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Kittitas County CDS

BEFORE THE KITTITAS COUNTY HEARING EXAMINER

In the matter of an appeal of the:

Mitigated Determination of Non-Significance
for Majestic Group LLC

CDS FILE No. SE-24-00020

NOTICE OF APPEAL

Friends of Easton (“Friends”) file this appeal of the *Mitigated Determination of Nonsignificance* dated October 1, 2024 (File No. SE-24-00020).

I. DECISIONS BEING APPEALED

Appellants jointly and collectively appeal the above land use decision.

1.1 *Mitigated Determination of Nonsignificance.*

Appellants appeal the Kittitas County Community Development Services’ issuance of a Mitigated Determination of Nonsignificance (MDNS) dated October 1, 2024 related to the SEPA Application filed by Henna Kapoor on behalf of Majestic Group LLC with respect to proposed logging, land clearing, and grading, at a property at the intersection of Sparks Park Road and Exit 70 from I-90. Attachment A. Appellants incorporate comments provided by Marge Brandsrud, Kraig and Ann Marie McLeod, Jackson Purcell, the Washington State Dept of Fish and Wildlife (“WDFW”), and the Washington State Department of Transportation (“WSDOT”), attached hereto as Attachments B-F.

The purpose of SEPA rules is to ensure an agency fully discloses and carefully considers a proposal’s environmental impacts at the earliest possible stage and prior to taking action on the proposed action. *Spokane County v. Eastern Washington Growth Management Hearings Bd.*, 176 Wn. App. 555, 578-79, 309 P.3d 673 (2013). The agency must base its threshold determination

1 on “information reasonably sufficient to evaluate the environmental impact of a proposal.” WAC
2 197-11-335. An agency may not postpone environmental analysis to a later implementation stage
3 if the proposal would affect the environment without subsequent implementing action. *Id.* 176
4 Wn. App. at 579.

5 The agency has the burden of showing prima facia compliance with the procedural
6 requirements of SEPA. *Juanita Bay Valley Cmty. Ass’n v. City of Kirkland*, 9 Wn. App. 59, 73,
7 510 P.2d 1140 (1973). A threshold determination that an EIS is not required is reviewed under the
8 “clearly erroneous” standard. *Chuckanut Conservancy v. Dep’t of Nat. Res.*, 156 Wn. App. 274,
9 286, 232 P.3d 1154 (2010). The scope of review is broad, and the search for significant
10 environmental impacts must be considered in light of the public policy of SEPA. *Id.* The public
11 policy of SEPA is consideration of environmental values. *Norway Hill Pres. & Prot. Ass’n v. King*
12 *County Council*, 87 Wn.2d 267, 275, 552 P.2d 674 (1976).

13 1. The Applicant’s SEPA Application is an Attempt at Piece-mealing

14 First and foremost, the present application appears to be an impermissible and illegal
15 attempt to circumvent the regulations of SEPA and the Kittitas County Code (and the principles
16 of environmental review more broadly), by “piece-mealing” or phasing environmental analysis of
17 the proposed project to avoid meaningful review of the cumulative impacts it poses. One of the
18 fundamental principles of environmental review law is that when there is evidence that a project
19 under review “will facilitate future action that will result in additional impacts” the impacts of
20 said project must be analyzed simultaneously with those of the proposed future action.¹ The
21 cumulative impact of these actions must be considered when making a threshold decision under
22 SEPA. This rule is explicitly stated in WAC 197-11-060(5)(d) (prohibiting division of larger
23 project into smaller fragmental review), and is incorporated by reference into the Kittitas County
24 Code pursuant to KCC 15.04.020.

25 ¹ *Boehm v. City of Vancouver*, 111 Wash. App. 711, 720, 47 P.3d 137, 142 (2002); *Conservation*
26 *Nw. v. Okanogan Cnty.*, 194 Wash. App. 1034 (2016) (“The government decision makers must
27 . . .The agency cannot close its eyes to the ultimate probable environmental consequences of its
current action.”)

1 Piece-mealing is an acute risk on this particular property, which has been the subject of
2 longstanding development efforts for the construction of a truck stop complex. This is all the more
3 so where the current Applicant shares common ownership with the prior owner of the property
4 (Sparks Park LLC, also owned by Angadjot Sandhu), who was responsible for spear-heading such
5 prior efforts, which were found to be deficient in their environmental review and, which to
6 Appellants' knowledge, have yet to be formally abandoned. To Appellants, this looks like a bald-
7 faced attempt at circumventing prior hearing examiner rulings and performing site preparation as
8 a phased development to avoid discussion of the cumulative impacts of the Applicant's
9 development activities, an issue which has been noted by the WDFW, but apparently ignored by
10 the County. Where these issues exist with the Applicant's application, the hearing examiner
11 should order the MDNS withdrawn, and order a full environmental review of the cumulative
12 impacts of development on the property to be performed prior to the issuance of any further
13 threshold determinations.

14 **2. The Threshold Decision relies upon Applicant's Information in its SEPA**
15 **Checklist, which is incomplete, inaccurate, and/or internally inconsistent.**

16 Even were it not an attempt at piece-mealing, the Mitigated Determination of
17 Nonsignificance relies upon the Applicant's information in its SEPA checklist, which is
18 incomplete, inaccurate, and/or internally inconsistent. As noted by Mr. Purcell and the WDFW,
19 the SEPA checklist, specifically A.6 and A.7, identify future plans for the property, but then
20 inconsistently state that there are no future plans for the property. No analysis has been provided
21 for these future plans.

22 In addition to these inconsistencies, the Applicant has failed to meaningfully evaluate the
23 traffic impacts posed by their proposed development activity. As opined by Mike Swenson of the
24 Transpo Group (who performed an analysis of the Applicant's property in connection with Mr.
25 Sandhu's prior permit application), the proximity of the property to I-90 means that any
26 development project will entail levels of congestion at the I-90 interchange, which should be
27

1 analyzed prior to project approval, with appropriate mitigating conditions imposed.² Where the
2 Applicant fails to disclose the proposed development on the site, such analysis is impossible, as
3 is any analysis of the proper alignment of any access.

4 Where the County is reliant upon the Applicant's representations contained in the SEPA
5 checklist when forming its opinion as to the impacts of the project, the SEPA MDNS ought to be
6 withdrawn and a full environmental review of the cumulative impacts of development on the
7 property to be performed prior to the issuance of any further threshold determinations.

8 3. The Threshold Determination fails to comply with Chapter 17A of the Kittitas
9 County Code

10 The Kittitas County Community Development Services' MDNS is clearly erroneous for
11 failing to comply with the Kittitas County Critical Areas Ordinance (Chapter 17A KCC). Under
12 this chapter, prior to undertaking development activities, including land clearing activities such as
13 "destroying or altering vegetation through clearing, harvesting, cutting", soils activities such as
14 "filling", and subdivision activities, an applicant must prepare a critical areas report identifying
15 all critical areas on and adjacent to the proposed development.³ Preparation and submission of this
16 report must be made to the county "prior to the county's consideration of any proposed alteration
17 or development."⁴ This review should be conducted "concurrently with review conducted under
18 the State Environmental Policy Act (SEPA), as locally adopted."⁵ Where this report has not been
19 completed and/or supplied to the County, the determination of completeness underlying the
20 MDNS was made in error, and thereby the MDNS is clearly erroneous on its face.

21 The Applicant and the County are not unaware of these requirements. As noted previously,
22 the Applicant Majestic Group LLC shares common ownership with Sparks Park, LLC. Sparks
23 Park LLC separately sought to develop the property mere months ago, which formed the subject
24 of an appeal to the Kittitas County Hearing Examiner. **This proceeding resulted in a March 20,**

25 ² See Transpo Goup letter of June 24, 2024, attached to Friends' June 26, 2024 comment letter
26 and here as Attachment G.

27 ³ KCC 17A.01.040.

⁴ KCC 17A.01.110(2).

⁵ KCC 17A.01.120(3).

1 **2024 Order for Remand for this exact omission.**

2 This complete dereliction of the requirements of SEPA is illustrative of the severe flaws
3 contained with the Applicant's application, and the clear need for thorough and comprehensive
4 review of the cumulative impacts of the Applicant's development activities prior to the issuance
5 of any further threshold determinations. The Hearing Examiner should order the MDNS
6 withdrawn, and should order a full environmental review of the cumulative impacts of
7 development on the property to be performed prior to the issuance of any further threshold
8 determinations.

9 4. **Kittitas County Community Development Services failed to appropriately impose**
10 **conditions to bring the Applicant's development activities in compliance with State Regulations**

11 Finally, as drafted, the MDNS is clearly erroneous for failing to impose conditions upon
12 the determination which are necessary to make it compliant with adopted state and federal
13 regulations. These conditions include Federal Highway Association (FHWA) review and approval
14 prior to making a road connection adjacent to a federal interstate highway, refraining from
15 connection to Sparks Park road within prohibited portions of the federal interstate highway access
16 control area, and notification to the Federal Aviation Administration⁶ prior to conducting any
17 development activities on the premises of the property.

18 Where these conditions have not been imposed, the threshold determination is clearly
19 erroneous for failing to implement mitigation measures required by existing environmental rules,
20 in violation of WAC 197-11-330. The Hearing Examiner should order the MDNS withdrawn,
21 order a full environmental review of the cumulative impacts of development on the property to be
22 performed prior to the issuance of any further threshold determinations, and should order that
23 appropriate conditions be imposed prior to any development activities occurring on the property.

24
25 **II. DESIRED OUTCOME**

26
27 ⁶ The property is adjacent to Silver Ridge Ranch, which provides the sole point of access to the
Easton Airport. See June 28, 2024 Comment letter from WSDOT.

1 WHEREFORE, based on the foregoing, Appellant requests the following relief:

2 The Mitigated Determination of Nonsignificance for CDS File No. SE-24-00020 (Majestic
3 Group, LLC) be withdrawn.

4 That Kittitas County be directed to conduct a comprehensive review of the cumulative
5 impacts posed by this action, or any other proposed development activities occurring on the
6 property, prior to making any further threshold determinations or approving any further
7 development permits.


8 That Kittitas County be required to impose conditions on any future development activities
9 in accordance with WAC 197-11-330 to bring them compliant with established state and federal
10 laws and regulations prior to the approval of any such activities.

11 Dated October 14¹⁹, 2024.

12 Peterson Russell Kelly Livengood PLLC

Meyer, Fluegge & Tenney P.S.

13 By: 

13 By: 

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19 Attorney for Appellant Friends of Easton

20 *Attorneys for Appellant Friends of Easton*

ATTACHMENT A



State Environmental Policy Act
MITIGATED DETERMINATION OF NONSIGNIFICANCE

- File:** SEPA Checklist (SE-24-00020)
Majestic Group SEPA Application
- Description:** Henna Kapoor is proposing tree removal that will require a Forest Practice Act permit, parcel grading and placement of fill for parcel access from Sparks Road. The project is proposed on a site that is zoned General Commercial with a LAMIRD land use designation.
- Proponent:** Henna Kapoor, applicant
- Location:** The subject properties are parcel #'s 778834, approximately 0.15 miles east of the intersection of Railroad Street & East Sparks Road, northwest of Easton, WA in Section 2, Township 20, Range 13 & the southeast ¼ Southwest ¼ of I-90 & County Road in Kittitas County.
- Lead Agency:** Kittitas County Community Development Services

The lead agency for this proposal has determined that the proposal will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c) and WAC 197-11. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency and after considering mitigation measures required by existing laws and regulations that will be implemented by the applicant as part of the Kittitas County permit process. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. This information is available to the public on request or can be viewed at the Kittitas County Community Development Services website at: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "State Environmental Policy Act (SEPA)" View Active Applications" using the file number "SE-24-00020 Majestic Group".

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) for this proposal. Failure to comply with mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. The mitigation measures include the following:

Earth

- 1) A fill and grade permit is required pursuant to Kittitas County Code 14.05.050

Plants

- 1) A 50' wide tree & vegetation buffer shall be left in place around the perimeter of the property.

Air

- 1) A dust control plan shall be developed and implemented during construction of the project.

Cultural Resources and Historic Preservation

- 1) A professional archaeological survey of the project area is to be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP’s Standards for Cultural Resource Reporting.
- 2) Should ground disturbing or other activities related to the proposed plat 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 DAHP. Work shall remain suspended until the find is 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

Transportation

- 1) The applicant shall adhere to all applicable regulations as set forth in the current Kittitas County Road Standards.
- 2) The access locations shall be reviewed by the Kittitas County Department of Public Works to ensure that the access locations meet all applicable criteria for ingress/egress.

The Mitigated Determination of Non-Significance (MDNS) is issued under WAC 197-11-355. The lead agency will not act on this proposal for 10 working days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21 RCW, shall be commenced on or before 5:00 p.m. on October 15, 2024.

Questions or Comments regarding this determination can be directed to Bradley Gasawski, 509.962.7539 or bradley.gasawski@co.kittitas.wa.us.

Responsible Official: 
Title: Planning Official
Address: Kittitas County Community Development Services
 411 N. Ruby Street, Suite 2
 Ellensburg, WA. 98926
 Phone: (509) 962-7506
Date: September 30, 2024

Pursuant to Chapter 15A.07.010 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 to the Kittitas County Community Development Services, 411 N Ruby St. Suite 2, Ellensburg WA 98926. Timely appeals must be received no later than 5:00pm, October 15, 2024. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.

ATTACHMENT B

Marge Brandsurd
PO Box 638
Easton, WA 98925
dbrandsrud@comcast.net

Bradley Gasawski Planner 1
Kittitas County Community Development Services
411 N Ruby Street Suite 2
Ellensburg, WA 98926
Bradley.gasawski@co.kittitas.wa.us

June, 27,2024

RE: Majestic Group SEPA Application SE-24-0020
Parcel # 778834

Fortunately, the law allows for public comment and requires the reviewer of a SEPA to review those comments and request the Applicant to provide information which may be more accurate, detailed or not included in their application as necessary. An applicant does not always have firsthand information on the parcel the SEPA is submitted for. Often times the applicant is an absentee owner and makes little if any effort to provide complete or accurate information on the SEPA application. Please review the following comments and included documents previously provided for record, which address concerns on the Applicants parcel.

Parcell # 778834 has a recent history of applications which have been abandon by the applicants for those proposals. SEPA's for those applications included actual development of the parcel which this application clearly does not. Many of the elements of SE 18-00008, SE-19-000014 and SE-23-00010 have important information. I am attaching comments made by public agencies on the previous SEPA applications, which are relevant and should have been included in the Applicant's current application. While the current SEPA clearly does not include actual placing of buildings or infrastructure there is much more information the current applicant should have included. The current parcel owners are the same owners. with a different LLC, who submitted SEPASE-23-00010 under the Mountview Group name. The current parcel owners obviously have additional information in their possession which should have been included in this SEPA. SEPA- SE 23-000-10 was appealed to the Hearing Examiner and remanded back to the County, at the County's request. The County had not requested a hydrology study to determine impacts development would have on an Aquafer Recharge area in a designated wellhead protection zone.

I offer the following comments and attachments for your review. I understand that this application is only for Forest Practices, clearing and constructing an access road. I have no objection to that activity. I do however object to the lack of full and accurate provided by the Applicant, and the County's acceptance of the SEPA check list as provided by the applicant.

A. Background

7. Do you have any plans for future. additions. expansion, or further activity related to or connected with this proposal? If yes explain.

"Not at this time" is not an accurate answer. The applicant explains in the answer to question 11 "the proposal may include a Short Plat". A short plat would be considered further activity and if not completely addressed on this SEPA an additional SEPA will be required.

8. List any environmental information you know about that has been prepared, or will be prepared directly related to this proposal.

“A Drainage Report has previously completed” A drainage report is not part of documents submitted with this application. I do not see any reference to the location author or date of such a document for review by the Lead Agency reviewer or public comment.

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

“An Access Permit and Grading Permit from Kittitas County will be needed”. There are additional permits required for activities proposed. A Forest Practices Permit is required for the logging activity. A storm water permit may be required depending on the amount of ground disturbance and clearing. WSDOT may have requirements for the proposed driveway access from Sparks Road. See attached comments from WSDOT for previous SEPA application.

B. Environmental Elements

1. Earth

c. What general types of soils are found on the site.

“The site is comprised entirely of kladnick, ashy, sandy loam. The soil belongs to Hydrikgic Soil Group A, meaning it is well drained and has a high infiltration rate” The applicants answer to this question is incomplete – due to the high filtration rate and the shallow bedrock on that parcel any infiltration in the soil flows in to Lake Easton. Extra precautions should be required to avoid contamination from machinery and equipment used for site work. A written plan should be in place to prevent such incidents. Materials should be kept on site to mitigate any spills or leaks that do occur. Infiltration may not be an issue at the time of an incident but given the amount of snowfall and spring melt contaminates will easily make their way to the bedrock and eventually into the waters of Lake Easton and eventually the Yakima River.

h. Proposed measures to reduce or control erosion, other impacts to the earth if any. Refer to my comments above regarding mitigation for spills and leaks.

3. Water

a. Surface

See comments above regarding infiltration and possible contamination to Lake Easton.

b. Ground

1. Will Groundwater be withdrawn from a well for drinking or other purposes? ***

“No ground water is proposed to be withdrawn from a well for drinking water or other purposes.” The answer to this question is not accurate. The activities – logging, clearing, grading and road building will very likely require dust control measures. I do believe water is generally used for that purpose. Given the issue with high soil infiltrating rates the use of chemicals for dust control should not be allowed. Other than private wells the only sources of water for such application in the Easton area would be surface water withdrawals, which are not indicated on this SEPA, private wells or the Easton Water District wells. The Applicant’s parcel is not in the Easton Water District and would require specific permission to access that water source.

c. Water Runoff (including stormwater)

1. Describe the source of runoff (including storm water) and method of collection and disposal, ***
The Applicants answer to this question is very confusing - ***

“A level 1 downstream analysis was conducted and the field inspection revealed that there is inadequate storm drain system in place to handle any water that runs into the system”. I am surprised to read that there is a storm water system in Easton. Providing urban services in a Rural area is prohibited by the Growth Management act and the County’s Comprehensive Plan. I believe the Applicant is intentionally providing false information. I believe that the County is obligated to confirm the existence of such a system. Again, due to the soil type and bedrock level associated with the Applicants parcel any reliance on the high infiltration rate must be carefully studied to prevent unintended consequences.

5. Animals

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

“None observed at this time, but the site is in an area that provides habitat for many woodland species.” In other words, if you don’t see it in a short visit, it isn’t there. There is very long list of wild life that can be observed on the Applicants parcel and in the general area of that parcel. I will give the Applicant and you as the planner a list of birds and animals I have seen on or near the site. I have actually seen and photographed most of the animals listed here on my property a short distance from the Applicant’s parcel There are some birds and animals I do not know by name but are present in close proximity. Deer, Elk, Bear, Cougar, Bob Cat, Coyote, Skunk, Raccoon, Douglas Squirrel, Western Gray Squirrel, Ground Squirrel, Gopher, Vole, Mole, Rabbit, Hare, Salamander, Alligator Lizard, Newt, frogs Sun Boa, Gopher Snake, Pelated Wood Pecker, Blue Jay, Red Headed Woodpecker, Downey Woodpecker, occasionally an Eagle or Osprey, Band tail Pigeon, Turkey, Quail, Grouse, Northern Flicker, Robin, Thrush, Grosbeak, Sparrow, Starling, Nuthatch, Dark Eyed Janko, Humming Bird, Black-capped Chickadee, Gold Finch, Wren, Crow, Turkey Vulture, Kestrel, Red Tailed Hawk, Coopers Hawk, Butterflies along with numerous insects, spiders and other food sources for other animals.

The current WSDOT construction project on I 90 which terminates at Exit 70, directly adjacent to the Applicants parcel, includes a number of wildlife crossings which will encourage addition wildlife activity in the area. That project includes a land swap with the National Forest. The property on Easton Hill that currently accommodates both east and west bound traffic on I 90 will be rehabilitated and become a part of the Wenatchee National Forest there by creating additional habitat on the North side of I 90 in close proximity to the Applicants Parcel. I am sure that information will not have any influence on this Proposal but it may require a biology study of the general area for future development.

c. Is the site part of a Migration route.

Please see **attached WDFW comments** on a previous development proposal for this parcel.

d. Proposed measures to preserve or enhance wildlife if any,
“None”

Please see **attached WDFW comments** on a previous development proposal for this parcel.

7. Environmental Health

a. Are there any environmental health hazards *** 3., 5

Please refer to my comments at B. Environmental Elements. 1. Earth c. What general types of soils are found on the site.

b. Noise’.

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

“A 20’ wide buffer of trees and vegetation around the entire perimeter of the parcel will remain untouched to provide buffer which will help dampen the construction noise”. This statement conflicts with the answer to 4. Plants b. What kind and amount of vegetation will be removed or altered? **“Trees and brush will be removed from the majority of the parcel excluding a 50’ perimeter buffer”**. This conflicting information which is also repeated on the answer to 10. Aesthetics c. Proposed measures to reduce or control aesthetic impacts if any: **“A 20’ buffer of trees and vegetation will be maintained around the entire perimeter of the parcel to reduce and control aesthetic impacts”**. There needs to be clarification on what the true buffer is intended to be and the effectiveness of its determination.

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 nearby or adjacent properties. If so, describe.

The Applicants description of adjacent properties is **incorrect**. The property directly to the north of the Applicants parcel is Parcel # 768834 is State of Washington (AG WSU Trust) has a Rural Conservancy, Aquatic designation. See attached Property Report. That property is not part of Easton State Airport. The property directly east of the Applicants parcel consists of several parcels which together operate as Silver Ridge Ranch. Silver Ridge Ranch is a long-established campground with several guest facilities which have been refurbished and updated in the recent past. There is also a WSDOT easement on the Silver Ridge Ranch Property along the Applicant’s east boundary allowing access to Easton State Airport, see **attached WSDOT comments dated May 23, 2023**. **Attached WSDOT comments** also describe the right of way owned by WSDOT which adjacent to the west boundary of the Applicants parcel. Sparks Road also abuts the Applicants parcel on the west boundary. Access to Silver Ridge Ranch directly abuts the south extent of the Applicant’s Parcel.

b. Has the project site been used as working farmlands or working forest lands? **“No/None”**

The Applicants parcel has historically been used as a farm with a home as well as forest land. There was a FPA in the recent past which the previous owner used to remove most of the marketable timber.

c. Describe any structures on the site.

“None” There are no actual structures on site currently. There are the remnants of a well head left when the well house collapsed in the recent past. That well must be decommissioned properly if that has not been addressed previously. The Applicant’s parcel is located on a portion of two well head protection areas per **attached comments from Deborah Johnson DOH, November 15, 2019**.

10. Aesthetics

c. See comments for 7. Environmental b. noise 3 regarding buffer areas.

13. Historical and cultural preservation

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site.

“No cultural or historical impacts” I do not find the description of the Applicants methods to assess potential impacts to cultural and historic resources on or near the site. Does the Applicant think that they are not actually required to provide requested information. If the Applicant does not provide information as required, it is the County’s obligation to request acceptable information or withhold determination of the SEPA until such time acceptable information is received and reviewed. Public comments should not have to fill in information with held by the Applicant. **Please see attached comments from Sydeny Hanson Transportation Archaeologist with State of Washington Archaeology and Historic Preservation** regarding the potential for archaeological resources dated November 15, 2019. The comments refer to a previous (but abandoned) proposal for the Applicants parcel.

D. Proposed measures to avoid, minimize or compensate for loss, changes to and disturbances to resources.

“Not applicable” Given the statement referenced above at c. I believe there should be a statement that will describe measures for preservation of any archaeological or historical resources unearthed or discovered during the Applicants operations to build a road and clear timber and brush.

14. Transportation

a. Identify public Streets and highways serving the site or affected geographic area and describe the proposed access to the existing street system. Show on site plans if any.

“Access will be off of Sparks Road at the current “T” intersection north of Exit 70.” The “T” intersection is actually north and east of exit 70. **See WSDOT comments, dated May 10, 2023,** regarding right of way and limited access boundary, which may interfere with the Applicant’s proposed access location.

Attachments below address several items of value for evaluation of the Applicant's SEPA application. There are obviously proposals which are not included in this request, but there is also much information that should be used to evaluate information provided by the applicant. It appears the applicant believes it is only necessary to put words on paper and receive a positive outcome to their request. Please see the attached letter from the Applicant to the Hearing Examiner regarding his most recent SEPA Application. The evaluation of this SEPA should be done with an open mind and have substantial information from Kittitas County Code and Washington State Law before a decision is made. I am requesting to be notified of additional activity which is associated with this Application

Thank you for your attention to the importance of detail and honesty.

Respectfully,
Marge Brandsrud
dmbrandsrud@comcast.net



Mountview letter to
Hearing Examiner.pdf

From: [Downes, Scott G \(DFW\)](#)
To: [Rachael Stevie \(CD\)](#)
Cc: [Torrey, Elizabeth M \(DFW\)](#)
Subject: RE: SE-18-00008 Sparks Park - Notice of Application WDFW Comments
Date: Tuesday, August 31, 2021 10:21:09 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.

Rachael,

Thank you for sending over the additional documents (road plan and the drainage report) for review. Here are WDFW comments:

1. The area is located in WDFW PHS designated Elk Wintering Area. While the road itself may not have significant impacts to the habitat, the road is likely to lead to future development (even mentions likely future development in the drainage report). The entire plan (road and future development) needs to be evaluated together and how the habitat impacts potentially can be offset. If only the road is being evaluated now, WDFW requests that at least a placeholder to acknowledge the designated PHS habitat and a condition that the applicant must work with WDFW to minimize impacts for future development and mitigate for those habitat impacts that cannot be minimized.
2. Drainage, similar comment on evaluating overall impacts. The drainage report indicates that subsequent development is likely to follow the road building, however is only evaluating the impacts of removed trees and impervious surfaces for the road. A drainage report should not be piecemealed and the entire development of the site should be evaluated for runoff impacts. Drainage from this property is likely to flow through I-90 culverts towards Lake Easton and it is important to evaluate if those culverts are adequately sized and thus a drainage report needs to evaluate all planned activities that will result in land clearing and building of impervious surfaces to adequately evaluate impacts. Thus, WDFW believes that the conclusion of the drainage report: "The project will not add significant runoff to the existing drainage system" is premature and possibly inaccurate until a full drainage report for all planned activities is conducted.

In conclusion, WDFW believes that this road building needs to be combined with environmental review of the other planned development of the parcel to accurately evaluate impacts to both PHS wildlife habitat and potential drainage issues to areas like Lake Easton.

Thank you. If you have any questions, my contact information is below. Scott

Scott Downes

Fish & Wildlife Habitat Biologist

Washington Department of Fish and Wildlife Region

3 Habitat Program

1701 South 24th Ave Yakima,

WA 98902-5720

Scott.Downes@dfw.wa.gov

Office-509-457-9307

Cell-509-607-3578



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

August 26, 2021

Rachael Stevie
Planner I Kittitas
County
411 Ruby St. Suite 2
Ellensburg, WA 98926

In future correspondence please refer to:

Project Tracking Code: 2021-08-05769

Property: Kittitas County_Sparks Park Commercial Access Road (SE-18-00008) Re:
Survey Requested

Dear Rachael Stevie:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance Washington State law. Should additional information become available, our assessment may be revised.

Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's [Standards for Cultural Resource Reporting](#).

We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the [SOI Professional Qualification Standards in Architectural History](#).

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Please also ensure that any reports, site forms, and/or historic property inventory (HPI) forms are uploaded to WISAARD by the consultant(s).

Should you have any questions, please feel free to contact me. Sincerely,

A handwritten signature in black ink that reads "Sydney Hanson". The signature is written in a cursive style with a long horizontal line extending to the right.

Sydney Hanson
Transportation Archaeologist
(360) 280-7563
Sydney.Hanson@dahp.wa.gov



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

November 15, 2019

Chelsea Benner
Planner I
Kittitas County Community Development Services
411 N Ruby St, Ste 2
Ellensburg, WA 98926

In future correspondence please refer to:
Project Tracking Code: 2019-11-08668
Property: Kittitas County_Easton Love's Travel Stop Construction Project Re:
Survey Requested

Dear Chelsea Benner:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. A desktop review of our Statewide Predictive Model has identified the proposed project area as having high potential for archaeological resources. This is due, in part, to the proposed project location's proximity to a fresh water source (the Yakima River). Additionally, several previously recorded archaeological sites and historic trails are in close proximity to the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.

These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Should you have any questions, please feel free to contact me.

Sincerely,

Sydney Hanson
Transportation Archaeologist

(360) 586-3082

Sydney.Hanson@dahp.wa.gov

State of Washington • **Department of Archaeology & Historic Preservation**

P.O. Box 48343 • Olympia, Washington 98504-8343 • (360) 586-3065

www.dahp.wa.gov



From: [Early, Shane \(DNR\)](#)
To: [Rachael Stevie \(CD\)](#)
Cc: [MAUNEY, MARTY \(DNR\)](#); [YOUNG, BRENDA \(DNR\)](#); [KELLER, ERIC \(DNR\)](#)
Subject: RE: SE-18-00008 Sparks Park - Notice of Application
Date: Thursday, August 12, 2021 9:01:06 AM
Attachments: [image002.png](#)
[image003.png](#)

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.

Good morning,

Washington Department of Natural Resources (DNR) would like to express our appreciation for the opportunity to provide comments on this project (Sparks Park). Based on a cursory review of the project area, previous Forest Practices Applications (FPA's), and information included on the SEPA checklist, the DNR would like to note that the removal of trees as part of the ground actions will require an approved Class IV-General FPA, prior to timber harvest and removal of stumps. These actions constitute the conversion to non-forestry, which requires SEPA review, thus the SEPA determination issued by Kittitas County will be utilized for any future FPA submitted to the DNR.

Please let me know if there are any questions regarding these comments, and again thanks for the change to weigh in.

Shane

Shane Early

Forest Practices Coordinator Southeast

Region

Washington State Department of Natural Resources (DNR)

☎ (509) 925-0948

✉ shane.early@dnr.wa.gov

www.dnr.wa.gov

Please consider whether you can save paper by not printing this message.



WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES

From: Jessica Lally
To: Rachael Stevie (CD)
Cc: Corrine Camuso; Hanson, Sydney (DAHP)
Subject: Re: SE-18-00008 Sparks Park - Notice of Application
Date: Thursday, August 19, 2021 11:18:17 AM
Attachments: image001.png

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.

Hi Rachael,

Yakama Nation CRP requests a survey. This is located in a high probability area with archaeological resources in close proximity. It is an area known and previously documented as having high intensity ancestral use.

Thank you.

Jessica Lally
Yakama Nation Archaeologist
Cultural Resources Program
509-865-5121 x4766

From: Rachael Stevie (CD) <rachael.stevie.cd@co.kittitas.wa.us>

Sent: Thursday, August 12, 2021 8:34 AM

To: Pat Nicholson; Ryan McAllister; Kim Dawson; George Long; Julie Kjorsvik; Toni Berkshire; Jesse Cox; Holly Erdman; Lisa Lawrence; Patti Stacey; Candie Leader; Jessica Lally; John Marvin; Environmental Review; SEPA Unit; DOE - gcle; White, Lori (ECY); formerorchards@ecy.wa.gov; WDFW - Scott Downes; WDFW - Jennifer Nelson; Torrey, Elizabeth M (DFW); 'SEPA (DAHP)'; James E Brooks Library - Jorgenja; James E Brooks Library - Nelmsk; Mike Flory; Jeremy Larson; Steph Mifflin; Mau, Russell E (DOH); brietta.carter@dph.wa.gov; rivers@dnr.wa.gov; shane.early@dnr.wa.gov; sepacenter@dnr.wa.gov; Allison Kimball (brooksideconsulting@gmail.com); (tribune@nkctribune.com); Terry Hamberg; Megan Woodruff; legals@kvnews.com; deborah.j.knaub@usace.army.mil; Hendrix, Leah D; mark.a.gradwohl.civ@mail.mil; Kimberly.peacher@navy.mil; Lynn.Harmon@PARKS.WA.GOV; simonettam@eastonsd.org; kdkistler@bpa.gov; klarned@fs.fed.us; 'Jacob Prilucik'; Jeff Kozma; Jim Matthews; Holly Barrick; eric.keller@dnr.wa.gov

Subject: SE-18-00008 Sparks Park - Notice of Application

Chelsea Benner

From: Johnson, Deborah L (DOH) <deborah.johnson@doh.wa.gov>
Sent: Friday, November 15, 2019 3:53 PM
To: Chelsea Benner
Cc: Smits, Brenda M (DOH); Mau, Russell E (DOH); wrightp@wsdot.wa.gov; elkhornanderson@gmail.com; eric@sunriseresorts.com
Subject: Comments- SE-19-00014 Love's Travel Stop (SEPA #201906514)

Hello,
Thank you for the opportunity to review and comment on the [SEPA consultation](#) for the proposed Love's Travel Stop facility at Easton. We have the following comments on the project:

The current Kittitas County CAO states that "No critical aquifer recharge locations have been identified in Kittitas County" (KCC 17A.08.010). Wellhead protection areas are listed under critical aquifer recharge areas in the CAO (KCC 17A.08.025), but the listed cross-reference is to a section regulating the placement of new drinking water wells (KCC 13.20.040). It does not address protections for existing drinking water supplies as new development occurs within wellhead protection areas. The County has had a CAO update in the pipeline for some time now, & it's our understanding that the latest draft (Nov. 2018?) would designate wellhead protection areas as a form of critical aquifer recharge area, consistent with [WAC 365-190-100\(4\)\(b\)\(iii\)](#). At this time, the SEPA checklist is correct in indicating no identified critical aquifer recharge areas (Q. B.8.e).

Please be aware that a small portion of the site is overlain by portions of two wellhead protection areas associated with the following Group A public water systems:
Easton Water District, 10-year time of travel, Source #2, Well #2 AFT391 (Village)
Lake Easton Resort, assigned time of travel, Source #1, Well #1 AFL866



Map source: <https://gis.co.kittitas.wa.us/compas/default.aspx?pid=778834>
<https://fortress.wa.gov/doh/swap/index.html>

Map source:

Additionally, NRCS shows a hydrologic soil group rating of "A" for this entire area, indicating highly permeable soils.

237=Kladnick ashy sandy loam, 0 to 3 percent slopes

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.



Map source: <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

By its nature, a Love's facility involves underground fuel tanks, on-site fueling, a large impervious surface field, & the probability of petroleum waste in surface water (noting that stormwater infiltration is proposed). The SEPA checklist indicates a collocated tire shop but does not mention the commercial truck oil change facilities found in some locations. It appears that Love's tire shops also routinely include [other maintenance facilities & services](#). It isn't clear whether [retreading](#) is proposed on site. The SEPA checklist also indicates the use of a large on-site system which, depending on siting & maintenance, can potentially pose wellhead protection concerns. As development review progresses, please give appropriate regard to the need for wellhead protection in this area irrespective of critical area applicability.

As an additional public health & safety consideration, please also note that the site is bisected by the transitional (green) & horizontal (light blue) surfaces associated with the Easton airport. This is not within DOH's purview; please contact WSDOT Aviation to identify any land-use restrictions this may pose. Their planner, Patrick Wright, is cc'd here or call 360-709-8019.



Map source:

<https://www.wsdot.wa.gov/data/tools/geoportal/?config=airport>

###

This concludes our comments. Please let me know if you have any questions or need additional information.

For distribution of future SEPA notices, please note that our email is SEPA.reviewteam@doh.wa.gov. Please also send notifications to our regional planner for your area, [Brenda Smits](#) (cc'd here).

Deborah Johnson

Wellhead Protection
Specialist Office of
Drinking Water
Environmental Public
Health Division
Washington State
Department of Health
deborah.johnson@doh.wa
.gov
360-236-3133 | www.doh.wa.gov





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
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.

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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

Lucila Cornejo SEPA Coordinator,

Central Regional Office (509) 208-4590

crosepacoordinator@ecy.wa.gov

411 North Ruby Street, Suite 1 TEL (509) 962-7523
Ellensburg, WA 98926
7663

FAX (509) 962-



**Washington State
Department of Transportation**

South Central Region
2809 Rudkin Road
Union Gap, WA 98903-1648
509-577-1600 / FAX: 509-577-1603
TTY: 1-800-833-6388
www.wsdot.wa.gov

May 10, 2023

RECEIVED

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://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

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Jeremiah Cromie – VA-23-00003/SE-23-00010 - Sparks Park

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

Final attachment
Kittitas County Public Works Comments PDF document



VA-23-00003 Sparks
Park KCPW Plan Revi

ATTACHMENT C

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.

ATTACHMENT D

Jackson Purcell
PO Box 663
Easton, WA 98925
Email: jackson0121@gmail.com

Bradley Gasawski
Planner 1
Kittitas County Community Development Services
411 N Ruby Street Suite 2
Ellensburg, WA 98926
Bradley.gasawski@co.kittitas.wa.us

RE: Majestic Group SEPA Application SE-24-0020

Parcel #778834

I want to voice my concerns with the application to clear the land on parcel #778834. This parcel has been attempted to develop for several years by several applicants and has been abandoned for a variety of reasons. I don't believe the county should allow a parcel of land to be cleared of all the vegetation before a plan or proposal has been created. This has the chance of affecting our community in many negative ways for the potential profits of an absentee owner. I believe this process to allow this SEPA application to move forward without the current applicant, Majestic Group LLC, having a plan or proposal with the land is a flawed process and destructive to the community.

After reading the SEPA checklist that the applicant turned into the county, I see many discrepancies and flaws in the application. They have not been researched or little time has been added to their answers. I will outline some of them below.

A. Background

7. Do you have any plans for future. additions. expansion, or further activity related to or connected with this proposal? If yes explain.

“Not at this me” is not an accurate answer. The applicant explains in the answer to question 11 “the proposal may include a Short Plat”.

A short plat would be considered further activity and if not completely addressed on this SEPA an additional SEPA will be required. As stated above, doesn't make sense to allow the development of a parcel without a future plan.

8. List any environmental information you know about that has been prepared or will be prepared directly related to this proposal.

“A Drainage Report has previously completed”

There is no attachment of such drainage report or when it might have been conducted.

B. Environmental Elements

1. Earth

c. What general types of soils are found on the site.

“The site is comprised entirely of kladnick, ashy, sandy loam. The soil belongs to Hydrologic Soil Group

A, meaning it is well drained and has a high infiltration rate”

This creates the concern for infiltration of any contaminants from this land to run into Lake Easton and the Yakima River as this property sits above both bodies of water.

5. Animals

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

“None observed at this time, but the site is in an area that provides habitat for many woodland species.

This is an example of absentee owners and little effort to understand the site. The previous two applications to develop this land had Department of Fish and Wildlife comment on how it will affect the local wildlife. There are dozens of species of wildlife on or near the parcel to were not mentioned. Easton is a rural community and the wildlife and preservation of such is a quality I want to keep.

7. Environmental Health

b. Noise

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

“A 20’ wide buffer of trees and vegetation around the entire perimeter of the parcel will remain untouched to provide a buffer which will help dampen the construction noise.

This statement conflicts with the answer to 4. Plants b. What kind and amount of vegetation will be removed or altered? “Trees and brush will be removed from the majority of the parcel excluding a 50’ perimeter buffer. This conflicting information which is also repeated on the answer to 10. Aesthetics c. Proposed measures to reduce or control aesthetic impacts if any: A 20’ buffer of trees and vegetation will be maintained around the entire perimeter of the parcel to reduce and control aesthetic impacts. There needs to be clarification on what the true buffer is intended to be and the effectiveness of its determination.

13. Historical and cultural preservation

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site

“No cultural or historical impacts”

Several state agencies and tribes have stated in the past two applications to develop this land that they were concerned or interested in possible historical and cultural impacts. This again shows that lack of research and care from the current applicant.

14. Transportation

a. Identify public Streets and highways serving the site or affected geographic area and describe the proposed access to the existing street system. Show on site plans if any.

“Access will be off of Sparks Road at the current “T” intersection north of Exit 70.”

The proposed T intersection has a 130’ right of way and limited access boundary on each side of the T. I believe adding another entrance/exit to the intersection without even knowing the future of this proposal is again putting the cart before the horse. This intersection needs to be studied more, the applicant is still trying to use 2019 traffic data which is flawed as by the newer traffic study done this year purchased by myself and others in the community.

In conclusion, I don’t believe this application and the county’s process of allowing land to be cleared and roads to be created without a future proposal is not only harmful for the community, but it will set a bad precedent for the future of Kittitas County and the CDS department. Once this land is cleared, there is no going back. There is a reason why so many developers have abandoned proposals on development of this property. We are tired of continuing to be the only ones to know anything about this property. I am not against development but the lack of care and attention to details has caused the community to spend lots of time and money on such. It is a waste of CDS’s time as well and could be mitigated with better organization of historical data.

ATTACHMENT E



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

June 27, 2024

Bradley Gasawski
Community Development Services
Kittitas County
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

SUBJECT: WDFW COMMENTS ON SE-24-00020 MAJESTIC GROUP SEPA

Dear Mr. Gasawski,

Thank you for the opportunity to comment on the Majestic Group LLC's proposed project on parcel 778834, near Lake Easton and Interstate 90's Exit 70. The Washington Department of Fish and Wildlife (WDFW) is familiar with the project area and we've reviewed the application materials available on file. The SEPA checklist and Notice of Application mention the need for a Forest Practice Application (FPA) as well as grading and fill associated with an access road, but there are no site plans or specific information available to evaluate the project for environmental impacts.

Based on information in the SEPA checklist, it appears there may be plans to subdivide the property and/or further develop the lot, but the SEPA is not clear that this is part of an overall phased approach. WDFW is concerned that the entire proposal has not been presented such that we can provide a complete review of possible impacts to fish, wildlife, and their habitats. Future actions associated with or dependent upon this access road should be included in this environmental review per [WAC 197-11-060 \(3\)\(b\)](#). Questions A.6. and A.7. within the SEPA checklist describe future plans while also stating there are no future plans. The checklist also leaves open the chance that this proposal may include a short plat process. With no site plans or specific information, it is nearly impossible to review the project for all environmental impacts as is intended in the State Environmental Policy Act.

WDFW offers the following recommendations so we can provide adequate review of this proposal:

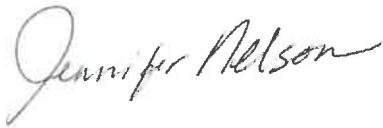
- Provide an overall site plan for a complete project, including phased developments and actions.
- Provide the Drainage Report referenced in Question A.8. of the SEPA checklist. The application materials indicate that there are no developments on the property, and later state that an existing storm drain system (referenced in Question B.3.c.1) is sufficient to handle runoff. WDFW is concerned about potential impacts to Lake Easton and the fish life present if surface water runoff and/or groundwater interactions could impact the water quality as property is in a Type 1 Critical Aquifer Recharge Area.

- Complete a critical areas study to evaluate the property for all critical areas so they can be properly identified and protected or mitigated for per KCC 17A. WDFW's PHS online mapper clearly shows the project area is within designated Elk Winter Range, a Fish and Wildlife Habitat Conservation Area. Clearing nearly the entire lot may negatively impact elk and other wildlife present on or near the site, which requires mitigation per KCC 17A.01.100. Any future developments are also likely to have impacts to elk winter range.
- The project site is near the easternmost I-90 Connectivity Emphasis Area (CEA) identified to enhance ecological connectivity as part of the WSDOT I-90 East Project. Understanding the proposed project as a whole will be important for evaluating how it may impact wildlife connectivity through this CEA and the ability for wildlife to migrate through the area.

The project, as presented in the materials available online for review, is not well defined enough to provide meaningful environmental review or site-specific recommendations to ensure no net loss of critical areas functions and values.

Thank you for the opportunity to comment and for the County's commitment to protect critical areas. Please let me know if there are any questions about our comments; we look forward to working together on this project and would welcome the opportunity for a site visit. I can be reached by phone at (509) 961-6639 or email at Jennifer.nelson@dfw.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Nelson".

Jennifer Nelson
Fish and Wildlife Biologist

ATTACHMENT F



South Central Region
2809 Rudkin Road
Union Gap, WA 98903-1648
509-577-1600 / FAX: 509-577-1603
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 28, 2024

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

Attention: Bradley Gasawski, Planner I

Subject: SE-24-00020 Majestic Group
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 Sparks Road a distance of 130' southwesterly and 130' northwesterly of the interchange crossroad. Private direct access within the limits of our access control is prohibited.

Our right-of-way records indicate a county road connection to Sparks Road may be allowed. However, any new connection is contingent on FHWA review and approval and must meet specific criteria. Should the County wish to explore this option, they must contact this office for specifics.

- WSDOT has an existing access easement over Silver Ridge Ranch Road, which is the sole point of access to the Easton Airport. This road shall not be obstructed in anyway and must remain available to WSDOT.
- The Federal Aviation Administration (FAA) requires notification of any development of this property. The proponent must use forms 7460-1 and 7460-2, which can be accessed and completed electronically here: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.
- 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 for specifics. He can be reached at (360) 709-8028.
- Any proposed lighting must be directed down towards the site and away from I-90.
- All loads transported on WSDOT rights-of-way must be within the legal size and load limits or have a valid oversize and/or overweight permit.

Bradley Gasawski – SE-24-00020
June 28, 2024
Page 2

- It is the proponent's responsibility to keep and maintain I-90 free of any of their debris. Any spilled material shall be promptly cleaned up at the proponent's expense.
- WSDOT has an active construction project (I-90 – Cabin Creek Interchange to W. Easton Interchange – Phase 3) that will affect this segment of I-90, including the Exit 70 interchange and Sparks Road. The proponent should anticipate construction related delays and other impacts for the duration of this project. Further, they should schedule their work so as not to delay WSDOT's contractor in the performance of this contract, which is scheduled for completion in 2028.
- Any outdoor advertising or motorist signing considered for this property will need to comply with state criteria. The proponent should contact Tanya Joblonski of the WSDOT Headquarters Traffic Office for specifics. She can be reached at (360) 705-7294.

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

Sincerely,



Jacob Prilucik
Development Services Manager

JJP: mnk

cc: SR 90, File 2024_006
Jason Pratt, Area 1 Assistant Maintenance Superintendent
Phil Nugent, Region Planning Manager
David Ison, WSDOT Aviation Division
Scott Golbek, WSDOT Project Engineer

ATTACHMENT G

Bradley Gasawski

From: Terrence Danysh <tdanysh@prklaw.com>
Sent: Wednesday, June 26, 2024 3:54 PM
To: Bradley Gasawski
Cc: Stephanie Hartung; Marge Brandsrud (dmbrandsrud@comcast.net); James Carmody; Charlie Beckett
Subject: Majestic Group (Proj. No. SE-24-00020)/"Friends of Easton" comment letter and attachments regarding grading application and SEPA (Friday, June 28, 2024 comment deadline)
Attachments: 1627_001.pdf; 3-20-2024 decision on County Motion for Remand.pdf; 1628_001.pdf; 1611_001.pdf
Importance: High

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.

Dear Mr. Gasawski:

Please find the attached comment letter (and accompanying documents) from counsel for "Friends of Easton" with regard to the above-referenced project (Friday, June 28, 2024 comment deadline).

Respectfully,

Terry Danysh
Co-counsel, Friends of Easton

**TERRENCE DANYSH | PRK Livengood
OF COUNSEL**



Peterson Russell Kelly Livengood PLLC
10900 NE 4th Street, Suite 1850
Bellevue, WA 98004
O: 425.462.4700 | D: 425.990.4003 | F: 425.451.0714
tdanysh@prklaw.com | www.prklaw.com

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Terrence I. Danysh
tdanysh@prklaw.com
R. Charles "Charlie" Beckett
cbeckett@prklaw.com

June 26, 2024

VIA EMAIL: Bradley.Gasawski@co.kittitas.wa.us

Mr. Bradley Gasawski
Kittitas County Community Development Services
411 N Ruby ST, Suite 2
Ellensburg WA 98926

Re: SE-24-00020 Majestic Group
Comment on Proposed Grading Application and SEPA

Dear Mr. Gasawski:

The undersigned attorneys are counsel to Friends of Easton, a group of property owners and community members in the neighborhood of Majestic Group's proposed project. The purpose of this letter is to comment on the Majestic Group's (the "Applicant") SEPA application and analysis under the Kittitas County Code. Having reviewed the contents of the Applicant's application and SEPA checklist, Friends of Easton has significant concerns regarding the purpose and preparation of the Applicant's SEPA Checklist, as well as specific concerns regarding the sufficiency of the applicant's analysis of traffic and critical areas impacts.

First and foremost, the present application appears to be an impermissible and illegal attempt to circumvent the regulations of SEPA and the Kittitas County Code (and the principles of environmental review more broadly), by "piece-mealing" environmental analysis of the proposed project to avoid meaningful review of the cumulative impacts it poses. One of the fundamental principles of environmental review law is that when there is evidence that a project under review "will facilitate future action that will result in additional impacts" the impacts of said project must be analyzed simultaneously with those of the proposed future action.¹ The cumulative impact of these actions must be considered when making a threshold decision under SEPA. This rule is explicitly stated in WAC 197-11-060(5)(d), and is incorporated by reference into the Kittitas County Code pursuant to KCC 15.04.020.

¹ *Boehm v. City of Vancouver*, 111 Wash. App. 711, 720, 47 P.3d 137, 142 (2002); *Conservation Nw. v. Okanogan Cnty.*, 194 Wash. App. 1034 (2016) ("The government decision makers must consider more than the narrow, limited environmental impact of the immediate, pending action. . . The agency cannot close its eyes to the ultimate probable environmental consequences of its current action.")

Friends of Easton's are acutely concerned with "piece-mealing" given the longstanding efforts to develop the Applicant's property to build a truck stop complex, which have spanned years and several attempts at permits. Beginning in 2019 (under permit SE-19-00014), the prior owner of the property sought to develop a Love's truck stop complex on the site of the property. This effort was abandoned after a Land Use Petition to the Kittitas County Superior Court resulted in the prior owner withdrawing their application. Subsequent to this effort, AJ Sandhu (the managing member of prior applicant Sparks Park LLC & present applicant Majestic Group LLC) picked up the baton of the development process, filing for a use variance under permit VA-23-00003 and utilizing the prior owner's documentation and studies.

The variance request resulted in an appeal by Friends of Easton and others, and an eventual remand by the County's Hearing Examiner for lack of a critical areas report by the Applicant.² Subsequent to the remand decision, in March of this year, Mr. Sandhu stated that he had no intention of abandoning his plans to build said truck stop.³ Further, Friends of Easton has seen no documentation that these plans or the application to build the truck stop have been abandoned or withdrawn, and the permit application remains open on the Kittitas County Community Development Services website. Where development of the site for use as a truck stop remains Mr. Sandhu's stated goal for the property, and where he has not formally abandoned these plans in writing (to our knowledge), Friends of Easton are concerned that this is just one more attempt to reach that goal by omission and circumvention of SEPA.

Regardless, additional deficiencies exist in the Applicant's failure to provide meaningful information regarding the nature of the proposed development or to perform the necessary traffic analysis. As proposed by the Applicant, the ramp it seeks is nearly identical to that of the one it sought under the prior permit application, but the present application is devoid of any information regarding the proposed use other than for "a possible subdivision." (The type of subdivision is left unspecified. A truck stop/travel center or components of the same are well within the realm of possibility.)

As opined by Mike Swenson of the Transpo Group (who performed an analysis of the Applicant's property in connection with Mr. Sandhu's prior permit application), the proximity of the property to I-90 means that any development project will entail levels of congestion at the I-90 interchange, which should be analyzed prior to project approval, with appropriate mitigating conditions imposed.⁴ Where the Applicant fails to disclose the proposed development on the site, such analysis is impossible, as is any analysis of the proper alignment of any access.

Finally, a threshold determination is inappropriate where the Applicant has yet to complete the required Critical Area Report pursuant to Chapter 17A.01 KCC. Under Chapter 17A.01 KCC, a Critical Area Report is required for land disturbing activities such as "removing, excavating,

² See Order on County's Motion for Remand, date March 20, 2024, attached.

³ See March 20, 2024 Email from AJ Sandhu to the Kittitas County Hearing Examiner, attached.

⁴ See Transpo Goup letter of June 24, 2024, attached.

disturbing or dredging” the earth within a critical area.⁵ Where such a report is necessary, it must be provided to the County “prior to the county’s consideration of any proposed alteration or development.”⁶ This review should be conducted “concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted.”⁷

As the Applicant’s member, AJ Sandhu, was made aware of in the prior appeal of his prior permit application for the property, his property sits within a Critical Aquifer Recharge Area, which is a critical area within the meaning of the KCC. Where the permit which the Applicant seeks is such a permit, and where the applicant’s parcel is an acknowledged Critical Aquifer Recharge Area, compliance with Chapter 17A.01 is required. The required study should be performed before the issuance of a threshold determination so that appropriate mitigating conditions may be imposed.

Given these deficiencies in analysis, the numerous past efforts to develop the property, and the concerns regarding “piece-mealing” of the SEPA analysis, Friends of Easton believe that the Applicant’s application should be strictly scrutinized, the necessary analyses performed, and the application be in strict compliance with the Kittitas County Code prior to the issuance of any threshold determination.

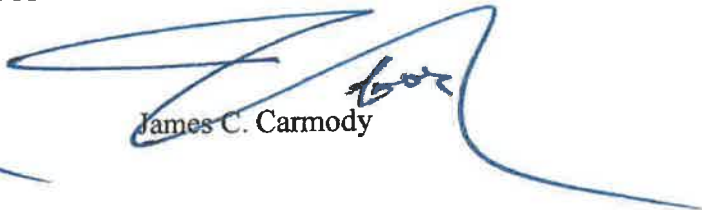
Sincerely,

PETERSON RUSSELL KELLY LIVENGOOD
PLLC



Terrence I. Danysh
R. Charles “Charlie” Beckett

MEYER FLUEGGE & TENNEY P.S.



James C. Carmody

cc: Marge Brandsrud, Friends of Easton
Stephanie Hartung,
Kittitas County Prosecutor’s Office

⁵ KCC 17A.01.040(1).

⁶ KCC 17A.01.110(2).

⁷ KCC 17A.01.120(3).

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BEFORE THE KITTITAS COUNTY HEARING EXAMINER

In the matter of an appeal of the:
Variance and Mitigated Determination of
Nonsignificance for Easton Travel Stop
Administrative Site Plan and Determination of
Non-Significance for Sparks Park LLC

CDS FILE No. VA-23-00003
SE-23-00010

ORDER ON COUNTY'S MOTION
FOR REMAND

This matter came before the Hearing Examiner on Kittitas County's Motion for Remand dated March 8, 2024.

In response, Appellants Purcell and McLeod, through their attorney, Audrey Clungeon, filed a response dated March 13, 2024, requesting that the application be denied with prejudice, and that the Hearing Examiner not remand the matter back to Kittitas County. This Appellant further argued that the variance is a use variance and that it also should be denied.

Appellants, through their attorneys, James Carmody and Terrence Danysh, as joined by Audrey Clungeon, requested that a dispositive order invalidating the Notice of Decision for the variance, with prejudice, be ordered by the Hearing Examiner.

On March 15, 2024, the attorney for Kittitas County submitted a response to the Appellant's motion for the dispositive order.

The Hearing Examiner has considered materials submitted to the Hearing Examiner, as well as the file of record that has been presented to the Hearing Examiner.

1 The County's position is that there was not a required critical areas review during the
2 processing of the application, that the variance was not properly granted, and the matter should
3 be remanded back to the County for further review.

4 The Hearing Examiner finds that the County's Determination of Completeness was made
5 in error in that proper study of identified critical areas was not completed. Therefore, not only
6 was the variance issued in error, but the SEPA determination was also issued in error.

7 However, the Hearing Examiner does not believe that a dispositive motion dismissing
8 this matter with prejudice is the appropriate remedy.

9 This matter was brought to the Hearing Examiner's attention through the disclosure by
10 Kittitas County. Although, a hearing on the SEPA appeal and on the appeal of the variance has
11 been set, and the timing of pre-hearing disclosures have been ordered, the Hearing Examiner
12 does not believe that invalidating the SEPA determination and variance approval to the extent
13 requested by the Applicant, basically a dismissal with prejudice, is the appropriate remedy.

14 Therefore, the Hearing Examiner orders that the SEPA determination of the MDNS
15 issued September 29, 2023, and the administrative decision approving the variance, also dated
16 September 29, 2023, shall be vacated.

17 This matter is remanded to Kittitas County to require a revised application to correct the
18 original application's deficiencies. The County is directed to issue a new Determination of
19 Completeness, if appropriate.

20 If and when the application is determined to be complete, the Hearing Examiner directs
21 the County to start a new SEPA process and to then, if appropriate, to issue a new SEPA
22 determination and new administrative decision regarding the variance application. Any new
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1 MDNS and variance decision are subject to appeal. Any appeal fee previously paid by
2 Appellants shall be promptly refunded to Appellants.

3 The Hearing Examiner's Order on Pre-Hearing Conference dated December 21,
4 2023, is hereby stricken in its entirety. The open record public hearing previously
5 scheduled to begin May 29, 2024, to extend through May 31, 2024, is hereby stricken.

6 SO ORDERED this 20 day of March, 2024.

8 KITTITAS COUNTY HEARING EXAMINER

9 
10 _____
11 ANDREW L. KOTTKAMP

Terrence Danysh

From: SANBROS FARMS <sanbros.farms@gmail.com>
Sent: Wednesday, March 20, 2024 10:38 AM
To: Andy Kottkamp
Cc: Terrence Danysh; Christine Rice; Stephanie Hartung; Peggy Cahill; carmody@mftlaw.com; Tracy Parke; Jessie Blackwood; Charlie Beckett; Mark Cook; bill@yourbrokerbill.com; Jamey Ayling; Audrey Clungeon; Dave Bricklin; Bricklin & Newman, LLP
Subject: Applicant Response

Good Morning Mr. Hearing Examiner and Counsel,

My name is Angadjot Sandhu. I am the Managing Member of Mountview Group LLC, the Applicants in this matter. It is our understanding from information received from Kittitas County Public Works, that a response in this appeal is not necessary as the appeal pertains to the County Approval of the Application and nothing more. Please correct us Mr. Hearing Examiner if we are mistaken. However, in light of the allegations made by the Appellants we felt that it was appropriate to respond.

We have filed the applications in a timely manner and have paid the fees required by the County. We have provided any materials and documentation requested by the County. We have responded to comments made by the Appellants during the comment period, however, in reviewing the Appellants briefs, it appears they have not read those responses.

We are not currently nor have any future intention of abandoning this application. As we move forward with the project, we will comply with any and all of the requirements and regulations asked of us.

Irrelevant in this matter, however just a quick closing comment:

Our primary business is that we own and operate multiple organic orchards here in Eastern Washington. Our goal has never been to allow any damage to occur to our environment or to endanger our neighbors.

Sincerely,

AJ Sandhu

Manager/Member

Mountview Group LLC

TG: 1.23463.00

June 24, 2024

Terry Danysh
Peterson Russell Kelly Livengood PLLC
10900 NE 4th Street, Suite 1850
Bellevue, WA 98004

SUBJECT: MAJESTIC GROUP DEVELOPMENT UPDATED SEPA CHECKLIST

Dear Terry:

Per your request, we have reviewed the updated SEPA checklist submitted for the subject project. From information provided in the SEPA checklist, our understanding is that the project consists of clearing and grading activities and subdivision of the property to be developed in the future. The SEPA checklist identified the only access point as being aligned with existing Sparks Road and intersection north of Exit 70 off of I-90 as noted below.

14. Transportation. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Access will be off of Sparks Road at the current "T" intersection north of Exit 70 off I-90

As you recall, Transpo conducted a review of the Transportation report prepared for the previous application. This review was based on a specific development plan that included a fuel station and ancillary uses. Our review of the previous analysis indicated that congestion was anticipated at the ramps and additional analysis was warranted to confirm the interchange would operate at adequate levels.

As identified in the updated SEPA checklist for the project, the only access point for the site is proposed to be aligned with the Lake Easton Road/W Sparks Rd intersection. This location has been identified with no known development plan or assessment of traffic operations as per the following in the SEPA checklist.

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 nonpassenger vehicles). What data or transportation models were used to make these estimates?

No vehicle trips are anticipated with this proposal.

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

Not Applicable

While the logical location may be to align with the existing intersection, the proximity of the I-90 westbound ramps creates a condition that needs to be fully evaluated before that location is approved. To evaluate the access point a reasonable worst-case development scenario should be identified in order to estimate the weekday AM and PM peak hour trip generation. Depending on the nature of the development, weekend trip generation and analysis may be needed. The

technical analysis would identify the needed channelization, interaction with adjacent intersections and identification of the needed traffic control at the intersection.

Question g that identifies the required mitigation, notes that this is Not Applicable. A proposed access point should not be identified unless the proper analysis has been completed to confirm it does not create any additional impacts to the system.

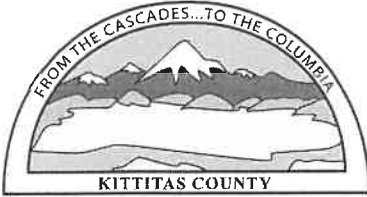
In summary, we suggest the following analysis be done prior to finalizing the site access location:

1. Identify a reasonable/worst case development scenario
2. Forecast weekday AM and PM peak hour trip generation. Note the weekend may be relevant to the analysis depending on the nature of the development
3. Evaluate the interchange operations utilizing current traffic counts for the peak periods. This analysis should include an evaluation of the without and with-project conditions.

Sincerely,
Transpo Group

A handwritten signature in black ink that reads "Michael Swenson". The signature is written in a cursive style with a long, sweeping underline.

Michael Swenson, PE, PTOE
Managing Principal



**KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES**

Receipt Number: CD24-02608

411 N. Ruby St., Suite 2
Ellensburg, WA 98926
509-962-7506 / <https://www.co.kittitas.wa.us/cds/>

Payer/Payee: MEYER, FLUEGGE, & TENNEY
230 SOUTH 2ND STREET
YAKIMA WA 98907

Cashier: ELLIE MYERS
Payment Type: CHECK (082183)

Date: 10/10/2024

SE-24-00020

SEPA

0-XX W. Sparks Road, Easton

Fee Description

Fee Amount

Amount Paid

Fee Balance

Appeal

\$1,670.00

\$1,670.00

\$0.00

SE-24-00020 TOTALS:

\$1,670.00

\$1,670.00

\$0.00

TOTAL PAID:

\$1,670.00