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May 11. 2023

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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