel for the west region as published by the Bureau of Labor Statistics of the United States Department of Labor, (hereinafter "PPI-CSG-west"), and the numerator of which is the PPI-CSG-west for the period ending the anniversary date for which the adjusted royalty payment is being calculated; provided however, that in the event the period designated above shall not be listed in the Index, the closest period, or month if the reporting data is monthly, preceding August will be used; and provided that royalty shall not decrease as a result of a calculation set forth in this section. In the event the calculated increase in royalty set forth above is less than 2%, then the Parties agree that the royalty shall be increased by 2%.

4.03 Annual Minimum. Notwithstanding the foregoing, beginning on the 2nd anniversary of the Commencement Date, and every year thereafter (including any extension periods), Lessee shall

pay Lessor an annual minimum royalty of \$20,000.00. Lessor shall still be entitled to payment for any royalties earned in excess of \$20,000.00. Additionally, these minimum payments are independent of, and shall not be diminished by any amount still counted as an advance on royalties under paragraph 4.01 above.

4.04 Payment. The number of Units of Material removed, shall be determined by state certified scale, provided by the Lessee. Sequentially numbered scale tickets will be furnished by the Lessee, upon request, and shall include but not be limited to the following information: date, time, tons of gross weight, tons of net weight (net of truck weight), name of driver, truck number, company, and the declaration of material. Lessee shall pay Lessor no later than the 15th of every month following month's material is removed from the premises.

4.05 Reports. Lessee shall keep an accurate record and account of all material removed. Lessee shall forward to Lessor monthly itemized statements (Reports) showing the quantity of Material removed the preceding month. The Reports shall be forwarded to the Lessor by the fifteenth (15th) day of each month together with the payments.

4.06 Interest. Lessee shall pay interest at the rate of one percent (1 %) per month on all sums owing under the terms of this Agreement commencing ten (10) days after the date such payments are due and payable until paid. In the even Lessor pays any sum or incurs any expense which Lessee is obligated to pay hereunder, or which is made on behalf of Lessee, Lessor shall be entitled to receive reimbursement thereof from Lessee upon demand, together with interest from the date of expenditure at the rate stated above.

SECTION 5 – RESTRICTIONS ON USE

5.01 Permits and Conformance with the Laws:

1. Lessee shall obtain all permits, including licenses, permissions, consents, and approvals to be obtained from governmental agencies or third parties in connection with this Agreement, including construction of any improvements, changes, alterations, additions, repairs, or maintenance to the Property at the sole cost and expense of Lessee. Copies of such permits, licenses, permissions, consents, and approvals shall be supplied to Lessor upon demand.
2. Lessee shall conform to all applicable laws, regulations, permits, orders or requirements of any public authority affecting the Property and the use thereof and shall correct at Lessee's own cost and expense and failure of compliance created through the Lessee's fault or by reason of the Lessee's use. In no event shall Lessee undertake or suffer an activity to be conducted upon the Property which constitutes a nuisance which is a threat to the health or welfare of the general public.
3. Lessee shall cause all work on the Property and all business conducted thereon during the Term to be performed in accordance with all applicable laws and all directions and regulations of all governmental agencies and the representatives of such agencies having jurisdiction. Lessor shall have access to the Property at all reasonable times to determine secure compliance with the Agreement

5.02 Hazardous, Toxic or Harmful Substances.

1. Lessor shall not keep in, or about the Property, any substances now or hereinafter designated as or containing components now or hereinafter designated as hazardous, toxic, dangerous, or harmful and/or which are subject to regulation as hazardous, toxic, dangerous or harmful by any federal, state or local law, regulations, statute or ordinance (hereinafter collectively referred to as "Hazardous Substances) unless such are necessary to perform the Agreement and unless Lessor fully complies with all federal, state and local laws, regulations, statutes, and ordinances, no in existence or as subsequently enacted or amended.

SECTION 6 – INSURANCE, BONDS, ASSESSMENTS, AND INDEMNITY

6.01 Insurance Requirements.

1. **Evidence of Insurance.** Lessee must furnish evidence of insurance in the form of a Certificate of Insurance satisfactory to the Lessor, executed by a duly authorized representative of each insurer showing compliance with the insurance requirements set forth below. The Certificate of Insurance must reference Lessor. Before implementing this Agreement, Lessee must provide proof of coverage.

2. **Additional Requirements.**

- a. All policies must name Lessor, as an additional insured.
- b. All insurance policies must provide liability coverage on an occurrence basis unless otherwise specified in this Agreement.
- c. Policies must be issued by an insurer admitted and licensed by the Insurance Commissioner to do business in the State of Washington.

3. **Minimum Coverage Requirements.**

a. **Commercial General Liability (CGL) Insurance.** Lessee must purchase and maintain CGL on an Insurance Services Office (ISO) form CG 00 01 or equivalent form, covering liability arising from Property, operations, independent contractors, personal injury, and liability assumed under an insured contract. Such insurance must be provided on an occurrence basis. Insurance must include coverage with limits not less than those specified below:

Description of Coverage Requirement

Each Occurrence Limit \$3,000,000

b. **Business Auto Policy (BAP) Insurance** (required for all Agreements). The Lessee must purchase and maintain a BAP on an ISO form CA 00 01 or equivalent form. The Description of Covered Autos must include one or more of the following:

"Any Auto" (Symbol 1) "Hired Autos Only" (Symbol 8), "Non-owned Autos" (Symbol 9).

Such Insurance must be provided on an occurrence basis. The SAP insurance must include liability and physical damage coverage with limits not less than those specified below. The Lessee is responsible for any deductible.

Description	Each Accident
Bodily Injured and Property Damage	\$ 1,000,000

c. Worker's Compensation and Employer's Liability Insurance. The Lessee must purchase and maintain insurance covering obligations imposed by Federal and State statutes having jurisdiction if its employees in the performance of work, including Employer's Liability Insurance. Evidence of "Qualified Self-Insurance Status" will suffice to meet the requirements of this section.

		Each Employee	Policy Limit
Description	By Accident	By Disease	By Disease
Bodily Injury	\$1,000,000	\$1,000,000	\$1,000,000

6.02 Indemnity. The Lessee agrees to indemnify, defend, and save harmless the Lessor, its employees, officer, and agents from any and all liability, damage, expense (including attorney fees), cause of action, suit, claim, or judgment, by any reason whatsoever caused, arising out of the past, present and future use, occupation, or control of the Property by Lessee, Lessee's subcontractors, invitees, agents, employees, licenses, or permittees. Lessee's obligation to indemnify, defend and save harmless, shall not be eliminated or reduced by any alleged concurrent negligence of the Lessor or its agencies, employees, and offices.

SECTION 7 – DEVELOPMENT AND RECLAMATION

7.01 Site Protection. Lessee shall conduct its operations in a manner that provides soil stability, protects water resources, avoids damage to the Property or adjacent property, efficiently removes Material, facilitates reestablishment of vegetative cover, and ensures that site appearance will be consistent with Lessor's standards and Lessor's intended subsequent use of the Property.

a. Lessee shall be responsible for any property site maintenance and repair and all costs of Lessee's operations. Lessor shall have no obligation to maintain or repair any improvement on the property, including any road, fence, utility or other improvements.

SECTION 8 – REPRESENTATIONS AND WARRANTIES

8.01 Condition of Property and Liability. Lessee has had the opportunity to inspect the Property and enters into this Agreement in reliance on Lessee's own examination and not by reason of any representation by the Lessor. The Property has been inspected the Lessee and its accepted in present condition. This agreement is contingent on compliance with State Environmental Policy Act (SEPA) and all laws and regulations. Lessor makes no warranty, claim or representation as to the profitability or viability of the Contracts as an ongoing business or

operational concern, including the need for any SEPA, other environmental review of Lessee's operational concern, or the ability to obtain any required permits. Lessee is advised to undertake a full, complete, and independent analysis sufficient to satisfy Lessee of all aspects for viability or profitability of the contemplated continuation of the Agreement, including the necessity for SEPA or other environmental review of the Lessee's operations. No reliance shall be placed on any opinion, material, or information provided by or through the Lessor, and Lessee does so only as its sole risk, cost and expense.

8.02 Materials. The Lessor does not warrant any of the following:

- a. The merchantability of the Material. The use of term "Merchantable" elsewhere in this Agreement is not intended to vary the foregoing.
- b. The condition of the Material. The Material is conveyed "as is, with all faults".
- c. The volume, quality, or gradation of the Material. The descriptions of the Material conveyed in this Agreement are estimates only, made for the sole purpose of identification.
- d. The correctness of any soil or surface conditions and pre-sale construction appraisals, investigations, and all other pre-bid documents prepared by and for the State.
- e. Items which extend beyond the description of the face of this Agreement.

8.03 Lessee's Authority. Persons executing this Agreement on behalf of the Lessee certify, represent, and warrant that they are authorized to do so and represent and warrant that this Agreement is a legal, valid and binding obligation on behalf of Lessee, enforceable in accordance with its terms.

8.04 Lessor's Authority. This agreement is entered into by Lessor pursuant to the authority granted by statute and the Constitution of the State of Washington. The terms and conditions hereof are subject of such statutory and constitutional provisions as may be now in effect and such provisions which do not impair the contractual rights of Lessee under the Agreement which may lawfully enacted subsequent to the date of this Agreement.

SECTION 9 – SUBLEASES AND ASSIGNMENTS

9.01 Assignment/Subcontract. Lessee shall not hypothecate, mortgage, assign, subcontract, encumber, transfer, or otherwise alienate this Agreement or any interest therein or engage in any other transaction which has the effect of delegating responsibilities or transferring or affecting the right of enjoyment of the Property without the prior written approval of the Lessor which shall be at the sole discretion of the Lessor.

SECTION 10 - DEFAULTS AND REMEDIES

10.01 Default. Should the Lessee violate or default on any of the covenants and provisions contained herein, Lessor may terminate this Agreement provided that the Lessee has been notified of the violation or default and such violation or default has not been corrected within thirty (30) days of monetary or within ninety (90) days if non-monetary. Upon such termination, the Lessor shall have the right to take control of all Materials remaining on the Property which shall be

deemed abandoned and at Lessor's option to recover all damages and costs arising out of the breach of this Agreement.

10.02 Lessee Liens. Lessee shall not suffer or permit any lien to be filed against the Lessor's interest in the Property, or improvement thereon, by reason of work, labor, services or materials performed thereon or supplied to, by or through the Lessee. If any such lien is filed, Lessee shall cause the same to be discharged of record with thirty (30) days after the date of filing or creation of such lien unless other arrangements are authorized in writing by the Lessor in advance. Lessee shall indemnify and defend the Lessor for any costs, damages or expenses (including attorneys' fees and courts' costs) incurred as a result of such liens or in obtaining their discharge whether such costs, damages or expenses were incurred prior or subsequent to Agreement termination or cancellation.

10.03 Lessor's Right to Cure Defaults. If Lessee fails to perform and is in default of any undertaking or promise contained herein, including those set forth in any Plan of Development or required permit documentation, the Lessor shall have the option, but is not obligated, to make such performance after giving thirty (30) days written notice to the Lessee. The lessor's costs and expense to correct Lessee's failure to perform shall be reimbursed by Lessee and shall be immediately due and payable, together with interest accruing from the date such cost and expense is incurred.

10.04 Remedies Cumulative. The specified remedies to which the Lessor may resort under the terms of this Agreement are cumulative and are not intended to be exclusive of any other remedies of means of redress to which Lessor may lawfully be entitled in case of any breach or threatened breach by Lessee of any provision of this Agreement.

10.05 Force Majeure. The Lessee's failure to comply with any of the obligations under this Agreement shall be excused only if due to causes beyond Lessee's control and without the fault or negligence of the Lessee, including acts of God, acts of the public enemy, fires, floods, epidemics and strikes, and governmental regulatory action not arising from Lessee's failure to comply with this Agreement.

SECTION 11 – GENERAL PROVISIONS

11.01 No Partnership. The Lessor is not a partner, nor a joint venture, with the Lessee in connection with the activities conducted and business carried on under this Agreement, and the Lessor shall have no obligation with respect to the Lessee's debts or other liabilities.

11.02 Time of Essence. Time is expressly declared to be of the essence of this Agreement, and each and every covenant of Lessee's hereunder. In the event time for performance falls on any state or national holiday or weekend, performance shall be deemed timely rendered on the next business day.

11.03 Amendments. Any amendments, revisions, supplements, or additions to this Agreement or the attached exhibits shall be made in writing executed by the parties hereto, and neither Lessor nor Lessee shall be bound by verbal or implied agreements. Such changes may be made be re-

execution of the signature page and the deletion and additional of the appropriate new effective pages or exhibits governing the change, if any.

11.04 Entire Agreement. This written Agreement, including all exhibits, or its successor or replacement, contains the entire agreement of the parties hereto with respect to the matters covered hereby, and no other agreement, statement or promise made by any party hereto, or to any employee, officer or agent or any party hereto, which is not contained herein, shall be binding or valid.

11.05 Invalidity. If any term or provision of the Agreement or the application thereof to any person or circumstance shall to any extent prove to be invalid, unenforceable, void or illegal, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced as written to the fullest extent permitted by law.

11.06 Survival. All obligations of Lessee to be performed prior to the expiration or earlier termination shall not cease upon the termination or expiration of this Agreement and shall continue until fully performed. All clauses of this Agreement which are intended to be operative beyond the termination or expiration date shall survive the termination date of this Agreement. However, upon expiration or earlier termination of this Agreement, the rights of Lessee and of all persons, firms, corporations, and entities claiming under Lessee in and to the Property and all improvements, hereon, unless specified otherwise in this Agreement, shall cease.

11.07 Notices. Notices required under this Agreement shall be in writing and shall be personally served or given by certified mail. Such notice by mail shall be deemed to have been served when seventy-two (72) hours have elapsed from the time such notice was deposited in the mail, certified and postage prepaid, addressed to the party below. Any address changes shall be promptly given in writing to the other party.

Lessor:

AG Edwards, Inc.

AG Edwards Inc.
by Ron Edwards Pres
Ron Edwards

Lessee:

Central Washington Asphalt, Inc.
PO Box 939
Moses Lake, WA 98837

11.08 Waiver. Waiver by Lessor of any reach of any term, covenant, or condition herein shall not be deemed a waiver of such term, covenant or condition, or any subsequent breach of the

same, or any other them, covenant or condition herein. Lessor shall be deemed to have waived a right herein only if it does so in writing.

11.09 Attorney's Fees. Should any party to this Agreement need to enforce or defend its rights or obligations arising under this Agreement, the prevailing party shall be entitled to costs and reasonable attorney's fees, including those fees incurred in collection of any judgment. Venue for resolving disputes shall be in Benton County Superior Court.

Lessee:

Lessor:

Central Washington Asphalt, Inc.

A.G. Edwards, Inc.


Signature

A.G. Edwards Inc.
by Ron Edwards Pres.
Signature

Pam M. MIERS, PRESIDENT
Print Name

Ron Edwards
Print Name

Date: *03/22/2018*

Date: *3/13/2018*

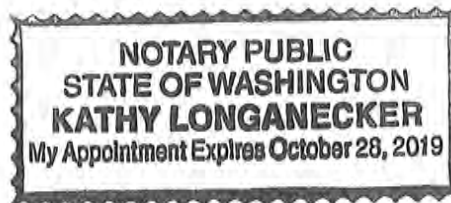
State of Washington

County of Benton

The foregoing instrument was acknowledged before me this

March 13, 2018 (date) by Ron Edwards (name of person acknowledged).


Notary Public



Printed Name: Kathy Longanecker

My Commission expires: October 28, 2019

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

HER 1.2

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: [[help](#)]

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: [[help](#)]

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

A. background [\[help\]](#)

1. Name of proposed project, if applicable: Edwards Quarry [\[help\]](#)

2. Name of applicant: [\[help\]](#)
Central Washington Asphalt, Inc.

3. Address and phone number of applicant and contact person: [\[help\]](#)

PO Box 939
Moses Lake, WA 98837
Darren Bender (509) 588-5242

4. Date checklist prepared: March 4, 2018 [\[help\]](#)

5. Agency requesting checklist: [\[help\]](#)

Benton County

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

Soon as permitting is completed

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

None

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

Reclamation Plan will be prepared in the future

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. [\[help\]](#)

No

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

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.)
[help]

Aggregate mixing Asphalt Production

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. [help]

Attachment in Permit file

B. ENVIRONMENTAL ELEMENTS [help]

1. Earth

a. General description of the site [help]

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

b. What is the steepest slope on the site (approximate percent slope)? [help]

12%

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. [help]

Dryland farm soil, silt and sand

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

None

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. [help]

Mining of 50 acre portion of land should produce approximately 7,000,000 C.Y.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

Possibility of erosion is small do to reclamation of already mined area's.

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

1%

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

Reclaim area's within a reasonable amount of time after they have been mined.

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. [\[help\]](#)

The use of water truck for dust control baghouse for Asphalt Production.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

None

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

3. Water

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

None

- 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. [\[help\]](#)

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. [\[help\]](#)

None

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

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. [\[help\]](#)

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. [\[help\]](#)

No

- 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. [\[help\]](#)

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. [\[help\]](#)

Storm waters would run toward the west to a gully

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

No

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

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

Reclamation of Site

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

- a. Check the types of vegetation found on the site: [\[help\]](#)

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? [\[help\]](#)

50 acres of dryland wheat

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

None

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: [\[help\]](#)

birds: hawk, heron, eagle, songbirds, other: None

mammals: deer, bear, elk, beaver, other: None

fish: bass, salmon, trout, herring, shellfish, other None

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

None

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

Not to our knowledge

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

Reclamation

e. List any invasive animal species known to be on or near the site.

None

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. [\[help\]](#)

Electricity

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

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: [\[help\]](#)

Remote Scales, no need for full time office onsite

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. [\[help\]](#)

No

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

None

- 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

- 3) 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 will be used in mining equipment.

- 4) Describe special emergency services that might be required.

Ambulance, Fire Department

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

None

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

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. [\[help\]](#)

Crushing Equipment, Asphalt Plant,, 24 hours

- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

All equipment will mostly be located in lower elevations of the site

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. [\[help\]](#)

Dryland Farming, there will be no effects on 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? [\[help\]](#)

Yes. Dryland Farming, the mined area will be converted to farmland when mining is completed.

- 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. [\[help\]](#)

None

d. Will any structures be demolished? If so, what? [\[help\]](#)

No

e. What is the current zoning classification of the site? [\[help\]](#)

83

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

No

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

This is a secondary site, the site will be used interminently

j. Approximately how many people would the completed project displace? [\[help\]](#)

None

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

None

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

Permitting Process

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Reclamation plan will show that the site is back to farmable land when done mining

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

N/A

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

N/A

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? [\[help\]](#)

30' Metal

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

None

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

None

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

None

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

None

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

None

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

None

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

None known

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

None

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 located on or near the site? If so, specifically describe. [\[help\]](#)

None

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. [\[help\]](#)

None

- 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. [\[help\]](#)

Historic Maps

- 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.

Reclaiming the site

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. [\[help\]](#)

Edwards Quarry to Locust Grove to US 395

- 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? [\[help\]](#)

No

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

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

No

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

No

- 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? [\[help\]](#)

Could add up to 50 Commercial truck trips in Summer months.

- 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: [help]

Efficiency, try to use truck and trailers if possible.

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. [help]

No

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

None

16. Utilities

- a. Circle utilities currently available at the site: [help]

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other

- 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. [help]

Rock crushing, Asphalt Production

C. Signature [HELP]

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

Signature: 

Name of signee Darren Bender

Position and Agency/Organization Operations Manager

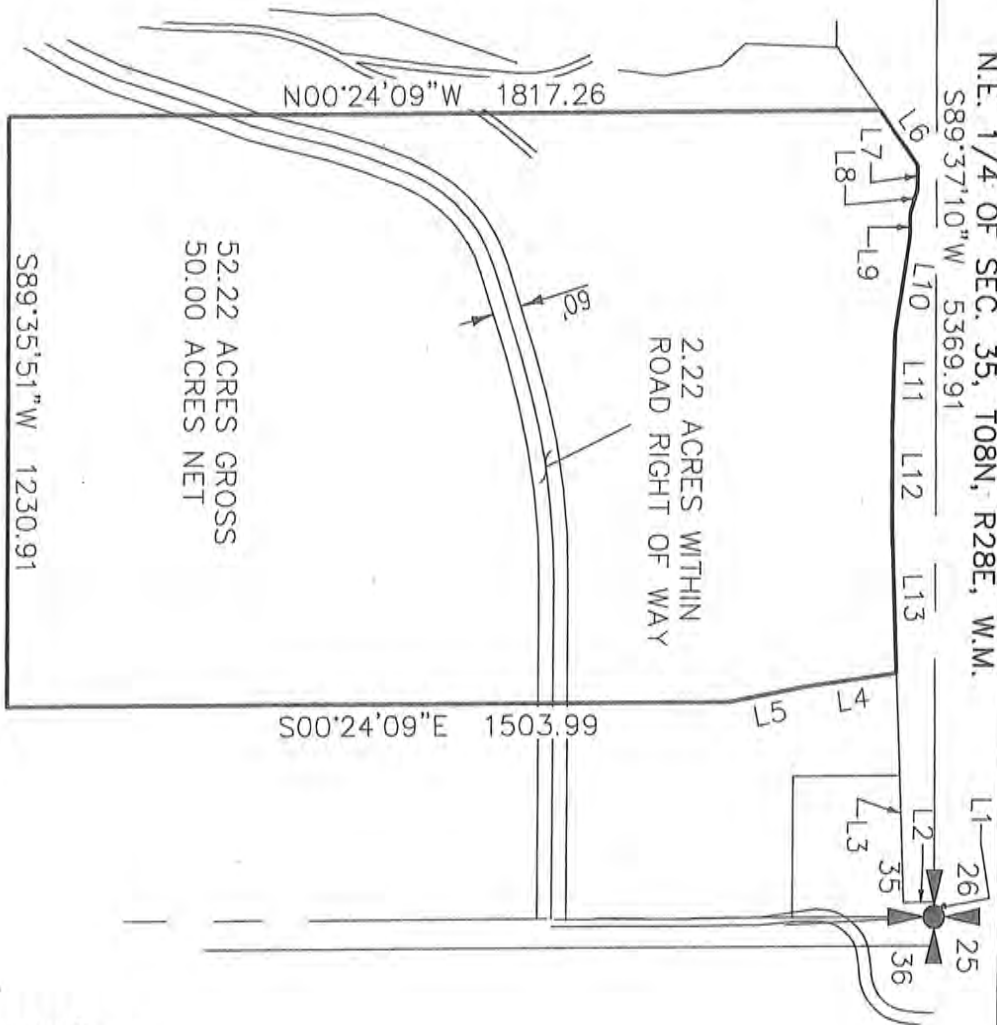
Date Submitted: 4-5-18

EXHIBIT A



N.E. 1/4 OF SEC. 35, T08N, R28E, W.M.

LINE	LENGTH	BEARING
L1	30.00	S89°37'10"W
L2	65.00	S00°24'07"E
L3	477.78	S87°47'56"W
L4	190.97	S08°23'21"E
L5	164.55	S11°02'21"E
L6	139.08	N55°24'13"E
L7	50.00	N89°37'10"E
L8	52.20	S73°40'53"E
L9	50.00	N89°37'10"E
L10	202.24	S81°50'59"E
L11	200.06	S88°56'54"E
L12	200.00	N89°37'10"E
L13	309.14	N87°47'56"E



52.22 ACRES GROSS
50.00 ACRES NET

SCALE 1" = 400'

SKETCH FOR

CWA



STRATTON SURVEYING & MAPPING, PC

313 NORTH MORGAN STREET
KENOSHA, WI 53142
TEL: (908) 735-4343
FAX: (908) 735-5580
stratton@strattonsurvey.com

5404SK1A.DWG

DATE: 01/16/2018

DRAWN BY: AAD

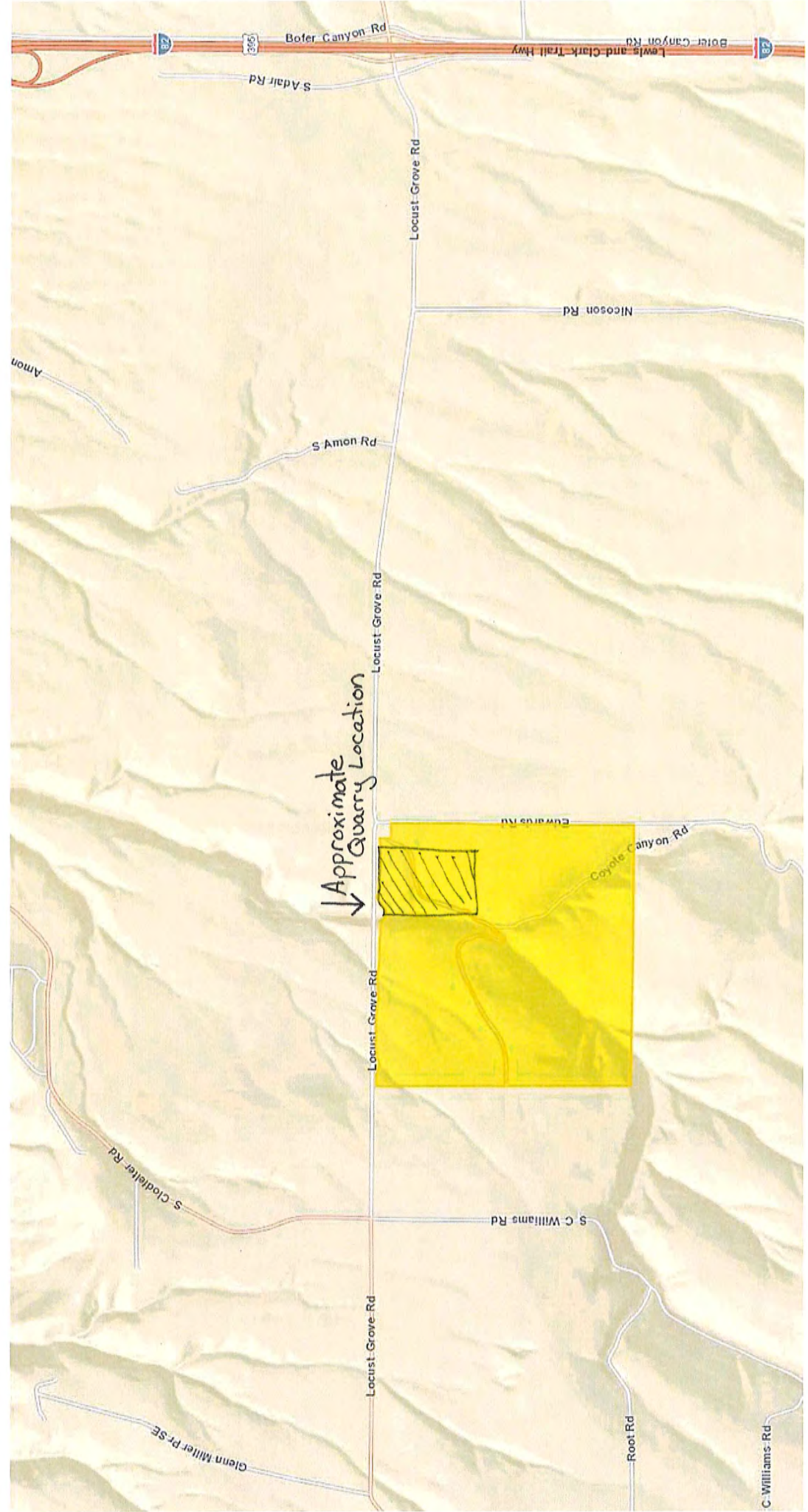
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SHT. 1 OF 1

JOB # 5404

Central Washington Asphalt, Inc
CUP 2018-003
EA 2018-008

HEM 1.2





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Show search results for 13588...



USDA FSA, DigitalGlobe, GeoEye, CNES/Airbus DS | State of Oregon GEO, Esri, HERE



0.2mi

-119.297 46.136 Degrees

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 APPLICATION

HEM 1.3

NOTICE IS HEREBY GIVEN that there has been proposed to the Benton County Planning Department, an application (File No. EA 2018-008/CUP 2018-003) received on April 4, 2018 and submitted by **Central Washington Asphalt, Inc.** to run a gravel pit/mining operation and a portable asphalt batch plant. The date of the written determination of completeness on this action is April 11, 2018. The site is located in the Northeast 1/4 of Section 35, Township 8, Range 28, 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 April 13, 2018



CLARK A. POSEY, Assistant Planning Manager

PUBLISH ON: April 18, 2018

2

Donna Hutchinson

HEM 1.4

From: Massey, Bryan (DNR) <Bryan.Massey@dnr.wa.gov>
Sent: Thursday, April 19, 2018 5:05 PM
To: Planning Department
Subject: RE: Notice of Application (EA 2018-008 - Central Washington Asphalt, Inc)

Benton County Planning,

Per RCW 78.44 a surface mine reclamation permit will be required for this project. Central Washington Asphalt, Inc will need to submit the application to the Department of Natural Resources Surface Mine Reclamation Program prior to creating a disturbed area larger than 3 acres or 30ft in depth from the original ground surface. According to their environment checklist they will exceed these thresholds. If possible please direct them to me for assistance.

Thank you,

Bryan Massey LG
Surface Mine Specialist
Surface Mine Reclamation Program
Washington Geological Survey
1111 Washington St
MS 47007
Olympia, WA 98504
Cell: 360-688-0724



From: SALZER, TARA (DNR)
Sent: Tuesday, April 17, 2018 12:24 PM
To: Massey, Bryan (DNR) <Bryan.Massey@dnr.wa.gov>; Gillum, Carrie (DNR) <Carrie.Gillum@dnr.wa.gov>
Subject: FW: Notice of Application (EA 2018-008 - Central Washington Asphalt, Inc)

Tara Salzer
Natural Resource Specialist
Washington Geological Survey
Department of Natural Resources

From: Planning Department [<mailto:Planning.Department@co.benton.wa.us>]
Sent: Tuesday, April 17, 2018 11:06 AM
To: WA Dept of Natural Resources - Linda Hazlett (linda.hazlett@dnr.wa.gov) <linda.hazlett@dnr.wa.gov>; DNR RE SEPACENTER <SEPACENTER@dnr.wa.gov>; SALZER, TARA (DNR) <TARA.SALZER@dnr.wa.gov>; Charles Smith <Charles.Smith@co.benton.wa.us>; Dawson, Rick (DOHi) <rickd@bfhd.wa.gov>; WA Dept of Transportation - TDM Coordinator <scplanning@wsdot.wa.gov>; Dept. of Archaeology and Historic Preservation-SEPA <dahp.separeview@dahp.wa.gov>; Dept. of Natural Resources Surface Mining - Bryan Garcia <bryan.garcia@dnr.wa.gov>; WA Dept. of Health - Mark Soltman <Mark.Soltman@DOH.WA.GOV>; Cooper, Kelly (DOH) <Kelly.Cooper@DOH.WA.GOV>; WA Dept. of Health - Christine Collins <christine.collins@doh.wa.gov>; ECY RE CRO SEPA COORDINATOR <crosepa@ecy.wa.gov>; White, Lori (ECY) <lowh461@ECY.WA.GOV>; WA Dept. of Ecology - Lori White (Business Fax) <IMCEAFAX-WA+20Dept+2E+20of+20Ecology+20+20Lori+20White+40+28509+29+20575-

2809@namprd09.prod.outlook.com>; ECY RE SEPA REGISTER <separegister@ecy.wa.gov>; Dept. of Ecology - Floodplain Management - Theodore Olson <TOLS461@ECY.WA.GOV>; Dept. of Ecology-SEPA Olympia - Peg Plummer <pplu461@ecy.wa.gov>; Bureau of Land Management - Spokane <OR Spokane Mail@blm.gov>; Fire District #1 - Billie <billie@bentonone.org>; Chief Lonnie Click - Fire District #1 <Lonnie@BentonOne.org>; Fire District # 1 - Scott <scott@bentonone.org>; Fire District #1 - Staff <staff@bentonone.org>; Futurewise - Roberta Lewandowski <Roberta@lewandowski.com>; Futurewise - Kitty Klitzke <Kitty@futurewise.org>; Futurewise - Tim Trohimovich <tim@futurewise.org>; Ken Williams <Ken.Williams@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Pam Mattheus <Pam.Mattheus@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Benton Clean Air Authority - Alex Sligar <alex.sligar@bentoncleanair.org>; Benton Clean Air Authority - Rob Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air Authority - Robin Priddy <robin.priddy@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Bertrand, Eric L (DFW) <Eric.Bertrand@dfw.wa.gov>; Teske, Mark S (DFW) <Mark.Teske@dfw.wa.gov>; Ritter, Michael W (DFW) <Michael.Ritter@dfw.wa.gov>; Bureau of Reclamation - C Helberg <chelberg@usbr.gov>; Bureau of Reclamation - Chuck Garner <cgarner@usbr.gov>; Bureau of Reclamation - McKinley <cmckinley@usbr.gov>; Bureau of Reclamation - Stephanie Utter <sutter@usbr.gov>
Subject: Notice of Application (EA 2018-008 - Central Washington Asphalt, Inc)

Attached please find a Notice of Application for a gravel pit/mining operation and a portable asphalt batch plant in Benton County.
Please have all comments back to our office no later than May 2, 2018. If you'll need more time to comment, please let us know as soon as possible.

Thank you!



April Brown,
Office Assistant III
Benton County Planning Department
PO Box 910 Prosser WA 99350
(509) 786-5612
[Website](#)

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.



BENTON CLEAN AIR AGENCY

April 20, 2018

Re: File No: **EA 2018-008**

Benton County Planning Dept.
P.O. Box 910
Prosser, WA 99350

Proponent:
Central Washington Asphalt, Inc.
P. O. Box 939
Moses Lake, WA 98837

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





South Central Region
 2809 Rudkin Road
 Union Gap, WA 98903-1640
 509-577-1600 / FAX 509-577-1603
 TTY 1-800-833-6388
 www.wsdot.wa.gov

April 19, 2018



Benton County Planning Department
 P.O. Box 910
 Prosser, WA 99350

Attention: Clark A. Posey, Assistant Planning Manager

Subject: EA 2018-008/CUP 2018-003 – Central Washington Asphalt, Inc.
 I-82 Exit 114 vicinity

We have reviewed the proposed project and have the following comments.

- The proposed project is in the vicinity of Interstate 82 (I-82) and State Route 397 (SR 397). I-82 is a fully controlled limited access facility with a posted speed limit of 70 miles per hour and SR 397 is a managed access Class 2 highway with a posted speed limit of 40 miles per hour. Access to I-82 and SR 397 is available via Locust Grove Road and the I-82 Exit 114 interchange.
- All loads transported on WSDOT rights-of-way must be within the legal size and load limits or have a valid oversize and/or overweight permit.
- It is the applicant’s responsibility to keep and maintain I-82 and SR 397 free of their debris.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact Jacob Prilucik at (509) 577-1635.

Sincerely,

Paul Gonseth, P.E.
 Planning Engineer

PG: jjp

cc: SR 82, file #
 Kara Shute, Area 3 Maintenance Superintendent

2

Donna Hutchinson

From: Ken Williams
Sent: Sunday, April 22, 2018 5:18 PM
To: Planning Department; Michelle Johnson
Subject: CUP2018-003 Central Washington Asphalt.docx
Attachments: CUP2018-003 Central Washington Asphalt.docx

No Requirements CUP2018-003 Central Washington Asphalt.docx



HEM 1.8

Benton County

TO: PLANNING DEPARTMENT

FROM: ROAD DEPARTMENT

DATE: APRIL 30, 2018

SUBJECT: EA 2018-008

CUP 2018-003

Public Works Department

Post Office Box 1001 - Courthouse

Prosser, Washington 99350-0954

Prosser: (509) 786-5611/Tri Cities: (509) 736-3084

Fax: (509) 786-5627

RECEIVED

MAY 1 2018

Benton Co. Planning Dept.

The Road Department has the following comments:

Item 14 A: The site is currently served by Edwards Road a County operated and maintained roadway. Edwards Road begins at Locust Grove Road and extends 914 feet south to the project site and continues south for 4,555 ft to the end of County right of way. The first 389 feet of Edwards Road is paved from its intersection with Locust Grove Road. The remaining is unpaved gravel roadway.

Item 14 D: The unpaved portion of Edwards Road is insufficient to support the traffic that will be generated by this proposal. The applicant will be required to improve the unpaved portion of Edwards Road, beginning at the end of existing pavement to the intersection of the southernmost access road to the quarry, to current Benton County standards for a paved roadway. The applicable standard is R-1. Work shall be done in accordance with the Washington State Department of Transportation Standard Specifications. Plans for the road improvements shall be prepared by a professional engineer licensed to practice in the State of Washington.

Additionally, the applicant will be required to obtain a road approach permit and construct the approach to applicable County standards prior to being open for business. The design of the approach should take into consideration the type of traffic generated by the proposal (i.e. predominately heavy loaded trucks).



State of Washington
Department of Fish and Wildlife
Habitat Program

2620 North Commercial Avenue, Pasco, WA 99301
Phone: (509) 543-3319, E-mail, Michael.Ritter@dfw.wa.gov



HEM 1.9

MWR-05-18

May 1, 2018

Clark Posey
Assistant Planning Manager
Benton County Planning Department
1002 Dudley Avenue
Prosser, WA 99350

SUBJECT: EA 2018-008/CUP 2018-003 Central Washington Asphalt, Edwards Quarry

Dear Mr. Posey,

Thank you for the opportunity to review and comment on the SEPA checklist for the above-referenced project.

The proposed quarry site is adjacent to PHS shrub-steppe habitat (see map) which is also Benton County Critical Area.

Based on the information in the SEPA checklist, the proposed action will occur only with a 50 acre site identified as dryland wheat

We are generally supportive of the proposed action provided it occurs within the area identified in the SEPA as 50 acres of dryland wheat.



Thank you for the opportunity to provide these comments. Please call (509-543-3319) or email (michael.ritter@dfw.wa.gov) with any questions.

Sincerely,

Michael Ritter

Michael Ritter
Habitat Biologist

2



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

May 2, 2018



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

Re: EA 2018-008, CUP 2018-003

Dear Mr. Posey:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the operation of a gravel pit/mining operation and a portable asphalt batch plant, proposed by Central Washington Asphalt Inc. We have reviewed the documents and have the following comments.

AIR QUALITY

While an air permit for the pit site is not required, installation and operation of any new or modified air pollutant source requires a preconstruction air quality permit, unless otherwise exempted. [Washington Administrative Code 173-400-110] Such air pollution sources include rock crushers, asphalt plants, and concrete batch plants. For additional information regarding air permit applicability and/or process, please contact Ryan Vicente, at 509-454-7899 or ryan.vicente@ecy.wa.gov.

WATER QUALITY

This will be a new sand and gravel site. The proponent should implement BMPs to keep industrial stormwater on site and out of seasonal drainages/gullies.

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.



Mr. Posey
May 2, 2018
Page 2

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://fortress.wa.gov/ecy/publications/summarypages/ecy07031.html> 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.

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

DETERMINATION OF NONSIGNIFICANCE

File Number: EA 2018-008

Description of proposal: run a gravel pit/mining operation and a portable asphalt batch plant.

Proponent: Central Washington Asphalt

Location: The site is located in the Northeast 1/4 of Section 35, Township 8, Range 28, W.M


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: Jerrod MacPherson
Position/Title: Benton County Planning Manager
Address: P.O. Box 910, Prosser WA 99350
Email: planning.department@co.benton.wa.us
Phone/Fax: (509)786-5612/(509) 786-5629

Date: 5/8/2018

Signature: 
Clark A. Posey, Assistant Planning Manager

THERE IS NO AGENCY APPEAL

DISTRIBUTION:

- Applicant
- News Media
- Benton County Building Department
- Department of Natural Resources (Olympia)
- Department of Natural Resources (Ellensburg)
- Benton Clean Air Authority
- Bureau of Reclamation
- Benton County Roads Department
- Benton Franklin Health District
- Futurewise

- Department of Transportation
- Washington State Department of Health
- Department of Ecology (Olympia)
- Department of Ecology (Yakima)
- Fire District # 1
- Benton County Fire Marshal
- Bureau of Land Management
- Washington State Department of Fish and Wildlife
- Department of Archaeology & Historic Preservation

Benton County Planning Department

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

HEM 1.12

NOTICE OF OPEN RECORD HEARINGS

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

CUP 2018-001 Applicant Matthew Mahany is proposing a business to service, install & deliver water softeners at 11108 Cottonwood Drive Kennewick in Section 10, Township 08 North, Range 28 East, W.M. The date of the written determination of completeness on this action is March 22, 2018.

CUP 2018-002 Applicants Lauriano Garcia & Jose Ramirez are proposing to run an event center for weddings, receptions and other special events with a small farm animal petting zoo area at 41807 S. Finley Road in Kennewick in Section 26, Township 08 North, Range 30 East, W.M. The date of the written determination of completeness on this action is April 11, 2018.

CUP 2018-003 (EA 2018-008) Applicant Central Washington Asphalt is proposing to run a commercial gravel pit/mining operation and a portable asphalt batch plant in the Northeast ¼ of Section 35, Township 8, Range 28 East, W.M. The date of the written determination of completeness on this action is April 11, 2018.

CUP 2018-004 (EA 2018-010) Applicant JMAC Resources, Inc. is proposing to run a top soil and basalt quarry for commercial mineral extraction at 39505 S Amon Road in Section 30, Township 8 North, Range 29 East, W.M. The date of the written determination of completeness on this action is March 16, 2018.

VAR 2018-001 The applicant, APC Services/Ira Hickman, is requesting a variance of 25' to the required 25' setback from the drainfield access easement on the west boundary line of lot 21, allowing a structure to be built abutting the easement. The date of the written determination of completeness on this action is April 30, 2018. The site is located in Section 5, Township 8 North, Range 28 East, W.M. and is legally described as The Ridge at Reata West Phase 4, Lot 21.

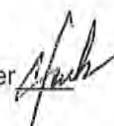
NOTICE IS GIVEN that said applications will be considered by the Benton County Hearings Examiner at the public hearings on Monday, May 21, 2018 at 10:00 a.m. in the Planning Annex Hearing Room, 1002 Dudley Avenue, Prosser WA 99350. All concerned persons may appear and present any support for or objections to the applications or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of 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) 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 Request for Reasonable Accommodation Form 48 hours prior to the date of the meeting. The form is located on the Benton County website (<https://tinyurl.com/RRAform>) or you may contact the Benton County Planning Department for assistance.

Dated this May 4, 2018

SUSAN E. DRUMMOND
Benton County Hearings Examiner

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



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