

Project Narrative

Kittitas County CDS

9. Narrative project description (include as attachment): Please include at a minimum the following information in your description: describe project size, location, and the provision of zoning code for which this variance is requested and the way in which you wish to vary from the code.

The proposed project is to replace an existing fuel system comprised of one 3,000-gal aboveground diesel fuel tank with a new 6,000-gal aboveground diesel fuel tank. The existing fuel system straddles two parcels, one owned by WSDOT and one owned by BNSF Railway. The total project size is approximately 3,440 SF.

Zoning code does not allow permits to be issued for a project built on someone else's property, however, WSDOT has approval from BNSF via easement to use the property. The first easement was issued in 1915, followed by a subsequent easement in 1966 (see attached easement, deed, and aerial map). BNSF also issued a letter on May 23, 2023 (attached), indicating the fuel system is in alignment with the existing easement.

Various iterations of the existing fuel system have been in the current location, with BNSF's permission, since at least the 1970s, with the latest upgrade occurring in 1995. The proposed new fuel system, while oriented in a different direction, will still be located within the same area as the existing system. The system will be used, as it has been for the last 40 years, to fuel WSDOT maintenance vehicles, which is in direct support of highway purposes.

10. A variance may be granted only when the following criteria are met (see KCC 17.84.10). Please describe in detail how each criteria is met for this particular request:

A. 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.

The existing fuel system has been in existence in its current location straddling the two parcels for more than 40 years. BNSF has granted the State specific approval to use the property via easement.

B. 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.

The State has had a right to use the BNSF property via easement for more than 100 years; the existing fuel system that straddles both State and BNSF property, has been operational for 40 of those years. This property right has been granted to the State by easement.

C. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Allowing WSDOT to continue to operate a fuel system in this location will not be material detrimental to the public welfare or injurious to property in the vicinity. Replacing the existing fuel system equipment with new equipment will ensure the system is updated to the latest safety and environmental controls.

D. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.

Allowing the existing fuel system to be replaced will not adversely affect the realization of the comprehensive development pattern, as it has been in the same location for more than 40 years. The fuel system will continue to be operated in accordance with Federal, State, and local regulations.