

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

WSDOT Weigh Station Public Facilities Permit

File Number PF-24-00003

FINDINGS OF FACT, DECISION, AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: The Washington State Department of Transportation (WSDOT) has proposed the development of a new weigh station, truck parking facility, and Virtual Weigh-in-Motion system near milepost 80 on eastbound I-90. The project will require the removal of the existing, abandoned eastbound scale shack at milepost 79.5, and will upgrade the existing eastbound interchange on- and off-ramps to I-90 at Bullfrog Road Exit 80.

Location: Two tax parcels (#14062 & #300536), located near milepost 80 on eastbound I-90, approximately four miles west of Cle Elum, WA. Kittitas County parcel map numbers 20-15-31030-0004 & 20-14-36030-0001.

II. SITE INFORMATION

Total Property Size:	240.23 acres
Number of Lots:	2
Domestic Water:	Well
Sewage Disposal:	Septic
Fire Protection:	Kittitas County Fire District #7
Irrigation District:	Kittitas Reclamation District

Site Characteristics:

North: I-90

South: Primarily undeveloped land

East: I-90, WSDOT property, undeveloped land

West: I-90, Yakima River, Residential properties

Access: The site is to be accessed via I-90.

Zoning and Development Standards: The subject property has a zoning designation Rural 5. The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low-density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. Per KCC 17.15.060.1, Public Facilities are allowed in this zone when permitted administratively pursuant to KCC 17.62 Public Facilities Permits. This project is being proposed under KCC 17.62 Public Facilities Permits, and KCC 17.60B.050 Administrative Review Process.

This Public Facilities Permit requires that the following be met:

17.62.040 Decision criteria (Public Facilities)

The Community Development Services department shall review public facility permit applications in accordance with the provisions of this section and may approve, approve with conditions, or deny the public facility permit. Below is a review of the public facilities decision criteria:

1. Required Findings. A public facility permit may be approved by the Community Development Services department only if all the following findings can be made regarding the proposal and are supported by the record:

a. That the granting of the proposed public facilities permit will not:

- i. Be detrimental to the public health, safety, and general welfare;
- ii. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; nor
- iii. Adversely affect the established character of the surrounding vicinity.

Applicant Response:

- i. *“Interstate 90 is one of the most heavily used freight routes in the state. Safe and efficient freight movement through the corridor is critical to the economic vitality of the state and the welfare of the traveling public. Constructing a modernized weigh station and inspection facility to process freight vehicles and enforce regulations will reduce fatal and serious injury crashes by reducing the number of unsafe and unpermitted overweight vehicles on the Interstate .. The expansion of the off ramp into the weigh station area and improvements to the Exit 80 on- and off- ramps will also aid in improving safety by providing adequate space for freight to maneuver. Processing times of freight vehicles will also be reduced by the proposed weigh-in-motion system.”*
- ii. *“There are two depressional wetlands on the site, identified as Wetland 1 and Wetland 2 in the attached Wetland Assessment Report prepared by WSDOT biologists. They are supported by seasonal high-water table and stormwater runoff from the highway. Seasonal ponding is evident in both wetlands; however, both have low to moderate habitat functions and low to moderate water quality functions due to disturbance from surrounding development.*

New impacts to both wetlands are limited to buffers; no impacts to the wetlands themselves will result from this work. The impacts to the wetland buffers are shown on the attached map; and area as follows:

- *Wetland 1 Buffer Permanent: 0.017 ac*
- *Wetland 1 Buffer Temporary: 0.04 ac*
- *Wetland 2 Buffer Permanent: 0 .31 ac*
- *Wetland 2 Buffer Temporary: 0.17 ac*

The roadway prism will be expanded near Wetland 2 to add an exit lane into the new weigh station. To prevent the expanded roadway prism from impacting Wetland 2, a retaining wall will be installed to support the roadway. The temporary buffer impacts are based on a ten-foot allowance from cut and fill lines to accommodate construction activity. These impacts may not be realized based on contractor construction methods.”

- iii. *“Approximately eight acres of upland Ponderosa pine forest located directly adjacent to the I-90 eastbound lanes and the exit 80 off-ramp will be cleared, three acres of which will be revegetated. The weigh station will have native and ornamental plantings and*

some disturbed areas will be covered with wood mulch: Some trees and vegetation will need to be cleared to construct the project. WSDOT has completed a 4(f) assessment in conjunction with Washington State Parks (Parks) and Federal Highway Administration (FHWA) regarding the removal of trees and constructing the project on/near Parks property. The 4(f) assessment resulted in a de minimis determination, provided WSDOT develop a site restoration plan, which is currently being developed. The plan will include tree replanting and seeding of native plants and grasses in compliance with WSDOT Roadside Standards. This plan will be shared with State Parks once finalized for their review.”

Staff Response: Staff agrees that the proposed project will not affect the public health or general welfare. The development will enhance critical transportation infrastructure along the I-90 corridor in Kittitas County.

- b. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.

Staff Response: The applicant did not address this criterion in their application. CDS has reviewed the application proposal and found no evidence of any potential for hazardous conditions resulting from this project. No hazardous conditions are anticipated at the proposed site.

- c. That the granting of the proposed public facilities permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulations.

Staff Response: The applicant did not address this criterion in their application submittals. The granting of the proposed public facilities permit is consistent with the comprehensive plan and existing regulations. CDS has identified consistency with three capital facilities goals (CF-G1, CF-G3, and CF-G8) and one policy (CF-P29) as described in detail in section IV of this document.

- d. That the facility site and environmental designs:
 - i. Meet local and state siting criteria and design; and
 - ii. Have been reviewed and/or commented upon by local and state agencies responsible for issuing permits.

Staff Response: The applicant did not provide a response to this criterion in their application materials. The proposed project is subject to meeting all applicable codes and regulations. The proposal may be approved in the Rural 5 zone pursuant to KCC 17.15.060.1 and the proposed use is consistent with the character of the surrounding area. All departments and state agencies responsible for permitting this project have been notified of the application and given an opportunity to comment in accordance with KCC Title 15A.

- e. That all conditions to mitigate the site-specific impacts of the proposed use which were identified can be monitored and enforced.

Staff Response: The applicant did not provide a response to this criterion in their application materials. CDS has reviewed the application materials and comments received during the public comment period. Conditions to mitigate potential impacts have been applied to this proposal.

- f. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with the character of the surrounding area.

Staff Response: The applicant did not provide a response to this criterion in their application materials. CDS believes, as proposed, this development is compatible with the character of the surrounding area.

- g. That the proposed public facility will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

Staff Response: The applicant did not provide a response to this criterion in their application materials. No adverse effects on existing public facilities and services are anticipated. The project will improve upon the existing transportation facilities located at the project site.

III. REVIEW PROCESS

Notice of Application: A Public Facilities permit application was submitted to Kittitas County Community Development Services on July 3, 2024. The application was deemed complete on July 16, 2024. A notice of application for the WSDOT Weigh Station Public Facilities Permit (PF-24-00003) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated agencies and notice was given to and published in the official newspaper of record for Kittitas County on July 23, 2024, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

IV. COMPREHENSIVE PLAN

Kittitas County has established the following goals and policies to guide activities related to Rural Lands and Critical Areas. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

CF-G1: Provide needed public facilities that are within the ability of the County to fund the facilities, or within the County's authority to require others to provide the facilities.

Staff Consistency Statement: The proposed WSDOT weigh station provides critical infrastructure to the I-90 corridor.

CF-G3: Provide consistency with the adopted land use map and the goals and policies of other elements of this Comprehensive Plan.

Staff Consistency Statement: The proposed training tower is sited in the Rural 5 zone. Supporting vital public transportation infrastructure in this area further ensures the purpose and intent of the Rural 5 zoning designation is met.

CF-G8: Ensure public involvement when siting of essential public facilities using timely press releases,

newspaper notices, public information meetings, and public hearings.

Staff Consistency Statement: The proposed project has been noticed in accordance with Kittitas County Code Title 15A. A notice of application was published in the newspaper of record, neighbors within 500 feet of the property boundaries and applicable local and state agencies were notified and provided an opportunity to comment on the proposal.

CF-P29: Essential public facilities sited outside of urban growth areas must be self-supporting and not require the extension, construction, or maintenance of urban services and facilities.

Staff Consistency Statement: This project is outside of an urban growth area and does not require the extension, construction or maintenance of urban services and facilities. The proposed project will support transportation through Kittitas County.

This application is consistent with Kittitas County Comprehensive Plan. There are several requirements that must be met, which are stated above under Zoning and Development Standards; some of these are addressed under Project Analysis below.

V. ENVIRONMENTAL REVIEW

CDS performed an administrative review of critical areas on the subject property. The site is located within a Critical Aquifer Recharge Area (CARA). This project does not propose any of the uses found in KCC 17A.03.030. A special hydrogeological assessment is not required. Two wetlands have been identified near the project site. The project has been conditioned to require mitigation for alteration of the buffers. As conditioned, there is no anticipated impact on any critical areas because of the proposed development.

The project is categorically exempt from SEPA review.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments on the proposal: Kittitas PUD, Washington Department of Health – Office of Drinking Water, Department of Natural Resources, Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal's Office, Kittitas County Public Works, Washington Department of Fish & Wildlife. A review of submitted comments can be seen below:

Kittitas PUD

Kittitas PUD stated they do not have facilities in the area of the proposed development.

Applicant Response

No response.

Staff Response

Staff has no response.

Washington State Department of Health – Office of Drinking Water

The Washington State Department of Health - Office of Drinking Water stated the water use meets the definition of a public water system and Kittitas County Public Health has exclusive regulatory authority for this type of water system.

Applicant Response

"The notice has been passed on to the project design engineers. They are aware of the regulations and working with DOH."

Staff Response

Staff has conditioned this proposal to comply with local, state, and federal codes and regulations.

Department of Natural Resources

Department of Natural Resources stated this proposal will require an FPA.

Applicant Response

"We have contacted Marty Mauney, our local DNR forest practices forester, and our planning a project site visit to determine if the permit is required. We will proceed under his guidance on the process moving forward."

Staff Response

Staff has conditioned this proposal to require the applicant to obtain an FPA from DNR.

Confederated Tribes of the Colville Reservation

The Confederated Tribes of the Colville Reservation requested an updated cultural resource survey.

Applicant Response

"A WSDOT archaeologist has provided CCT with the requested documentation."

Staff Response

Staff has conditioned this proposal to prepare for the inadvertent discovery of cultural resources.

Kittitas County Fire Marshal's Office

The Kittitas County Fire Marshal's Office provided comments on fire flow standards and emergency responder radio coverage.

Applicant Response

"This notice has been passed on to the project design engineers. They are aware of these regulations and are working with the Fire Marshal's Office."

Staff Response

Staff has conditioned this proposal to comply with local, state, and federal codes and regulations.

Kittitas County Public Works

Kittitas County Public Works provided comments on boundary line adjustment requirements.

Applicant Response

"WSDOT HQ Real Estate Services has responded that we are not in need of completing BLA or short plats per RCW 84.60.870"

Staff Response

Staff has conditioned this proposal to comply with local, state, and federal codes and regulations.

Washington Department of Fish & Wildlife

WDFW provided comments on potential impacts to habitat and wildlife because of the proposed development.

Applicant Response

"It is standard WSDOT practice to limit clearing/grading and the addition of impervious surface to only that

which is required to complete the project. WSDOT Landscape Architects are currently working on revegetation plan for this project. It has not yet been determined if the removed trees will be the property of WSDOT or the contractor at the time of removal. There is likelihood that donation of trees would be cost prohibitive to the project based on the method of removal and hauling costs. WSDOT works in coordination with other agencies on restoration projects and will consider the request if it is viable at the time of construction.”

Staff Response

Staff has conditioned the proposal to require a mitigation plan for potential impacts to critical areas.

No comments from the public were received.

VII. PROJECT ANALYSIS

In review of this proposal, it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff’s analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan Goals and Policies apply to this proposal: CF-G1, CF-G3, CF-G8, and CF-P29.

Consistency with the provisions of KCC 17A, Critical Areas:

CDS performed an administrative review of critical areas on the subject property. The site is located within a Critical Aquifer Recharge Area (CARA). This project does not propose any of the uses found in KCC 17A.03.030. A special hydrogeological assessment is not required. Two wetlands have been identified near the project site. The project has been conditioned to require mitigation for alteration of the buffers. As conditioned, there is no anticipated impact on any critical areas because of the proposed development.

Consistency with the provisions of KCC 17.30A Rural 5 Zoning:

The project is proposed as a Public Facility. Per KCC 17.08.457 "Public facilities" means capital improvements and systems to support transportation, law enforcement, fire protection, and recreation. Public Facilities are allowed in the Rural 5 zone through approval of an Administrative Permit process pursuant to KCC 17.15.060.1 Allowed Use Table. Therefore, this proposal is consistent with the Kittitas County Zoning Code 17.30A.

Consistency with the provisions of KCC 17.62.040 Decision criteria (Public Facilities):

This proposal as conditioned is consistent with the Kittitas County Zoning Code for Permitted Administrative Uses as described in section II of this staff report.

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be in accordance with International Building Codes.

Consistency with the provisions of KCC Title 12, Roads and Bridges:

As conditioned, the proposal must be consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

As conditioned, the proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas PUD, Washington Department of Health – Office of Drinking Water, Department of Natural Resources, Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal’s Office, Kittitas County Public Works, Washington Department of

Fish & Wildlife. All comments are on file and available for public review.

Public Comments:

No comments from the public were received.

VIII. FINDINGS OF FACT

1. A Public Facilities permit application was submitted to Kittitas County Community Development Services on July 3, 2024. The application was deemed complete on July 16, 2024. A notice of application for the WSDOT Weigh Station Public Facilities Permit (PF-24-00003) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated agencies and notice was given to and published in the official newspaper of record for Kittitas County on July 23, 2024, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).
2. The subject property is located near milepost 80 on eastbound I-90, approximately four miles west of Cle Elum, WA. Kittitas County parcel map numbers 20-15-31030-0004 & 20-14-36030-0001. Two tax parcels (#14062 & #300536).
3. Site information:

Total Property Size:	240.23 acres
Number of Lots:	2
Domestic Water:	Well
Sewage Disposal:	Septic
Fire Protection:	Kittitas County Fire District #7
Irrigation District:	Kittitas Reclamation District
4. Site Characteristics:

North:	I-90
South:	Primarily undeveloped land
East:	I-90, WSDOT property, undeveloped land
West:	I-90, Yakima River, Residential properties
5. The Comprehensive Plan land use designation is "Rural Residential".
6. The subject properties are zoned "Rural 5".
7. The proposal is consistent with the Kittitas County Comprehensive plan as referenced in section IV and VII above.
8. This application is consistent with KCC 17.62.040 Decision criteria (Public Facilities) as demonstrated in Section II of this staff report.
9. This proposal is categorically exempt from SEPA.
10. CDS performed an administrative review of critical areas on the subject property. The site is located within a Critical Aquifer Recharge Area (CARA). This project does not propose any of the uses found in KCC 17A.03.030. A special hydrogeological assessment is not required. Two wetlands have been identified near the project site. The project has been conditioned to require mitigation for alteration of the buffers. As conditioned, there is no anticipated impact on any critical areas because of the

proposed development.

11. This application is consistent with the International Building Code as conditioned.
12. The following agencies provided comments during the comment period: Kittitas PUD, Washington Department of Health – Office of Drinking Water, Department of Natural Resources, Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal’s Office, Kittitas County Public Works, Washington Department of Fish & Wildlife. All comments are on file and available for public review.
13. No public comments were received.
14. Access and driveways must be consistent with Kittitas County Code Title 12.

IX. STAFF CONCLUSIONS

1. As conditioned, the proposed project meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14.04 Building Code, Title 12 Roads and Bridges, Title 15 Environmental Policy, and Title 20 Fire and Life Safety.

X. DECISION AND CONDCTIONS OF APPROVAL

Kittitas County grants **Approval** of the WSDOT Weigh Station public facilities permit based on the project record, above staff analysis, findings of fact, and conclusions with the following conditions:

1. Site Plan

- A. The project shall proceed in substantial conformance with the site plan and application materials on file with CDS that were received on July 3, 2024.

2. Building

- A. All new construction must meet the International Building Code requirements.

3. Roads and Transportation

- A. 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).
- B. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

- C. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

4. State and Federal

- A. Applicant must meet all local, state, and federal regulations.

5. Fire & Life Safety


- A. All development, design and construction shall comply with the International Fire Code requirements.

6. Other

- A. Should ground disturbing or other activities related to the proposed project result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology & Historic Preservation (DAHP) and the Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
- B. If deemed necessary by the Department of Natural Resources, the applicant shall obtain a Forest Practices Application (FPA).
- C. The applicant shall prepare a mitigation plan for critical areas at the project site.

From these conclusions and findings, the proposed Public Facilities Permit is approved with the above conditions. Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this administrative land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1670 to Kittitas County. The appeal deadline for this project is September 24, 2024, at 5:00p.m. Appeals submitted on or before September 24, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official


Chace Pedersen

Title: Planner I

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Date: September 10, 2024