

From: [Aaron Kombol](#)
To: [Jeremiah Cromie](#)
Subject: Re: VA-23-00003 Sparks Park - Notice of Application
Date: Thursday, February 23, 2023 10:34:52 AM

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This project will have an impact on Easton School District with possible increase in enrollment as indicated by the 20+ jobs that would be created.

What impact fees designated for Easton School District are being placed on this project?

Thank you

On Thu, Feb 23, 2023 at 9:55 AM Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us> wrote:

Good morning,

CDS is requesting comments on the following variance application: VA-23-00003 Sparks Park. This variance request is for a truck stop, restaurant and retail services to go above the allowed square footage of a site and impervious surface for the use as well as go above the maximum allowed square footage for retail services in General Commercial zoning in a Type 3 LAMIRD.

Links to the file materials can be found below. The comment period will end on **Monday March 13, 2023 at 5p PM (PDT)**. **CDS will assume your agency does not wish to provide comment if not received by this date.** Please let me know if you have any issues accessing the materials.

Internal: VA-23-00003 Sparks Park

External: [VA-23-00003 Sparks Park](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigate to "Setback Variances" and

From: [Mau, Russell E \(DOH\)](#)
To: [Jeremiah Cromie](#)
Cc: [Holly Erdman](#); [Smits, Brenda M \(DOH\)](#)
Subject: RE: VA-23-00003 Sparks Park - Notice of Application; Easton Water District 427005, Kittitas County
Date: Friday, February 24, 2023 9:18:10 AM

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Mr. Cromie:

The Department of Health (DOH) Office of Drinking Water (ODW) has the following comments:

1. DOH concurs with the MDNS statement under “Water and Waste Disposal”, Item 2, that the applicant and/or the Easton Water District (ID #42700) needs to confirm water capacity and availability from the Easton Water District water system.
2. At this time, DOH ODW records for the Easton Water District show it is approved for 405 connections and has 211 active connections; however, the applicant and/or water system needs to show that the amount of water to be used for this facility can be provided to this site while maintaining service throughout the rest of the water system.

If anyone has any questions or concerns, please contact DOH.

Thanks,

Russell E. Mau, PhD, PE

Regional Engineer

Office of Drinking Water

Washington State Department of Health

16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216

Russell.Mau@doh.wa.gov

509-329-2116 | www.doh.wa.gov

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

Sent: Thursday, February 23, 2023 9:55 AM

To: Joe Dietzel <joe.dietzel@co.kittitas.wa.us>; Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; 'storch@kittcom.org' <storch@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; kelee.hodges.pw <kelee.hodges.pw@co.kittitas.wa.us>; Candie Leader <candie.leader@co.kittitas.wa.us>; David Ohl



To Protect and Promote the Health and the Environment of the People of Kittitas County

February 24, 2023

VA-23-00003 Sparks Park
Variance Request

Hello,

Public Health has no comment.

Best Regards,

A handwritten signature in black ink that reads "J.R.C." with a stylized flourish.

Joe Rainwater-Cummings, M.S., Environmental Health Specialist *(he/his/him)*

P: 509.933.8225 | F: 509.962.7581 | E: joseph.rainwater@co.kittitas.wa.us

Kittitas County Public Health Department

507 N Nanum St Suite 102, Ellensburg WA 98926

www.co.kittitas.wa.us/health

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From: [Corrine Camuso](#)
To: [Jeremiah Cromie](#)
Cc: [Casey Barney](#); [Noah Oliver](#); [Jessica Lally](#); sepa@dahp.wa.gov
Subject: Re: VA-23-00003 Sparks Park - Notice of Application
Date: Monday, February 27, 2023 3:26:19 PM

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

Thank you for contacting the Yakama Nation Cultural Resources Program regarding the proposed undertaking located within the Yakama Ceded Lands. The project is within the traditional territory of the Pshwánapam (Kittitas/Upper Yakama) signatory to the Yakama Treaty of 1855. We recommend an archaeological survey due its location within a high probability area, and proximity to previously recorded precontact resources and ancestral Yakama sites. Please send a copy of the report to our office for review.

Regards,

Corrine Camuso
Yakama Nation
Cultural Resources Program Archaeologist
Office 509-865-5121 ext. 4776

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Thursday, February 23, 2023 9:54 AM
To: Joe Dietzel; Kim Dawson; George Long; 'storch@kittcom.org'; Julie Kjorsvik; Toni Berkshire; PublicHealth Inspectors; Lisa Lawrence; Patti Stacey; Kelee Hodges; Candie Leader; David Ohl; Codi Fortier; Environmental Review; Corrine Camuso; Jessica Lally; Noah Oliver; Casey Barney; Jeff Kozma; Jim Matthews; Holly Barrick; 'separegister@ecy.wa.gov'; 'tebu461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'FormerOrchards@ecy.wa.gov'; 'wendy.neet@ecy.wa.gov'; 'crosepa@ecy.wa.gov'; 'rand461@ECY.WA.GOV'; 'Scott.Downes@dfw.wa.gov'; 'Jennifer.Nelson@dfw.wa.gov'; 'Elizabeth.Torrey@dfw.wa.gov'; 'sepa@dahp.wa.gov'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Jeremy Larson; Steph Mifflin; 'russell.mau@doh.wa.gov'; 'rivers@dnr.wa.gov'; 'brenda.young@dnr.wa.gov'; 'luke.warthen@dnr.wa.gov'; 'SEPACENTER@dnr.wa.gov'; 'MARTIN.MAUNEY@dnr.wa.gov'; 'scott.chambers@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'mbreckenridge@kvnews.com'; 'legals@kvnews.com'; 'Deborah.j.knaub@usace.army.mil'; 'Jenae.N.Churchill@usace.army.mil'; 'lhendrix@usbr.gov'; 'mark.a.gradwohl.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; 'Robert.d.bright10.civ@army.mil'; Haley Mercer; Christy Garcia; 'steve@snoqualmietribe.us'; 'dahp@snoqualmietribe.us'; 'adam@snoqualmietribe.us'; 'guy.moura@colvilletribes.com'; 'sam.rushing@colvilletribes.com';



February 27, 2023

**DEPARTMENT OF
NATURAL RESOURCES**

SOUTHEAST REGION
713 BOWERS ROAD
ELLENSBURG, WA 98926

509-925-8510
TRS 711
SOUTHEAST.REGION@DNR.WA.GOV
WWW.DNR.WA.GOV

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

RE: VA-23-00003 Sparks Rd.

Dear Mx. Cromie:

Thank you for the opportunity to comment on the proposed development of parcel(s) # 778834 located off Sparks Rd. I-90 interchange (Exit 70) in Easton, WA in Section 02, Township 20N, Range 13E, W.M. in Kittitas County.

Based on orthophoto of the property, it appears that the parcels are forested land. If merchantable timber is removed/harvested as part of the proposal or as part of a future development, a Forest Practices Application (FPA) may be required (RCW 76.09 and WAC 222). The FPA would need to meet the requirements of the Forest Practices Act and its rules. It is our recommendation that the applicant meet with our local forest practices forester to discuss, they may call our Southeast Region office at (509) 925-8510 to schedule an appointment.

If there are questions regarding our comments, please contact our Region Forest Practices office at the number above.

Sincerely,

Scott Chambers
Forest Practices Coordinator
Washington State Department of Natural Resources (DNR)
Southeast Region
Scott.chambers@dnr.wa.gov

From: [Michael Jones](#)
To: [Jeremiah Cromie](#)
Subject: Sparks Park Variance VA 23-00003
Date: Tuesday, February 28, 2023 9:08:14 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.

My family owns a vacation home on West Sparks Road approximately 1000 feet west of the proposed Sparks Park (Love Truck Stop) in Easton. We have visited Love Truck Stops along I-90 and have found them to be a great place to stop while driving along I-90.

We are in support of the proposed Sparks Park (Loves Truck Stop) in Easton.

The project will give truckers a safe and comfortable place to stop rather than continuing over the pass, which should reduce the number of accidents on the pass which are frequent during the winter. It will also help the local community as the town has few businesses left. Mountain High Hamburgers will see increased customer traffic and perhaps the Turtle Cafe & Lounge may reopen.

One additional comment regarding the recreational users of the area. As the documents for this project show, there are multiple trails in the proposed building site. One important trail runs alongside West Sparks & Sparks Road that goes right past the proposed development. This trail is used by motorcycles, ATV's, snowmobiles, bicycles and just folks out walking. One of the most important uses of this trail is snowmobiles. Snowmobiles do not travel well on paved roads, especially ones that have been plowed. They don't steer well on pavement, the pavement wears down the skis and carbides and the lack of snow causes snowmobiles to overheat. As a result, in winter you will see most snowmobiles traveling on this trail on Sparks Road. We would like to see some mitigation for this trail to be included in the Loves Truck Stop plan.

Michael & Lisa Jones

2131 W Sparks Road, Easton WA 98925

Mailing Address: 718 115th Ave SE, Lake Stevens WA 98258

From: [Downes, Scott G \(DFW\)](#)
To: [Jeremiah Cromie](#)
Cc: [Torrey, Elizabeth M \(DFW\)](#)
Subject: RE: VA-23-00003 Sparks Park - Notice of Application WDFW Comments
Date: Tuesday, February 28, 2023 10:37:33 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.

Jeremiah,

Thank you for sending this out for review. WDFW did comment as well on the original application and our comments are similar here. While WDFW has no significant issues from a fish and wildlife habitat perspective, and the project is generally well suited from a habitat minimization perspective of being located next to I-90, the project area still falls within an Elk Winter Concentration Area. Thus to minimize overall impacts to the forested habitat, WDFW requests that the clearing limits be restricted to only the absolute minimum needed to build the proposed truck stop and that any revegetation done, be native vegetation from the area to help offset any losses of forested habitat. If the applicant has questions or needs help in suggesting how to replant for native vegetation and/or avoid some of the forested area, WDFW would be willing to assist from a habitat point of view.

Thanks again,

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
Cell-509-607-3578

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Thursday, February 23, 2023 9:55 AM
To: Joe Dietzel <joe.dietzel@co.kittitas.wa.us>; Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; 'storch@kittcom.org' <storch@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; kelee.hodges.pw <kelee.hodges.pw@co.kittitas.wa.us>; Candie Leader <candie.leader@co.kittitas.wa.us>; David Ohl <david.ohl@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>;

From: [PublicHealth Inspectors](#)
To: [Jeremiah Cromie](#)
Cc: [Jesse Cox](#); [Kim Shilley](#)
Subject: RE: VA-23-00003 Sparks Park - Notice of Application
Date: Tuesday, February 28, 2023 3:50:00 PM

Hi Jeremiah,

Thank you for the guidance on this. I am definitely new so it's a good chance to stop and take a beat and see where the training is on these topics.

For the VA request, I think no comment still fits. Holly covered the SEPA for the water district and the LOSS WADOH application. Two very important reminders and findings for the SEPA, especially considering the LAMIRD and the onus on limited areas of development in our rural setting.

For the restaurant, Public Health does not have a square footage maximum or minimum. The restaurant changing in size will affect the flow and strength of the LOSS but that is for a professional engineer to address. For us, the restaurant Plan Review will be something we work with owner to design as they build the site. I don't think a comment on sink requirements is needed on variance request, but do you think that it's warranted and the correct space for that comment? I can definitely add it and include a Plan Review link

Now, I could definitely use the Findings letter design more. Would you prefer that? I am always torn between plainly stating a comment and using code to state a comment. Public Health has historically, and recently, had some trouble with conveying our expectations and codes and I do not wish to do that but I do understand that this is a specific medium and it must be afforded that.

What do you think is the best response to this? In this inbox, we have a tools section that I am always looking to expand and I am excited to add more it.

Hope Tuesday has not been too crazy!

Best regards,

Joe Rainwater-Cummings, M.S., Environmental Health Specialist *(he/his/him)*

P: 509.933.8225 | F: 509.962.7581 | E: joseph.rainwater@co.kittitas.wa.us

Kittitas County Public Health Department

507 N Nanum St Suite 102, Ellensburg WA 98926

www.co.kittitas.wa.us/health

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From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Tuesday, February 28, 2023 11:54 AM
To: PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>
Cc: Jesse Cox <jesse.cox@co.kittitas.wa.us>; Kim Shilley <kim.shilley@co.kittitas.wa.us>
Subject: RE: VA-23-00003 Sparks Park - Notice of Application

Hello,

This is very unusual for Health to have no comments especially with a project of this size and the mention of using the Easton Water District in the application materials and the mention of on-site septic not to mention a restaurant. While this might need to go through the State DOH, I would like to know that. I have included Health's comments from the original SEPA application as well the SEPA MDNS that was issued back in 2019. If you still don't have comments, that is fine, just let me know.

I have linked to the internal file for the application files for this variance proposal below. If you can't access them, please let me know.

<T:\CDS\Projects\Variances\Variances\VA 2023\VA-23-00003 Sparks Park\VA-23-00003 Sparks Park Application>

Let me know if you have other questions.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>
Sent: Friday, February 24, 2023 3:14 PM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Subject: RE: VA-23-00003 Sparks Park - Notice of Application

Hi Jeremiah,

Looks like this is just a call for comment on the zoning variance and I don't think we have anything to comment on that

Hope things are well!

Best,

Joe Rainwater-Cummings, M.S., Environmental Health Specialist *(he/his/him)*

P: 509.933.8225 | F: 509.962.7581 | E: joseph.rainwater@co.kittitas.wa.us

Kittitas County Public Health Department

507 N Nanum St Suite 102, Ellensburg WA 98926

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

Sent: Thursday, February 23, 2023 9:55 AM

To: Joe Dietzel <joe.dietzel@co.kittitas.wa.us>; Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; 'storch@kittcom.org' <storch@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Candie Leader <candie.leader@co.kittitas.wa.us>; David Ohl <david.ohl@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; 'corrine_camuso@yakama.com' <corrine_camuso@yakama.com>; 'jessica_lally@yakama.com' <jessica_lally@yakama.com>; 'noah_oliver@yakama.com' <noah_oliver@yakama.com>; 'casey_barney@yakama.com' <casey_barney@yakama.com>; 'kozj@yakamafish-nsn.gov' <kozj@yakamafish-nsn.gov>; 'matj@yakamafish-nsn.gov' <matj@yakamafish-nsn.gov>; 'barh@yakamafish-nsn.gov' <barh@yakamafish-nsn.gov>; 'separegister@ecy.wa.gov' <separegister@ecy.wa.gov>; 'tebu461@ecy.wa.gov' <tebu461@ecy.wa.gov>; 'lowh461@ECY.WA.GOV' <lowh461@ECY.WA.GOV>; 'FormerOrchards@ecy.wa.gov' <FormerOrchards@ecy.wa.gov>; 'wendy.neet@ecy.wa.gov' <wendy.neet@ecy.wa.gov>; 'crosepa@ecy.wa.gov' <crosepa@ecy.wa.gov>; 'rand461@ECY.WA.GOV' <rand461@ECY.WA.GOV>; 'Scott.Downes@dfw.wa.gov' <Scott.Downes@dfw.wa.gov>; 'Jennifer.Nelson@dfw.wa.gov' <Jennifer.Nelson@dfw.wa.gov>; 'Elizabeth.Torrey@dfw.wa.gov' <Elizabeth.Torrey@dfw.wa.gov>; 'sepa@dahp.wa.gov' <sepa@dahp.wa.gov>; 'jorgenja@cwu.edu' <jorgenja@cwu.edu>; 'nelmsk@cwu.edu' <nelmsk@cwu.edu>; Jeremy Larson <jeremy.larson@co.kittitas.wa.us>; Steph Mifflin <stephanie.mifflin@co.kittitas.wa.us>; 'russell.mau@doh.wa.gov' <russell.mau@doh.wa.gov>; 'rivers@dnr.wa.gov' <rivers@dnr.wa.gov>; 'brenda.young@dnr.wa.gov' <brenda.young@dnr.wa.gov>; 'luke.warthen@dnr.wa.gov' <luke.warthen@dnr.wa.gov>; 'SEPACENTER@dnr.wa.gov' <SEPACENTER@dnr.wa.gov>; 'MARTIN.MAUNEY@dnr.wa.gov' <MARTIN.MAUNEY@dnr.wa.gov>; 'scott.chambers@dnr.wa.gov' <scott.chambers@dnr.wa.gov>; 'brooksideconsulting@gmail.com' <brooksideconsulting@gmail.com>; 'tribune@nkctribune.com'



KITTITAS COUNTY FIRE MARSHAL'S OFFICE

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
Fire Marshal (509) 962-7000 Deputy Fire Marshal (509) 962-7657



March 1, 2023

To: Whom It May Concern
Re: VA-23-00003 Sparks Park

Regarding the above variance application, the KCFMO does not see how the project will increase or decrease fire or emergency risk/response as it pertains to this variance. As the project moves forward there will be fire and emergency services requirements to adhere to. The KCFMO did not notice any mention of a fire hydrant system, fire apparatus lanes/access, nor fire extinguishers installed on site. These items, as well as others, will be required. The KCFMO plan review will provide detailed information regarding any requirements.

Thank you for your time.

Deputy Fire Marshal,

Joseph A Dietzel

From: [Adam Osbekoff](#)
To: [Jeremiah Cromie](#)
Subject: RE: VA-23-00003 Sparks Park - Notice of Application
Date: Thursday, March 2, 2023 11:43:22 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.

Hello Jeremiah

The Snoqualmie Tribe [Tribe] is a federally recognized sovereign Indian Tribe. We were signatory to the Treaty of Point Elliott of 1855; we reserved certain rights and privileges and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliot, the Tribe specifically reserved among other things, the right to fish at usual and accustomed areas and the “privilege of hunting and gathering roots and berries on open and unclaimed lands” off-reservation throughout the modern-day state of Washington.

Thank you for the opportunity to review and comment. Based on the information provided and our understanding of the project and its APE we have no substantive comments to offer at this time. However, please be aware that if the scope of the project or the parameters for defining the APE change we reserve the right to modify our current position.

Thank you.

Adam Osbekoff
Cultural Resource Compliance Manager
adam@snoqualmietribe.us
C: 425.753.0388
9416 384th Ave SE
PO BOX 969
Snoqualmie Washington 98065

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Thursday, February 23, 2023 9:55 AM
To: Joe Dietzel <joe.dietzel@co.kittitas.wa.us>; Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; 'storch@kittcom.org' <storch@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Candie Leader <candie.leader@co.kittitas.wa.us>; David Ohl

From: [jason moulton](#)
To: [Jeremiah Cromie](#); [jason moulton](#); [John Jensen](#)
Subject: VA-23-00003 Sparks Park
Date: Thursday, March 2, 2023 7:33:15 PM

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

Jeremiah, I am the owner of the Moulton Lodge located at 3251 East Sparks Road. I have been following the property for which this variance for parcel #778834 with interest. I own property in Easton with my wife at 3251 East Sparks. It is our intention that future generations of our family be able to enjoy the beauty of the area. I am concerned that the proposed usage of Parcel 778834 will have an adverse impact on the neighborhood unless certain steps are taken and enforcement is made certain.

I have long been involved in Commercial Trucking having worked for Safeway as its Loss Prevention Director for 13 years and prior to that 30 years as a Special Agent with the Federal Bureau of Investigation in San Francisco, Oakland, California and last in Seattle, Washington. I am well aware of the issues faced by Truck Drivers and the need to provide adequate facilities for them in close proximity to their destinations. Yesterday my wife and I returned to our home in Sammamish. As we approached the truck stop in North Bend, we counted 10 18 wheelers parked on the off ramp and on ramp for I90 at the North Bend Exit. This is likely the least number of trucks I have seen illegally parked at this intersection for some time. When this happens, it is because the truck stop parking is filled or over capacity and the trucks want to be on the Seattle side of pass to await their delivery times.

At Safeway's Auburn distribution center, the delivering drivers are given a three hour window to arrive at the DC. They try to be on the west side of the pass in order to insure they meet their delivery window. There are clearly not enough truck stops to accommodate the truckers needs. This continues to be true for I 90 and I 5. Most of the cities on the west side have made it illegal for the truckers to park on city streets further complicating the issue. All that being said, the site in Easton may provide some relief to the situation. This would be especially true when the pass is closed. Unfortunately the size of the parcel would be inadequate to serve the needs of the truckers when the pass is closed. An additional factor that needs to be considered is the size of the truck stop. I believe the truck stop as planned would have 100 truck stalls. Being familiar with the normal snow loads in this area, you would need to reduce the number by at least 25% to allow storage of snow on site. Last year we had a long haul driver from South Carolina pull into the Shell Station. He had no chains on the truck. Immediately became immobile. The truck and the two drivers were there over a week until the roads could be cleared and eventually a heavy wrecker could come to help remove the truck and get it going again. Please keep in mind that the pass was closed at exit 70 and the truck still pulled off the road and had no where to go.

Since owning our property on East Sparks I can personally attest that truck drivers pull off at exit 70 turn right onto East Sparks and then learn that there is no place to turn around once they pass the Shell Station. They then pass Mountain High and get stuck at the slight incline on the county road where it crosses Silver Creek. This happens often any time we have major snow storm. As you are aware East Sparks terminates about ½mile further east from my property. There is no place for trucks to turn around. Their only option is to take the private road through Easton Village. Twice this past year that road was blocked due to downed Electrical lines. Last year it was blocked at least once for the same reason. If a truck stop is allowed at parcel 778834 road signage needs to be placed prominently to preclude trucks from going East on East Sparks past the Shell station and enforcement needs to be attentive to insure compliance. When trucks get stuck on East Sparks all of the residents have no access to emergency services.

The issues I see are that this truck stop as proposed has several challenges. At the present time there is only one way to access the truck stop for both west and East bound traffic. As observed personally last year, the over pass on I90 at the intersection of East and West Sparks during heavy snow becomes 1 lane at best. Last year during our intense snow it became so deep that there was no where to push the snow and the overpass was limited to one lane. A trucker exited and spun out on the overpass essentially closing the road. All the emergency response equipment located in Easton is located across the railroad tracks and with the overpass blocked and the freeway closed and backed up, could not respond to emergencies on the East Side of I90. Had this truck stop been open and operational there would have been no emergency response capacity for the truck stop, any of the drivers, employees, or residents East of the Intersection.

With access on and off of I90 at exit 70 it is imperative that trucks not be allowed to park on the shoulder of the off and on ramps as happens everyday in North Bend. This becomes even more important when the pass is closed. The truck stop would immediately reach capacity, trucks will back up on the freeway off ramp and there will be no place for them to go. They will attempt to enter the truck stop which is full, continue East on the County road, find no place to turn around and them block the road. This is happening now with no truck stop. It is difficult to imagine it getting better.

Based on my experience as a Law Enforcement Officer for 30 years I can tell you that where ever you have truck stops you often see an increase in crimes. Notably prostitution, and drug related crimes are the most common, however major thefts and crimes against persons often increase as well. At this point Kittitas County Sheriff has investigative responsibility for the crimes that may occur at the proposed truck stop and the enforcement of traffic regulations on the county road. Washington State Patrol has responsibility to enforce the laws relating to I90 and the on and off ramps. I strongly suggest that both of those agencies be consulted prior to moving forward with this proposal to insure that we don't end up with the North Bend model being transferred to Easton.

One additional comment, this variance relates specifically to impervious surfaces. I have mentioned the need to store the snow on sight and that alone will seriously decrease the parking capacity for big rigs. During major snow storms this snow removal process is ongoing further decreasing the capacity as the snow plows need additional space to work. I am presuming that with the whole area being essentially an impervious surface with an underground septic that there will need to be a

ground water pond to accept the run off from the paved or concreted surfaces. I am not sure how that settlement pond would be drained as the only logical drainage would be into Silver creek. This needs to be explored further as well as the availability of culinary water for this site.

I am not opposed to the development of this parcel but feel the need to insure that the issues mentioned as well as many others associated with this use of the parcel be fully explored before any variance is approved.

Please keep me advised on this action.

Thank you for including this as my statement regarding this request for variance.

Jason Bart Moulton
Owner 3251 East Sparks Rd
Mobile 425-777-0345
Residence 2706 221st Ave Ne
Sammamish, Washington 98074

From: ltingiq@comcast.net
To: [Laura Osiadacz](#); [Jeremiah Cromie](#); [CDS User](#); [Kittitas County Public Health](#); [Kittitas County Public Works](#); [Joe Dietzel](#); jrtinwa@comcast.net
Cc: jrtinwa@comcast.net
Subject: Parcel 778834 Easton, WA
Date: Monday, March 6, 2023 2:49:10 PM
Attachments: [Letter to County parcel 778834.pdf](#)

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I have been following the development of Parcel #778834 with interest. I own a property in Easton with my husband at 80 Silver Creek Rd. It is our intention that current and future generations of our family be able to enjoy the beauty of the area. I am concerned that the proposed usage of Parcel 778834 will have an adverse impact on the neighborhood and town.

I am currently very opposed to the proposed usage of parcel 778834. It would be irresponsible to allow this massive business to build and operate in or near our small town.

- I am concerned about the added noise and light pollution that will be generated so close to local homes and recreational property.
- I am concerned that the LAMIRD set in place by the County to preserve Easton's rural character could be overturned and Easton's rural character will be forever changed.
- I am concerned about impervious surfaces. Where will the snow on sight be stored? Where is the runoff going?
- I am concerned about the deterioration of land and water ecology, Silver Creek is less than a mile from this proposed project, not to mention the Elk and wildlife that have roamed these parts for years.
- I am concerned about the negative connotation that it will bring to the name of our town.
- I am concerned about the negative impact it will have on our already struggling local businesses.
- I am concerned about how this company plans staffing, when some of our local businesses have had to reduce or close their long-standing businesses due to lack of employees.
- I am concerned about the negative impact it will have on our property values.
- I am concerned about the lack of sufficient monitoring and law enforcement. It is a significant threat to our current suffering law enforcement resources. If you perform an internet search for crime at Loves Gas Stations, you will find the results long, too long for me to list here, but here are a couple –

Police investigating after body found in parking lot of truck stop near Little Rock outlet Feb 26, 2023 — According to Little Rock police, officers responded to the Love's Travel Stop at 11700 Interstate 30, near the Outlets of Little Rock,

Police investigate the scene of a shooting that left one man dead, and another critically injured at Love's Travel Stop on 6124 Broadway in St.

Please, I DO NOT want this business coming to our small town and the resulting noise, light, traffic issues, crime, detriment to our local businesses, ecological impact, property value degradation, and negative impact on the look and feel of our small town and community.

Lori Turnley

253-241-4626

From: [Hollie](#)
To: [Jeremiah Cromie](#)
Subject: Loves support
Date: Tuesday, March 7, 2023 4:08:15 PM

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Hello-

My extended family has seven properties off I-90 Exit 70 and would like to add **OUR SUPPORT for the proposed Love's Truck Stop in Easton**. This truck stop will have a lot of advantages for the local community. The locals that travel I-90 across the pass daily to jobs on the west side will have a safer and more consistent commute due to less truck accidents on the pass. The locals who get water from the local Easton Water District will enjoy more secure water service given the new water tank that Loves will build for the water district. In addition to the new local jobs that Love's Truck Stop will provide, the Mountain High Hamburger and two Coffee stands will see increased customer traffic which will also provide more local jobs. The owners of the Turtle Cafe & Lounge will have an opportunity to reopen which also would provide more local jobs.

Having so many properties within walking distance of the new truck stop is a bit of a concern, but the lighting and landscaping plan that is in the proposed development to maintain the rural environment eases our concerns. Additionally, the entrance directly at I-90 Exit 70 means we will have fewer (if any) "lost trucks" on the local streets of Easton.

Thanks for the opportunity to provide feedback to this important project for the Easton area.

Marty & Hollie Girvan
150 Silver Trail Road, Easton WA

MEYER, FLUEGGE & TENNEY, P.S.

ROBERT C. TENNEY
MARK D. WATSON*
JEROME R. AIKEN*
JOHN A. MAXWELL, JR.
PETER M. RITCHIE**

ATTORNEYS & COUNSELORS
230 SOUTH SECOND STREET, SUITE 101
P.O. BOX 22680
YAKIMA, WASHINGTON 98907-2680

JAMES C. CARMODY
JACOB A. LARA
ROBERT S. URLOCKER
PARDIES ROOHANI

*Also admitted in Oregon
**Also admitted in Oregon & Virginia

OF COUNSEL

GARY E. LOFLAND

carmody@mftlaw.com

March 7, 2023

Via email

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

Re: Sparks Park Variance – VA-23-00003

Dear Mr. Cromie:

We represent Marge Brandsrud and provide this comment in response to the *Notice of Application* sent regarding a Variance Application submitted by Angadjot Sandhu (Authorized Agent) (VA-23-00003) – Sparks Park Variance. The application requests a variance for a truck stop, restaurant, and vehicle repair shop to go above the current limitations of site area, impervious surface and retail square footage on the property. The application is being processed in direct violation of prior land use determinations made with respect to the property and proposed truck stop.

The *Notice of Application* indicates that "...[a]ll these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD. That is not correct. SEPA environmental review is required.¹ The *Notice of Application* states the following:

This property had a SEPA done in 2019 (SE-19-00014 Love's) for the same project (Truck Stop, Restaurant, Tire Shop) that resulted in a Mitigated Determination of Non-Significance (MDNS).

This information and statement is also incorrect. Marjorie Brandsrud filed a timely land use petition challenging the prior SEPA Threshold determination as well as Hearing Examiner's *Decision on Applicant's Motion to Dismiss* dated April 3, 2020. The land use petition was filed in Kittitas County Superior Court on April 17, 2020.

¹ Love's Travel Stops & Country Stores, Inc. previously filed a SEPA Checklist for a similar project proposal. (SE-19-00014 Loves). Marge Brandsrud filed a timely appeal of the SEPA Mitigated Determination of Nonsignificance. Hearing Examiner dismissed the appeal and Brandsrud filed a land use petition requesting judicial review of the Hearing Examiner Decision. The Land Use Petition was filed in Kittitas County Superior Court on April 17, 2020, under Case No. 20-2-00101-19. The parties subsequently stipulated to a dismissal on agreed terms and conditions. The stipulation included Kittitas County.

The land use petition culminated with the entry of a *Stipulation and Order of Dismissal With Prejudice and Without Costs* which was filed on May 15, 2020. The court entered the following orders:

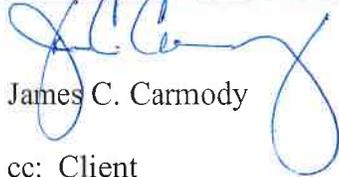
1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is hereby vacated;
2. Kittitas County's Mitigated Determination of Nonsignificance (MDNS) is hereby vacated;
3. Love's Travel Stops SEPA Application is withdrawn and shall not be further processed; and
4. This LUPA Petition is hereby dismissed with prejudice and without costs to any party.

A true and correct copy of the *Stipulation and Order of Dismissal With Prejudice and Without Costs* is attached hereto as **Attachment A**.

Kittitas County's *Mitigated Determination of Nonsignificance* dated January 13, 2020 was vacated and has no further force or effect. The original SEPA Application was also withdrawn by the applicant. The proposed Variance Application cannot proceed without a valid underlying SEPA environmental review and determination.

We are requesting that the Variance Application be withdrawn and that any proposed development proceed in accordance with applicable law and requirements.

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



James C. Carmody

cc: Client

Attachment: Stipulation and Order of Dismissal With Prejudice and Without Costs

FILED

MAY 15 2020

VAL BARSCHAW, CLERK
KITTITAS COUNTY WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KITTITAS COUNTY

<p>MARJORIE A. BRANDSRUD, Petitioner, vs. KITTITAS COUNTY, a political subdivision of the State of Washington, and LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., a Delaware corporation, Respondent</p>	<p>No. 20-2-00101-19 STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AND WITHOUT COSTS</p>
---	---

I. STIPULATION

COMES NOW, Petitioner Marjorie A. Brandsrud ("Petitioner" or "Brandsrud"), by and through her attorney of record James C. Carmody of Meyer, Fluegge & Tenney, P.S., and Respondents Kittitas County ("Kittitas County"), by and through its attorney of record, Neil A. Caulkins and Love's Travel Stops & Country Store, Inc., ("Love's Travel Stops") by and through its attorney of record, Heather L. Burgess of Phillips Burgess, PLLC, and hereby stipulate to dismissal of the Land Use Petition with prejudice and without costs pursuant to the following stipulation:

1. Love's Travel Stops filed a SEPA Application with Kittitas County for Map No. 20-13-02030-0009 and Assessor Parcel No. 778834 on October 4, 2019. The proposal was for the construction of a travel facility which included a convenience store, with drive-thru, truck fuel canopy, truck parking area, auto parking area and tire shop. Kittitas County reviewed the

STIPULATED ORDER OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS - 1

LAW OFFICES OF
MEYER, FLUEGGE & TENNEY, P.S.
230 South Second Street - P.O. Box 22680
Yakima, WA 98907-2680
Telephone (509) 575-8500

1 application and issued a Mitigated Determination of Nonsignificance (MDNS) on January 13,
2 2020. Brandsrud filed a Notice of Appeal of the SEPA MDNS on January 27, 2020.

3 2. On April 3, 2020, Hearing Examiner issued *Decision on Applicant's Motion to*
4 *Dismiss* which held that Brandsrud "...lacks standing to bring this SEPA Appeal...". Brandsrud
5 filed a timely Petition for Review under the Land Use Petition Act (LUPA) on April 17, 2020.
6 This proceeding was for the purpose of reviewing the dismissal of the administrative appeal as
7 well as land use authorizations within the Easton Type III LAMIRD.

8 3. On April 22, 2020, Love's Travel Stop advised Kittitas County Community
9 Development Services that it "...would like to formally withdraw its SEPA Application and have
10 the County terminate any reviews currently being completed as a result of the SEPA appeal.
11 Love's will not be pursuing this project any further." With the withdrawal of the land use
12 application, further proceedings are moot.

13 4. The parties agree to a dismissal of the Land Use Petition upon the following
14 stipulations:

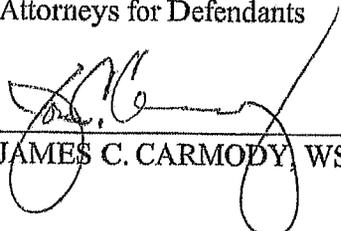
15 1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is vacated;
16 2. Kittitas County's *Mitigated Determination of Nonsignificance* dated January
17 13, 2020 is vacated.

18 3. Love's Travel Stops SEPA application is withdrawn and shall not be further
19 processed; and

20 4. This LUPA Petition may be dismissed with prejudice and without cost to any
21 party.

22 Dated this _____ day of May, 2020.

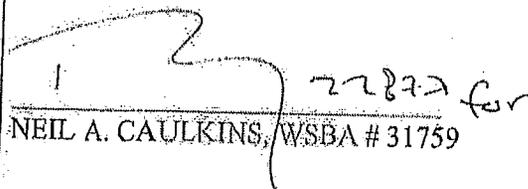
23 MEYER, FLUEGGE & TENNEY, P.S.
24 Attorneys for Defendants

25 
26 _____
27 JAMES C. CARMODY, WSBA #5205
28
29
30

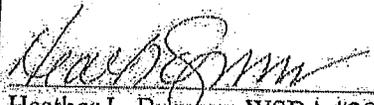
STIPULATED ORDER OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS - 2

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Yakima, WA 98907-2680
Telephone (509) 575-8500

1 KITTITAS COUNTY PROSECUTING ATTORNEY OFFICE
2 Attorneys for Kittitas County

3
4  22827 for
5 NEIL A. CAULKINS, WSBA # 31759
6
7

8 PHILLIPS BURGESS, PLLC
9 Attorneys for Respondent Love's Travel Stops & Country Stores, Inc.
10

11 
12 Heather L. Burgess, WSBA #28477
13

14 II. ORDER

15 Based upon the foregoing stipulation of the parties, and after being otherwise fully
16 advised on the premises, it is hereby,

17 **ORDERED, ADJUDGED AND DECREED** as follows:

- 18 1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is hereby vacated;
19 2. Kittitas County's Mitigated Determination of Nonsignificance (MDNS) is hereby
20 vacated;
21 3. Love's Travel Stops SEPA application is withdrawn and shall not be further
22 processed; and
23 4. This LUPA Petition is hereby dismissed with prejudice and without cost to any party.
24 DONE IN OPEN COURT THIS 14 day of May, 2020.
25

26 L. CANDACE HOOPER
27

28 Judge
29
30

STIPULATED ORDER OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS - 3

LAW OFFICES OF
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230 South Second Street - P.O. Box 22680
Yakima, WA 98907-2680
Telephone (509) 575-8500

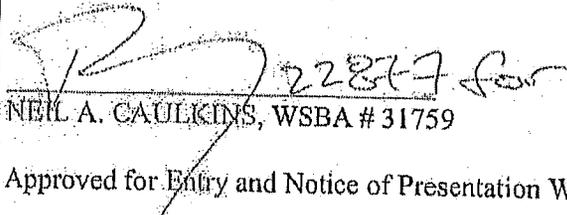
1 Presented by:

2 MEYER, FLUEGGE & TENNEY, P.S.
3 Attorneys for Defendants

4 
5
6 JAMES C. CARMODY, WSBA #5205

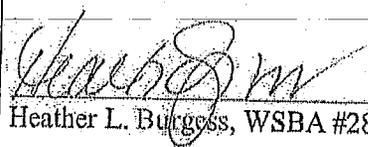
7
8 Approved for Entry and Notice of Presentation Waived:

9 KITTITAS COUNTY PROSECUTING ATTORNEY OFFICE
10 Attorneys for Kittitas County

11 
12 NEIL A. CAULKINS, WSBA # 31759

13
14 Approved for Entry and Notice of Presentation Waived:

15
16 PHILLIPS BURGESS, PLLC
17 Attorneys for Respondent Love's Travel Stops & Country Stores, Inc

18 
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20 Heather L. Burgess, WSBA #28477

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STIPULATED ORDER OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS - 4

LAW OFFICES OF
MEYER, FLUEGGE & TENNEY, P.S.
230 South Second Street • P.O. Box 22680
Yakima, WA 98907-2680
Telephone (509) 575-8500

From: [Tim Schauer](#)
To: [Jeremiah Cromie](#)
Subject: VA-23-00003 Sparks Park Variance
Date: Wednesday, March 8, 2023 10:55:07 AM

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Jeremiah,

I am following up on the voice mail I just left for you in the hopes of reaching you today. I have been engaged to review this variance application request in anticipation of submitting comments for the record before the close of the comment period March 13, 2023.

I have spent time reviewing this request and the previous associated applications to best understand the complete history of the project. The associated applications I have attempted to digest so far are:

SE-18-00008 Sparks Park (Road Access)

SE-19-00014 Love's (Truck Stop)

VA-23-00003 Sparks Park Variance

If there are other applications associated with this parcel, please share any case file numbers that exist and I will also review them.

I am most interested to understand the outcome of the sepa appeal filed by Marge Brandsford 01/27/2020 and the subsequent request by Love's counsel for a pre-hearing conference. I cannot seem to find resolution or outcome of this appeal.

Did the appellant rescind their appeal or is there a hearings examiner's decision I can obtain for my review?

I have a few other lesser questions, but this is my most pressing information to obtain.

This request is somewhat urgent so I can best articulate any application comments yet this week.

Respectively

--

Tim Schauer
360-904-0748

From: [Connor Armi](#)
To: [Jeremiah Cromie](#)
Cc: [Guy Moura](#)
Subject: Re: VA-23-00003 Sparks Park - Notice of Application
Date: Wednesday, March 8, 2023 11:25:35 AM

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Consultation Response to VA-23-00003 Sparks Park

Hello Jeremiah Cromie

This consult is in reference to Setback Variance – *VA-23-00003 Sparks Park*. This undertaking is located within the CCT Traditional Territories. We request any undertakings, particularly those involving ground disturbing activities, to have an IDP in place prior to implementation.

The proposed project lies within the traditional territory of the Wenatchi Tribe, 1 of the 12 constituent tribes of the Confederated Tribes of the Colville Reservation (CTCR), which is governed by the Colville Business Council (CBC). The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CTCR with regard to cultural resources management issues throughout the traditional territories of all of the constituent tribes under Resolution 1996-29. This area includes parts of eastern Washington, northeastern Oregon, the Palus territory in Idaho, and south-central British Columbia.

There are several known cultural resources of historic and pre-contact significance nearby, and this particular parcel is considered Very High Risk for an inadvertent discovery according to the DAHP predictive model. The prior pedestrian surface survey for the area is inadequate for the currently proposed implementation intensity.

CCT H/A recommends prior to implementation that the area is surveyed for cultural resources, and that should include both pedestrian survey and subsurface testing as the potential for artifacts of cultural significance and patrimony to the Colville Confederated Tribes. During implementation. The CCT H/A recommends that there be an inadvertent discovery plan or (IDP) in place to ensure compliance with all Section 106 and relevant cultural resource laws both federally and to the state of Washington.

Please be advised that a documented Traditional Cultural Property (TCP) is located less than a ¼ mile from the proposed project.

TCPs are places important to the CTCR for the preservation and continuation of the community's traditional lifestyle. TCPs can be, but are not limited to, religious areas, sacred areas, resource gathering areas (plant, animal, fish, and mineral), places associated with stories and legends, archaeological and ethnographic sites, habitation sites, camp sites, pictograph and petroglyph locations, special use sites, trails, and places with Indian names.

For native people, natural resources are cultural resources. Traditional cultural plant resources are not only cherished for fiber, food, medicine, and building material, but are an intrinsic aspect of indigenous sovereignty; these plants link the people of the present to the people of the past.

The intensity of the proposed undertaking, which includes the additional grading and fill and subsequent construction and impermeable surface expansion; the proposed undertaking will also develop and construct a smaller reservoir which will likely inundate yet unknown cultural resources in the area. The Tribal Historic Preservation Officer will be expected to review the final cultural resource survey report.

Thank you for consulting with the Colville Confederated Tribes History and Archaeology Program.

Sincerely,

Connor Armi | **Archaeologist Senior MA, RPA**

History/Archaeology Program

Confederated Tribes of the Colville Reservation

PO Box 150 | Nespalem, WA 99155

d: 509-634-2690 | c: 509-631-1131

connor.armi.hsy@colvilletribes.com

On Thu, Feb 23, 2023 at 9:55 AM Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us> wrote:

Good morning,

CDS is requesting comments on the following variance application: VA-23-00003 Sparks Park. This variance request is for a truck stop, restaurant and retail services to go above the allowed square footage of a site and impervious surface for the use as well as go above the maximum allowed square footage for retail services in General Commercial zoning in a Type 3 LAMIRD.

Links to the file materials can be found below. The comment period will end on **Monday March 13, 2023 at 5p PM (PDT)**. **CDS will assume your agency does not wish to provide comment if not received by this date.** Please let me know if you have any issues accessing the materials.

Internal: VA-23-00003 Sparks Park

External: [VA-23-00003 Sparks Park](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigate to "Setback Variances" and

March 6, 2023

To: Jeremiah Cromie, Staff Planner

Kittitas County Community and Development Services

From: Mike Gerber, Commissioner/President

Easton Water District (KCWD #3)

Subject: Public Comment on VA-23-00003 Sparks Park

Mr. Cromie,

I am providing the following comments on VA-23-00003 on behalf of the Easton Water District (EWD).

In 2019 the EWD was contacted by a representative for Loves Travel Stop and Country Store (Loves) regarding water service for a similar project on the same parcel. The EWD entered into an investigation agreement with Loves and ultimately issued a Certificate of Water Availability for the project. This document defined the general requirements that the developer would need to comply with, for the EWD to extend water service to the project. The Loves project subsequently suspended their efforts. As of now, the EWD has not reviewed any details related to providing water service to the Sparks Park project and therefore can only submit the following comments as they relate to our previous work. It should be noted that EWD has had phone conversations with the current applicant and their representatives over the last few months. The EWD has provided them with the general information from the Love's project as a baseline for what was represented by the applicant as their "feasibility" work.

1. Parcel #778834 is not in the retail service area of the water district but does abut parcels that are in the current retail service area of the EWD. The EWD may require annexing into the district if it is determined that water service can be provided.
2. A transfer of water rights to the district, equivalent to the project usage would likely be required.
3. Additional water storage would need to be constructed to meet the fire flow requirements.
4. Extension of existing water main and onsite water main, hydrants and valve construction will need to be determined based on the fire flow requirement and daily water usage of the project.

Additionally, with any development in our service area, the EWD is always concerned with the preservation of the aquifer that provides water supply to our community and surrounding streams, rivers and lakes that have a hydraulic connection to the aquifer. We reserve the right to comment on aspects of proposed developments that may affect our groundwater supply.

Please provide a copy of the decision on VA-23_00003 to the following.

Easton Water District

PO Box 85

La Center, WA 98629

Business Phone: 509-656-0284

E-mail: eastonwaterdistrict@hotmail.com

Gerbado31@gmail.com

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Mike Gerber".

Mike Gerber

Commissioner/President

Easton Water District

From: [CDS User](#)
To: bdavid9040@aol.com; [Jeremiah Cromie](#)
Cc: [Carlie Peebles](#); [Jen Wiemer CDS](#)
Subject: RE: Sparks rd loves
Date: Thursday, March 9, 2023 8:21:47 AM

Good morning,

I have sent your email to the planner on this project.

Thanks,

Gail Weyand

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

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

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

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

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

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

From: bdavid9040@aol.com <bdavid9040@aol.com>
Sent: Thursday, March 9, 2023 2:35 AM
To: CDS User <cds@co.kittitas.wa.us>
Subject: Sparks rd loves

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I would like to know how/why they can have tow trucks and a area for vehicle storage, for cars and trucks after a brake down or when they recover a wreck.

But yet there is a newer ordinance that changed the zoning in upper Kittitas co to include no new vehicle storage yards, including tow yards.
Over night parking I get but to have any wrecks or major brake downs means the potential of oils/fuel leaking out side, especially when I believe there is a creek on the back side of the property.

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.
message id: 38eb45916c6dcbdac24bb8719d004a14



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

March 9, 2023

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

In future correspondence please refer to:
Project Tracking Code: 2023-03-01543
Property: Kittitas County_Sparks Park (VA-23-00003)
Re: Survey Requested

Dear Jeremiah Cromie:

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 blue ink that reads "Sydney Hanson". The signature is fluid and cursive, with a long horizontal line extending to the right.

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





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

March 9, 2023

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

RE: VA-23-00003

Dear Jeremiah Cromie:

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

WATER RESOURCES

Your project is located within the boundaries of WAC 173-539A so it may be subject to the rule. If you planning on withdrawing groundwater for a new use within the boundaries of WAC 173-539A, your project must be water budget neutral. Before withdrawing or using any water please submit a Request of Determination of Water Budget Neutrality or an Application for a New Water Right Permit, depending on the size of your project either form may be required. If you have any questions, please contact the Water Resources Customer Service line at 509-575-2597.

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.

WATER QUALITY

Rezone

Rezoning a piece of property is often the first step in a proposed development. If ground disturbance in a subsequent individual or common plan of development exceeds one acre in size, a NPDES Construction Stormwater Permit may be required. The process requires developing a stormwater pollution prevention plan, submitting an application, and a 30-day public notice process. This may take 38-60 days. A permit and stormwater plan is required prior to beginning ground-breaking activities.

Please contact Wendy Neet with the Department of Ecology, (509) 571-6733, with questions about this permit.

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 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 overflow protection equipment.

Jeremiah Cromie

March 9, 2023

Page **3** of **3**

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 Hector Casique, Project Manager, at (509) 208-1288 or email hector.casique@ecy.wa.gov, for further information or to schedule your initial sampling.

Sincerely,

A handwritten signature in cursive script that reads "Lucila Cornejo".

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

202300838



KITTITAS COUNTY

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: All Staff
FROM: Public Works Plan Review Team
DATE: March 9, 2023
SUBJECT: VA-23-00003 Sparks Park

ACCESS	No Comments (TM).
ENGINEERING	Ensure that the Stormwater Plan is updated to cover all requirements of the Stormwater Management Manual of Eastern Washington (SWMM EW) (CP).
SURVEY	The applicant should make all efforts to preserve the survey markers denoting the section corners located at the NE and SE corners of the property. If these are disturbed in any way, they shall be reset by a Land Surveyor licensed in the State of Washington. (JT)
FLOOD	Parcel #778834 is not located in the FEMA mapped special flood hazard area (100-year floodplain). A Floodplain Development Permit is not required for the proposed project.
WATER MITIGATION/METERING	No comments (SC).

Please contact Kittitas County Public Works (509) 962-7523 with any questions.

To Jeremiah Cromie

From: Kraig and Ann Marie McLeod

Subject: VA-23-000034 Sparks Road

March 9, 2023

Jeremiah,

We are Kraig and Ann Marie McLeod, owners of Silver Ridge Ranch in Easton, Wa. Our resort property is immediately adjacent to parcel 778834 on both the North and East side.

We purchased this property in June of 2021 with the intent of refurbishing the property back to its original state of a horse camping and creating an outdoor enthusiasts' playground nestled in the rural charm and beauty of Easton. Our ranch consists of 45 RV Sites, 33 Tent Sites, 75 Horse Corals, 3 Horse Pastures, a lodge, a cabin, and an amphitheater. We have in excess of 1000 church youths completing their walking Trek from Ensign Ranch to Silver Ridge Ranch and back each summer. We have large horse enthusiast groups visiting the ranch and riding the local trails each summer. We host families, church groups, and corporate retreats. Our guests ride their horses through the cascade trails, camp and hike with their friends and families, and enjoy outdoor activities year-round.

We have many concerns regarding the proposed truck stop and feel it will do irreparable harm to the Easton area and diminish its rural character.

We are investing heavily into the property to bring it back to its original purpose and to be a shining light of the community. As we continue this process, we are confident that Silver Ridge Ranch will draw more people to the area to buy goods and services in Easton, as well as employ the number of employees that the truck stop is proposing.

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

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

Rural Character

The protected rural character of the Growth Management Act will be severely compromised and provide a road map for future large commercial development. The proposed amount of impervious soil coverage does not maintain the rural character. A large cement pad with a truck stop and 24 hour activity will not preserve the rural character of Easton.

Pollute and endanger!

The known negative effects of pollution, both air and noise, greatly endanger the wildlife, horses, livestock, streams and air. There are many proven studies on the negative effect of noise and pollution to horses alone. The equine auditory system can hear sounds ranging from 55 to 33,500 Hz with the best sensitivity at 1,000 Hz to 16,000 Hz , while humans hear frequencies from 20 to 20,000 Hz. This suggests that equines can detect much higher sounds than humans but cannot detect some of the lower frequencies. Therefore, they can exhibit several anxiety behaviors during noisy events, including sweating, trembling and escape attempts, which will often cause severe accidents for the horse and the rider/handler. The horse-riding community will no longer come to visit Easton if noise and pollution is this close to their horses, pastures, and corrals.

Noise pollution makes it difficult for the area wildlife to use sound for navigation, finding food, mating, and avoiding predators, affecting many animals' ability to survive.

The main types of water pollution include groundwater pollution, surface water pollution, suspended matter, oil spillages, microbiological pollution, chemical water pollution, thermal pollution, and oxygen-depletion pollution. All of these can cause pollutants and contaminants to enter our waterways. A truck stop will greatly contribute to these risks.

Increase Crime

Truck stops have significantly higher crime rates than national averages and include, prostitution, thefts, and drugs. With the limited sheriff presence in Easton, this will create a dangerous environment for all Easton residents, guests, and families visiting. This will cause us to lose visitors and clients to our local businesses.

Create Congested parking and access roads

We have all witnessed at other truck stops how the trucks are parking not in the facility itself but on the nearby roads & freeway ramps. With winter weather in Easton this will only be worse as the snow will limit safe & available parking. In addition, we will have congestion on Sparks Road which will deter visitors from coming and enjoying year-round outdoor activities, such as camping, horseback riding, hiking, and snowmobiling.

Variance

This variance more than doubles the concrete footprint allowed per zoning laws. This will have long term effects on the area in terms of water supply, pollution, aesthetics, and drainage. It is also inconsistent with the intended development of the area and diminish our property usage and values. This is contradictory to the original intent of Easton development.

Fire & Safety

We have a local volunteer fire department. They would be hard pressed to have the equipment and manpower to handle fires, fuel leaks, explosions, and hazardous material issues that will arise. There will also be an increase in emergency and 911 calls which will further stress local sheriff and fire personnel.

Aesthetics

Our guests which have been visiting for over 50 years and have enjoyed a beautiful and tranquil setting will now be subjected to a large commercial operation. Noise and light pollution will harm horses, wildlife, and guests alike.

Summary

Silver Ridge Ranch which has been in Easton for 50 plus years brings outdoor enthusiasts to the area year around. Silver Ridge Ranch fell into the category of what Easton wanted, a rural outdoor resort.

Please read our recent review from the retreat that visited Silver Ridge Ranch.

“Silver Ridge Ranch is a beautiful reminder of all that is wonderful about Washington State. You can rest comfortably in their precisely tailored space knowing you’re supporting a multigenerational family ranch (a dying gem of American life) and enjoy the gorgeous creation all around. We will definitely be back.”

A commercial operation, outside those parameters, will greatly deteriorate our business. Silver Ridge Ranch will be far less desirable to visit due to all the reasons stated above. A non-complying development should not have detrimental effects on existing and complying operations.

We believe other suitable locations should be explored for a truck stop.

Sincerely,

Kraig and Ann Marie McLeod

March 8, 2023

Dear Mr. Jeremiah Cromie:

I have been following the development of Parcel #778834 for years. I own two properties in Easton with my wife in the proximity of the proposed truck stop.

This shouldn't be a variance, this is a complete re-zoning request that needs to be rejected because it will change the rural nature of Easton forever and goes against the LAMIRD set in place by our county commissioners to prevent developments like this.

This is a massive truck stop for a mere 16 acre parcel, perhaps they should look to Cle Elum or Thorp to build something this large.

There is going to be overflow parking on the interchange and chain up areas and during the winter we are going to be impacted with stuck trucks in the snow, a limited number of tow trucks available especially the larger tow trucks for semi's.

It is going to emit so much light and noise from this commercial property that it is going to change our ability to see the stars and enjoy the outdoors which is the main reason we are here in the first place.

Easton is not the rural town for an over built truck stop.

Thank you for listening,

Scott Campbell
POBox 700
Easton, WA 98925

March 9, 2023

Mr. Jeremiah Cromie, Kittitas County Staff Planner
Mr. Dan Carlson, Kittitas County Community and Development Services

I have been following the development of Parcel #778834 for years. I own two properties in Easton with my husband in the proximity of the proposed truck stop.

We purchased the land for future generations of our family be able to enjoy the beauty of the area. Dark skies to see the stars, access to wilderness trails, minimal traffic, fishing and fresh air.

I am concerned that the proposed usage of Parcel #778834 will have an adverse impact on the rural town with limited infrastructure. I am opposed to the variance submittal for Parcel #778834 because this is not a mere variance request to the LAMIRD Type 3, this is a radical change from the allowed 33% usage with 4,000 square feet to a variance request of 69% usage with 8,500 sq ft. This is essentially a re-zoning being disguised as a variance request.

17.08.560 Variance.

"Variance" means a waiver of the strict interpretation of the requirements. It is a special dispensation given to the petitioner to disregard certain stipulations in the zoning code in order to develop his property. (Res. 83-10, 1983)

The county commissioners implemented a LAMIRD Type 3 to preserve Easton's rural character. I am not opposed to change nor growth, but I am opposed to the utter disregard to a preservation LAMIRDs' basic intent.

The LAMIRD Type 3 17.08.550 Item 6 is very specific, and several uses of this proposal "variance" falls within the stipulation of Prohibited Use and should not be overlooked.

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

Kittitas County Comprehensive Plan Chapter 8

The LAMIRD restricts Vehicle/equipment service and repair per section 17.08.560A.

17.08.560A Vehicle/equipment service and repair.

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

The 17.15.070.2 Footnotes Associated with Rural LAMIRD Use Table are being overlooked by this variance which was carefully crafted by the Kittitas County Commissioners to mandate reservation of the nature of Easton. If it was important to the Commissioner then, it shall be equally important now.

#2 Limited to products produced on the premises.

#11 Permitted when conducted wholly within an enclosed building (excluding off-Street parking and loading areas) provided the use does not exceed four thousand (4,000) square feet.*

#14 Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

#17 Limited to farm implement repair and maintenance, but not to include automobiles, trucks or bikes

#18 Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

I am concerned about the added noise from air brakes popping more than 1,000 times a day, horn honking to back up, light pollution and idling emissions. Silver Ridge Ranch and Campground is immediately adjacent to this parcel and attracts visitors using horse corrals, tent campers and RV's who will all be adversely affected by this truck stop.

I am very concerned about the oil run off both during spawning times in the Yakima River and winter run off. The parcel is too small to have adequate guaranteed preservation of contaminants. kwsv=22z z z lqhz v0judsk lf1frp 2qhz v2aryhv0udyh@fhqwhu0hdnv0 e.lrg.lvh0@gwr.0fuhhn2duwifdb73ff;g<f0e::7044h90<7630;e;f:eef78h41kwp o

I am concerned about the entrance directly from a Washington Department of Transportation Interchange that may result in traffic backup onto the interchange creating dangerous conditions at 70 mph exiting an interstate freeway. Also, overflow parking such as what Truck Town in North Bend, WA is experiencing will back up onto the on and off-ramps and into the chain up areas during peak times. The Exit 70 overpass has been on a list to be replaced due to age and deterioration and would not be able to support the increased traffic. kwsv=22z z z lvhdw0h0p hv1frp 2vhdw0h0qhz v2hdvw0gh2dv0e lj 0lj v0 ryhuz kh0 0sdun0lj 0ghuyrxv0grwk 0ehqg 0rrnv0dw0p lw2

My biggest concern is the added crime, sex trafficking, and drugs that are commonly found at truck stops across the US. Our law enforcement is covering a large geographical area in this county and they may not be able to monitor crime adequately with the lengthy response times to Easton. kwsv=22kxp dqwdiilfnlj jkrwdqh1ruj2hg2vh{0wdiilfnlj 0 yhqxhvlggxvwlv2wux fn0wrs 0edvhg

Our fire department is 100% volunteer and apparatus is on the south side of I90 and south of an active BNSF railroad track. This truck stop is proposed on the north side of I90 and will have an increase in the number of aid and fire calls.

The County considers Sparks Road as a low tier response for winter road plowing and will often take days to clear the roads for us. The increased semi and vehicle traffic will result

in more full road blockages in the winter snow. For everyone living north of I90, this intersection is our only exit out during extreme fire danger months and winter snow months. Keep in mind, running right across the front of the proposed entrance to the property on Sparks Road is a documented water evacuation route if water containment fails on Lake Kachess.

In summary, I DO NOT want this business coming to our small town and the resulting noise, light, traffic issues, crime, detriment to our local businesses, ecological impact, Regards,

Terri Campbell
POBox 700
Easton, WA 98925

March 9, 2023

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

Attention: Jeremiah Cromie, Planner II

Subject: VA-23-00003, 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>.

Jeremiah Cromie – VA-23-00003, Sparks Park

March 9, 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.
- 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

* Structure Type:

BUILDING | Multi-purpose Building

Please select structure type and complete location point information.

Latitude:

47 Deg 15 M 03 S N

Longitude:

121 Deg 11 M 12 S W

Horizontal Datum:

NAD83

Site Elevation (SE):

2220 (nearest foot)

Structure Height :

20 (nearest foot)

Is structure on airport:

No
 Yes

Submit

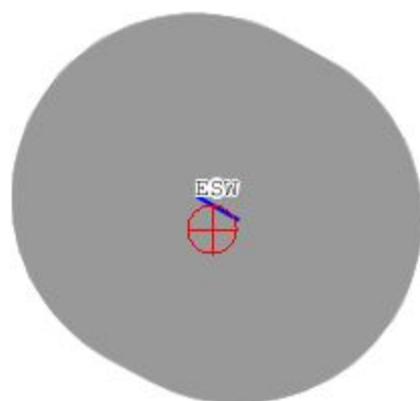
Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 1 ft. The nearest airport is ESW, and the nearest runway is 09/27.

The FAA requests that you file



From: [John Storch](#)
To: [Jeremiah Cromie](#)
Cc: [Joe Dietzel](#); [George Long](#)
Subject: RE: VA-23-00003 Sparks Park - Notice of Application
Date: Friday, March 10, 2023 11:22:03 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.

Good Morning Jeremiah,

In regards to this project. KITTCOM recommends project have an assessment performed (and mitigation if needed implemented) for Emergency Responder Radio coverage as in [Washington Administrative Code \(WAC\) 51-54A-0510](#).

KITTCOM's radio signal modeling indicates the location does not have sufficient signal to support WAC requirements for Emergency Responder Radio Communications.

Best regards,

John Storch
KITTCOM

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Thursday, February 23, 2023 9:55 AM
To: Joe Dietzel <joe.dietzel@co.kittitas.wa.us>; Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; John Storch <storch@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Candie Leader <candie.leader@co.kittitas.wa.us>; David Ohl <david.ohl@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; 'corrine_camuso@yakama.com' <corrine_camuso@yakama.com>; 'jessica_lally@yakama.com' <jessica_lally@yakama.com>; 'noah_oliver@yakama.com' <noah_oliver@yakama.com>; 'casey_barney@yakama.com' <casey_barney@yakama.com>; 'kozj@yakamafish-nsn.gov' <kozj@yakamafish-nsn.gov>; 'matj@yakamafish-nsn.gov' <matj@yakamafish-nsn.gov>; 'barh@yakamafish-nsn.gov' <barh@yakamafish-nsn.gov>; 'separegister@ecy.wa.gov' <separegister@ecy.wa.gov>; 'tebu461@ecy.wa.gov' <tebu461@ecy.wa.gov>; 'lowh461@ECY.WA.GOV' <lowh461@ECY.WA.GOV>; 'FormerOrchards@ecy.wa.gov' <FormerOrchards@ecy.wa.gov>; 'wendy.neet@ecy.wa.gov' <wendy.neet@ecy.wa.gov>; 'crosepa@ecy.wa.gov' <crosepa@ecy.wa.gov>; 'rand461@ECY.WA.GOV' <rand461@ECY.WA.GOV>;

From: patti.rayfield@icloud.com
To: [CDS User](#); [Jeremiah Cromie](#)
Cc: patti.rayfield@icloud.com; tom_rayfield@comcast.net
Subject: Sparks Park Variance Public Comment
Date: Friday, March 10, 2023 10:29:48 AM

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Dear Jeremiah Cromie,

I am writing about the proposed Sparks Park Variance or Loves Truck Stop in the community of Easton at I-90 Exit 70.

As an 18-year landowner in the Easton community I am surprised to just learn about this project via a social media site. Isn't the County responsible for notifying all landowners within the area well in advance of the lead agency issuing a Mitigated Determination of Nonsignificance, (MDNS)?

I see that the MDNS was issued in January 2020. Has this project progressed since that time? If not, why? What is the current stage of this project?

I have summarized several concerns about the project below. Further, I've read extensive reports from the Community and Environmental Defense Services, (CEDS) and am asking if the County has considered the potential negative impacts to the environment and quality of life to residents as noted in the CEDS report.

-

Diesel exhaust and health

- If the planned facility is within 1,000 feet of any existing homes diesel emissions may pose a health threat to anyone living within 1,000 feet.
- If gasoline is sold at the planned facility, then anyone living within 500 feet is at risk for adverse health effects.

Based on the CEDS report there is a growing body of research documenting the adverse effects of diesel engine exhaust on respiratory health. In the 2005 California Air Resources Board (CARB) [Air Quality and Landuse Handbook](#), it was recommended that homes, schools and other sensitive land use should be located at least 1,000 feet from any facility that would generate either:

- 100 diesel truck trips per day,
- more than 40 trucks per day with diesel refrigeration units, or
- where diesel Truck Refrigeration Units (TRU) would operate for more than 300 hours per week.

Additionally, a significant portion of the particulates emitted by diesel trucks occurs while trucks are idling. A large diesel truck may release 20 grams of particulate matter while idling for eight hours vs. 395 grams while cruising on a highway for ten hours.

What plans are in place to ensure the proposed project does not adversely impact the health of Easton community?

-

Gasoline Vapors and health

Will the proposed facility sell both diesel and gasoline? There's substantial research documenting that sufficient benzene and other harmful compounds are released into the air from underground storage tank vents and at the pump to pose a threat to those living, working, or learning 500- to 1,000-feet away.

Noise

Has the County required a noise impact study for the proposed truck stop, especially since it sits within a residential area?

Based on what I have read, an idling diesel truck emits noise at 85 decibels measured at a distance of 50 feet. In general, noise decreases 6 decibels for every doubling of distance from a source. So, if truck noise level is 85 decibels at 50 feet, then it would be 6 decibels lower or:

- 79 decibels at 100 feet,
- 73 decibels at 200 feet,
- 67 decibels at 400 feet and so on.

Simple noise models, such as the [Distance Attenuation Calculator](#), indicate that a separation distance of 1600 feet would be needed for the 85-decibel noise from idling diesel truck engines to drop to the residential property acceptable level of 55 decibels.

My understanding is there are several ordinances that require noise not exceed 55 decibels in residential areas (outside a home). Surveys have been conducted of those living near facilities with a high-volume truck traffic. The survey reports that the residents experience excessive noise due to truck engine idling, shouting, loud music, backup beepers, etc.

How will the County mitigate the extensive increase in noise that the proposed project will create?

Aquatic Resource Damage

Trucking facilities where fuel is stored-dispensed or where engine maintenance is performed can pose a significant threat to nearby wells and groundwaters, streams, wetlands, ponds and lakes.

[One study](#) found that contaminant levels in gas station runoff were 5- to 30-times higher when compared to residential runoff. In [another study](#) researchers detected several compounds in vehicle repair facility runoff which were probable cancer-causing agents.

The proposed project is near wells, Silver Creek, Lake Easton and the Yakima River.

What precautions is the County proposing to protect these bodies of water?

Crime

The Federal Bureau of Investigation [Crime Data Explorer](#) does not provide data specific to truck stops, however it does show that of 137,556 robberies committed in 2020, three uses common to truck stops were the fourth, sixth and seventh highest robbery locations:

- Convenience stores – 13,721 robberies; 10% of all 2020 robberies,
- Gas stations – 7,006 robberies; 5% of all 2020 robberies, and
- Restaurants – 5,642 robberies; 4% of all 2020 robberies.

What is the County's plan to provide the required police and fire department resource to address this increase in crime in the Easton community?

I have several other concerns about this project that are best addressed by the tribes, water district, fire marshal, DOT, etc., so I'll assume they have an opportunity to provide their input directly to the County.

Based on everything that I have learned about this project it is not an appropriate use for this parcel of land. This project completely disrupts the lives and wellbeing of the Easton community residents and does not provide any measurable value to the community. I strongly urge the County to reconsider the Sparks Park Variance.

Please make sure that I receive all future communication about this project. My information is below.

Sincerely,

Patti Rayfield
421 Silver Creek Rd
Easton, WA 98929
425-281-8761
patti.rayfield@icloud.com

From: [CDS User](#)
To: "Nancy Smith"; [Jeremiah Cromie](#)
Cc: [Jen Wiemer CDS](#)
Subject: RE: Loves
Date: Monday, March 13, 2023 8:12:46 AM

Good morning,

I have included the planner on this project, Jeremiah, so he has your below comment.

Have a great day!

Carlie Peebles

Permit Technician

Kittitas County Community Development Services

411 N Ruby Street, Suite 2

Ellensburg, WA 98926

(P) 509-962-7506

carlie.peebles.cd@co.kittitas.wa.us

To schedule inspections:

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

To view permit or inspection status:

<https://co-kittitas-wa.smartgovcommunity.com/ApplicationPublic/ApplicationHome>

To request design criteria / snowloads:

<https://www.co.kittitas.wa.us/cds/building/cgdc-form.aspx>

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

<http://www.co.kittitas.wa.us/request/default.aspx>

and fill out a request for public records through the GovQA portal.

From: Nancy Smith <nksmith777@gmail.com>

Sent: Saturday, March 11, 2023 6:44 PM

To: CDS User <cds@co.kittitas.wa.us>

Subject: Loves

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We are happy that loves truck stop is coming to Easton we

Not only will it give us services it will make I90 safer by giving trucks another place to pull off
Thank you for your time
Nancy smith
220 country drive
Easton wa

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.
message id: 38eb45916c6dcbdac24bb8719d004a14

From: [Michelle Tignor](#)
To: [Jeremiah Cromie](#); [Kittitas County Public Works](#); [CDS User](#); [Kittitas County Public Health](#); [Joe Dietzel](#); [Laura Osiadacz](#)
Subject: Comments "against " Easton Truck stop
Date: Sunday, March 12, 2023 5:58:13 PM

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Absolutely opposed to the proposed truckstop and all of its businesses, parking lot and traffic it will create for the small town of Easton and surrounding areas.

-Our infrastructure cannot handle it. All of the truck traffic it will create, septic capacity/facilities and water, currently not available for this type of operation.

– Variances that they are requesting far exceeds being reasonable and should not be granted. Not enough acreage and utilities for what they are trying to do.

-The garbage that will be left behind is disgusting, food containers, P bottles, truckers on the side of the road peeing, etc.

-It will take away from the small town charm, camping and lake recreation areas, small neighborhoods & small businesses.

-Small businesses that have been operating here for decades, will be financially damaged if not completely put out of business.

-The traffic this will create from all the semi trucks going through town and then back roads trying to find ways around whenever there is a closure or weekend traffic on I 90. All of the back roads, like Nelson Siding & Westside Rd., are already overly taxed and damaged by rerouting traffic. We don't need to throw in another 900+ trucks like other truckstops have coming through the area daily. Can't have trucks parked all over the side roads, neighborhoods, small business lots, on i90, because the area they chose wasn't large enough. Going to be putting Silver Ranch out of business and evicting long time residents?? Who wants to live or be around all of that noise?!

- The noise it will create while Easton and surrounding area residents are trying to sleep, trucks driving around looking for somewhere to sleep or they are lost, or looking for turn arounds...

- Adverse health effects due to diesel exhaust,
- Release of benzene and harmful compounds at the pump or from gasoline storage tank vents,
- Excessive truck traffic on neighborhood streets,
- Disturbing levels of noise.
- Property value decline,

- Damage to streams, wetlands and other waters, and
- Possibility of crime
- Accidents on ramps, side streets, intersections

<https://www.injurytriallawyer.com/blog/semi-truck-accidents-caused-by-tractor-trailers-parked-on-exit-ramps.cfm>

What about the new electric trucks coming out? Again, we do not have the infrastructure to support.

<https://www.seattletimes.com/business/electric-truck-stops-will-need-as-much-power-as-a-small-town/?amp=1>

Thanks for listening

-TIGNOR'S

March 12th, 2023

To Whom It May Concern,

As a resident of Easton Village I would like to address this "Project Proposal" from a business owners stance as well as a homeowner. I have a residence at 160 Country Drive which is a short term vacation rental. My business depends on customers from the "big cities" that want to come to the mountains for the serene, quiet, peaceful weekend or midweek getaway. I advertise the "mountain setting" with the lakes, streams, hiking, boating, horseback riding and everything else people from the city want just to get away from the daily grind of Seattle or Tacoma or others. Serene, quiet, peaceful, mountain setting.

Loves Truck Stop does not fit in anywhere! This is not where a truck stop should be. The place for a truck stop is where bigger cities can build and support it. Easton is not the place for a truck stop. It would be hard for me to attract my customers for my short term rental business if I advertised it was close to a truck stop. I would lose no less than 50% of my livelihood. I can't survive on a 50% loss of revenue. There are more than 35 short term vacation rentals in the Easton area. All would suffer.

My raised my family here and want the ambiance of the mountain life to continue. This is not the place for a truck stop. Keep them in the larger cities. We don't want them.

What about:

- Congested traffic
- Grade school access for parents – with additional traffic congestion
- Property de-value
- Noise and light pollution 24 hours/day (Jake brakes and loud trucks)
- Freeway on/off ramps congested
- Taxes
- Fire and ambulance access issues due to congestion
- Crime – drugs, prostitution, robberies (all within 1 mile of a grade school)
- Environmental spill – Lake Easton, the Yakima River

Every one of the pros spell money profits for Love's Trucking:

- 20 new jobs = 20 lost jobs for businesses that must close
- Tax revenue = cheap for Loves
- Water lines = cheap for Loves
- Restaurant = \$ for Loves
- Gas pumps = \$ for Loves
- Parking for semis = \$ for Loves
- Laundry = \$ for Loves
- Grocery = \$ for Loves

Local businesses will lose money and jobs. Please deny this project proposal and protect our community.

Sincerely,

Jeanne and Zane Johnson
Easton business & home owners

March 12th, 2023

To Whom It May Concern,

My family and I fell in love with the Easton area during our first visit there in 2015. Since that time my family has purchased two homes in Easton Village and have spent countless holidays and weekends making memories in this beautiful mountain town. We were drawn to the area because of how quiet it is and how many outdoor recreational activities there are to enjoy – Snoqualmie Pass, Lake Easton, Lake Kachess, the Yakima River, and endless dirt biking and snowmobile trails to name a few. Many of us enjoy the natural setting, dark skies, and limited traffic, noise or congestion.

The proposal to build Loves Truck Stop is concerning to us on a variety of levels. I do not think Easton can handle the kind of traffic volume a truck stop would bring. There isn't enough infrastructure in our roads, water, and other systems. We also have a completely voluntary emergency/fire response team in Easton who will not be able to handle the potential hazards. I'm also concerned with what a new business of that size will do to our current locally owned and operated businesses like Mountain High and the Turtle. The two things that concern me the most are traffic congestion, especially in the heavy snow, and an increase in crime. Access can already be challenging for locals when the pass closes. The long term impact to property value will also be significant. No one wants to live down the street from an ugly, loud, potentially dangerous truck stop.

Please do not approve any of the exceptions they are asking for or them continuing to move forward with this project. It's not right to allow a company to come in and bend the rules to benefit them and them alone. Easton residents deserve better. Please encourage them to look for land closer to a major town or city where a truck stop won't completely change the landscape and living conditions of the residents who live there.

Thank you,

Kari and Jeb Thomas

Easton Homeowners

From: [Tim Ryals](#)
To: [Jeremiah Cromie](#)
Subject: Truck Stop Travel Center at Sparks Road and I-90 Off Ramp 70
Date: Sunday, March 12, 2023 6:38:06 PM

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

To the zoning Board of Ellensburg from a long time Residence of Easton.

I would like to comment on the proposed Truck Stop and Travel Center on Sparks Road:

My first concern is traffic flow on Sparks Road and at I-90 interchange. This is a pinch point for the residents of Sparks Road and all of the residents on the north side of the freeway . It is the only access point for ingress or egress. In the winter time it is a total mess with traffic because the chain up area on I-90 gets too many trucks and cars waiting for a break in weather or chaining up. Creating a truck stop is an invitation for more congestion and the exit will be jammed up with jackknives; stuck big rigs and people who won't get clear off of Exit 70 if all areas are not immediately plowed. (which historically will not happen due to budget constraints and shortage of personnel] The trucks travel down Sparks Road looking for a through route when the pass is closed and get stuck; blocking the road way and stopping any kind of Emergency Services to all the residents on Sparks Road and the north side of the free way. Building a truck stop at the interchange will not help because the exit area is too limited and the building area is not big enough because the semis are trying to get to Seattle as soon as the storm systems clear. The truck stop would be nothing more then a big staging area and depending on the duration of each storm the trucks will quickly overflow, blocking Sparks Road to taxpaying citizens who will be trapped behind semis blocking the road.

There are a plethora of environmental issues with the truck Stop. The SEPA reports including the watershed and aquifer reports being used for the plan are old. The forest is not a place to bring in so much pollution of all kinds. Air Pollution. Noise pollution. Night lighting pollution. There will be venting of petroleum products and leaking oils and fuel. Cleaning products used on the trucks. Adverse health effects due to diesel exhaust. Release of benzene harmful compounds at the pump from gasoline storage tank vents. Damage to streams and wetlands and other water ways. Overuse of natural resources for big corporate gain, specifically the watershed and aquifer providing water for the people who already are on the water system in Easton. Loss of habitat for wildlife and fish in the surrounding forests. These developments do not take into account the fragile ecosystem of the forest, lakes and streams. There are many species that are not being considered by such rapid and inappropriate development. Fish, elk, birds, deer, bears and many, many more animals live in the forest where this planned big truck service station is proposed. These trucks already have the chance to stop at Cle Elum, but the impact was too great on the town so now we are being asked to put them in the forest in an area with one way in and out and no services. Stop the trucks at Thorp or Cle Elum. There are big truck services at

Ellensburg, Thorp and Cle Elum already. Further development of these already available services makes much more sense than changing zoning and ruining a habitat for no need. There is no law that says just because a developer wants to have a zoning change that it has to be granted.

Concerns for potential emergency and fire vehicle access. Easton has a very fine fire department, but it is a volunteer system and the location of the services in relation to the proposed truck stop are a potential danger to people who need help and a potential law suit to the county. The fire department is located across the freeway and separated from Exit 70 by railroad tracks. When a long train is traveling in the area there is no way for emergency services to get to the proposed site. In the dry summers if a fire starts in the area of the new travel center it could quickly be out of control while the tankertrucks and help can't access the area. If the fire grows rapidly and the intersection is overwhelmed there will be a huge potential loss of life and property.

Impact to use of the national forest and park by citizens if the area is rezoned as commercial and the whole character of the location will change. Easton has some of the best camping and outdoor recreational areas located within a short distance of the ever growing Seattle area. There Easton State park. Lake Easton Resort. Sliver Ridge Ranch all are right in the direct range of the truck stop . There has been considerable investment by the state of Washington and previous developers touting the tranquility and outdoor opportunities in the area. The John Wayne Trail as well as the Snow Park and trail system are already established. They will be greatly impacted by the loss of rural character, the destruction of peacefulness and the loss of wildlife. It is not a good selling point to potential travelers to stay at a Dude Ranch or a State Park adjacent to a trucking metropolis! The impact will be felt by the entire upper county as affluent Suncadia residents find their investments in a mountain vacation spot is now catering to the trucking industry! There won't be the shopping, eating out or family vacations to a busy commercial area. Trying to be everything to everyone will overload the opportunities in Upper County and the system will devolve into a squandered opportunity for all stakeholders.

Easton Water District : Water for the entire area comes from the Easton Water District. This water system is already pushed well past the proven point in its commitment to the future Marion Meadows Housing Development and the new homes in the area. There is not enough information about the water use for a busy truck stop and the extended stress of such fast and exponential growth to the storage, the aquifer and to the watershed. Overzealous pursuit of tax revenue and catering to well known developers to extract the wealth of natural resources for monetary gain could render the whole area with no clean water in the not too distant future. Careful, well planned stewardship of the water and resources will serve the most people as opposed to the rampant withdrawing of resources for an elite ruling class. There are countless examples of development and industry ruining entire areas, water systems and environments with no regard to the citizenry that government is supposed to be protecting. (note- Flint MI and Railway pollution of Iowa)

Crime comes with truck stops. With a traveler layover for semis there will be an influx of drugs

and prostitution. Homeless and transients will be stranded in the area along I-90 as is already a problem at every exit. The huge area will attract the campers and loiterers and nothing will be done. Where there is more action there will be more crime. There is a law enforcement need. There is no funding available for expansion of those services. Even though some think the jobs provided will benefit the area, they are not jobs that pay enough to support a family and a Loves truck stop will not sustain any additional income to Upper County that will remain in the county. The profits of the travel center will leave the Easton Area and go to the corporate headquarters of the company.

In closing, please do not rezone the use of the land near Exit 70 for a truck stop. The only reason this area has been developed as far as it has been is because county commissioners and project supervision has been a revolving door and no one has taken the responsibility to oversee judicious stewardship of the land and resources for the ongoing best use by the people who live directly in the impact zone of the housing developments, and any future business ventures. Please slow down and at least look at the development of the Sparks Road area as an entire project. Come out to the site and talk to the residents. At least see the proposed land and decide for yourself if it is the right thing. Review the huge record of many, many hearings on this subject spanning at least a decade. In a time that we are told that the Earth needs protecting- be a hero. Stop the overdevelopment and destruction of the Sparks Road Neighborhood. Locate the travel centers in a more appropriate place. Thank you for your careful consideration.

Tim Ryals
3780 East Sparks Road
Easton, Wa 98925
1-425- 361-8693

From: [Wayne LaVassar](#)
To: [Jeremiah Cromie](#)
Subject: VA-23-00003 Sparks Park Variance
Date: Monday, March 13, 2023 8:00:38 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.

Good morning Mr. Cromie,

I would like to comment on the variance application referred to above. We are local property owners in the area including the former campground behind the RV Town Shell gas station, additional adjacent properties, and a residence at 1201 Country Drive, Easton.

Parcels:

957076
957077
957078
957247
957248
957249
957250
178834

Our family created and developed RV Town (store, café, campground) back in the 70s. We have been in that community for 50 years.

We are not opposed to well thought out development. Initially the thought of a truck stop at that location seemed appealing. Upon further consideration, we feel that this particular development, with variance, would not be a prudent choice for the area. Our reasoning is that resultant congestion would be unmanageable and cause unforeseen issues including emergency service adequacy and access (public safety concerns). There is limited access to the area and public services are severely restricted.

I believe that the only way that a development like this could be allowed is if there were significant improvements to road access and enhanced public safety services. Specifically local police , fire, and hospital/urgent care facility development.

I noticed that Suncadia was required to provide their own private security, safety personnel, equipment ,and vehicles as a condition of their approval back in 2009. Perhaps this needs to be considered regarding this proposed development and variance.

I also scanned the Kittitas County Comprehensive Plan and noted the following that I believe are worthy of consideration regarding this development and variance:

2.1: The majority of new growth in the County is encouraged to locate in established cities and urban growth Areas (UGAs) where adequate public services can be provided in an efficient and economical manner.

2.4.2 Policies

LU-P1: Minimize the cost of providing public services and utilities by directing urban growth and developments to areas where public roads and services can support such growth.

LU-P18: Ensure the adequate supply of developable property to accommodate the siting of new, and the expansion of existing commercial uses.

Thank you in advance for your attention to these concerns.

Best regards,

Wayne LaVassar
310-962-5984

From: [Chris Johnson](#)
To: [Jeremiah Cromie](#)
Subject: Public Comment: VA-23-00003 Sparks Park
Date: Monday, March 13, 2023 9:07:01 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.

Dear Mr. Cromie,

I appreciate the opportunity to provide feedback to Kittitas County on the proposed land use of project VA-23-00003 on parcel #778834 in Easton. My family owns property on Evergreen Way in Easton, approximately 1 mile Northwest of the parcel, which we built on 10+ years ago. As part time residents, we understand that our experience differs from that of full-time Easton residents, but we are no less concerned about the impacts to Easton that this project brings than any full-time resident. Overall, I write to you in support of the project.

Positive- Driver Services/Food

Being the last exit in the WB direction of Interstate 90 before reaching Snoqualmie Pass, Easton represents a strategic location for driver (both commercial and personal) support and existing infrastructure is currently very minimal. A single gas station and convenience store on the East side of I-90 is the only existing business supporting drivers. In our experience, this gas station receives a high amount of traffic year-round. A few coffee stands and a restaurant (Mountain High Hamburgers) are the only other businesses that cater to drivers. A second restaurant closed in recent years, presumably due to limited traffic and customers. The project would provide another retail location and fast-casual food option for drivers.

Positive- Truck Driver Safety

This project would offer substantially improved services to a much larger number of travelers and truck drivers. A safe location for commercial truck traffic to park and rest is vitally needed to our region. As another public commenter ((Mr. Jason Moulton) noted, truck traffic often exceeds the existing space in North Bend, WA, the nearest truck stop in the WB direction (36 miles away), and truck parking overflows onto the off-ramps of I-90. Further East, the next truck stops are roughly 35 miles away, in Ellensburg.

During the winter season in Easton, closures of Snoqualmie Pass cause the same effect in Easton. Truck traffic parks in the chain-up area leading up to Exit 70 and on occasion, in the WB lanes themselves. There are no other options for truckers to park in Easton while waiting for the pass to re-open. Traffic is often directed back to Cle Elum, where residents there note limited mobility on roadways due to trucks seeking a place to park and rest. This project in Easton would provide a much needed parking location for truck drivers that would improve the safety for all travelers and residents in Easton. The WSDOT plows can't plow if traffic is sitting in the lanes and shoulders of I-90. Emergency services can't travel surface streets or I-90 if trucks are parked in unsafe and illegal locations.

Positive- Services for the community

Not only would the services of the project be used by drivers passing by Easton on I-90, but also the local residents themselves. With only two very small mini-mart businesses, an additional business selling food and supplies would increase the availability and access for locals. I have witnessed residents leveraging social media to help meet the needs of one another during times of inclement weather. Winter closures of I-90 can make it tough for residents to travel to Cle Elum for groceries. While a truck stop is not a direct replacement for a grocery store, I would expect that the owners/management would want to stock items that Easton residents desire.

There are also reasons I have to be concerned about the project:

Concern- SEPA analysis and impact of water runoff

The major issue of the variance request is the large amount of impervious area that this project would require. I am glad to see that another public comment raised the issue of the previous SEPA MDNS being vacated and the notification letter to the applicant (on 3/10) that a new SEPA process needs to occur.

Concern- road maintenance and snow considerations

Multiple public comments refer to trucks betting "lost" on the narrow roadways of Easton. I would like to see the county improve/add signage to inform truckers that there are not turn-around points on most Easton roads and intersections.

In the winter months, Easton is very often the last place for the snow plows of Kittitas County to reach after snow events. The WSDOT handles the plowing of the exit 70 overpass and Sparks Rd. intersection, but Sparks Rd (in both directions) falls to the county to maintain. With the likelihood of highly increased traffic in the area surrounding the project, the county needs to increase its frequency of road maintenance above its current level. I'd like the project applicant to speak to what their plan is for maintaining the impervious area during snow events. Does their site plan allow for snow(which could be contaminated with gas and oils to be moved to a location that when it melts, it is still captured on site catch basins?

Further details of this project for the public are necessary and should be carefully examined. The need for a project like this along the I-90/Snoqualmie Pass corridor is long overdue. While the state has worked to improve the roadway, there has not been any action taken, that I am aware of, by the state or county to address the growth in commercial truck traffic and the lack of rest and parking areas for those trucks. If the state and county are not going to work to expand existing rest areas or add new capacity to meet the exiting demand, then private enterprise seeking to bring capacity to fruition should be encouraged.

Again, I believe that this project, once it goes through the required analysis, should be approved and proceed. Thank you for the opportunity to share my comments.

Best Regards,
Chris Johnson
253-332-6276

From: [Matthew Johnson](#)
To: [Jeremiah Cromie](#)
Subject: Public Comment: VA-23-00003 Sparks Park
Date: Monday, March 13, 2023 9:47:40 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.

Dear Mr. Cromie,

Good morning! My name is Matthew Johnson, and I'm writing to you to share comments regard the above project, and wanted to inform you that my comments are a duplicate, co-signed copy of comments that my brother Christopher shared with you this morning. I see that his have been added to the public site. Thank you for your time.

I appreciate the opportunity to provide feedback to Kittitas County on the proposed land use of project VA-23-00003 on parcel #778834 in Easton. My family owns property on Evergreen Way in Easton, approximately 1 mile Northwest of the parcel, which we built on 10+ years ago. As part time residents, we understand that our experience differs from that of full-time Easton residents, but we are no less concerned about the impacts to Easton that this project brings than any full-time resident. Overall, I write to you in support of the project.

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Further details of this project for the public are necessary and should be carefully examined. The need for a project like this along the I-90/Snoqualmie Pass corridor is long overdue. While the state has worked to improve the roadway, there has not been any action taken, that I am aware of, by the state or county to address the growth in commercial truck traffic and the lack of rest and parking areas for those trucks. If the state and county are not going to work to expand existing rest areas or add new capacity to meet the exiting demand, then private enterprise seeking to bring capacity to fruition should be encouraged.

Again, I believe that this project, once it goes through the required analysis, should be approved and proceed. Thank you for the opportunity to share my comments.

March 13, 2023

503.226.8435 Direct
tmitchell@buchalter.com

VIA EMAIL (JEREMIAH.CROMIE@CO.KITTITAS.WA.US)

Jeremiah Cromie, Staff Planner
Kittitas County, Washington

Re: VA-23-00003 Sparks Park Variance

Dear Mr. Cromie:

This firm represents interested parties adversely effected by the proposed zoning variance set out in application VA-23-00003 Sparks Park (hereinafter “the Application”). The Application should be denied because (1) it is not Complete because it does not have a valid Mitigated Determination of Nonsignificance (“MDNS”), (2) the Applicant’s requested change is not a zoning variance (3) the Applicant fails to satisfy its burden of proof to obtain a zoning variance. Each will be addressed below.

**The Application is Incomplete and must be denied because
there is no MDNS for the Parcel**

An Application for a zoning variance cannot proceed to public comment and decision unless it is complete, meaning it has satisfied all of the underlying criteria that would allow the variance. A zoning variance of the type sought here is not complete without a State Environmental Policy Act (“SEPA”) review and valid MDNS determination by the County.

On February 17, 2023, the County deemed this Application complete. However, it is not complete because there is no MDNS for the subject property (“the Parcel”). As detailed below, two years ago Love’s Truck Stop sought an MDNS for its truck stop project, and the County issued an MDNS. However, the MDNS was appealed and ultimately vacated by the Kittitas County Superior Court. A more detailed explanation of this sequence of events is set out below.

On October 4, 2019, Love’s Truck Stop submitted application SE-19-00014 and sought permission to construct a Love’s Travel Stop facility, which included a convenience store, fast food restaurant with drive-thru, truck fuel canopy, truck parking area, auto parking area, and tire

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shop. The application was lacking on its face in numerous respects. Despite these shortcomings, the County issued a MDNS on January 13, 2020. A timely Notice of Appeal of the MDNS was filed on January 27, 2020, by Marjorie Brandsrud. On April 3, 2020, Hearings Examiner Andrew Kottkamp dismissed her appeal, finding that she lacked standing to appeal the MDNS.

On April 17th, Ms. Brandsrud filed a timely Petition for Review under the Land Use Petition Act (“LUPA”) against Kittitas County and Love’s Travel Stops. A copy of her Petition is attached here as Exhibit A. In her appeal, Ms. Brandsrud correctly noted that Love’s planned truck stop was not an allowed use under the Type 3 Limited Area of More Intense Rural Development (“LAMIRD”) zoning designation for the Parcel, and that Love’s had failed to satisfy the SEPA requirements to obtain an MDNS. She also asserted that contrary to the Hearings Examiner’s decision, she did in fact have standing to appeal. Her Petition goes on to cite numerous grounds, both procedural and substantive, upon which the County and the Hearings Examiner erred in issuing the MDNS.

Facing these many hurdles, Loves Travel Stop withdrew its application and requested the County terminate any and all reviews related to its application. On May 15, 2020, the Kittitas County Superior Court entered a Stipulated Order, attached hereto as Exhibit B, ordering as follows:

- Vacating the Hearing Examiner’s Decision that Ms. Brandsrud’s did not have standing;
- Vacating the County’s January 13, 2020, MDNS for the Parcel;
- Love’s Travel Stop SEPA application was withdrawn and shall not be further processed.

The significance of the above is that not only there is no existing MDNS for the site, there is not even an active SEPA application for the site. The County’s finding that the Application was “Complete,” issued on February 17, 2023, is in error and the Application is not complete. An incomplete application is not properly the subject of public comment and decision and the Application must be stricken and denied.

Even if the Application was Complete, the Applicant is not Seeking a Zoning Variance, it Seeks a Total Change to the Comprehensive Plan

The Applicant purports to seek a zoning variance, but it’s request is anything but. It would more appropriately be characterized as a zoning change and/or a Comprehensive Plan change. Variances should not be used to circumvent the underlying zone’s development intensity or the Comprehensive Plan designation itself. Applicant’s request amounts to a gross perversion of the intent of the code for the Type 3 LAMIRD commercial zoning--which is to

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allow rural commercial development at a scale and intensity consistent with the surrounding rural area.

The Applicant's request is to permit 209% of the maximum impervious surface limit for the Parcel and 656% of the maximum retail sales building square footage allowed in this zone. This is the type of property use allowed in the highest density cities in Washington. This is not a mere variance. It is a circumvention of rural zoning standards and the Comprehensive Plan.

No part of the County is zoned for high density urban development of the type proposed by Applicant. The notion that this substantial of change should be made through a mere zoning variance flies in the face of the Code and the Comprehensive Plan.

Even if the Application was Complete, and Even if the Applicant sought a Change Allowed by a Mere Zoning Variance, Applicant has not satisfied the criteria for a Zoning Variance

Kittitas County Code Section 17.84.010 states that a zoning variance shall only be granted when "unusual circumstances cause undue hardship" to the Applicant, and shall only be made when all four of the enumerated facts and conditions exist. See KCC 17.84.010. Further, the burden of proof is on the party seeking a zoning variance to establish that it has satisfied the four criteria to be entitled to a zoning variance.

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

1. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located;
4. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.

Here, the Applicant has failed to even articulate a basis for all four points, let alone satisfy them. The Application just ignores them almost in total. The failure of the Applicant to address the criteria leaves the public and the County guessing as to how the Applicant might

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satisfy the criteria. However, the Applicant has the burden to establish the criteria, the public isn't required to disprove them. Where the Applicant fails to establish the elements the request for variance must be denied. However, a review of the Application and the details of the Parcel, including its prior deficient SEPA process, makes clear it could never satisfy the criteria for a zoning variance. As set out below, it fails on all four counts.

1. Unusual circumstances or conditions...? There are no unusual circumstances or conditions that apply to the Applicant's property that do not apply to other properties in the area. All parcels in the area share the same zoning restrictions.
2. The variance is necessary for the preservation and enjoyment of a substantial property right...? The applicant has no property right to develop a truck stop or pave 209% of the impervious area maximum limit or build 656% of the retail sales floor area maximum. It goes without saying that Applicant purchased the property knowing its zoning and restrictions, and that no right to pave/build at this intensity could possibly be read into Applicant's property rights.
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity...? The scale and intensity of this proposal is at the literal gateway to this part of Easton. For every resident and visitor who exits the freeway they will be greeted with a very large truck stop and fast food corner with little to no screening. It will look, smell, and maintain an urban highway commercial character like one would find in Seattle or Tacoma. This is an adverse aesthetic impact to residents within miles of this access road who enjoy it as their only access. They won't have a choice but to pass the highway truck stop every single time they leave or arrive to their rural residence. This proposed truck stop will clear vegetation and disturb nearly every square foot of this parcel with pavement, storm water ponds, or septic system installation. None of the existing timber will remain or survive if this proposal was permitted to develop as depicted in the associated site plan. The proposal very likely eliminates all the existing vegetation buffer along the properties to the north, east and south. This removal of all the mature native vegetation will certainly adversely impact these adjacent properties from enjoying their property in way they have a right to under the county's rural development code. Lastly, the 96 striped truck parking stalls will likely be associated with extended periods of idling for the trucks as they overnight stay and seek refuge during winter weather and road closures. The close proximity of this parking to adjoining property owners will likely adversely impact the adjoining parcels

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and those beyond with significant higher noise and emissions at all hours during peak use periods.

4. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern? The Type 3 LAMIRD designation for this Parcel is intended to permit commercial development at a rural scale and intensity. This variance request would effectively permit development on a scale and density associated with Washington's most dense urban areas. The County would also be left with no viable argument or basis to deny other zoning variances that seek a similar density of development, amounting to a change in the LAMIRD Type 3 designation and the Comprehensive Plan.

Conclusion

This is an incomplete application that lacks an MDNS and should never have proceeded to this point. Further, it seeks to accomplish through a mere variance what amounts to a zoning change and/or a change to the Comprehensive Plan. Finally, even if the Application was properly ripe for decision, it fails to sustain its burden of proof with respect to the variance criteria in Kittitas County Code Section 17.84.010. This entire variance request is invalid and should be dismissed until such time it is associated with a valid development proposal which includes a new site plan, new landscape plan, and new SEPA checklist for public review from the start.

Very truly yours,

BUCHALTER
A Professional Corporation



Todd Mitchell
Shareholder

EXHIBIT A



FILED

2020 APR 17 PM 1:15

KITTITAS COUNTY
SUPERIOR COURT CLERK

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KITTITAS COUNTY

<p>MARJORIE A. BRANDSRUD,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>KITTITAS COUNTY, a political subdivision of the State of Washington, and LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.'S, a Delaware corporation,</p> <p style="text-align: center;">Respondent</p>	<p>No. 20-20010119</p> <p>LAND USE PETITION</p>
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I. PARTIES, JURISDICTION AND DECISION

1.1 *Petitioner.* Marjorie A. Brandsrud (“Petitioner” or “Brandsrud”) is an owner of real property and resides at 3580 East Sparks Road, Easton, Washington (Assessor Parcel No. 11472). Petitioner’s mailing address is as follows:

Marjorie A. Brandsrud
P.O. Box 638
Easton, WA 98925

Petitioner’s attorneys and their mailing address is:

James C. Carmody
Meyer, Fluegge & Tenney P.S.
P.O. Box 22680
Yakima, WA 98907-2680

1 1.2 *Respondent – Kittitas County.* Kittitas County, Washington is a political subdivision
2 of the State of Washington. Kittitas County, acting through its designated Hearing Examiner,
3 issued the land use decision which is the subject of this petition. The mailing address for Kittitas
4 County (“County”) is:

5 Kittitas County
6 Kittitas County Courthouse
7 205 W. 5th Avenue
8 Ellensburg, WA 98926

9 1.3 *Applicant.* Love’s Travel Stops & County Stores, Inc. (“Applicant” or “Love’s
10 Travel Stop”) is the applicant and party submitting SEPA Environmental Checklist with respect
11 to development of a commercial travel center in Easton, Washington. The mailing address for
12 Applicant is disclosed in the administrative file is:

13 Love’s Travel Stops & Country Store, Inc.
14 c/o Patryk Kowalczyk
15 10610 North Pennsylvania
16 Oklahoma City, OK 73120
17 Telephone No.: 206.470.9368

18 1.4 *Property Owner.* The property owner is identified as taxpayer for the property
19 through the records of Kittitas County Assessor is Sparks Park, LLC, a Washington limited
20 liability company. The property identified in the administrative record for development is
21 Kittitas County Assessor Parcel No. 778834. The mailing address for Sparks Park, LLS as
22 identified in Kittitas County Assessor’s records is as follows:

23 Sparks Park, LLC
24 c/o Lisa Weis
25 P.O. Box 246
26 Ronald, WA 98940

27 1.5 *Application.* Love’s Travel Stop filed a SEPA Environmental Checklist (“SEPA
28 Checklist”) with Kittitas County Community Development Services on or about October 4,
29 2019. The administrative record did not include any of the underlying permit applications
30 (grading, building or fuel tank placement) or administrative determinations regarding the land
use under applicable zoning ordinances. The SEPA Checklist described the project proposal as
follows:

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III. STATEMENT OF FACTS

3.1 Petitioner resides at 3580 East Sparks Road, Easton, WA (Assessor Parcel No. 11472) and has been a full-time residents for the past twenty (20) years. The property and residence are set in a rural residential neighborhood located directly south of the proposed Love’s Travel Stop. The proposed project adversely impacts the single access to the property (i.e. Sparks Road), potable water supply and rural character of the immediate area. The impacts of the proposed project will result in immediate, concrete and specific impacts on Petitioner and the immediate surrounding rural area and the Easton Type 3 LAMIRD.

3.2 Easton is a small rural community lying on both sides Interstate-90 within unincorporated Kittitas County. As a long-time resident of the Easton community, Petitioner actively participated in land use planning processes directly related to Easton and the immediately surrounding rural areas including comprehensive planning under the Growth Management Act (GMA). Petitioner is an active member of Kittitas County Conservation, a nonprofit association of individuals within Kittitas County interested in and committed to preservation and protection of our rural life styles. Kittitas County Conservation successfully challenged the comprehensive plan and development regulations adopted by Kittitas County under the Growth Management Act (GMA). The litigation specifically included challenges to the regulations applicable to the Easton and its associated Limited Area of More Intense Rural Development (LAMIRD). Kittitas County Coalition’s successful challenge to Kittitas County’s earlier comprehensive plan resulted in subsequent adoption of plans and development regulations for the Easton LAMIRD. See, e.g. *Kittitas County v. Eastern Washington Growth Management Hearings Board*, 172 Wn.2d 144, 256 P.3d 1193 (2011). That case affirmed, among other things, challenges to Urban Growth Nodes (UGNs) (including Easton) regulations and noncompliant provisions that failed to comply with GMA directive regarding rural areas and character. The litigation led to development of a comprehensive plan and zoning ordinance that places significant limitations on development within Limited Areas of More Intense Rural Development (LAMIRD).

3.3 Brandsrud actively participated in public processes that led to the adoption of KCC 17.15.060 and KCC 17.15.070. Those provisions established allowed uses and development restrictions within both Type 1 LAMIRDs and Type 3 LAMIRDs. Love’s Travel Stop has proposed a large commercial truck stop on property designated Type 3 LAMIRD and zoned General

1 Commercial. Those regulations limit the size and scale of development within the Type 3
2 LAMIRD. The proposed Love's Travel Stop is in direct violation of the applicable ordinance
3 standards.

4 3.4 Love's Travel Stop did not file a land use application and Kittitas County did not issue
5 a written determination or interpretation that the Love's Travel Stop was a permitted or allowed use
6 (as designed and proposed) in the General Commercial zoning district. The sole submission was a
7 SEPA Environmental Checklist.

8 3.5 Petitioner provided timely and specific comments to Kittitas County on the SEPA
9 Environmental Checklist by letter dated November 25, 2019. The comment letter identified specific
10 concerns with regard to air emissions from construction, vehicle emissions, ground water impacts
11 (particularly within well protection zones), stormwater concerns with seventy-four percent of the
12 proposed development being subject to impervious surface improvements, incomplete and
13 inaccurate summary of wildlife, handling of hazardous materials, impact on emergency services to
14 adjacent residences, long term noise impacts, adverse impact on recreational activities and very
15 significant adverse transportation impacts. Each of the identified concerns and impacts directly
16 impacted Petitioner, her property and the immediate Easton LAMIRD area.

17 3.6 Petitioner's residence is served by East Sparks Road which is the sole road access to
18 Easton and Interstate-90. The road is a two-lane county road which will be directly and adversely
19 impacted by the proposed Love's Travel Stop. The introduction of the truck stop will increase
20 traffic dramatically with an estimated addition of 8,560 vehicle trips per day. Since Sparks Road
21 serves as the single access to both Petitioner's residence and the immediately surrounding
22 neighborhood, any disruption, blockage, capacity and design considerations impacting the roadway
23 will have direct, immediate and potentially adverse impacts on the transportation and grid serving
24 Petitioner's residence and the immediate neighborhood.

25 3.7 Petitioner's residence is also provided domestic potable water by Easton Water District
26 (Source #2, Well #2 AFT 391 (Village)). Kittitas County Critical Area Ordinance states that "no
27 critical aquifer recharge locations have been identified in Kittitas County" (KCC 17A.08.010).
28 State of Washington, Department of Health (Deborah Johnson), however, provided comment on
29 environmental implications of the proposed development on wellhead protection areas. The
30 comment noted that the adopted CAO did "...not address protections for existing drinking water

1 supplies as new development occurs within wellhead protection areas.” DOH then identified that
2 the project site covered two wellhead protection areas associated with the following Group A Public
3 Water Systems: Easton Water District and Lake Easton Resort. Petitioner’s residence and adjacent
4 residential neighborhoods are served by Easton Water District. Petitioner’s property and residence
5 are directly impacted by potential contamination and other environmental impacts to the wellhead
6 protection zones. Such impacts were not addressed in the submitted environmental documents or
7 the SEPA Mitigated Determination of Nonsignificance (MDNS).

8 3.8 Kittitas County issued its Mitigated Determination of Nonsignificance (MDNS) on an
9 erroneous determination that the Love’s Travel Stop was a permitted use within the existing zone
10 and land use designation. The specific determination was as follows:

11 The proposal is classified under Kittitas County Code (KCC)
12 17.15.070 as “retail sales general” and “vehicle/equipment service
13 and repair.” *As proposed, these are permitted uses in the existing
zone and land use designation.*

14 The proposed truck stop is, however, prohibited within the Type 3 LAMIRD. The project exceeds
15 30,000 square feet and acknowledges impervious coverage levels (i.e. 74% impervious coverage)
16 that exceed the ordinance maximum impervious coverage standard of 1/3 of the project site.
17 Petitioner specifically identified these errors in her timely SEPA appeal.

18 Petitioner clearly identified errors, omissions and challenges to the Checklist and MDNS in
19 written comments and the appeal documents. *Examiner’s Decision* denied the opportunity for
20 review of these important challenges.

21 3.9 Kittitas County issued its MDNS for the project on January 13, 2020. On January 27,
22 2020, Petitioner filed a timely appeal of the MDNS. The appeal was filed in accordance with KCC
23 15A.07.010. The administrative appeal is to be heard by the Kittitas County Hearing Examiner in
24 an open record hearing. KCC 15A.07.020. Hearing Examiner is to issue a written decision within
25 thirty (30) days of the close of the administrative hearing. KCC 15A.07.020.

26 3.10 Subsequent to the timely filing of the administrative appeal, Love’s Travel Stop filed
27 a Motion to Dismiss the administrative appeal on March 6, 2020. Love’s Travel Stop moved to
28 dismiss the SEPA appeal in its entirety for lack of standing. Hearing Examiner set a briefing
29 schedule with respect to the motion to dismiss.
30

1 3.11 Hearing Examiner issued his *Decision on Applicant's Motion to Dismiss*
2 (*"Examiner's Decision"*) on April 3, 2020. **Attachment 2.** Hearing Examiner entered the
3 following Order:

4 Based upon the foregoing, the Hearing Examiner finds that the
5 Appellant lacks standing to bring this SEPA Appeal and therefor, the
6 SEPA Appeal by Appellant is hereby dismissed.

7 The Hearing Examiner's decision is a final decision on the application and environmental review.

8 **IV. ASSIGNMENT OF ERRORS**

9 4.1 *Unlawful Procedure and Process.* Kittitas County engaged in unlawful procedure and
10 failed to follow prescribed process including but not limited to:

11 (a) *Hearing Examiner did not have jurisdiction to hear the administrative SEPA*
12 *Appeal.* Kittitas County failed to consolidate and incorporate applicable land use permit
13 applications in conjunction with the environmental review process, as required by KCC 15.04.210.

14 KCC 15.04.210(1)(a) provides:

15 1. The county establishes the following administrative
16 appeal procedures under RCW 43.21C.075 and WAC 197-
17 11-680:

18 (a) an administrative appeal relating to a FEIS or DNS
19 for a nonexempt action that does not require a public
20 hearing shall be heard by the Board of County
21 Commissioners.

22 (b) an administrative appeal relating to a FEIS or DNS
23 for a nonexempt action that requires a public hearing
24 shall be combined with and heard by the recommending
25 body for the underlying action.

26 Love's Travel Stop land use application is a nonexempt action that does not require a public
27 hearing. The administrative appeal of a DNS or MDNS is to be heard by the Board of County
28 Commissioners, not the Hearing Examiner.

29 (b) *Kittitas County failed to consolidate permit application with environmental*
30 *appeal.* Kittitas County failed to consolidate and incorporate applicable land use permit application
with appeal of the environmental determination as required by KCC 15.04.210(4). Kittitas County

1 specifically adopted WAC 197-11-680 for purposes of environmental appeals. KCC 15.04.180.

2 WAC 197-11-680(3)(a)(v) provides:

3 (v) Except as provided in (a)(vi) of this subsection, *the appeal*
4 *shall consolidate any allowed appeals of procedural and*
5 *substantive determinations under SEPA with a hearing or*
6 *appeal on the underlying governmental action in a single*
7 *simultaneous hearing before one hearing officer or body.* The
8 hearing or appeal shall be one at which the hearing officer or
9 body will consider either the agency's decision or a
10 recommendation on the proposed underlying governmental
11 action.

10 Kittitas County failed to consolidate the environmental appeal with a hearing on the underlying
11 governmental action in a single simultaneous hearing before the hearing officer or body.

12 (c) *Improper imposition of standing requirement.* Hearing Examiner unilaterally
13 imposed an appeal requirement that a party filing an administrative appeal under KCC Ch. 15A.07
14 is required to establish standing under an undefined standard in order to proceed with the appellate
15 process. Hearing Examiner does not possess authority to interpose requirements for appeals beyond
16 the criteria set forth on KCC Ch. 15A.07.

17 (d) *Hearing Examiner improperly excluded evidence with respect to standing.*
18 Petitioner filed a timely appeal of the Mitigated Determination of Nonsignificance (MDNS) in
19 accordance with KCC 15A.07.010. The Notice of Appeal was complete and contained all
20 information required under KCC 15A.07.010(2). The appeal instructions do not require recitation
21 of facts to establish "standing" in order to proceed with the administrative review process. Despite
22 the lack of specific legal authority, hearing examiner unilaterally and illegally refused to consider
23 facts in support of a challenge to Petitioner's "standing" to proceed with the administrative appeal.
24 Hearing Examiner specifically found as follows:

25 16. The Appellant, through her counsel, attempts to raise additional
26 allegation than those which were contained in the SEPA appeal. The
27 Appellant, through this document, attempts to identify new facts for
28 standing in that Appellant has suffered specific and perceptible harm
29 and attempting to identify that she is suffering an injury that falls
30 within the zone of interest protected by SEPA. *However, these new*
allegations were not set forth in the original Notice of Appeal.

1 Examiner exceeded authority and such determination was contrary to policies and procedures
2 governing administrative review of environmental determinations.

3 4.2 *Erroneous Interpretation of Law.* The land use decision includes erroneous
4 interpretations of the law:

5 (a) *Record for appeal motion.* Petitioner complied with all requirements for
6 submission of a Notice of Appeal under KCC 15A.07.010. Hearing Examiner erroneously and
7 contrary to law concluded as follows:

8 16. The Appellant, through her counsel, attempts to raise
9 additional allegations than those which were contained in the
10 SEPA appeal. The Appellant, through this document, attempts to
11 identify new facts for standing in that Appellant has suffered
12 specific and perceptible harm and attempting to identify that she
13 is suffering an injury that falls within the zone of interest
14 protected by SEPA. However, these new allegations are not set
15 forth in the original Notice of Appeal.

16 (b) *Zoning use determination.* Kittitas County included in its SEPA MDNS a
17 specific determination regarding land use permissibility on the subject site and stated:

18 The proposal is classified under Kittitas County Code (KCC)
19 17.15.070.1 as “retail sales, general” and “vehicle/equipment
20 service and repair.” As proposed, these are permitted outright
21 uses in the existing zone and land use designation.

22 Kittitas County did not provide notice or allow comment on this land use determination. The
23 determination is in direct conflict with applicable ordinance provisions.

24 (c) *Hearing Examiner erroneously interpreted ordinance standing requirements.*
25 Hearing Examiner erroneously construed appeal provisions of KCC Ch. 15A. Ch. 07 and WAC
26 197-11-680.

27 4.3 *Decision Not Supported by Substantial Evidence.* Hearing Examiner entered the
28 following findings that are not supported by substantial evidence.

29 3. On January 27, 2020, the Appellant timely appealed the MDNS
30 on grounds that the Planning Official “did not thoroughly review the
(Applicant’s) SEPA Checklist and “erored” (*sic*) when the MDNS
was issued.

1 10. The Appellant has failed to demonstrate sufficient evidentiary
2 facts to establish that she was suffering injury in fact or that her
3 interests are within the zone of interest meant to be protected by the
4 SEPA determination.

5 11. The Hearing Examiner agrees with the Applicant that
6 Appellant's SEPA appeal, as filed, alleges no facts identifying a
7 "specific and perceptible harm" associated with MDNS decision.

8 12. Likewise, the Appellant's SEPA appeal, as filed, does not
9 identify any injury falling within the zone of interest protected by
10 SEPA.

11 13. The Appellant's SEPA appeal, dated January 27, 2020, received
12 by Kittitas County on the same date, alleges as follows:

13 13.1 She is a citizen of Kittitas County.

14 13.2 She lives in the Easton area.

15 13.3 She made comments on the SEPA Checklist for SE 19-
16 00014.

17 13.4 She alleges that Kittitas County Community Development
18 Services did not thoroughly review the SEPA Checklist
19 submitted by the proponent and erred with the MDNS was
20 issued. She then identifies reasons why she believes the MDNS
21 ignored the Type 3 Lamrid designation of the applicant's parcel.

22 14. None of these reasons can reasonably be construed as
23 Appellant's alleged endangered interest being within the zone of
24 interest protected by SEPA or an alleged injury in fact as specific to
25 the Appellant.

26 15. With respect to injury and fact, the SEPA Appellant must
27 demonstrate specific and perceptible harm and that the injury is
28 immediate, concrete and specific and not merely conjectural or
29 hypothetical.

30 Hearing Examiner offers only conclusory statements and does not provide specific factual
determinations with respect to the substantive basis for the land use decision.

4.4 *Clearly Erroneous*. Kittitas County's Land Use Decision is clearly erroneous application
of the law to the facts.

ATTACHMENT 1



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Love's Travel Stops & Country Stores, Inc. is proposing the construction of travel stop facility which includes a convenience store, fast food restaurant with drive-thru, truck fuel canopy, auto fuel canopy, truck parking area, auto parking area, and tire shop. The project is proposed on a site that is zoned General Commercial. The proposal is classified under Kittitas County Code (KCC) 17.15.070.1 as "retail sales general," and "vehicle/equipment service and repair." As proposed, these are permitted outright uses in the existing zone and land use designation.

Proponent: Patryk Kowalczyk, Applicant
Nick Wheeler (SCJ Alliance), Agent

Location: 1 parcel, located approximately 10 miles Northwest of the City of Cle Elum on the north side I-90 in the SE 1/4 of SW 1/4, Section 2, Township 20N, Range 13E, in Kittitas County, bearing Assessor's map number 20-13-02030-0009, tax parcel number 778834.

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, after considering voluntary mitigation measures which the lead agency or the applicant will implement as part of the proposal, 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.

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 the 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

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
- 3) The Kittitas County Grading Ordinance requires a permit if grading activity in excess of 100 cubic yards occurs pursuant to KCC 14.05. Contact Kittitas County Public Works for information relating to permitting at 509-962-7523.

Water and Waste Disposal

- 1) Prior to issuance of building permits, applicant shall obtain a permit through the Washington State Department of Health for a Large On-site Sewage System (LOSS) to serve the project or other type of system with written approval from Washington State Department of Health.
- 2) Adequate proof of water availability to serve the proposed project from the Kittitas County Water District #3 (Easton) shall be provided to the Department of Health and Kittitas County Public Health Department to satisfy all requirements prior to or at the time of building permit submittal.

Stormwater

- 1) A Stormwater Plan prepared by a State of Washington licensed engineer, and approved by the Kittitas County Public Works Department is required prior to issuance of any building permit.
- 2) All stormwater and surface runoff generated by this project shall be retained and treated on-site. If any is to be discharged off site a NPDES Construction Stormwater General Permit is to be obtained through the Department of Ecology Prior to any clearing, grading or construction.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office, and retail space shall be ADA accessible. ADA accessible parking shall also be provided.
- 3) All structures shall meet Kittitas County Code Title 14
- 4) All commercial building permits shall require a pre-application meeting with Kittitas County prior to submittal
- 5) All proposed buildings, landscaping, and other improvements shall comply with certain height restrictions. It is the applicant's responsibility to contact Patrick Wright of the WSDOT Aviation Division at 360-709-8019 for requirements.

Fire

- 1) All structures shall have adequate fire apparatus access.
- 2) Exterior siding and materials shall meet wildland-urban interface requirements.
- 3) All future development must comply with the International Fire Code (IFC) and Appendices

Cultural Resources and Historic Preservation

- 1) 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.

Light and Aesthetics

- 1) All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby properties and roads.
- 2) Any signage for the proposed use will require a sign permit as per KCC 17.70 and may not be located in State or County right-of-way.
- 3) All outdoor advertising or motorist signing shall comply with state criteria. It is the applicant's responsibility to contact Trevor McCain of the WSDOT Headquarters Traffic Office at 360-705-7282 for requirements.
- 4) A landscaping plan shall be provided to Kittitas County CDS for review and approval prior to issuance of the first building permit. This plan shall include vegetative buffer/vegetative barrier on the east side of the property to decrease noise impacts to the neighboring residences. Additionally, the subject property is located adjacent to Interstate 90 with a federally-designated National Scenic Byway known as the Mountains to Sound Greenway. The landscaping plan shall provide a buffer of conifer trees along the southwest property line that is adjacent to Interstate 90. Final approval of any and all building permits will not be granted until verification that the approved landscaping has been installed in conformance with the County approved landscaping plan.
- 5) All required landscaping shall be permanently maintained in a healthy growing condition by the property owner or the property owner's designee. The property owner shall remove and, if required to meet the County approved landscaping plan, shall replace any unhealthy or dead plant material immediately or as the planting season permits.

Utilities

- 1) Installation of new underground storage tanks must meet the requirements of the state underground storage tank regulations (WAC 173-360A). It is the applicant's responsibility to contact the Department of Ecology for requirements.

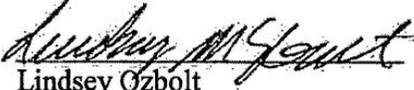
Noise

- 2) Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby properties.

Air

- 1) A dust control plan shall be developed and implemented during construction of the project.
- 2) During construction, reduction of construction caused dust and airborne contaminants shall be reduced through the use of water or other Department of Ecology approved methods.

This MDNS is issued under WAC 197-11-350 and KCC Title 15. The lead agency will not act on this proposal for 15 days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provision of Chapter 197-11 WAC shall be commenced within 10 working days (on or before 5:00 pm, January 28, 2020).

Responsible Official: 
Lindsey Ozbolt

Title: Planning Official

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7506

Date: January 13, 2020

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$1560.00 to Kittitas County Community Development Services office at 411 North Ruby Street, Suite 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 pm, January 28, 2020.

ATTACHMENT 2

10. The Appellant has failed to demonstrate sufficient evidentiary facts to establish that she was suffering injury in fact or that her interests are within the zone of interest meant to be protected by the SEPA determination.

11. The Hearing Examiner agrees with the Applicant that Appellant's SEPA appeal, as filed, alleges no facts identifying a "specific and perceptible harm" associated with MDNS decision.

12. Likewise, The Appellant's SEPA Appeal, as filed, does not identify any injury falling within the zone of interest protected by SEPA.

13. The Appellant's SEPA appeal, dated January 27, 2020, and received by Kittitas County on the same date, alleges as follows:

13.1. She was a citizen of Kittitas County.

13.2. She lives in the Easton area.

13.3. She made comments on the SEPA Checklist for SE 19-00014.

13.4. She alleges that Kittitas County Community Development Services did not thoroughly review the SEPA Checklist submitted by the proponent and erred when the MDNS ("sic.") was issued. She then identifies the reasons why she believes the MDNS ignored the Type 3 Lamrid designation of the applicant's parcel.

14. None of these reasons can reasonably be construed as Appellant's alleged endangered interest being within the zone of interest protected by SEPA or an alleged injury in fact as specific to the Appellant.

15. With respect to injury in fact, the SEPA Appellant must demonstrate specific and perceptible harm and that the injury is immediate, concrete and specific and not merely conjectural or hypothetical.

16. The Appellant, through her counsel, attempts to raise additional allegations than those which were contained in the SEPA appeal. The Appellant, through this document, attempts to identify new facts for standing in that Appellant has suffered specific and perceptible harm and attempting to identify that she is suffering an injury that falls within the zone of interest protected by SEPA. However, these new allegations were not set forth in the original Notice of Appeal.

II. ORDER

Based upon the foregoing, the Hearing Examiner finds that the Appellant lacks standing to bring this SEPA Appeal and therefore, the SEPA Appeal by Appellant is hereby dismissed.

Dated this 3rd day of April, 2020.

KITTITAS COUNTY HEARING EXAMINER

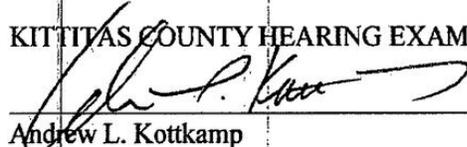

Andrew L. Kottkamp

EXHIBIT B

1 application and issued a Mitigated Determination of Nonsignificance (MDNS) on January 13,
2 2020. Brandsrud filed a Notice of Appeal of the SEPA MDNS on January 27, 2020.

3 2. On April 3, 2020, Hearing Examiner issued *Decision on Applicant's Motion to*
4 *Dismiss* which held that Brandsrud "...lacks standing to bring this SEPA Appeal...". Brandsrud
5 filed a timely Petition for Review under the Land Use Petition Act (LUPA) on April 17, 2020.
6 This proceeding was for the purpose of reviewing the dismissal of the administrative appeal as
7 well as land use authorizations within the Easton Type III LAMIRD.

8 3. On April 22, 2020, Love's Travel Stop advised Kittitas County Community
9 Development Services that it "...would like to formally withdraw its SEPA Application and have
10 the County terminate any reviews currently being completed as a result of the SEPA appeal.
11 Love's will not be pursuing this project any further." With the withdrawal of the land use
12 application, further proceedings are moot.

13 4. The parties agree to a dismissal of the Land Use Petition upon the following
14 stipulations:

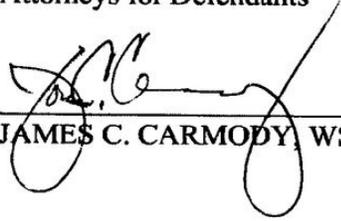
15 1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is vacated;
16 2. Kittitas County's *Mitigated Determination of Nonsignificance* dated January
17 13, 2020 is vacated.

18 3. Love's Travel Stops SEPA application is withdrawn and shall not be further
19 processed; and

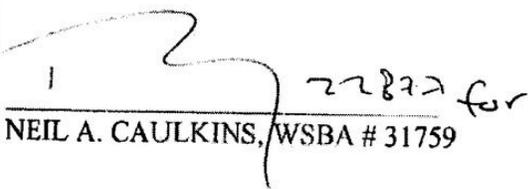
20 4. This LUPA Petition may be dismissed with prejudice and without cost to any
21 party.

22 Dated this 12 day of May, 2020.

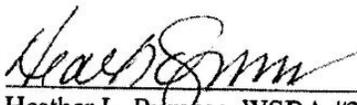
23 MEYER, FLUEGGE & TENNEY, P.S.
24 Attorneys for Defendants

25 
26 _____
27 JAMES C. CARMODY, WSBA #5205
28
29
30

1 KITTITAS COUNTY PROSECUTING ATTORNEY OFFICE
2 Attorneys for Kittitas County

3
4  22877 for
5 NEIL A. CAULKINS, WSBA # 31759
6
7

8 PHILLIPS BURGESS, PLLC
9 Attorneys for Respondent Love's Travel Stops & Country Stores, Inc.
10

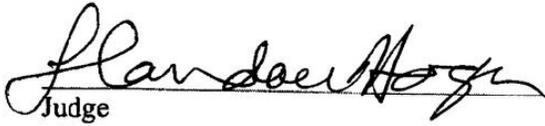
11 
12 Heather L. Burgess, WSBA #28477
13

14 **II. ORDER**

15 Based upon the foregoing stipulation of the parties, and after being otherwise fully
16 advised on the premises, it is hereby,

17 **ORDERED, ADJUDGED AND DECREED** as follows:

- 18 1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is hereby vacated;
19 2. Kittitas County's Mitigated Determination of Nonsignificance (MDNS) is hereby
20 vacated;
21 3. Love's Travel Stops SEPA application is withdrawn and shall not be further
22 processed; and
23 4. This LUPA Petition is hereby dismissed with prejudice and without cost to any party.
24 DONE IN OPEN COURT THIS 14 day of May, 2020.
25

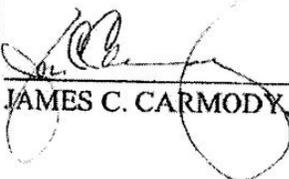
26 
27 Judge
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29
30

STIPULATED ORDER OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS - 3

LAW OFFICES OF
MEYER, FLUEGGE & TENNEY, P.S.
230 South Second Street - P.O. Box 22680
Yakima, WA 98907-2680
Telephone (509) 575-8500

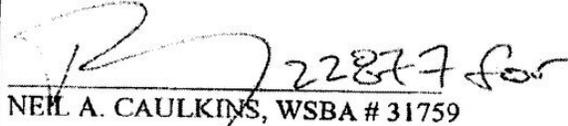
1 Presented by:

2 MEYER, FLUEGGE & TENNEY, P.S.
3 Attorneys for Defendants

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5 _____
6 JAMES C. CARMODY, WSBA #5205

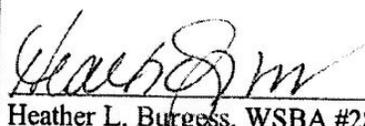
7
8 Approved for Entry and Notice of Presentation Waived:

9 KITTITAS COUNTY PROSECUTING ATTORNEY OFFICE
10 Attorneys for Kittitas County

11 
12 _____
13 NEIL A. CAULKINS, WSBA # 31759

14 Approved for Entry and Notice of Presentation Waived:

15
16 PHILLIPS BURGESS, PLLC
17 Attorneys for Respondent Love's Travel Stops & Country Stores, Inc

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19 _____
20 Heather L. Burgess, WSBA #28477

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STIPULATED ORDER OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS - 4

LAW OFFICES OF
MEYER, FLUEGGE & TENNEY, P.S.
230 South Second Street · P.O. Box 22680
Yakima, WA 98907-2680
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--

Matthew Johnson

253-347-6966

matthewkylejohnson@gmail.com

From: [Keri Monroe](#)
To: [Jeremiah Cromie](#); [CDS User](#)
Subject: Sparks Park Variance/Loves Truck Stop Community Feedback
Date: Monday, March 13, 2023 6:12:18 PM

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

Dear Mr Cromie,

I would like to discuss the proposed Sparks Park Variance/Loves Truck Stop in Easton, I-90 Exit 70.

Based on everything that I have learned about this project, I quickly realized that it is not an appropriate use for this land parcel. Not only does it directly effect of the Easton community residents, it does not provide any measurable benefits to the Easton community. I strongly urge the County to reconsider the Sparks Park Variance/Loves Truck Stop.

We have lived in Easton for past 15 years. We are also small business owners in the PNW with branches that stretch along the I-90 corridor. I am very disappointed to learn about the vast project online. As a tax paying home-owner, why have we not been notified by the county? This lack of communication on behalf of my county officials, is quite concerning and I urge you to extend the deadline for comments as many of my fellow community members are not on social media and rely on local news outlets or mailings for their information.

Below is a list of my concerns (although with more time, there is likely more to add!):

- Negative impacts as stated in the CEDS report and environmental impacts, not to mention how this will effect community members everyday life.
- Environmental concerns to the nearby groundwater, streams, wetland, ponds and lakes can be threatened by fuel storage and dispensing. Both contamination levels as well as potential cancer causing chemicals could directly impact fish and wildlife and thus individuals. Silver Creek, Lake Easton and the Yakima River could all be adversely effected. A Love's truck stop has already had biodiesel leak into a creek in the past, so we know it's a concern.
- Health impacts from the diesel truck emissions within 1000 ft and gasoline sales within 500 ft-please refer to the CARB California Air Resources Board handbook that state these facts clearly in their handbook. Emissions from trucks simply pulled over and idling increases these risks. I have not seen any literature stating how this project is addressing these health concerns for community members in the area. Other health impacts include harmful compounds and chemicals released from gasoline/diesel sales from storage tanks for those 500 to 1,000 ft away.
- Crime is another area of concern. Interestingly, there is no specific "truck stop" crime data available. Human trafficking has been documented as a high incident area at truck stops. In addition, searches

do state that of 137,556 robberies committed in 2020, three uses common to truck stops were the fourth, sixth and seventh highest robbery locations:

- Convenience stores – 13,721 robberies; 10% of all 2020 robberies, Gas stations – 7,006 robberies; 5% of all 2020 robberies, and Restaurants – 5,642 robberies; 4% of all 2020 robberies.

- Noise is another factor that will effect the surrounding area. Have studies been done regarding the decibels and how far away truck decibels travel? Noise studies for diesel trucks require great distances for idling trucks upwards up 1600 ft from a residential property, I would appreciate viewing a copy of the noise impact study that was conducted for this project, including idling trucks. Furthermore, can you detail the steps being taken to address the noise impacts?

With more time, there are probably many more areas to address.

I would appreciate receiving any and all communication on this project.

Thank you,

Keri Monroe
421 Silver Creek Rd
Easton, WA 98929
206-819-9067
Kerimonroe@comcast.net