

From: [Shawn Hebert](#)
To: [Jeremiah Cromie](#)
Subject: VA-23-00003 Sparks Park Variance
Date: Monday, May 8, 2023 11:46:51 PM

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May 8, 2023

VIA EMAIL:(jeremiah.cromie@co.kittitas.wa.us)

TO: Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner: 509-962-7046 Kittitas County, Washington

RE: Sparks Park Variance (VA-23-00003)

Notice of Application: April 27, 2023 Application Received: February 2, 2023, April 17, 2023 (SEPA Checklist) Application Complete: February 17, 2023, April 21, 2023 (SEPA)

Project Name: (VA-23-00003) Sparks Park Variance **Applicant:** Angadjot Sandhu (Authorized Agent)

FM: Shawn T. Hebert
Easton, Washington 98925

Dear Jeremiah Cromie,

My name is Shawn Hebert, I live in Easton, Washington 98925. I am writing you in **opposition** to RE-NOTICE OF APPLICATION Sparks Park Variance (VA-23-00003). This application should be denied for reasons which include: (1) a lack of MDNS for the Parcel (#778834), (2) lack of adherence to permitting, (3) Applicant has not satisfied all the criteria for Zoning Variance, (4) incomplete/in-comprehensive SEPA information.

Similarly, the nature of this type and size of business, would negatively impact this small community, causing undue hardship to: the natural resources, endangered wildlife (wolf pack witnessed and tracked migrating in that specific location 2017;), local historical ties to native peoples, our low crime community, and destroy any chance to maintain cultural identity.

The concern to provide (20-50) local jobs is immaterial, also alleviating a burdened highway traffic condition can be accomplished by (professional drivers) trip planning with existing facilities located away from this area's mountainous and watershed-sensitive terrain.

O 2.39 Kittitas County will act to preserve the viability and integrity of existing business districts within the incorporated and unincorporated County.

O 8.110 Require that development or redevelopment harmonize with the rural character of the surrounding areas.

Concerns:

(1) Application is incomplete In that Parcel #778834 has either an invalid or non-existing Mitigated Determination of Nonsignificance (“MDNS”). On May 15, 2020 Kittitas County Superior Court entered a Stipulated Order (No. 20-2-00101-19):

- Vacated Hearing Examiners Decision on Applicants Motion to Dismiss
- Vacated Kittitas County’s Mitigated Determination of Nonsignificance dated January 13,2020
- (Loves Travel Stops) SEPA Application was withdrawn and shall not be further processed...

(2) the Applicant’s requested change in LAMIRD Type 3 is not simply a zoning variance nor a small variance change and it would set a precedence of disregard to the LAMIRD Type 3, Urban Growth Act, and Comprehensive Plan, which would change the Rural Character (rural residential and rural working) of surrounding Easton:

- Applicant is proposing to create 69% Impervious surfaces, this is more than the amount KCC 17.15.070 limits (limit is 33%).
- Applicant is proposing uses of 672,047 square feet for other than manufacturing, outdoor recreation, and natural resources, this is more than the amount allowed by KCC 17.15.070 limits (limit is 30,000 sq. ft.)
- Applicant is proposing to include 8,325 sq. ft. of retail services, this is more than the amount KCC 17.15.070.2(48) limits (limit is 4,000 sq. ft.)

(3) **17.08.560 Variance.** "Variance" means a waiver of the strict interpretation of the requirements. It is a special dispensation given to the petitioner to disregard certain stipulations in the zoning code in order to develop his property. (Res. 83-10, 1983)

- **17.84 VARIANCES*17.84.010 Granted when.**
- Variances shall be made when *only ALL conditions and facts exist: equates to denial of Variance when #2, and #3 below (and possibly others) cannot be met.

Pursuant to Title 15A of this code, Project permit application process, the administrator, upon receiving a properly filed application or petition, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when **all** of the following conditions and facts exist:

1. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;
3. The authorization of such variance will not be materially detrimental to the public

- welfare or injurious to property in the vicinity or district in which the property is located;
4. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. "Substantial construction" shall be defined as the completion and approval of one or more building inspections in accordance with the International Residential Code Section R109 and the International Building Code Section 110. The Director is authorized to grant up to three (3) extensions, not to exceed 365 days per extension. Extensions shall be requested in writing prior to permit expiration and shall demonstrate for why substantial construction could not take place;
5. Pursuant to Title 15A of this code, the Hearing Examiner, upon receiving a properly filed appeal to an administrative determination for approval or denial of a variance, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the conditions and facts identified within subsections A through D of this section are found by the Hearing Examiner to exist. ([Ord. 2022-017](#), 2022; [Ord. 2012-009](#), 2012; Ord. 96-19 (part), 1996; Res. 83-10, 1983)

(4) The SEPA information provided is lacking and incomplete as follows:

- B. Environmental Elements:
 - 2. Air a.: *Does not address: Vapors from fueling or off-gas from tires; Does not include Exhaust from idling
 - b. *Does not address wood-smoke from local fireplace wood heating or wildfire smokes from inversion.
 - 3. Water a. Surface Water: Does not address Kachess River; Yakima River
 - b. Ground Water: 2. ... discharge into ground from septic tanks or other...: *Does not address size or number of systems or number of humans expected to serve; The disposal of discharge from oil-water separators not addressed; Does not address open well-head existing on property.
 - c. Water Runoff (including stormwater) 1-4. *Does not address source, volumes, method of collection, where this water will flow, if it will flow into other waters. The large volumes of snow accumulation combined with quick warming or rain can easily overwhelm retention systems and could (over)flow into Yakima River from Silver creek or Kachess River, or contaminate ground water.

2.6.4. Critical Aquifer Recharge Areas

Groundwater is a significant source of drinking water for County residents; and once potable groundwater becomes contaminated, it is difficult if not impossible to clean and resulting costs can be prohibitive.

GPO 2.98 Critical Aquifer Recharge Areas should be mapped as soon as practical so as to warn the public of possible development restrictions. We feel this is of the highest priority for the public health and safety.

GPO 2.99 The County shall limit development density In Critical Aquifer Recharge Areas to avoid impairing the functions of the Aquifer Recharge area.

GPO 2.100 Kittitas County shall give high priority to the protection of designated Critical Aquifer Recharge Areas that have been shown through technical study to have a Critical Recharging effect on potable water.

GPO 2.101 Kittitas County should provide technical design assistance for septic tank design permits when potable Aquifer Recharge risks are considered significant.

2.7. Ground Water

Kittitas County recognizes the importance of ground water to the economic well-being of the area .

This section shall not impair or interfere with any lawful right to withdraw and/or use groundwater. (See Section 2.2.3 Water Rights).

Kittitas County currently understands the importance of a ground water recharge study of the Yakima River Basin as a whole.

GPO 2.116A Kittitas County shall ensure that citizens' water rights are adequately addressed and protected to the fullest extent in any ground water study conducted by any governmental entity, including State and federal agencies.

GPO 2.116B The County shall support the development of a comprehensive review of the water resources in the County.

5. a: *Does not list animals, or address Northern rubber boa (*Charina bottae*), *Skunk*, *chipmunk*, *ground squirrel*, *frogs*, *voles*, *nuthatch*...
7. Environmental Health a.: *Does not address risks of spill, explosion, or accidents related to flammable/toxic substances or risks.
- 4.: *does not address special emergency services that might be required but will have Fuel, Diesel, Tires, and other potentially hazardous materials present in large volumes, around the general public.
- b.: Noise 2-3.: *Does not address Noise issues that would effect historical nearby camping or livestock. No proposed measures to reduce or control noise impact to nearby campers or livestock.
8. Land and Shoreline Use a: *Does not completely identify adjacent properties; Does not address how the proposal would affect (negatively) nearby and adjacent properties with emissions (air, noise, light, other pollution), constant safety hazards (excessive traffic, crime, risk of environmental catastrophe, risk of fire), loss of quality of life for those living here, loss of property values...
- b.: *Does not address current collapsed well house and well head on property which is exposed and will need DOE required remediation to prevent contamination to the local aquifer and well head protection zone.
11. Light and Glare b.: Does not address light pollution reducing the ability to witness the night sky and constellations which is a major attraction for outdoor campers, and (light pollution) has become a difficult obstacle to avoid, regardless of control measures.
12. Recreation a*b.: *Does not address recreation opportunities directly abutting property that has provided camping, and equestrian activity for many years; Does not address recreation activities such as fishing, hiking, snowshoeing, snowmobile, UTV, wildlife viewing, birdwatching.
14. Transportation c.: *Neglects the impact of hi-volume traffic in consideration of

the walking, bicycling, or recreational rural community; Disregards the large size and heavy truck traffic on an small rural road, and already over-burdened off-ramp/overpass.

D. Supplemental Sheet for Nonproject actions: Is not filled but has many good considerations for a project of this type.

In conclusion, this Application is incomplete, lacking an MDNS, insensitive to the harmony of the longstanding rural character of Easton, and should not be considered for approval. The lasting impacts of a project of this caliber are of great importance for future generations whom would have to deal with the precedence setting nature (if allowed to go forward) and tragic consequences for a short-term and short sighted fix of a growing problem. This is not a ideal location for a large operation, it would become an invitation for truckers to risk life and property in winters snow and ice, while putting people who live nearby at greater risk and deprivation of the mountain lifestyle they came for.

Thank you for your consideration.

Shawn T. Hebert