

From: [Barb Davidson](#)
To: [CDS User](#); [Jeremiah Cromie](#)
Subject: Sparks Park Variance parcel #778834
Date: Tuesday, May 2, 2023 11:08:43 AM

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I would like to register my opposition to this variance.

Chapter 17.84 VARIANCES*

Sections

[17.84.010](#) Granted when.

* Prior history: Ord. 2.

17.84.010 Granted when.

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; **THERE IS NOTHING UNUSUAL ABOUT THIS PROPERTY THAT DOES NOT PERTAIN TO ALL PROPERTIES IN THIS AREA**
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; **THIS PROPERTY COULD BE A CAMPGROUND OR A GAS STATION (ALTHOUGH THERE IS A GAS STATION, CONVENIENCE STORE AND CAMPGROUND WITHIN A BLOCK OR TWO) WITHOUT CREATING A HUGE TRAFFIC PROBLEM. THIS MAY AACTUALLY CREATE COMPETITION. THE CURRENT PROPOSAL ADDS NO VALUE TO THE SURROUNDING PROPERTIES.**
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; **I WOULD LIKE TO APPLY FOR A VARIANCE TO COVER 74% OF MY 3 ACRE PARCEL ON Country Dr TO OPEN A SAFE NEEDLE EXCHANGE AND DISPENSARY. BASICALLY A "TRUCK STOP" WITHOUT GAS PUMPS. MAYBE A BUNCH OF TINY HOMES SO THEY WILL HAVE PRIVACY!! I'M SURE THAT WOULDN'T NEGATIVELY AFFECT MY NEIGHBORS!**

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; **IF THIS VARIANCE REQUEST IS COMPATIBLE WITH THE COMPREHENSIVE PLAN I WAS UNABLE TO FIND IT**

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) **PLEASE EXPLAIN HOW THIS COULD BE IN THE BEST INTEREST OF THE PUBLIC. THERE WAS RECENTLY AN ACCIDENT ON EAST BOUND I90 THAT CLOSED I90 FOR SEVERAL HOURS. I WAS TRAVELING WEST BOUND I90 AND COUNTED OVER 250 SEMI'S PULLED OVER ON THE SHOULDER. THIS WAS IN JUST A COUPLE HOURS IN THE MIDDLE OF THE DAY. WHERE WILL THEY ALL GO WHEN THEY ARE DIRECTED OFF I90 AT EXIT 70 AFTER THIS IS BUILT.**

Thank you

**Dennis and Barbara Davidson
1441 Country Dr
Easton WA 98925**

From: [jason moulton](#)
To: [Jeremiah Cromie](#); [jason moulton](#)
Subject: Re: VA-23-00003 Sparks Park - Re-notice of Application due to SEPA requirement
Date: Tuesday, May 2, 2023 12:35:41 PM

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CDS is requesting comments on the following Variance and associated SEPA application (SE-23-00010): VA-23-00003 Sparks Park.

Jeremiah, My name is Jason Bart Moulton. I own the Moulton Lodge at 3251 East Sparks along with my Wife Barbara C Moulton. I commented previously on this Variance but wanted to stress one more item alluded to in my earlier comment. This has to do with Emergency Services. I did not see any comment from the Easton Fire Department regarding this matter. As I mentioned previously, during heavy snow the over pass on 1-90 is often open for only one lane of traffic as the snow has to be retained on the overpass and cannot be pushed over and onto the lanes under neath the over pass. In the winter of 2021 we had a lot of snow over a very short period. A semi truck exited from the East bound lanes at exit 70 and became stuck on the overpass, blocking the only way to go from the east to the west side of the freeway. Had we had an emergency no emergency vehicles could have made it to the Easton Village and all the other residences and business located on the East side of the freeway. One additonal factor is that because the volunteer nature of emergency services in Easton, many of the volunteers for the Easton Fire Department including the Chief, could not get to the rigs located in Easton when the overpass is blocked. This is not an infrequent situation and will only be made more difficult with the addition of the truck stop. Some planning needs to occur to either add emergency equipment to the east side of the freeway and or make other plans to provide emergency services when the overpass is blocked. Please ask Easton Fire to specifically address emergency response to both the proposed truck stop and to be specific as to how to provide emergency services when the overpass is blocked or unpassable. Thank you.

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

Sent: Thursday, April 27, 2023 9:10 AM

To: Joe Dietzel <joe.dietzel@co.kittitas.wa.us>; Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; 'storch@kittcom.org' <storch@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Candie Leader <candie.leader@co.kittitas.wa.us>; Tate Mahre <tate.mahre@co.kittitas.wa.us>; David Ohl <david.ohl@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; 'corrine_camuso@yakama.com' <corrine_camuso@yakama.com>; 'jessica_lally@yakama.com' <jessica_lally@yakama.com>; 'noah_oliver@yakama.com' <noah_oliver@yakama.com>; 'casey_barney@yakama.com' <casey_barney@yakama.com>; 'kozj@yakamafish-nsn.gov'

From: [Lets Go Outside](#)
To: [Jeremiah Cromie](#)
Subject: I am AGAINST Easton Truck Stop
Date: Thursday, May 4, 2023 10:52:12 PM

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To Whom it may concern,

I, Stefani Porter, Easton resident, am very against the Easton Truck Stop Proposal. A truck stop will only bring traffic, danger, noise, lights, harm our wildlife, harm our lifestyle, and give nothing back to the local community.

Before I get into my big "why not's" I want to be clear that there is simply no need for a truck stop in Easton. The stops in North Bend and Ellensburg are only 75 miles (70 minutes) apart.

More importantly, the negative impacts of such a development in our town would be **DETRIMENTAL** to our local ecosystems, our quality of life, our safety, and infrastructure.

ENVIRONMENT- I can't stress this enough... **STOP MOWING DOWN OUR FORESTS!!!!** Do we really need to replace our abundant, life giving, green land with pavement? When will we change "The Evergreen State" nickname to "The Pavement State"?

This goes further than just the trees. This will hurt the waterways, the wildlife, the fish. Are we too naive to learn from the past? Are we just going to keep pushing the development train without considering the consequences? This isn't a debate on carbon footprints and climate change. This is a demand to **STOP MOWING DOWN OUR CHILDRENS' LAND.**

SAFETY- Easton does not have the police force to cover this increase in traffic. Easton doesn't even **HAVE** a police force.

QUALITY OF LIFE - Easton is a beautiful, small town full of people who enjoy being away from it all. We pride ourselves on the beauty, the solitude, and the simplicity of our town. We are proud to share the road with the elk, the horses, and the snowmobiles. We are proud to live in one of the last places with little to no traffic, and only a handful of stops signs throughout all of town. Easton is one of only a few places like this left in this state, and we intend to keep it that way.

INFRASTRUCTURE AND EMPLOYMENT - Take a look around town. We don't have enough employees to keep our local mom and pop businesses open, let alone some corporate conglomerate that provides little to no benefits for the locals.

And who will remove all that snow all winter?! Surely a truck stop in Easton would be forced to be closed half of the year due to snow removal issues.

This is no place for a truck stop.

Sincerely,
Stefani Porter
Easton Resident, Parent and Business Owner since 2009

From: [Justin Packard](#)
To: [Jeremiah Cromie](#)
Subject: Sparks road truck stop
Date: Friday, May 5, 2023 1:09:52 PM

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To whom it may concern, my name is Justin Packard and I would like to express my concern and disappointment for plans to build a new truck stop at exit 70. I bought my little piece of heaven of Smith Dr a few years ago to build my dream home that I've been saving over a decade for. I bought property here for the quietness and lack of light pollution. The construction of a super truck stop makes me sick as I'm about to start construction this month and believe this is going to ruin my investment, the surrounding area, create noise light and traffic. The whole reason I chose to build here. Please stop the construction of this truck stop.

Justin

Sent from my iPhone

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

From: [david yager](#)
To: [Jeremiah Cromie](#)
Subject: loves truck stop VA-23-00003 Sparks Park Variance
Date: Tuesday, May 9, 2023 6:42:00 AM
Attachments: [truck stop.docx](#)

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VA-23-00003 Sparks Park Variance

I am writing to inform the city of my very strong opposition to the proposed zoning variance set out in application VA-23-00003

I moved to Easton 3 years ago to get closer to the mountains and to be able to do the things out doors that I love, Even though I commute over the pass everyday it's nice to come home to a quiet environment. I truck stop would negatively impact the reason a moved here.

The negative effects we feel the truck stop will contribute are not limited to the following:

- Diminish the rural character of Easton, Washington
- Pollute and endanger the livestock, streams, and the air.
- Increase crime in the community.
- Create congestion in parking areas and access roads for those guests visiting Easton to snowmobile, ride horses, hike, and camp.
- Contradict the original development intent of Easton, Washington
- Stress our local Fire & Safety personnel.

For all of these reasons, and others, I implore the County to **DENY** this proposed variance and retain the current approved land use for the property.

Respectfully,

David Yager

Cindy McLaughlin

PO Box 674 or 341 Country Dr
Easton WA 98925
509-656-4177
clcrider@msn.com

RECEIVED

By Jeremiah Cromie at 10:46 am, May 10, 2023

8/May/2023

Jeremiah Cromi

Staff Planner
Kittitas County WA

Re: VA-23-00003 Sparks Park Variance

I am writing to inform the city of our very strong opposition to the proposed zoning variance set out in application VA-23-00003. When we retired, we chose the Easton area for our forever home in 2013. The rural environment, the small quaint community, and the vast outdoor recreational opportunities is what drove us to this beautiful area. Approval of this project would destroy everything that is Easton and the upper county.

The Applicants Proposal:

"Angadjot Sandhu, authorized agent, submitted a Variance application on February 2, 2023 pursuant to Kittitas County Code (KCC) 17.84 on 16.51 acres of land zoned LAMIRD Type 3 General Commercial in a LAMIRD Land Use currently owned by Sparks Park LLC. The variance request is for a truck stop, restaurant, and vehicle repair shop to go above the current limitations of site area, impervious surface and retail square footage on the property. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD."

A Truck Stop: The request for a truck stop is one word "dispatched" away from being considered a "Freighting and trucking yard or terminal" which is an industrial use and is not authorized in the LAMIRD Type 3.

Definition: 17.08.261C "Freighting and trucking yard or terminal"

"Freighting and trucking yard or terminal" means an area in which trucks, tractor and/or trailer units, and semi trailers are parked for seventy two (72) hours or less, and dispatched. (Ord. 2013-001, 2013)

Retail Sales: General retail sales is implied to accompany the truck stop since it was included in the Zoning Variance Application Narrative from the applicant. The applicant should not be allowed to exceed the allowed use. **Note 48:** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.

Definition: 17.08.469A "Retail sales"

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

A Vehicle Repair Shop: Is not authorized unless; **Note 11:** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas)." This does not authorize the use of gas/fuel service stations since they cannot be fully enclosed. A canopy over the pumps doesn't constitute a wholly enclosed building.

Definition: 17.08.560A "Vehicle/equipment service and repair."

"Vehicle/equipment service and repair" means maintenance of motorized vehicles and equipment including exchange of parts, installation of lubricants, tires, batteries, and similar vehicle accessories, minor customizing and detail operations, and body shops. This definition includes gas and service stations. (Ord. 2013-001, 2013)

Impervious Surfaces: The applicants plan is to surface all but 26% of the land. How can that possibly maintain a rural character? I have seen grocery stores with more rural character than this proposal.

Note: *All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.*

There are approved uses of the LAMIRD Type 3 the county has adopted. Once again, the applicant is essentially trying to **rezone** the property through an unjustified variance application of these uses for their own benefit, not ours. It is an excessive ask that can't be undone. The applicant states in their proposal: "**All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.**" Have they read the allowable use table???

Additionally, after reviewing the SEPA checklist submitted by the applicant, it appears to be 90% incomplete. The questions were vaguely answered just enough to pass through the county.

Example: 8. Land and Shoreline Use.

Q: What is the current use of the site and adjacent properties? Will the proposal affect the current land uses on nearby or adjacent properties. If so, describe.

A: The site is currently vacant and undeveloped. The neighboring uses are vacant/undeveloped land to the north, residential to the east, and Interstate 90 is located to the southwest.

The applicant did not provide a complete or accurate answer to this question. The 121.58 acres to the north is WSU Trust land managed by DNR. The 22 acres to the East is recreational property with camping, RV, and lodge accommodations that were established in 1975 and have continued to provide such services since 1975. The property was purchased from the long-time owners and is currently undergoing an extensive remodel, renovation, and upgrade project to better serve their customers, some of whom have been utilizing the facility for many years. The property directly south is the entrance road to the Silver Ridge Ranch Lodge.

The Rural Character, viewable by air traffic and users of the Easton State Airport, will be completely destroyed. The applicant has made it clear they expect the proposed facility to attract traffic that may have used other current businesses on Sparks Road. That would certainly have a devastating effect on those businesses and the special rural quality of the Easton community as it has been designated by the GMA, the County's Comprehensive Plan, and the Land Use and Zoning regulations.

We both served in the US Air Force for a combined 50+ years, serving in wars, campaigns and overall defense of our nation. We provided that defense through discipline and enforcement of the rules, guidelines, and standards. As representatives and enforcers of the county codes and ordinances, we, the citizens of Kittitas County, expect the same discipline from you. This applicant is attempting to **rezone** the property to suit their desires and appears to not care about the LAMIRD Type 3 allowed uses, Comprehensive Plan or Growth Management Act. Your job is enforcement of those codes. Enforce them!!!

Respectfully,

From: [Shawn Hebert](#)
To: [Jeremiah Cromie](#)
Subject: RE: VA-23-000023 Sparks Park Variance
Date: Wednesday, May 10, 2023 10:33:39 AM

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TO: Jeremiah Cromie
Staff Planner
Kittitas County, Washington

From: Patsy J. Hebert
241 Rally Way
Easton, Washington 98925

RE: VA-23-00003 Sparks Variance

I am writing to express my strong opposition to the proposed zoning variance set out in application VA-23-00003, Sparks Park Variance. I am very against this application, and the following are my major concerns:

(1)Flood Zone: Lake Keechelus, Lake Kachess, Lake Easton all are part of the Yakima River watershed, and emergency evacuation route signage is provided - this reinforces the understanding that the project is within a flood zone. This seems to be unaddressed in the application.

(2)The removal of all trees in the project area which lays within a watershed that supplies drinking and irrigation water, is insensitive to that fact that fresh water begins in healthy forests. To allow septic tanks, storm and surface water (laden with fuel, oil, antifreeze, de-icing materials) to be discharged into ground water under the truck site, it follows that this also would go into Kachess river and lake Easton -1/4 mile from the proposed site.

There are no sufficient prescribed remedies to this concern in the application.

(3) Air Pollution: Idling Trucks. Easton is in a zone that is routinely inundated with smoke and pollution from fires and exhaust. Idling truck (exhaust) in winter can be smelled less than 2/10 mile from freeway source and increasing sources and/or adding that to summer smoke from wildfires with inversion is not an appetizing proposal.

The Applicant does not address or recognize this issue, nor provide remedy or concern for those camping in tents on property that abuts the proposed site (which would destroy an existing business).

(4) Snow: Easton is known to be extremely covered in snow, in Fall, Winter, and early Spring. There are many car and Truck spinouts and crashes, with associated hours of delays relating to cleanup and/or investigations. There is not a police force in Easton - so no one can field emergency calls especially when I-90 (only egress/ingress) or related rural roads is/are shutdown in both directions. County and State Patrol will not stop in those severe weather events and use their lights to get through and out of the area, and locals cannot reach the off ramps (exits 70 or 71) to get home. Adding a truck stop and you have a total disaster situation.

There is NO snow removal plan included or identification of snow storage location identified. The application seems to ignore the heavy snow loads and adverse weather effects on the location, and does not provide sufficient remediation.

In closing, accepting this application and variance would negatively change the existing rural character of Easton and provide an avenue or precedence for other developments to do the same. It places (all of our) valuable resources at risk, would destroy local (and longstanding) businesses, and increase crime and illegal activity (associated with type of use proposed).

Please do not allow such a change to occur in the presently accepted zone LAMIRD 3.

Sincerely,

Patsy J. Hebert

From: [Patti Hebert](#)
To: [Jeremiah Cromie](#)
Subject: RE: VA-23-00003 Sparks Variance
Date: Wednesday, May 10, 2023 10:58:00 AM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

TO: Jeremiah Cromie
Staff Planner
Kittitas County, Washington

From: Patsy J. Hebert
241 Rally Way
Easton, Washington 98925

RE: VA-23-00003 Sparks Variance

I am writing to express my strong opposition to the proposed zoning variance set out in application VA-23-00003, Sparks Park Variance. I am very against this application, and the following are my major concerns:

(1) Flood Zone: Lake Keechelus, Lake Kachess, Lake Easton all are part of the Yakima River watershed, and emergency evacuation route signage is provided - this reinforces the understanding that the project is within a flood zone. This seems to be unaddressed in the application.

(2) The removal of all trees in the project area which lays within a watershed that supplies drinking and irrigation water, is insensitive to that fact that fresh water begins in healthy forests. To allow septic tanks, storm and surface water (laden with fuel, oil, antifreeze, de-icing materials) to be discharged into ground water under the truck site, it

follows that this also would go into Kachess river and lake Easton -1/4 mile from the proposed site.

There are no sufficient prescribed remedies to this concern in the application.

(3)Air Pollution: Idling Trucks. Easton is in a zone that is routinely inundated with smoke and pollution from fires and exhaust. Idling truck (exhaust) in winter can be smelled less than 2/10mile from freeway source and increasing sources and/or adding that to summer smoke from wildfires with inversion is not an appetizing proposal.

The Applicant does not address or recognize this issue, nor provide remedy or concern for those camping in tents on property that abuts the proposed site (which would destroy an existing business).

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our) valuable resources at risk, would destroy local (and longstanding) businesses, and increase crime and illegal activity (associated with type of use proposed).

Please do not allow such a change to occur in the presently accepted zone LAMIRD 3.

Sincerely,

Patsy J. Hebert



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

May 10, 2023

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926

RECEIVED

By Jeremiah Cromie at 10:48 am, May 10, 2023

RE: WDFW Comments on VA-23-00003 Sparks Park

Dear Mr. Cromie,

Thank you for the opportunity to comment on the Variance Application for Sparks Park (VA-23-00003). Washington Department of Fish and Wildlife (WDFW) has reviewed the application and supporting documents. WDFW did comment as well on the original application and our comments are similar here. We would like to highlight a few issues relating to the project's potential impact on fish and wildlife habitat.

1. The project area is located with an Elk Winter Concentration Area. With the substantial amount of proposed clearing, WDFW offers up a few suggestions to minimize the habitat impact and offset the impacts.
 - a. WDFW requests that the clearing limits be restricted to only the absolute minimum needed to build the proposed truck stop
 - b. Revegetation for temporary impacted areas, be revegetated with native vegetation from the area to help offset any losses of forested habitat. If the applicant has questions or needs help in suggesting how to replant for native vegetation and/or avoid some of the forested area, WDFW would be willing to assist from a habitat point of view.
 - c. To offset habitat impacts, WDFW would like the applicant to consider donating some of the cleared trees to nearby habitat projects. WDFW can assist in coordinating those discussions.
2. With the amount of vegetation removal and increased impervious service in a high snowfall area, a detailed drainage plan needs to be conducted to show that drainage from the site can be properly dealt with and not contribute to the degradation of nearby fish-bearing waters such as Lake Easton and Silver Creek. WDFW requests the ability to review and comment on the drainage plan once it is complete.

Please contact me at (509) 607-3578 or Scott.Downes@dfw.wa.gov, if you have any questions or concerns regarding these comments and thank you again for the opportunity to review and comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Scott Downes".

Scott Downes
Area Habitat Biologist

Cc:
Elizabeth Torrey, WDFW

Marge Brandsrud
PO Box 639
Easton WA, 98925
dmbrandsrud@comcast.net

To: Jeremiah Cromie
Kittitas County Community
Development Services
411 N Ruby St., Suite 2
Ellensburg, WA 98926
jeremiah.cromie@co.kittitas.wa.us

The following comments apply to the **VA 23 00003** Zoning Variance Application Submitted by:
Land Owner Sparks Park LLC C/O Lisa Weis
Agent AJ Sandhu
Tax Parcel number: 778834

The requested variance appears to actually be a request for Land Use Change and RE-Zone, as a "Truck Stop" this allowed use, is only available in the Urban Land Use designations.

The applicant has not requested a variance to build a "Service Station" which would include the sale of gasoline and diesel. The requested variance will not allow such activities which are not an allowed use in the General Commercial designation of the Type III LAMRID.

The Zoning Variance Application Narrative document does not identify the applicant or the specific Parcel requesting the Variance.

Submitted Zoning Variance Application VA 23 00003

Page 1

Required Attachments

The attached Preliminary Site Plan does not clearly identify Septic tank, drain field and replacement area. The document is almost impossible to read due to the poor quality. It is difficult to tell if the additional items required by the Site Plan submittal are included in the submitted document. Without clarity it is difficult if not impossible to make constructive comments on the site plan for this document.

Page 3 Question 10

Response to applicant section "A"

The Comprehensive Plan states clearly the path to GMA Compliance. "RR G32 Rural Employment Center – Intensification of development on lots containing isolated nonresidential uses or new development of isolated small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents." The Allowed uses in Kittitas County Code Title 17.5 implement the goals set out in the Comprehensive Plan. Clearly the approval of this Variance request would **not** result in an isolated small-scale business.

The current owner of this parcel had an opportunity during the Growth Management Hearings Board Compliance process to offer input as to the designation of this parcel as a part of a Type 3 LAMRID. My recollection is that they gave positive input regarding the parcel's inclusion in this LAMRID. One would have to check the official record to confirm that statement. That entire process which was designed to bring the County into compliance with the Growth Management act regarding the protection of "Rural Character" was done at with great effort and considerable cost to Kittitas County. The request for a "Variance" that would more than double the allowed impervious soil coverage and retail area is **excessive** and certainly does not maintain the "Rural Character" as intended by the allowed uses put in place to preserve that aspect of the Compliance process. You can't hide a 16.5-acre development with a few trees which will likely obstruct the visibility for traffic entering and leaving the development. Then there is the view from aircraft using the nearby airport. This proposal would look like a very out of place urban type development.

The unusual circumstances or conditions cited in the applicant's narrative there is discussion regarding the difficulty of access. They express access concerns that are unique to the immediate location. Ingress and Egress for vehicles visiting a "Truck Stop" is extremely important to public safety and the flow of traffic on the frontage road as well as the very nearby I-90 on and off ramps. This circumstance will easily cause substantial blocking events during snow events. The location of the proposed truck stop will also serve to attract many additional vehicles during snow and other events that cause an interruption to travel on I-90. The public will become quickly aware of the facility. The infrastructure in Easton cannot accommodate the additional vehicular traffic generated during such

events. This truck stop would quickly become an attractive nuisance. It should be clear that humans cannot rid themselves of the notion is always best to be first in line.

No emergency evacuation route available in the event of a large fire near Easton or chemical spill at the facility. All local residents would be required to move toward the facility to evacuate their homes. In the event of Fire, including wildfire, Chemical spill, Explosion, flooding or other event requiring emergency evacuations from East and West Sparks Road, would be dangerously impaired due to addition of large numbers of freight trucks and autos at the proposed development. There are no alternate routes from this area and all resident ingress and egress routes are at the I 90 at the Exit 70 interchange ramps. As has been testified in the past – Easton Fire Department is on the South side of I 90, there are Fire fighters on the North and South side of I 90, the point being how do you get the personal to the equipment and how do they efficiently access and call on the North side of I 90. This can be a very dangerous for local residents. The need to upgrade or add facilities would be looked at as extending urban facilities to rural areas to accommodate new growth.

Again, I must remind the reviewer of this request that, the property owner had ample opportunity during the Comprehensive Plan Compliance process to comment on the proposed Type 3 LAMRID. The size of the parcel has not changed during the intervening time. It was substantially larger than other parcels then as it is now. There are allow uses as stated in Title 17.15.070 that are more suitable to a 16.5-acre parcel. The property owner can still enjoy several other uses which are actually more compatible with neighboring properties while maintaining the rural character of the area.

The applicant also indicates that along with the difficult access there is highly restricted visibility due to the lower site topography. The topography should be of concern regarding run off especially volumes from snow melt. Also of concern is the fact that the designated truck parking is al the lower portion of the parcel which will likely cause a considerable challenge to trucks using that area during snow events causing a possible traffic flow problem at ingress and egress points.

The proposed vegetation to shield the view of the truck stop would have consist of some very tall trees if traffic on the frontage road and I-90 are not able to see the activity or lighting from the proposed truck stop. The proposed vegetation must also be placed and spaced to accommodate Firewise landscape. In a rural forested area such as Easton Wildfire is a very real concern. Having a

large quantity of flammable material is of special concern. Weather ignition were to take place on or off site there would be irreparable harm. Again, a reminder that there is only one way in and out of Easton and this project is in a location when operational could cause substantial problems with evacuations as well as possibly impeding access to the Airport for firefighting equipment and personal.

References to the Land use and Comprehensive Plan seem to demonstrate a lack of respect and understanding of the purpose of such documents or perhaps they are simply taking things out of context which can lead to unintended consequences.

Response to applicant section "B"

The applicant's request for variance says "is necessary for the preservation and enjoyment of a substantial property right of the possessed by the owners of other properties in the same vicinity."

Other property owners in the same Type 3 LAMRID enjoy and are governed by the same property rights and zoning regulations as the applicant. The approval of this variance however will gravely impact at least one neighboring property owners. Specifically Silver Ridge Ranch is within feet of the proposed truck stop. The Campground at Silver Ridge Ranch is directly behind the proposed truck stop. Trucks traffic, service and repair operations, noise levels and emissions would be greatly detrimental to the Silver Ridge Ranch property operations. Silver Ridge Ranch has operated on that parcel for decades. Silver Ridge Ranch provides recreation in a rural setting. Building a truck stop for their customers to look at smell and hear would be unduly burdensome to those property owners.

I do not believe the applicant has presented documentation that would justify the requested variance. The request is **excessive**. Requesting more than 100% increase in impervious surface area and Retail space is not in keeping with the preservation of rural character mandated by the County's Comprehensive Plan.

A variance to develop a "truck stop" in a rural area is not beneficial. This is a parcel which has the ability to be developed in a manner more beneficial to the area and allowed by Zoning regulations. Allowed Uses include, Animal boarding, Agriculture sales, Farm stand, Grazing, Nurseries, Cemetery, Auction sales of non-agriculture products, Restaurant, Retail sales, general, Retail sales,* lumber and

building materials, Services, Vehicle/equipment service and repair, Manufacturing, Parks and playgrounds, Recreation, indoor, Mini-warehouse, Adult family home, among many others. All uses permitted out right or by conditional use are required to abide by, "**17.15.070 Allowed Uses in Rural LAMIRD Lands**. Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot." There are also many other restrictions on uses noted in the foot notes for each use. These restrictions were put in place to implement protections for Rural Character as required for compliance with Washington State's Growth Management Act. Kittitas County's Comprehensive Plan and associated Zoning regulation have been declared in compliance by the Growth Management Hearings Board and allowing the excessive request in this variance will put the County at risk for non-Compliance again.

Even in the Urban use Table there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.1 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P 18 Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop only appears in Urban Zones and is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

There are other parcels in Kittitas County which are much more suited for and zoned for this type of project. The parking needs related to I-90 traffic are admittedly a big issue for Easton. WSDOT this winter has closed I-90 access at Ellensburg and Cle Elum as well as Exit 70 Which has to some extent mitigated the issue. WSDOT is continuing to improve I-90 allowing for more efficient and effective snow management. I believe the work on going and in the pipeline will alleviate much or the parking problem on Easton streets as that work progresses.

The impervious service coverage, although has a relationship to Rural Character but, is in place to preserve water quality, reduce undesirable runoff and maintain habitat. There is no infrastructure for treatment of run off in place in Easton. Run off from any surface which is used continuously by heavy vehicular traffic, and is subject to petroleum product spills, small or large, emissions and substantial snow fall with melt water runoff is not healthy for the environment.

Response to applicant section "C"

The Comprehensive Plan and Zoning Codes provide areas in the County that will best serve public well-being. Those regulations also dictate where Truck Stop facilities are best suited. I think the "well-being" of the traveling public is best decided on a larger scale. The applicant appears to believe that "well-being" should be to providing fuel sales, general retail sales, a vehicle/truck stop service and repair shop and a restaurant on a large scale. Those are not amenities associated with rural character and are rightfully not allowed to occur in this Type 3 LAMRID.

The view stated under the heading, "Property in the Vicinity", that higher volumes of traffic will serve to protect Rural Character completely escapes my understanding.

As I have already commented it will likely be impossible to retain rural character if this variance request is approved. You can't hide a facility of this size. The environmental hazards, noise, air quality, runoff and reduction in impervious soils are not appropriate for

Response to applicant section "D"

Granting this Variance Request will absolutely effect the realization to the comprehensive development plan. Developing General Commercial on the scale proposed will **not** promote preserve or enhance the rural character of the LAMRID. Services proposed will provide services that are in extreme excess of what is consistent with the Comprehensive Plan. The proposed project is designed in a way that will not promote further development of adjacent "General Commercial "properties within the LAMRID. The proposal has stated that **it would funnel traffic into its establishment discouraging travel other businesses in the LAMRID.** The effects on local infrastructure would result in the extension of urban services to accommodate rural sprawl which is strictly prohibited. The proposal would require extension and annexation into the public water district. That water district would require substantial improvement to meet the needs of the proposed truck stop. The local fire department would be required to obtain equipment and training to meet responses to spills, petroleum or chemical spills ro ignition, as well as additional EMS personal to meet the needs of those visiting the truck stop. Easton is a very small community with only a small volunteer staff. This community does not have a tax base to add full time staff and additional equipment to meet the requirements to keep the community safe.

Employment

The dream that the facility would create jobs for locals, is just that a dream. Most citizens of Easton are much more gainfully employed than the wages offered at a truck stop, restaurant or Convivence store. The rest of the residents either are unable to work or do not need to work. There are few rental properties or homes for sale in Easton that would be in budget for those 20 employees. The proponent could argue that if their plan goes forward, home values in Easton would decrease substantially and maybe there might be some housing available for their employees. But that would be detrimental to home owners in Easton. One more reason to deny the variance. Potential employees would have to travel several miles to get to Easton for work. Given the cost to travel these days it will be difficult to retain employees here.

The following comments are intended to demonstrate further why the proposed variance should be denied.

Prohibited use" means those uses **not** specifically enumerated as allowed uses under the provisions of KCC Chapter 17.15. (Ord. 2018-001, 2018; Ord. 2013-012, 2013; Ord. 2013-001, 2013; Res. 83-10, 1983)

Definitions 17.08.469A Retail sales

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

While this is a general definition there are specific restrictions placed on the actual allowed aspects of this use. Retail sales by definition include sale of diesel and gasoline, providing over night parking space for travelers (semi-trucks and RVs), providing maintenance for their customers, selling and installing tires and other parts and supplies used in the performance of service tasks.

17.15.060 Allowed uses in rural non-LAMIRD lands

Retail sales,* general **Forest & Range Foot Note 51** When enhanced agricultural sales are provided. **CU Foot Note 36** Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.

Retail sales,* general, **General Commercial CU Foot Note 18** Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Retail sales,* general **Rural Recreation CU Foot Note 18** Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Note that Retail sales in all rural lands are restricted to the same 4,000 square foot size as the Type III LAMRID. This should make it very clear the County is serious about controlling inappropriate development in Rural Lands

17.15.70.1 Rural LAMIRD Use Table

Type 1 LAMRID Commercial Permitted

Retail sales,* general, **General Commercial Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general **Highway Commercial Permitted Foot Note 14** Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

Retail sales,* general PUD Permitted

Type 3 LAMRID Use Table

Retail sales,* general Limited Commercial Permitted **Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general General Commercial Permitted **Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted **Foot Note 14** Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

17.15.80.1 Urban Use Table

Retail sales,* general **Limited Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general **General Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general **Highway Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Urban uses also require the business be wholly enclosed within an enclosed building. This further demonstrates the Counties effort to remain compliant with the Growth Management Act.

Definitions 17.08.560A Vehicle/equipment service and repair.

"Vehicle/equipment service and repair" means maintenance of motorized vehicles and equipment including exchange of parts, installation of lubricants, tires, batteries, and similar vehicle accessories, minor customizing and detail operations, and body shops. This definition includes gas and service stations. (Ord. 2013-001, 2013)

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.070 Allowed Uses in Rural LAMIRD Lands

Rural Employment Centers Foot notes 50,52

(Type 3 LAMIRDs)

General Commercial, Vehicle/equipment service and repair*, Foot Note P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

This does seem to eliminate the allowed use for fuel station which cannot be wholly enclosed in a building.

The only Truck Stop and repair facility in the allowed the use table for Rural LAMRIDS is as follows

17.15.070.1 Rural LAMIRD Foot note 49

(Type 1 LAMIRDs)

Highway Commercial , Vehicle/equipment service and repair*, Foot Note P 19 Includes truck stop operations. Minor repair work permitted.

This demonstrates the County has determined such facilities should be only be sited as described, to assure the protection of Rural Charcter and maintain compliance with County Wide Planning Polocies, the Comprehensive Plan and the State’s Growth Management Act.

Even in the Urban use Table Truck Stops are restricted and there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.02 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P 18 Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop in Urban Zones is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

Marge Brandsrud
PO Box 639
Easton WA, 98925
dbrandsrud@comcast.net

To: Jeremiah Cromie
Kittitas County Community
Development Services
411 N Ruby St., Suite 2
Ellensburg, WA 98926
jeremiah.cromie@co.kittitas.wa.us

Easton Travel Center SEPA SE 23 00010

Applicant: Mountview View Group LLC

Tax Parcel: 778834

Check list Submitted 4/17/23

The submitted information in this document is incomplete which misrepresents the actual conditions and impacts of the applicant's proposal. The applicant has only provided a small portion of the environmental information. There is information that a property owner or developer should be well aware of before answering questions put forth in a SEPA. This applicant has not provided enough information to base an informed decision on the next step for the application to move forward.

A. Background

10. List any government approvals or permits that will be needed for your proposal, if known.

Additional government approvals and or permits should include the following Propane Tank placement, Grade and Fill Permit, Large on Site Septic System, Oil Water Separators as required at fuel canopies and service building (possibly also for catch basins where runoff from truck parking

spaces would catch oil, fuel, antifreeze and other contaminants), a Boiler permit to operate a large capacity air compressor, an approved storm water plan which includes plans for snow storage and melt runoff. Wildland interface codes would require additional landscape approvals. Those requirements could require thinning established trees and removal of low growing tree boughs and branches which would interfere with the applicants plan to use existing trees to shield the view of such a large project. Provisions for potable water will require government approval and infrastructure permits. There could be additional permits or approvals required.

B. Environmental Elements

1. Earth

g. about what percent of the site will be covered with impervious surfaces after project construction is complete.

The 74% impervious surface does not match the 69% impervious surface stated on the Zoning Variance Application Narrative page1. IMPERVIOUS AREA. Whether the percent is 69 or 74 it is excessive and does not reflect the goals set out for a Type 3 LAMRID.

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.

On site **Emissions after** construction should include, emissions emitted from the exhaust of vehicles idling in parking spaces. Fuel vapors produced when underground storage tanks are filled. Fuel vapors created when fueling vehicles. Fuel vapors and lingering odors from fuel spills.

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

Off -site emissions should include wood smoke generated by camp fires in the long-established camp ground and lodge directly abutting property. Smoke from regular spring debris burns in the area. And smoke from the summer wildfires that often migrate to the Easton area and can be at ground level due to the regularly occurring inversions in the area.

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

The applicant did not answer this question completely. It appears they offer no effort to control or reduce the impacts of their business once it becomes operational.

3. Water

b. Ground Water

1) Will ground water 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 with from the well. Will water be discharged to ground water? Give general description, purpose and approximate quantities if known.

Potable water could be provided by the Easton Water District which the applicant will have to request. The water district will have to process the request in order to determine if it is able to meet the quantity requested and the applicant will likely have to provide any required infrastructure.

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.

Water via Large on-site Septic System and Storm water runoff will be discharged to ground. The applicant did not provide required information regarding the size of the system or the number of humans expected to be served. The disposal of discharge from oil water separators is also not addressed or quantified.

c. Water runoff (including storm water)

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so describe.

The applicant has not answered this question completely. The source is not identified nor has the method of collection. Water runoff must also address the large amounts of snow that will be stored on site and melt into runoff at times quickly. Depending on the storage area and method, snow storage can inhibit runoff from storm water and cause local flooding which must also be addressed.

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

I don't believe the applicant understood this question.

I believe it is asking about materials which would not be disposed of as refuse. I believe it is intended to identify possible chemical or organic materials which might be improperly handled processed or disposed of. Waste materials would also include sanitary sewer waste discharges from a sewer line, septic system, RV dump station or holding tank. An additional source would be improperly maintained oil water separator. Out door storage of vehicle tires will leach particles of rubber which will be washed into catch basins and discharged into the ground. Eventually all of these

materials will reach the aquifer and into the local potable water supply. This parcel is within the well head protection zone for the Easton Water District as well as several private wells. There is an abandon well on the property which becomes a direct route to this aquifer and should be highly concerning to the County. What chemicals might be used to melt ice on sidewalks, at fueling canopies and on driveway surfaces.

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

The project intends to reshape the landscape which could cause run off patterns to change. This change may cause run off from adjacent parcels or create run off to adjacent parcels that do not currently exist. Cutting 13,000 cy of material and filling 33,000 cy of material will have an effect on current drainage patterns on the parcel and in the vicinity.

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

The applicant only addresses current conditions regarding run-on from adjacent parcels. The cut and fill portion of the proposal will change the run off patterns as they currently exist. The applicant has not addressed possibility that after the cut and fill changes the surface of the parcel, there could be run off from adjacent parcels to their parcel.

4. Plants.

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

Why did the applicant use the US Fish and Wildlife document to address endangered plant species on or near the project site. There are other more focused documents to address this question. The applicant must provide accurate information regarding plants on the site.

e. List all noxious weeds and invasive species known to be on or near the site

The noxious weed information is lacking complete information. It would be more informative to requested information from the Kittitas County Noxious Weed Board. I know form my own observations that bull thistle, other thistle species and scotch broom have and do grow in the Easton area.

5.) Animals

a. List any birds and other animals which have been observed on or near the site or known to be on or near the site

The applicant did not fully answer this question. Perhaps they did not understand the questions only provided Examples and that other species seen or known be the site must also be listed. There are also coyotes, skunks, hare, racoons, alligator lizards, skates, snakes, frogs, voles, gophers, ground squirrels, chipmunks, hawks, turkey vultures, northern flickers, pleated woodpeckers, downy woodpeckers, thrush, robins, finch, grosbeak, humming birds, nuthatch, and likely many other species on or near the site.

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 because of this proposal?

Although the applicant described the type of activities that will take place, they **did not** explain the hazards that could occur. The applicant must clarify the risks for each activity, any hazardous condition, and probable harm to humans and surrounding areas. For example, the Easton area is a

high-risk area for wildfire. Could an explosion caused by activity at the site cause a wild fire? This would include the Propane tank location and protection from damage. Will customers using the parking spaces be hauling hazardous materials that could leak or explode, catch fire, release toxic materials into the air, or corrosive materials be leaked in the event of an equipment failure or accident? The service area will handle hazardous materials such as antifreeze, motor oil, lubricants, or other chemicals that could damage the environment in the event of an accident or mishandling. Will the onsite treatment of run-off be able to sufficiently treat fuel, oil, antifreeze, ice and snow melt chemicals without allowing them to infiltrate permeable soils, the aquifer, or well head protection areas?

a. 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.

The applicant has not provided a complete list of toxic or hazardous chemicals. Additional items would include Propane, Diesel, gasoline, DEF, antifreeze, break fluids, lubricants, new and used oil, new and used antifreeze, storage of used tires, landscape chemicals. There will be hazardous materials on trucks entering, parking and leaving the site on a daily basis.

4) Describe special emergency services that might be required.

It makes me very uneasy to think the applicant will not need special emergency services. No private or commercial activity that involves the hazards of the proposed uses should ever think that no special emergency services are required. When ready for operation the applicant must have a safety plan in place for the protection of Easton residents, their customers, their employees' and due to the proximity to a major Interstate a plan to protect the traveling public in the event of an emergency. The Easton Fire Department is totally volunteer and has limited resources to deal with

hazardous situations such as chemical spills or contamination containment. Only a small number are certified wildland firefighters in the event of a large fire moving to or from nearby forest lands. In the event of Fire or explosion the Fire Department could have a difficult time accessing the site as there is only one access to Sparks Road and that is the I 90 over pass or west bound off ramp at Exit 90. Access to that type of emergency would likely be hampered by a large number of vehicles trying to leave the site. In the case of a required evacuation, residents only have one road for that process which is Sparks Road and either over I 90 or onto I 90 to possibly reach safety. Toxic airborne chemicals would create an epically concerning situation.

There are limited resources available for law enforcement in the Easton area and in the event of an emergency there a much-delayed response time. If I 90 is closed there will be no response by law enforcement. If there is a traffic incident between Easton and the closest responding officer there will also be a long delay in response.

In the event an incident (natural or manmade) were to damage either the Keechelus or Kachess dam, there could be catastrophic flooding to the Easton area. The only designated evacuation routes are unimproved roads which are not suitable for autos, RVs or semi-trucks.

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

Measures proposed to reduce or control environmental health hazards are pretty vague. They do not address any safety plans, facility maintenance or measures to insure the human or environmental health affected by the operation of the facility. The applicant may not understand that when tasks are done as required, dangerous accidents or malfunctions happen and can have devastating results. An emergency response plan should be prepared with required employee training.

b. Noise

2) What types and levels of noise would be created 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.

The types and levels of noise created by project at completion are not expressed accurately. The applicant expects a large volume of vehicles entering and exiting the site at an almost continuous level. That is a lot of noise. There will be trucks idling on an almost continuous basis. Those actions are not the same as a vehicle just passing by. Entering and exiting the facility will require a noise level much more intense. The tire and service activities will also create a level of noise that is not a part of the Rural Character the Growth Management Act, Land Use and Zoning Code require to maintain the vision put forth by those regulations. The noise of an air compressor and air tools along with tire changing activities are an urban sound. The noise generated will disturb every adjacent property owner, their activities and businesses.

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

The applicant did not answer this question completely. It appears they offer no effort to control or reduce the noise impact of their business after construction is complete.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect the current land uses on near by or adjacent properties. If so, describe.

The applicant did not provide a complete answer to this question. Current adjacent property uses are more accurately described here.

The 121.58 acres to the north are WSU Trust land managed by DNR.

The 22 acres to the East are a recreational property with camping, RV and lodge accommodations that was established in 1975 and has continued to provide such services since 1975. The property has purchased from the long-time owners and is currently undergoing an extensive remodel, renovation and upgrade project to better serve their customers, some of whom have been patronizing the facility for many years.

The property directly south is the entrance road to the Silver Ridge Ranch Lodge.

The Rural Character as viewable by air traffic and users of the Easton State Airport will be completely destroyed. Even with screening views from Sparks Road and I 90 will change substantially degrading the Rural Character as defined in State and County regulations.

The applicant has made it clear they expect the proposed facility to attract traffic that may have used other current businesses on Sparks Road. That would certainly have a devastating affect to those businesses and the special rural quality of the Easton community as it has been designated by the GMA, the County's Comprehensive Plan and the Land Use and Zoning regulations.

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 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 non-forest use?

The current owner of the property has had a recent Forest Practices Permit to log the property. FPA # 2703309. It was initiated August 18, 2005 and was last renewed to be in place through 2015.

c. Describe structures on the site.

Although there are no structures currently on the site, there is an abandoned well. The well house collapsed during heavy winter snowfall and has left the well head exposed. The well will have to be remediated per DOE requirements to prevent contamination to the local aquifer and well head protection zone.

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

f. What is the current Comprehensive designation of the site?

These questions were only superficially answered. The property is Zoned General Commercial. The property is in a Type III LAMRID for which Kittitas County Code 17.15.070 limits the uses, types of surfaces and quantity of surface coverage. Other limits governed by 17.15.070.1 are described in 17.15.070.2 note 48 of the County's code which include the size or retail space and require those activities be wholly enclosed in that space. I believe the fuel canopies or the vehicle parking activities are by definition regarded as retail activities, neither of which can be wholly enclosed in a building. The Vehicle Service and Repair proposed is governed by 17.15.070.2 note 11. "Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas)." Fuel and Service components are not allowed uses, as they cannot be wholly enclosed in a building. The property's Land Use is Rural LAMRID Type III. To determine the actual uses the applicant has to refer to the Allowed Use Table for that designation and Zone which is found in Kittitas County Code 17.15.070.1 and refer to the notes in 17.15.070.2. WAC 365-196-426.6.c.iii and RCW 36.70.A.070 (5) (d) iii, limit Type 3 LAMRID uses to

isolated small-scale businesses and cottage industries. The proposed development certainly does not represent that type of use.

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

It will be difficult to attract 50 employees to the Easton area. There is little affordable housing which is not already occupied. Employees traveling from out of the Easton area would find it almost impossible to get to for from work during I 90 closures that can last for several days at times.

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

The owners and guests of Silver Ridge Ranch would likely be displaced due to the incompatibility of the proposed development and the long-term historical use of their property. Current active business owners and employees would certainly be displaced as the applicant intends their project to funnel traffic to their facility.

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

The applicants answer to this question is very misleading and demonstrates an inability to read and understand Kittitas County Code and Comprehensive Plan along with the State's Growth Management Act. Kittitas County spent a substantial amount of time and money to bring its's Zoning and Land Use regulations into compliance with the Growth Management Act. The applicants disregard for that process is apparent given the answer provided. The request is absolutely not compatible with existing zoning. By the answer "and proposed zoning in the Comprehensive Plan" is clear they are attempting making false statements as a basis for the request. The application is definitely not compatible with the

Comprehensive Plan or the Growth Management ACT The Variance Request is **excessive and is more like a land use change and rezone request.**

Those types of requests are processed in an entirely different manner and likely would not be approved.

10. Aesthetics

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

Views in the immediate vicinity would be greatly altered. The applicants plan to use the trees along Sparks to obscure the view of their finished project is all but impossible to achieve. The stand of trees is only about 10 feet deep and consists of small fir trees growing very close together. Thinning would be required to achieve a healthy stand of trees. The wildland interface code would require removing lower limbs to reduce wild fire hazards. Both of those action would likely remove any value for obscuring the sight of an urban style development. The view from the long-established Silver Ridge Ranch property would be absolutely unthinkable as there is no screening. It would take years to propagate vegetation to provide adequate screening. Views from air traffic and planes using Easton State Airport would be greatly impacted. Views from area recreational areas, roads and trails would be of a large urban facility not the designated rural views where the landscape dominates over the built environment.

What does the applicant when they make the statement, "The site is off the road"??? I hardly think anyone would believe it is proposed to be located on the road. Off the road physically does not negate views from other vantage points where such a facility is so unexpected, out of place and unpleasant to see in such a beautiful rural environment.

11. Light and Glare

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

Light will greatly interfere with views of the night sky which is a key element to achieving Rural Character. The light will be disturbing to patrons of near by camp grounds and State Park Visitors. The view of the lighting at night, from the directly adjacent Silver Ridge Ranch and Lodge, would be devastating to their business. Even with the surface being somewhat lower the roadway and with down facing lights the facility will still be visible from nearby I 90 and other properties in the area. The amount of proposed fill will raise the surface of the facility to level nearer to that of Sparks Road allowing more light to be seen off site.

12. Recreation

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

Additional recreational activities include Easton RV Park, Silver Ridge Ranch Camping and Lodge, which directly abuts the proposal, fishing, boating, hiking, biking, UTV and ATV riding, snowmobiling, snow Shoeing, horseback riding and recreational airport use and informal camping.

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

The applicant has limited response to this question to the possibility of displaced recreation on their parcel. There are other recreational activities that will be negatively affected. Recreational use of Silver Ridge Ranch and Lodge Facilities. Use of licensed UTVs and ATVs and snowmobiles on Sparks Road. Walking and Riding bicycles would also be greatly impacted by the

addition of constant large vehicle traffic using Sparks Road which does not have shoulders for the safety of those users. To develop or require bicycle or pedestrian accommodations would further demonstrate that the proposed development is actually Urban. The views from local roads and trails on the locally higher elevations areas of the vicinity would degrade the expected vision of a small rural community with limited development.

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

“None Proposed” is the applicants response. I do not believe there are any possible ways to reduce or control impacts to recreation in the Easton area which would be created by this project. The project is urban in size and any impact controls would diminish the expected opportunities to that of a city street.

14 Transportation

b. Is the site of affected geographic area currently served by public transportation? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The Easton Area is not served by any form of public transportation. The applicant has cited Hope Source as a transportation provider. Hope Source is a private non-profit organization which has provides necessary transportation to low-income households. I personally have no idea where the nearest transit stop might be, but is not anywhere near Easton.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so describe (include weather public or private)

Although the applicant indicates they do not believe improvements will be necessary to facilitate their development they have ignored several issues. The WSDOT signs that alert traffic to chain requirement and other traffic related information operate before Exit 70 in I 90. Not all drivers are local nor do they have access to other means of receiving the information posted on those signs. If travelers leave the facility and access I 90 West bound they could be unaware of travel restrictions posted on the message signs. I don't even want to consider the additional traffic hazards that will create. The WSDOT I 90 over pass at Exit 70 is past its useful life and is in poor condition. The additional 8,560 mostly heavy weight loads using that interchange will quickly further degrade that bridge. Kittitas County should also be concerned about the additional heavy truck traffic on Sparks Road. Those trucks will reduce the life of that portion of Sparks Road and require additional maintenance. The great number of heavy truck traffic using tire chain in winter will also cause premature wear on the surface of the road.

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

Just to clarify the answer regarding the airport. Easton State Airport is an Emergency Airport that is used recreationally by the public. The airport is also used as a base for wildland fire training and in case of a fire they use as their base for deployment and camp facilities. Emergency medical air lifts are also done at the Airport. Clear access to the Airport via the easement between the applicant's parcel, and the Silver Ridge Ranch parcel is essential.

e. 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 non-passenger vehicles) What data or transportation models were used to make these estimates?

It does not appear a Traffic Study has been submitted for this project. That data must available be to demonstrate the monumental difference between existing and projected volumes. WSDOT and Kittitas County cannot make truly informed decisions regarding required improvements without that information. Adding the additional 8,560 projected vehicle trips to this intersection is way out of line with the number of vehicles trips any rural non highway intersection would experience. That volume of traffic is not reflective of Rural Character.

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

What are the frontage improvements along Sparks Road that the applicant believes will control transportation impacts and insure the Rural Character?

A new driveway access is required for ingress and egress. Entry and exit maneuvers will impede traffic on Sparks Road. Semi-trucks entering and leaving the project will require a large area to safely travel onto the traveled the roadway. Those movements generally cause traffic on the roadway to slow or even stop during such activity. I do not see how the applicant will be able to reduce or control impacts of the additional traffic to and from their proposed project.

16. Utilities

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.

The parcel is not in the Easton Water District Service Area or in the district itself. Provisions for suppling water to the project will require a process which includes evaluation of available quantity, engineering and infrastructure installation all requiring a signed contract with the water district. The proposal will need a quantity of water for operation that would

be considered an Urban Level of Service. No other customer of the Easton would even come close to the excessive consumption required for this proposal.

Kittitas PUD does not provide power service to the Easton area.

Puget Sound Energy provides power service to the Easton area. Although the applicant has not chosen to acknowledge the future of electric vehicle energy needs that will have to be installed at the facility to continue providing travelers with their services. Without charging services, this facility will likely not be able to operate as green energy requirements evolve. The installation of infrastructure to provide that service on a level to provide charging services would be another egregious action requiring Urban Services to allow Rural Development. Puget Sound Energy does not currently have infrastructure in the Easton area that would support such service. Puget Sound Energy may not currently have enough infrastructure in the Easton area to provide service the applicants proposal.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

May 10, 2023

Jeremiah Cromie
Kittitas County
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

RE: 202301967, VA-23-00003

Dear Jeremiah Cromie:

Thank you for the opportunity to comment on the Mitigated Notice of Application for the Sparks Park Variance, Easton Truck Stop. We have reviewed the application and have the following comment.

WATER RESOURCES

Dust Control from a Well

If you plan to use water for dust suppression at your project site, be sure that you have a legal right. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at (509) 379-1826 or email at christopher.kossik@ecy.wa.gov.

TOXICS CLEANUP

Installation of new underground storage tanks must meet the requirements of the state underground storage tank regulations (Chapter 173-360A WAC). All new tanks and piping must have double-wall

Jeremiah Cromie
May 10, 2023
Page 2 of 2

construction and be interstitially monitored for releases. Copies of these regulations and required forms are available from the Department of Ecology by calling (360) 407-7270 or toll-free in state 1-800-826-7716.

<http://app.leg.wa.gov/WAC/default.aspx?cite=173-360A>

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Underground-Storage-Tank-checklists-forms>

A notice of intent to install tanks must be filed with Ecology at least 30 days prior to installation. Within 30 days after coming into service, the tanks must be registered with the Department of Revenue's Business License Service on a state notification form. <https://dor.wa.gov/sites/default/files/2022-02/700041.pdf>

<https://apps.ecology.wa.gov/publications/SummaryPages/ECY02095.html>

The supervisor on-site during the installation must be licensed by passing an exam administered by the International Code Council. www.iccsafe.org

New tanks and any connected piping must be protected from corrosion by either a cathodic protection system, or by being constructed or coated with a non-corrosive material such as fiberglass. An acceptable method of leak detection must be employed, and the tanks must be equipped with spill prevention and overfill protection equipment.

Stage I vapor recovery equipment is required on all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than 10,000 gallons.

Other local permits may be required for the installation or permanent closure of underground storage tanks. Contact your local fire marshal and planning department to procure any permits required by county or other local jurisdictions.

Please contact Mike Webb, Underground Storage Tank Inspector, at (509) 406-6572 or email mike.webb@ecy.wa.gov, for further information or to schedule your initial sampling.

Sincerely,



Lucila Cornejo
SEPA Coordinator,
Central Regional Office
(509) 208-4590
crosepacoordinator@ecy.wa.gov

May 9, 2023

RECEIVED
MAY 10 2023

Kittitas County CDS

Kittitas County Community Development Services
Attn: Jeremiah Cromie, Planner II
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926

Mr. Cromie,

Please accept my comments on the proposed, "Loves Truck Stop" in Easton and associated SEPA Environmental Checklist, SE-23-00010.

I know you have received many comments in opposition to this proposal so I will try to keep my comments brief and simple.

It is quite obvious that the proponent is trying to rezone this property by way of a variance. Allowing this will set an unacceptable precedent in Rural Kittitas County.

As a 20+ year volunteer fireman of K.C.F.D. #3 my first concern is the safety of the entire Easton community. East and West Sparks Road are accessed from I-90 Exit 70. There is **NO other way in or out.** As is evident by the attached photos when I-90 is closed due to snow or vehicle accidents or a semi gets stuck on Sparks Road.

When this occurs there are well over 200 residents that are not accessible for Fire or Medical Emergencies. Further more, over 1/2 of our volunteers are unable to respond to the Fire Station located on the south side of I-90.

Imagine we have a 2 or 3 foot snowfall going on at this time. WSDOT cannot access I-90, County snowplows cannot access Sparks Road and Loves Truck Stop, which slopes 11 feet down off Sparks Road is unplowed! This would take hours to deal with! ***This simply will NOT work at Exit 70.***

My second major concern is the survival of Easton's current businesses, especially Silver Ridge Ranch.

People come here to enjoy fresh air, hiking, horse trails, campfires, amazing scenery, cross country skiing, snowmobiling and small town atmosphere.

A truck stop with air brakes popping at all hours and diesel engines idling, all night, polluting the fresh air is simply not compatible with the Rural character of Silver Ridge Ranch and the surrounding area.

My third major concern is living down wind of Loves Truck Stop. About 95% of the time the prevailing winds are from west to east.

There are many residents as well as local businesses directly east of this proposed truck stop.

There is no doubt that this project would affect the quality of the air we all breath.

I urge you to reject this SEPA Environmental Checklist as well as the entire proposal for "Loves Truck Stop."

Respectfully submitted,



John R Jensen
3910 E Sparks Rd
PO Box 602
Easton, WA 98925

Encl: 2 pages of pictures



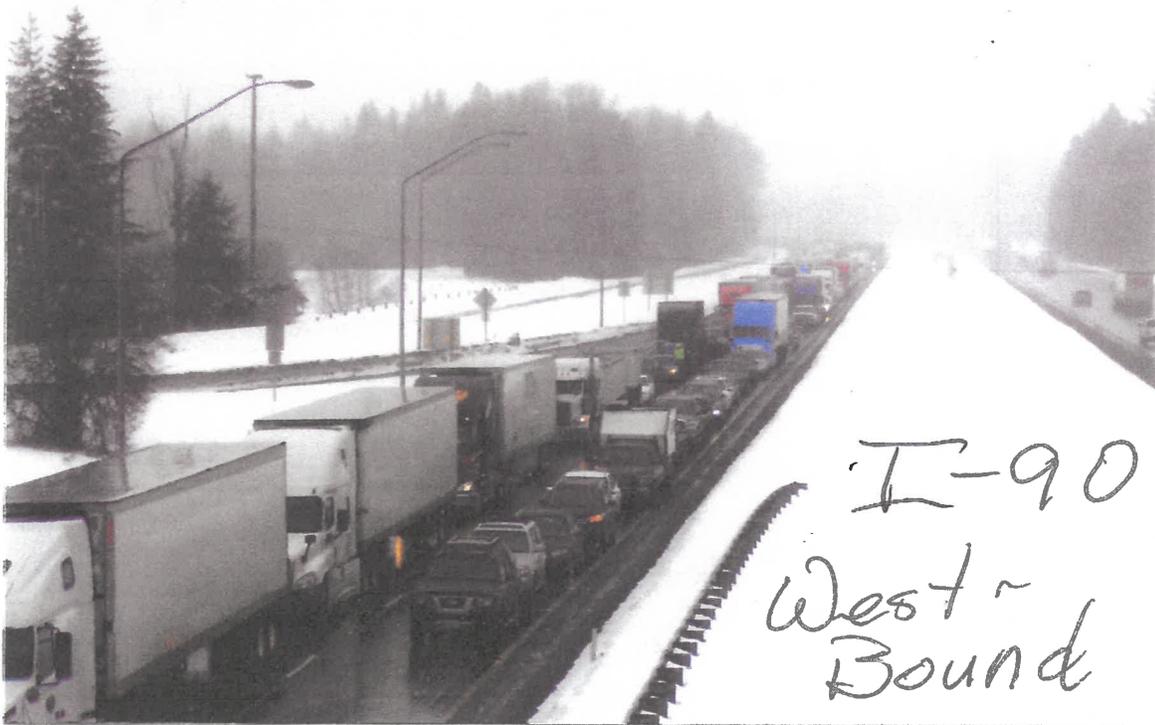
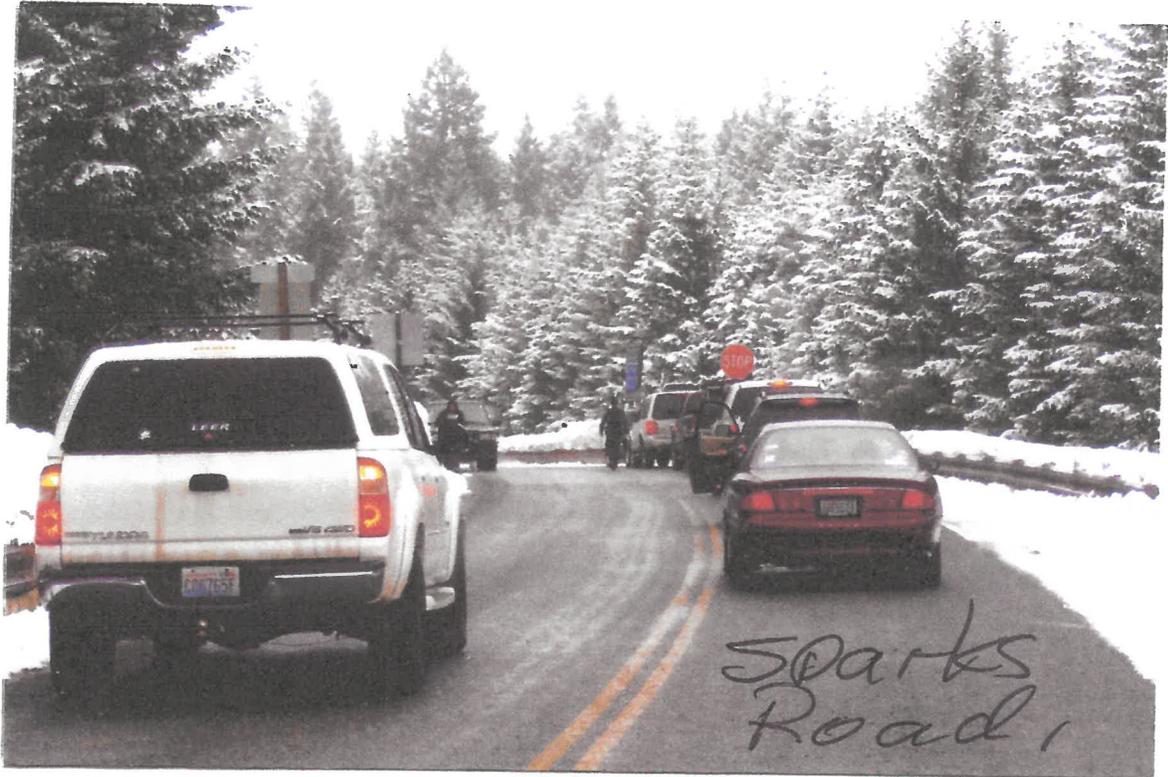
Sparks Road



Sparks Road



Sparks Road



From: [CDS User](#)
To: [Judy Zwiefelhofer](#)
Cc: [Carlie Peebles](#); [Jen Wiemer CDS](#); [Jeremiah Cromie](#)
Subject: RE: Love's Truck Stop Zoning Variance
Date: Wednesday, May 10, 2023 3:44:03 PM

Hi Judy,

I have added our Jeremiah our planner to this email.

Thanks,

Gail Weyand

Certified Permit Technician
Kittitas County Community Development
411 N Ruby Street, Suite 2
Ellensburg, WA 98926
(P)509-962-7506
gail.veyand.cd@co.kittitas.wa.us

To schedule inspections: <https://www.co.kittitas.wa.us/cds/building/inspection-request.aspx>

To view permit or inspection status: <https://co-kittitas-wa.smartgovcommunity.com/ApplicationPublic/ApplicationHome>

To request design criteria / snowloads: <https://www.co.kittitas.wa.us/cds/building/cgdc-form.aspx>

If this is about a Public Records Act request, please go to

<http://www.co.kittitas.wa.us/request/default.aspx> and fill out a request for public records through the GovQA portal.

From: Judy Zwiefelhofer <lyn.judy.123@gmail.com>
Sent: Wednesday, May 10, 2023 3:32 PM
To: CDS User <cds@co.kittitas.wa.us>
Subject: Fwd: Love's Truck Stop Zoning Variance

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

We are contacting you because of many concerns. We live at 180 Smith Drive.

This would have a great impact, negatively affecting the Easton area. We do not feel the applicant has provided enough information or addressed the issues in the SEPA.

1. Air quality, during construction and operation.
2. Water.....groundwater, wastewater and runoff.
3. Transportation.....this would be a major issue during winter storm months. It would be unworkable congestion. It is bad now without a truck stop there. The overpass is in need of repair and most likely would not handle all the extra travel and weight.
4. SAFETY.....don't feel the applicant has dealt with this at all. What is going to happen when the trucks have blocked way in or out? This would make it impossible for fire and aid to access.

These are just a few of the issues that are major concerns.

They need to be addressed.....

Lyn and Judy Zwiefelhofer

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message id: 38eb45916c6dcbdac24bb8719d004a14

From: [Peggy Berline](#)
To: [Jeremiah Cromie](#)
Subject: Proposed Truck Stop in Easton
Date: Wednesday, May 10, 2023 9:12:52 PM

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To: Jeremiah Cromie
From: Peggy Berline
Date: May 10, 2023

Dear Jeremiah,

I am writing to voice my objection to the proposed truck stop in Easton. There are a multitude of reasons why this is not a good idea. Easton is a small rural town and does not have the infrastructure to support this type of business. It will create noise, traffic congestion, and will bring a lot of things to Easton that we do not need such as drugs, and prostitution. There are many other reasons which I am sure you are aware of. If you are working for the people of this county then your only choice is to say no to this proposal.

From: [Jay Berline](#)
To: [Jeremiah Cromie](#)
Subject: Easton Truck Stop
Date: Wednesday, May 10, 2023 9:19:46 PM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

May 10, 2023

Dear Jeremiah,

I am writing to encourage you to vote NO on the proposed Easton Truck Stop. This is a very bad idea. This is a business that will destroy our town. We don't need the drugs and prostitution that come along with a business like this. There are also environmental reasons as well as infrastructure reasons. If you really care about the people in Easton you will say NO to this business.

Sincerely,

Jay Berline

Name: Jackson Purcell

Date: 11 May 2023

Address: 90 Thistle Down Road, Easton, WA 98925

Email: jackson0121@gmail.com

To: Jeremiah Cromie; Staff Planner
Kittitas County, WA

Re: VA-23-00003 Sparks Park Variance

I am writing to inform the city of my very strong opposition to the proposed zoning variance set out in application VA-23-00003

The Application should be denied because (1) it is not Complete because it does not have a valid Mitigated Determination of Nonsignificance ("MDNS"), (2) the Applicant's requested change is not a zoning variance (3) the Applicant fails to satisfy its burden of proof to obtain a zoning variance.

This variance proposal is a zoning change in disguise. We all want growth in Easton and understand change is inevitable however the rate of growth is important to all communities. There are rules and regulations and laws in place that the local governments have added to protect the "local communities" in this so called variance spits in the face of those laws. We as a community in Easton do not want to be bullied by corporations that do not have the best interests for the community itself but rather gross profits for their stakeholders.

For all of these reasons, and others, I implore the County to **DENY** this proposed variance and retain the current approved land use for the property.

Respectfully,

Signature



May 10, 2023

RECEIVED

By Jeremiah Cromie at 8:48 am, May 11, 2023

Kittitas County Community Development Services
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Attention: Jeremiah Cromie, Planner II

Subject: VA-23-00003/SE-23-00010 - Sparks Park
I-90 Exit 70 Lt., Easton State Airport vicinity

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

- The subject property is adjacent to two WSDOT owned and operated facilities, the Interstate 90 (I-90) West Easton interchange (Exit 70) and the Easton State Airport. WSDOT has acquired all access rights to I-90, including the on- and off-ramps, and along 130' of W Sparks Rd. and 130' of Sparks Rd. Our right-of-way records indicate there is an approximately 110' wide break in our limited access control along Sparks Road at the easterly terminus of the Exit 70 crossroad. The proposed driveway can be allowed; however, the driveway must be located entirely within this break and the connection shall not cross the existing limited access boundary.

Further, the proponent is required to dedicate additional access rights to the department along the proposed driveway a distance of 130' beginning at the centerline intersection of the Sparks Road/Exit 70 crossroad intersection. The proponent should contact Mark Kaiser of the WSDOT South Central Region office at (509) 577-1668, for specifics.

- WSDOT Aviation has reviewed the application and found no land use compatibility issues with the Easton State Airport. The proposed development falls within compatibility Zone 6 in which service stations are permitted. However, we are concerned about continued access to the airport. WSDOT has an existing access easement over Silver Ridge Ranch Road, which is the sole point of access to the airport. This road shall not be obstructed in anyway and must remain available to WSDOT.
- The Federal Aviation Administration (FAA) requires notification for this development (see attached FAA assessment tool results). The proponent must use forms 7460-1 and 7460-2, which can be accessed and completed electronically here:
<https://oiaaa.faa.gov/oiaaa/external/portal.jsp>.

May 10, 2023

Page 2

- Any proposed buildings, landscaping, or other improvements will need to comply with certain height restrictions. The proponent is encouraged to contact David Ison, of the WSDOT Aviation Division at (360) 709-8028 for specifics.
- The proponent should be aware, they are proposing commercial development in an area that receives significant snow fall during winter months. Snow removal and winter operations along the I-90 corridor is an ongoing issue for WSDOT. We encourage the proponent to not underestimate the potential for significant delays and/or temporary highway closures due to snowfall and winter road conditions.
- WSDOT has long-range plans to widen I-90 to six lanes in the project vicinity. The plans are only preliminary, and no alternatives have been selected. If at some point funding is procured, the applicant should anticipate traffic delays and detours due to construction-related activities to last multiple construction seasons.
- Any proposed lighting must be directed down towards the site and away from I-90 and the airport.
- Finally, any outdoor advertising or motorist signing considered for this project will need to comply with state criteria. Please contact Trevor McCain of the WSDOT Headquarters Traffic Office for specifics. He can be reached at (360) 705-7282.

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

Sincerely,



Paul Gonseth, P.E.
Planning Engineer

Enclosures

PG: jjp/mnk

cc: SR 90, File 2023_002
Mike Krahenbuhl, Area 1 Maintenance Superintendent
David Ison, Airport Land Use Planner

From: [Rayfield, Thomas](#)
To: [Jeremiah Cromie](#)
Cc: [Tom Rayfield](#)
Subject: Zoning Variance Application VA-23-00003 Sparks Park
Date: Thursday, May 11, 2023 1:42:40 PM

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May 5, 2023

Tom Rayfield
421 Silver Creek Road
Easton, WA 98925
tom_rayfield@comcast.net

Jeremiah Cromie
Planner II
Kittitas County Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
jeremiah.cromie@co.kittitas.wa.us

Dear Mr. Cromie,

I'm writing to express my strong opposition to the proposed zoning variance that would allow the Love's truck stop along Sparks Road on a parcel currently zoned Rural 5, Forest and Range, General Commercial LAMIRD Type 3.

The proposed development will have a significant negative impact on the local environment and community. The negative impact is grounded in the lack of adjacent infrastructure. Clearly the truck stop will dramatically increase traffic in the area. Local road, water and sewage systems are incapable of handling the heavy strain associated with the planned development. Additionally, the increased traffic will produce air pollution, water, and noise pollution.

The increased traffic also creates safety concerns. Sparks Road is the only avenue in and out for many residents. Tractor / trailer traffic will create significant issues for emergency services, notably fire and police, particularly in the winter when snow accumulation occurs.

Regarding police, Easton does not have its own force. Truck stop related crime is well documented. What measures will be taken by the county to ensure community safety? A quick review the zoning variance application reveals there is with no plan and investment outlined by Love's or the county to eliminate or mitigate the above impacts.

Furthermore, the truck stop will have a detrimental effect on the local economy. The few jobs the proposed development will create are low paying, and the business done by the truck stop will negatively impact the existing businesses that have served the needs of residents and tourists for years.

All of the impacts outlined above have been previously presented by other community members in

letters to your office with much greater substance and detail. These impacts must be considered noting the scope of the planned development. Our concerns are rooted in what is essentially a complete rezone of the parcel without recognition of the developments impact and no investment to mitigate that impact. I strongly urge you to reject the proposed zoning variance and protect the interests of county residents. Thank you for your attention to this matter

Sincerely,

Tom Rayfield

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MID 04951

Mike, Kim and Nicole Krzycki

May 11. 2023

50 Silver Creek Rd

Easton, Wa. 98925

kimkrzy@hotmail.com

425-466-0392

To: Jeremiah Cromie; Staff Planner
Kittitas County, WA

Re: VA-23-00003 Sparks Park Variance

I am writing to inform the city of my very strong opposition to the proposed zoning variance set out in application VA-23-00003.

The Comprehensive Plan states clearly the path to GMA Compliance. "RR G32 Rural Employment Center – Intensification of development on lots containing isolated nonresidential uses or new development of isolated small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents." The Allowed uses in Kittitas County Code Title 17.5 implement the goals set out in the Comprehensive Plan. Clearly the approval of this Variance request would **not** result in an isolated small-scale business.

The current owner of this parcel had an opportunity during the Growth Management Hearings Board Compliance process to offer input as to the designation of this parcel as a part of a Type 3 LAMRID. My recollection is that they gave positive input regarding the parcel's inclusion in this LAMRID. One would have to check the official record to confirm that statement. That entire process which was designed to bring the County into compliance with the Growth Management act regarding the protection of "Rural Character" was done at with great effort and considerable cost to Kittitas County. The request for a "Variance" that would more than double the allowed impervious soil coverage and retail area is **excessive** and certainly does not maintain the "Rural Character" as intended by the allowed uses put in place to preserve that aspect of the Compliance process. You can't hide a 16.5-acre development with a few trees which will likely obstruct the visibility for traffic entering and leaving the development. Then there is the view from aircraft using the nearby airport. This proposal would look like a very out of place urban type development.

The unusual circumstances or conditions cited in the applicant's narrative there is discussion regarding the difficulty of access. They express access concerns that are unique to the immediate location. Ingress and Egress for vehicles visiting a "Truck Stop" is extremely important to public safety and the flow of traffic on the frontage road as well as the very nearby I-90 on and off ramps. This circumstance will easily cause substantial blocking events during snow events. The location of the proposed truck stop will also serve to attract many additional vehicles during snow and other events that cause an interruption to travel on I-90. The public will become quickly aware of the facility. The infrastructure in Easton cannot accommodate the additional vehicular traffic generated during such events. This truck stop would quickly become an attractive nuisance. It should be clear that humans cannot rid themselves of the notion is always best to be first in line.

No emergency evacuation route available in the event of a large fire near Easton or chemical spill at the facility. All local residents would be required to move toward the facility to evacuate their homes. In the event of Fire, including wildfire, Chemical spill, Explosion, flooding or other event requiring emergency evacuations from East and West Sparks Road, would be dangerously impaired due to addition of large numbers of freight trucks and

autos at the proposed development. There are no alternate routes from this area and all resident ingress and egress routes are at the I 90 at the Exit 70 interchange ramps. As has been testified in the past – Easton Fire Department is on the South side of I 90, there are Fire fighters on the North and South side of I 90, the point being how do you get the personal to the equipment and how do they efficiently access and call on the North side of I 90. This can be a very dangerous for local residents. The need to upgrade or add facilities would be looked at as extending urban facilities to rural areas to accommodate new growth.

Again, I must remind the reviewer of this request that, the property owner had ample opportunity during the Comprehensive Plan Compliance process to comment on the proposed Type 3 LAMRID. The size of the parcel has not changed during the intervening time. It was substantially larger than other parcels then as it is now. There are allow uses as stated in Title 17.15.070 that are more suitable to a 16.5-acre parcel. The property owner can still enjoy several other uses which are actually more compatible with neighboring properties while maintaining the rural character of the area.

The applicant also indicates that along with the difficult access there is highly restricted visibility due to the lower site topography. The topography should be of concern regarding run off especially volumes from snow melt. Also of concern is the fact that the designated truck parking is at the lower portion of the parcel which will likely cause a considerable challenge to trucks using that area during snow events causing a possible traffic flow problem at ingress and egress points.

The proposed vegetation to shield the view of the truck stop would have consist of some very tall trees if traffic on the frontage road and I-90 are not able to see the activity or lighting from the proposed truck stop. The proposed vegetation must also be placed and spaced to accommodate Firewise landscape. In a rural forested area such as Easton Wildfire is a very real concern. Having a large quantity of flammable material is of special concern. Weather ignition were to take place on or off site there would be irreparable harm. Again, a reminder that there is only one way in and out of Easton and this project is in a location when operational could cause substantial problems with evacuations as well as possibly impeding access to the Airport for firefighting equipment and personal.

References to the Land use and Comprehensive Plan seem to demonstrate a lack of respect and understanding of the purpose of such documents or perhaps they are simply taking things out of context which can lead to unintended consequences.

Response to applicant section “B”

The applicant’s request for variance says “is necessary for the preservation and enjoyment of a substantial property right of the possessed by the owners of other properties in the same vicinity.”

Other property owners in the same Type 3 LAMRID enjoy and are governed by the same property rights and zoning regulations as the applicant. The approval of this variance however will gravely impact at least one neighboring property owners. Specifically Silver Ridge Ranch is within feet of the proposed truck stop. The Campground at Silver Ridge Ranch is directly behind the proposed truck stop. Trucks traffic, service and repair operations, noise levels and emissions would be greatly detrimental to the Silver Ridge Ranch property operations. Silver Ridge Ranch has operated on that parcel for decades. Silver Ridge Ranch provides recreation in a rural setting. Building a truck stop for their customers to look at smell and hear would be unduly burdensome to those property owners.

I do not believe the applicant has presented documentation that would justify the requested variance. The request is **excessive**. Requesting more than 100% increase in impervious surface area and Retail space is not in keeping with the preservation of rural character mandated by the County’s Comprehensive Plan.

A variance to develop a “truck stop” in a rural area is not beneficial. This is a parcel which has the ability to be developed in a manner more beneficial to the area and allowed by Zoning regulations. Allowed Uses include,

Animal boarding, Agriculture sales, Farm stand, Grazing, Nurseries, Cemetery, Auction sales of non-agriculture products, Restaurant, Retail sales, general, Retail sales,* lumber and building materials, Services, Vehicle/equipment service and repair, Manufacturing, Parks and playgrounds, Recreation, indoor, Mini-warehouse, Adult family home, among many others. All uses permitted out right or by conditional use are required to abide by, "**17.15.070 Allowed Uses in Rural LAMIRD Lands.** Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot." There are also many other restrictions on uses noted in the foot notes for each use. These restrictions were put in place to implement protections for Rural Character as required for compliance with Washington State's Growth Management Act. Kittitas County's Comprehensive Plan and associated Zoning regulation have been declared in compliance by the Growth Management Hearings Board and allowing the excessive request in this variance will put the County at risk for non-Compliance again.

Even in the Urban use Table there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.1 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P [18](#) Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop only appears in Urban Zones and is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

There are other parcels in Kittitas County which are much more suited for and zoned for this type of project. The parking needs related to I-90 traffic are admittedly a big issue for Easton. WSDOT this winter has closed I-90 access at Ellensburg and Cle Elum as well as Exit 70 Which has to some extent mitigated the issue. WSDOT is continuing to improve I-90 allowing for more efficient and effective snow management. I believe the work on going and in the pipeline will alleviate much or the parking problem on Easton streets as that work progresses.

The impervious service coverage, although has a relationship to Rural Character but, is in place to preserve water quality, reduce undesirable runoff and maintain habitat. There is no infrastructure for treatment of run off in place in Easton. Run off from any surface which is used continuously by heavy vehicular traffic, and is subject to petroleum product spills, small or large, emissions and substantial snow fall with melt water runoff is not healthy for the environment.

Response to applicant section "C"

The Comprehensive Plan and Zoning Codes provide areas in the County that will best serve public well-being. Those regulations also dictate where Truck Stop facilities are best suited. I think the "well-being" of the traveling public is best decided on a larger scale. The applicant appears to believe that "well-being" should be to providing fuel sales, general retail sales, a vehicle/truck stop service and repair shop and a restaurant on a large scale. Those are not amenities associated with rural character and are rightfully not allowed to occur in this Type 3 LAMRID.

The view stated under the heading, "Property in the Vicinity", that higher volumes of traffic will serve to protect Rural Character completely escapes my understanding.

As I have already commented it will likely be impossible to retain rural character if this variance request is approved. You can't hide a facility of this size. The environmental hazards, noise, air quality, runoff and reduction in impervious soils are not appropriate for

Response to applicant section "D"

Granting this Variance Request will absolutely effect the realization to the comprehensive development plan. Developing General Commercial on the scale proposed will **not** promote preserve or enhance the rural character of the LAMRID. Services proposed will provide services that are in extreme excess of what is consistent with the Comprehensive Plan. The proposed project is designed in a way that will not promote further development of adjacent "General Commercial "properties within the LAMRID. The proposal has stated that **it would funnel traffic into its establishment discouraging travel other businesses in the LAMRID**. The effects on local infrastructure would result in the extension of urban services to accommodate rural sprawl which is strictly prohibited. The proposal would require extension and annexation into the public water district. That water district would require substantial improvement to meet the needs of the proposed truck stop. The local fire department would be required to obtain equipment and training to meet responses to spills, petroleum or chemical spills ro ignition, as well as additional EMS personal to meet the needs of those visiting the truck stop. Easton is a very small community with only a small volunteer staff. This community does not have a tax base to add full time staff and additional equipment to meet the requirements to keep the community safe.

Employment

The dream that the facility would create jobs for locals, is just that a dream. Most citizens of Easton are much more gainfully employed than the wages offered at a truck stop, restaurant or Convenience store. The rest of the residents either are unable to work or do not need to work. There are few rental properties or homes for sale in Easton that would be in budget for those 20 employees. The proponent could argue that if their plan goes forward, home values in Easton would decrease substantially and maybe there might be some housing available for their employees. But that would be detrimental to home owners in Easton. One more reason to deny the variance. Potential employees would have to travel several miles to get to Easton for work. Given the cost to travel these days it will be difficult to retain employees here.

The following comments are intended to demonstrate further why the proposed variance should be denied.

Prohibited use" means those uses not specifically enumerated as allowed uses under the provisions of KCC Chapter [17.15](#). ([Ord. 2018-001](#), 2018; [Ord. 2013-012](#), 2013; [Ord. 2013-001](#), 2013; Res. 83-10, 1983)

Definitions 17.08.469A Retail sales

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.060 Allowed uses in rural non-LAMIRD lands

Retail sales,* general Forest & Range Foot Note [51](#) When enhanced agricultural sales are provided. CU Foot Note [36](#) Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter [17.59](#).

Retail sales,* general General Commercial CU Foot Note [18](#) Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed **4,000 square feet**.

Retail sales,* general Rural Recreation CU Foot Note [18](#) Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed **4,000 square feet**.

Note that Retail sales in all rural lands are restricted to the same 4,000 square foot size as the Type III LAMRID. This should make it very clear the County is serious about controlling inappropriate development in Rural Lands

17.15.70.1 Rural LAMIRD Use Table

Type 1 LAMRID Commercial Permitted

Retail sales,* general General Foot Note [48](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.* Retail sales,* general Highway Commercial Permitted Foot Note [14](#) Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand **(4,000) square feet**.

Retail sales,* general PUD Permitted

Type 3 LAMRID

- Retail sales,* general Limited Commercial Permitted Foot Note [48](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand **(4,000) square feet**.*

Retail sales,* general General Commercial Permitted Foot Note 48 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted Foot Note 14 Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

17.15.80.1 Urban Use Table

Retail sales,* general Limited Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general General Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general Highway Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Urban uses also require the business be wholly enclosed within an enclosed building. This further demonstrates the Counties effort to remain compliant with the Growth Management Act.

Definitions 17.08.560A Vehicle/equipment service and repair.

"Vehicle/equipment service and repair" means maintenance of motorized vehicles and equipment including exchange of parts, installation of lubricants, tires, batteries, and similar vehicle accessories, minor customizing and detail operations, and body shops. This definition includes gas and service stations. ([Ord. 2013-001](#), 2013)

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.070 Allowed Uses in Rural LAMIRD Lands

Rural Employment Centers [50,52](#) (Type 3 LAMIRDs)

General Commercial, Vehicle/equipment service and repair*, Foot Note P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

This does seem to eliminate the allowed use for fuel station which cannot be wholly enclosed in a building.

The only Truck Stop and repair facility in the allowed the use table for Rural LAMRIDS is as follows

17.15.070.1 Rural LAMIRD [49](#) (Type 1 LAMIRDs)

Highway Commercial , Vehicle/equipment service and repair*, Foot Note P [19](#) Includes truck stop operations. Minor repair work permitted. This demonstrates the County determined such facilities should be only be sited as described, to assure the protection of Rural Character and maintain compliance with County Wide Planning Policies, the Comprehensive Plan and the State's Growth Management Act.

Even in the Urban use Table Truck Stops are restricted and there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.2 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P [18](#) Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop in Urban Zones is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

For all of these reasons, and others, I implore the County to **DENY** this proposed variance and retain the current approved land use for the property.

Respectfully,

The Krzycki Family

From: [Debbie Bogart](#)
To: [Jeremiah Cromie](#)
Subject: VA 23 00003 Zoning Variance Application
Date: Thursday, May 11, 2023 4:49:41 PM

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The following comments are being submitted regarding VA 23 00003 Zoning Variance Application
Landowner Sparks Park LLC C/O Lisa Weis
Agent AJ Sandhu
Tax Parcel number: 778834

As a rural community, one without sufficient infrastructure to support a major development such as the proposed truck stop, there are several valid issues that are concerning. The following are those that I am submitting comments on and wish to have noted. There are many more concerns, noise, traffic mitigation, toxic waste.

B. Environmental Elements:

- The level of impervious surface that the applicant states, which at the level of 74% ,does not reflect the goals stated within the Type 3 LAMRID that this area has been zoned for.
- Water- Ground Water has not been requested from the Easton Water District and at present it is unknown if there is sufficient water availability to meet the amount of water needed. In addition, the applicant has not indicated the approximate quantities of water required or how the water will be discharged.
- Waste treatment being discharged from septic tanks or other sources has not been clearly identified, there is no clear indication of what type and size of the waste treatment will be required to service this proposed development.
- Water runoff, specifically management of storm water has not been thoroughly identified. There is no method of collection, including management of large amounts of snow that will need to accumulate and then add to the level of runoff that will add additional impact to the area being developed and to the surrounding lands.
- The applicant has not sufficiently answered the following questions within Section 3: Water.
 - Could waste materials enter ground or surface waters?
 - Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so describe.
 - Proposed measures to reduce or control surface, ground and runoff water, and drainage pattern impacts if any.

Regarding Section 4 – Plants

- A thorough assessment of endangered species, plants and animals should be conducted in this area, to determine which species are currently growing in this area. Resources such as the Forest Management, Rangelands Management, & Vegetation Ecology Programs can provide additional verification of any rare or endangered plant species. Within the area proposed, bear grass, western columbine, Indian paintbrush, dwarf purple monkeyflower, lady's slipper, trillium, and other plant species can be found and will be either eliminated or significantly impacted due to surface covering, water runoff and overuse by pedestrian and domestic animal traffic.

Regarding Section 5 - Animals

- A thorough assessment of animal traffic and habitation should also be undertaken. The area has several migratory bird species that nest and feed young, both on land and in Lake Easton and the Yakima River. Osprey, Eagles, Swans, multiple species of duck and geese. The area of the proposed development is within a migratory path for birds of all sizes and during all seasons of the year. Increased garbage by the development would only increase some negative activity by bear, racoons, crows, rats, mice, and other animals which would increase potential threat for harm and disease.

Thank you,

Debbie Bogart
907-351-6223
2451 Railroad St
Easton, WA 98925

From: [Jill Merwin](#)
To: [Jeremiah Cromie](#)
Subject: VA-23-00003 Sparks Park Variance and SEPA SE 23 00010
Date: Thursday, May 11, 2023 10:30:38 PM

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05/11/2023

Jill Merwin
P O Box 462
Easton WA 98925
jamerwin@gmail.com

Jeremiah Cromie, Staff Planner
Kittitas County, WA
jeremiah.cromie@co.Kittitas.wa.us
cds@co.Kittitas.wa.us

Re: VA-23-00003 Sparks Park Variance

Dear Mr. Cromie,

I am writing to inform the city of my strong opposition to the proposed zoning variance set forth in application VA-23-00003.

I am a full-time resident on Country Dr, and my property is situated behind Parcel 778834 on West Sparks Rd, Easton, WA. While I recognize the trucking industries needs, I strongly object to the proposed zoning variance set forth in application VA-23-00003 and the particular location and size of the truck stop being proposed. My concerns with the application are, in part, listed below:

1) The applicant purports to seek a zoning variance, but it would more appropriately be characterized as a zoning change and/or a total change to the Comprehensive Plan. Variances should not be used to circumvent the underlying zone's development intensity or the Comprehensive Plan designation itself. The applicant's request is not in keeping with the intent of the code for the Type 3 LAMIRD commercial zoning, which is to allow rural commercial development at a scale and intensity consistent with the surrounding rural area.

The applicant's request is to permit 74% impervious surface and more than double the maximum retail sales building square footage allowed in this zone. This is not a mere variance. It circumvents the rural zoning standards and the Comprehensive Plan. No part of the area is zoned for high density urban development of the type proposed by the applicant. It is a substantial change that should not be made through a mere zoning variance.

2) The applicant has not satisfied the criteria for a zoning variance. Kittitas County Code Section 17.84.010 states that a zoning variance shall only be granted when "unusual circumstances cause undue hardship" to the applicant, and shall only be made when all four of the enumerated facts and conditions exist. See KCC 17.84.010. The burden of proof is on the party seeking a zoning variance to establish that it has satisfied the four criteria to be entitled to a zoning variance.

Kittitas County Code Section 17.84.010(1)-(4) sets out the four facts and conditions that the applicant must establish to be entitled to a variance:

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 a 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.

The applicant has failed to articulate a basis for all four points, let alone satisfy them. The applicant has the burden to establish the criteria; the public isn't required to disprove them. Where the applicant fails to establish the elements, the request for variance must be denied. However, the application and the details of the parcel, including the current SEPA process, make it clear it could never satisfy the criteria for a zoning variance. It fails on all four counts, as noted below:

1. There are no unusual circumstances or conditions that apply to the applicant's property that do not apply to other properties in the area. All parcels in the area share the same zoning restrictions.
2. The variance is not necessary for the preservation and enjoyment of a substantial property right, because the applicant has no property right to develop a truck stop or pave 74% of the impervious area maximum limit, or build double the size of the retail sales floor area maximum. The applicant is purchasing (or has purchased) the property knowing its zoning and restrictions, and that no right to pave or build at this intensity could possibly be read into the applicant's property rights.
3. The authorization of such variance will be materially detrimental to the public welfare AND injurious to property in the vicinity. Not only will the proposed truck stop have an adverse aesthetic impact to residents within miles of this access road, but this access road is the only ingress/egress road to residents in the area. In the event of chemical spills at this location, wildfires, or heavy snow resulting in road blockages, emergency vehicles would not be able to access people and property in distress, nor would homeowners in the area be able to escape such disasters. In addition, the close proximity of the parking and services to adjoining property owners WILL adversely impact the adjoining parcels and those beyond with higher noise and emissions levels, and intense lighting at all hours. The adjoining Silver Ridge Ranch, a rural resort that hosts equestrian camping, snowmobiling, horseback riding, and hiking, and has been in operation for decades, would likely experience a devastating impact to their livelihood and business, as would other existing businesses in the area.
4. The granting of such variance will adversely affect the realization of the comprehensive development pattern. The Type 3 LAMIRD designation for this parcel is intended to permit commercial development at a rural scale and intensity. This variance request would effectively permit development on a scale and density associated with Washington's most dense urban areas. Kittitas County would also be left with no viable argument or basis to deny other zoning variances that seek a similar density of development, amounting to a change in the Type 3 LAMIRD designation and the Comprehensive Plan.

In conclusion, the application seeks to accomplish through a mere variance what amounts to a zoning change and/or a change to the Comprehensive Plan. It fails to sustain its burden of proof with respect to the variance criteria in Kittitas County Code Section 17.84.010. This entire variance request is invalid and should be dismissed until such time it is associated with a valid development proposal. I urge you to please use thoughtful, long-range planning in making a determination regarding the application for this location and all of the negative impacts this proposed use will have on the entire community for years to come.

Please provide me with a notification of the CDS administrative decision, once made.

Thank you for your consideration.

Respectfully,

Jill Merwin



KITTITAS COUNTY

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: All Staff
FROM: Public Works Plan Review Team
DATE: May 12th, 2023
SUBJECT: VA-23-00003 Sparks Park Round 2 Comments

ACCESS	<ol style="list-style-type: none">1. An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access. Refer to Chapter 12 of the Kittitas County Code for access requirements.2. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.3. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.
ENGINEERING	<ol style="list-style-type: none">1. Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080). (CC)2. Traffic concurrency is required for all new developments. A traffic impact analysis (TIA) shall be required for all development that will generate more than nine (9) peak hour vehicle trips. (KCC 12.10.040) (JF)
SURVEY	There are no survey comments regarding this application (JT).
FLOOD	No comments (SC).
WATER MITIGATION/METERING	No comments (SC).

From: Kraig and Ann Marie McLeod, Owners of Silver Ridge Ranch
To: Kittitas County

Silver Ridge Ranch (SRR) is located directly behind the proposed truck stop location and our entrance is adjacent to the proposed truck stop. Noise, aesthetics, lighting, traffic, parking, air quality, horse and animal wellbeing, crime, pollution, and general access will have a devastating effect on our business. A business that was intended, per land use, and has been a part of the community for decades.

The proposed truck stop will create a large cement pad three times the size that is allowed on the current surface. The landscape plan is inadequate, and our guests direct view to the truck stop would all but stop guests from returning.

Our guest expectations are to have a unique outdoor experience including but not limited to enjoying a quiet and tranquil vacation, riding their horses, sitting next to a campfire, enjoying the lodge and RV sites with friends, hosting family reunions and weddings, and the enjoying the great outdoors. This proposed truck stop would have a complete negative effect to our guests experience and to our business.

Their request for a variance that would more than double the allowed impervious soil coverage and retail area is more than excessive and does not maintain the intended rural character of the area.

The incompatibility of the proposed development and our long-term history of recreation cannot coexist as adjacent neighbors.

Silver Ridge Ranch as an outdoor recreation area will have to deal with the following unmitigated issues; all of which will have a negative effect on our guests, horses, and wildlife in general.

Light and glare, this will be most disturbing at night as customers generally enjoy the sky while watching the stars.

Air quality, the continual emissions from the truck stop via exhaust and fuel vapor could have long term health effects on patrons and wildlife, not to mention quality of life issues.

Water and water run-off contamination, since Silver Ridge Ranch is adjacent to this property, could pose a major risk to both our guest's horses and the general condition of our property.

Noise: We have all visited truck stops in our travels and have heard the 24-hour continual noise levels that these operators emit. Our activities will be severely affected by this issue. People will not be able to sleep at night, horses will be on edge, guests constantly subjected to the noise will seriously hinder the enjoyment of their vacation.

Access &Traffic

The ingress and egress for truck and vehicles visiting the truck stop along with the impact on public safety and flow on and off the freeway and Sparks Road, will create heavy traffic and congestion. Our facility has RV and horse trailers using the area now along with the resorts on the south side of the freeway. Guest transporting horses will no longer want to risk the danger this will impose. With thousands of more vehicles and trucks in additional traffic, volume will be added to this interchange. This will turn into gridlock all seasons of the year. When it does become gridlock either because of excessive traffic or illegal parking our guests will find another resort to visit.

Due to all these issues listed, this facility will have a devastating effect on our established business. Silver Ridge Ranch fits the current permitted use for the area.

This area promotes recreation, and it should continue to be promoted as Easton has the charm and beauty that many outdoor enthusiasts enjoy. If this variance is granted to an entity that does not fit into the general land use plans for Easton, the long-term effects will devastate its rural character. There are many more suitable areas for a truck stop that would fit into those areas general plan. Easton has had a long history of recreation and that should continue.

From: [Maria Clarke](#)
To: [Jeremiah Cromie](#)
Subject: Comments that apply to VA 23 00003
Date: Friday, May 12, 2023 12:21:55 PM

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My husband and I are opposed to the truck stop at Exit 70 in Easton because of the below restrictions on this parcel.

Zoning Variance Application
Land Owner Sparks Park LLC C/O Lisa Weis
Agent AJ Sandhu
Tax Parcel number: 778834

The requested variance appears to actually be a request for Land Use Change as a “Truck Stop” as an allowed use is only available in the Urban Land Use Type.

The Zoning Variance Application Narrative document does not identify the applicant or the specific Parcel requesting the Variance.

Zoning Variance Application

Page 1

Required Attachments

The Preliminary Site Plan does not clearly identify Septic tank, drain field and replacement area. The document is almost impossible to read due to the poor quality. It is difficult to tell if the additional items required by the Site Plan submittal are included in the submitted document. Without clarity it is difficult if not impossible to make constructive comments on this document.

Page 3 Question 10

Response to applicant section “A”

The Comprehensive Plan states clearly the path to GMA Compliance. “RR G32 Rural Employment Center – Intensification of development on lots containing isolated nonresidential uses or new development of isolated

small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents.” The Allowed uses in Kittitas County Code Title 17.5 implement the goals set out in the Comprehensive

Plan. Clearly the approval of this Variance request would **not** result in an isolated small-scale business.

The current owner of this parcel had an opportunity during the Growth Management Hearings Board Compliance process to offer input as to the designation of this parcel as a part of a Type 3 LAMRID. My recollection is that they gave positive input regarding the parcel’s inclusion in this LAMRID. One would have to check the official record to confirm that statement. That entire process which was designed to bring the County into compliance with the Growth Management act regarding the protection of “Rural Character” was done at with great effort and considerable cost to Kittitas County. The request for a “Variance” that would more than double the allowed impervious soil coverage and retail area is **excessive** and certainly does not maintain the “Rural Character” as intended by the allowed uses put in place to preserve that aspect of the Compliance process.

You can’t hide a 16.5-acre development with a few trees which will likely obstruct the visibility for traffic entering and leaving the development.

Then there is the view from aircraft using the nearby airport. This proposal would look like a very out of place urban type development.

The unusual circumstances or conditions cited in the applicant’s narrative there is discussion regarding the difficulty of access. They express access concerns that are unique to the immediate location. Ingress and Egress for vehicles visiting a “Truck Stop” is extremely important to public safety and the flow of traffic on the frontage road as well as the very nearby I-90 on and off ramps. This circumstance will easily cause substantial blocking events during snow events. The location of the proposed truck stop will also serve to attract many additional vehicles during snow and other events that cause an interruption to travel on I-90.

The public will become quickly aware of the facility. The infrastructure in Easton cannot accommodate the additional vehicular traffic generated during such events. This truck stop would quickly become an attractive nuisance. It should be clear that humans cannot rid themselves of the notion is always best to be first in line.

No emergency evacuation route available in the event of a large fire near Easton or chemical spill at the facility. All local residents would be

required to move toward the facility to evacuate their homes. In the event of Fire, including wildfire, Chemical spill, Explosion, flooding or other event requiring emergency evacuations from East and West Sparks Road, would be dangerously impaired due to addition of large numbers of freight trucks and autos at the proposed development. There are no alternate routes from this area and all resident ingress and egress routes are at the I 90 at the Exit 70 interchange ramps. As has been testified in the past – Easton Fire Department is on the South side of I 90, there are Fire fighters on the North and South side of I 90, the point being how do you get the personal to the equipment and how do they efficiently access and call on the North side of I 90. This can be a very dangerous for local residents. The need to upgrade or add facilities would be looked at as extending urban facilities to rural areas to accommodate new growth.

Again, I must remind the reviewer of this request that, the property owner had ample opportunity during the Comprehensive Plan Compliance process to comment on the proposed Type 3 LAMRID. The size of the parcel has not changed during the intervening time. It was substantially larger than other parcels then as it is now. There are allow uses as stated in Title 17.15.070 that are more suitable to a 16.5-acre parcel. The property owner can still enjoy several other uses which are actually more compatible with neighboring properties while maintaining the rural character of the area.

The applicant also indicates that along with the difficult access there is highly restricted visibility due to the lower site topography. The topography should be of concern regarding run off especially volumes from snow melt. Also of concern is the fact that the designated truck parking is al the lower portion of the parcel which will likely cause a considerable challenge to trucks using that area during snow events causing a possible traffic flow problem at ingress and egress points.

The proposed vegetation to shield the view of the truck stop would have consist of some very tall trees if traffic on the frontage road and I-90 are not able to see the activity or lighting from the proposed truck stop.

The proposed vegetation must also be placed and spaced to accommodate Firewise landscape. In a rural forested area such as Easton Wildfire is a very real concern. Having a large quantity of flammable material is of special concern. Weather ignition were to take place on or off site there would be irreparable harm. Again, a reminder that there is only one way in and out of Easton and this project is in a location when operational could

cause substantial problems with evacuations as well as possibly impeding access to the Airport for firefighting equipment and personnel. References to the Land use and Comprehensive Plan seem to demonstrate a lack of respect and understanding of the purpose of such documents or perhaps they are simply taking things out of context which can lead to unintended consequences.

Response to applicant section “B”

The applicant’s request for variance says “is necessary for the preservation and enjoyment of a substantial property right of the possessed by the owners of other properties in the same vicinity.”

Other property owners in the same Type 3 LAMRID enjoy and are governed by the same property rights and zoning regulations as the applicant. The approval of this variance however will gravely impact at least one neighboring property owners. Specifically Silver Ridge Ranch is within feet of the proposed truck stop. The Campground at Silver Ridge Ranch is directly behind the proposed truck stop. Trucks traffic, service and repair operations, noise levels and emissions would be greatly detrimental to the Silver Ridge Ranch property operations. Silver Ridge Ranch has operated on that parcel for decades. Silver Ridge Ranch provides recreation in a rural setting. Building a truck stop for their customers to look at smell and hear would be unduly burdensome to those property owners.

I do not believe the applicant has presented documentation that would justify the requested variance. The request is **excessive**. Requesting more than 100% increase in impervious surface area and Retail space is not in keeping with the preservation of rural character mandated by the County’s Comprehensive Plan.

A variance to develop a “truck stop” in a rural area is not beneficial. This is a parcel which has the ability to be developed in a manner more beneficial to the area and allowed by Zoning regulations. Allowed Uses **include**, Animal boarding, Agriculture sales, Farm stand, Grazing, Nurseries, Cemetery, Auction sales of non-agriculture products, Restaurant, Retail sales, general, Retail sales,* Lumber and building materials, Services, Vehicle/equipment service and repair, Manufacturing, Parks and playgrounds, Recreation, indoor, Mini-warehouse, Adult family home, among many others. All uses permitted out right or by conditional use are required to abide by,

“17.15.070 Allowed Uses in Rural LAMIRD Lands. Note to Reader: All

allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.” There are also many other restrictions on uses noted in the foot notes for each use.

These restrictions were put in place to implement protections for Rural Character as required for compliance with Washington State’s Growth Management Act. Kittitas County’s Comprehensive Plan and associated Zoning regulation have been declared in compliance by the Growth Management Hearings Board and allowing the excessive request in this variance will put the County at risk for non-Compliance again.

Even in the Urban use Table there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.1 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P [18](#) Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop only appears in Urban Zones and is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be

denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

There are other parcels in Kittitas County which are much more suited for and zoned for this type of project. The parking needs related to I-90 traffic are admittedly a big issue for Easton. WSDOT this winter has closed I-90 access at Ellensburg and Cle Elum as well as Exit 70 Which has to some extent mitigated the issue. WSDOT is continuing to improve I-90 allowing for more efficient and effective snow management. I believe the work on going and in the pipeline will alleviate much or the parking problem on Easton streets as that work progresses.

The impervious service coverage, although has a relationship to Rural Character but, is in place to preserve water quality, reduce undesirable runoff and maintain habitat. There is no infrastructure for treatment of run off in place in Easton. Run off from any surface which is used continuously by heavy vehicular traffic, and is subject to petroleum product spills, small or large, emissions and substantial snow fall with melt water runoff is not healthy for the environment.

Response to applicant section “C”

The Comprehensive Plan and Zoning Codes provide areas in the County that will best serve public well-being. Those regulations also dictate where Truck Stop facilities are best suited. I think the “well-being” of the traveling public is best decided on a larger scale. The applicant appears to believe that “well-being” should be providing fuel sales, general retail sales, a vehicle/truck stop service and repair shop and a restaurant on a large scale. Those are not amenities associated with rural character and are rightfully not allowed to occur in this Type 3 LAMRID. The view stated under the heading, “Property in the Vicinity”, that higher volumes of traffic will serve to protect Rural Character completely escapes my understanding.

As I have already commented it will likely be impossible to retain rural character if this variance request is approved. You can't hide a facility of this size. The environmental hazards, noise, air quality, runoff and reduction in impervious soils are not appropriate for

Response to applicant section “D”

Granting this Variance Request will absolutely effect the realization to the

comprehensive development plan. Developing General Commercial on the scale proposed will **not** promote preserve or enhance the rural character of the LAMRID. Services proposed will provide services that are in extreme excess of what is consistent with the Comprehensive Plan. The proposed project is designed in a way that will not promote further development of adjacent "General Commercial "properties within the LAMRID. The proposal has stated that **it would funnel traffic into its**

establishment discouraging travel other businesses in the

LAMRID. The effects on local infrastructure would result in the extension of urban services to accommodate rural sprawl which is strictly prohibited.

The proposal would require extension and annexation into the public water district. That water district would require substantial improvement to meet the needs of the proposed truck stop. The local fire department would be required to obtain equipment and training to meet responses to spills, petroleum or chemical spills ro ignition, as well as additional EMS personal to meet the needs of those visiting the truck stop. Easton is a very small community with only a small volunteer staff. This community does not have a tax base to add full time staff and additional equipment to meet the requirements to keep the community safe.

Employment

The dream that the facility would create jobs for locals, is just that a dream.

Most citizens of Easton are much more gainfully employed than the wages offered at a truck stop, restaurant or Convenience store. The rest of the residents either are unable to work or do not need to work. There are few rental properties or homes for sale in Easton that would be in budget for those 20 employees. The proponent could argue that if their plan goes forward, home values in Easton would decrease substantially and maybe there might be some housing available for their employees. But that would be detrimental to home owners in Easton. One more reason to deny the variance. Potential employees would have to travel several miles to get to Easton for work. Given the cost to travel these days it will be difficult to retain employees here.

The following comments are intended to demonstrate further why the proposed variance should be denied.

Prohibited use" means those uses not specifically enumerated as allowed uses under the provisions of KCC Chapter [17.15](#). ([Ord. 2018-001](#), 2018; [Ord. 2013-012](#), 2013; [Ord. 2013-001](#), 2013; Res. 83-10, 1983)

Definitions 17.08.469A Retail sales

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.060 Allowed uses in rural non-LAMIRD lands

Retail sales,* general Forest & Range Foot Note [51](#) When enhanced agricultural sales are provided. CU Foot Note [36](#) Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter [17.59](#).

Retail sales,* general General Commercial CU **Foot Note 18** Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Retail sales,* general Rural Recreation CU Foot Note [18](#) Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Note that Retail sales in all rural lands are restricted to the same 4,000 square foot size as the Type III LAMRID. This should make it very clear the County is serious about controlling inappropriate development in Rural Lands

17.15.70.1 Rural LAMIRD Use Table

Type 1 LAMRID Commercial Permitted

Retail sales,* general General Foot Note [48](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted Foot Note [14](#) Retail sales limited to groceries and sales of souvenirs, gifts,

novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

Retail sales,* general PUD Permitted

Type 3 LAMRID

- Retail sales,* general Limited Commercial Permitted Foot Note 48 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general General Commercial Permitted Foot Note 48 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted Foot Note 14 Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

17.15.80.1 Urban Use Table

Retail sales,* general Limited Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general General Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general Highway Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Urban uses also require the business be wholly enclosed within an enclosed building. This further demonstrates the Counties effort to remain compliant with the Growth Management Act.

Definitions 17.08.560A Vehicle/equipment service and repair.

"Vehicle/equipment service and repair" means maintenance of motorized vehicles and equipment including exchange of parts, installation of lubricants, tires, batteries, and similar vehicle accessories, minor customizing and detail operations, and body shops. This definition includes gas and service stations. ([Ord. 2013-001](#), 2013)

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.070 Allowed Uses in Rural LAMIRD Lands

Rural Employment Centers [50,52](#)

(Type 3 LAMIRDS)

General Commercial, Vehicle/equipment service and repair*, Foot Note P [11](#) Permitted **when conducted wholly within an enclosed building (excluding off-street parking and loading areas).**

This does seem to eliminate the allowed use for fuel station which cannot be wholly enclosed in a building.

The only Truck Stop and repair facility in the allowed the use table for Rural LAMIRDS is as follows

17.15.070.1 Rural LAMIRD [49](#)

(Type 1 LAMIRDS)

Highway Commercial , Vehicle/equipment service and repair*, Foot Note P [19](#) **Includes truck stop** operations. Minor repair work permitted.

This demonstrates the County determined such facilities should be only be sited as described, to assure the protection of Rural Character and maintain compliance with County Wide Planning Policies, the Comprehensive Plan and the State's Growth Management Act.

Even in the Urban use Table Truck Stops are restricted and there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.2 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P [18](#) Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop in Urban Zones is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

Thank you,
Maria and Chris Clarke
POBox 465
Easton, Wa 98925

MEYER, FLUEGGE & TENNEY, P.S.

ROBERT C. TENNEY
MARK D. WATSON*
JEROME R. AIKEN*
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OF COUNSEL

GARY E. LOFLAND

carmody@mftlaw.com

May 12, 2023

Via Email

Jeremiah Cromie, Staff Planner
Kittitas County Community Development Services
411 North Ruby Street, Suite 2
Ellensburg, WA 98926
Jeremiah.cromie@co.kittitas.wa.us

Re: Sparks Park Variance – VA-23-00003
SEPA Checklist – SE-23-00010

Dear Mr. Cromie:

We represent a group of interested parties and provide this response to the *Re-Notice Of Application* sent with regard to (1) a Variance Application submitted by Angadjot Sandhu (Authorized Agent) (VA-23-00003) – Sparks Park Variance; and (2) anticipated issuance of Mitigated Determination of Non-Significance (MDNS) (SE-23-00010). This comment will supplement comments provided by clients with respect to both the variance and environmental applications.

Property, Zoning and Project.

Applicant proposes the development of a mixed-use truck stop on a parcel of 16.51 acres, or 719,175 square feet. The project proposal includes the integrated development of a restaurant, diesel and gas fueling facilities, convenience store and vehicle/equipment service and repair businesses. The application includes the following proposed square footage for the mixed-use facility:

Use	Proposed Square Footage (Approximate)
Restaurant	5,000
Retail sales, general	
Diesel Fueling Canopy	4,500
Gas Fueling Canopy	5,700
Convenience Store	8,325
Vehicle/equipment service and repair	7,700

The property is located within a Type 3 LAMIRD and zoned General Commercial (C-G) zoning district. The purpose and intent of the General Commercial zone "...is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available." KCC 17.40.010. The tables of allowable uses do not permit large mixed-use facilities such as the one proposed in this case.

The comprehensive plan is also applicable. The property is designated as Limited Areas of More Intensive Rural Development, or LAMIRDS. Kittitas County Comprehensive Plan provides the following:

The final rural lands designation is Limited Areas of More Intensive Rural Development, or LAMIRDS. These areas are often small, rural communities where rural residents and others can gather, work, shop, entertain, and reside. Commercial and industrial development compatible with rural character may continue to locate and prosper in rural areas under limited conditions.

Comprehensive Plan at 24. The proposed land use is not consistent with the intent to limit commercial use to proposals consistent with the rural character. I would note that the grant of a variance shall not "...adversely affect the realization of the comprehensive development pattern." KCC 17.84.010(4). This proposal is in direct conflict with the comprehensive development pattern established for the Type 3 LAMIRD.

The table of allowable uses and permitted and conditional land uses are set forth in KCC 17.15.070. The table of allowable land uses does not specifically categorize a mixed-use urban level commercial development as a separate and distinct land use. While individual components of the project proposal include uses that are permitted, the integrated and massive size of this project presents a separate and unique land use. We disagree with the characterization that "...[a]ll these uses are permitted outright in General Commercial Zoning in a Type 3 LAMIRD." We believe that the appropriate first step in the review of the application is for the Applicant to submit a similar use application to the Director. KCC 17.15.030(4). I would add, however, that there is no way that this proposed use is similar to any allowed use and is certainly not consistent with Growth Management Hearings Board's guidance on appropriate development within LAMIRDS.

Applicant Is Not Seeking a Zoning Variance – It is Requesting Use Authorizing a Project That is Simply Not Allowed.

The Applicant purports to seek a zoning variance. The reality is that the request is actually for an unauthorized use. Applicant's request is for an integrated facility that expands the limitation on "Retail Sales, General" from 4,000 square feet to 18,522 square feet. Impervious coverage is expanded from 239,725 square feet to 479,480 square feet. The uses are combined in an urban like facility. This is

antithetical to the contemplated and allowed uses under the zoning ordinance. This type of facility is contemplated and allowed in urban areas – not in rural LAMIRDS. The use is inconsistent with Growth Management Act (GMA) goals of promoting urban growth, reducing sprawl, preserving rural character in a protected environment.

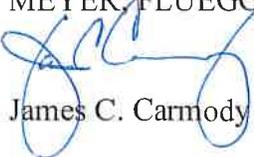
Applicant has proposed a “use” variance rather than the traditional “area” variance. See e.g. Stoebuck & Weaver, 17 Wash. Prac., Real Estate Section 4.25 (2023). The distinction is stated as follows:

Another distinction we should make is between “use” variances and “bulk,” sometimes called “area,” variances. A use variance permits a use not among those listed as either a regularly permitted or conditionally permitted use in a given zone. A bulk variance permits a variation from area, set back, front yard, side yard, back yard, or height restrictions. The distinction can be important. Use variances are much less common than bulk variances, are tested by a tighter legal standard, and are entirely forbidden by some local zoning codes.

See e.g. *Hoberg v. City of Bellevue*, 76 Wn. App. 357, 884 P.2d 1339 (1994). The granting of a “use variance” is viewed as the grant of a “special privilege inconsistent with the limitations upon other properties in the vicinity” in violation of RCW 36.70.810(2). The requested change of use and expansion of use rights is contrary to law.

We appreciate your consideration of our comments.

Very truly yours,
MEYER, FLUEGGE & TENNEY, P.S.


James C. Carmody

From: [Yang, Amber](#)
To: [Jeremiah Cromie](#)
Subject: RE: VA-23-00003 Sparks Park - Re-notice of Application due to SEPA requirement; rw 130305
Date: Friday, May 12, 2023 6:02:11 PM

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Hi Jeremiah,

PSE has 3 phase cables and underground vaults along W SPARKS RD and overhead wires and pole along the east side of the parcel.

Would you please ask the customer to do locate on the electric facilities on his parcel so I know if they are in the ROW or other parcels, instead of his? Also, is this customer requesting any change in setback within the 10' frontage along W SPARKS RD? thanks!

Amber (Pei Fang) Yang

Real Estate - Central Region
PUGET SOUND ENERGY
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