

June 9, 2009

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Kittitas County
CDS

Dan Valoff, Staff Planner
Kittitas County Community Development Services
411 North Ruby Street, Suite 2
Ellensburg, WA 98926

Re: Stampede Sand & Gravel Conditional Use Permit (CU 09-00002)

Dear Mr. Valoff:

The following comments on the above-numbered Conditional Use Permit application and SEPA checklist for the application are submitted in behalf of Brent and Heidi Sny. Mr. and Mrs. Sny reside at 2200 Wilson Creek Road, Ellensburg, Washington, 98926, and own residential recreational property near the proposed project site at 50 Roaring Creek Court, Easton, Washington, Parcel No. 105835.

The gravel mining operation conducted on Parcel No. 750236, the parcel for which the Conditional Use Permit is proposed, has been in operation since before adoption of the Kittitas County Zoning Code and, it appears, is not subject to any limitations or conditions with regard to dust, noise or traffic, and only subject to operational conditions, if any, imposed by the NPDES Sand and Gravel General Permit issued by the Washington State Department of Ecology ("DOE").

Because the gravel mining operation is conducted without any environmental controls or mitigating conditions, it is extremely important the SEPA Responsible Official identify, quantify, evaluate and mitigate the cumulative, adverse, significant environmental impacts which will result from the mining operations in conjunction with the proposed asphalt plant and concrete batch plant.

The above-numbered application is for a Conditional Use Permit for both an asphalt plant and concrete batch plant. Although concrete batch plants are not mentioned anywhere in the Kittitas County Zoning Code, previous interpretations and applications of the Code have determined concrete batch plants are similar to asphalt plants and may be permitted and conditioned in the same zones as asphalt plants.

The 5/26/09 "Notice of Application" issued by the Kittitas County Community Development Services ("CDS") states the application is for an asphalt plant but does not disclose the application is also for a Conditional Use Permit for a concrete batch plant. The Notice is,

therefore, inaccurate and inadequate. No action on the application, including the issuance of an Environmental Threshold Determination may be taken until CDS has issued an accurate and legally sufficient Notice of the application. All proceedings in this case must be suspended until an appropriate, complete, correct Notice is issued and the interested parties have had an opportunity to comment after being advised of the actual contents of the application.

Without waiving their objection to continued proceedings in this matter, Mr. and Mrs. Sny submit the following comments on the 4/23/09 SEPA Environmental Checklist ("EC") submitted for the above-entitled application. The comments are numbered by EC section.

Background:

A.8. Applicant indicates there is previously prepared environmental information for an "Original Sand & Gravel Permit". Applicant has a reclamation permit from DNR and an NPDES permit from DOE. There is no evidence of an existing Kittitas County Conditional Use Permit or any environmental review as part of an existing Conditional Use Permit, the Reclamation Permit or NPDES Permit.

Based on presently available information, the current sand and gravel operation is an "unpermitted use" which pre-dates the Kittitas County Zoning Code and for which no environmental review was conducted and no conditions or environmental mitigation have been imposed.

A.10. No mining or crushing permit is included with the application. As stated above, Mr. and Mrs. Sny believe no permit for the mining and crushing operations has been issued.

Environmental Elements:

1c. The EC indicates only sand and gravel are located on the site. The site obviously contains overburden which must be described by soil type and depth. The east portion of the parcel contains, or is adjacent to, the Yakima River. There may be wetland type soils associated with the creek which must be identified and fully delineated.

1e. Filling must be precluded from all wetlands associated with the stream. In addition, the EC indicates there will be off-site filling. The location, quantity and purpose of off-site filling must be stated and all filling of wetlands must be prohibited without an appropriate permit.

1f. It also appears at least forty percent (40%) of the proposed project site remains covered with trees and additional portions of the site contain vegetation capable of preventing erosion of soil. All additional clearing or soil disturbance for the proposed asphalt plant, concrete batch plant, generator and service roads for the proposed new facilities create the potential for erosion which must be described and mitigated.

2a. Existing DNR and DOE permits are unrelated to air quality. Applicant must disclose on the EC:

- (1) The nature and extent of current mining and crushing operations, and
- (2) Existing dust and noise control measures, if any, for current operations, and
- (3) Size, type and anticipated emissions from the proposed concrete batch plant and asphalt plant, and
- (4) Proposed mitigation measures for emissions from the new operations, and
- (5) Quantification of emissions which will be generated by additional equipment, including the proposed diesel generator, and additional traffic generated by the new operations, and
- (6) Cumulative air quality impacts from existing mining and crushing operations and the proposed new operations.

Adequate mitigation measures must be imposed to prevent cumulative, significant adverse environmental impacts from the cumulative, adverse effects of current and proposed operations.

2c. Applicant proposes use of a water truck to provide dust control. Applicant, however, fails to disclose the source of water for dust control. Applicant must establish the actual water source and have an approved Washington State water right for adequate water to control the cumulative, adverse dust impacts from current and proposed project operations.

3a.(4) Dust control on-site will require the use of surface or ground water. See, 2c above.

3a.(6) The proposed operations involve an increased probability of oil and chemical spills which may contaminate the Yakima River on the eastern portion of the project site. Appropriate measures must be taken to mitigate the potential for surface water contamination.

3b.(1) Dust control on-site will require the use of surface or ground water. See, 2c above.

3c.(1) The site is subject to snow melt and spring runoff interacting with and contaminated by petroleum and chemical products stored or spilled on the project site and potential flooding from the river in the eastern part of the site. Applicant must disclose all potential sources of contamination of ground and surface water from snow melt and runoff and adequate mitigation measures must be employed to prevent surface and ground water contamination. Spills of fuel, asphalt oil and concrete component would all enter the ground water if not properly controlled and contained.

3d. Applicant must be required to prepare and implement an appropriately engineered plan to control and retain on-site adverse surface, ground and runoff water impacts.

4a. The Yakima River flows adjacent to, and through, the eastern part of the project site. The EC indicates there are wet soil plants on the site and wetlands which must be protected. If wetlands are to be in any manner impacted, appropriate permits must be obtained from the Army Corps of Engineers.

5a. The Yakima River, which flows adjacent to, and through, the eastern part of the project site, contains populations of endangered species, bull trout, and a threatened species, steelhead. Adequate mitigation measures must be imposed on any manufacturing uses on the project site to insure there is no damage or injury to the threatened and endangered species and their habitat.

5c. The Stampede Pass area appears to include migration routes for deer, elk and other wildlife which will be adversely affected by noise and emissions from the proposed asphalt plant and concrete batch plant as well as the increased traffic generated by the proposed new operations. Appropriate operational restrictions must be imposed to mitigate the adverse, cumulative impacts on wildlife.

6a. The project will also result in increased consumption of fuel for the diesel generator and vehicles transporting finished product as well as additional consumption of oil for asphalt manufacture.

7a. The proposed asphalt plant, oil for asphalt production, diesel generator operation, and equipment operation which are stored on-site all create the potential for fires and explosions which are particularly dangerous in a forested, mountain area such as the proposed project site. Appropriate conditions must be imposed to eliminate the possibility of wild fires originating from or related to the project site.

7b.(2) The proposed new operations in conjunction with the existing mining and crushing operations will create substantial, adverse, cumulative noise impacts which must also be mitigated.

Applicant must disclose and provide adequate information to mitigate the noise impacts, including:

- (1) The nature and extent of noise generated by current mining and crushing operations.
- (2) Existing noise mitigation measures, if any.
- (3) The size, type and anticipated noise generation from the proposed concrete batch plant and asphalt batch plant.
- (4) Measures to mitigate additional noise generated by the new operations.

(5) Cumulative noise impacts from existing and proposed operations and methods to mitigate their impacts.

A formal and complete noise study/evaluation of the existing and proposed operations is required to provide the information necessary to appropriately mitigate noise impacts.

The noise impacts which must be considered include, but are not limited to, impacts on wildlife, dispersed recreational uses in the area, and recreational residential uses in the area.

All noise mitigation conditions must include appropriate limitations on days and hours of operation.

7b.(3) When adequate information is obtained, appropriate measures to adequately mitigate noise impacts must be imposed as conditions of granting any Conditional Use Permit.

8h. Applicant acknowledges a portion of the project site is classified as an environmentally sensitive area. The environmentally sensitive area must be identified and properly protected if a Conditional Use Permit is granted.

10. Applicant needs to disclose the height and aesthetic impacts of the asphalt batch plant and concrete batch plant on dispersed recreational uses and recreational residential uses in the area, including but not limited to the aesthetic impacts to anticipated recreational and other users of the roads in the project area.

12. The SEPA Responsible Official needs to consider, determine and mitigate the impacts of the proposed new operations, including but not limited to, air quality impacts, noise impacts and traffic impacts on year-around recreational activities in the area including, without limitation, hiking, skiing, camping and berry picking. The SEPA Responsible Official also needs to consider and mitigate impacts on recreational residential use located within less than one (1) mile of the project site.

14f. Applicant must estimate the additional trips generated and types of vehicles used for additional trips. Access to the project site will be over Stampede Pass Road, including a restricted load bridge. The road and bridge also provide access for the dispersed recreational uses and recreational residences in the Stampede Pass basin and along Lake Keechelus.

The same access road will be used by DOT for transporting and disposing of material excavated from Lake Keechelus as part of the I-90 improvement project.

Dan Valoff, Staff Planner

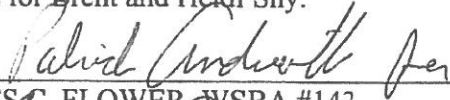
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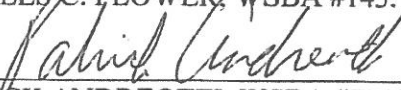
A traffic study is required to determine the cumulative impacts from the above-described traffic uses and traffic which would be generated by the proposed new uses on the project site so appropriate mitigation measures can be determined and implemented.

Sincerely,

FLOWER & ANDREOTTI,
Attorneys for Brent and Heidi Sny.



CHARLES C. FLOWER, WSBA #143.



PATRICK ANDREOTTI, WSBA #7243.