

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

ZONING VARIANCE APPLICATION

Relief from a provisions of Title 17 when, because of unusual circumstances, following such provision would cause undue hardship (See KCC 17.84)

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.

REQUIRED ATTACHMENTS

- Site plan of the property with all proposed: buildings; points of access, roads, and parking areas; septic tank and drainfield and replacement area; areas to be cut and/or filled; and, natural features such as contours, streams, gullies, cliffs, etc.
- Project Narrative responding to Questions 9 and 10 on the following pages.

APPLICATION FEES:

\$1,850.00 Kittitas County Community Development Services (KCCDS)

\$275.00 Kittitas County Environmental Health

\$500.00 Kittitas County Public Works

\$65.00 Kittitas County Fire Marshal

~~\$2,690.00~~ Total fees due for this application (One check made payable to KCCDS)

2675.00

For Staff Use Only

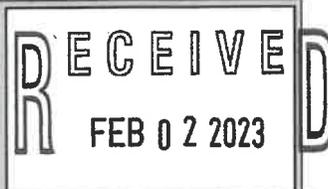
Application Received By (CDS Staff Signature):

Dan Wayard

DATE:

2-2-23

RECEIPT #



COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

GENERAL APPLICATION INFORMATION

1. Name, mailing address and day phone of land owner(s) of record:

Landowner(s) signature(s) required on application form.

Name: Sparks Park LLC C/O Lisa Weis
Mailing Address: PO Box 246
City/State/ZIP: Ronald, Washington 98940
Day Time Phone: (509) 674-9450
Email Address: nathan@inlandcell.com

2. Name, mailing address and day phone of authorized agent, if different from landowner of record:

If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name: AJ Sandhu
Mailing Address: 26304 203rd Pl SE
City/State/ZIP: Covington, Washington 98042
Day Time Phone: (425) 777-5713
Email Address: sanbros.farms@gmail.com

3. Name, mailing address and day phone of other contact person

If different than land owner or authorized agent.

Name: _____
Mailing Address: _____
City/State/ZIP: _____
Day Time Phone: _____
Email Address: _____

4. Street address of property:

Address: West Sparks Road
City/State/ZIP: Easton, Washington 98925

5. Legal description of property (attach additional sheets as necessary):

6. Tax parcel number: 778834

7. Property size: 16.51 (acres)

8. Land Use Information:

Zoning: General Commercial Comp Plan Land Use Designation: LAMIRD

PROJECT NARRATIVE

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

- 9. **Narrative project description (include as attachment):** Please include at minimum the following information in your description: describe project size, location, and the provision of zoning code for which this variance is requested and the way in which you wish to vary from the code.
- 10. **A variance may be granted only when the following criteria are met (see KCC 17.84.10). Please describe in detail how each criteria is met for this particular request:**
 - A. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography.
 - B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity.
 - C. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.
 - D. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.

AUTHORIZATION

- 11. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent:
(REQUIRED if indicated on application)

Date:

X Angadot Sandhu and/or assigns

01/20/23

Signature of Land Owner of Record
(Required for application submittal):

Date:

X LISA WEIS

01/23/23

Authentisign
Nathan Weis

01/24/23

Form 34
Addendum/Amendment to P&S
Rev. 7/10
Page 1 of 1

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ALL RIGHTS RESERVED

ADDENDUM / AMENDMENT TO PURCHASE AND SALE AGREEMENT

The following is part of the Purchase and Sale Agreement dated October 24, 2022 1
between Mountview Group LLC ("Buyer") 2
Buyer
and Sparks Park LLC ("Seller") 3
Seller
concerning 0-XX W Sparks Road Easton WA 98925 (the "Property"). 4
Address City State Zip

IT IS AGREED BETWEEN THE SELLER AND BUYER AS FOLLOWS: 5

Seller, as the owners of the property identified above, authorizes Angadjot Sandhu to act as their Authorized Agent to submit the Zoning Variance Application for the property identified above, receive correspondence regarding that application, and sign and receive notices on their behalf. Seller shall be included in all correspondence pertaining to the application. 6
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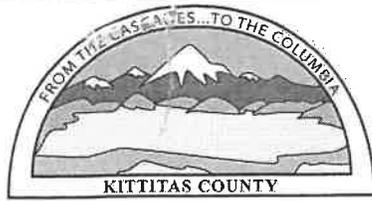
ALL OTHER TERMS AND CONDITIONS of said Agreement remain unchanged. 31

AS 01/20/2023
Buyer's Initials Date

SS 01/21/2023
Buyer's Initials Date

NW 01/24/23
Seller's Initials Date

LW 01/23/23
Seller's Initials Date



**KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES**

Receipt Number: CD23-00236

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

Payer/Payee: SPARKS PARK LLC
PO BOX 246
RONALD WA 98940

Cashier: GAIL WEYAND CDS
Payment Type: CREDIT CARD

Date: 02/02/2023

| VA-23-00003 Zoning Variance | | W SPARKS RD EASTON | | |
|----------------------------------|-------------------|--------------------|--------------------|---------------|
| <u>Fee Description</u> | <u>Fee Amount</u> | <u>Amount Paid</u> | <u>Fee Balance</u> | |
| VARIANCE (FIRE) | \$65.00 | \$65.00 | \$0.00 | |
| Zoning Variance (Health) | \$260.00 | \$260.00 | \$0.00 | |
| LAND USE VARIANCE (PUBLIC WORKS) | \$500.00 | \$500.00 | \$0.00 | |
| Zoning Variance | \$1,850.00 | \$1,850.00 | \$0.00 | |
| VA-23-00003 TOTALS: | | \$2,675.00 | \$2,675.00 | \$0.00 |
| TOTAL PAID: | | | \$2,675.00 | |

AJ Sandhu
Mountview Group LLC
26304 203rd Place SE
Covington, WA 98042

January 21, 2023

Dan Carlson, AICP
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: Mountview Group LLC Travel Center
Zoning Variance Application

Dear Dan:

The proposed Mountview Group Travel Center project would be located on Kittitas County Parcel Number 778834, off West Sparks Road at the I-90 Exit 70 interchange. The parcel is approximately 16.51 acres in size and is currently undeveloped. A vicinity map is shown in Figure 1.

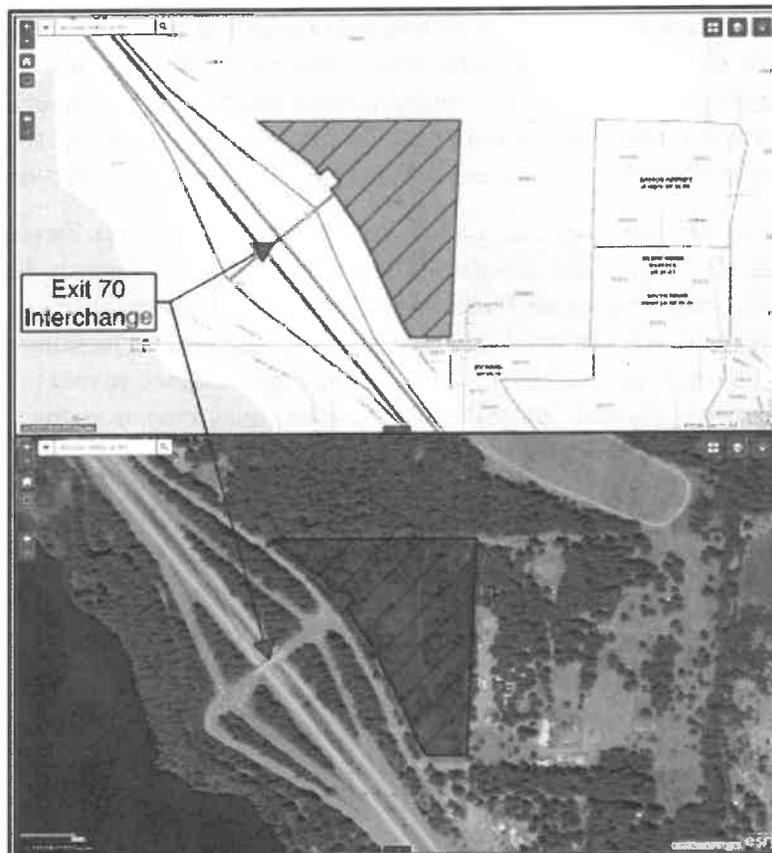


Figure 1: Vicinity Map, I-90 Exit 70, Easton Washington

Per the Kittitas County GIS Spatial Database Engine “Zoning” dataset the parcel is zoned as General Commercial with a LAMIRD Type 3 (Rural Employment Centers) overlay. A site plan of the proposed travel center is enclosed with this letter for your reference.

Two points of access from West Sparks Road are proposed, the main entrance/exit adjacent to the I-90 interchange and an additional access further south along West Sparks Road. Two buildings are proposed, a travel center and a vehicle maintenance facility. The travel center is proposed to contain two quick service restaurants (QSR), one of which is equipped with a drive-through window, a convenience store, and travel amenities such as a driver’s lounge, showers, bathrooms, and self-service laundry facilities. A detached three-bay tire shop and vehicle maintenance building is proposed and shown on the enclosed site plan. The tire shop and vehicle maintenance building accommodates repair activities entirely inside the enclosed repair bay areas, no outdoor repair or service area is proposed. Passenger vehicle and truck fuel pumps will be located under separate canopies on opposite sides of the convenience store building, with a platform scale to be located at the southernmost end of the truck fueling canopy. Nine truck fuel pumps and eight passenger vehicle fuel pumps are proposed. A towing and recovery service is proposed to be staged and operated from the travel center. The travel center will create numerous jobs in the community. An on-site septic system would be installed to provide sanitary sewer treatment, and water service will be provided via connection from the Easton Water District with potential upgrades to that system. Stormwater retention and treatment is proposed via on-site basins.

On-site parking will accommodate approximately 100 trucks and 80 passenger vehicles. This level of parking will provide relief from the unsafe practice of vehicles parking in unauthorized areas along I-90 and its interchange ramps, a situation that is exacerbated during weather-related closure of I-90 through Snoqualmie Pass. The travel center will provide refuge and services to travelers during these closures and relieve traffic that presently uses local access roads to return east from the exit 70 interchange when I-90 is closed. The travel center will provide a safe chain-up area when chain restrictions are activated through Snoqualmie Pass.

The parcel is screened from I-90 by mature conifers between the interstate and exit ramps and the exit ramps and Sparks Road, see Figure 2. These stands are also visible along the ramps in Figure 1. The parcel is screened from Sparks Road by mature conifers that are located along the Sparks Road embankment in the public right-of-way. The proposed development will maintain and enhance this screening along its frontage to preserve the scenic and rural character of the area, see Figure 3. The site grading is designed so that the facilities are generally lower than the existing grade of Sparks Road to aid in screening them from the I-90 corridor.



Figure 2: View Toward Site from 1-90 Eastbound



Figure 3: View Toward Site from I-90 Exit 70 Interchange

Kittitas County Code (KCC) Variance Requests

The proposed uses for the site per KCC 17.15.070.1, Rural Employment Centers (Type 3 LAMIRDS) are allowed for the parcel. These uses include *Restaurant, Retail sales (general), and Vehicle/equipment service and repair*. Per KCC 17.15.070 all allowed uses within Type 3 LAMIRDS, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.

1. A variance is requested from KCC 17.15.070 to allow each use not to be limited to 30,000 square feet on the parcel. Table 1 summarizes an estimate for the square footage of each use proposed on the parcel. Each use is presently below the 30,000 square-foot threshold but as the project is further developed it is possible that the *Retail sales, general* use will exceed 30,000 square feet.

| Use | Proposed Square Footage (Approximate) |
|--------------------------------------|---------------------------------------|
| Restaurant | 5,000 |
| Retail sales, general | |
| Diesel Fueling Canopy | 4,500 |
| Gas Fueling Canopy | 5,700 |
| Convenience Store | 8,325 |
| Vehicle/equipment service and repair | 7,700 |

Table 1: Summary of Land Uses

2. A variance is requested from KCC 17.15.070 to allow for the impervious surfaces on the parcel, which is greater than one acre, to exceed one-third of the lot size. The total impervious surfaces proposed is approximately 479,400 square feet. The parcel size is 16.51 acres, or 719,175 square feet, therefore the proposed impervious surfaces would total 69% of the parcel.
3. A variance is requested from KCC 17.15.070.2 to allow the total square footage of the *Retail sales, general* use to exceed 4,000 square feet.
4. A variance is requested from KCC 17.15.070.2, note 48, to allow for the retail sale of fuel products to occur under a canopy structure rather than a wholly enclosed building.

Your consideration of this variance request is greatly appreciated. Please let me know if you require any further information to support a determination of this request.

Respectfully,

AJ Sandhu
Mountview Group LLC

c:

Enclosure(s):

Zoning Variance Application

Zoning Variance Application Narrative

Authorized Agent Form

Site Plan

Zoning Variance Application Narrative

INTRODUCTION

The subject property is located adjacent to the east side of the Exit 70 interchange along I-90 with frontage along W Sparks Road. The General Commercial zoning of the property typically has no limitations restricting the maximum lot coverage or building floor area that can be developed. However, the site is located in a Local Area of More Intense Rural Development (LAMIRD) overlay zone, which identifies some additional criteria for permitted uses and development regulations that are intended to assist in retaining the community's rural character.

Due to unique physical characteristics of the property, the site is more significantly impacted by two code criteria of the LAMIRD that relates to this proposed development. These are 1) limiting impervious area for lots greater than 1 acre to 1/3 of the total lot area, and 2) limiting general retail sales to enclosed building areas of 4,000 SF.

The proposed project uses have been identified and the proposed building square footage indicated on the Site Plan. The parking areas supporting the proposed uses have also been shown on the Site Plan.

IMPERVIOUS AREA

The project proposes to exceed the maximum impervious area percentage specified in this Type 3 LAMIRD. The LAMIRD limits impervious surfaces on lots that are greater than one acre to one-third (33%) of the property area. This project proposes to utilize 69% total impervious area.

GENERAL RETAIL LIMITATION ON BUILDING AREA

General Retail is permitted in enclosed buildings that do not exceed 4,000 SF in area. The project proposes fuel sales with exterior canopies and a general retail building with a floor area of approximately 8,500 square feet.

LAMIRD CODE SECTIONS SUBJECT TO THIS VARIANCE REQUEST

17.15.070 Allowed Uses in Rural LAMIRD Lands

Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.

Referring to General Retail, Note 48 of the 17.15.070.1 Rural LAMIRD Use Table states:

*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.**

CODE VARIANCE

A. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography.

UNUSUAL CIRCUMSTANCES OR CONDITIONS

The subject LAMIRD is identified more specifically as Type 3, Rural Employment Center (KCC 17.15.070). The property is located along W. Sparks Road and affects properties of varying size, location and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD.

Property Size: Nearby parcels also zoned as General Commercial within this LAMIRD are 0.26 acre, 0.44 acre, 0.64 ac, 1.24 ac, 1.94 ac, 2.23 ac, 2.61 ac, 4.19 ac, 4.66 ac, and 10.68 acres in area. It may be considered reasonable use of property to have 4,000 SF of general retail on a 0.26 acre parcel. However, for a large parcel such as this, restricting the maximum square footage to 4,000 SF, which is less than 1% of the property area, results in an excessive limitation on the use of the property. It appears that this aspect of the LAMIRD code was not considering this type of situation. Given the size of the property, difficult access and more highly restricted visibility (both due to the significantly lower site topography), the development of this large parcel is much less desirable than the neighboring properties.

Adjacency to Interchange and existing traffic conditions: The immediate adjacency of the property to the existing interchange results in a volume of traffic, turning movements, and access concerns that are unique to this immediate location. The location of this property makes it uniquely impacted in a manner that is not experienced by other properties. Likewise, the location of the property also enables this site to uniquely capture and serve the existing vehicle and driver needs in a manner that is not possible by other properties in this LAMIRD. As noted by the site plan, since this site is directly across from the interchange access road, vehicles and truck are able to travel directly into the site without otherwise impacting the W Sparks Road corridor.

Exit 70 is the last exit off of I-90 for westbound vehicles to put on chains in the winter and is also the last exit for westbound trucks and vehicles to stop or turn around when Snoqualmie Pass is closed to through traffic. In accordance with the *2022 Washington State Freight System Plan Update, Appendix H: Washington Truck Parking Assessment*, there is an existing traffic hazard that exists on I-90 before and after Exit 70 that is associated with weather and the need for cars to prepare for crossing over Snoqualmie Pass. This results in a high volume of traffic utilizing this interchange immediately adjacent to the frontage of the subject property.

Topography

The project site sits lower in elevation than the adjacent interchange and Sparks Road. The adjacent trees and low elevation create a situation that is not conducive to small general retail, particularly when the predominant traffic is large semi-trucks. Drivers of these trucks would not be comfortable entering a site that has restricted turning area typically associated with small retail and that would result from the restriction on impervious area in the LAMIRD. This results in the site being difficult to develop in accordance with the identified General Commercial zoning of the Comprehensive Plan unless relief is provided from the identified code sections. It should also be noted that given the location of the LAMIRD, zoning of the 16.59 acre site, and the lack of local

traffic to support the identified use, that approval of this variance request in a manner that allows General Commercial service for the drivers and passengers associated with I-90 seems appropriate.

Since the Comprehensive Plan and Zoning code intend to see this property developed as General Commercial (with the rural character anticipated by the LAMIRD) it appears to be in the best interest of the public and the Comprehensive Plan goals to identify how the existing urgent needs associated with traffic along the I-90 corridor can be accommodated in the general conformance with the intent of this Rural Type 3 LAMIRD. Maintaining rural character is proposed to be accomplished through the site layout design, visual and noise buffering, utilizing the lower site grades to the benefit of site screening, the retention of trees along Sparks Road, new landscaping and through rural character architectural design.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity.

Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a Local Area of More Intense Rural Development, or a LAMIRD, which retains the community's rural character and limits higher-density development. From WAC 365-196-425: Type 3 LAMIRDS - Small-scale businesses and cottage industries, we understand that the County may allow isolated small-scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.

Proportionate enjoyment - The size of property is 16.51 acres, which is much larger than the neighboring properties of the same zoning (immediately adjacent to the south).

The neighboring property areas are: 0.26 ac; 0.44 ac; 0.64 ac; 2.61 ac; 0.24 ac; 4.66 ac; 4.19 ac; 10.68; 1.24; 1.94; 2.23 in the LAMIRD. As compared to the subject property, these nearby General Commercial zoned properties are also in the LAMIRD and are allowed: 1) a much higher percentage of the property to be developed for the General Commercial use, 2) to have a proportionately larger building for general retail sales, and 3) to have a much higher percentage of impervious area.

Retail Sales Square Footage

As noted previously, the Kittitas County code places a restriction of general retail sales within the Type 3 LAMIRD to 4,000 SF in an enclosed building. For the neighboring 0.26 acre property, this allows more than 35% of the site area to be see used as a retail building. For the subject property, 35% of the site area used for general retail buildings would result in approximately 250,000 SF of general retail broken into 63 individual 4,000 SF buildings. For this property, a greater allowable floor area for general retail would reduce the disparity that results from the application of the subject code on a large acreage parcel. We also understand that to meet the general retail fueling needs, that covered outdoor fuel sales are needed. To comply with the intent of the LAMIRD in maintaining the rural character, it is proposed that on-site outdoor fuel sales have screening provided through the use of either topographic elevation difference and/or the use of a vegetative buffer.

Impervious Area

The impervious area limitation makes the use of this property difficult for the servicing of trucks and vehicles. We understand that the intent of the code is to promote smaller parking areas as a means of maintaining the rural character of the area as viewed from W. Sparks Road. To maintain the surrounding rural character, the project proposes to retain the existing evergreen trees along the Sparks Road frontage, which will screen the view of the on-site impervious areas, helping to limit the view of impervious areas to an amount equal to 1/3 of the total parcel area.

It should also be noted that the rural character within the LAMIRD is currently adversely affected by unauthorized parking along local roads and the interchange ramps.

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

Public Welfare

As identified by the 2022 Washington State Freight System Plan Update, public welfare will be served through reducing the hazards experienced by drivers utilizing the highway right-of-way to chain up before approaching Snoqualmie Pass. This proposed development will provide relief for the drivers experiencing the hazards identified in WSDOT's Parking Assessment.

This property is situated adjacent to Exit 70 in the location that would best serve the public well-being through the provision of fuel sales, general retail sale, a vehicle/truck service and repair shop, and a restaurant.

All on-site and off-site improvements will be constructed in accordance with applicable state and local development standards. Public welfare will also be improved through the proposed development providing services that will reduce the existing unauthorized parking along local roads and the adjacent interchange ramps.

Property in the Vicinity

The rights of adjacent properties would not be undermined through the development of this property as proposed. In fact, the development of this property as proposed would allow the higher volume traffic to be received and serviced in a manner that would protect the rural character of other properties along W. Sparks road and would not preclude those smaller properties from developing in a manner consistent with the LAMIRD codes and their specific zoning.

Protection of Rural Character

To maintain the rural character of the area as viewed from W. Sparks Road, the existing evergreen trees are proposed to remain along Sparks Road at the site frontage. This will serve to screen the view of the on-site developed areas from the roadway. The natural grade of the site is also much lower than Sparks Road, which is a distinct disadvantage for the property except when allowed to develop the property in a manner that takes advantage of the unique parcel size and allows servicing the predominant and existing retail and service needs nearby.

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

The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of General Commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment.

Intensity of Use

The comprehensive development pattern transitions from higher intensity development adjacent to the interchange to less intense development farther from the interchange. This project would receive vehicles and trucks at the location where the traffic volume is the highest and immediately provide parking and services onsite, thereby reducing the tendency for these high intensity uses to spread farther away from the interchange.

The project proposes to include visual and noise buffering and to develop the architecture in a manner that is consistent with maintaining the rural character of the area.

Water Reservoir

As a result of this project, we understand that the applicants will fully or partially fund and construct a new water reservoir nearby, which is another indirect benefit of the project. This will assist the community by improving the County infrastructure and the availability of resources for current and future projects.

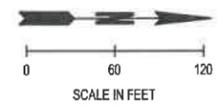
Employment

The proposed development is expected to provide local employment for 20 individuals.

CALL BEFORE YOU DIG

THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION BY CALLING THE UNDERGROUND LOCATE LINE AT 811 OR (800)-424-5555 A MINIMUM OF 48 HOURS PRIOR TO ANY EXCAVATION.

SEC. 2, T20N., R13E., W.M.



LEGEND

- PROPERTY LINE
- - - EXISTING CHANNELIZATION
- (X) STALL COUNT
- CEMENT CONCRETE CURB & GUTTER
- PROPOSED BUILDING
- CEMENT CONCRETE SIDEWALK
- - - XX EXISTING CONTOURS (MAJOR/MINOR)
- - - XX EXISTING CONTOURS (MAJOR/MINOR)
- - - XX PROPOSED CONTOURS (MAJOR/MINOR)

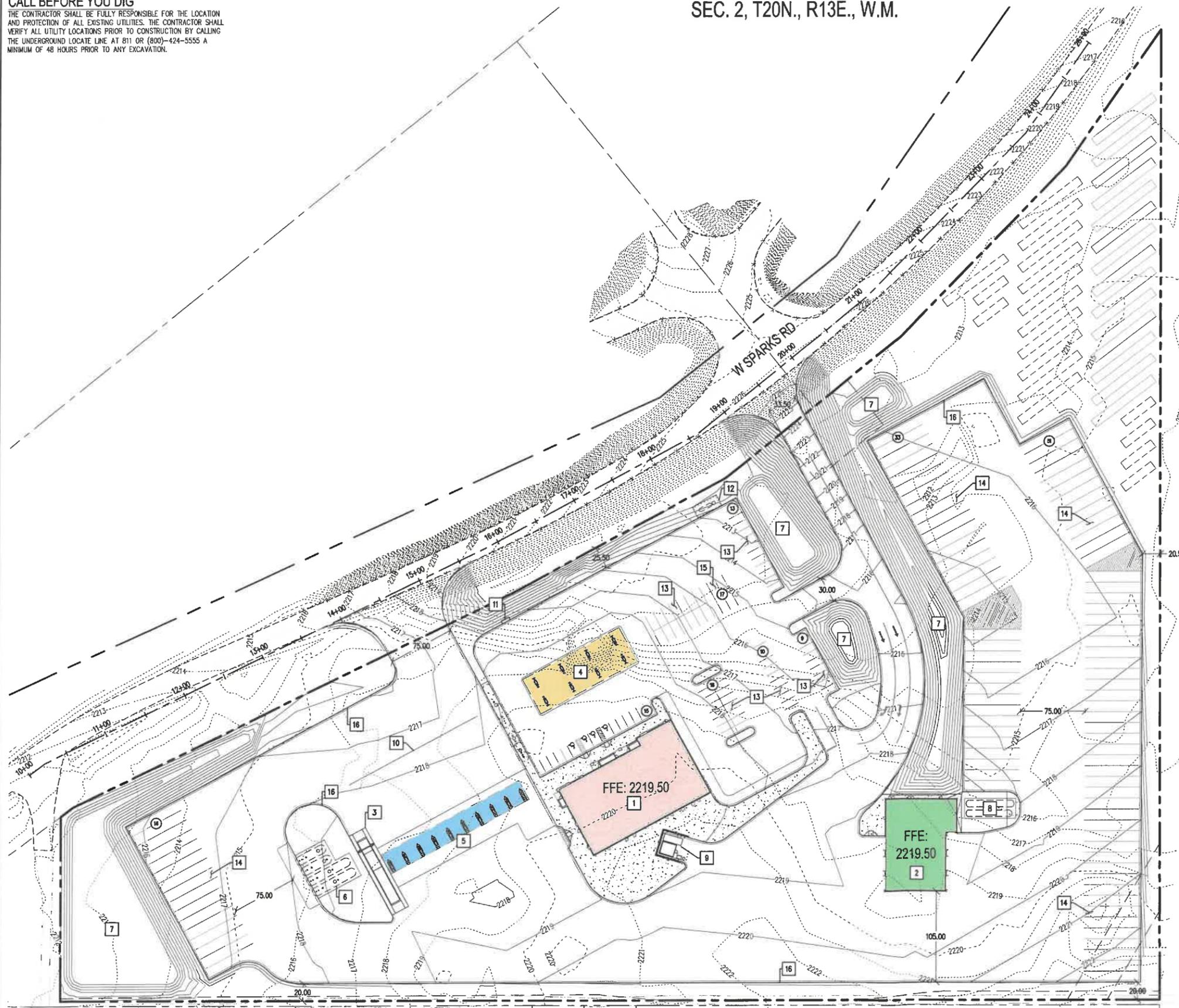
CONSTRUCTION NOTES

1. CONVENIENCE STORE AND QUICK SERVICE RESTAURANT
2. VEHICLE MAINTENANCE BUILDING
3. PLATFORM SCALE
4. AUTO CANOPY
5. TRUCK CANOPY
6. UNDERGROUND FUEL STORAGE TANKS
7. STORMWATER BASIN
8. UNDERGROUND STORAGE TANKS
9. TRASH ENCLOSURE
10. STOP BAR
11. RV SEWER DUMP STATION
12. PROPANE TANK
13. AUTO PARKING STALL: 9' x 20' (TYP.)
14. TRUCK PARKING STALL: 12.5' x 65' (TYP.)
15. RV PARKING STALL: 9' x 40' (TYP.)
16. CEMENT CONCRETE CURB & GUTTER

LAND USES

| KEY | USE | USE AREA (APPROX. SF) |
|-----|------------------------|-----------------------|
| | VEHICLE MAINTENANCE | 7700 |
| | DIESEL FUELING CANOPY | 4500 |
| | GAS FUELING CANOPY | 5700 |
| | C-STORE AND RESTAURANT | 8325 |
| | C-STORE | 5000 |
| | RESTAURANT | 5000 |

File: 01_2023_12.31.23pm - User: dan.phillips
 K:\PROJECTS\GAS\MOUNTVIEW GROUP, LLC\22-000880 EASTON WA, EXIST 70 TRUCK STOP (CAD)\22-000880 SP-01.DWG



| BY | DATE |
|----|------|
| | |
| | |
| | |
| | |

SCJ ALLIANCE
 CONSULTING SERVICES
 8730 TALLON LANE, SUITE 200, LACEY, WA 98516
 P: 360.352.1465 F: 360.352.1509
 SCJALLIANCE.COM

PRELIMINARY SITE PLAN
 MOUNTVIEW GROUP LLC TRAVEL CENTER
 WEST SPARKS ROAD
 EASTON, WASHINGTON

PRELIMINARY

DESIGNER: D. PHILLIPS
 DRAWN BY: K. GANS
 APPROVED BY: D. PHILLIPS
 DATE: FEBRUARY 2023
 JOB NO: 22-000880
 DRAWING FILE NO: 22-000880 SP-01
 DRAWING NO: SP-01
 SHEET NO: 1 OF 1



From: [Jeremiah Cromie](#)
To: "nathan@inlandcell.com"; "sanbros.farms@gmail.com"
Cc: [Dan Carlson](#)
Subject: VA-23-00003 Sparks Park - Deemed Complete
Date: Friday, February 17, 2023 9:14:05 AM
Attachments: [VA-23-00003 Sparks Park Deemed Complete 2-17-23.pdf](#)

Good morning,

Please see the attached correspondence regarding your variance application (VA-23-00003 Sparks Park). I have also placed hard copies in the mail.

Let me know if you have 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



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

February 17, 2023

Sparks Park LLC
c/o Lisa Weis
PO Box 246
Ronald, WA 98940

AJ Sandhu
26304 203rd Pl SE
Covington, WA 98042

RE: VA-23-00003 Sparks Park– Deemed Complete

Parcel # 778834

Dear Applicants,

Kittitas County Community Development Services (CDS) received your Zoning Variance Application on February 7, 2023 to allow a truck stop, restaurant and vehicle repair shop to be above the limitation of 30,000 square feet of area for the property (approx. 672,047 sq. ft.), above the 33% maximum impervious surface (69%) and above the 4,000 maximum square feet area for general retail (11,325 sq. ft.) in a Type 3 LAMIRD General Commercial zoning district. This parcel (778834) is located just east of the Sparks Rd. I-90 interchange in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009. Kittitas County has determined your application to be **complete** as of February 17, 2023.

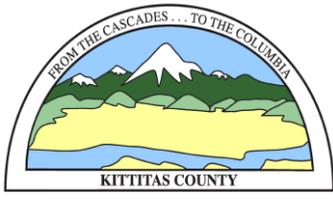
Continued processing of your application will include, but is not limited to, the following actions:

1. A Notice of Application will be published in the newspaper and sent to all adjoining property owners, governmental agencies, and interested persons. This includes a 15-day comment period.
2. Consideration of written comments from all adjoining property owners, governmental agencies, and interested persons.
3. A decision will be issued based upon comments received, and the proposal's consistency with Kittitas County Code 17.84, along with any other applicable codes and statutes.

If you have any questions regarding this matter, I can be reached by e-mail at jeremiah.cromie@co.kittitas.wa.us or phone at 509-962-7046

Sincerely,

Jeremiah Cromie
Planner II
Kittitas County Community Development Services
411 N Ruby St # 2, Ellensburg, WA 98926



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926
cds@co.kittitas.wa.us
Office 509-962-7506

Building Partnerships - Building Communities

NOTICE OF APPLICATION

Notice of Application: February 23, 2023

Application Received: February 2, 2023

Application Complete: February 17, 2023

Project Name: (VA-23-00003) Sparks Park Variance

Applicant: Angadjot Sandhu (Authorized Agent)

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

Proposal: Angadjot Sandhu, authorized agent, submitted a Variance application on February 2, 2023 pursuant to Kittitas County Code (KCC) 17.84 on 16.51 acres of land zoned LAMIRD Type 3 General Commercial in a LAMIRD Land Use currently owned by Sparks Park LLC. The variance request is 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

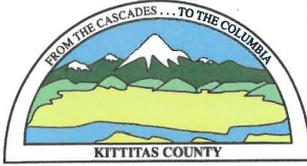
KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services. 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).

Materials Available for Review: The submitted application and related filed documents may be examined on CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>, and by navigating to "Setback Variance" & "VA-23-00003 Sparks Park". They can also be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby Street, Suite 2, Ellensburg, Washington, 98926 during regular business hours. Phone: 509-962-7506

Written Comments on this proposal can be submitted to CDS any time prior to **5:00 p.m. on March 13, 2023**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning Variances are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. A Notice of Decision will be published once a decision is made. Appeals to an administrative land use decision must be filed within 10 working days with Community Development Services as outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1670.

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner: (509) 962-7046; email at jeremiah.cromie@co.kittitas.wa.us



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

Affidavit of Mailing & Publication

PROPOSAL NAME: (VA-23-00003) Sparks Park

NOTIFICATION OF: Notice of Application

NOTIFICATION MAIL DATE: February 23, 2023

I certify that the following documentation:

- Notice of Application for VA-23-00003 Sparks Park Zoning Variance

has been mailed and/or emailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

Signature

Jeremiah Cromie
Community Development Services Planner II
County of Kittitas
State of Washington

Subscribed and sworn to before me this 23rd day of February, 2023



Stephanie Mifflin
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: 12.23.25



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926

cds@co.kittitas.wa.us

Office 509-962-7506

Building Partnerships - Building Communities

NOTICE OF APPLICATION

Notice of Application: February 23, 2023

Application Received: February 2, 2023

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KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services. 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).

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Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner: (509) 962-7046; email at jeremiah.cromie@co.kittitas.wa.us

Kittitas County Deputy Fire Marshal
Joe.dietzel@co.kittitas.wa.us

Kittitas County Sheriff's Dept.
kim.dawson@co.kittitas.wa.us

KittCom
long@kittcom.org
storch@kittcom.org

Kittitas County Board of County
Commissioners
julie.kjorsvik@co.kittitas.wa.us

Kittitas County Code Enforcement
toni.berkshire@co.kittitas.wa.us

Kittitas County Environmental Health
PublicHealthInspectors@co.kittitas.wa.us

Kittitas County Solid Waste Programs
lisa.lawrence@co.kittitas.wa.us
patti.stacey@co.kittitas.wa.us

Kittitas County Public Works
kelee.hodges.pw@co.kittitas.wa.us
candie.leader@co.kittitas.wa.us

Yakama Nation
enviroreview@yakama.com
corrine_camuso@yakama.com
jessica_lally@yakama.com
noah_oliver@yakama.com
casey_barney@yakama.com
kozj@yakamafish-nsn.gov
matj@yakamafish-nsn.gov
barh@yakamafish-nsn.gov

Department of Ecology
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

Airport Manager
david.ohl@co.kittitas.wa.us
Codi.Fortier@co.kittitas.wa.us

WA Dept. Fish and Wildlife
Scott.Downes@dfw.wa.gov
Jennifer.Nelson@dfw.wa.gov
Elizabeth.Torrey@dfw.wa.gov

Washington State DAHP
sepa@dahp.wa.gov

James E Brooks Library
jorgenja@cwu.edu
nelmsk@cwu.edu

Kittitas County Building Dept.
Jeremy.larson@co.kittitas.wa.us
Steph.mifflin@co.kittitas.wa.us

WA State Department of Health
russell.mau@doh.wa.gov

WA Dept. of Natural Resources
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

Allison Kimball
brooksideconsulting@gmail.com

Northern Kittitas County Tribune
tribune@nkctribune.com
terry@nkctribune.com

Daily Record
mbreckenridge@kvnews.com
legals@kvnews.com

Army Corps of Engineers
Deborah.j.knaub@usace.army.mil
Jenae.N.Churchill@usace.army.mil

Bureau of Reclamation
lhendrix@usbr.gov
1917 Marsh Road
Yakima, WA 98901

Yakima Training Center
mark.a.gradwohl.civ@mail.mil

Northwest Training Range Complex
Kimberly.peacher@navy.mil
Robert.d.bright10.civ@army.mil

Kittitas County Assessor
Haley.mercer@co.kittitas.wa.us
Christine.garcia@co.kittitas.wa.us

Snoqualmie Tribe
steve@snoqualmietribe.us
dahp@snoqualmietribe.us
adam@snoqualmietribe.us

Colville Tribe
guy.moura@colvilletribes.com
sam.rushing@colvilletribes.com
connor.armi.hsy@colvilletribes.com

Kittitas County P.U.D.
matt.boast@kittitaspud.com

Puget Sound Energy
Brian.ingalls@pse.com

Bonneville Power Administration
Dsmith@BPA.gov

Forest Service
kimberly.larned@usda.gov

Washington State DOT
Jacob.Prilucik@wsdot.wa.gov
SCPlanning@wsdot.wa.gov
AviationLandUse@wsdot.wa.gov

Washington State Parks
ken.graham@parks.wa.gov
PO Box 42650
Olympia, WA 98504-2650

Kittitas Valley Healthcare
Attn: CEO
603 S. Chestnut Street
Ellensburg, WA 98926
(mailed)

Easton School District 28
kombola@easton.wednet.edu
jensens@easton.wednet.edu
millerj@easton.wednet.edu

BUREAU OF LAND MANAGEMENT
915 N. WALLA WALLA
WENATCHEE WA 98801
(mailed)

KCFD #3 (Easton)
PO Box 52
Easton, WA 98925
kcf3102@yahoo.com

Federal Aviation Administration (FAA)
Ilon.Logan@faa.gov

Easton Water District
elkhornanderson@gmail.com

From: Megan Breckenridge <mbreckenridge@kvnews.com>
Sent: Friday, February 17, 2023 1:54 PM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Subject: Ad: 336465 / Re: VA-23-00003 Sparks Park (Publishing) - Notice of Application

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

Hi Jeremiah,

Attached is your second legal proof. This one is scheduled to run on February 23 and March 2.

Thanks again!

Megan Breckenridge

Advertising Assistant
Ellensburg Daily Record
Office: (509) 925-1414, ext. 570253
Direct Dial: (509) 204-8250
mbreckenridge@kvnews.com / legals@kvnews.com
[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Friday, February 17, 2023 12:04 PM
To: Megan Breckenridge <mbreckenridge@kvnews.com>; KVNews Legals <legals@kvnews.com>; 'terry@nkctribune.com' <terry@nkctribune.com>; 'Jana Stoner (NKC Tribune)' <jana@nkctribune.com>; NKC Tribune Advertising Department <ads@nkctribune.com>
Subject: VA-23-00003 Sparks Park (Publishing) - Notice of Application

CAUTION, this email originated from outside the organization.

Hello,

Please publish the attached legal in your papers as follows:

Daily Record: February 23 & March 2, 2023

NKCT: February 23 & March 2, 2023

Let me know if you have any questions or issues.

Jeremiah Cromie
Planner II

**Notice of Application
Sparks Park Variance
VA 23-00003**

NOTICE IS HEREBY given that Angadjot Sandhu, authorized agent, submitted a Variance application on February 2, 2023 pursuant to Kittitas County Code (KCC) 17.84 on 16.51 acres of land zoned LAMIRD Type 3 General Commercial in a LAMIRD Land Use owned by Sparks Park LLC. The variance request is 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. All of these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

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The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

The submitted application and related filed documents may be examined on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>, and by navigating to "Setback Variances" & "VA-23-00003 Sparks Park" or in person at 411 N Ruby St. Suite 2, Ellensburg, WA 98926 during regular business hours. Phone: (509) 962-7046

Written Comments on this proposal can be submitted to CDS any time prior to **5:00 p.m. on March 13, 2023**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning Variances are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. A Notice of Decision will be published once a decision is made. Appeals to an administrative land use decision must be filed within 10 working days with Community Development Services as outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1670, however you are encouraged to verify fee prior to filing of an appeal.

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner: (509) 962-7046; email at jeremiah.cromie@co.kittitas.wa.us

Notice of Application: February 23, 2023
Application Received: February 7, 2023,
Application Complete: February 17, 2023

Dated: February 23, 2023

PUBLISH: NKC Tribune: February 23, 2023 and March 2, 2023

PUBLISH: Daily Record: February 23, 2023 and March 2, 2023 / LEGAL #: 336465

From: [Megan Breckenridge](#)
To: [Jeremiah Cromie](#)
Subject: Re: 336465 / Re: VA-23-00003 Sparks Park (Publishing) - Notice of Application
Date: Monday, February 20, 2023 8:21:29 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.

Thank you for your final approval, Jeremiah!

Enjoy your week ahead,

Megan Breckenridge

Advertising Assistant
Ellensburg Daily Record
Office: (509) 925-1414, ext. 570253
Direct Dial: (509) 204-8250
mbreckenridge@kvnews.com / legals@kvnews.com
[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Friday, February 17, 2023 4:53 PM
To: Megan Breckenridge <mbreckenridge@kvnews.com>
Subject: RE: 336465 / Re: VA-23-00003 Sparks Park (Publishing) - Notice of Application

CAUTION, this email originated from outside the organization.

Megan,

This is fine and I give approval.

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: [Jana Stoner \(NKC Tribune\)](#)
To: [Jeremiah Cromie](#)
Cc: [NKC Tribune Advertising Department](#)
Subject: Re: VA-23-00003 Sparks Park (Publishing) - Notice of Application
Date: Monday, February 20, 2023 5:17:59 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.

CONFIRMATION OF RECEIPT.

We will get this published.

Jana E. Stoner - Publisher / CEO
jana@nkctribune.com

(509) 674-2511 ext. 7206
P.O. Box 308 | 807 W. Davis St., suite 101A
Cle Elum, WA 98922

– Northern Kittitas County Tribune
– U.K.C. Builders' Planning Guide
– EXPLORE! Central Cascades Visitor Guide

www.NKCTribune.com

On Feb 17, 2023, at 12:04 PM, Jeremiah Cromie
<jeremiah.cromie@co.kittitas.wa.us> wrote:

Hello,

Please publish the attached legal in your papers as follows:

Daily Record: February 23 & March 2, 2023

NKCT: February 23 & March 2, 2023

Let me know if you have any questions or issues.

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: [Jeremiah Cromie](#)
To: [Joe Dietzel](#); [Kim Dawson](#); ["long@kittcom.org"](#); ["storch@kittcom.org"](#); [Julie Kjorsvik](#); [Toni Berkshire](#); [PublicHealth Inspectors](#); [Lisa Lawrence](#); [Patti Stacey](#); [Kelee Hodges](#); [Candie Leader](#); [David Ohl](#); [Codi Fortier](#); ["enviroreview@yakama.com"](#); ["corrine_camuso@yakama.com"](#); ["jessica_lally@yakama.com"](#); ["noah_oliver@yakama.com"](#); ["casey_barney@yakama.com"](#); ["kozi@yakamafish-nsn.gov"](#); ["matj@yakamafish-nsn.gov"](#); ["barh@yakamafish-nsn.gov"](#); ["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@kynews.com"](#); ["legals@kynews.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@snoqualmtribe.us"](#); ["dahp@snoqualmtribe.us"](#); ["adam@snoqualmtribe.us"](#); ["quv.moura@colvilletribes.com"](#); ["sam.rushing@colvilletribes.com"](#); ["connor.armi.hsy@colvilletribes.com"](#); ["matt.boast@kittitaspud.com"](#); ["Brian.ingalls@pse.com"](#); ["Dtsmith@BPA.gov"](#); ["kimberly.lamed@usda.gov"](#); ["Jacob.Prilucik@wsdot.wa.gov"](#); ["SCPlanning@wsdot.wa.gov"](#); ["AviationLandUse@wsdot.wa.gov"](#); ["ken.graham@parks.wa.gov"](#); ["kombola@easton.wednet.edu"](#); ["jensens@easton.wednet.edu"](#); ["millerj@easton.wednet.edu"](#); ["kcf3102@yahoo.com"](#); ["Ilon.Logan@faa.gov"](#); [David Anderson](#)
Cc: [Dan Carlson](#); [Kelly Bacon \(CD\)](#); [Chace Pedersen](#); ["nathan@inlandcell.com"](#); ["sanbros.farms@gmail.com"](#)
Subject: VA-23-00003 Sparks Park - Notice of Application
Date: Thursday, February 23, 2023 9:54:58 AM
Attachments: [VA-23-00003 Sparks Park Notice of Application.pdf](#)

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 then the Project File Number "VA-23-00003 Sparks Park"

Thank you.

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

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON

)
) SS
)

COUNTY OF KITTITAS

TERRY L. HAMBERG, being duly sworn on oath, deposes and says that she is the publisher of the NORTHERN KITTITAS COUNTY TRIBUNE, a weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Cle Elum, Kittitas County, Washington, and is now and during all of said time was published in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of

NOTICE OF APPLICATION for Sparks Park Variance VA-23-00003

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of

2 subsequent weeks, commencing on the 23rd day of February, 2023 and ending on the 2nd day of March, 2023,

both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the

sum of \$ 350.00, which amount has been paid in full.

Terry L. Hamberg

Terry L. Hamberg

Subscribed and sworn to before me this 2nd day of March, 2023.

Jana E. Stoner
JANA E. STONER

Notary Public in and for the State of Washington, residing at Cle Elum, County of Kittitas. Expires 07/01/2026

KITTITAS COUNTY – NOTICE OF APPLICATION Sparks Park Variance VA-23-00003

NOTICE IS HEREBY given that Angadjot Sandhu, authorized agent, submitted a Variance application on February 2, 2023 pursuant to Kittitas County Code (KCC) 17.84 on 16.51 acres of land zoned LAMIRD Type 3 General Commercial in a LAMIRD Land Use owned by Sparks Park LLC. The variance request is 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. All of these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2 limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft of retail services. 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).

The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

The submitted application and related filed documents may be examined on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>, and by navigating to "Setback Variances" & "VA-23-00003 Sparks Park" or in person at 411 N Ruby St. Suite 2, Ellensburg, WA 98926 during regular business hours. Phone: (509) 962-7046

Written Comments on this proposal can be submitted to CDS any time prior to **5:00 p.m. on March 13, 2023**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning Variances are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. A Notice of Decision will be published once a decision is made. Appeals to an administrative land use decision must be filed within 10 working days with Community Development Services as outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1670, however you are encouraged to verify fee prior to filing of an appeal.

Designated Permit Coordinator (staff contact):
Jeremiah Cromie, Staff Planner: (509) 962-7046;
email at jeremiah.cromie@co.kittitas.wa.us

Notice of Application: February 23, 2023
Application Received: February 7, 2023,
Application Complete: February 17, 2023

Dated: February 23, 2023
Published Daily Record: February 23 & March 2, 2023
Published NKC Tribune: February 23 & March 2, 2023

(Published in the N.K.C. TRIBUNE, Feb. 23 and March 2, 2023.)

FRIDAY MORNING MARCH 3, 2023. Table with columns for time slots (6 AM to 11:30 AM) and program titles.

FRIDAY AFTERNOON MARCH 3, 2023. Table with columns for time slots (12 PM to 5:30 PM) and program titles.

FRIDAY PRIME TIME MARCH 3, 2023. Table with columns for time slots (6 PM to 11:30 PM) and program titles.

FRIDAY PRIME TIME MARCH 3, 2023. Table with columns for time slots (6 PM to 11:30 PM) and program titles.

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FRIDAY PRIME TIME MARCH 3, 2023. Table with columns for time slots (6 PM to 11:30 PM) and program titles.

Legals

Notice of Application Sparks Park Variance VA 23-0003. NOTICE IS HEREBY given that Anapolj Sandhu, authorized agent, submitted a Variance application on February 2, 2023 pursuant to Kittitas County Code (KCC) 17.84 on 16.51 acres of land zoned LAMIRD Type 3 General Commercial in a LAMIRD Land Use owned by Sparks Park LLC.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to impervious surface. KCC 17.15.070.2 limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W4M, in Kittitas County, bearing Assessor's map number 20-13-0203-0009.

The submitted application and related filed documents may be examined on the CDS website at <http://www.kittitas.wa.us/cds/cds/bnd-use/02030009>, and by navigating to "Setback Variances" & VA-23-0003 Sparks Park or in person at 411 N Ruby St, Suite 2, Ellensburg, WA 98926 during regular business hours. Phone: (509) 962-7046

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on March 13, 2023. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A, 03.080 and 1784.010, Zoning Variances are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. A Notice of Decision will be published once a decision is made. Appeals to an administrative land use decision must be filed within 10 working days with Community Development Services as outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1670, however you are encouraged to verify fee prior to filing of an appeal.

Designated Permit Coordinator (staff contact): Jeremiah Cromis, Staff Planner: (509) 962-7046; email at jcromis@kittitas.wa.us

Notice of Application: February 23, 2023 Application Received: February 7, 2023, Application Complete: February 17, 2023

Dated: February 23, 2023 PUBLISH: NKC Tribune: February 23, 2023 and March 2, 2023 PUBLISH: Daily Record: February 23, 2023 and March 2, 2023 LEGAL #: 336465



Randy Fenoli from "Say Yes to the Dress"

PGA Tour Golf

KNDK KING 11:30 a.m. The PGA Tour is at the Bay Hill Club and Lodge in Orlando, Fla., where players tee off today in the third round of the Arnold Palmer Invitational. Last year's winner, Scottie Scheffler, battled tough conditions to take home the \$2.16 million prize money.

NBA Basketball

KAPP KOMO 5:30 p.m. The Philadelphia 76ers head to the Fiserv Forum in Milwaukee, Wis., to play Giannis Antetokounmpo and the Milwaukee Bucks on their home turf. Their last meet was on Nov. 18, when the 76ers beat the Bucks 110-102.

Say Yes to the Dress

TLC 8:00 p.m. Randy and the team at Kleinfeld Bridal help brides find the perfect wedding attire in this new episode. While bride Nina is running out of time to find a dance-friendly reception dress, couple Ashley and Amber search for a special gown and jumpsuit.

SHOP The Classifieds. A graphic with a shopping bag icon and the text 'SHOP The Classifieds'.

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

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.

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

Please tell us how we're doing: [KCPHD Customer Survey](#)



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>;



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](#)

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.

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:

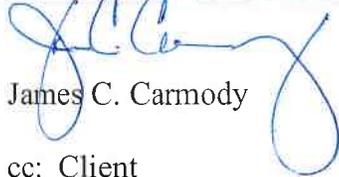
1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is hereby vacated;
2. Kittitas County's Mitigated Determination of Nonsignificance (MDNS) is hereby vacated;
3. Love's Travel Stops SEPA Application is withdrawn and shall not be further processed; and
4. This LUPA Petition is hereby dismissed 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

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:

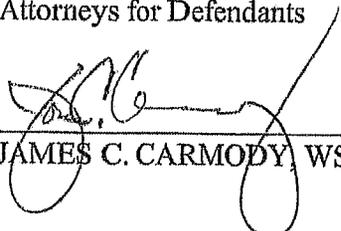
15 1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is vacated;
16 2. Kittitas County's *Mitigated Determination of Nonsignificance* dated January
17 13, 2020 is vacated.

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.

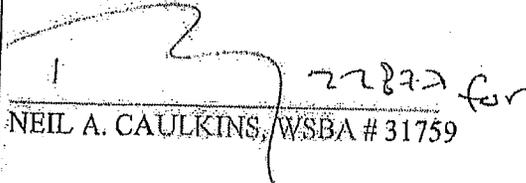
23 MEYER, FLUEGGE & TENNEY, P.S.
24 Attorneys for Defendants

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

STIPULATED ORDER OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS - 2

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

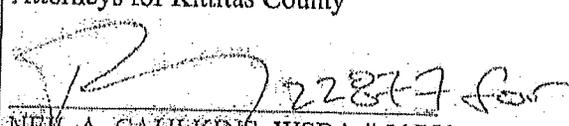
1 Presented by:

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

4 
5
6 JAMES C. CARMODY, WSBA #5205

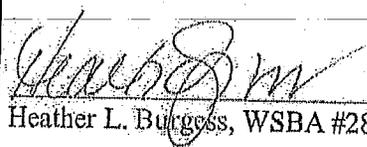
7
8 Approved for Entry and Notice of Presentation Waived:

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

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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: [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 dqwdiilfnljkrwdqh1ruj2hg2vh{0wdiilfnlj0 yhqxhvlggxvwulhv2wuxfn0wrs 0edvhq

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

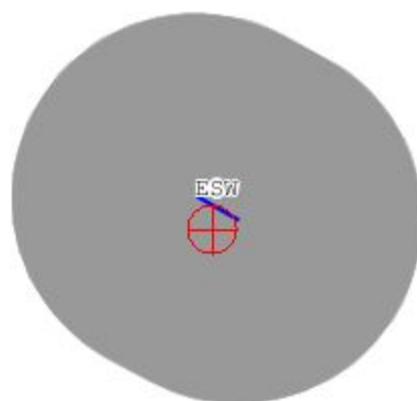
Results

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

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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:

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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

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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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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.

--

Matthew Johnson

253-347-6966

matthewkylejohnson@gmail.com

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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Jeremiah Cromie, Staff Planner

March 13, 2023

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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

Jeremiah Cromie, Staff Planner

March 13, 2023

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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

Jeremiah Cromie, Staff Planner

March 13, 2023

Page 4

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

Jeremiah Cromie, Staff Planner

March 13, 2023

Page 5

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

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

EXHIBIT B

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

From: [Jeremiah Cromie](#)
To: "nathan@inlandcell.com"; "sanbros.farms@gmail.com"
Cc: [Dan Carlson](#)
Subject: VA-23-00003 Sparks Park - SEPA Required
Date: Friday, March 10, 2023 10:39:18 AM
Attachments: [VA-23-00003 Sparks Park - SEPA Required Letter 3-10-23.pdf](#)
[SEPA Environmental Checklist.02 21 23.pdf](#)

Hello,

Please see the attached correspondence regarding your variance application VA-23-00003 Sparks Park. I have also placed hard copies in the mail.

Let me know if you have any 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



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

March 10, 2023

Sparks Park LLC
c/o Lisa Weis
PO Box 246
Ronald, WA 98940

AJ Sandhu
26304 203rd Pl SE
Covington, WA 98042

RE: VA-23-00003 Sparks Park– SEPA Application Required

Parcel # 778834

Dear Applicants,

During the comment period for the above-referenced variance, Kittitas County Community Development Services (CDS) discovered that the original SEPA MDNS threshold decision issued under number SE-19-00014 Love's was vacated under Kittitas County Superior Court Stipulation Order 20-2-00101-19 on May 14, 2020 and cannot be used for this project. Unfortunately, current CDS staff was not aware or did not recall this decision, most likely due to staff turnover and the decision being issued near the beginning of the COVID-19 pandemic.

Due to this Court Order, this project must go through a new SEPA process and threshold determination in addition to the variance. This means the variance also starts over although comments already received will be considered in any decisions made. To continue processing the variance and project, CDS will need the following:

1. A SEPA checklist completely filled out and fees paid (This application is enclosed)

Once this checklist is received and deemed complete, CDS staff will send out a new combined notice of application for the variance and SEPA with a new comment period.

If you have any questions regarding this matter, I can be reached by e-mail at jeremiah.cromie@co.kittitas.wa.us or phone at 509-962-7046

Sincerely,

Jeremiah Cromie
Planner II
Kittitas County Community Development Services
411 N Ruby St # 2, Ellensburg, WA 98926

Enc: SEPA Checklist

CC: Dan Carlson, Community Development Services Director

via e-mail



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships - Building Communities"

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals: [help]

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements - that do not contribute meaningfully to the analysis of the proposal.

APPLICATION FEES:

- \$600.00 Kittitas County Community Development Services (KCCDS)**
\$950.00* Kittitas County Department of Public Works**
\$260.00 Kittitas County Public Health

\$1,810.00 Total fees due for this application (One check made payable to KCCDS)

*2 hours of review included in Public Works Fee. Additional review hours will be billed at \$243 per hour.

** Note:KCCDS and PW fees are waived if project is a VSP sponsored fish enhancement project.

FOR STAFF USE ONLY

Application Received by (CDS Staff Signature): [Signature: Shil Weyand] DATE: 4-17-23 RECEIPT#: CD23-00949 RECEIVED APR 17 2023 Kittitas County CDS DATE STAMP IN BOX

A. Background [Find help answering background questions](#)

1. Name of proposed project, if applicable:

Easton Travel center

2. Name of applicant:

Mountview Group LLC

3. Address, e-mail and phone number of applicant and contact person:

**AJ Sandhu - 26304 203rd PL SE Covington WA 98042
425-777-5713**

4. Date checklist prepared:

April 7th 2023

5. Agency requesting checklist:

Kittitas County

6. Proposed timing or schedule (including phasing, if applicable):

Begin Construction in Fall 2023 and finish in Summer 2024

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

None at this time

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

Geotechnical Report has been prepared by TERRACON

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None Known

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

Kittitas County Building Permit, Fuel Tank Placement Permit

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Proposal includes construction of a Travel Stop facility including a convenience store with fast food restaurant & drive-thru truck fuel canopy, auto fuel canopy, truck parking area, and truck tire Shop on an 16.67 acres adjacent to W Sparks Road.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

SE 1/4 OF SW 1/4, Section 2, Township 20N, Range 13E, Kittitas County Tax Parcel No. 778834

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth [Find help answering earth questions](#)

a. General description of the site:

(circle one): Flat, rolling hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

Approximately 5%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

According to the NRCS Web Soil Survey, the Site is mapped to contain Kladnick ashy Sandy loam & It is not considered prime farmland, It is considered as Hydrologic Soil Group A not rated as hydric soil.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None Known.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Approximately 13000 CY of material will be cut and approximately 33000 CY of structural fill will be imported to the site. Fill will be Sourced from a local WSDOT approved borrow pit.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion is always a possibility during construction. Construction BMPs will be used to minimize erosion during grading and construction activities.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Approximately 74% of the site will be covered with impervious surfaces after project construction.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Construction BMPs Such as silt fencing, Stabilized construction entrance and covering exposed soils will be used. BMPs will be updated as needed.

2. Air [Find help answering air questions](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Emissions to the air during construction may occur from equipment exhaust and dust. Once completed emissions will occur from vehicles entering and exiting the Travel Stop.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None Known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Construction equipment will not be left idling for long periods of time, dust will be controlled with water during dry periods.

3. Water [Find help answering water questions](#)

a. Surface Water: [Find help answering surface water questions](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Lake Easton is located approximately 1,200 feet to the southwest and Silver Creek is located approximately 1,400 feet east of the subject site.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No work is proposed over, in or adjacent to the described water bodies.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No fill or dredge material will be placed in or removed from surface water or wetlands.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No surface water withdrawals or diversions are proposed.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No, according to FEMA Community panel No, 53009500226B, the site is located with in Zone "C" and area of minimal flooding.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No waste materials will be discharged to surface waters.

b. Ground Water: [Find help answering ground water questions](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No, the proposed project will be connected to the Easton Water District's water system.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Sanitary sewage will be treated and discharged in to the ground through a Large On-Site Sewer(LOSS) system serve the travel stop facility.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Stormwater runoff will be collected, treated and infiltrated on-site.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Sanitary refuse will be collected and stored in covered trash receptacles/dumpsters before removal by a refuse service to prevent waste materials from entering ground or surface waters.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No, Stormwater will be collected and infiltrated on-site. Existing drainage patterns will not be affected.

- 4) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Stormwater will be collected, treated and infiltrated on site. NO run-on from adjacent parcels currently exists and no off-site stormwater discharge is proposed.

4. Plants [Find help answering plants questions](#)

a. Check the types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

orchards, vineyards, or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Approximately 15 acres of trees, grass and brush will be removed.

c. List threatened and endangered species known to be on or near the site.

Per U.S. Fish & Wildlife IPAC mapping, no threatened or endangered plant species are known to be on or near the project site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Landscaping consisting of drought and freeze tolerant grasses, shrubs and trees is proposed.

e. List all noxious weeds and invasive species known to be on or near the site.

Per Early Detection and Distribution System (EDDSmaps) mapping, Rush Skeletonweed is known to be near the site, adjacent to I-90.

5. Animals [Find help answering animal questions](#)

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

Examples include:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site.

Per U.S. Fish & Wildlife IPaC mapping, Canada Lynx, Gray Wolf, North American Wolverine, Marbled Murrelet, Northern Spotted Owl, and Yellow-billed Cuckoo are known to be on or near the site.

- c. Is the site part of a migration route? If so, explain.

Yes, the site is located within the Pacific Flyway.

- d. Proposed measures to preserve or enhance wildlife, if any:

None Proposed.

- e. List any invasive animal species known to be on or near the site.

None known.

6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electricity and propane will be used to meet energy needs. Propane will be used for heating/cooking and electricity will be utilized for lighting and general energy uses.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

It is unlikely that the proposed project will affect the use of solar energy by adjacent properties. The project's structures will be situated in a manner that does not block incoming sunlight to any neighboring parcels.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Energy conservation features include LED lighting, energy efficient central HVAC, insulated buildings, energy efficient windows and insulated doors.

7. Environmental Health [Find help with answering environmental health questions](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

The proposed Travel Stop will offer gasoline and diesel fuel for sale, the tire shop will offer truck tires for sale and lube/oil services for trucks.

- 1) Describe any known or possible contamination at the site from present or past uses.

No contamination is known to exist on the site. A query of the Washington State Department of Ecology What's In My Neighborhood map was performed.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known or identified by a query of the National Pipeline Mapping System public viewer map.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
Fuel and oil will be used for equipment during construction. At completion, gasoline, diesel fuel, motor oil, and truck tires will be stored and available for sale.

- 4) Describe special emergency services that might be required.

No special emergency service requirements are anticipated.

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)
Fuel and oil will be stored in designated tanks or approved containers. Tires will be stored inside the tire shop or outdoor covered storage pen. Stormwater from under the fuel canopies and the tire shop floor drains will be routed through an oil/water separator to prevent contamination.

b. Noise [\[help\]](#)

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise exists from the nearby airport and vehicular traffic in the area but is not anticipated to affect the proposed project.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short-term noise will be created during daytime hours by trucks and equipment during construction. Long-term noise will be created during daytime and nighttime hours from trucks and autos entering and exiting the completed Travel Stop facility.

- 3) Proposed measures to reduce or control noise impacts, if any:

Construction work will be limited to normal daytime working hours, equipment will be equipped with functional muffled exhaust systems and not allowed to idle for extended periods of time.

8. Land and Shoreline Use [Find help answering land and shoreline use questions](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site is currently vacant and undeveloped. The neighboring uses are vacant/undeveloped land to the north, residential to the east, and Interstate 90 is located to the southwest.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The site has been used as forest land or open space. It is unknown what level of working forest land activity has historically occurred.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No, the proposed project will not affect or be affected by surrounding working farm or forest land operations. Access to the site will be created from the existing road and will not be restrictive to passing trucks or equipment.

c. Describe any structures on the site.

There are no structures on the site.

d. Will any structures be demolished? If so, what?

No structures will be demolished, the site is vacant.

e. What is the current zoning classification of the site?

The zoning is General Commercial under the Easton LAMIRD classification.

f. What is the current comprehensive plan designation of the site?

The current comprehensive plan designation is General Commercial LAMIRD.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No, the site is not classified as a critical area.

i. Approximately how many people would reside or work in the completed project?

Approximately 50 people will work in the completed project, no residences will be provided by the project.

j. Approximately how many people would the completed project displace?

No people will be displaced by the project, the site is currently vacant.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The project is a commercial use compatible with existing zoning and proposed zoning in the comprehensive plan. The project will be designed to meet or exceed Kittitas County requirements for construction and projected land uses specified in current zoning maps, current comprehensive plan, and development code.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None proposed.

9. **Housing** [Find help answering housing questions](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

No housing units will be provided.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing units will be eliminated.

- c. Proposed measures to reduce or control housing impacts, if any:

None proposed.

10. **Aesthetics** [Find help answering aesthetics questions](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The tallest height of any proposed structures is approximately 26 feet; the principal exterior building materials proposed are brick veneer and painted exterior wall panels.

- b. What views in the immediate vicinity would be altered or obstructed?

No views in the immediate vicinity will be altered or obstructed. The site is off the road and no construction will occur that shall block any landmarks or visual attractions of significance.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

The project will be designed to comply with Kittitas County building and development code. Landscaping will be installed to provide aesthetic qualities to the completed project.

11. **Light and Glare** [Find help answering light and glare questions](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Light will be produced from parking lot, pathway, and exterior building illumination as well as light from vehicles, primarily during evening hours. Glare will be produced by reflection from exterior windows and glass doors.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

It is unlikely that light or glare from the finished project will create a safety hazard and is not anticipated to interfere with views.

- c. What existing off-site sources of light or glare may affect your proposal?

Off-site sources of light and glare exist from passing vehicles but are not anticipated to affect the proposed project.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Exterior illumination will be shielded to limit light projection beyond the boundaries of the subject site. Lighting will be controlled by timers or photocell to operate during evening/dark hours.

12. **Recreation** [Find help answering recreation questions](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Lake Easton and Lake Easton State Park are formal recreational opportunities, as well as vast natural/wooded areas for informal hiking, biking, and winter sports activities during snow season.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

The project may displace informal recreational activities such as hiking on the subject site. No formal recreational activities will be adversely impacted by the proposed project.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed.

13. Historic and cultural preservation [Find help answering historic and cultural preservation questions](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
- No, per the Washington Information System for Architectural and Archaeological Records Data (WISAARD), there are no buildings, structures, or sites located on or near the site listed in or eligible for listing in preservation registers.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

There are no known landmarks features, or other evidence of Indian or historic use or occupation. According to WISAARD mapping, the site is located in an area of significance to the Yakima Tribe, Nez Perce Tribe, Wanapum Band, Colville Confederated Tribes, and Snoqualmie Samish.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

A query of the Washington Information System for Architectural and Archaeological Records Data (WISAARD) online mapping was performed.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

If resources are discovered during grading or construction activities, operations will cease until a qualified archaeologist evaluates the situation and outlines a course of action.

14. Transportation [Find help with answering transportation questions](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
The site is accessed from W Sparks Road. It is serviced by Lake Easton Road and Interstate 90. A new driveway access will be constructed from W Sparks Road near the Lake Easton Road intersection.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The area is served by HopeSource Transportation which requires scheduled rides. There are no circulating daily routes serving the Easton area specifically.

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No improvements to existing roads and streets are proposed.

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The project will not use or occur in the immediate vicinity of water or rail transportation. The Easton State Airport is located to the north of the project site but is a small facility and not likely to be used for large scale air transportation.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

The total new trips at the interchange and project are 8,560. Peak volumes will occur in the PM peak hour. This data was provided by the 10th edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

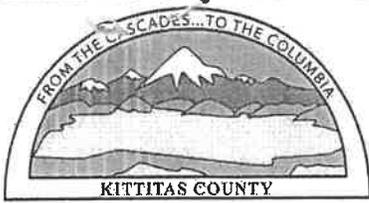
5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.



**KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES**

Receipt Number: CD23-00949

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

Payer/Payee: MOUNTVIEW GROUP LLC
24304 131ST AVE SE
KENT WA 98030

Cashier: GAIL WEYAND CDS
Payment Type: CREDIT CARD

Date: 04/17/2023

SE-23-00010 SEPA

| <u>Fee Description</u> | <u>Fee Amount</u> | <u>Amount Paid</u> | <u>Fee Balance</u> |
|----------------------------|-------------------|--------------------|--------------------|
| SEPA Checklist (Health) | \$260.00 | \$260.00 | \$0.00 |
| SEPA Checklist | \$600.00 | \$600.00 | \$0.00 |
| SEPA Review (PW) | \$950.00 | \$950.00 | \$0.00 |
| SE-23-00010 TOTALS: | \$1,810.00 | \$1,810.00 | \$0.00 |
| TOTAL PAID: | | \$1,810.00 | |

From: [Jeremiah Cromie](#)
To: ["SANBROS FARMS"; "nathan@inlandcell.com"; Bill Deatry](#)
Cc: [Dan Carlson](#)
Subject: VA-23-00003 Sparks Park & SE-23-00010 Easton Travel Center - Deemed Complete
Date: Friday, April 21, 2023 2:05:01 PM
Attachments: [VA-23-00003 Sparks Park & SE-23-00010 Easton Travel Center Deemed Complete 4-21-23.pdf](#)

Hello,

Please see the attached correspondence regarding your variance application (VA-23-00003) now that the SEPA checklist has been submitted and fees paid. I have also put hard copies in the mail.

The SEPA number is a separate number but the variance and SEPA will be combined in one notice. There is nothing that is needed on your end for that part.

If you have any questions, please let me know.

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



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

April 21, 2023

Sparks Park LLC
c/o Lisa Weis
PO Box 246
Ronald, WA 98940

AJ Sandhu
26304 203rd Pl SE
Covington, WA 98042

RE: VA-23-00003 Sparks Park & SE-23-00010 Easton Travel Center – Deemed Complete

Parcel # 778834

Dear Applicants,

Kittitas County Community Development Services (CDS) received your Zoning Variance Application on February 7, 2023 to allow a truck stop, restaurant and vehicle repair shop to be above the limitation of 30,000 square feet of area for the property (approx. 672,047 sq. ft), above the 33% maximum impervious surface (69%) and above the 4,000 maximum square feet area for general retail (11,325 sq. ft.) in a Type 3 LAMIRD General Commercial zoning district. This parcel (778834) is located just east of the Sparks Rd. I-90 interchange in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009. Kittitas County had determined your application to be **complete** as of February 17, 2023 and noticed the application. During the comment period for the variance application, it was discovered that the SEPA MDNS threshold decision for the same project from 2019 (SE-19-00004) had been vacated by Kittitas County Superior Court Order #20-2-00101-19 which now requires this project to obtain a new SEPA threshold decision and as such the Variance application was put on hold until a new SEPA checklist was received. CDS received a new SEPA checklist and fees paid for this project on April 17, 2023. Staff has reviewed the checklist and finds the application to be **complete** as of April 21, 2023. As such, staff has all required materials at this point to continue processing your application.

Continued processing of your application will include, but is not limited to, the following actions:

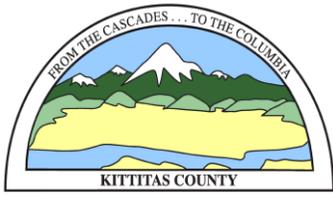
1. A Re-Notice of Application will be published in the newspaper and sent to all adjoining property owners, governmental agencies, and interested persons. This includes a 15-day comment period.
2. Consideration of written comments from all adjoining property owners, governmental agencies, and interested persons (previous comments from the past comment period will still be considered).
3. Additional information may be requested from Kittitas County before making any decision.
4. A variance decision will be issued based upon comments received, and the proposal's consistency with Kittitas County Code 17.84, along with any other applicable codes and statutes. A SEPA threshold decision will be issued based upon comments received, and the proposal's consistency with Kittitas County Title 15, along with any other applicable codes and statutes. (Please note that these items (variance and SEPA) will be noticed together and have one notice of decision for both items)

If you have any questions regarding this matter, I can be reached by e-mail at jeremiah.cromie@co.kittitas.wa.us or phone at 509-962-7046

Sincerely,

A handwritten signature in cursive script that reads "Jeremiah Cromie".

Jeremiah Cromie
Planner II
Kittitas County Community Development Services
411 N Ruby St # 2, Ellensburg, WA 98926



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926

cds@co.kittitas.wa.us

Office 509-962-7506

Building Partnerships - Building Communities

RE-NOTICE OF APPLICATION Sparks Park Variance (VA-23-00003)

Notice of Application: April 27, 2023

Application Received: February 2, 2023, April 17, 2023 (SEPA Checklist)

Application Complete: February 17, 2023, April 21, 2023 (SEPA)

Project Name: (VA-23-00003) Sparks Park Variance

Applicant: Angadjot Sandhu (Authorized Agent)

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

Reason for Re-Notice: 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) threshold decision. During the previous comment period, it was discovered that this previous SEPA had been vacated by Kittitas County Superior Court Order #20-2-00101-19 which requires a new SEPA threshold decision from Kittitas County for this project. Kittitas County has received a new SEPA checklist (SE-23-00010) and fees paid for this checklist as of April 17, 2023. Kittitas County deemed this SEPA checklist complete on April 21, 2023.

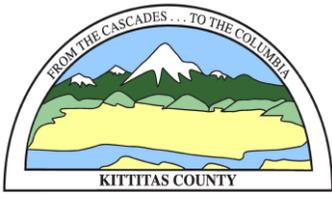
Proposal: Angadjot Sandhu, authorized agent, submitted a Variance application on February 2, 2023 pursuant to Kittitas County Code (KCC) 17.84 on 16.51 acres of land zoned LAMIRD Type 3 General Commercial in a LAMIRD Land Use currently owned by Sparks Park LLC. The variance request is for a truck stop, restaurant, and vehicle repair shop to go above the current limitations of site area, impervious surface and retail square footage on the property. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Materials Available for Review: The submitted application and related filed documents may be examined on CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>, and by navigating to "Setback Variance" & "VA-23-00003 Sparks Park". They can also be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby Street, Suite 2, Ellensburg, Washington, 98926 during regular business hours. Phone: 509-962-7506

Written Comments on this proposal can be submitted to CDS any time prior to **5:00 p.m. on May 12, 2023**. Any person has the right to comment on the application and request a copy of the decision once made. All comments from the previous comment period for the variance that ran from February 23, 2023 to March 13, 2023 will still be considered in the decision-making process. These comments do not need to be re-submitted.

Environmental Review (SEPA): The county expects to issue a Mitigated Determination of Non-Significance (MDNS) for this proposal and will use the optional DNS process in WAC 197-11-355, meaning this may be the only opportunity to comment on



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926
cds@co.kittitas.wa.us
Office 509-962-7506

Building Partnerships - Building Communities

the environmental impacts of the proposal. Mitigation conditions being considered are requiring grading/stormwater permits, adequate ingress and egress, Large-On-Site Sewage System (LOSS), adequate water from water district #3 (Easton), signage & aviation height restrictions, fire access, cultural resources studies, landscaping, underground tank permits, and dust control among others.

Public Hearing: Under Title 15A.03.080 and 17.84.010, Zoning Variances and SEPA Threshold decisions are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. A Notice of Decision will be published once a decision is made. Appeals to an administrative land use decision must be filed within 10 working days with Community Development Services as outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1670.

Required Permits: Variance, SEPA, (Future Grading/Building/Health/Other State Required Permits)

Required Studies: Traffic Impact Analysis (TIA)

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner: 509-962-7046, e-mail at jeremiah.cromie@co.kittitas.wa.us

Publication Date (Daily Record): April 27, 2023

Publication Date (NKCT): April 27, 2023



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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Office (509) 962-7506

“Building Partnerships – Building Communities”

Affidavit of Mailing & Publication

PROPOSAL NAME: (VA-23-00003) Sparks Park

NOTIFICATION OF: Re-Notice of Application

NOTIFICATION MAIL DATE: April 27, 2023

I certify that the following documentation:

- Re-Notice of Application for VA-23-00003 Sparks Park Zoning Variance

has been mailed and/or emailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

Signature

Jeremiah Cromie
Community Development Services Planner II
County of Kittitas
State of Washington

Subscribed and sworn to before me this 27th day of April, 2023



Stephanie Mifflin
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: 12.23.25



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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[cgs@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us)

Office 509-962-7506

Building Partnerships - Building Communities

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Building Partnerships - Building Communities

the environmental impacts of the proposal. Mitigation conditions being considered are requiring grading/stormwater permits, adequate ingress and egress, Large-On-Site Sewage System (LOSS), adequate water from water district #3 (Easton), signage & aviation height restrictions, fire access, cultural resources studies, landscaping, underground tank permits, and dust control among others.

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Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner: 509-962-7046, e-mail at jeremiah.cromie@co.kittitas.wa.us

Publication Date (Daily Record): April 27, 2023

Publication Date (NKCT): April 27, 2023

Kittitas County Deputy Fire Marshal
Joe.dietzel@co.kittitas.wa.us

Kittitas County Sheriff's Dept.
kim.dawson@co.kittitas.wa.us

KittCom
long@kittcom.org
storch@kittcom.org

Kittitas County Board of County
Commissioners
julie.kjorsvik@co.kittitas.wa.us

Kittitas County Code Enforcement
toni.berkshire@co.kittitas.wa.us

Kittitas County Environmental Health
PublicHealthInspectors@co.kittitas.wa.us

Kittitas County Solid Waste Programs
lisa.lawrence@co.kittitas.wa.us
patti.stacey@co.kittitas.wa.us

Kittitas County Public Works
kelee.hodges.pw@co.kittitas.wa.us
candie.leader@co.kittitas.wa.us
tate.mahre@co.kittitas.wa.us

Yakama Nation
enviroreview@yakama.com
corrine_camuso@yakama.com
jessica_lally@yakama.com
noah_oliver@yakama.com
casey_barney@yakama.com
kozj@yakamafish-nsn.gov
matj@yakamafish-nsn.gov
barh@yakamafish-nsn.gov

Department of Ecology
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
hector.casique@ecy.wa.gov
crosepacoordinator@ecy.wa.gov
christopher.kossik@ecy.wa.gov

Airport Manager
david.ohl@co.kittitas.wa.us
Codi.Fortier@co.kittitas.wa.us

WA Dept. Fish and Wildlife
Scott.Downes@dfw.wa.gov
Jennifer.Nelson@dfw.wa.gov
Elizabeth.Torrey@dfw.wa.gov

Washington State DAHP
sepa@dahp.wa.gov
Sydney.hanson@dahp.wa.gov

James E Brooks Library
jorgenja@cwu.edu
nelmsk@cwu.edu

Kittitas County Building Dept.
Jeremy.larson@co.kittitas.wa.us
Steph.mifflin@co.kittitas.wa.us

WA State Department of Health
russell.mau@doh.wa.gov

WA Dept. of Natural Resources
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

Allison Kimball
brooksideconsulting@gmail.com

Northern Kittitas County Tribune
tribune@nkctribune.com
terry@nkctribune.com

Daily Record
mbreckenridge@kvnews.com
legals@kvnews.com

Army Corps of Engineers
Deborah.j.knaub@usace.army.mil
Jenae.N.Churchill@usace.army.mil

Bureau of Reclamation
lhendrix@usbr.gov
1917 Marsh Road
Yakima, WA 98901

Yakima Training Center
mark.a.gradwohl.civ@mail.mil

Northwest Training Range Complex
Kimberly.peacher@navy.mil
Robert.d.bright10.civ@army.mil

Kittitas County Assessor
Haley.mercer@co.kittitas.wa.us
Christine.garcia@co.kittitas.wa.us

Snoqualmie Tribe
steve@snoqualmietribe.us
dahp@snoqualmietribe.us
adam@snoqualmietribe.us

Colville Tribe
guy.moura@colvilletribes.com
sam.rushing@colvilletribes.com
connor.armi.hsv@colvilletribes.com

Washington State DOT
Jacob.Prilucik@wsdot.wa.gov
SCPlanning@wsdot.wa.gov
AviationLandUse@wsdot.wa.gov
KaiserM@wsdot.wa.gov
krahenm@wsdot.wa.gov
isond@wsdot.wa.gov

BUREAU OF LAND MANAGEMENT
915 N. WALLA WALLA
WENATCHEE WA 98801
(mailed)

Federal Aviation Administration (FAA)
Ilon.Logan@faa.gov

Lori Turnley
ltingig@comcast.net
jrtinwa@comcast.net

Easton Water District
eastonwaterdistrict@hotmail.com
gerbado31@gmail.com

Terri Campbell
terriacampbell@gmail.com

Patti Rayfield
Patti.rayfield@icloud.com
Tom Rayfield
Tom_rayfield@comcast.net

Kittitas County P.U.D.
matt.boast@kittitaspud.com

Puget Sound Energy
rightofway@pse.com
Joseph.Pignatelli@pse.com

Washington State Parks
ken.graham@parks.wa.gov
PO Box 42650
Olympia, WA 98504-2650

Easton School District 28
kombola@easton.wednet.edu
jensens@easton.wednet.edu
millerj@easton.wednet.edu
superintendent@easton.wednet.edu

Michael & Lisa Jones
Mikejones777@gmail.com

Marty & Hollie Given
hollie@ymail.com

Bdavid9040@aol.com

Kraig & Ann McLeod
KraigMcLeod@msn.com
annmariemcleod@msn.com

Nancy Smith
Nksmith777@gmail.com

Bonneville Power Administration
Dtsmith@BPA.gov

Forest Service
kimberly.larned@usda.gov

Kittitas Valley Healthcare
Attn: CEO
603 S. Chestnut Street
Ellensburg, WA 98926
(mailed)

KCFD #3 (Easton)
PO Box 52
Easton, WA 98925
kcf3102@yahoo.com
asstchief.eastonfd3@gmail.com

Jason Moulton
Moultonjason70@hotmail.com

John Jensen
jensenjohnr@yahoo.com

James Carmody
carmody@mftlaw.com

Deborah Girard
Girard@mftlaw.com

Tim Schauer
schauertm50@gmail.com

Scott Campbell
campbellgang@gmail.com

Michelle Tignor
m.tignor@comcast.net

Larry Everett
leverett@netos.com

Jeanne & Zane Johnson
jeannebts19@gmail.com
Kari & Jeb Thomas
karienet@gmail.com

Tim Ryals
Catrider58@gmail.com

Wayne LaVassar
wayne@ctstan.com

Chris Johnson
Cjiskier88@gmail.com

Matthew Johnson
matthewkylejohnson@gmail.com

Todd Mitchell
tmitchell@buchalter.com

Keri Monroe
Kerimonroe@comcast.net

AJ Sandhu
Sanbros.farms@gmail.com
omakinn@gmail.com
Bill Deatry
bill@yourbrokerbill.com
Dan Phillips
Dan.phillips@scjalliance.com
Bill Dunning
bill.dunning@scjalliance.com

Julie Worthen
jworthen@buchalter.com

Sparks Park LLC
nathan@inlandcell.com

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

Subject: Ad: 363489 / Re: VA-23-00003 Sparks Park (Publishing) - Re-Notice of Application

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Happy Friday, Jeremiah,

I hope you had a nice week!

Please see attached for your legal proof scheduled to run on April 27.

Please let me know if you approve or would like any changes made.

Thanks so much and have a nice weekend!

Megan Breckenridge

Advertising Assistant

Ellensburg Daily Record

Office: (509) 925-1414, ext. 570253

Direct Dial: (509) 204-8250

mbreckenridge@kvnews.com / legals@kvnews.com

[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

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

Sent: Friday, April 21, 2023 2:57 PM

To: Megan Breckenridge <mbreckenridge@kvnews.com>; KVNews Legals <legals@kvnews.com>;

'Jana Stoner (NKC Tribune)' <jana@nkctribune.com>; 'terry@nkctribune.com'

<terry@nkctribune.com>; 'NKC Tribune Advertising Department' <ads@nkctribune.com>

Subject: VA-23-00003 Sparks Park (Publishing) - Re-Notice of Application

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Hello,

Please publish the attached legal in your papers as follows:

Daily Record: April 27, 2023

NKCT: April 27, 2023

Please send a proof for review. Let me know if there are any questions. Thank you.

RE-NOTICE OF APPLICATION
Sparks Park Variance (VA-23-00003)

Notice of Application: April 27, 2023

Application Received: February 2, 2023, April 17, 2023 (SEPA Checklist)

Application Complete: February 17, 2023, April 21, 2023 (SEPA)

Project Name: (VA 23 00003) Sparks Park Variance

Applicant: Angadjot Sandhu (Authorized Agent)

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

Reason for Re-Notice: 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) threshold decision. During the previous comment period, it was discovered that this previous SEPA had been vacated by Kittitas County Superior Court Order #20-2-00101-19 which requires a new SEPA threshold decision from Kittitas County. Kittitas County has received a new SEPA checklist (SE-23-00010) and fees paid for this checklist as of April 17, 2023. Kittitas County deemed this SEPA checklist complete on April 21, 2023.

Proposal: Angadjot Sandhu, authorized agent, submitted a Variance application on February 2, 2023 pursuant to Kittitas County Code (KCC) 17.84 on 16.51 acres of land zoned LAMIRD Type 3 General Commercial in a LAMIRD Land Use currently owned by Sparks Park LLC. The variance request is 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Materials Available for Review: The submitted application and related filed documents may be examined on CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>, and by navigating to "Setback Variance" & "VA-23-00003 Sparks Park". They can also be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby Street, Suite 2, Ellensburg, Washington, 98926 during regular business hours. Phone: 509-962-7506

Written Comments on this proposal can be submitted to CDS any time prior to **5:00 p.m. on May 12, 2023**. Any person has the right to comment on the application and request a copy of the decision once made. All comments from the previous comment period for the variance that ran from February 23, 2023 to March 13, 2023 will still be considered in the decision-making process. These comments do not need to be re-submitted.

Environmental Review (SEPA): The county expects to issue a Mitigated Determination of Non-Significance (MDNS) for this proposal and will use the optional DNS process in WAC 197-11-355, meaning this may be the only opportunity to comment on the environmental impacts of the proposal. Mitigation conditions being considered are requiring grading/stormwater permits, adequate ingress and egress, Large-On-Site Sewage System (LOSS), adequate water from water district #3 (Easton), signage & aviation height restrictions, fire access, cultural resources studies, landscaping, underground tank permits, and dust control among others.

Public Hearing: Under Title 15A.03.080 and 17.84.010, Zoning Variances and SEPA Threshold decisions are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. A Notice of Decision will be published once a decision is made. Appeals to an administrative land use decision must be filed within 10 working days with Community Development Services as outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1670.

Required Permits: Variance, SEPA, (Future Grading/ Building/Health/Other State Required Permits if variance is approved)

Required Studies: Traffic Impact Analysis (TIA)

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner: 509-962-7046, e-mail at jeremiah.cromie@co.kittitas.wa.us

PUBLISH: NKCT: April 27, 2023

PUBLISH: Daily Record: April 27, 2023 / LEGAL #: 363489

From: [Megan Breckenridge](#)
To: [Jeremiah Cromie](#)
Subject: Re: 363489 / Re: VA-23-00003 Sparks Park (Publishing) - Re-Notice of Application
Date: Friday, April 21, 2023 3:39:37 PM

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Thank you for your final approval, Jeremiah!

Megan Breckenridge

Advertising Assistant
Ellensburg Daily Record
Office: (509) 925-1414, ext. 570253
Direct Dial: (509) 204-8250
mbreckenridge@kvnews.com / legals@kvnews.com
[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Friday, April 21, 2023 3:31 PM
To: Megan Breckenridge <mbreckenridge@kvnews.com>
Subject: RE: 363489 / Re: VA-23-00003 Sparks Park (Publishing) - Re-Notice of Application

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Megan,

This looks fine and I give approval. Thanks.

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: Megan Breckenridge <mbreckenridge@kvnews.com>
Sent: Friday, April 21, 2023 3:23 PM

From: [Jana Stoner \(NKC Tribune\)](#)
To: [Jeremiah Cromie](#)
Cc: [NKC Tribune Advertising Department](#)
Subject: Re: VA-23-00003 Sparks Park (Publishing) - Re-Notice of Application
Date: Friday, April 21, 2023 6:19:49 PM

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CONFIRMATION OF RECEIPT.

We'll get this published!

Jana E. Stoner - Publisher / CEO
jana@nkctribune.com

(509) 674-2511 ext. 7206
P.O. Box 308 | 807 W. Davis St., suite 101A
Cle Elum, WA 98922

– Northern Kittitas County Tribune
– U.K.C. Builders' Planning Guide
– EXPLORE! Central Cascades Visitor Guide

www.NKCTribune.com

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Date: Friday, April 21, 2023 at 2:58 PM
To: 'Megan Breckenridge' <mbreckenridge@kvnews.com>, "'legals@kvnews.com'" <legals@kvnews.com>, "Jana Stoner (NKC Tribune)" <jana@nkctribune.com>, "Terry Hamberg (NKC Tribune)" <terry@nkctribune.com>, NKC Tribune Advertising Department <ads@nkctribune.com>
Subject: VA-23-00003 Sparks Park (Publishing) - Re-Notice of Application

Hello,

Please publish the attached legal in your papers as follows:

Daily Record: April 27, 2023

NKCT: April 27, 2023

Please send a proof for review. Let me know if there are any questions. Thank you.

Jeremiah Cromie
Planner II

From: [Jeremiah Cromie](#)
To: [Joe Dietzel](#); [Kim Dawson](#); ["long@kittcom.org"](#); ["storch@kittcom.org"](#); [Julie Kjorsvik](#); [Toni Berkshire](#); [PublicHealth Inspectors](#); [Lisa Lawrence](#); [Patti Stacey](#); [Kelee Hodges](#); [Candie Leader](#); [Tate Mahre](#); [David Ohl](#); [Codi Fortier](#); ["enviroreview@yakama.com"](#); ["corrine_camuso@yakama.com"](#); ["jessica_lally@yakama.com"](#); ["noah_oliver@yakama.com"](#); ["casey_barney@yakama.com"](#); ["kozi@yakamafish-nsn.gov"](#); ["matj@yakamafish-nsn.gov"](#); ["barh@yakamafish-nsn.gov"](#); ["tebu461@ecv.wa.gov"](#); ["lowh461@ECY.WA.GOV"](#); ["FormerOrchards@ecv.wa.gov"](#); ["wendy.neet@ecv.wa.gov"](#); ["crosepa@ecv.wa.gov"](#); ["rand461@ECY.WA.GOV"](#); ["hector.casique@ecv.wa.gov"](#); ["crosepacoordinator@ecv.wa.gov"](#); ["christopher.kossik@ecv.wa.gov"](#); ["Scott.Downes@dfw.wa.gov"](#); ["Jennifer.Nelson@dfw.wa.gov"](#); ["Elizabeth.Torrey@dfw.wa.gov"](#); ["sepa@dahp.wa.gov"](#); ["Sydney.hanson@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@snoqualmtribe.us"](#); ["dahp@snoqualmtribe.us"](#); ["adam@snoqualmtribe.us"](#); ["guy.moura@colvilletribes.com"](#); ["sam.rushing@colvilletribes.com"](#); ["connor.armi.hsy@colvilletribes.com"](#); ["matt.boast@kittitaspud.com"](#); ["rightofway@pse.com"](#); ["Joseph.Pignatelli@pse.com"](#); ["Dtsmith@BPA.gov"](#); ["kimberly.lamed@usda.gov"](#); ["Jacob.Prilucik@wsdot.wa.gov"](#); ["SCPlanning@wsdot.wa.gov"](#); ["AviationLandUse@wsdot.wa.gov"](#); ["KaiserM@wsdot.wa.gov"](#); ["krahenm@wsdot.wa.gov"](#); ["isond@wsdot.wa.gov"](#); ["ken.graham@parks.wa.gov"](#); ["kombola@easton.wednet.edu"](#); ["jensens@easton.wednet.edu"](#); ["millerj@easton.wednet.edu"](#); ["superintendent@easton.wednet.edu"](#); ["kcf3102@yahoo.com"](#); ["asstchief.eastonfd3@gmail.com"](#); ["Ilon.Logan@faa.gov"](#); ["Mikejones777@gmail.com"](#); ["Moultonjason70@hotmail.com"](#); ["jensenjohnr@yahoo.com"](#); ["ltingig@comcast.net"](#); ["irtinwa@comcast.net"](#); ["hollie@ymail.com"](#); ["camody@mftlaw.com"](#); ["Girard@mftlaw.com"](#); ["eastonwaterdistrict@hotmail.com"](#); ["gerbado31@gmail.com"](#); ["Bdavid9040@aol.com"](#); ["schauerm50@gmail.com"](#); ["terriacampbell@gmail.com"](#); ["KraigMcLeod@msn.com"](#); ["annmariemcleod@msn.com"](#); ["campbellgang@gmail.com"](#); ["Patti.rayfield@icloud.com"](#); ["Tom_rayfield@comcast.net"](#); ["Nksmith777@gmail.com"](#); ["m.tignor@comcast.net"](#); ["everett@netos.com"](#); ["jeannebts19@gmail.com"](#); ["karirenet@gmail.com"](#); ["Catrider58@gmail.com"](#); ["wayne@ctstan.com"](#); ["Ciskier88@gmail.com"](#); ["matthewkylejohnson@gmail.com"](#); ["tmitchell@buchalter.com"](#); ["jworthen@buchalter.com"](#); ["Kerimonroe@comcast.net"](#); ["Sanbros.fams@gmail.com"](#); ["omakinn@gmail.com"](#); ["bill@yourbrokerbill.com"](#); ["Dan.phillips@scialliance.com"](#); ["bill.dunning@scialliance.com"](#); ["nathan@inlandcell.com"](#)
Cc: [Dan Carlson](#); [Chace Pedersen](#); [Jamey Avling](#); [Kelly Bacon \(CD\)](#)
Subject: VA-23-00003 Sparks Park - Re-notice of Application due to SEPA requirement
Date: Thursday, April 27, 2023 9:10:15 AM
Attachments: [VA-23-00003 Sparks Park Re-Notice of Application April 2023.pdf](#)
[SE-23-00010 Easton Travel Center SEPA Checklist.pdf](#)
[VA-23-00003 Sparks Park Site Plan.pdf](#)

Good morning,

Reason for Re-Notice: 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) threshold decision. During the previous comment period, it was discovered that this previous SEPA had been vacated by Kittitas County Superior Court Order #20-2-00101-19 which requires a new SEPA threshold decision from Kittitas County for this project. Kittitas County has received a new SEPA checklist (SE-23-00010) and fees paid for this checklist as of April 17, 2023. Kittitas County deemed this SEPA checklist complete on April 21, 2023.

CDS is requesting comments on the following Variance and associated SEPA application (SE-23-00010): VA-23-00003 Sparks Park. The 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. Kittitas County anticipates issuing a Mitigated Determination of Non-Significance (MDNS) for this project application and is using the optional SEPA process found in WAC 197-11-355. This may be the only opportunity to comment on the ecological impacts of this project.

Links to the file materials (including SEPA checklist) can be found below. The comment period will end on **Friday May 12, 2023 at 5p PM (PDT)**. **CDS will assume you do not wish to provide comment**

if not received by this date. All comments from the previous comment period for the variance that ran from February 23, 2023 to March 13, 2023 will still be considered in the decision-making process. These comments do not need to be re-submitted.

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 then the Project File Number “VA-23-00003 Sparks Park”

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: [Barb Davidson](#)
To: [CDS User](#); [Jeremiah Cromie](#)
Subject: Sparks Park Variance parcel #778834
Date: Tuesday, May 2, 2023 11:08:43 AM

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I would like to register my opposition to this variance.

Chapter 17.84 VARIANCES*

Sections

[17.84.010](#) Granted when.

* Prior history: Ord. 2.

17.84.010 Granted when.

Pursuant to Title 15A of this code, Project permit application process, the administrator, upon receiving a properly filed application or petition, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. **A variance shall be made only when all of the following conditions and facts exist:**

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; **THERE IS NOTHING UNUSUAL ABOUT THIS PROPERTY THAT DOES NOT PERTAIN TO ALL PROPERTIES IN THIS AREA**
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; **THIS PROPERTY COULD BE A CAMPGROUND OR A GAS STATION (ALTHOUGH THERE IS A GAS STATION, CONVENIENCE STORE AND CAMPGROUND WITHIN A BLOCK OR TWO) WITHOUT CREATING A HUGE TRAFFIC PROBLEM. THIS MAY AACTUALLY CREATE COMPETITION. THE CURRENT PROPOSAL ADDS NO VALUE TO THE SURROUNDING PROPERTIES.**
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; **I WOULD LIKE TO APPLY FOR A VARIANCE TO COVER 74% OF MY 3 ACRE PARCEL ON Country Dr TO OPEN A SAFE NEEDLE EXCHANGE AND DISPENSARY. BASICALLY A "TRUCK STOP" WITHOUT GAS PUMPS. MAYBE A BUNCH OF TINY HOMES SO THEY WILL HAVE PRIVACY!! I'M SURE THAT WOULDN'T NEGATIVELY AFFECT MY NEIGHBORS!**

4. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. "Substantial construction" shall be defined as the completion and approval of one or more building inspections in accordance with the International Residential Code Section R109 and the International Building Code Section 110. The Director is authorized to grant up to three (3) extensions, not to exceed 365 days per extension. Extensions shall be requested in writing prior to permit expiration and shall demonstrate for why substantial construction could not take place; **IF THIS VARIANCE REQUEST IS COMPATIBLE WITH THE COMPREHENSIVE PLAN I WAS UNABLE TO FIND IT**

5. Pursuant to Title 15A of this code, the Hearing Examiner, upon receiving a properly filed appeal to an administrative determination for approval or denial of a variance, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the conditions and facts identified within subsections A through D of this section are found by the Hearing Examiner to exist. ([Ord. 2022-017](#), 2022; [Ord. 2012-009](#), 2012; Ord. 96-19 (part), 1996; Res. 83-10, 1983) **PLEASE EXPLAIN HOW THIS COULD BE IN THE BEST INTEREST OF THE PUBLIC. THERE WAS RECENTLY AN ACCIDENT ON EAST BOUND I90 THAT CLOSED I90 FOR SEVERAL HOURS. I WAS TRAVELING WEST BOUND I90 AND COUNTED OVER 250 SEMI'S PULLED OVER ON THE SHOULDER. THIS WAS IN JUST A COUPLE HOURS IN THE MIDDLE OF THE DAY. WHERE WILL THEY ALL GO WHEN THEY ARE DIRECTED OFF I90 AT EXIT 70 AFTER THIS IS BUILT.**

Thank you

**Dennis and Barbara Davidson
1441 Country Dr
Easton WA 98925**

From: [jason moulton](#)
To: [Jeremiah Cromie](#); [jason moulton](#)
Subject: Re: VA-23-00003 Sparks Park - Re-notice of Application due to SEPA requirement
Date: Tuesday, May 2, 2023 12:35:41 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.

CDS is requesting comments on the following Variance and associated SEPA application (SE-23-00010): VA-23-00003 Sparks Park.

Jeremiah, My name is Jason Bart Moulton. I own the Moulton Lodge at 3251 East Sparks along with my Wife Barbara C Moulton. I commented previously on this Variance but wanted to stress one more item alluded to in my earlier comment. This has to do with Emergency Services. I did not see any comment from the Easton Fire Department regarding this matter. As I mentioned previously, during heavy snow the over pass on 1-90 is often open for only one lane of traffic as the snow has to be retained on the overpass and cannot be pushed over and onto the lanes under neath the over pass. In the winter of 2021 we had a lot of snow over a very short period. A semi truck exited from the East bound lanes at exit 70 and became stuck on the overpass, blocking the only way to go from the east to the west side of the freeway. Had we had an emergency no emergency vehicles could have made it to the Easton Village and all the other residences and business located on the East side of the freeway. One additonal factor is that because the volunteer nature of emergency services in Easton, many of the volunteers for the Easton Fire Department including the Chief, could not get to the rigs located in Easton when the overpass is blocked. This is not an infrequent situation and will only be made more difficult with the addition of the truck stop. Some planning needs to occur to either add emergency equipment to the east side of the freeway and or make other plans to provide emergency services when the overpass is blocked. Please ask Easton Fire to specifically address emergency response to both the proposed truck stop and to be specific as to how to provide emergency services when the overpass is blocked or unpassable. Thank you.

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

Sent: Thursday, April 27, 2023 9:10 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>; Tate Mahre <tate.mahre@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'

From: [Lets Go Outside](#)
To: [Jeremiah Cromie](#)
Subject: I am AGAINST Easton Truck Stop
Date: Thursday, May 4, 2023 10:52:12 PM

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To Whom it may concern,

I, Stefani Porter, Easton resident, am very against the Easton Truck Stop Proposal. A truck stop will only bring traffic, danger, noise, lights, harm our wildlife, harm our lifestyle, and give nothing back to the local community.

Before I get into my big "why not's" I want to be clear that there is simply no need for a truck stop in Easton. The stops in North Bend and Ellensburg are only 75 miles (70 minutes) apart.

More importantly, the negative impacts of such a development in our town would be **DETRIMENTAL** to our local ecosystems, our quality of life, our safety, and infrastructure.

ENVIRONMENT- I can't stress this enough... **STOP MOWING DOWN OUR FORESTS!!!!** Do we really need to replace our abundant, life giving, green land with pavement? When will we change "The Evergreen State" nickname to "The Pavement State"?

This goes further than just the trees. This will hurt the waterways, the wildlife, the fish. Are we too naive to learn from the past? Are we just going to keep pushing the development train without considering the consequences? This isn't a debate on carbon footprints and climate change. This is a demand to **STOP MOWING DOWN OUR CHILDRENS' LAND.**

SAFETY- Easton does not have the police force to cover this increase in traffic. Easton doesn't even **HAVE** a police force.

QUALITY OF LIFE - Easton is a beautiful, small town full of people who enjoy being away from it all. We pride ourselves on the beauty, the solitude, and the simplicity of our town. We are proud to share the road with the elk, the horses, and the snowmobiles. We are proud to live in one of the last places with little to no traffic, and only a handful of stops signs throughout all of town. Easton is one of only a few places like this left in this state, and we intend to keep it that way.

INFRASTRUCTURE AND EMPLOYMENT - Take a look around town. We don't have enough employees to keep our local mom and pop businesses open, let alone some corporate conglomerate that provides little to no benefits for the locals.

And who will remove all that snow all winter?! Surely a truck stop in Easton would be forced to be closed half of the year due to snow removal issues.

This is no place for a truck stop.

Sincerely,
Stefani Porter
Easton Resident, Parent and Business Owner since 2009

From: [Justin Packard](#)
To: [Jeremiah Cromie](#)
Subject: Sparks road truck stop
Date: Friday, May 5, 2023 1:09:52 PM

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To whom it may concern, my name is Justin Packard and I would like to express my concern and disappointment for plans to build a new truck stop at exit 70. I bought my little piece of heaven of Smith Dr a few years ago to build my dream home that I've been saving over a decade for. I bought property here for the quietness and lack of light pollution. The construction of a super truck stop makes me sick as I'm about to start construction this month and believe this is going to ruin my investment, the surrounding area, create noise light and traffic. The whole reason I chose to build here. Please stop the construction of this truck stop.

Justin

Sent from my iPhone

From: [Shawn Hebert](#)
To: [Jeremiah Cromie](#)
Subject: VA-23-00003 Sparks Park Variance
Date: Monday, May 8, 2023 11:46:51 PM

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May 8, 2023

VIA EMAIL:(jeremiah.cromie@co.kittitas.wa.us)

TO: Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner: 509-962-7046 Kittitas County, Washington

RE: Sparks Park Variance (VA-23-00003)

Notice of Application: April 27, 2023 Application Received: February 2, 2023, April 17, 2023 (SEPA Checklist) Application Complete: February 17, 2023, April 21, 2023 (SEPA)

Project Name: (VA-23-00003) Sparks Park Variance **Applicant:** Angadjot Sandhu (Authorized Agent)

FM: Shawn T. Hebert
Easton, Washington 98925

Dear Jeremiah Cromie,

My name is Shawn Hebert, I live in Easton, Washington 98925. I am writing you in **opposition** to RE-NOTICE OF APPLICATION Sparks Park Variance (VA-23-00003). This application should be denied for reasons which include: (1) a lack of MDNS for the Parcel (#778834), (2) lack of adherence to permitting, (3) Applicant has not satisfied all the criteria for Zoning Variance, (4) incomplete/in-comprehensive SEPA information.

Similarly, the nature of this type and size of business, would negatively impact this small community, causing undue hardship to: the natural resources, endangered wildlife (wolf pack witnessed and tracked migrating in that specific location 2017;), local historical ties to native peoples, our low crime community, and destroy any chance to maintain cultural identity.

The concern to provide (20-50) local jobs is immaterial, also alleviating a burdened highway traffic condition can be accomplished by (professional drivers) trip planning with existing facilities located away from this area's mountainous and watershed-sensitive terrain.

O 2.39 Kittitas County will act to preserve the viability and integrity of existing business districts within the incorporated and unincorporated County.

O 8.110 Require that development or redevelopment harmonize with the rural character of the surrounding areas.

Concerns:

(1) Application is incomplete In that Parcel #778834 has either an invalid or non-existing Mitigated Determination of Nonsignificance (“MDNS”). On May 15, 2020 Kittitas County Superior Court entered a Stipulated Order (No. 20-2-00101-19):

- Vacated Hearing Examiners Decision on Applicants Motion to Dismiss
- Vacated Kittitas County’s Mitigated Determination of Nonsignificance dated January 13,2020
- (Loves Travel Stops) SEPA Application was withdrawn and shall not be further processed...

(2) the Applicant’s requested change in LAMIRD Type 3 is not simply a zoning variance nor a small variance change and it would set a precedence of disregard to the LAMIRD Type 3, Urban Growth Act, and Comprehensive Plan, which would change the Rural Character (rural residential and rural working) of surrounding Easton:

- Applicant is proposing to create 69% Impervious surfaces, this is more than the amount KCC 17.15.070 limits (limit is 33%).
 - Applicant is proposing uses of 672,047 square feet for other than manufacturing, outdoor recreation, and natural resources, this is more than the amount allowed by KCC 17.15.070 limits (limit is 30,000 sq. ft.)
 - Applicant is proposing to include 8,325 sq. ft. of retail services, this is more than the amount KCC 17.15.070.2(48) limits (limit is 4,000 sq. ft.)
- (3) **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)
- **17.84 VARIANCES*17.84.010 Granted when.**
- Variances shall be made when *only ALL conditions and facts exist: equates to denial of Variance when #2, and #3 below (and possibly others) cannot be met.

Pursuant to Title 15A of this code, Project permit application process, the administrator, upon receiving a properly filed application or petition, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when **all** of the following conditions and facts exist:

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. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. "Substantial construction" shall be defined as the completion and approval of one or more building inspections in accordance with the International Residential Code Section R109 and the International Building Code Section 110. The Director is authorized to grant up to three (3) extensions, not to exceed 365 days per extension. Extensions shall be requested in writing prior to permit expiration and shall demonstrate for why substantial construction could not take place;
 5. Pursuant to Title 15A of this code, the Hearing Examiner, upon receiving a properly filed appeal to an administrative determination for approval or denial of a variance, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the conditions and facts identified within subsections A through D of this section are found by the Hearing Examiner to exist. ([Ord. 2022-017](#), 2022; [Ord. 2012-009](#), 2012; Ord. 96-19 (part), 1996; Res. 83-10, 1983)

(4) The SEPA information provided is lacking and incomplete as follows:

- B. Environmental Elements:
 2. Air a.: *Does not address: Vapors from fueling or off-gas from tires; Does not include Exhaust from idling
 - b. *Does not address wood-smoke from local fireplace wood heating or wildfire smokes from inversion.
 3. Water a. Surface Water: Does not address Kachess River; Yakima River
 - b. Ground Water: 2. ... discharge into ground from septic tanks or other...: *Does not address size or number of systems or number of humans expected to serve; The disposal of discharge from oil-water separators not addressed; Does not address open well-head existing on property.
 - c. Water Runoff (including stormwater) 1-4. *Does not address source, volumes, method of collection, where this water will flow, if it will flow into other waters. The large volumes of snow accumulation combined with quick warming or rain can easily overwhelm retention systems and could (over)flow into Yakima River from Silver creek or Kachess River, or contaminate ground water.

2.6.4. Critical Aquifer Recharge Areas

Groundwater is a significant source of drinking water for County residents; and once potable groundwater becomes contaminated, it is difficult if not impossible to clean and resulting costs can be prohibitive.

GPO 2.98 Critical Aquifer Recharge Areas should be mapped as soon as practical so as to warn the public of possible development restrictions. We feel this is of the highest priority for the public health and safety.

GPO 2.99 The County shall limit development density In Critical Aquifer Recharge Areas to avoid impairing the functions of the Aquifer Recharge area.

GPO 2.100 Kittitas County shall give high priority to the protection of designated Critical Aquifer Recharge Areas that have been shown through technical study to have a Critical Recharging effect on potable water.

GPO 2.101 Kittitas County should provide technical design assistance for septic tank design permits when potable Aquifer Recharge risks are considered significant.

2.7. Ground Water

Kittitas County recognizes the importance of ground water to the economic well-being of the area .

This section shall not impair or interfere with any lawful right to withdraw and/or use groundwater. (See Section 2.2.3 Water Rights).

Kittitas County currently understands the importance of a ground water recharge study of the Yakima River Basin as a whole.

GPO 2.116A Kittitas County shall ensure that citizens' water rights are adequately addressed and protected to the fullest extent in any ground water study conducted by any governmental entity, including State and federal agencies.

GPO 2.116B The County shall support the development of a comprehensive review of the water resources in the County.

5. a: *Does not list animals, or address Northern rubber boa (*Charina bottae*), Skunk, chipmunk, ground squirrel, frogs, voles, nuthatch...

7. Environmental Health a.: *Does not address risks of spill, explosion, or accidents related to flammable/toxic substances or risks.

4.: *does not address special emergency services that might be required but will have Fuel, Diesel, Tires, and other potentially hazardous materials present in large volumes, around the general public.

b.: Noise 2-3.: *Does not address Noise issues that would effect historical nearby camping or livestock. No proposed measures to reduce or control noise impact to nearby campers or livestock.

8. Land and Shoreline Use a: *Does not completely identify adjacent properties; Does not address how the proposal would affect (negatively) nearby and adjacent properties with emissions (air, noise, light, other pollution), constant safety hazards (excessive traffic, crime, risk of environmental catastrophe, risk of fire), loss of quality of life for those living here, loss of property values...

b.: *Does not address current collapsed well house and well head on property which is exposed and will need DOE required remediation to prevent contamination to the local aquifer and well head protection zone.

11. Light and Glare b.: Does not address light pollution reducing the ability to witness the night sky and constellations which is a major attraction for outdoor campers, and (light pollution) has become a difficult obstacle to avoid, regardless of control measures.

12. Recreation a*b.: *Does not address recreation opportunities directly abutting property that has provided camping, and equestrian activity for many years; Does not address recreation activities such as fishing, hiking, snowshoeing, snowmobile, UTV, wildlife viewing, birdwatching.

14. Transportation c.: *Neglects the impact of hi-volume traffic in consideration of

the walking, bicycling, or recreational rural community; Disregards the large size and heavy truck traffic on an small rural road, and already over-burdened off-ramp/overpass.

D. Supplemental Sheet for Nonproject actions: Is not filled but has many good considerations for a project of this type.

In conclusion, this Application is incomplete, lacking an MDNS, insensitive to the harmony of the longstanding rural character of Easton, and should not be considered for approval. The lasting impacts of a project of this caliber are of great importance for future generations whom would have to deal with the precedence setting nature (if allowed to go forward) and tragic consequences for a short-term and short sighted fix of a growing problem. This is not a ideal location for a large operation, it would become an invitation for truckers to risk life and property in winters snow and ice, while putting people who live nearby at greater risk and deprivation of the mountain lifestyle they came for.

Thank you for your consideration.

Shawn T. Hebert

From: [david yager](#)
To: [Jeremiah Cromie](#)
Subject: loves truck stop VA-23-00003 Sparks Park Variance
Date: Tuesday, May 9, 2023 6:42:00 AM
Attachments: [truck stop.docx](#)

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VA-23-00003 Sparks Park Variance

I am writing to inform the city of my very strong opposition to the proposed zoning variance set out in application VA-23-00003

I moved to Easton 3 years ago to get closer to the mountains and to be able to do the things out doors that I love, Even though I commute over the pass everyday it's nice to come home to a quiet environment. I truck stop would negatively impact the reason a moved here.

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.

For all of these reasons, and others, I implore the County to **DENY** this proposed variance and retain the current approved land use for the property.

Respectfully,

David Yager

Cindy McLaughlin

PO Box 674 or 341 Country Dr
Easton WA 98925
509-656-4177
clcrider@msn.com

RECEIVED

By Jeremiah Cromie at 10:46 am, May 10, 2023

8/May/2023

Jeremiah Cromi

Staff Planner
Kittitas County WA

Re: VA-23-00003 Sparks Park Variance

I am writing to inform the city of our very strong opposition to the proposed zoning variance set out in application VA-23-00003. When we retired, we chose the Easton area for our forever home in 2013. The rural environment, the small quaint community, and the vast outdoor recreational opportunities is what drove us to this beautiful area. Approval of this project would destroy everything that is Easton and the upper county.

The Applicants Proposal:

“Angadjot Sandhu, authorized agent, submitted a Variance application on February 2, 2023 pursuant to Kittitas County Code (KCC) 17.84 on 16.51 acres of land zoned LAMIRD Type 3 General Commercial in a LAMIRD Land Use currently owned by Sparks Park LLC. The variance request is 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.”

A Truck Stop: The request for a truck stop is one word “dispatched” away from being considered a “Freighting and trucking yard or terminal” which is an industrial use and is not authorized in the LAMIRD Type 3.

Definition: [17.08.261C](#) “Freighting and trucking yard or terminal”

“Freighting and trucking yard or terminal” means an area in which trucks, tractor and/or trailer units, and semi trailers are parked for seventy two (72) hours or less, and dispatched. ([Ord. 2013-001](#), 2013)

Retail Sales: General retail sales is implied to accompany the truck stop since it was included in the Zoning Variance Application Narrative from the applicant. The applicant should not be allowed to exceed the allowed use. **Note 48:** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.

Definition: [17.08.469A](#) “Retail sales”

“Retail sales” means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

A Vehicle Repair Shop: Is not authorized unless; **Note 11:** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas). This does not authorize the use of gas/fuel service stations since they cannot be fully enclosed. A canopy over the pumps doesn’t constitute a wholly enclosed building.

Definition: [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)

Impervious Surfaces: The applicants plan is to surface all but 26% of the land. How can that possibly maintain a rural character? I have seen grocery stores with more rural character than this proposal.

Note: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.

There are approved uses of the LAMIRD Type 3 the county has adopted. Once again, the applicant is essentially trying to **rezone** the property through an unjustified variance application of these uses for their own benefit, not ours. It is an excessive ask that can't be undone. The applicant states in their proposal: "**All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.**" Have they read the allowable use table???

Additionally, after reviewing the SEPA checklist submitted by the applicant, it appears to be 90% incomplete. The questions were vaguely answered just enough to pass through the county.

Example: 8. Land and Shoreline Use.

Q: What is the current use of the site and adjacent properties? Will the proposal affect the current land uses on nearby or adjacent properties. If so, describe.

A: The site is currently vacant and undeveloped. The neighboring uses are vacant/undeveloped land to the north, residential to the east, and Interstate 90 is located to the southwest.

The applicant did not provide a complete or accurate answer to this question. The 121.58 acres to the north is WSU Trust land managed by DNR. The 22 acres to the East is recreational property with camping, RV, and lodge accommodations that were established in 1975 and have continued to provide such services since 1975. The property was purchased from the long-time owners and is currently undergoing an extensive remodel, renovation, and upgrade project to better serve their customers, some of whom have been utilizing the facility for many years. The property directly south is the entrance road to the Silver Ridge Ranch Lodge.

The Rural Character, viewable by air traffic and users of the Easton State Airport, will be completely destroyed. The applicant has made it clear they expect the proposed facility to attract traffic that may have used other current businesses on Sparks Road. That would certainly have a devastating effect on those businesses and the special rural quality of the Easton community as it has been designated by the GMA, the County's Comprehensive Plan, and the Land Use and Zoning regulations.

We both served in the US Air Force for a combined 50+ years, serving in wars, campaigns and overall defense of our nation. We provided that defense through discipline and enforcement of the rules, guidelines, and standards. As representatives and enforcers of the county codes and ordinances, we, the citizens of Kittitas County, expect the same discipline from you. This applicant is attempting to **rezone** the property to suit their desires and appears to not care about the LAMIRD Type 3 allowed uses, Comprehensive Plan or Growth Management Act. Your job is enforcement of those codes. Enforce them!!!

Respectfully,

From: [Shawn Hebert](#)
To: [Jeremiah Cromie](#)
Subject: RE: VA-23-000023 Sparks Park Variance
Date: Wednesday, May 10, 2023 10:33:39 AM

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TO: Jeremiah Cromie
Staff Planner
Kittitas County, Washington

From: Patsy J. Hebert
241 Rally Way
Easton, Washington 98925

RE: VA-23-00003 Sparks Variance

I am writing to express my strong opposition to the proposed zoning variance set out in application VA-23-00003, Sparks Park Variance. I am very against this application, and the following are my major concerns:

(1)Flood Zone: Lake Keechelus, Lake Kachess, Lake Easton all are part of the Yakima River watershed, and emergency evacuation route signage is provided - this reinforces the understanding that the project is within a flood zone. This seems to be unaddressed in the application.

(2)The removal of all trees in the project area which lays within a watershed that supplies drinking and irrigation water, is insensitive to that fact that fresh water begins in healthy forests. To allow septic tanks, storm and surface water (laden with fuel, oil, antifreeze, de-icing materials) to be discharged into ground water under the truck site, it follows that this also would go into Kachess river and lake Easton -1/4 mile from the proposed site.

There are no sufficient prescribed remedies to this concern in the application.

(3) Air Pollution: Idling Trucks. Easton is in a zone that is routinely inundated with smoke and pollution from fires and exhaust. Idling truck (exhaust) in winter can be smelled less than 2/10 mile from freeway source and increasing sources and/or adding that to summer smoke from wildfires with inversion is not an appetizing proposal.

The Applicant does not address or recognize this issue, nor provide remedy or concern for those camping in tents on property that abuts the proposed site (which would destroy an existing business).

(4) Snow: Easton is known to be extremely covered in snow, in Fall, Winter, and early Spring. There are many car and Truck spinouts and crashes, with associated hours of delays relating to cleanup and/or investigations. There is not a police force in Easton - so no one can field emergency calls especially when I-90 (only egress/ingress) or related rural roads is/are shutdown in both directions. County and State Patrol will not stop in those severe weather events and use their lights to get through and out of the area, and locals cannot reach the off ramps (exits 70 or 71) to get home. Adding a truck stop and you have a total disaster situation.

There is NO snow removal plan included or identification of snow storage location identified. The application seems to ignore the heavy snow loads and adverse weather effects on the location, and does not provide sufficient remediation.

In closing, accepting this application and variance would negatively change the existing rural character of Easton and provide an avenue or precedence for other developments to do the same. It places (all of our) valuable resources at risk, would destroy local (and longstanding) businesses, and increase crime and illegal activity (associated with type of use proposed).

Please do not allow such a change to occur in the presently accepted zone LAMIRD 3.

Sincerely,

Patsy J. Hebert

From: [Patti Hebert](#)
To: [Jeremiah Cromie](#)
Subject: RE: VA-23-00003 Sparks Variance
Date: Wednesday, May 10, 2023 10:58:00 AM

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TO: Jeremiah Cromie
Staff Planner
Kittitas County, Washington

From: Patsy J. Hebert
241 Rally Way
Easton, Washington 98925

RE: VA-23-00003 Sparks Variance

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follows that this also would go into Kachess river and lake Easton -1/4 mile from the proposed site.

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our) valuable resources at risk, would destroy local (and longstanding) businesses, and increase crime and illegal activity (associated with type of use proposed).

Please do not allow such a change to occur in the presently accepted zone LAMIRD 3.

Sincerely,

Patsy J. Hebert



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

May 10, 2023

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926

RECEIVED

By Jeremiah Cromie at 10:48 am, May 10, 2023

RE: WDFW Comments on VA-23-00003 Sparks Park

Dear Mr. Cromie,

Thank you for the opportunity to comment on the Variance Application for Sparks Park (VA-23-00003). Washington Department of Fish and Wildlife (WDFW) has reviewed the application and supporting documents. WDFW did comment as well on the original application and our comments are similar here. We would like to highlight a few issues relating to the project's potential impact on fish and wildlife habitat.

1. The project area is located with an Elk Winter Concentration Area. With the substantial amount of proposed clearing, WDFW offers up a few suggestions to minimize the habitat impact and offset the impacts.
 - a. WDFW requests that the clearing limits be restricted to only the absolute minimum needed to build the proposed truck stop
 - b. Revegetation for temporary impacted areas, be revegetated with 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.
 - c. To offset habitat impacts, WDFW would like the applicant to consider donating some of the cleared trees to nearby habitat projects. WDFW can assist in coordinating those discussions.
2. With the amount of vegetation removal and increased impervious surface in a high snowfall area, a detailed drainage plan needs to be conducted to show that drainage from the site can be properly dealt with and not contribute to the degradation of nearby fish-bearing waters such as Lake Easton and Silver Creek. WDFW requests the ability to review and comment on the drainage plan once it is complete.

Please contact me at (509) 607-3578 or Scott.Downes@dfw.wa.gov, if you have any questions or concerns regarding these comments and thank you again for the opportunity to review and comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Scott Downes".

Scott Downes
Area Habitat Biologist

Cc:
Elizabeth Torrey, WDFW

Marge Brandsrud
PO Box 639
Easton WA, 98925
dmbrandsrud@comcast.net

To: Jeremiah Cromie
Kittitas County Community
Development Services
411 N Ruby St., Suite 2
Ellensburg, WA 98926
jeremiah.cromie@co.kittitas.wa.us

The following comments apply to the **VA 23 00003** Zoning Variance Application Submitted by:
Land Owner Sparks Park LLC C/O Lisa Weis
Agent AJ Sandhu
Tax Parcel number: 778834

The requested variance appears to actually be a request for Land Use Change and RE-Zone, as a "Truck Stop" this allowed use, is only available in the Urban Land Use designations.

The applicant has not requested a variance to build a "Service Station" which would include the sale of gasoline and diesel. The requested variance will not allow such activities which are not an allowed use in the General Commercial designation of the Type III LAMRID.

The Zoning Variance Application Narrative document does not identify the applicant or the specific Parcel requesting the Variance.

Submitted Zoning Variance Application VA 23 00003

Page 1

Required Attachments

The attached Preliminary Site Plan does not clearly identify Septic tank, drain field and replacement area. The document is almost impossible to read due to the poor quality. It is difficult to tell if the additional items required by the Site Plan submittal are included in the submitted document. Without clarity it is difficult if not impossible to make constructive comments on the site plan for this document.

Page 3 Question 10

Response to applicant section "A"

The Comprehensive Plan states clearly the path to GMA Compliance. "RR G32 Rural Employment Center – Intensification of development on lots containing isolated nonresidential uses or new development of isolated small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents." The Allowed uses in Kittitas County Code Title 17.5 implement the goals set out in the Comprehensive Plan. Clearly the approval of this Variance request would **not** result in an isolated small-scale business.

The current owner of this parcel had an opportunity during the Growth Management Hearings Board Compliance process to offer input as to the designation of this parcel as a part of a Type 3 LAMRID. My recollection is that they gave positive input regarding the parcel's inclusion in this LAMRID. One would have to check the official record to confirm that statement. That entire process which was designed to bring the County into compliance with the Growth Management act regarding the protection of "Rural Character" was done at with great effort and considerable cost to Kittitas County. The request for a "Variance" that would more than double the allowed impervious soil coverage and retail area is **excessive** and certainly does not maintain the "Rural Character" as intended by the allowed uses put in place to preserve that aspect of the Compliance process. You can't hide a 16.5-acre development with a few trees which will likely obstruct the visibility for traffic entering and leaving the development. Then there is the view from aircraft using the nearby airport. This proposal would look like a very out of place urban type development.

The unusual circumstances or conditions cited in the applicant's narrative there is discussion regarding the difficulty of access. They express access concerns that are unique to the immediate location. Ingress and Egress for vehicles visiting a "Truck Stop" is extremely important to public safety and the flow of traffic on the frontage road as well as the very nearby I-90 on and off ramps. This circumstance will easily cause substantial blocking events during snow events. The location of the proposed truck stop will also serve to attract many additional vehicles during snow and other events that cause an interruption to travel on I-90. The public will become quickly aware of the facility. The infrastructure in Easton cannot accommodate the additional vehicular traffic generated during such

events. This truck stop would quickly become an attractive nuisance. It should be clear that humans cannot rid themselves of the notion is always best to be first in line.

No emergency evacuation route available in the event of a large fire near Easton or chemical spill at the facility. All local residents would be required to move toward the facility to evacuate their homes. In the event of Fire, including wildfire, Chemical spill, Explosion, flooding or other event requiring emergency evacuations from East and West Sparks Road, would be dangerously impaired due to addition of large numbers of freight trucks and autos at the proposed development. There are no alternate routes from this area and all resident ingress and egress routes are at the I 90 at the Exit 70 interchange ramps. As has been testified in the past – Easton Fire Department is on the South side of I 90, there are Fire fighters on the North and South side of I 90, the point being how do you get the personal to the equipment and how do they efficiently access and call on the North side of I 90. This can be a very dangerous for local residents. The need to upgrade or add facilities would be looked at as extending urban facilities to rural areas to accommodate new growth.

Again, I must remind the reviewer of this request that, the property owner had ample opportunity during the Comprehensive Plan Compliance process to comment on the proposed Type 3 LAMRID. The size of the parcel has not changed during the intervening time. It was substantially larger than other parcels then as it is now. There are allow uses as stated in Title 17.15.070 that are more suitable to a 16.5-acre parcel. The property owner can still enjoy several other uses which are actually more compatible with neighboring properties while maintaining the rural character of the area.

The applicant also indicates that along with the difficult access there is highly restricted visibility due to the lower site topography. The topography should be of concern regarding run off especially volumes from snow melt. Also of concern is the fact that the designated truck parking is al the lower portion of the parcel which will likely cause a considerable challenge to trucks using that area during snow events causing a possible traffic flow problem at ingress and egress points.

The proposed vegetation to shield the view of the truck stop would have consist of some very tall trees if traffic on the frontage road and I-90 are not able to see the activity or lighting from the proposed truck stop. The proposed vegetation must also be placed and spaced to accommodate Firewise landscape. In a rural forested area such as Easton Wildfire is a very real concern. Having a

large quantity of flammable material is of special concern. Weather ignition were to take place on or off site there would be irreparable harm. Again, a reminder that there is only one way in and out of Easton and this project is in a location when operational could cause substantial problems with evacuations as well as possibly impeding access to the Airport for firefighting equipment and personal.

References to the Land use and Comprehensive Plan seem to demonstrate a lack of respect and understanding of the purpose of such documents or perhaps they are simply taking things out of context which can lead to unintended consequences.

Response to applicant section "B"

The applicant's request for variance says "is necessary for the preservation and enjoyment of a substantial property right of the possessed by the owners of other properties in the same vicinity."

Other property owners in the same Type 3 LAMRID enjoy and are governed by the same property rights and zoning regulations as the applicant. The approval of this variance however will gravely impact at least one neighboring property owners. Specifically Silver Ridge Ranch is within feet of the proposed truck stop. The Campground at Silver Ridge Ranch is directly behind the proposed truck stop. Trucks traffic, service and repair operations, noise levels and emissions would be greatly detrimental to the Silver Ridge Ranch property operations. Silver Ridge Ranch has operated on that parcel for decades. Silver Ridge Ranch provides recreation in a rural setting. Building a truck stop for their customers to look at smell and hear would be unduly burdensome to those property owners.

I do not believe the applicant has presented documentation that would justify the requested variance. The request is **excessive**. Requesting more than 100% increase in impervious surface area and Retail space is not in keeping with the preservation of rural character mandated by the County's Comprehensive Plan.

A variance to develop a "truck stop" in a rural area is not beneficial. This is a parcel which has the ability to be developed in a manner more beneficial to the area and allowed by Zoning regulations. Allowed Uses include, Animal boarding, Agriculture sales, Farm stand, Grazing, Nurseries, Cemetery, Auction sales of non-agriculture products, Restaurant, Retail sales, general, Retail sales,* lumber and

building materials, Services, Vehicle/equipment service and repair, Manufacturing, Parks and playgrounds, Recreation, indoor, Mini-warehouse, Adult family home, among many others. All uses permitted out right or by conditional use are required to abide by, "**17.15.070 Allowed Uses in Rural LAMIRD Lands**. Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot." There are also many other restrictions on uses noted in the foot notes for each use. These restrictions were put in place to implement protections for Rural Character as required for compliance with Washington State's Growth Management Act. Kittitas County's Comprehensive Plan and associated Zoning regulation have been declared in compliance by the Growth Management Hearings Board and allowing the excessive request in this variance will put the County at risk for non-Compliance again.

Even in the Urban use Table there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.1 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P 18 Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop only appears in Urban Zones and is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

There are other parcels in Kittitas County which are much more suited for and zoned for this type of project. The parking needs related to I-90 traffic are admittedly a big issue for Easton. WSDOT this winter has closed I-90 access at Ellensburg and Cle Elum as well as Exit 70 Which has to some extent mitigated the issue. WSDOT is continuing to improve I-90 allowing for more efficient and effective snow management. I believe the work on going and in the pipeline will alleviate much or the parking problem on Easton streets as that work progresses.

The impervious service coverage, although has a relationship to Rural Character but, is in place to preserve water quality, reduce undesirable runoff and maintain habitat. There is no infrastructure for treatment of run off in place in Easton. Run off from any surface which is used continuously by heavy vehicular traffic, and is subject to petroleum product spills, small or large, emissions and substantial snow fall with melt water runoff is not healthy for the environment.

Response to applicant section "C"

The Comprehensive Plan and Zoning Codes provide areas in the County that will best serve public well-being. Those regulations also dictate where Truck Stop facilities are best suited. I think the "well-being" of the traveling public is best decided on a larger scale. The applicant appears to believe that "well-being" should be to providing fuel sales, general retail sales, a vehicle/truck stop service and repair shop and a restaurant on a large scale. Those are not amenities associated with rural character and are rightfully not allowed to occur in this Type 3 LAMRID.

The view stated under the heading, "Property in the Vicinity", that higher volumes of traffic will serve to protect Rural Character completely escapes my understanding.

As I have already commented it will likely be impossible to retain rural character if this variance request is approved. You can't hide a facility of this size. The environmental hazards, noise, air quality, runoff and reduction in impervious soils are not appropriate for

Response to applicant section "D"

Granting this Variance Request will absolutely effect the realization to the comprehensive development plan. Developing General Commercial on the scale proposed will **not** promote preserve or enhance the rural character of the LAMRID. Services proposed will provide services that are in extreme excess of what is consistent with the Comprehensive Plan. The proposed project is designed in a way that will not promote further development of adjacent "General Commercial "properties within the LAMRID. The proposal has stated that **it would funnel traffic into its establishment discouraging travel other businesses in the LAMRID.** The effects on local infrastructure would result in the extension of urban services to accommodate rural sprawl which is strictly prohibited. The proposal would require extension and annexation into the public water district. That water district would require substantial improvement to meet the needs of the proposed truck stop. The local fire department would be required to obtain equipment and training to meet responses to spills, petroleum or chemical spills ro ignition, as well as additional EMS personal to meet the needs of those visiting the truck stop. Easton is a very small community with only a small volunteer staff. This community does not have a tax base to add full time staff and additional equipment to meet the requirements to keep the community safe.

Employment

The dream that the facility would create jobs for locals, is just that a dream. Most citizens of Easton are much more gainfully employed than the wages offered at a truck stop, restaurant or Convivence store. The rest of the residents either are unable to work or do not need to work. There are few rental properties or homes for sale in Easton that would be in budget for those 20 employees. The proponent could argue that if their plan goes forward, home values in Easton would decrease substantially and maybe there might be some housing available for their employees. But that would be detrimental to home owners in Easton. One more reason to deny the variance. Potential employees would have to travel several miles to get to Easton for work. Given the cost to travel these days it will be difficult to retain employees here.

The following comments are intended to demonstrate further why the proposed variance should be denied.

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

Definitions 17.08.469A Retail sales

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

While this is a general definition there are specific restrictions placed on the actual allowed aspects of this use. Retail sales by definition include sale of diesel and gasoline, providing over night parking space for travelers (semi-trucks and RVs), providing maintenance for their customers, selling and installing tires and other parts and supplies used in the performance of service tasks.

17.15.060 Allowed uses in rural non-LAMIRD lands

Retail sales,* general **Forest & Range Foot Note 51** When enhanced agricultural sales are provided. **CU Foot Note 36** Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.

Retail sales,* general, **General Commercial CU Foot Note 18** Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Retail sales,* general **Rural Recreation CU Foot Note 18** Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Note that Retail sales in all rural lands are restricted to the same 4,000 square foot size as the Type III LAMRID. This should make it very clear the County is serious about controlling inappropriate development in Rural Lands

17.15.70.1 Rural LAMIRD Use Table

Type 1 LAMRID Commercial Permitted

Retail sales,* general, **General Commercial Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general **Highway Commercial Permitted Foot Note 14** Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

Retail sales,* general PUD Permitted

Type 3 LAMRID Use Table

Retail sales,* general Limited Commercial Permitted **Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general General Commercial Permitted **Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted **Foot Note 14** Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

17.15.80.1 Urban Use Table

Retail sales,* general **Limited Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general **General Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general **Highway Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Urban uses also require the business be wholly enclosed within an enclosed building. This further demonstrates the Counties effort to remain compliant with the Growth Management Act.

Definitions 17.08.560A Vehicle/equipment service and repair.

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

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.070 Allowed Uses in Rural LAMIRD Lands

Rural Employment Centers Foot notes 50,52

(Type 3 LAMIRDs)

General Commercial, Vehicle/equipment service and repair*, Foot Note P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

This does seem to eliminate the allowed use for fuel station which cannot be wholly enclosed in a building.

The only Truck Stop and repair facility in the allowed the use table for Rural LAMRIDS is as follows

17.15.070.1 Rural LAMIRD Foot note 49

(Type 1 LAMIRDs)

Highway Commercial , Vehicle/equipment service and repair*, Foot Note P 19 Includes truck stop operations. Minor repair work permitted.

This demonstrates the County has determined such facilities should be only be sited as described, to assure the protection of Rural Charcter and maintain compliance with County Wide Planning Polocies, the Comprehensive Plan and the State’s Growth Management Act.

Even in the Urban use Table Truck Stops are restricted and there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.02 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P 18 Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop in Urban Zones is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

Marge Brandsrud
PO Box 639
Easton WA, 98925
dbrandsrud@comcast.net

To: Jeremiah Cromie
Kittitas County Community
Development Services
411 N Ruby St., Suite 2
Ellensburg, WA 98926
jeremiah.cromie@co.kittitas.wa.us

Easton Travel Center SEPA SE 23 00010

Applicant: Mountview View Group LLC

Tax Parcel: 778834

Check list Submitted 4/17/23

The submitted information in this document is incomplete which misrepresents the actual conditions and impacts of the applicant's proposal. The applicant has only provided a small portion of the environmental information. There is information that a property owner or developer should be well aware of before answering questions put forth in a SEPA. This applicant has not provided enough information to base an informed decision on the next step for the application to move forward.

A. Background

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

Additional government approvals and or permits should include the following Propane Tank placement, Grade and Fill Permit, Large on Site Septic System, Oil Water Separators as required at fuel canopies and service building (possibly also for catch basins where runoff from truck parking

spaces would catch oil, fuel, antifreeze and other contaminants), a Boiler permit to operate a large capacity air compressor, an approved storm water plan which includes plans for snow storage and melt runoff. Wildland interface codes would require additional landscape approvals. Those requirements could require thinning established trees and removal of low growing tree boughs and branches which would interfere with the applicants plan to use existing trees to shield the view of such a large project. Provisions for potable water will require government approval and infrastructure permits. There could be additional permits or approvals required.

B. Environmental Elements

1. Earth

g. about what percent of the site will be covered with impervious surfaces after project construction is complete.

The 74% impervious surface does not match the 69% impervious surface stated on the Zoning Variance Application Narrative page1. IMPERVIOUS AREA. Whether the percent is 69 or 74 it is excessive and does not reflect the goals set out for a Type 3 LAMRID.

Air

a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

On site **Emissions after** construction should include, emissions emitted from the exhaust of vehicles idling in parking spaces. Fuel vapors produced when underground storage tanks are filled. Fuel vapors created when fueling vehicles. Fuel vapors and lingering odors from fuel spills.

b. Are there any off-site sources of emissions or odor that may affect your proposal. If so generally describe.

Off -site emissions should include wood smoke generated by camp fires in the long-established camp ground and lodge directly abutting property. Smoke from regular spring debris burns in the area. And smoke from the summer wildfires that often migrate to the Easton area and can be at ground level due to the regularly occurring inversions in the area.

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

The applicant did not answer this question completely. It appears they offer no effort to control or reduce the impacts of their business once it becomes operational.

3. Water

b. Ground Water

1) Will ground water be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities with from the well. Will water be discharged to ground water? Give general description, purpose and approximate quantities if known.

Potable water could be provided by the Easton Water District which the applicant will have to request. The water district will have to process the request in order to determine if it is able to meet the quantity requested and the applicant will likely have to provide any required infrastructure.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources if any (for example: Domestic sewage; Industrial, containing the following chemicals ...; agricultural; etc.) Describe the general size of the system, the number of such systems, the

number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Water via Large on-site Septic System and Storm water runoff will be discharged to ground. The applicant did not provide required information regarding the size of the system or the number of humans expected to be served. The disposal of discharge from oil water separators is also not addressed or quantified.

c. Water runoff (including storm water)

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so describe.

The applicant has not answered this question completely. The source is not identified nor has the method of collection. Water runoff must also address the large amounts of snow that will be stored on site and melt into runoff at times quickly. Depending on the storage area and method, snow storage can inhibit runoff from storm water and cause local flooding which must also be addressed.

2) Could waste materials enter ground or surface waters? If so generally describe.

I don't believe the applicant understood this question. I believe it is asking about materials which would not be disposed of as refuse. I believe it is intended to identify possible chemical or organic materials which might be improperly handled processed or disposed of. Waste materials would also include sanitary sewer waste discharges from a sewer line, septic system, RV dump station or holding tank. An additional source would be improperly maintained oil water separator. Out door storage of vehicle tires will leach particles of rubber which will be washed into catch basins and discharged into the ground. Eventually all of these

materials will reach the aquifer and into the local potable water supply. This parcel is within the well head protection zone for the Easton Water District as well as several private wells. There is an abandon well on the property which becomes a direct route to this aquifer and should be highly concerning to the County. What chemicals might be used to melt ice on sidewalks, at fueling canopies and on driveway surfaces.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so describe.

The project intends to reshape the landscape which could cause run off patterns to change. This change may cause run off from adjacent parcels or create run off to adjacent parcels that do not currently exist. Cutting 13,000 cy of material and filling 33,000 cy of material will have an effect on current drainage patterns on the parcel and in the vicinity.

4) Proposed measures to reduce or control surface, ground and runoff water, and drainage pattern impacts if any:

The applicant only addresses current conditions regarding run-on from adjacent parcels. The cut and fill portion of the proposal will change the run off patterns as they currently exist. The applicant has not addressed possibility that after the cut and fill changes the surface of the parcel, there could be run off from adjacent parcels to their parcel.

4. Plants.

c. List threatened and endangered species known to be on or near the site

Why did the applicant use the US Fish and Wildlife document to address endangered plant species on or near the project site. There are other more focused documents to address this question. The applicant must provide accurate information regarding plants on the site.

e. List all noxious weeds and invasive species known to be on or near the site

The noxious weed information is lacking complete information. It would be more informative to requested information from the Kittitas County Noxious Weed Board. I know form my own observations that bull thistle, other thistle species and scotch broom have and do grow in the Easton area.

5.) Animals

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

The applicant did not fully answer this question. Perhaps they did not understand the questions only provided Examples and that other species seen or known be the site must also be listed. There are also coyotes, skunks, hare, racoons, alligator lizards, skates, snakes, frogs, voles, gophers, ground squirrels, chipmunks, hawks, turkey vultures, northern flickers, pleated woodpeckers, downy woodpeckers, thrush, robins, finch, grosbeak, humming birds, nuthatch, and likely many other species on or near the site.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill or hazardous waste that could occur because of this proposal?

Although the applicant described the type of activities that will take place, they **did not** explain the hazards that could occur. The applicant must clarify the risks for each activity, any hazardous condition, and probable harm to humans and surrounding areas. For example, the Easton area is a

high-risk area for wildfire. Could an explosion caused by activity at the site cause a wild fire? This would include the Propane tank location and protection from damage. Will customers using the parking spaces be hauling hazardous materials that could leak or explode, catch fire, release toxic materials into the air, or corrosive materials be leaked in the event of an equipment failure or accident? The service area will handle hazardous materials such as antifreeze, motor oil, lubricants, or other chemicals that could damage the environment in the event of an accident or mishandling. Will the onsite treatment of run-off be able to sufficiently treat fuel, oil, antifreeze, ice and snow melt chemicals without allowing them to infiltrate permeable soils, the aquifer, or well head protection areas?

a. 3) Describe any toxic or hazardous chemicals that might be stored, used or produced during the project's development, or construction, or at any time during the operating life of the project.

The applicant has not provided a complete list of toxic or hazardous chemicals. Additional items would include Propane, Diesel, gasoline, DEF, antifreeze, break fluids, lubricants, new and used oil, new and used antifreeze, storage of used tires, landscape chemicals. There will be hazardous materials on trucks entering, parking and leaving the site on a daily basis.

4) Describe special emergency services that might be required.

It makes me very uneasy to think the applicant will not need special emergency services. No private or commercial activity that involves the hazards of the proposed uses should ever think that no special emergency services are required. When ready for operation the applicant must have a safety plan in place for the protection of Easton residents, their customers, their employees' and due to the proximity to a major Interstate a plan to protect the traveling public in the event of an emergency. The Easton Fire Department is totally volunteer and has limited resources to deal with

hazardous situations such as chemical spills or contamination containment. Only a small number are certified wildland firefighters in the event of a large fire moving to or from nearby forest lands. In the event of Fire or explosion the Fire Department could have a difficult time accessing the site as there is only one access to Sparks Road and that is the I 90 over pass or west bound off ramp at Exit 90. Access to that type of emergency would likely be hampered by a large number of vehicles trying to leave the site. In the case of a required evacuation, residents only have one road for that process which is Sparks Road and either over I 90 or onto I 90 to possibly reach safety. Toxic airborne chemicals would create an epically concerning situation.

There are limited resources available for law enforcement in the Easton area and in the event of an emergency there a much-delayed response time. If I 90 is closed there will be no response by law enforcement. If there is a traffic incident between Easton and the closest responding officer there will also be a long delay in response.

In the event an incident (natural or manmade) were to damage either the Keechelus or Kachess dam, there could be catastrophic flooding to the Easton area. The only designated evacuation routes are unimproved roads which are not suitable for autos, RVs or semi-trucks.

5) Proposed measures to reduce or control environmental health hazards, if any:

Measures proposed to reduce or control environmental health hazards are pretty vague. They do not address any safety plans, facility maintenance or measures to insure the human or environmental health affected by the operation of the facility. The applicant may not understand that when tasks are done as required, dangerous accidents or malfunctions happen and can have devastating results. An emergency response plan should be prepared with required employee training.

b. Noise

2) What types and levels of noise would be created or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other?) Indicate what hours noise would come from the site.

The types and levels of noise created by project at completion are not expressed accurately. The applicant expects a large volume of vehicles entering and exiting the site at an almost continuous level. That is a lot of noise. There will be trucks idling on an almost continuous basis. Those actions are not the same as a vehicle just passing by. Entering and exiting the facility will require a noise level much more intense. The tire and service activities will also create a level of noise that is not a part of the Rural Character the Growth Management Act, Land Use and Zoning Code require to maintain the vision put forth by those regulations. The noise of an air compressor and air tools along with tire changing activities are an urban sound. The noise generated will disturb every adjacent property owner, their activities and businesses.

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

The applicant did not answer this question completely. It appears they offer no effort to control or reduce the noise impact of their business after construction is complete.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect the current land uses on near by or adjacent properties. If so, describe.

The applicant did not provide a complete answer to this question. Current adjacent property uses are more accurately described here.

The 121.58 acres to the north are WSU Trust land managed by DNR.

The 22 acres to the East are a recreational property with camping, RV and lodge accommodations that was established in 1975 and has continued to provide such services since 1975. The property has purchased from the long-time owners and is currently undergoing an extensive remodel, renovation and upgrade project to better serve their customers, some of whom have been patronizing the facility for many years.

The property directly south is the entrance road to the Silver Ridge Ranch Lodge.

The Rural Character as viewable by air traffic and users of the Easton State Airport will be completely destroyed. Even with screening views from Sparks Road and I 90 will change substantially degrading the Rural Character as defined in State and County regulations.

The applicant has made it clear they expect the proposed facility to attract traffic that may have used other current businesses on Sparks Road. That would certainly have a devastating affect to those businesses and the special rural quality of the Easton community as it has been designated by the GMA, the County's Comprehensive Plan and the Land Use and Zoning regulations.

b. Has the project site been used as working farmlands or working forest lands? If so describe. How much agricultural or forest land of long-term significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use?

The current owner of the property has had a recent Forest Practices Permit to log the property. FPA # 2703309. It was initiated August 18, 2005 and was last renewed to be in place through 2015.

c. Describe structures on the site.

Although there are no structures currently on the site, there is an abandoned well. The well house collapsed during heavy winter snowfall and has left the well head exposed. The well will have to be remediated per DOE requirements to prevent contamination to the local aquifer and well head protection zone.

e. What is the current zoning classification of the site?

f. What is the current Comprehensive designation of the site?

These questions were only superficially answered. The property is Zoned General Commercial. The property is in a Type III LAMRID for which Kittitas County Code 17.15.070 limits the uses, types of surfaces and quantity of surface coverage. Other limits governed by 17.15.070.1 are described in 17.15.070.2 note 48 of the County's code which include the size or retail space and require those activities be wholly enclosed in that space. I believe the fuel canopies or the vehicle parking activities are by definition regarded as retail activities, neither of which can be wholly enclosed in a building. The Vehicle Service and Repair proposed is governed by 17.15.070.2 note 11. "Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas)." Fuel and Service components are not allowed uses, as they cannot be wholly enclosed in a building. The property's Land Use is Rural LAMRID Type III. To determine the actual uses the applicant has to refer to the Allowed Use Table for that designation and Zone which is found in Kittitas County Code 17.15.070.1 and refer to the notes in 17.15.070.2. WAC 365-196-426.6.c.iii and RCW 36.70.A.070 (5) (d) iii, limit Type 3 LAMRID uses to

isolated small-scale businesses and cottage industries. The proposed development certainly does not represent that type of use.

i. Approximately how many people would reside of work in the completed project?

It will be difficult to attract 50 employees to the Easton area. There is little affordable housing which is not already occupied. Employees traveling from out of the Easton area would find it almost impossible to get to for from work during I 90 closures that can last for several days at times.

J. Approximately how many people would the completed project displace?

The owners and guests of Silver Ridge Ranch would likely be displaced due to the incompatibility of the proposed development and the long-term historical use of their property. Current active business owners and employees would certainly be displaced as the applicant intends their project to funnel traffic to their facility.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The applicants answer to this question is very misleading and demonstrates an inability to read and understand Kittitas County Code and Comprehensive Plan along with the State's Growth Management Act. Kittitas County spent a substantial amount of time and money to bring its's Zoning and Land Use regulations into compliance with the Growth Management Act. The applicants disregard for that process is apparent given the answer provided. The request is absolutely not compatible with existing zoning. By the answer "and proposed zoning in the Comprehensive Plan" is clear they are attempting making false statements as a basis for the request. The application is definitely not compatible with the

Comprehensive Plan or the Growth Management ACT The Variance Request is **excessive and is more like a land use change and rezone request.**

Those types of requests are processed in an entirely different manner and likely would not be approved.

10. Aesthetics

b. What views in the immediate vicinity would be altered or obstructed?

Views in the immediate vicinity would be greatly altered. The applicants plan to use the trees along Sparks to obscure the view of their finished project is all but impossible to achieve. The stand of trees is only about 10 feet deep and consists of small fir trees growing very close together. Thinning would be required to achieve a healthy stand of trees. The wildland interface code would require removing lower limbs to reduce wild fire hazards. Both of those action would likely remove any value for obscuring the sight of an urban style development. The view from the long-established Silver Ridge Ranch property would be absolutely unthinkable as there is no screening. It would take years to propagate vegetation to provide adequate screening. Views from air traffic and planes using Easton State Airport would be greatly impacted. Views from area recreational areas, roads and trails would be of a large urban facility not the designated rural views where the landscape dominates over the built environment.

What does the applicant when they make the statement, "The site is off the road"??? I hardly think anyone would believe it is proposed to be located on the road. Off the road physically does not negate views from other vantage points where such a facility is so unexpected, out of place and unpleasant to see in such a beautiful rural environment.

11. Light and Glare

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Light will greatly interfere with views of the night sky which is a key element to achieving Rural Character. The light will be disturbing to patrons of near by camp grounds and State Park Visitors. The view of the lighting at night, from the directly adjacent Silver Ridge Ranch and Lodge, would be devastating to their business. Even with the surface being somewhat lower the roadway and with down facing lights the facility will still be visible from nearby I 90 and other properties in the area. The amount of proposed fill will raise the surface of the facility to level nearer to that of Sparks Road allowing more light to be seen off site.

12. Recreation

a. What designated and informal recreational opportunities are there in the vicinity?

Additional recreational activities include Easton RV Park, Silver Ridge Ranch Camping and Lodge, which directly abuts the proposal, fishing, boating, hiking, biking, UTV and ATV riding, snowmobiling, snow Shoeing, horseback riding and recreational airport use and informal camping.

b. Would the proposed project displace any existing recreational uses? If so describe.

The applicant has limited response to this question to the possibility of displaced recreation on their parcel. There are other recreational activities that will be negatively affected. Recreational use of Silver Ridge Ranch and Lodge Facilities. Use of licensed UTVs and ATVs and snowmobiles on Sparks Road. Walking and Riding bicycles would also be greatly impacted by the

addition of constant large vehicle traffic using Sparks Road which does not have shoulders for the safety of those users. To develop or require bicycle or pedestrian accommodations would further demonstrate that the proposed development is actually Urban. The views from local roads and trails on the locally higher elevations areas of the vicinity would degrade the expected vision of a small rural community with limited development.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any?

“None Proposed” is the applicants response. I do not believe there are any possible ways to reduce or control impacts to recreation in the Easton area which would be created by this project. The project is urban in size and any impact controls would diminish the expected opportunities to that of a city street.

14 Transportation

b. Is the site of affected geographic area currently served by public transportation? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The Easton Area is not served by any form of public transportation. The applicant has cited Hope Source as a transportation provider. Hope Source is a private non-profit organization which has provides necessary transportation to low-income households. I personally have no idea where the nearest transit stop might be, but is not anywhere near Easton.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so describe (include weather public or private)

Although the applicant indicates they do not believe improvements will be necessary to facilitate their development they have ignored several issues. The WSDOT signs that alert traffic to chain requirement and other traffic related information operate before Exit 70 in I 90. Not all drivers are local nor do they have access to other means of receiving the information posted on those signs. If travelers leave the facility and access I 90 West bound they could be unaware of travel restrictions posted on the message signs. I don't even want to consider the additional traffic hazards that will create. The WSDOT I 90 over pass at Exit 70 is past its useful life and is in poor condition. The additional 8,560 mostly heavy weight loads using that interchange will quickly further degrade that bridge. Kittitas County should also be concerned about the additional heavy truck traffic on Sparks Road. Those trucks will reduce the life of that portion of Sparks Road and require additional maintenance. The great number of heavy truck traffic using tire chain in winter will also cause premature wear on the surface of the road.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation. If so generally describe.

Just to clarify the answer regarding the airport. Easton State Airport is an Emergency Airport that is used recreationally by the public. The airport is also used as a base for wildland fire training and in case of a fire they use as their base for deployment and camp facilities. Emergency medical air lifts are also done at the Airport. Clear access to the Airport via the easement between the applicant's parcel, and the Silver Ridge Ranch parcel is essential.

e. How many vehicular trips per day would be generated by the completed project or proposal? If known indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles) What data or transportation models were used to make these estimates?

It does not appear a Traffic Study has been submitted for this project. That data must available be to demonstrate the monumental difference between existing and projected volumes. WSDOT and Kittitas County cannot make truly informed decisions regarding required improvements without that information. Adding the additional 8,560 projected vehicle trips to this intersection is way out of line with the number of vehicles trips any rural non highway intersection would experience. That volume of traffic is not reflective of Rural Character.

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

What are the frontage improvements along Sparks Road that the applicant believes will control transportation impacts and insure the Rural Character?

A new driveway access is required for ingress and egress. Entry and exit maneuvers will impede traffic on Sparks Road. Semi-trucks entering and leaving the project will require a large area to safely travel onto the traveled the roadway. Those movements generally cause traffic on the roadway to slow or even stop during such activity. I do not see how the applicant will be able to reduce or control impacts of the additional traffic to and from their proposed project.

16. Utilities

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The parcel is not in the Easton Water District Service Area or in the district itself. Provisions for suppling water to the project will require a process which includes evaluation of available quantity, engineering and infrastructure installation all requiring a signed contract with the water district. The proposal will need a quantity of water for operation that would

be considered an Urban Level of Service. No other customer of the Easton would even come close to the excessive consumption required for this proposal.

Kittitas PUD does not provide power service to the Easton area.

Puget Sound Energy provides power service to the Easton area. Although the applicant has not chosen to acknowledge the future of electric vehicle energy needs that will have to be installed at the facility to continue providing travelers with their services. Without charging services, this facility will likely not be able to operate as green energy requirements evolve. The installation of infrastructure to provide that service on a level to provide charging services would be another egregious action requiring Urban Services to allow Rural Development. Puget Sound Energy does not currently have infrastructure in the Easton area that would support such service. Puget Sound Energy may not currently have enough infrastructure in the Easton area to provide service the applicants proposal.



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Central Region Office

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

May 10, 2023

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

RE: 202301967, VA-23-00003

Dear Jeremiah Cromie:

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

WATER RESOURCES

Dust Control from a Well

If you plan to use water for dust suppression at your project site, be sure that you have a legal right. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at (509) 379-1826 or email at christopher.kossik@ecy.wa.gov.

TOXICS CLEANUP

Installation of new underground storage tanks must meet the requirements of the state underground storage tank regulations (Chapter 173-360A WAC). All new tanks and piping must have double-wall

Jeremiah Cromie
May 10, 2023
Page 2 of 2

construction and be interstitially monitored for releases. Copies of these regulations and required forms are available from the Department of Ecology by calling (360) 407-7270 or toll-free in state 1-800-826-7716.

<http://app.leg.wa.gov/WAC/default.aspx?cite=173-360A>

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Underground-Storage-Tank-checklists-forms>

A notice of intent to install tanks must be filed with Ecology at least 30 days prior to installation. Within 30 days after coming into service, the tanks must be registered with the Department of Revenue's Business License Service on a state notification form. <https://dor.wa.gov/sites/default/files/2022-02/700041.pdf>

<https://apps.ecology.wa.gov/publications/SummaryPages/ECY02095.html>

The supervisor on-site during the installation must be licensed by passing an exam administered by the International Code Council. www.iccsafe.org

New tanks and any connected piping must be protected from corrosion by either a cathodic protection system, or by being constructed or coated with a non-corrosive material such as fiberglass. An acceptable method of leak detection must be employed, and the tanks must be equipped with spill prevention and overfill protection equipment.

Stage I vapor recovery equipment is required on all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than 10,000 gallons.

Other local permits may be required for the installation or permanent closure of underground storage tanks. Contact your local fire marshal and planning department to procure any permits required by county or other local jurisdictions.

Please contact Mike Webb, Underground Storage Tank Inspector, at (509) 406-6572 or email mike.webb@ecy.wa.gov, for further information or to schedule your initial sampling.

Sincerely,



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

May 9, 2023

RECEIVED
MAY 10 2023

Kittitas County CDS

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

Mr. Cromie,
Please accept my comments on the proposed, "Loves Truck Stop" in Easton and associated SEPA Environmental Checklist, SE-23-00010.

I know you have received many comments in opposition to this proposal so I will try to keep my comments brief and simple.

It is quite obvious that the proponent is trying to rezone this property by way of a variance. Allowing this will set an unacceptable precedent in Rural Kittitas County.

As a 20+ year volunteer fireman of K.C.F.D. #3 my first concern is the safety of the entire Easton community. East and West Sparks Road are accessed from I-90 Exit 70. There is **NO other way in or out.** As is evident by the attached photos when I-90 is closed due to snow or vehicle accidents or a semi gets stuck on Sparks Road.

When this occurs there are well over 200 residents that are not accessible for Fire or Medical Emergencies. Further more, over 1/2 of our volunteers are unable to respond to the Fire Station located on the south side of I-90.

Imagine we have a 2 or 3 foot snowfall going on at this time. WSDOT cannot access I-90, County snowplows cannot access Sparks Road and Loves Truck Stop, which slopes 11 feet down off Sparks Road is unplowed! This would take hours to deal with! ***This simply will NOT work at Exit 70.***

My second major concern is the survival of Easton's current businesses, especially Silver Ridge Ranch.

People come here to enjoy fresh air, hiking, horse trails, campfires, amazing scenery, cross country skiing, snowmobiling and small town atmosphere.

A truck stop with air brakes popping at all hours and diesel engines idling, all night, polluting the fresh air is simply not compatible with the Rural character of Silver Ridge Ranch and the surrounding area.

My third major concern is living down wind of Loves Truck Stop. About 95% of the time the prevailing winds are from west to east.

There are many residents as well as local businesses directly east of this proposed truck stop.

There is no doubt that this project would affect the quality of the air we all breath.

I urge you to reject this SEPA Environmental Checklist as well as the entire proposal for "Loves Truck Stop."

Respectfully submitted,



John R Jensen
3910 E Sparks Rd
PO Box 602
Easton, WA 98925

Encl: 2 pages of pictures



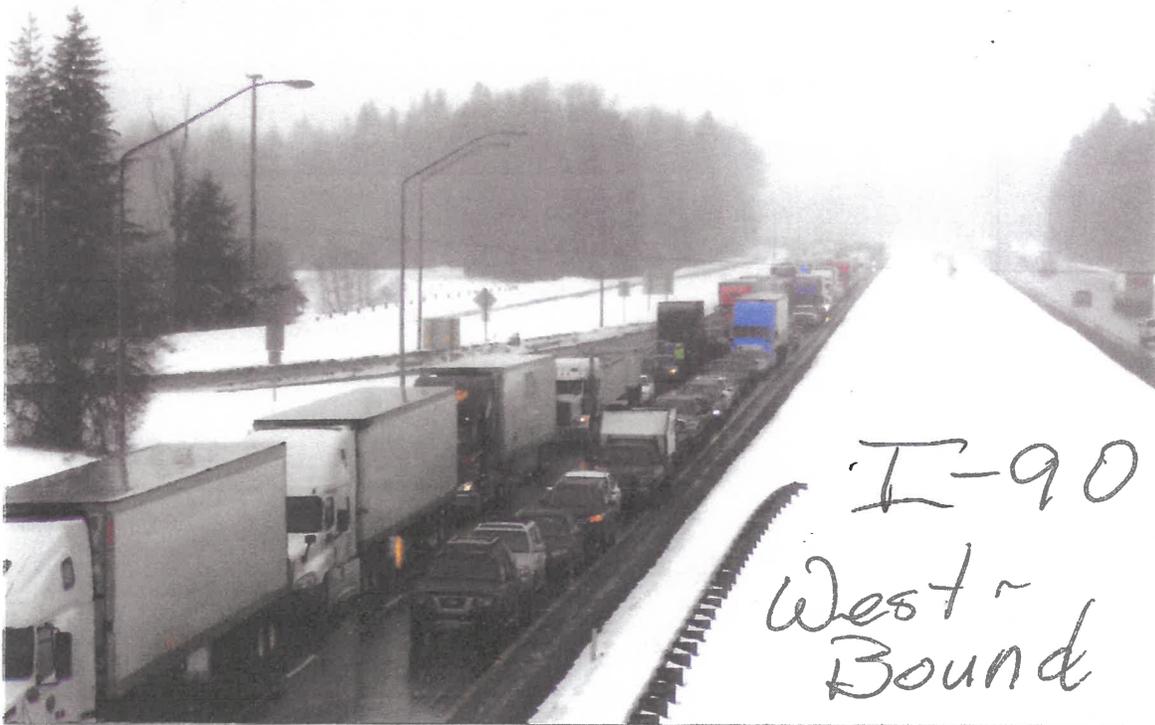
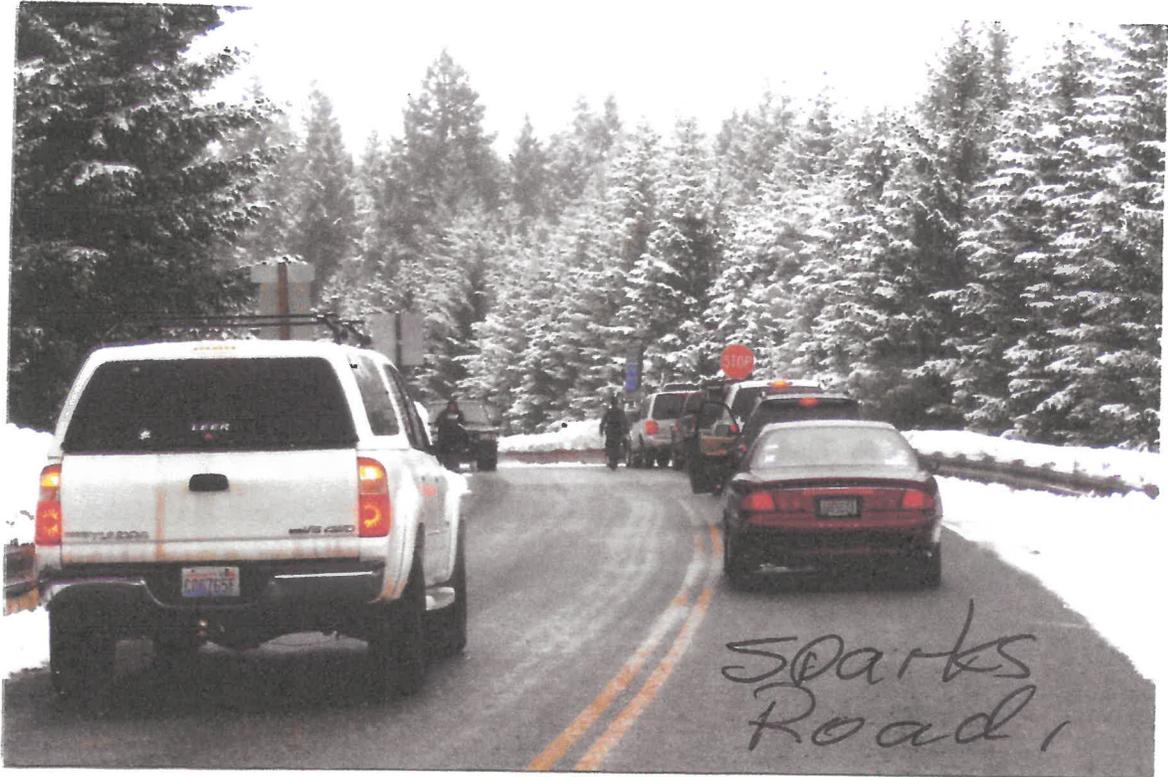
Sparks Road



Sparks Road



Sparks Road



From: [CDS User](#)
To: [Judy Zwiefelhofer](#)
Cc: [Carlie Peebles](#); [Jen Wiemer CDS](#); [Jeremiah Cromie](#)
Subject: RE: Love's Truck Stop Zoning Variance
Date: Wednesday, May 10, 2023 3:44:03 PM

Hi Judy,

I have added our Jeremiah our planner to this email.

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: Judy Zwiefelhofer <lyn.judy.123@gmail.com>
Sent: Wednesday, May 10, 2023 3:32 PM
To: CDS User <cds@co.kittitas.wa.us>
Subject: Fwd: Love's Truck Stop Zoning Variance

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We are contacting you because of many concerns. We live at 180 Smith Drive.

This would have a great impact, negatively affecting the Easton area. We do not feel the applicant has provided enough information or addressed the issues in the SEPA.

1. Air quality, during construction and operation.
2. Water.....groundwater, wastewater and runoff.
3. Transportation.....this would be a major issue during winter storm months. It would be unworkable congestion. It is bad now without a truck stop there. The overpass is in need of repair and most likely would not handle all the extra travel and weight.
4. SAFETY.....don't feel the applicant has dealt with this at all. What is going to happen when the trucks have blocked way in or out? This would make it impossible for fire and aid to access.

These are just a few of the issues that are major concerns.

They need to be addressed.....

Lyn and Judy Zwiefelhofer

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message id: 38eb45916c6dcbdac24bb8719d004a14

From: [Peggy Berline](#)
To: [Jeremiah Cromie](#)
Subject: Proposed Truck Stop in Easton
Date: Wednesday, May 10, 2023 9:12:52 PM

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To: Jeremiah Cromie
From: Peggy Berline
Date: May 10, 2023

Dear Jeremiah,

I am writing to voice my objection to the proposed truck stop in Easton. There are a multitude of reasons why this is not a good idea. Easton is a small rural town and does not have the infrastructure to support this type of business. It will create noise, traffic congestion, and will bring a lot of things to Easton that we do not need such as drugs, and prostitution. There are many other reasons which I am sure you are aware of. If you are working for the people of this county then your only choice is to say no to this proposal.

From: [Jay Berline](#)
To: [Jeremiah Cromie](#)
Subject: Easton Truck Stop
Date: Wednesday, May 10, 2023 9:19:46 PM

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May 10, 2023

Dear Jeremiah,

I am writing to encourage you to vote NO on the proposed Easton Truck Stop. This is a very bad idea. This is a business that will destroy our town. We don't need the drugs and prostitution that come along with a business like this. There are also environmental reasons as well as infrastructure reasons. If you really care about the people in Easton you will say NO to this business.

Sincerely,

Jay Berline

Name: Jackson Purcell

Date: 11 May 2023

Address: 90 Thistle Down Road, Easton, WA 98925

Email: jackson0121@gmail.com

To: Jeremiah Cromie; Staff Planner
Kittitas County, WA

Re: VA-23-00003 Sparks Park Variance

I am writing to inform the city of my very strong opposition to the proposed zoning variance set out in application VA-23-00003

The 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.

This variance proposal is a zoning change in disguise. We all want growth in Easton and understand change is inevitable however the rate of growth is important to all communities. There are rules and regulations and laws in place that the local governments have added to protect the "local communities" in this so called variance spits in the face of those laws. We as a community in Easton do not want to be bullied by corporations that do not have the best interests for the community itself but rather gross profits for their stakeholders.

For all of these reasons, and others, I implore the County to **DENY** this proposed variance and retain the current approved land use for the property.

Respectfully,

Signature



May 10, 2023

RECEIVED

By Jeremiah Cromie at 8:48 am, May 11, 2023

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

Attention: Jeremiah Cromie, Planner II

Subject: VA-23-00003/SE-23-00010 - Sparks Park
I-90 Exit 70 Lt., Easton State Airport vicinity

We have reviewed the proposed project and have the following comments.

- The subject property is adjacent to two WSDOT owned and operated facilities, the Interstate 90 (I-90) West Easton interchange (Exit 70) and the Easton State Airport. WSDOT has acquired all access rights to I-90, including the on- and off-ramps, and along 130' of W Sparks Rd. and 130' of Sparks Rd. Our right-of-way records indicate there is an approximately 110' wide break in our limited access control along Sparks Road at the easterly terminus of the Exit 70 crossroad. The proposed driveway can be allowed; however, the driveway must be located entirely within this break and the connection shall not cross the existing limited access boundary.

Further, the proponent is required to dedicate additional access rights to the department along the proposed driveway a distance of 130' beginning at the centerline intersection of the Sparks Road/Exit 70 crossroad intersection. The proponent should contact Mark Kaiser of the WSDOT South Central Region office at (509) 577-1668, for specifics.

- WSDOT Aviation has reviewed the application and found no land use compatibility issues with the Easton State Airport. The proposed development falls within compatibility Zone 6 in which service stations are permitted. However, we are concerned about continued access to the airport. WSDOT has an existing access easement over Silver Ridge Ranch Road, which is the sole point of access to the airport. This road shall not be obstructed in anyway and must remain available to WSDOT.
- The Federal Aviation Administration (FAA) requires notification for this development (see attached FAA assessment tool results). The proponent must use forms 7460-1 and 7460-2, which can be accessed and completed electronically here:
<https://oiaaa.faa.gov/oiaaa/external/portal.jsp>.

May 10, 2023

Page 2

- Any proposed buildings, landscaping, or other improvements will need to comply with certain height restrictions. The proponent is encouraged to contact David Ison, of the WSDOT Aviation Division at (360) 709-8028 for specifics.
- The proponent should be aware, they are proposing commercial development in an area that receives significant snow fall during winter months. Snow removal and winter operations along the I-90 corridor is an ongoing issue for WSDOT. We encourage the proponent to not underestimate the potential for significant delays and/or temporary highway closures due to snowfall and winter road conditions.
- WSDOT has long-range plans to widen I-90 to six lanes in the project vicinity. The plans are only preliminary, and no alternatives have been selected. If at some point funding is procured, the applicant should anticipate traffic delays and detours due to construction-related activities to last multiple construction seasons.
- Any proposed lighting must be directed down towards the site and away from I-90 and the airport.
- Finally, any outdoor advertising or motorist signing considered for this project will need to comply with state criteria. Please contact Trevor McCain of the WSDOT Headquarters Traffic Office for specifics. He can be reached at (360) 705-7282.

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

Sincerely,



Paul Gonseth, P.E.
Planning Engineer

Enclosures

PG: jjp/mnk

cc: SR 90, File 2023_002
Mike Krahenbuhl, Area 1 Maintenance Superintendent
David Ison, Airport Land Use Planner

From: [Rayfield, Thomas](#)
To: [Jeremiah Cromie](#)
Cc: [Tom Rayfield](#)
Subject: Zoning Variance Application VA-23-00003 Sparks Park
Date: Thursday, May 11, 2023 1:42:40 PM

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May 5, 2023

Tom Rayfield
421 Silver Creek Road
Easton, WA 98925
tom_rayfield@comcast.net

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

Dear Mr. Cromie,

I'm writing to express my strong opposition to the proposed zoning variance that would allow the Love's truck stop along Sparks Road on a parcel currently zoned Rural 5, Forest and Range, General Commercial LAMIRD Type 3.

The proposed development will have a significant negative impact on the local environment and community. The negative impact is grounded in the lack of adjacent infrastructure. Clearly the truck stop will dramatically increase traffic in the area. Local road, water and sewage systems are incapable of handling the heavy strain associated with the planned development. Additionally, the increased traffic will produce air pollution, water, and noise pollution.

The increased traffic also creates safety concerns. Sparks Road is the only avenue in and out for many residents. Tractor / trailer traffic will create significant issues for emergency services, notably fire and police, particularly in the winter when snow accumulation occurs.

Regarding police, Easton does not have its own force. Truck stop related crime is well documented. What measures will be taken by the county to ensure community safety? A quick review the zoning variance application reveals there is with no plan and investment outlined by Love's or the county to eliminate or mitigate the above impacts.

Furthermore, the truck stop will have a detrimental effect on the local economy. The few jobs the proposed development will create are low paying, and the business done by the truck stop will negatively impact the existing businesses that have served the needs of residents and tourists for years.

All of the impacts outlined above have been previously presented by other community members in

letters to your office with much greater substance and detail. These impacts must be considered noting the scope of the planned development. Our concerns are rooted in what is essentially a complete rezone of the parcel without recognition of the developments impact and no investment to mitigate that impact. I strongly urge you to reject the proposed zoning variance and protect the interests of county residents. Thank you for your attention to this matter

Sincerely,

Tom Rayfield

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MID 04951

Mike, Kim and Nicole Krzycki

May 11. 2023

50 Silver Creek Rd

Easton, Wa. 98925

kimkrzy@hotmail.com

425-466-0392

To: Jeremiah Cromie; Staff Planner
Kittitas County, WA

Re: VA-23-00003 Sparks Park Variance

I am writing to inform the city of my very strong opposition to the proposed zoning variance set out in application VA-23-00003.

The Comprehensive Plan states clearly the path to GMA Compliance. "RR G32 Rural Employment Center – Intensification of development on lots containing isolated nonresidential uses or new development of isolated small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents." The Allowed uses in Kittitas County Code Title 17.5 implement the goals set out in the Comprehensive Plan. Clearly the approval of this Variance request would **not** result in an isolated small-scale business.

The current owner of this parcel had an opportunity during the Growth Management Hearings Board Compliance process to offer input as to the designation of this parcel as a part of a Type 3 LAMRID. My recollection is that they gave positive input regarding the parcel's inclusion in this LAMRID. One would have to check the official record to confirm that statement. That entire process which was designed to bring the County into compliance with the Growth Management act regarding the protection of "Rural Character" was done at with great effort and considerable cost to Kittitas County. The request for a "Variance" that would more than double the allowed impervious soil coverage and retail area is **excessive** and certainly does not maintain the "Rural Character" as intended by the allowed uses put in place to preserve that aspect of the Compliance process. You can't hide a 16.5-acre development with a few trees which will likely obstruct the visibility for traffic entering and leaving the development. Then there is the view from aircraft using the nearby airport. This proposal would look like a very out of place urban type development.

The unusual circumstances or conditions cited in the applicant's narrative there is discussion regarding the difficulty of access. They express access concerns that are unique to the immediate location. Ingress and Egress for vehicles visiting a "Truck Stop" is extremely important to public safety and the flow of traffic on the frontage road as well as the very nearby I-90 on and off ramps. This circumstance will easily cause substantial blocking events during snow events. The location of the proposed truck stop will also serve to attract many additional vehicles during snow and other events that cause an interruption to travel on I-90. The public will become quickly aware of the facility. The infrastructure in Easton cannot accommodate the additional vehicular traffic generated during such events. This truck stop would quickly become an attractive nuisance. It should be clear that humans cannot rid themselves of the notion is always best to be first in line.

No emergency evacuation route available in the event of a large fire near Easton or chemical spill at the facility. All local residents would be required to move toward the facility to evacuate their homes. In the event of Fire, including wildfire, Chemical spill, Explosion, flooding or other event requiring emergency evacuations from East and West Sparks Road, would be dangerously impaired due to addition of large numbers of freight trucks and

autos at the proposed development. There are no alternate routes from this area and all resident ingress and egress routes are at the I 90 at the Exit 70 interchange ramps. As has been testified in the past – Easton Fire Department is on the South side of I 90, there are Fire fighters on the North and South side of I 90, the point being how do you get the personal to the equipment and how do they efficiently access and call on the North side of I 90. This can be a very dangerous for local residents. The need to upgrade or add facilities would be looked at as extending urban facilities to rural areas to accommodate new growth.

Again, I must remind the reviewer of this request that, the property owner had ample opportunity during the Comprehensive Plan Compliance process to comment on the proposed Type 3 LAMRID. The size of the parcel has not changed during the intervening time. It was substantially larger than other parcels then as it is now. There are allow uses as stated in Title 17.15.070 that are more suitable to a 16.5-acre parcel. The property owner can still enjoy several other uses which are actually more compatible with neighboring properties while maintaining the rural character of the area.

The applicant also indicates that along with the difficult access there is highly restricted visibility due to the lower site topography. The topography should be of concern regarding run off especially volumes from snow melt. Also of concern is the fact that the designated truck parking is at the lower portion of the parcel which will likely cause a considerable challenge to trucks using that area during snow events causing a possible traffic flow problem at ingress and egress points.

The proposed vegetation to shield the view of the truck stop would have consist of some very tall trees if traffic on the frontage road and I-90 are not able to see the activity or lighting from the proposed truck stop. The proposed vegetation must also be placed and spaced to accommodate Firewise landscape. In a rural forested area such as Easton Wildfire is a very real concern. Having a large quantity of flammable material is of special concern. Weather ignition were to take place on or off site there would be irreparable harm. Again, a reminder that there is only one way in and out of Easton and this project is in a location when operational could cause substantial problems with evacuations as well as possibly impeding access to the Airport for firefighting equipment and personal.

References to the Land use and Comprehensive Plan seem to demonstrate a lack of respect and understanding of the purpose of such documents or perhaps they are simply taking things out of context which can lead to unintended consequences.

Response to applicant section “B”

The applicant’s request for variance says “is necessary for the preservation and enjoyment of a substantial property right of the possessed by the owners of other properties in the same vicinity.”

Other property owners in the same Type 3 LAMRID enjoy and are governed by the same property rights and zoning regulations as the applicant. The approval of this variance however will gravely impact at least one neighboring property owners. Specifically Silver Ridge Ranch is within feet of the proposed truck stop. The Campground at Silver Ridge Ranch is directly behind the proposed truck stop. Trucks traffic, service and repair operations, noise levels and emissions would be greatly detrimental to the Silver Ridge Ranch property operations. Silver Ridge Ranch has operated on that parcel for decades. Silver Ridge Ranch provides recreation in a rural setting. Building a truck stop for their customers to look at smell and hear would be unduly burdensome to those property owners.

I do not believe the applicant has presented documentation that would justify the requested variance. The request is **excessive**. Requesting more than 100% increase in impervious surface area and Retail space is not in keeping with the preservation of rural character mandated by the County’s Comprehensive Plan.

A variance to develop a “truck stop” in a rural area is not beneficial. This is a parcel which has the ability to be developed in a manner more beneficial to the area and allowed by Zoning regulations. Allowed Uses include,

Animal boarding, Agriculture sales, Farm stand, Grazing, Nurseries, Cemetery, Auction sales of non-agriculture products, Restaurant, Retail sales, general, Retail sales,* lumber and building materials, Services, Vehicle/equipment service and repair, Manufacturing, Parks and playgrounds, Recreation, indoor, Mini-warehouse, Adult family home, among many others. All uses permitted out right or by conditional use are required to abide by, "**17.15.070 Allowed Uses in Rural LAMIRD Lands.** Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot." There are also many other restrictions on uses noted in the foot notes for each use. These restrictions were put in place to implement protections for Rural Character as required for compliance with Washington State's Growth Management Act. Kittitas County's Comprehensive Plan and associated Zoning regulation have been declared in compliance by the Growth Management Hearings Board and allowing the excessive request in this variance will put the County at risk for non-Compliance again.

Even in the Urban use Table there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.1 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P [18](#) Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop only appears in Urban Zones and is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

There are other parcels in Kittitas County which are much more suited for and zoned for this type of project. The parking needs related to I-90 traffic are admittedly a big issue for Easton. WSDOT this winter has closed I-90 access at Ellensburg and Cle Elum as well as Exit 70 Which has to some extent mitigated the issue. WSDOT is continuing to improve I-90 allowing for more efficient and effective snow management. I believe the work on going and in the pipeline will alleviate much or the parking problem on Easton streets as that work progresses.

The impervious service coverage, although has a relationship to Rural Character but, is in place to preserve water quality, reduce undesirable runoff and maintain habitat. There is no infrastructure for treatment of run off in place in Easton. Run off from any surface which is used continuously by heavy vehicular traffic, and is subject to petroleum product spills, small or large, emissions and substantial snow fall with melt water runoff is not healthy for the environment.

Response to applicant section "C"

The Comprehensive Plan and Zoning Codes provide areas in the County that will best serve public well-being. Those regulations also dictate where Truck Stop facilities are best suited. I think the "well-being" of the traveling public is best decided on a larger scale. The applicant appears to believe that "well-being" should be to providing fuel sales, general retail sales, a vehicle/truck stop service and repair shop and a restaurant on a large scale. Those are not amenities associated with rural character and are rightfully not allowed to occur in this Type 3 LAMRID.

The view stated under the heading, "Property in the Vicinity", that higher volumes of traffic will serve to protect Rural Character completely escapes my understanding.

As I have already commented it will likely be impossible to retain rural character if this variance request is approved. You can't hide a facility of this size. The environmental hazards, noise, air quality, runoff and reduction in impervious soils are not appropriate for

Response to applicant section "D"

Granting this Variance Request will absolutely effect the realization to the comprehensive development plan. Developing General Commercial on the scale proposed will **not** promote preserve or enhance the rural character of the LAMRID. Services proposed will provide services that are in extreme excess of what is consistent with the Comprehensive Plan. The proposed project is designed in a way that will not promote further development of adjacent "General Commercial "properties within the LAMRID. The proposal has stated that **it would funnel traffic into its establishment discouraging travel other businesses in the LAMRID**. The effects on local infrastructure would result in the extension of urban services to accommodate rural sprawl which is strictly prohibited. The proposal would require extension and annexation into the public water district. That water district would require substantial improvement to meet the needs of the proposed truck stop. The local fire department would be required to obtain equipment and training to meet responses to spills, petroleum or chemical spills ro ignition, as well as additional EMS personal to meet the needs of those visiting the truck stop. Easton is a very small community with only a small volunteer staff. This community does not have a tax base to add full time staff and additional equipment to meet the requirements to keep the community safe.

Employment

The dream that the facility would create jobs for locals, is just that a dream. Most citizens of Easton are much more gainfully employed than the wages offered at a truck stop, restaurant or Convenience store. The rest of the residents either are unable to work or do not need to work. There are few rental properties or homes for sale in Easton that would be in budget for those 20 employees. The proponent could argue that if their plan goes forward, home values in Easton would decrease substantially and maybe there might be some housing available for their employees. But that would be detrimental to home owners in Easton. One more reason to deny the variance. Potential employees would have to travel several miles to get to Easton for work. Given the cost to travel these days it will be difficult to retain employees here.

The following comments are intended to demonstrate further why the proposed variance should be denied.

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

Definitions 17.08.469A Retail sales

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.060 Allowed uses in rural non-LAMIRD lands

Retail sales,* general Forest & Range Foot Note [51](#) When enhanced agricultural sales are provided. CU Foot Note [36](#) Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter [17.59](#).

Retail sales,* general General Commercial CU Foot Note [18](#) Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed **4,000 square feet**.

Retail sales,* general Rural Recreation CU Foot Note [18](#) Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed **4,000 square feet**.

Note that Retail sales in all rural lands are restricted to the same 4,000 square foot size as the Type III LAMRID. This should make it very clear the County is serious about controlling inappropriate development in Rural Lands

17.15.70.1 Rural LAMIRD Use Table

Type 1 LAMRID Commercial Permitted

Retail sales,* general General Foot Note [48](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.* Retail sales,* general Highway Commercial Permitted Foot Note [14](#) Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand **(4,000) square feet**.

Retail sales,* general PUD Permitted

Type 3 LAMRID

- Retail sales,* general Limited Commercial Permitted Foot Note [48](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand **(4,000) square feet**.*

Retail sales,* general General Commercial Permitted Foot Note 48 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted Foot Note 14 Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

17.15.80.1 Urban Use Table

Retail sales,* general Limited Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general General Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general Highway Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Urban uses also require the business be wholly enclosed within an enclosed building. This further demonstrates the Counties effort to remain compliant with the Growth Management Act.

Definitions 17.08.560A Vehicle/equipment service and repair.

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

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.070 Allowed Uses in Rural LAMIRD Lands

Rural Employment Centers [50,52](#) (Type 3 LAMIRDs)

General Commercial, Vehicle/equipment service and repair*, Foot Note P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

This does seem to eliminate the allowed use for fuel station which cannot be wholly enclosed in a building.

The only Truck Stop and repair facility in the allowed the use table for Rural LAMRIDS is as follows

17.15.070.1 Rural LAMIRD [49](#) (Type 1 LAMIRDs)

Highway Commercial , Vehicle/equipment service and repair*, Foot Note P [19](#) Includes truck stop operations. Minor repair work permitted. This demonstrates the County determined such facilities should be only be sited as described, to assure the protection of Rural Charcter and maintain compliance with County Wide Planning Polocies, the Comprehensive Plan and the State's Growth Management Act.

Even in the Urban use Table Truck Stops are restricted and there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.2 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P [18](#) Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop in Urban Zones is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

For all of these reasons, and others, I implore the County to **DENY** this proposed variance and retain the current approved land use for the property.

Respectfully,

The Krzycki Family

From: [Debbie Bogart](#)
To: [Jeremiah Cromie](#)
Subject: VA 23 00003 Zoning Variance Application
Date: Thursday, May 11, 2023 4:49:41 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.

The following comments are being submitted regarding VA 23 00003 Zoning Variance Application
Landowner Sparks Park LLC C/O Lisa Weis
Agent AJ Sandhu
Tax Parcel number: 778834

As a rural community, one without sufficient infrastructure to support a major development such as the proposed truck stop, there are several valid issues that are concerning. The following are those that I am submitting comments on and wish to have noted. There are many more concerns, noise, traffic mitigation, toxic waste.

B. Environmental Elements:

- The level of impervious surface that the applicant states, which at the level of 74% ,does not reflect the goals stated within the Type 3 LAMRID that this area has been zoned for.
- Water- Ground Water has not been requested from the Easton Water District and at present it is unknown if there is sufficient water availability to meet the amount of water needed. In addition, the applicant has not indicated the approximate quantities of water required or how the water will be discharged.
- Waste treatment being discharged from septic tanks or other sources has not been clearly identified, there is no clear indication of what type and size of the waste treatment will be required to service this proposed development.
- Water runoff, specifically management of storm water has not been thoroughly identified. There is no method of collection, including management of large amounts of snow that will need to accumulate and then add to the level of runoff that will add additional impact to the area being developed and to the surrounding lands.
- The applicant has not sufficiently answered the following questions within Section 3: Water.
 - Could waste materials enter ground or surface waters?
 - Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so describe.
 - Proposed measures to reduce or control surface, ground and runoff water, and drainage pattern impacts if any.

Regarding Section 4 – Plants

- A thorough assessment of endangered species, plants and animals should be conducted in this area, to determine which species are currently growing in this area. Resources such as the Forest Management, Rangelands Management, & Vegetation Ecology Programs can provide additional verification of any rare or endangered plant species. Within the area proposed, bear grass, western columbine, Indian paintbrush, dwarf purple monkeyflower, lady's slipper, trillium, and other plant species can be found and will be either eliminated or significantly impacted due to surface covering, water runoff and overuse by pedestrian and domestic animal traffic.

Regarding Section 5 - Animals

- A thorough assessment of animal traffic and habitation should also be undertaken. The area has several migratory bird species that nest and feed young, both on land and in Lake Easton and the Yakima River. Osprey, Eagles, Swans, multiple species of duck and geese. The area of the proposed development is within a migratory path for birds of all sizes and during all seasons of the year. Increased garbage by the development would only increase some negative activity by bear, racoons, crows, rats, mice, and other animals which would increase potential threat for harm and disease.

Thank you,

Debbie Bogart
907-351-6223
2451 Railroad St
Easton, WA 98925

From: [Jill Merwin](#)
To: [Jeremiah Cromie](#)
Subject: VA-23-00003 Sparks Park Variance and SEPA SE 23 00010
Date: Thursday, May 11, 2023 10:30:38 PM

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05/11/2023

Jill Merwin
P O Box 462
Easton WA 98925
jamerwin@gmail.com

Jeremiah Cromie, Staff Planner
Kittitas County, WA
jeremiah.cromie@co.Kittitas.wa.us
cds@co.Kittitas.wa.us

Re: VA-23-00003 Sparks Park Variance

Dear Mr. Cromie,

I am writing to inform the city of my strong opposition to the proposed zoning variance set forth in application VA-23-00003.

I am a full-time resident on Country Dr, and my property is situated behind Parcel 778834 on West Sparks Rd, Easton, WA. While I recognize the trucking industries needs, I strongly object to the proposed zoning variance set forth in application VA-23-00003 and the particular location and size of the truck stop being proposed. My concerns with the application are, in part, listed below:

1) The applicant purports to seek a zoning variance, but it would more appropriately be characterized as a zoning change and/or a total change to the Comprehensive Plan. Variances should not be used to circumvent the underlying zone's development intensity or the Comprehensive Plan designation itself. The applicant's request is not in keeping with the intent of the code for the Type 3 LAMIRD commercial zoning, which is to allow rural commercial development at a scale and intensity consistent with the surrounding rural area.

The applicant's request is to permit 74% impervious surface and more than double the maximum retail sales building square footage allowed in this zone. This is not a mere variance. It circumvents the rural zoning standards and the Comprehensive Plan. No part of the area is zoned for high density urban development of the type proposed by the applicant. It is a substantial change that should not be made through a mere zoning variance.

2) The 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. 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 the 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 a 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.

The applicant has failed to articulate a basis for all four points, let alone satisfy them. 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, the application and the details of the parcel, including the current SEPA process, make it clear it could never satisfy the criteria for a zoning variance. It fails on all four counts, as noted below:

1. 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 not necessary for the preservation and enjoyment of a substantial property right, because the applicant has no property right to develop a truck stop or pave 74% of the impervious area maximum limit, or build double the size of the retail sales floor area maximum. The applicant is purchasing (or has purchased) the property knowing its zoning and restrictions, and that no right to pave or build at this intensity could possibly be read into the applicant's property rights.
3. The authorization of such variance will be materially detrimental to the public welfare AND injurious to property in the vicinity. Not only will the proposed truck stop have an adverse aesthetic impact to residents within miles of this access road, but this access road is the only ingress/egress road to residents in the area. In the event of chemical spills at this location, wildfires, or heavy snow resulting in road blockages, emergency vehicles would not be able to access people and property in distress, nor would homeowners in the area be able to escape such disasters. In addition, the close proximity of the parking and services to adjoining property owners WILL adversely impact the adjoining parcels and those beyond with higher noise and emissions levels, and intense lighting at all hours. The adjoining Silver Ridge Ranch, a rural resort that hosts equestrian camping, snowmobiling, horseback riding, and hiking, and has been in operation for decades, would likely experience a devastating impact to their livelihood and business, as would other existing businesses in the area.
4. The granting of such variance will 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. Kittitas 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 Type 3 LAMIRD designation and the Comprehensive Plan.

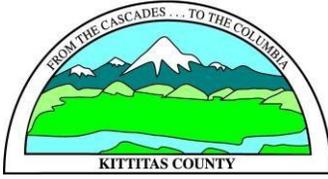
In conclusion, the application seeks to accomplish through a mere variance what amounts to a zoning change and/or a change to the Comprehensive Plan. It fails to sustain its burden of proof with respect to the variance criteria in Kittitas County Code Section 17.84.010. This entire variance request is invalid and should be dismissed until such time it is associated with a valid development proposal. I urge you to please use thoughtful, long-range planning in making a determination regarding the application for this location and all of the negative impacts this proposed use will have on the entire community for years to come.

Please provide me with a notification of the CDS administrative decision, once made.

Thank you for your consideration.

Respectfully,

Jill Merwin



KITTITAS COUNTY

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: All Staff
FROM: Public Works Plan Review Team
DATE: May 12th, 2023
SUBJECT: VA-23-00003 Sparks Park Round 2 Comments

| | |
|----------------------------------|---|
| ACCESS | <ol style="list-style-type: none">1. An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access. Refer to Chapter 12 of the Kittitas County Code for access requirements.2. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.3. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application. |
| ENGINEERING | <ol style="list-style-type: none">1. Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080). (CC)2. Traffic concurrency is required for all new developments. A traffic impact analysis (TIA) shall be required for all development that will generate more than nine (9) peak hour vehicle trips. (KCC 12.10.040) (JF) |
| SURVEY | There are no survey comments regarding this application (JT). |
| FLOOD | No comments (SC). |
| WATER MITIGATION/METERING | No comments (SC). |

From: Kraig and Ann Marie McLeod, Owners of Silver Ridge Ranch
To: Kittitas County

Silver Ridge Ranch (SRR) is located directly behind the proposed truck stop location and our entrance is adjacent to the proposed truck stop. Noise, aesthetics, lighting, traffic, parking, air quality, horse and animal wellbeing, crime, pollution, and general access will have a devastating effect on our business. A business that was intended, per land use, and has been a part of the community for decades.

The proposed truck stop will create a large cement pad three times the size that is allowed on the current surface. The landscape plan is inadequate, and our guests direct view to the truck stop would all but stop guests from returning.

Our guest expectations are to have a unique outdoor experience including but not limited to enjoying a quiet and tranquil vacation, riding their horses, sitting next to a campfire, enjoying the lodge and RV sites with friends, hosting family reunions and weddings, and the enjoying the great outdoors. This proposed truck stop would have a complete negative effect to our guests experience and to our business.

Their request for a variance that would more than double the allowed impervious soil coverage and retail area is more than excessive and does not maintain the intended rural character of the area.

The incompatibility of the proposed development and our long-term history of recreation cannot coexist as adjacent neighbors.

Silver Ridge Ranch as an outdoor recreation area will have to deal with the following unmitigated issues; all of which will have a negative effect on our guests, horses, and wildlife in general.

Light and glare, this will be most disturbing at night as customers generally enjoy the sky while watching the stars.

Air quality, the continual emissions from the truck stop via exhaust and fuel vapor could have long term health effects on patrons and wildlife, not to mention quality of life issues.

Water and water run-off contamination, since Silver Ridge Ranch is adjacent to this property, could pose a major risk to both our guest's horses and the general condition of our property.

Noise: We have all visited truck stops in our travels and have heard the 24-hour continual noise levels that these operators emit. Our activities will be severely affected by this issue. People will not be able to sleep at night, horses will be on edge, guests constantly subjected to the noise will seriously hinder the enjoyment of their vacation.

Access &Traffic

The ingress and egress for truck and vehicles visiting the truck stop along with the impact on public safety and flow on and off the freeway and Sparks Road, will create heavy traffic and congestion. Our facility has RV and horse trailers using the area now along with the resorts on the south side of the freeway. Guest transporting horses will no longer want to risk the danger this will impose. With thousands of more vehicles and trucks in additional traffic, volume will be added to this interchange. This will turn into gridlock all seasons of the year. When it does become gridlock either because of excessive traffic or illegal parking our guests will find another resort to visit.

Due to all these issues listed, this facility will have a devastating effect on our established business. Silver Ridge Ranch fits the current permitted use for the area.

This area promotes recreation, and it should continue to be promoted as Easton has the charm and beauty that many outdoor enthusiasts enjoy. If this variance is granted to an entity that does not fit into the general land use plans for Easton, the long-term effects will devastate its rural character. There are many more suitable areas for a truck stop that would fit into those areas general plan. Easton has had a long history of recreation and that should continue.

From: [Maria Clarke](#)
To: [Jeremiah Cromie](#)
Subject: Comments that apply to VA 23 00003
Date: Friday, May 12, 2023 12:21:55 PM

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My husband and I are opposed to the truck stop at Exit 70 in Easton because of the below restrictions on this parcel.

Zoning Variance Application
Land Owner Sparks Park LLC C/O Lisa Weis
Agent AJ Sandhu
Tax Parcel number: 778834

The requested variance appears to actually be a request for Land Use Change as a “Truck Stop” as an allowed use is only available in the Urban Land Use Type.

The Zoning Variance Application Narrative document does not identify the applicant or the specific Parcel requesting the Variance.

Zoning Variance Application

Page 1

Required Attachments

The Preliminary Site Plan does not clearly identify Septic tank, drain field and replacement area. The document is almost impossible to read due to the poor quality. It is difficult to tell if the additional items required by the Site Plan submittal are included in the submitted document. Without clarity it is difficult if not impossible to make constructive comments on this document.

Page 3 Question 10

Response to applicant section “A”

The Comprehensive Plan states clearly the path to GMA Compliance. “RR G32 Rural Employment Center – Intensification of development on lots containing isolated nonresidential uses or new development of isolated

small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents.” The Allowed uses in Kittitas County Code Title 17.5 implement the goals set out in the Comprehensive

Plan. Clearly the approval of this Variance request would **not** result in an isolated small-scale business.

The current owner of this parcel had an opportunity during the Growth Management Hearings Board Compliance process to offer input as to the designation of this parcel as a part of a Type 3 LAMRID. My recollection is that they gave positive input regarding the parcel’s inclusion in this LAMRID. One would have to check the official record to confirm that statement. That entire process which was designed to bring the County into compliance with the Growth Management act regarding the protection of “Rural Character” was done at with great effort and considerable cost to Kittitas County. The request for a “Variance” that would more than double the allowed impervious soil coverage and retail area is **excessive** and certainly does not maintain the “Rural Character” as intended by the allowed uses put in place to preserve that aspect of the Compliance process.

You can’t hide a 16.5-acre development with a few trees which will likely obstruct the visibility for traffic entering and leaving the development.

Then there is the view from aircraft using the nearby airport. This proposal would look like a very out of place urban type development.

The unusual circumstances or conditions cited in the applicant’s narrative there is discussion regarding the difficulty of access. They express access concerns that are unique to the immediate location. Ingress and Egress for vehicles visiting a “Truck Stop” is extremely important to public safety and the flow of traffic on the frontage road as well as the very nearby I-90 on and off ramps. This circumstance will easily cause substantial blocking events during snow events. The location of the proposed truck stop will also serve to attract many additional vehicles during snow and other events that cause an interruption to travel on I-90.

The public will become quickly aware of the facility. The infrastructure in Easton cannot accommodate the additional vehicular traffic generated during such events. This truck stop would quickly become an attractive nuisance. It should be clear that humans cannot rid themselves of the notion is always best to be first in line.

No emergency evacuation route available in the event of a large fire near Easton or chemical spill at the facility. All local residents would be

required to move toward the facility to evacuate their homes. In the event of Fire, including wildfire, Chemical spill, Explosion, flooding or other event requiring emergency evacuations from East and West Sparks Road, would be dangerously impaired due to addition of large numbers of freight trucks and autos at the proposed development. There are no alternate routes from this area and all resident ingress and egress routes are at the I 90 at the Exit 70 interchange ramps. As has been testified in the past – Easton Fire Department is on the South side of I 90, there are Fire fighters on the North and South side of I 90, the point being how do you get the personal to the equipment and how do they efficiently access and call on the North side of I 90. This can be a very dangerous for local residents. The need to upgrade or add facilities would be looked at as extending urban facilities to rural areas to accommodate new growth.

Again, I must remind the reviewer of this request that, the property owner had ample opportunity during the Comprehensive Plan Compliance process to comment on the proposed Type 3 LAMRID. The size of the parcel has not changed during the intervening time. It was substantially larger than other parcels then as it is now. There are allow uses as stated in Title 17.15.070 that are more suitable to a 16.5-acre parcel. The property owner can still enjoy several other uses which are actually more compatible with neighboring properties while maintaining the rural character of the area.

The applicant also indicates that along with the difficult access there is highly restricted visibility due to the lower site topography. The topography should be of concern regarding run off especially volumes from snow melt. Also of concern is the fact that the designated truck parking is al the lower portion of the parcel which will likely cause a considerable challenge to trucks using that area during snow events causing a possible traffic flow problem at ingress and egress points.

The proposed vegetation to shield the view of the truck stop would have consist of some very tall trees if traffic on the frontage road and I-90 are not able to see the activity or lighting from the proposed truck stop.

The proposed vegetation must also be placed and spaced to accommodate Firewise landscape. In a rural forested area such as Easton Wildfire is a very real concern. Having a large quantity of flammable material is of special concern. Weather ignition were to take place on or off site there would be irreparable harm. Again, a reminder that there is only one way in and out of Easton and this project is in a location when operational could

cause substantial problems with evacuations as well as possibly impeding access to the Airport for firefighting equipment and personnel. References to the Land use and Comprehensive Plan seem to demonstrate a lack of respect and understanding of the purpose of such documents or perhaps they are simply taking things out of context which can lead to unintended consequences.

Response to applicant section “B”

The applicant’s request for variance says “is necessary for the preservation and enjoyment of a substantial property right of the possessed by the owners of other properties in the same vicinity.”

Other property owners in the same Type 3 LAMRID enjoy and are governed by the same property rights and zoning regulations as the applicant. The approval of this variance however will gravely impact at least one neighboring property owners. Specifically Silver Ridge Ranch is within feet of the proposed truck stop. The Campground at Silver Ridge Ranch is directly behind the proposed truck stop. Trucks traffic, service and repair operations, noise levels and emissions would be greatly detrimental to the Silver Ridge Ranch property operations. Silver Ridge Ranch has operated on that parcel for decades. Silver Ridge Ranch provides recreation in a rural setting. Building a truck stop for their customers to look at smell and hear would be unduly burdensome to those property owners.

I do not believe the applicant has presented documentation that would justify the requested variance. The request is **excessive**. Requesting more than 100% increase in impervious surface area and Retail space is not in keeping with the preservation of rural character mandated by the County’s Comprehensive Plan.

A variance to develop a “truck stop” in a rural area is not beneficial. This is a parcel which has the ability to be developed in a manner more beneficial to the area and allowed by Zoning regulations. Allowed Uses **include**, Animal boarding, Agriculture sales, Farm stand, Grazing, Nurseries, Cemetery, Auction sales of non-agriculture products, Restaurant, Retail sales, general, Retail sales,* Lumber and building materials, Services, Vehicle/equipment service and repair, Manufacturing, Parks and playgrounds, Recreation, indoor, Mini-warehouse, Adult family home, among many others. All uses permitted out right or by conditional use are required to abide by,

“17.15.070 Allowed Uses in Rural LAMIRD Lands. Note to Reader: All

allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.” There are also many other restrictions on uses noted in the foot notes for each use.

These restrictions were put in place to implement protections for Rural Character as required for compliance with Washington State’s Growth Management Act. Kittitas County’s Comprehensive Plan and associated Zoning regulation have been declared in compliance by the Growth Management Hearings Board and allowing the excessive request in this variance will put the County at risk for non-Compliance again.

Even in the Urban use Table there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.1 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P [18](#) Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop only appears in Urban Zones and is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be

denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

There are other parcels in Kittitas County which are much more suited for and zoned for this type of project. The parking needs related to I-90 traffic are admittedly a big issue for Easton. WSDOT this winter has closed I-90 access at Ellensburg and Cle Elum as well as Exit 70 Which has to some extent mitigated the issue. WSDOT is continuing to improve I-90 allowing for more efficient and effective snow management. I believe the work on going and in the pipeline will alleviate much or the parking problem on Easton streets as that work progresses.

The impervious service coverage, although has a relationship to Rural Character but, is in place to preserve water quality, reduce undesirable runoff and maintain habitat. There is no infrastructure for treatment of run off in place in Easton. Run off from any surface which is used continuously by heavy vehicular traffic, and is subject to petroleum product spills, small or large, emissions and substantial snow fall with melt water runoff is not healthy for the environment.

Response to applicant section “C”

The Comprehensive Plan and Zoning Codes provide areas in the County that will best serve public well-being. Those regulations also dictate where Truck Stop facilities are best suited. I think the “well-being” of the traveling public is best decided on a larger scale. The applicant appears to believe that “well-being” should be providing fuel sales, general retail sales, a vehicle/truck stop service and repair shop and a restaurant on a large scale. Those are not amenities associated with rural character and are rightfully not allowed to occur in this Type 3 LAMRID. The view stated under the heading, “Property in the Vicinity”, that higher volumes of traffic will serve to protect Rural Character completely escapes my understanding.

As I have already commented it will likely be impossible to retain rural character if this variance request is approved. You can't hide a facility of this size. The environmental hazards, noise, air quality, runoff and reduction in impervious soils are not appropriate for

Response to applicant section “D”

Granting this Variance Request will absolutely effect the realization to the

comprehensive development plan. Developing General Commercial on the scale proposed will **not** promote preserve or enhance the rural character of the LAMRID. Services proposed will provide services that are in extreme excess of what is consistent with the Comprehensive Plan. The proposed project is designed in a way that will not promote further development of adjacent "General Commercial "properties within the LAMRID. The proposal has stated that **it would funnel traffic into its establishment discouraging travel other businesses in the LAMRID.** The effects on local infrastructure would result in the extension of urban services to accommodate rural sprawl which is strictly prohibited. The proposal would require extension and annexation into the public water district. That water district would require substantial improvement to meet the needs of the proposed truck stop. The local fire department would be required to obtain equipment and training to meet responses to spills, petroleum or chemical spills ro ignition, as well as additional EMS personal to meet the needs of those visiting the truck stop. Easton is a very small community with only a small volunteer staff. This community does not have a tax base to add full time staff and additional equipment to meet the requirements to keep the community safe.

Employment

The dream that the facility would create jobs for locals, is just that a dream. Most citizens of Easton are much more gainfully employed than the wages offered at a truck stop, restaurant or Convenience store. The rest of the residents either are unable to work or do not need to work. There are few rental properties or homes for sale in Easton that would be in budget for those 20 employees. The proponent could argue that if their plan goes forward, home values in Easton would decrease substantially and maybe there might be some housing available for their employees. But that would be detrimental to home owners in Easton. One more reason to deny the variance. Potential employees would have to travel several miles to get to Easton for work. Given the cost to travel these days it will be difficult to retain employees here.

The following comments are intended to demonstrate further why the proposed variance should be denied.

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

Definitions 17.08.469A Retail sales

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.060 Allowed uses in rural non-LAMIRD lands

Retail sales,* general Forest & Range Foot Note [51](#) When enhanced agricultural sales are provided. CU Foot Note [36](#) Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter [17.59](#).

Retail sales,* general General Commercial CU **Foot Note 18** Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Retail sales,* general Rural Recreation CU Foot Note [18](#) Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Note that Retail sales in all rural lands are restricted to the same 4,000 square foot size as the Type III LAMRID. This should make it very clear the County is serious about controlling inappropriate development in Rural Lands

17.15.70.1 Rural LAMIRD Use Table

Type 1 LAMRID Commercial Permitted

Retail sales,* general General Foot Note [48](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted Foot Note [14](#) Retail sales limited to groceries and sales of souvenirs, gifts,

novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

Retail sales,* general PUD Permitted

Type 3 LAMRID

- Retail sales,* general Limited Commercial Permitted Foot Note 48 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general General Commercial Permitted Foot Note 48 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted Foot Note 14 Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

17.15.80.1 Urban Use Table

Retail sales,* general Limited Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general General Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general Highway Commercial Permitted Foot Note 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Urban uses also require the business be wholly enclosed within an enclosed building. This further demonstrates the Counties effort to remain compliant with the Growth Management Act.

Definitions 17.08.560A Vehicle/equipment service and repair.

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

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.070 Allowed Uses in Rural LAMIRD Lands

Rural Employment Centers [50,52](#)

(Type 3 LAMIRDs)

General Commercial, Vehicle/equipment service and repair*, Foot Note P [11](#) Permitted **when conducted wholly within an enclosed building (excluding off-street parking and loading areas).**

This does seem to eliminate the allowed use for fuel station which cannot be wholly enclosed in a building.

The only Truck Stop and repair facility in the allowed the use table for Rural LAMRIDS is as follows

17.15.070.1 Rural LAMIRD [49](#)

(Type 1 LAMIRDs)

Highway Commercial , Vehicle/equipment service and repair*, Foot Note P [19](#) **Includes truck stop** operations. Minor repair work permitted.

This demonstrates the County determined such facilities should be only be sited as described, to assure the protection of Rural Character and maintain compliance with County Wide Planning Policies, the Comprehensive Plan and the State's Growth Management Act.

Even in the Urban use Table Truck Stops are restricted and there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.2 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P [18](#) Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P [11](#) Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop in Urban Zones is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P [19](#) Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

Thank you,
Maria and Chris Clarke
POBox 465
Easton, Wa 98925

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

May 12, 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
SEPA Checklist – SE-23-00010

Dear Mr. Cromie:

We represent a group of interested parties and provide this response to the *Re-Notice Of Application* sent with regard to (1) a Variance Application submitted by Angadjot Sandhu (Authorized Agent) (VA-23-00003) – Sparks Park Variance; and (2) anticipated issuance of Mitigated Determination of Non-Significance (MDNS) (SE-23-00010). This comment will supplement comments provided by clients with respect to both the variance and environmental applications.

Property, Zoning and Project.

Applicant proposes the development of a mixed-use truck stop on a parcel of 16.51 acres, or 719,175 square feet. The project proposal includes the integrated development of a restaurant, diesel and gas fueling facilities, convenience store and vehicle/equipment service and repair businesses. The application includes the following proposed square footage for the mixed-use facility:

| Use | Proposed Square Footage (Approximate) |
|--------------------------------------|---------------------------------------|
| Restaurant | 5,000 |
| Retail sales, general | |
| Diesel Fueling Canopy | 4,500 |
| Gas Fueling Canopy | 5,700 |
| Convenience Store | 8,325 |
| Vehicle/equipment service and repair | 7,700 |

The property is located within a Type 3 LAMIRD and zoned General Commercial (C-G) zoning district. The purpose and intent of the General Commercial zone "...is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available." KCC 17.40.010. The tables of allowable uses do not permit large mixed-use facilities such as the one proposed in this case.

The comprehensive plan is also applicable. The property is designated as Limited Areas of More Intensive Rural Development, or LAMIRDS. Kittitas County Comprehensive Plan provides the following:

The final rural lands designation is Limited Areas of More Intensive Rural Development, or LAMIRDS. These areas are often small, rural communities where rural residents and others can gather, work, shop, entertain, and reside. Commercial and industrial development compatible with rural character may continue to locate and prosper in rural areas under limited conditions.

Comprehensive Plan at 24. The proposed land use is not consistent with the intent to limit commercial use to proposals consistent with the rural character. I would note that the grant of a variance shall not "...adversely affect the realization of the comprehensive development pattern." KCC 17.84.010(4). This proposal is in direct conflict with the comprehensive development pattern established for the Type 3 LAMIRD.

The table of allowable uses and permitted and conditional land uses are set forth in KCC 17.15.070. The table of allowable land uses does not specifically categorize a mixed-use urban level commercial development as a separate and distinct land use. While individual components of the project proposal include uses that are permitted, the integrated and massive size of this project presents a separate and unique land use. We disagree with the characterization that "...[a]ll these uses are permitted outright in General Commercial Zoning in a Type 3 LAMIRD." We believe that the appropriate first step in the review of the application is for the Applicant to submit a similar use application to the Director. KCC 17.15.030(4). I would add, however, that there is no way that this proposed use is similar to any allowed use and is certainly not consistent with Growth Management Hearings Board's guidance on appropriate development within LAMIRDS.

Applicant Is Not Seeking a Zoning Variance – It is Requesting Use Authorizing a Project That is Simply Not Allowed.

The Applicant purports to seek a zoning variance. The reality is that the request is actually for an unauthorized use. Applicant's request is for an integrated facility that expands the limitation on "Retail Sales, General" from 4,000 square feet to 18,522 square feet. Impervious coverage is expanded from 239,725 square feet to 479,480 square feet. The uses are combined in an urban like facility. This is

antithetical to the contemplated and allowed uses under the zoning ordinance. This type of facility is contemplated and allowed in urban areas – not in rural LAMIRDS. The use is inconsistent with Growth Management Act (GMA) goals of promoting urban growth, reducing sprawl, preserving rural character in a protected environment.

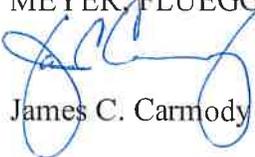
Applicant has proposed a “use” variance rather than the traditional “area” variance. See e.g. Stoebuck & Weaver, 17 Wash. Prac., Real Estate Section 4.25 (2023). The distinction is stated as follows:

Another distinction we should make is between “use” variances and “bulk,” sometimes called “area,” variances. A use variance permits a use not among those listed as either a regularly permitted or conditionally permitted use in a given zone. A bulk variance permits a variation from area, set back, front yard, side yard, back yard, or height restrictions. The distinction can be important. Use variances are much less common than bulk variances, are tested by a tighter legal standard, and are entirely forbidden by some local zoning codes.

See e.g. *Hoberg v. City of Bellevue*, 76 Wn. App. 357, 884 P.2d 1339 (1994). The granting of a “use variance” is viewed as the grant of a “special privilege inconsistent with the limitations upon other properties in the vicinity” in violation of RCW 36.70.810(2). The requested change of use and expansion of use rights is contrary to law.

We appreciate your consideration of our comments.

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


James C. Carmody

From: [Yang, Amber](#)
To: [Jeremiah Cromie](#)
Subject: RE: VA-23-00003 Sparks Park - Re-notice of Application due to SEPA requirement; rw 130305
Date: Friday, May 12, 2023 6:02:11 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.

Hi Jeremiah,

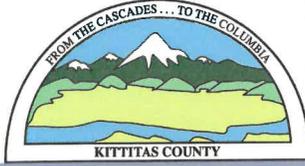
PSE has 3 phase cables and underground vaults along W SPARKS RD and overhead wires and pole along the east side of the parcel.

Would you please ask the customer to do locate on the electric facilities on his parcel so I know if they are in the ROW or other parcels, instead of his? Also, is this customer requesting any change in setback within the 10' frontage along W SPARKS RD? thanks!

Amber (Pei Fang) Yang

Real Estate - Central Region
PUGET SOUND ENERGY
PO Box 97034 EST-08W
Bellevue, WA 98009-9734
Direct: 425-456-2774/ 81-2774

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Thursday, April 27, 2023 9:10 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>; Tate Mahre <tate.mahre@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>; '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'



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

May 16, 2023

Sparks Park LLC
c/o Lisa Weis
PO Box 246
Ronald, WA 98940

AJ Sandhu
26304 203rd Pl SE
Covington, WA 98042

RE: Sparks Park Variance & Easton Travel Center SEPA Application (VA-23-00003 & SE-23-00010) – Transmittal of Comments & Request for Additional Information

Parcel # 778834

Dear Applicants,

Enclosed are the comments received regarding the Sparks Park Variance application (VA-23-00003) & Easton Travel Center SEPA application (SE-23-00010) during the comment periods (February 23, 2023- 5p March 12, 2023 and April 27, 2023- 5p May 12, 2023):

| | |
|-------------------|---|
| February 23, 2023 | Easton School District |
| February 24, 2023 | Washington State Dept. of Health – Office of Drinking Water |
| February 24, 2023 | Kittitas County Public Health |
| February 27, 2023 | Yakama Nation |
| February 27, 2023 | Department of Natural Resources |
| February 28, 2023 | Michael & Lisa Jones |
| February 28, 2023 | Washington Dept. of Fish & Wildlife |
| February 28, 2023 | Kittitas County Public Health |
| March 1, 2023 | Kittitas County Fire Marshal |
| March 2, 2023 | Snoqualmie Tribe |
| March 2, 2023 | Jason Moulton |
| March 6, 2023 | Lori Turnley |
| March 7, 2023 | Marty & Hollie Girvan |
| March 7, 2023 | James Carmody |
| March 8, 2023 | Tim Schauer |
| March 8, 2023 | Colville Tribe |
| March 8, 2023 | Easton Water District |
| March 9, 2023 | Bdavid |
| March 9, 2023 | Department of Archaeology & Historic Preservation (DAHP) |
| March 9, 2023 | Department of Ecology |
| March 9, 2023 | Kittitas County Public Works |
| March 9, 2023 | Kraig & Ann McLeod Comments |
| March 9, 2023 | Scott Campbell |
| March 9, 2023 | Terri Campbell |

| | |
|----------------|---|
| March 9, 2023 | Washington Department of Transportation (WSDOT) |
| March 10, 2023 | KITTCOM |
| March 10, 2023 | Patti Rayfield |
| March 11, 2023 | Nancy Smith |
| March 12, 2023 | Michelle Tignor |
| March 12, 2023 | Jeanne & Zane Johnson |
| March 12, 2023 | Kari & Jeb Thomas Comments |
| March 12, 2023 | Tim Ryals |
| March 13, 2023 | Wayne LaVassar |
| March 13, 2023 | Chris Johnson |
| March 13, 2023 | Todd Mitchell |
| March 13, 2023 | Keri Monroe |
| May 2, 2023 | Dennis & Barb Davidson |
| May 2, 2023 | Jason Moulton |
| May 4, 2023 | Stefani Porter |
| May 5, 2023 | Justin Packard |
| May 8, 2023 | Shawn Hebert |
| May 9, 2023 | David Yager |
| May 10, 2023 | Cindy Mclaughlin |
| May 10, 2023 | Patsy Hebert |
| May 10, 2023 | Patsy Hebert |
| May 10, 2023 | Washington Department of Fish and Wildlife (WDFW) |
| May 10, 2023 | Marge Brandsrud |
| May 10, 2023 | Department of Ecology |
| May 10, 2023 | John Jensen |
| May 10, 2023 | Lyn & Judy Zwiefelhofer |
| May 10, 2023 | Peggy Berline |
| May 10, 2023 | Jay Berline |
| May 11, 2023 | Jackson Purcell |
| May 11, 2023 | Washington Department of Transportation (WSDOT) |
| May 11, 2023 | Tom Rayfield |
| May 11, 2023 | Mike, Kim & Nicole Krzycki |
| May 11, 2023 | Debbie Bogart |
| May 11, 2023 | Jill Merwin |
| May 12, 2023 | Kittitas County Public Works |
| May 12, 2023 | Kraig & Ann McLeod |
| May 12, 2023 | Maria & Chris Clarke |
| May 12, 2023 | James Carmody |

Comments received outside of the comment period:

| | |
|--------------|--------------------|
| May 12, 2023 | Puget Sound Energy |
|--------------|--------------------|

Please review all comments and have any responses submitted back to the county by **June 5, 2023 at 5:00pm (PDT)**. If you do not have any responses to any of the submitted comments, please respond to me as such. If you need additional time, please let us know by 5p June 5, 2023 with a date you will have your response comments by.

Kittitas County requests the following information to keep processing your application:

1. A completed Traffic Impact Analysis for this project
2. A Snow Storage Management Plan for this property and project.

This request is made under KCC 15A.03.045(1), These items shall be submitted by **5p (PDT) August 15, 2023** or this application shall become void if an extension request is not requested in writing by this date with justification under KCC 15A.03.045(2) with a date that these items will be completed by and submitted to the county.

If you have any questions regarding this matter, I can be reached by e-mail at jeremiah.cromie@co.kittitas.wa.us or phone at 509-962-7046.

Sincerely,

A handwritten signature in black ink that reads "Jeremiah Cromie". The signature is written in a cursive style with a horizontal line under the name.

Jeremiah Cromie
Planner II
Kittitas County Community Development Services
411 N Ruby St # 2, Ellensburg, WA 98926



Technical Memo

TO: Angadjot Sandhu
Mountview Group LLC

FROM: Ryan Shea, PTP, Senior Transportation Planner

DATE: April 24, 2023

PROJECT : Easton Truck Stop

SUBJECT: Traffic Impact Analysis Addendum

RECEIVED

By Jeremiah Cromie at 9:52 am, May 17, 2023

Introduction:

Mountview Group LLC, plans to construct the *Easton Truck Stop* on West Sparks Road near the I-90 Exit 70 interchange (Lake Easton Road). The project site was previously approved for the construction of the Easton Love's Travel Stop. The proposed *Easton Truck Stop* will be similar in size or smaller than the previously approved project which consisted of a truck stop facility with passenger vehicle and truck fueling, a convenience market and food service, a tire shed for trucks, and overnight truck parking.

A Traffic Impact Analysis (TIA) was submitted and approved for the Easton Love's Travel Stop in 2019. The TIA, which provided an analysis of the existing conditions (2019) and 2020 horizon with and without the project, concluded that no operational deficiencies were expected. Since the proposed *Easton Truck Stop* project is projected to open in 2025, Kittitas County has requested an update to the horizon year analysis.

The 2025 analysis documented in this memo has been prepared based on the data and methods used in the previously approved Love's Travel Stop Traffic Impact Analysis (2019). The TIA is included as **Appendix A**.

Figure 1 illustrates the site vicinity and the transportation network serving the project

**Figure 1. Site Vicinity**

Future Traffic Volumes

Traffic volume forecasts were prepared for PM peak hour conditions for the 2025 opening year. The future traffic volume forecast includes non-specific background traffic growth and estimated traffic generated by the proposed project.

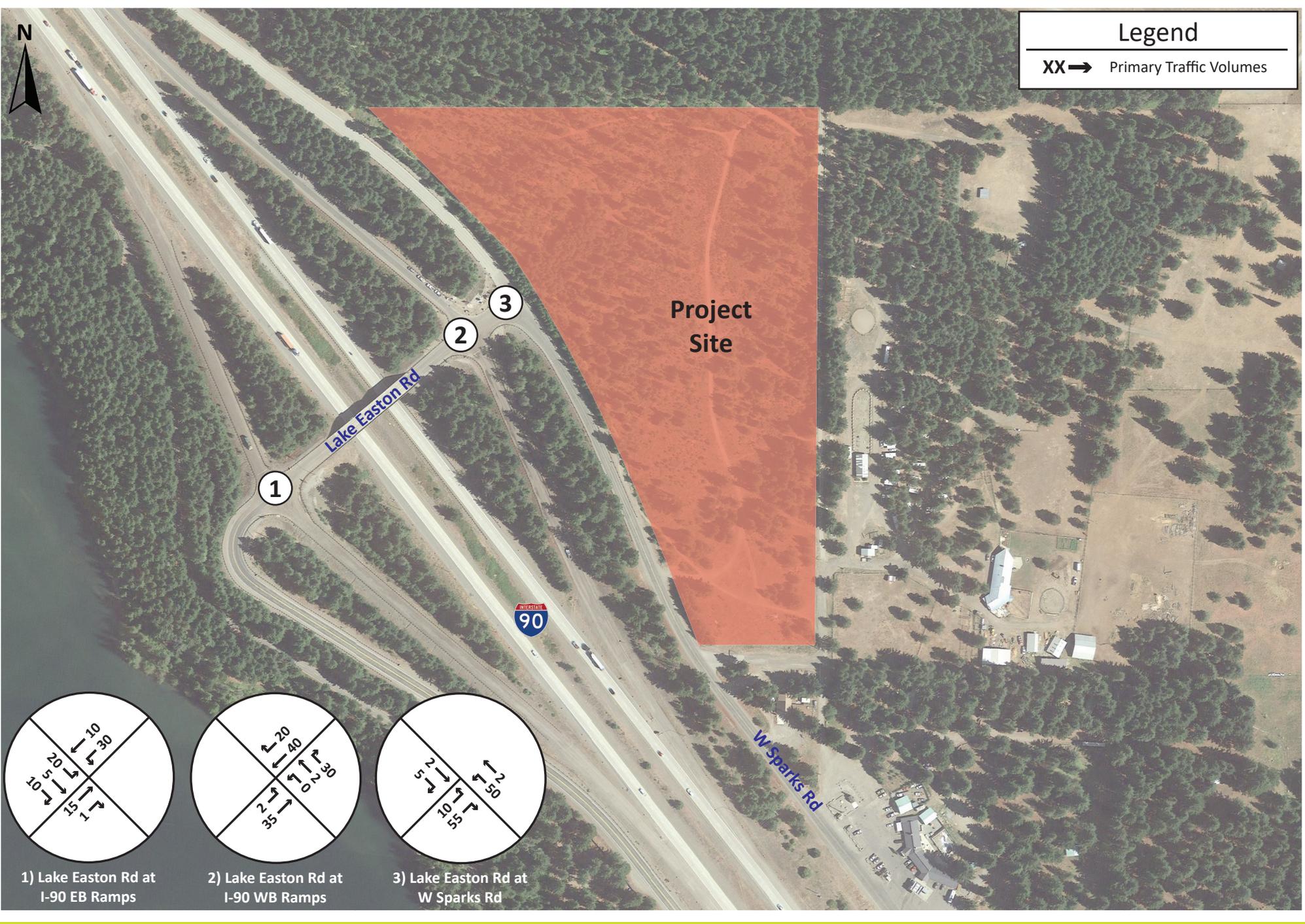
The previous TIA used a 2.0 percent annual growth rate (non-compounded) to calculate the 2020 horizon year. For this updated analysis recent historic counts were reviewed on Sparks Road to determine an appropriate growth rate. Kittitas County provided daily traffic volume counts from September of 2020 and June of 2022. These counts show an annual growth rate of 0.75% on Sparks Road within that timeframe. To provide a conservative analysis, and to be consistent with the previous TIA, a 2.0 percent annual growth rate has been used. This growth rate has been applied to the 2019 turning movement counts collected for the previous TIA. The projected 2025 traffic volumes without the *Easton Truck Stop* are shown on **Figure 2**. The projected 2025 traffic volumes with the project are shown on **Figure 3**.

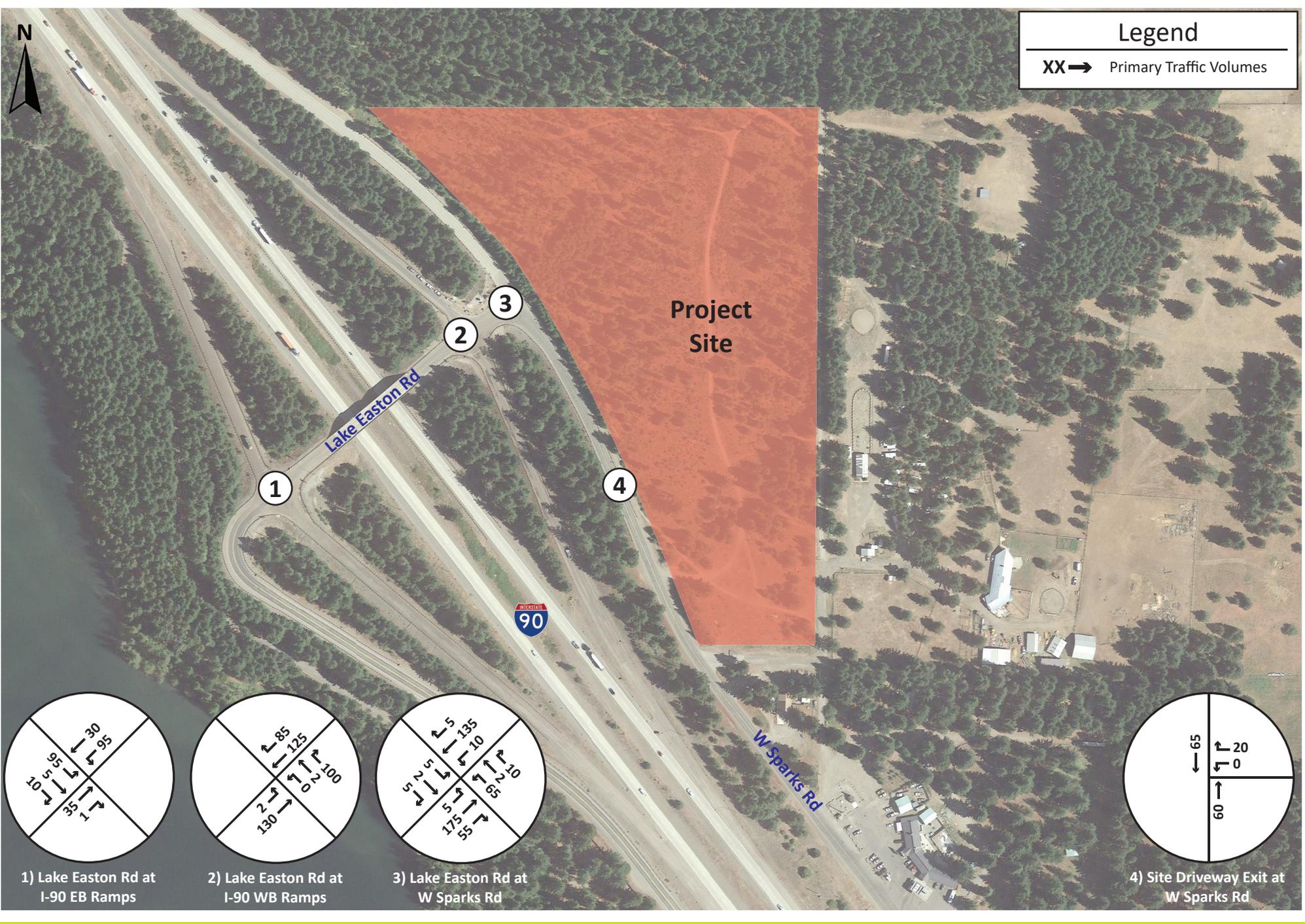
Traffic Operations Analysis

Traffic analyses were conducted to identify any deficiencies within the study area for the PM peak hour in the 2025 project opening year.

Level of Service

The acknowledged source for determining overall capacity for arterial segments and independent intersections is the current edition of the *Highway Capacity Manual (HCM)* published by the







Transportation Research Board (TRB). Capacity analyses were completed for the projected 2025 traffic volume scenarios.

Intersection analysis was performed using the Synchro/SimTraffic software package. This software implements the methods of the 6th Edition HCM. Capacity analysis results are described in terms of Level of Service (LOS). LOS is a qualitative term describing operating conditions a driver will experience while traveling on a street or highway during a specific time interval. LOS ranges from A (very little delay) to F (long delays and congestion). The software does not provide level of service results for the unusual geometric control conditions present at W Sparks Road/Lake Easton Road. For this location the level of service results were reported from the SimTraffic simulations. For the SimTraffic results the average of five traffic operational simulations was used.

Kittitas County's *Comprehensive Plan* identifies a LOS C standard for rural areas. Transportation improvements would generally be necessary where LOS C operations are exceeded.

Intersection Operations

For intersections under minor street stop-control, the LOS of the most difficult movement (typically the minor street left-turn) represents the intersection Level of Service for purposes of assessing potential impacts. For traffic signals, the intersection average delay is used to assess potential impacts. The following table shows the Level of Service criteria for stop-controlled intersections and signalized intersections.

Table 1. Level of Service Criteria for Intersections

| Level of Service | Stop-Controlled Intersection Average Control Delay (seconds/vehicle) |
|------------------|--|
| A | ≤ 10 |
| B | > 10-15 |
| C | > 15-25 |
| D | > 25-35 |
| E | > 35-50 |
| F | > 50 |

Intersection Analysis

The analysis was conducted for the following scenarios:

- Projected 2025 background traffic volumes without the *Easton Truck Stop* project
- Projected 2025 traffic volumes with the *Easton Truck Stop* project

I-90 Eastbound Ramps/Lake Easton Road

This intersection operates under stop sign-control for the eastbound off-ramp, with each approach providing a single travel lane.

For the 2025 horizon year without the *Easton Truck Stop* project, the intersection is projected to operate at LOS A with 9.0 seconds of average delay. With the addition of project traffic, the intersection is projected to operate at LOS B in 2025, with 11.9 seconds of average delay.



I-90 Westbound Ramps/Lake Easton Road

This intersection operates under stop sign-control for the eastbound off-ramp, with each approach providing a single travel lane.

For the 2025 horizon without the *Easton Truck Stop* project, the intersection is projected to operate at LOS A with 8.7 seconds of average delay. With the addition of project traffic, the intersection is projected to operate at LOS B, with 10.0 seconds of average delay.

W Sparks Road/Lake Easton Road

This intersection is located approximately 100 feet northeast intersection of Lake Easton Road with the I-90 WB ramps. To best accommodate this tight spacing, the northeast-bound Lake Easton Road approach to this intersection is uncontrolled. Both approaches of W Sparks Road operate under stop-sign control. Each approach provides a single travel lane. With the project this intersection will add a fourth (southwest-bound) approach serving as the north driveway to the site. This fourth approach will also be stop-sign controlled.

Due to the uncommon intersection control, the SimTraffic simulation tool within the Synchro software package was used to calculate the average delay for the stop-controlled movements. For the 2025 horizon without the *Easton Truck Stop* project, the intersection is projected to operate at LOS A with 7.3 seconds of average delay for the southeast-bound approach. With the addition of project traffic and a fourth approach leg, the intersection is projected to operate at LOS A, with 7.9 seconds of average delay for the southeast-bound approach.

Site Driveways

The project is proposed with two access driveways on West Sparks Road. The south driveway will provide passenger vehicle access to the fuel pumps and convenience store. The north driveway will provide access for trucks to the truck parking, fueling and service areas. Both driveway intersections are projected to operate at LOS A for the worst movement.

Right Turn Lane Warrants

Right turn lane warrants were reviewed for each site driveway based on forecasted 2025 PM peak hour traffic volumes, using the right turn lane warrant from the WSDOT design manual (exhibit 1310-11). AS with the original TIA, both driveways are projected to serve less than 20 right-turn vehicles in the peak hour, which is below the minimum amount to meet warrants for a right-turn pocket or taper.

LOS Analysis Summary

The operational analysis results of the study intersections for the PM peak hour are provided in **Table 4**. The LOS analysis worksheets are included in **Appendix B**.



Table 2. PM Peak Hour Intersection Level of Service

| Intersection | Control Type | LOS Standard | Projected 2025 | | | |
|---|-------------------|--------------|-----------------|-------------------|--------------|-------------------|
| | | | Without Project | | With Project | |
| | | | LOS (delay) | Reported Approach | LOS (delay) | Reported Approach |
| I-90 EB Ramps/Lake Easton Rd | TWSC ¹ | C | A (9.0) | EB Off-ramp | B (11.9) | EB Off-ramp |
| I-90 WB Ramps/Lake Easton Rd | TWSC ¹ | C | A (8.7) | WB off-ramp | B (10.0) | WB off-ramp |
| W Sparks Rd/Lake Easton Rd/North Site Driveway ² | TWSC ¹ | C | A (7.3) | SEB Sparks Road | A (7.9) | SEB Sparks Road |
| W Sparks Rd/South Site Driveway | TWSC ¹ | C | N/A | N/A | A (9.8) | Site Driveway |

1. Two-Way Stop-Control
2. Analysis results based on SimTraffic simulations



Summary And Conclusion

Mountview Group LLC, plans to construct the *Easton Truck Stop* on West Sparks Road near the I-90 Exit 70 interchange (Lake Easton Road). The project site was previously approved for the construction of the Easton Love's Travel Stop. The proposed *Easton Truck Stop* will be similar in size or smaller than the previously approved project which consisted of a truck stop facility with passenger vehicle and truck fueling, a convenience market and food service, a tire shed for trucks, and overnight truck parking.

Based on the analysis described in this memo, all the study area intersections are projected to operate at or better than the Kittitas County LOS C standard.

SCJ Alliance

Prepared by Ryan Shea, PTP, Senior Transportation Planner



04/24/23

Approved by Eric Johnston, PE, Principal

Appendix A

2019 Traffic Impact Analysis Report

Traffic Impact Analysis

Love's Travel Stop

Easton Washington
August 2019



SCJ ALLIANCE
CONSULTING SERVICES

Traffic Impact Analysis

Project Information

Project: **Love's Travel Stop, Easton**

Prepared for: **Love's Travel Stops**
Patrik Kowalczyk
10601 North Pennsylvania
Oklahoma City, OK 73120

Reviewing Agency

Jurisdiction: City of Easton

Project Representative

Prepared by: **SCJ Alliance**
8730 Tallon Lane NE, Suite 200
Lacey, WA 98516
360.352.1465
www.scjalliance.com

Contact: Brandon Johnson, PE, Civil Engineering Manager
Brad Shea, PE, Senior Project Manager
George Smith, Senior Transportation Planner

Project Reference: **SC&J# 1398.18**
Path: N:\Projects\1398 Love's Travel Center\1398.18 Easton, WA
Love's\Traffic\TIA\Report\2019-0826 Easton Love's Travel Stop.docx

CERTIFICATION

The technical material and data contained in this document were prepared under the supervision and direction of the undersigned, whose seal, as a professional engineer licensed to practice as such, is affixed below.



Prepared by George Smith, Senior Transportation
Planner



Approved by Brad Shea, PE, Senior Project Manager

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1 INTRODUCTION

1.1 Project Overview

Love's Travel Stops & Country Stores plans to construct the Easton *Love's Travel Stop* on West Sparks Road near the I-90 exit 70 interchange in Kittitas County near the community of Easton. The project will consist of a new truck stop facility that will provide passenger vehicle and truck fueling, convenience market and food service, a tire shed for trucks and overnight truck parking.

Figure 1 illustrates the site vicinity and the transportation network serving the project area.

Figure 1. Site Vicinity Map



1.2 Study Context

This report has been prepared to provide the traffic analysis and project information for the City of Easton in reviewing the development proposal. The report describes the existing and forecasted operation of the I-90 exit 70 ramp terminals, Lake Easton Road intersection with W Sparks Road and the projected operation of the site accesses on W Sparks Road. Operational analysis has been prepared for existing 2019 PM peak hour conditions and forecasted 2020 PM peak hour conditions with and without completion of the development.

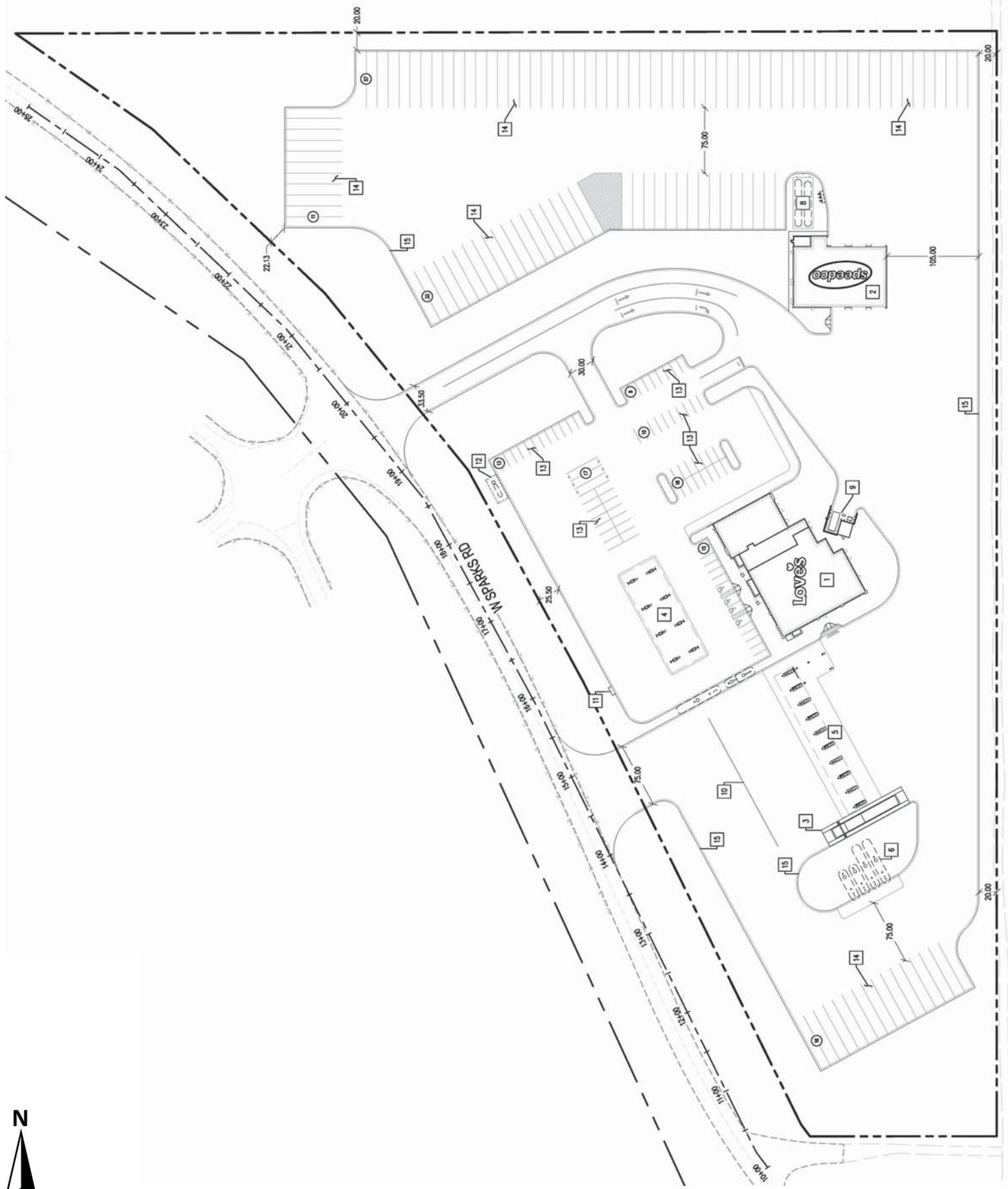
2 PROJECT DESCRIPTION

2.1 Development Proposal

The proposed truck stop project will consist of an approximately 14,500-square foot country store building containing a convenience market with walk-up food service and a drive-through fast-food restaurant. There will be a diesel fueling island with 9 fueling positions and a gasoline island with 16 fueling positions. The project will have a three-bay tire shop for tire replacement and light service for trucks. 117 truck parking stalls for overnight parking, 80 passenger vehicle stalls and 3 RV parking stalls will be provided.

Access to the project will be provided by two driveways on West Sparks Road. The north driveway will complete a new fourth leg at the existing Lake Easton Road/West Sparks Road tee intersection. The South driveway is proposed to be located on West Sparks Road approximately 500 feet south of Lake Easton Road. All traffic is expected to enter via the north driveway. All passenger vehicles are also expected to exit via the north driveway. Trucks exiting the site from the fueling area and south parking area will exit via the south driveway. Trucks leaving from the north parking area will exit via the north driveway. Trucks leaving the fueling area that park in the north parking area will be able to circulate through the site to enter the north parking area.

The preliminary site plan is provided on **Figure 2**.



Easton Love's Travel Stop
Traffic Impact Analysis

Figure 2
Preliminary Site Plan

3 EXISTING CONDITIONS

3.1 Area Land Uses

The *Love's Travel Stop* will be located off of West Sparks Road near the I-90 exit 70 interchange. The site is currently undeveloped. Adjacent businesses include a Shell gas station and residential properties.

3.2 Roadway Inventory

3.2.1 Interstate-90 (I-90)

Interstate 90 is an east-west freeway that runs from Seattle Washington to Boston Massachusetts. In the project vicinity the roadway has two lanes in each direction with paved shoulders. The posted speed limit is 70 mph.

3.2.2 West Sparks Road

West Sparks Road is classified by Kittitas County as a local roadway through the project vicinity, with a posted speed limit of 35 mph. Within the study area West Sparks Road is a two-lane roadway with no sidewalks and narrow shoulders.

3.2.3 Lake Easton Road/Railroad Street

Lake Easton Road/Railroad Street is classified by Kittitas County as a collector in the project vicinity. It is a two-lane roadway with a posted speed of 35 mph. Within the project vicinity there are no sidewalks provided. Lake Easton Road provides access to I-90 for the properties on Sparks Road as well as the community of Easton.

A summary of the intersection channelization and control type for each of the study intersections is provided in **Figure 3**.

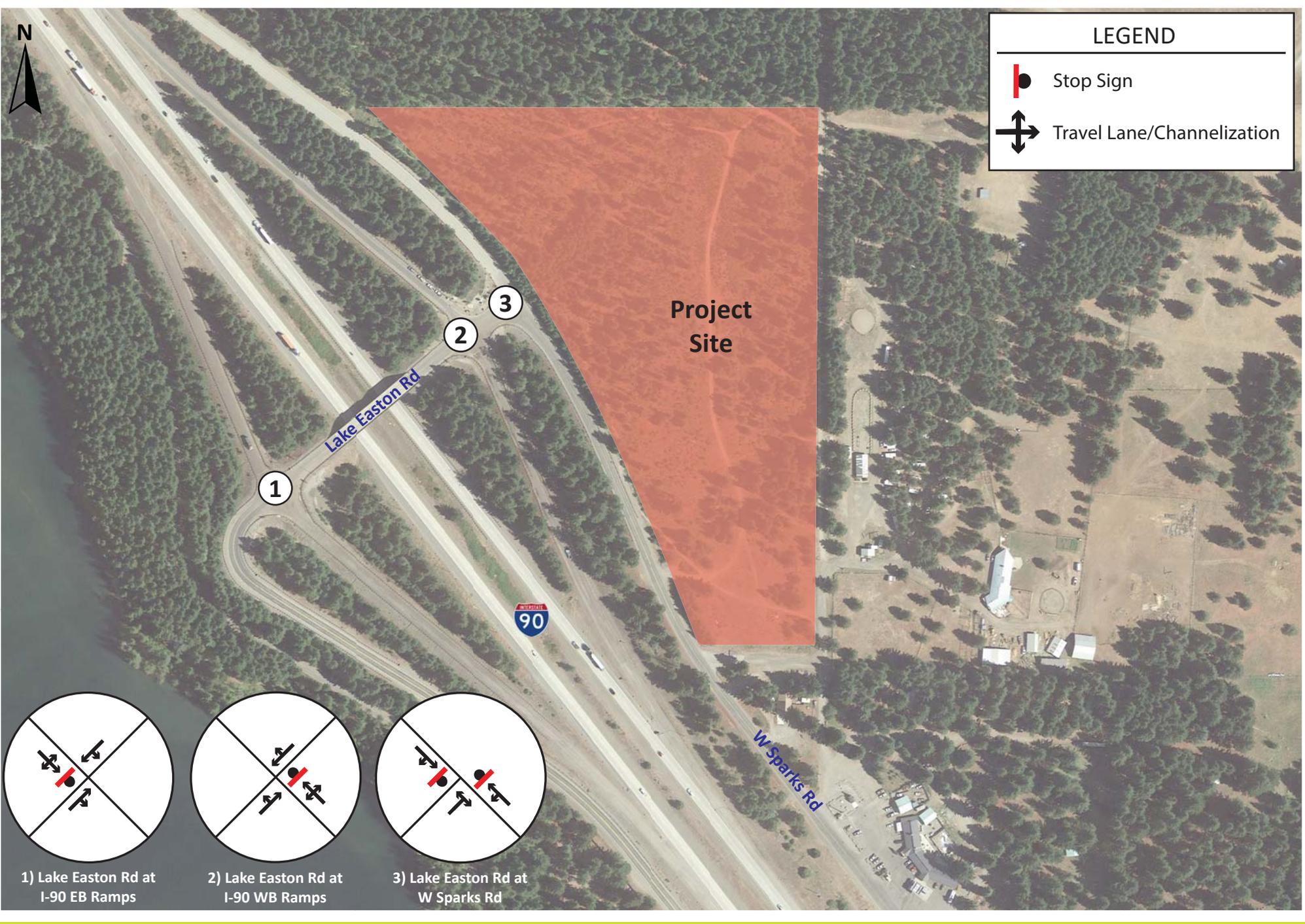
3.3 Traffic Volume Data

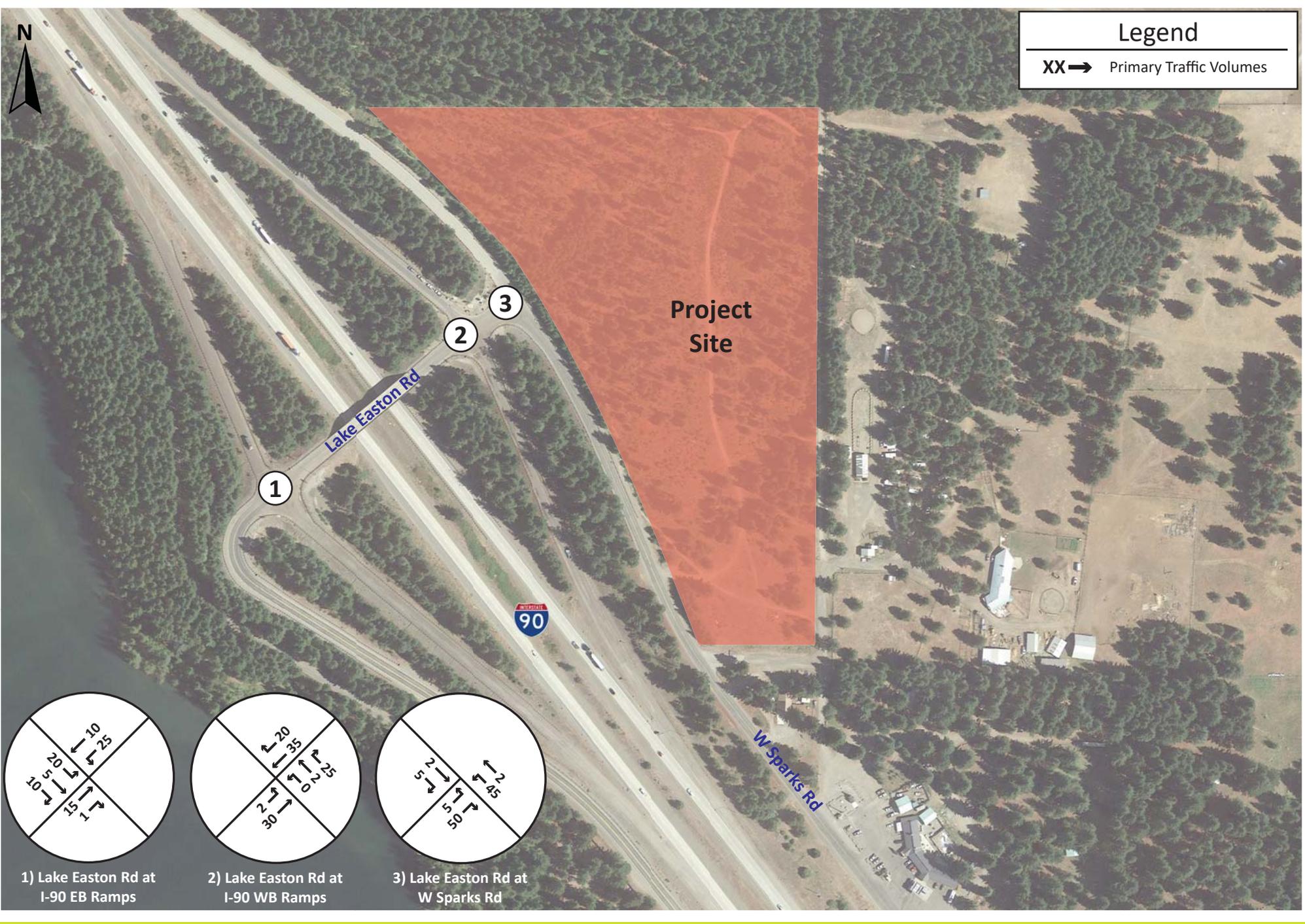
Traffic Count Consultants (TC2), a transportation data collection service, provided PM peak period turning movement counts at three intersections. The counts were conducted on March 21, 2019 between 3:00 pm and 6:00 pm for the evening peak period. The following locations were counted:

- West Sparks Road/Lake Easton Road
- I-90 Westbound Ramps/Lake Easton Road
- I-90 Eastbound Ramps/Lake Easton Road

A common peak hour for all the study intersections was identified as 3:00-4:00 pm. For movements between the study intersections volume adjustments were applied to balance the throughput.

Figure 4 shows the existing 2019 PM peak hour traffic volumes for the study intersections. The turning movement count diagrams are provided in **Appendix A**.





3.4 Crash History

The Washington Department of Transportation provides crash data for study area roadways. The data was collected over the five-year span between January 1, 2014 and December 31, 2018 and reviewed for the study area intersections. The total crashes by severity are provided in **Table 1**.

Table 1. Existing Crash Severity By Study Intersection

| Intersection | Fatal | Serious Injury | Minor Injury | Possible Injury | Property Damage Only | Unknown | Total |
|--------------------------------|----------|----------------|--------------|-----------------|----------------------|----------|----------|
| I-90 EB Ramps/Lake Easton Road | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| I-90 WB Ramps/Lake Easton Road | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| W Sparks Road/Lake Easton Road | 0 | 0 | 0 | 0 | 3 | 0 | 3 |
| Total Crashes | 0 | 0 | 0 | 0 | 5 | 0 | 5 |

Crashes involving property damage only (no apparent injury) make up 100 percent of the crashes. Each of the five reported crashes involved just one vehicle striking a guardrail. There were no fatal or serious injury crashes reported during the five years of crash data reviewed.

4 PROJECT TRAFFIC CHARACTERISTICS

The project-related characteristics having the most effect on area traffic conditions are peak hour trip generation and the directional distribution of traffic volumes on the surrounding roadway network.

4.1 Site-Generated Traffic Volumes

Vehicle trip generation was estimated using the trip generation rates contained in the 10th edition of the Trip Generation Manual by the *Institute of Transportation Engineers (ITE)*. The land-use category “Truck Stop” (land-use code 950), “Fast Casual Restaurant” (land-use code 930), “Fast Food Restaurant” (land-use code 934 and “Tire Store” (land-use code 848) were used.

Truck Trips

The trip generation rates include all types of vehicles, and don't differentiate between truck and passenger vehicle traffic. To estimate the amount of total site-generated traffic that would be trucks we referenced the City of Fontana's Truck Trip Generation Study, dated August 2003. Based on our experience with similar facilities, we used a truck trip generation rate of 8.22 trips per truck fueling position to estimate truck traffic for the site. The truck trips would be a subset of the total trip generation calculated for the project using the ITE trip generation rates.

Non-Primary Traffic

A project such as a truck stop tends to attract a large amount of traffic from people already driving on roadways in the vicinity. These trips do not represent new traffic on the local roadways (referred to as primary trips) but represent “non-primary” trips according to the following definitions:

Pass-by trips are trips made as an intermediate stop from an origin to a primary destination (i.e., stopping to shop on the way home from work) by vehicles passing directly adjacent to the project driveway.

Diverted Trips are similar to pass-by trips, except diverted trips require a diversion from their original route onto another roadway to reach the site. These trips are not technically new trips but are new to the roadways in the immediate vicinity.

Pass-by and diverted trip percentages were taken from the 3rd edition of the Trip Generation Handbook by ITE. Information on Fast Casual Restaurant and Fast Food Restaurant was available in the handbook. Information is not provided for the Truck Stop land-use, but ITE provides averages of primary, pass-by and diverted trips for a gasoline/service station with convenience market, which is the most applicable land use category for this project.

Primary trips represent approximately 20 percent of total driveway traffic, and non-primary trips represent the remaining 80 percent. To provide a conservative analysis, and to better reflect traffic patterns to and from this site, the non-primary trip percentages were assumed to be mostly diverted trips from I-90. For this study, we assumed 8 percent pass-by, 72 percent diverted and 20 percent primary trips. These percentages were only applied to the passenger vehicle traffic. For trucks it is assumed that 100 percent of the trips will be diverted from I-90.

A summary of the project trip generation estimate is provided in **Table 2**. The complete project trip generation calculations are included in **Appendix B**.

Table 2. PM Peak Hour Project Trip Generation

| Vehicle Type | Total Driveway Trips | Diverted Trips | Pass-by Trips | Primary Trips | | |
|------------------------------|----------------------|----------------|---------------|---------------|-----------|-----------|
| | | | | Enter | Exit | Total |
| Passenger Vehicles | 278 | 199 | 22 | 30 | 27 | 57 |
| Trucks | 80 | 80 | 0 | 0 | 0 | 0 |
| Total Project Traffic | 358 | 279 | 22 | 30 | 27 | 57 |

4.2 Site Traffic Distribution and Assignment

For this study, the directional distribution of traffic to and from the proposed project was estimated based on the existing turning movement counts and a review of the surrounding developed areas. For this analysis each trip type was assigned differently. Following is a brief explanation of each assignment.

Truck Trips

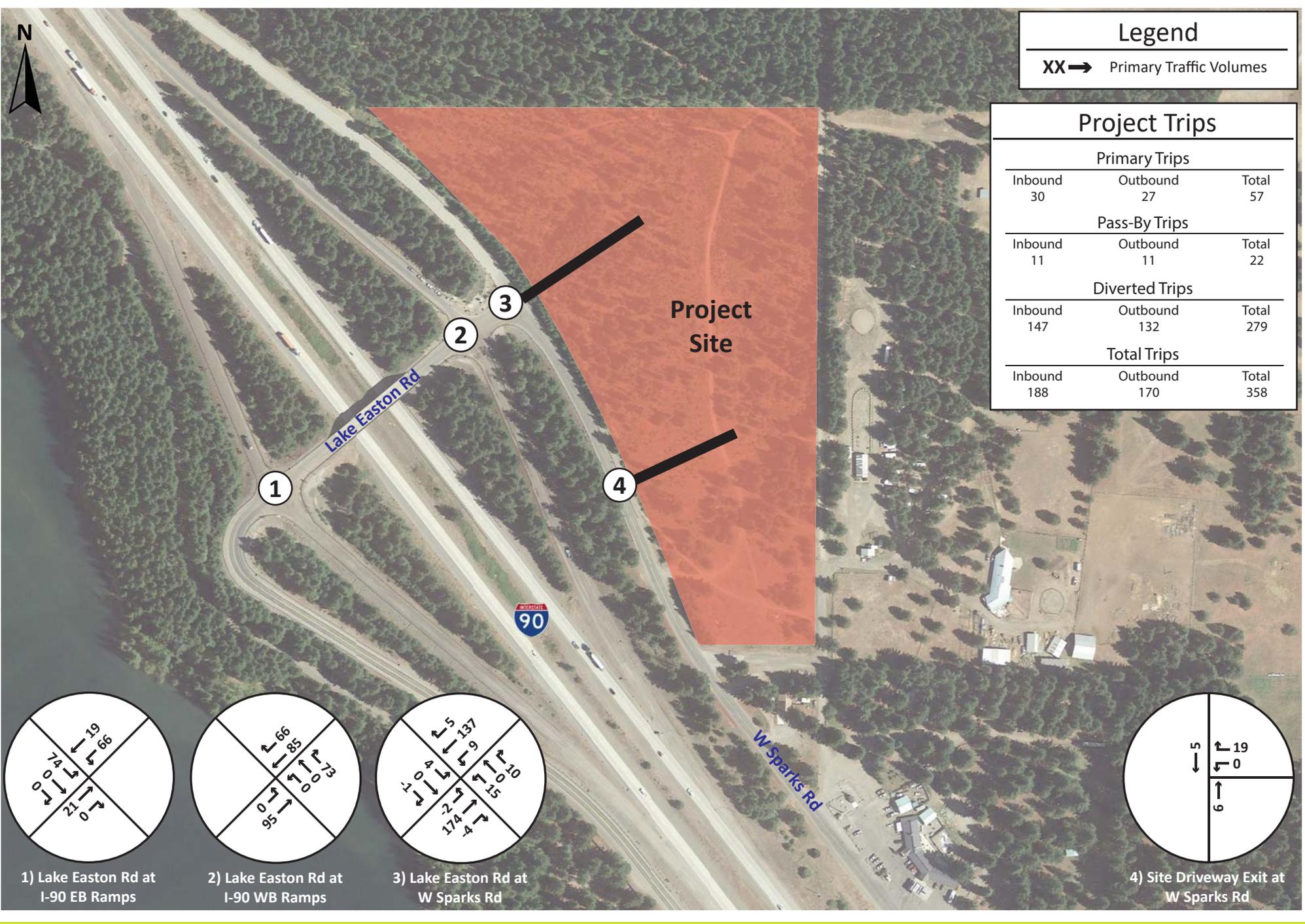
100 percent of the truck trips are assumed to be diverted from Interstate 90, with 50 percent drawn from each direction. None of the truck trips are considered pass-by or primary trips.

Passenger Vehicle Trips:

The passenger vehicle trips are comprised of diverted trips, pass-by trips and primary trips.

- The diverted trips were assumed to be drawn from I-90, with 50 percent drawn from each direction;
- The pass-by trips were assigned to West Sparks Road based on an estimate of current traffic volumes along the project frontage;
- The primary trips were assumed to travel between the site and other household and commercial populations in Easton, mostly located south of the project and west of I-90.

The site traffic distribution and assignment showing the sum of passenger vehicle and truck trips is provided on **Figure 5**. Separate figures that show the diverted trip distribution and assignment and Pass-by distribution and assignment are included in **Appendix B**.



5 FUTURE TRAFFIC CONDITIONS

5.1 Roadway Network Improvements

The transportation element of Kittitas County's current comprehensive plan, published in 2008, does not identify any capacity improvements in the study area

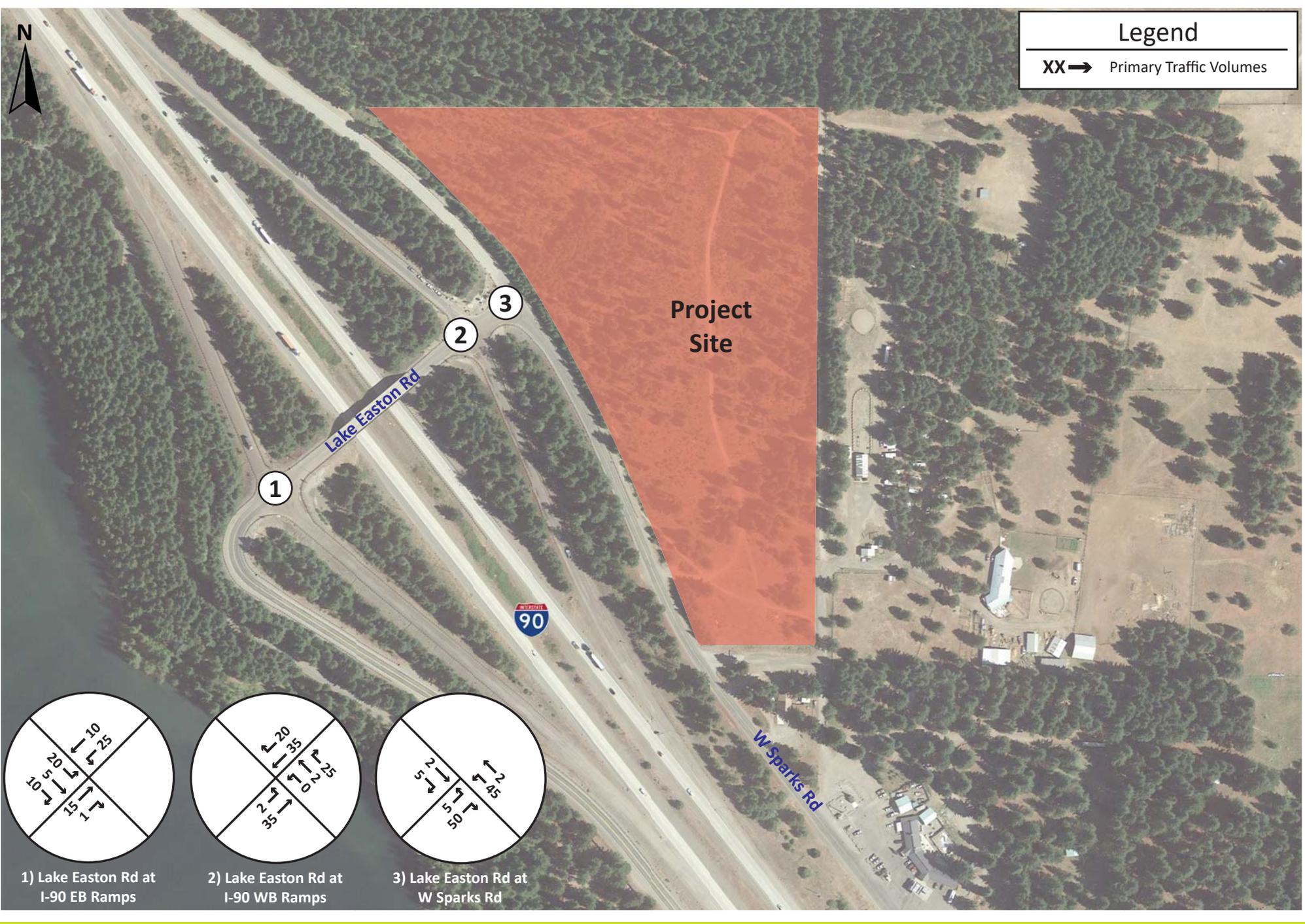
5.2 Future Traffic Volumes

Traffic volume forecasts were prepared for PM peak hour conditions for the 2020 opening year. The future traffic volume forecast includes non-specific background traffic growth and estimated traffic generated by the proposed Love's Travel Stop.

For the non-specific background growth, we used 2.0 percent annual growth rate (non-compounded) in our calculations. This growth rate was based on the historic growth pattern on I-90 based on Annualized Average Daily Traffic (AADT) volumes available in WSDOT's *Annual Traffic Report*. Several editions of this publication were used to review the growth over several years.

The projected 2020 traffic volumes without the *Love's Travel Stop* are shown on **Figure 6**. The projected 2020 traffic volumes with the project are shown on **Figure 7**.

The traffic volume calculations for the study intersections are included in **Appendix B**.



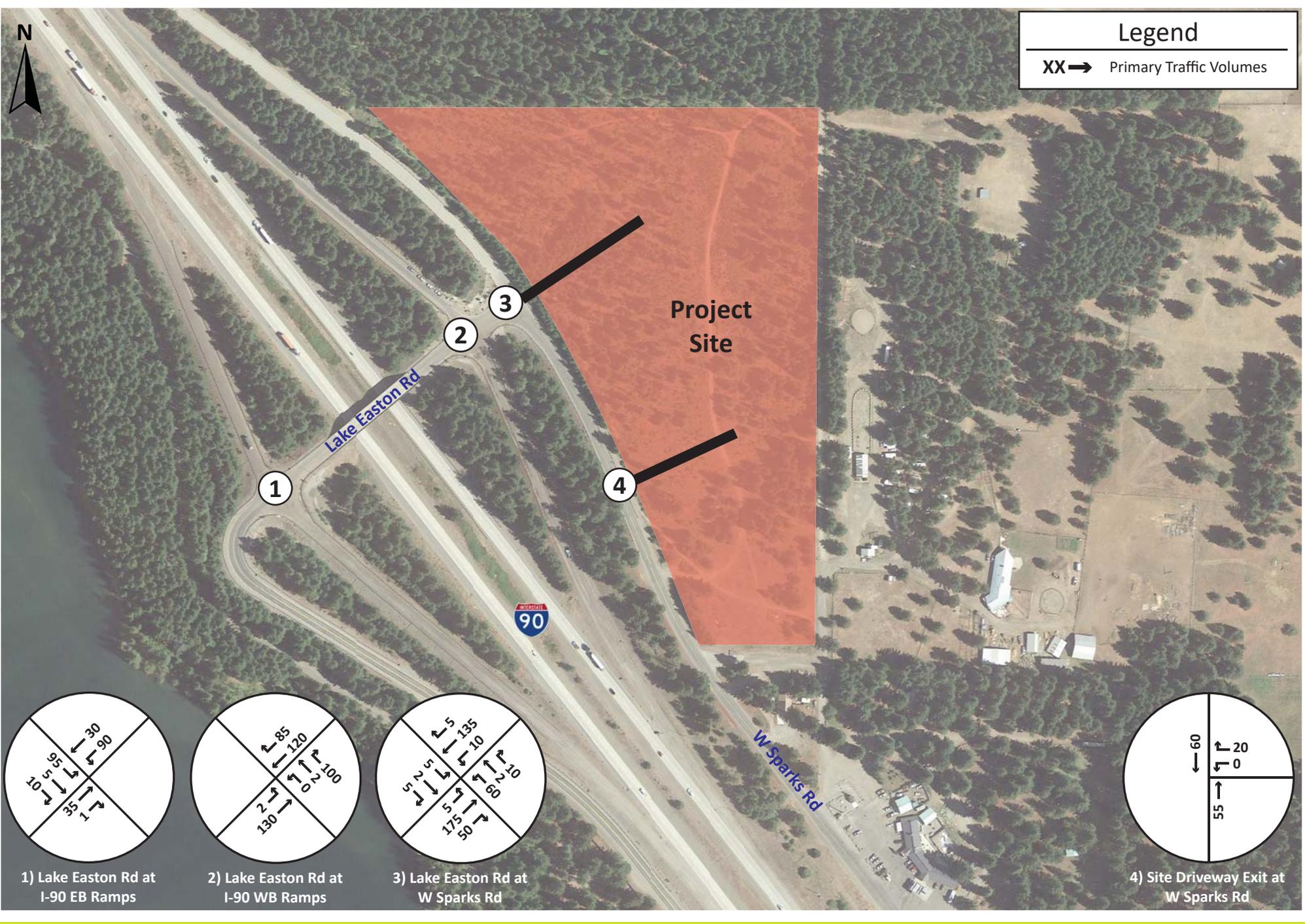


Figure 7
 Projected 2020 PM Peak Hour
 Traffic Volumes with Project

6 TRAFFIC OPERATIONS ANALYSIS

Traffic analyses were conducted to identify any deficiencies within the study area for the PM peak hour in the 2019 base year and the 2020 project opening year.

6.1 Level of Service

The acknowledged source for determining overall capacity for arterial segments and independent intersections is the current edition of the *Highway Capacity Manual* (HCM) published by the Transportation Research Board (TRB). Capacity analyses were completed for the base year and projected 2020 traffic volume scenarios.

Intersection analysis was performed using the Synchro/SimTraffic software package. This software implements the methods of the 6th Edition HCM. Capacity analysis results are described in terms of Level of Service (LOS). LOS is a qualitative term describing operating conditions a driver will experience while traveling on a street or highway during a specific time interval. LOS ranges from A (very little delay) to F (long delays and congestion). The software does not provide level of service results for the unusual geometric control conditions present at W Sparks Road/Lake Easton Road. For this location the level of service results were reported from the SimTraffic simulations. For the SimTraffic results the average of five traffic operational simulations was used.

Kittitas County's *Comprehensive Plan* identifies a LOS C standard for rural areas. Transportation improvements would generally be necessary where LOS C operations is exceeded.

6.1.1 Intersection Operations

For intersections under minor street stop-control, the LOS of the most difficult movement (typically the minor street left-turn) represents the intersection Level of Service for purposes of assessing potential impacts. For traffic signals, the intersection average delay is used to assess potential impacts. The following table shows the Level of Service criteria for stop-controlled intersections and signalized intersections.

Table 3. Level of Service Criteria for Intersections

| Level of Service | Stop-Controlled Intersection Average Control Delay (seconds/vehicle) |
|------------------|--|
| A | ≤ 10 |
| B | > 10-15 |
| C | > 15-25 |
| D | > 25-35 |
| E | > 35-50 |
| F | > 50 |

6.2 Intersection Analysis

The analysis was conducted for the following scenarios:

- Existing 2019 traffic volumes
- Projected 2020 background traffic volumes without the *Love's Travel Stop* project

- Projected 2020 traffic volumes with the *Love's Travel Stop* project

Truck volumes were collected in the turning movement counts and used in the 2019 existing and 2020 background traffic analysis. With completion of the project, the truck percentages were adjusted to account for the truck traffic volumes anticipated at the *Love's Travel Stop*. This adjusted percentage was used in the 2020 analysis with Love's in place.

The traffic analysis worksheets are provided in **Appendix C**.

6.2.1 I-90 Eastbound Ramps/Lake Easton Road

This intersection operates under stop sign-control for the eastbound off-ramp, with each approach providing a single travel lane.

In the 2019 PM peak hour, the intersection operates at LOS A with 9.0 seconds of average delay per vehicle for the worst movement. For the 2020 horizon year without the Love's project, the intersection is projected to remain at LOS A with 9.0 seconds of average delay. With the addition of project traffic, the intersection is projected to operate at LOS B in 2020, with 11.7 seconds of average delay.

6.2.2 I-90 Westbound Ramps/Lake Easton Road

This intersection operates under stop sign-control for the eastbound off-ramp, with each approach providing a single travel lane.

In the 2019 PM peak hour, the intersection operates at LOS A with 8.6 seconds of average delay for the worst movement. For the 2020 horizon without the Love's project, the intersection is projected to remain at LOS A with 8.7 seconds of average delay. With the addition of project traffic, the intersection is projected to operate at LOS B, with 10.0 seconds of average delay.

6.2.3 W Sparks Road/Lake Easton Road

This intersection is located approximately 100 feet northeast intersection of Lake Easton Road with the I-90 WB ramps. To best accommodate this tight spacing, the northeast-bound Lake Easton Road approach to this intersection is uncontrolled. Both approaches of W Sparks Road operate under stop-sign control. Each approach provides a single travel lane. With the project this intersection will add a fourth (southwest-bound) approach serving as the north driveway to the site. This fourth approach will also be stop-sign controlled.

Due to the uncommon intersection control, the SimTraffic simulation tool within the Synchro software package was used to calculate the average delay for the stop-controlled movements. In the 2019 PM peak hour, the intersection operates at LOS A with 8.7 seconds of average delay for the worst movement. For the 2020 horizon without the Love's project, the intersection is projected to remain at LOS A with 8.7 seconds of average delay. With the addition of project traffic and a fourth approach leg, the intersection is projected to operate at LOS A, with 6.9 seconds of average delay. While the worst movement is reporting as less delay, the overall average delay experienced at the intersection increases with the project, going from 2.2 seconds today to 2.9 seconds with the project.

6.2.4 Site Driveways

The project is proposed with two access driveways on West Sparks Road. The south driveway will provide passenger vehicle access to the fuel pumps and convenience store. The north driveway will provide access for trucks to the truck parking, fueling and service areas.

6.2.4.1 Right Turn Lane Warrants

Right turn lane warrants were reviewed for each site driveway based on forecasted 2020 PM peak hour traffic volumes, using the right turn lane warrant from the WSDOT design manual (exhibit 1310-11). The warrant is included in **Appendix D**. Both driveways are projected to serve less than 20 right-turn vehicles in the peak hour, which is below the minimum amount to meet warrants for a right-turn pocket or taper.

We have prepared analysis of the site driveway intersections with stop control for the minor approaches. Both driveways will be tee intersections. With these geometric conditions the site driveway intersections are each projected to operate at LOS A for the forecasted 2020 opening year.

6.2.5 LOS Analysis Summary

The operational analysis results of the study intersections for the PM peak hour are provided in **Table 4**. The LOS analysis worksheets are included in **Appendix C**.

Table 4. PM Peak Hour Intersection Level of Service

| Intersection | Control Type | LOS Standard | Base Year 2019 | | Projected 2020 | | | |
|---|-------------------|--------------|----------------|-------------------|-----------------|-------------------|--------------|-------------------|
| | | | LOS (delay) | Reported Approach | Without Project | | With Project | |
| | | | | | LOS (delay) | Reported Approach | LOS (delay) | Reported Approach |
| I-90 EB Ramps/Lake Easton Rd | TWSC ¹ | C | A (9.0) | EB Off-ramp | A (9.0) | EB Off-ramp | B (11.7) | EB Off-ramp |
| I-90 WB Ramps/Lake Easton Rd | TWSC ¹ | C | A (8.6) | WB off-ramp | A (8.7) | WB off-ramp | B (10.0) | WB off-ramp |
| W Sparks Rd/Lake Easton Rd/North Site Driveway ² | TWSC ¹ | C | A (8.7) | SB Sparks Road | A (8.7) | EB Sparks Road | A (6.9) | Site Driveway |
| W Sparks Rd/South Site Driveway | TWSC ¹ | C | N/A | N/A | N/A | N/A | A (9.8) | Site Driveway |

1. Two-Way Stop-Control
2. Analysis results based on SimTraffic simulations

7 SUMMARY AND CONCLUSION

Love's Travel Stops & Country Stores plans to construct the Easton *Love's Travel Stop* on West Sparks Road near the I-90 Exit 70 interchange (Lake Easton Road). The project will consist of a new truck stop facility that will provide passenger vehicle and truck fueling, a convenience market and food service, a tire shed for trucks, and overnight truck parking. There will be a diesel fueling island with 9 fueling positions and a gasoline island with 16 fueling positions. The tire shed will have three-bays for tire replacement and light service for trucks. There will be 117 truck parking stalls for overnight parking, 80 passenger vehicle stalls and 3 RV parking stalls.

At full occupancy and operation, the project is estimated to generate approximately 360 trip ends during the PM peak hour at the site's driveways. Most of these trips (78 percent) will be drawn from traffic already traveling on I-90. This report has been prepared to provide the traffic analysis and project information for Kittitas County and WSDOT to use in the environmental review of the project.

Based on the analysis described in this report, all the study area intersections are projected to operate at or better than the Kittitas County LOS C standard.

APPENDIX A
TRAFFIC VOLUME COUNTS

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Prepared for: **SCJ Alliance**

Traffic Count Consultants, Inc.

Phone: (253) 770-1407 FAX: (253) 770-1411 E-Mail: Team@TC2inc.com

WBE/DBE

Intersection: I-90 EB Ramps & Lake Easton Rd
Location: Easton, Washington

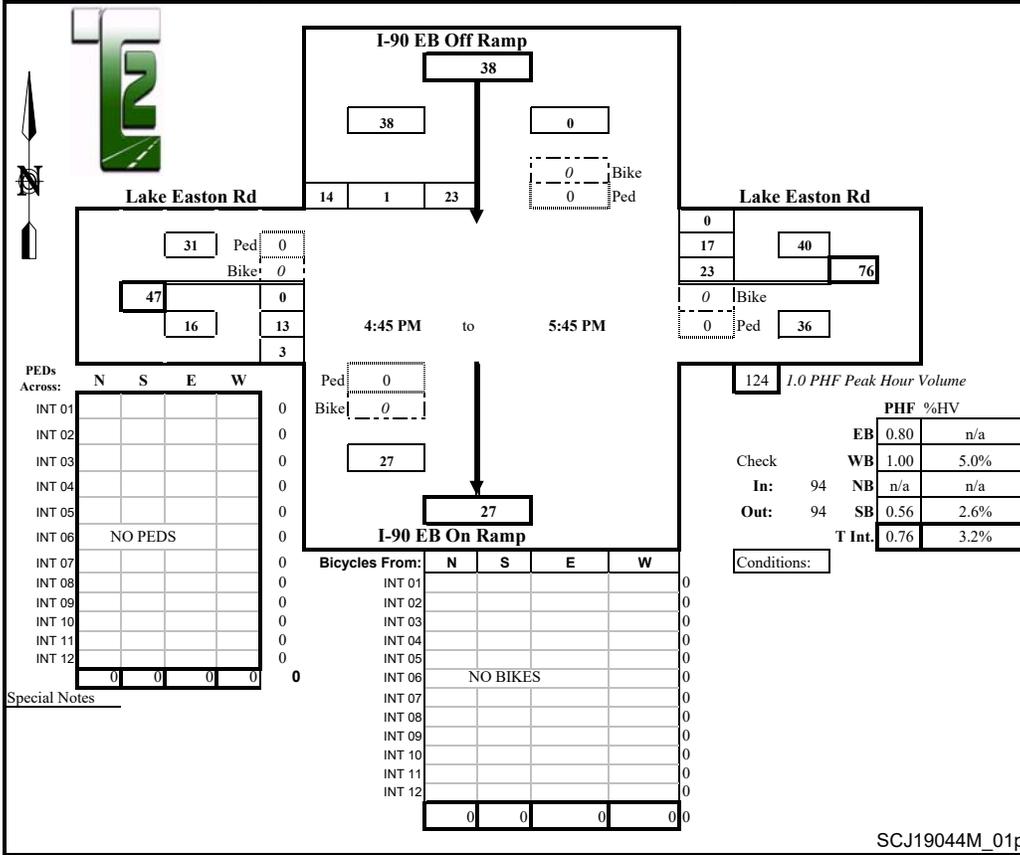
Date of Count: Thurs 3/21/2019
Checked By: Jess

| Time Interval Ending at | From North on (SB) I-90 EB Off Ramp | | | | From South on (NB) I-90 EB On Ramp | | | | From East on (WB) Lake Easton Rd | | | | From West on (EB) Lake Easton Rd | | | | Interval Total |
|-------------------------|-------------------------------------|----|---|---|------------------------------------|---|---|---|----------------------------------|---|---|---|----------------------------------|---|---|---|----------------|
| | T | L | S | R | T | L | S | R | T | L | S | R | T | L | S | R | |
| 3:15 P | 0 | 8 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 7 | 1 | 0 | 1 | 0 | 2 | 0 | 21 |
| 3:30 P | 0 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 6 | 2 | 0 | 0 | 0 | 2 | 1 | 18 |
| 3:45 P | 1 | 3 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 3 | 4 | 0 | 0 | 0 | 6 | 1 | 21 |
| 4:00 P | 0 | 3 | 1 | 6 | 0 | 0 | 0 | 0 | 0 | 7 | 2 | 0 | 0 | 0 | 4 | 0 | 23 |
| 4:15 P | 0 | 7 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 7 | 1 | 0 | 0 | 0 | 1 | 1 | 18 |
| 4:30 P | 0 | 6 | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 5 | 3 | 0 | 0 | 0 | 1 | 0 | 21 |
| 4:45 P | 0 | 6 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | 2 | 0 | 0 | 0 | 2 | 1 | 16 |
| 5:00 P | 0 | 3 | 0 | 6 | 0 | 0 | 0 | 0 | 1 | 5 | 5 | 0 | 0 | 0 | 4 | 0 | 23 |
| 5:15 P | 0 | 13 | 0 | 4 | 0 | 0 | 0 | 0 | 1 | 4 | 6 | 0 | 0 | 0 | 3 | 1 | 31 |
| 5:30 P | 1 | 4 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 9 | 1 | 0 | 0 | 0 | 2 | 1 | 19 |
| 5:45 P | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 0 | 0 | 0 | 4 | 1 | 21 |
| 6:00 P | 0 | 9 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 4 | 1 | 0 | 0 | 0 | 1 | 0 | 18 |

| | | | | | | | | | | | | | | | | | |
|--------------|---|----|---|----|---|---|---|---|---|----|----|---|---|---|----|---|-----|
| Total Survey | 2 | 71 | 7 | 35 | 0 | 0 | 0 | 0 | 3 | 65 | 33 | 0 | 1 | 0 | 32 | 7 | 250 |
|--------------|---|----|---|----|---|---|---|---|---|----|----|---|---|---|----|---|-----|

Peak Hour: 4:45 PM to 5:45 PM

| | | | | | | | | | | | | | | | | | |
|----------|------|----|---|----|-----|---|---|---|------|----|----|---|------|---|----|---|------|
| Total | 1 | 23 | 1 | 14 | 0 | 0 | 0 | 0 | 2 | 23 | 17 | 0 | 0 | 0 | 13 | 3 | 94 |
| Approach | 38 | | | | 0 | | | | 40 | | | | 16 | | | | 94 |
| %HV | 2.6% | | | | n/a | | | | 5.0% | | | | n/a | | | | 3.2% |
| PHF | 0.56 | | | | n/a | | | | 1.00 | | | | 0.80 | | | | 0.76 |





Prepared for: **SCJ Alliance**
Traffic Count Consultants, Inc.

Phone: (253) 770-1407 FAX: (253) 770-1411 E-Mail: Team@TC2inc.com

WBE/DBE

Intersection: I-90 WB Ramps & Lake Easton Rd
Location: Easton, Washington

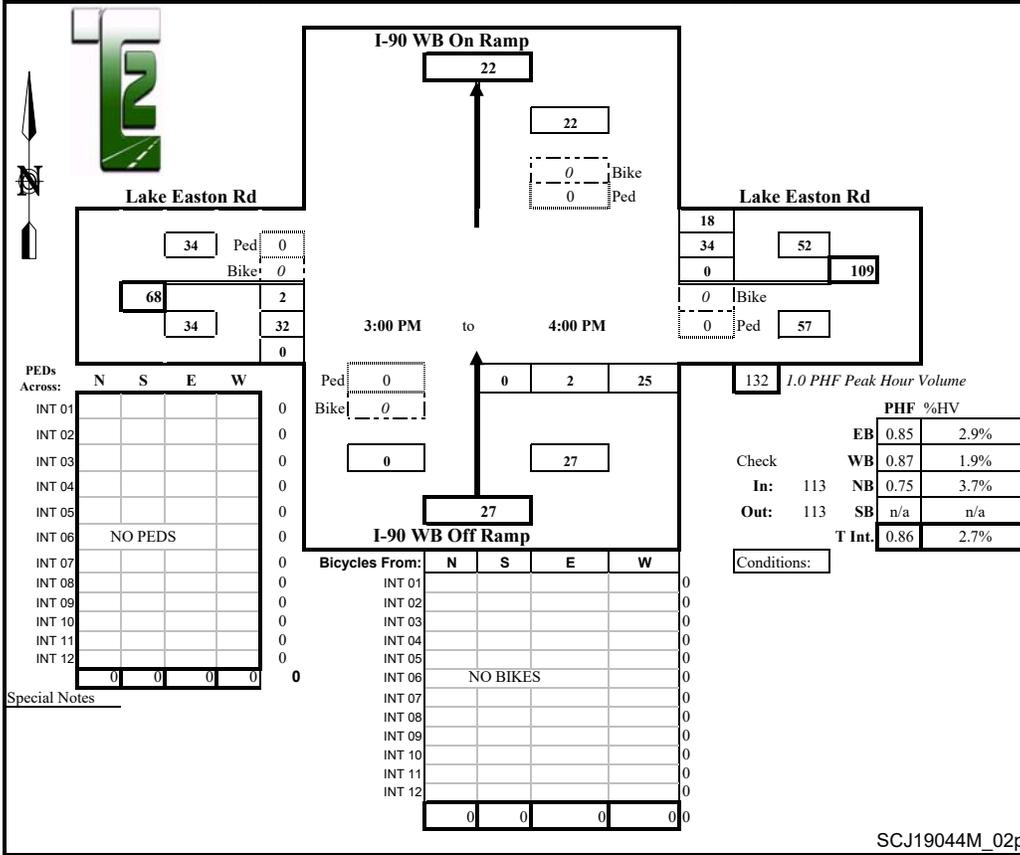
Date of Count: Thurs 3/21/2019
Checked By: Jess

| Time Interval Ending at | From North on (SB) I-90 WB On Ramp | | | | From South on (NB) I-90 WB Off Ramp | | | | From East on (WB) Lake Easton Rd | | | | From West on (EB) Lake Easton Rd | | | | Interval Total |
|-------------------------|------------------------------------|---|---|---|-------------------------------------|---|---|---|----------------------------------|---|----|---|----------------------------------|---|----|---|----------------|
| | T | L | S | R | T | L | S | R | T | L | S | R | T | L | S | R | |
| 3:15 P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 0 | 0 | 9 | 3 | 1 | 0 | 9 | 0 | 30 |
| 3:30 P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 1 | 0 | 7 | 8 | 0 | 1 | 9 | 0 | 33 |
| 3:45 P | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 3 | 0 | 0 | 7 | 5 | 0 | 0 | 7 | 0 | 24 |
| 4:00 P | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 5 | 0 | 0 | 11 | 2 | 0 | 1 | 7 | 0 | 26 |
| 4:15 P | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 0 | 0 | 6 | 3 | 0 | 0 | 8 | 0 | 22 |
| 4:30 P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 9 | 3 | 0 | 0 | 7 | 0 | 25 |
| 4:45 P | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 8 | 0 | 0 | 5 | 3 | 0 | 1 | 8 | 0 | 25 |
| 5:00 P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 1 | 0 | 11 | 3 | 0 | 0 | 7 | 0 | 27 |
| 5:15 P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 1 | 0 | 9 | 2 | 0 | 0 | 15 | 0 | 30 |
| 5:30 P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 11 | 4 | 0 | 1 | 4 | 0 | 26 |
| 5:45 P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 9 | 1 | 0 | 0 | 8 | 0 | 19 |
| 6:00 P | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 6 | 0 | 0 | 0 | 9 | 0 | 22 |

| | | | | | | | | | | | | | | | | | |
|--------------|---|---|---|---|---|---|---|----|---|---|-----|----|---|---|----|---|-----|
| Total Survey | 0 | 0 | 0 | 0 | 2 | 0 | 3 | 67 | 3 | 0 | 100 | 37 | 1 | 4 | 98 | 0 | 309 |
|--------------|---|---|---|---|---|---|---|----|---|---|-----|----|---|---|----|---|-----|

Peak Hour: 3:00 PM to 4:00 PM

| | | | | | | | | | | | | | | | | | |
|----------|-----|---|---|---|------|---|---|----|------|---|----|----|------|---|----|---|------|
| Total | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 25 | 1 | 0 | 34 | 18 | 1 | 2 | 32 | 0 | 113 |
| Approach | 0 | | | | 27 | | | | 52 | | | | 34 | | | | 113 |
| %HV | n/a | | | | 3.7% | | | | 1.9% | | | | 2.9% | | | | 2.7% |
| PHF | n/a | | | | 0.75 | | | | 0.87 | | | | 0.85 | | | | 0.86 |





Prepared for: **SCJ Alliance**
Traffic Count Consultants, Inc.

Phone: (253) 770-1407 FAX: (253) 770-1411 E-Mail: Team@TC2inc.com

WBE/DBE

Intersection: W Sparks Rd & Lake Easton Rd
Location: Easton, Washington

Date of Count: Thurs 3/21/2019
Checked By: Jess

| Time Interval Ending at | From North on (SB) W Sparks Rd | | | | From South on (NB) W Sparks Rd | | | | From East on (WB) 0 | | | | From West on (EB) Lake Easton Rd | | | | Interval Total |
|-------------------------|--------------------------------|---|---|---|--------------------------------|----|---|---|---------------------|---|---|---|----------------------------------|---|---|----|----------------|
| | T | L | S | R | T | L | S | R | T | L | S | R | T | L | S | R | |
| 3:15 P | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 0 | 16 | 32 |
| 3:30 P | 1 | 0 | 1 | 3 | 1 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 15 | 32 |
| 3:45 P | 0 | 0 | 0 | 0 | 0 | 12 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 9 | 23 |
| 4:00 P | 0 | 0 | 1 | 3 | 0 | 10 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 11 | 27 |
| 4:15 P | 0 | 0 | 0 | 2 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 21 |
| 4:30 P | 0 | 0 | 0 | 1 | 0 | 11 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 9 | 26 |
| 4:45 P | 0 | 0 | 1 | 1 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 14 | 25 |
| 5:00 P | 0 | 0 | 0 | 2 | 1 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 11 | 27 |
| 5:15 P | 0 | 0 | 0 | 0 | 1 | 11 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 18 | 32 |
| 5:30 P | 0 | 0 | 2 | 0 | 1 | 15 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 6 | 27 |
| 5:45 P | 0 | 0 | 1 | 2 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 7 | 20 |
| 6:00 P | 0 | 0 | 0 | 2 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 14 | 25 |

| | | | | | | | | | | | | | | | | | |
|--------------|---|---|---|----|---|-----|---|---|---|---|---|---|---|----|---|-----|-----|
| Total Survey | 1 | 0 | 6 | 16 | 4 | 124 | 5 | 0 | 0 | 0 | 0 | 0 | 4 | 24 | 0 | 142 | 317 |
|--------------|---|---|---|----|---|-----|---|---|---|---|---|---|---|----|---|-----|-----|

Peak Hour: 3:00 PM to 4:00 PM

| | | | | | | | | | | | | | | | | | |
|----------|-------|---|---|---|------|----|---|---|-----|---|---|---|------|---|---|----|------|
| Total | 1 | 0 | 2 | 6 | 1 | 46 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 7 | 0 | 51 | 114 |
| Approach | 8 | | | | 48 | | | | 0 | | | | 58 | | | | 114 |
| %HV | 12.5% | | | | 2.1% | | | | n/a | | | | 3.4% | | | | 3.5% |
| PHF | 0.50 | | | | 0.92 | | | | n/a | | | | 0.76 | | | | 0.89 |

PEDS Across:

| INT | N | S | E | W |
|--------|---------|---|---|---|
| INT 01 | | | | |
| INT 02 | | | | |
| INT 03 | | | | |
| INT 04 | | | | |
| INT 05 | | | | |
| INT 06 | NO PEDS | | | |
| INT 07 | | | | |
| INT 08 | | | | |
| INT 09 | | | | |
| INT 10 | | | | |
| INT 11 | | | | |
| INT 12 | | | | |

Special Notes

W Sparks Rd
17

Lake Easton Rd
6 2

3:00 PM to 4:00 PM

W Sparks Rd
101

Bicycles From:

| INT | N | S | E | W |
|--------|----------|---|---|---|
| INT 01 | | | | |
| INT 02 | | | | |
| INT 03 | | | | |
| INT 04 | | | | |
| INT 05 | | | | |
| INT 06 | NO BIKES | | | |
| INT 07 | | | | |
| INT 08 | | | | |
| INT 09 | | | | |
| INT 10 | | | | |
| INT 11 | | | | |
| INT 12 | | | | |

128 1.0 PHF Peak Hour Volume

| Check | PHF | %HV |
|----------|------|------------|
| EB | 0.76 | 3.4% |
| WB | n/a | n/a |
| In: 114 | NB | 0.92 2.1% |
| Out: 114 | SB | 0.50 12.5% |
| T Int. | 0.89 | 3.5% |

Conditions:

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APPENDIX B
TRAFFIC VOLUME CALCULATION WORKSHEETS

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Easton Love's Travel Stop

Trip Generation

| PM Peak Hour Trip Generation | | | | | | | | | | | | | | | | | | | | | |
|--|-----|---------------------------------|--------------|-------|-----------|--------------|--------------|-------------|------------|------------|------------------|----------|-------------|------------|---------------|-----------|---------------|-----------|---------------|-----|-------|
| Site Plan Description | LUC | ITE Description | Variable | Value | Trip Rate | Distribution | | Total Trips | | | Internal Capture | | Non-Primary | | Diverted Link | | Pass-By Trips | | Primary Trips | | |
| | | | | | | In | Out | In | Out | Total | % | Total | % | Total | % | Total | % | Total | In | Out | Total |
| Fueling/Convenience Market - Total | 950 | Truck Stop | 1,000-sf gfa | 9.500 | 22.73 | 53% | 47% | 114 | 102 | 216 | | | | | | | | | | | |
| Love's Travel Stop - Trucks | 950 | Truck Stop | Pumps | 9.000 | 8.22 | 53% | 47% | 39 | 35 | 74 | 0% | 0 | 100% | 74 | 100% | 74 | 0% | 0 | 0 | 0 | |
| Love's Travel Stop - Passenger Cars | 950 | Truck Stop | 1,000-sf gfa | | | 53% | 47% | 75 | 67 | 142 | 0% | 0 | 88% | 125 | 80% | 114 | 8% | 11 | 10 | 7 | |
| Three Bay Tire Shop - Total | 848 | Tire Store | Service Bay | 3.0 | 3.42 | 42% | 58% | 4 | 6 | 10 | | | | | | | | | | | |
| Three Bay Tire Shop - Trucks | 848 | Tire Store | Service Bay | | 60% | 42% | 58% | 3 | 3 | 6 | 0% | 0 | 100% | 6 | 100% | 6 | 0% | 0 | 0 | 0 | |
| Three Bay Tire Shop - Passenger Cars | 848 | Tire Store | Service Bay | | 40% | 42% | 58% | 1 | 3 | 4 | 0% | 0 | 0% | 0 | 0% | 0 | 0% | 0 | 1 | 3 | |
| Counter Service Restaurant | 930 | Fast Casual Restaurant | 1,000-sf gfa | 1.648 | 14.13 | 55% | 45% | 13 | 10 | 23 | 0% | 0 | 69% | 16 | 60% | 14 | 9% | 2 | 4 | 3 | |
| Fast Food Restaurant with Drive-Through Window | 934 | Fast Food Restaurant with Drive | 1,000-sf gfa | 3.332 | 32.67 | 52% | 48% | 57 | 52 | 109 | 0% | 0 | 73% | 80 | 65% | 71 | 8% | 9 | 15 | 14 | |
| Truck Stop Total | | | | | | 52.5% | 47.5% | 188 | 170 | 358 | 0% | 0 | 301 | 279 | | 22 | 30 | 27 | 57 | | |

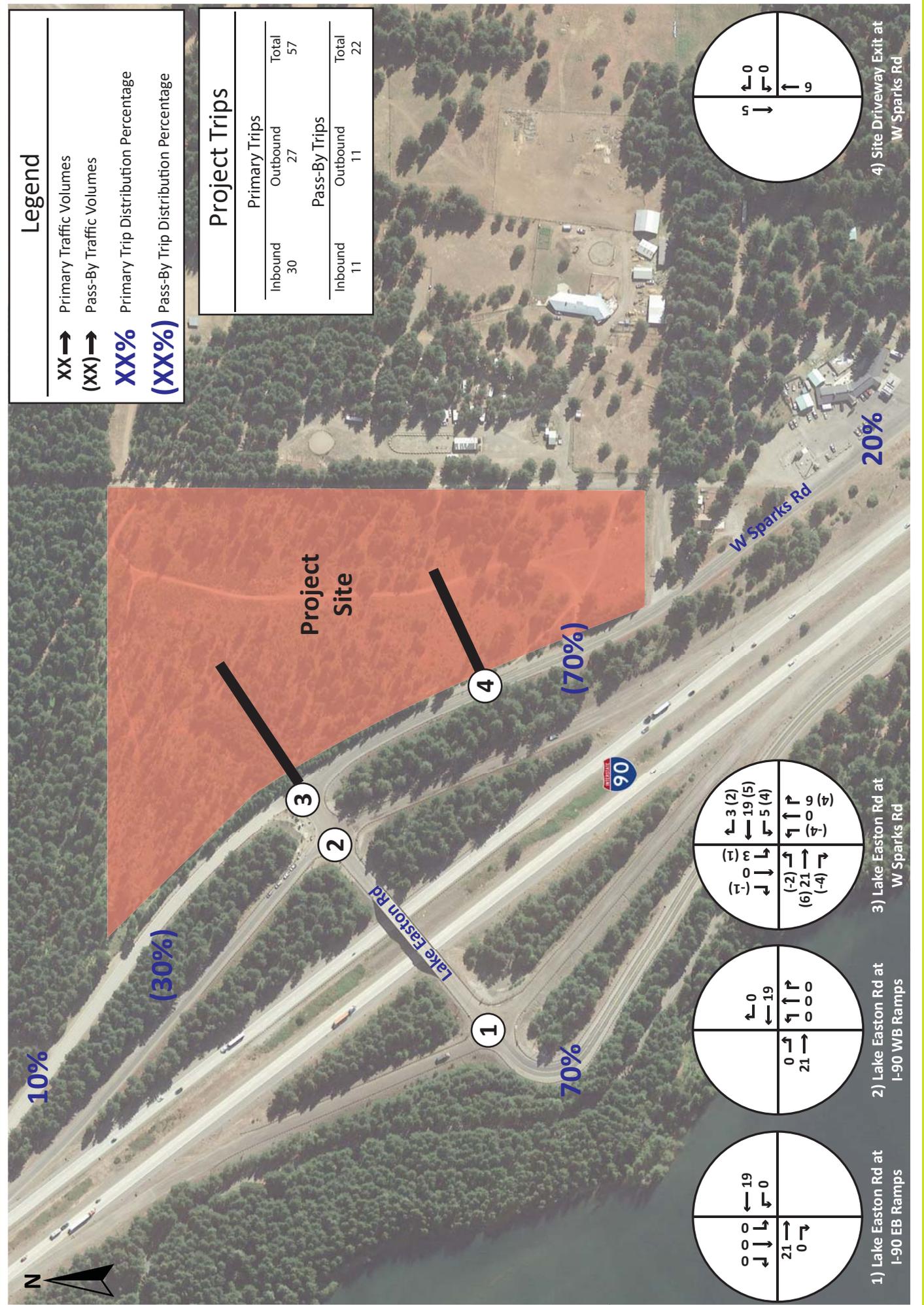
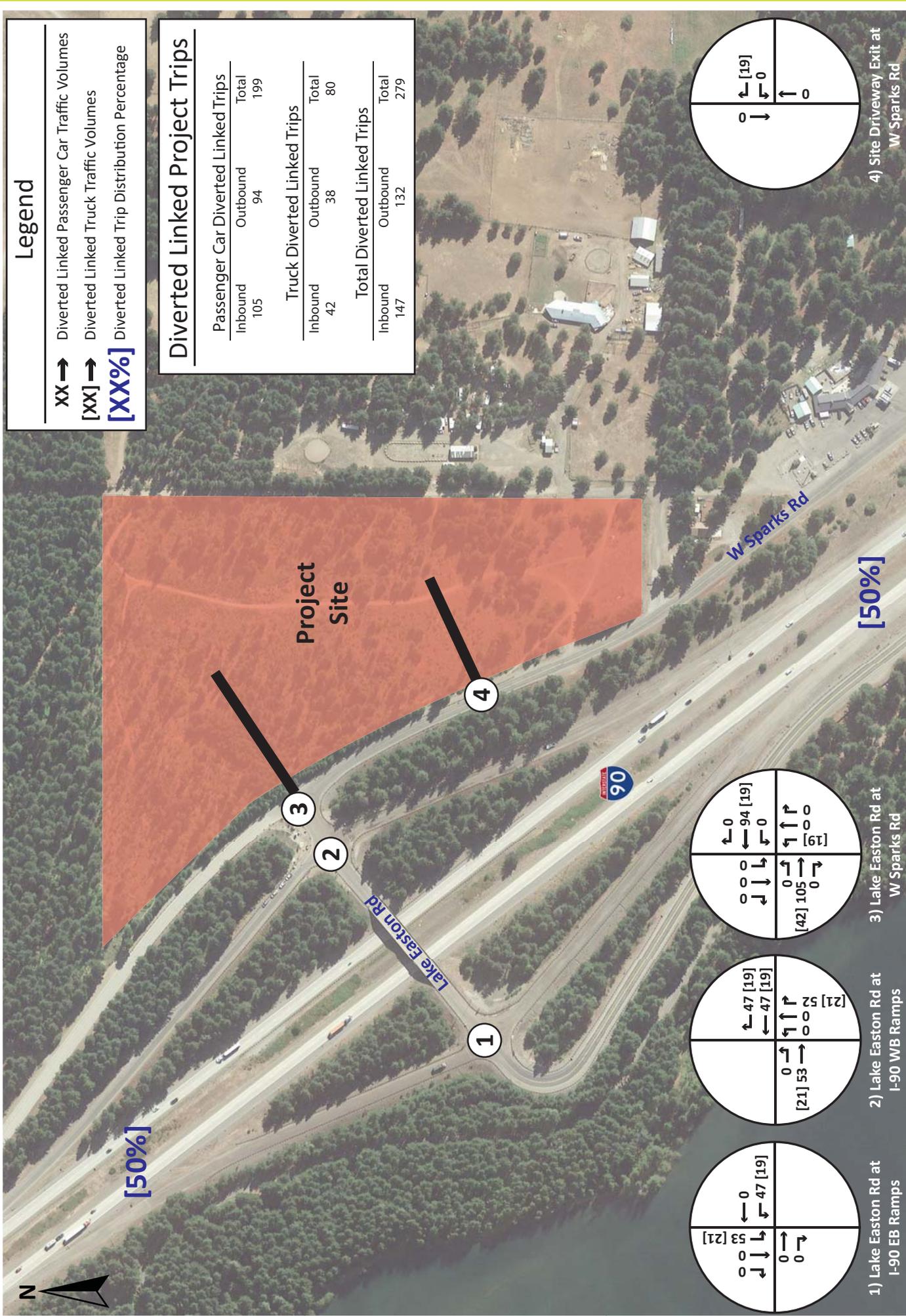


Figure A
 PM Peak Hour Primary and Pass-By
 Site Generated Traffic Volumes

Easton Love's Travel Stop
 Traffic Impact Analysis



Legend

- XX** → Diverted Linked Passenger Car Traffic Volumes
- [XX]** → Diverted Linked Truck Traffic Volumes
- [XX%]** Diverted Linked Trip Distribution Percentage

Diverted Linked Project Trips

| Passenger Car Diverted Linked Trips | |
|-------------------------------------|------------|
| Inbound | 105 |
| Outbound | 94 |
| Total | 199 |

| Truck Diverted Linked Trips | |
|-----------------------------|-----------|
| Inbound | 42 |
| Outbound | 38 |
| Total | 80 |

| Total Diverted Linked Trips | |
|-----------------------------|------------|
| Inbound | 147 |
| Outbound | 132 |
| Total | 279 |

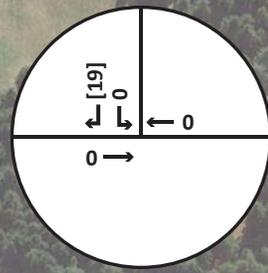
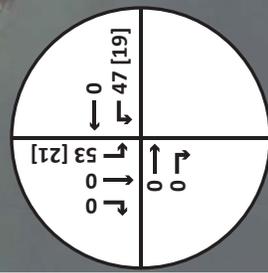
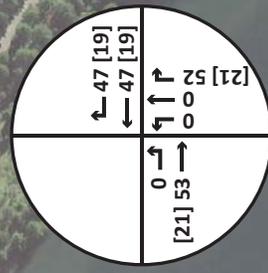
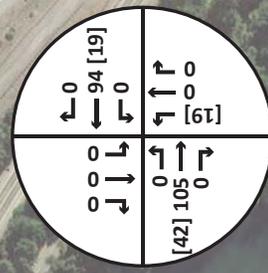


Figure B
 PM Peak Hour Diverted
 Site Generated Traffic Volumes

Easton Love's Travel Stop
 Traffic Impact Analysis



Easton Love's Travel Stop

PM Peak Hour Volumes

Growth Rate: 2.00%

| Intersection | Movement | Existing | Count | Balanced | Background | Baseline | Primary | Pass-By | Diverted | Diverted | Site | Projected |
|--|----------|----------|-----------|----------|------------|----------|---------|---------|----------|----------|-----------|-----------|
| | | 2019 | | 2019 | 2020 | 2020 | Car | Car | Car | Truck | Generated | 2020 |
| | | Volumes | Balancing | Volumes | Growth | Volumes | Trips | Trips | Trips | Trips | Volumes | Volumes |
| 1 Lake Easton Road I-90 EB Ramps TMC Date: 03/21/2019 3:00 - 4:00 PHF: 0.90 | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | EB T | 14 | 0 | 14 | 0 | 14 | 21 | 0 | 0 | 0 | 21 | 35 |
| | R | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| | L | 23 | 2 | 25 | 1 | 26 | 0 | 0 | 47 | 19 | 66 | 92 |
| | WB T | 9 | 0 | 9 | 0 | 9 | 19 | 0 | 0 | 0 | 19 | 28 |
| | R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | NB T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | L | 20 | 0 | 20 | 0 | 20 | 0 | 0 | 53 | 21 | 74 | 94 |
| SB T | 4 | 0 | 4 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 4 | |
| R | 11 | 0 | 11 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 11 | |
| | | 82 | | | | | | | | | 180 | 266 |
| 2 Lake Easton Road I-90 WB Ramps TMC Date: 03/21/2019 3:00 - 4:00 PHF: 0.86 | L | 2 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| | EB T | 32 | 0 | 32 | 1 | 33 | 21 | 0 | 53 | 21 | 95 | 128 |
| | R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | WB T | 34 | 0 | 34 | 1 | 35 | 19 | 0 | 47 | 19 | 85 | 120 |
| | R | 18 | 0 | 18 | 0 | 18 | 0 | 0 | 47 | 19 | 66 | 84 |
| | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | NB T | 2 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| | R | 25 | 1 | 26 | 1 | 27 | 0 | 0 | 52 | 21 | 73 | 100 |
| | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SB T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| | | 113 | | | | | | | | | 319 | 435 |
| 3 Lake Easton Road W Spark Road TMC Date: 03/21/2019 3:00 - 4:00 PHF: 0.89 | L | 7 | 0 | 7 | 0 | 7 | 0 | -2 | 0 | 0 | -2 | 5 |
| | EB T | 0 | 0 | 0 | 0 | 0 | 21 | 6 | 105 | 42 | 174 | 174 |
| | R | 51 | 0 | 51 | 1 | 52 | 0 | -4 | 0 | 0 | -4 | 48 |
| | L | 0 | 0 | 0 | 0 | 0 | 5 | 4 | 0 | 0 | 9 | 9 |
| | WB T | 0 | 0 | 0 | 0 | 0 | 19 | 5 | 94 | 19 | 137 | 137 |
| | R | 0 | 0 | 0 | 0 | 0 | 3 | 2 | 0 | 0 | 5 | 5 |
| | L | 46 | 0 | 46 | 1 | 47 | 0 | -4 | 0 | 19 | 15 | 62 |
| | NB T | 2 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| | R | 0 | 0 | 0 | 0 | 0 | 6 | 4 | 0 | 0 | 10 | 10 |
| | L | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 0 | 0 | 4 | 4 |
| SB T | 2 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | |
| R | 6 | 0 | 6 | 0 | 6 | 0 | -1 | 0 | 0 | -1 | 5 | |
| | | 114 | | | | 116 | | | | | 347 | 463 |
| 4 Site Driveway W Spark Road | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | EB T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | WB T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 |
| | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | NB T | 48 | 0 | 48 | 1 | 49 | 6 | 0 | 0 | 0 | 6 | 55 |
| | R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SB T | 53 | 0 | 53 | 1 | 54 | 5 | 0 | 0 | 0 | 5 | 59 | |
| R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| | | 101 | | | | 103 | | | | | 30 | 133 |

APPENDIX C
CAPACITY ANALYSIS WORKSHEETS

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HCM 6th TWSC
 1: Lake Easton Road & I-90 EB Ramps

Existing 2019
 PM Peak Hour

| Intersection | | | | | | | | | | | | | |
|--------------------------|------|------|------|------|-------|------|------|------|------|------|------|------|--|
| Int Delay, s/veh | 5.8 | | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR | |
| Lane Configurations | | ↕ | | | | | | ↕ | | | ↕ | | |
| Traffic Vol, veh/h | 20 | 5 | 10 | 0 | 0 | 0 | 0 | 15 | 1 | 25 | 10 | 0 | |
| Future Vol, veh/h | 20 | 5 | 10 | 0 | 0 | 0 | 0 | 15 | 1 | 25 | 10 | 0 | |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free | |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None | |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - | |
| Veh in Median Storage, # | - | 0 | - | - | 22355 | - | - | 0 | - | - | 0 | - | |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Peak Hour Factor | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | |
| Heavy Vehicles, % | 3 | 3 | 3 | 0 | 0 | 0 | 7 | 7 | 7 | 3 | 3 | 3 | |
| Mvmt Flow | 22 | 6 | 11 | 0 | 0 | 0 | 0 | 17 | 1 | 28 | 11 | 0 | |

| Major/Minor | Minor2 | | | Major1 | | | Major2 | | |
|----------------------|--------|-------|-------|--------|---|---|--------|---|---|
| Conflicting Flow All | 85 | 85 | 11 | - | 0 | 0 | 18 | 0 | 0 |
| Stage 1 | 67 | 67 | - | - | - | - | - | - | - |
| Stage 2 | 18 | 18 | - | - | - | - | - | - | - |
| Critical Hdwy | 6.43 | 6.53 | 6.23 | - | - | - | 4.13 | - | - |
| Critical Hdwy Stg 1 | 5.43 | 5.53 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.43 | 5.53 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.527 | 4.027 | 3.327 | - | - | - | 2.227 | - | - |
| Pot Cap-1 Maneuver | 914 | 803 | 1067 | 0 | - | - | 1592 | - | 0 |
| Stage 1 | 953 | 837 | - | 0 | - | - | - | - | 0 |
| Stage 2 | 1002 | 878 | - | 0 | - | - | - | - | 0 |
| Platoon blocked, % | | | | | | | | | |
| Mov Cap-1 Maneuver | 898 | 0 | 1067 | - | - | - | 1592 | - | - |
| Mov Cap-2 Maneuver | 898 | 0 | - | - | - | - | - | - | - |
| Stage 1 | 953 | 0 | - | - | - | - | - | - | - |
| Stage 2 | 984 | 0 | - | - | - | - | - | - | - |

| Approach | SE | NE | SW |
|----------------------|----|----|-----|
| HCM Control Delay, s | 9 | 0 | 5.2 |
| HCM LOS | A | | |

| Minor Lane/Major Mvmt | NET | NER | SELn1 | SWL | SWT |
|-----------------------|-----|-----|-------|-------|-----|
| Capacity (veh/h) | - | - | 948 | 1592 | - |
| HCM Lane V/C Ratio | - | - | 0.041 | 0.017 | - |
| HCM Control Delay (s) | - | - | 9 | 7.3 | 0 |
| HCM Lane LOS | - | - | A | A | A |
| HCM 95th %tile Q(veh) | - | - | 0.1 | 0.1 | - |

HCM 6th TWSC
2: Lake Easton Road & I-90 WB Ramps

Existing 2019
PM Peak Hour

| Intersection | | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| Int Delay, s/veh | 2.2 | | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR | |
| Lane Configurations | | | | | ↕ | | | ↕ | | | ↕ | | |
| Traffic Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 25 | 2 | 30 | 0 | 0 | 35 | 20 | |
| Future Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 25 | 2 | 30 | 0 | 0 | 35 | 20 | |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free | |
| RT Channelized | - | - | None | |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - | |
| Veh in Median Storage, # | - | 2 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Peak Hour Factor | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | |
| Heavy Vehicles, % | 0 | 0 | 0 | 4 | 4 | 4 | 3 | 3 | 3 | 2 | 2 | 2 | |
| Mvmt Flow | 0 | 0 | 0 | 1 | 2 | 29 | 2 | 35 | 0 | 0 | 41 | 23 | |

| Major/Minor | Minor1 | | Major1 | | Major2 | | | | |
|----------------------|--------|-------|--------|-------|--------|---|---|---|---|
| Conflicting Flow All | 92 | 103 | 35 | 64 | 0 | - | - | - | 0 |
| Stage 1 | 39 | 39 | - | - | - | - | - | - | - |
| Stage 2 | 53 | 64 | - | - | - | - | - | - | - |
| Critical Hdwy | 6.44 | 6.54 | 6.24 | 4.13 | - | - | - | - | - |
| Critical Hdwy Stg 1 | 5.44 | 5.54 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.44 | 5.54 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.536 | 4.036 | 3.336 | 2.227 | - | - | - | - | - |
| Pot Cap-1 Maneuver | 903 | 783 | 1032 | 1532 | - | 0 | 0 | - | - |
| Stage 1 | 978 | 859 | - | - | - | 0 | 0 | - | - |
| Stage 2 | 964 | 838 | - | - | - | 0 | 0 | - | - |
| Platoon blocked, % | | | | | - | | | - | - |
| Mov Cap-1 Maneuver | 902 | 0 | 1032 | 1532 | - | - | - | - | - |
| Mov Cap-2 Maneuver | 902 | 0 | - | - | - | - | - | - | - |
| Stage 1 | 977 | 0 | - | - | - | - | - | - | - |
| Stage 2 | 964 | 0 | - | - | - | - | - | - | - |

| Approach | NW | NE | SW |
|----------------------|-----|-----|----|
| HCM Control Delay, s | 8.6 | 0.5 | 0 |
| HCM LOS | A | | |

| Minor Lane/Major Mvmt | NEL | NETNWLn1 | SWT | SWR |
|-----------------------|-------|----------|-----|-----|
| Capacity (veh/h) | 1532 | - 1026 | - | - |
| HCM Lane V/C Ratio | 0.002 | - 0.032 | - | - |
| HCM Control Delay (s) | 7.4 | 0 8.6 | - | - |
| HCM Lane LOS | A | A A | - | - |
| HCM 95th %tile Q(veh) | 0 | - 0.1 | - | - |

1: Lake Easton Road & I-90 EB Ramps Performance by movement

| Movement | SEL | SET | SER | NET | NER | SWL | SWT | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.0 | 0.0 | 0.1 |
| Total Del/Veh (s) | 4.5 | 5.8 | 2.5 | 0.0 | 0.0 | 1.8 | 0.3 | 2.2 |

2: Lake Easton Road & I-90 WB Ramps Performance by movement

| Movement | NWL | NWT | NWR | NEL | NET | SWT | SWR | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Del/Veh (s) | | 6.2 | 2.5 | 2.7 | 0.7 | 0.6 | 0.5 | 1.1 |

3: Lake Easton Road & W Sparks Road Performance by movement

| Movement | SET | SER | NWL | NWT | NEL | NER | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Del/Veh (s) | 8.7 | 2.5 | 4.3 | 4.8 | 0.1 | 0.1 | 2.2 |

Total Network Performance

| | |
|--------------------|-----|
| Denied Del/Veh (s) | 0.1 |
| Total Del/Veh (s) | 4.3 |

HCM 6th TWSC
1: Lake Easton Road & I-90 EB Ramps

Projected 2020 without Project
PM Peak Hour

| Intersection | | | | | | | | | | | | |
|--------------------------|------|------|------|------|-------|------|------|------|------|------|------|------|
| Int Delay, s/veh | 5.8 | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR |
| Lane Configurations | | ↕ | | | | | | ↕ | | | ↕ | |
| Traffic Vol, veh/h | 20 | 5 | 10 | 0 | 0 | 0 | 0 | 15 | 1 | 25 | 10 | 0 |
| Future Vol, veh/h | 20 | 5 | 10 | 0 | 0 | 0 | 0 | 15 | 1 | 25 | 10 | 0 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - |
| Veh in Median Storage, # | - | 0 | - | - | 22355 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 |
| Heavy Vehicles, % | 3 | 3 | 3 | 0 | 0 | 0 | 7 | 7 | 7 | 3 | 3 | 3 |
| Mvmt Flow | 22 | 6 | 11 | 0 | 0 | 0 | 0 | 17 | 1 | 28 | 11 | 0 |

| Major/Minor | Minor2 | | | Major1 | | | Major2 | | |
|----------------------|--------|-------|-------|--------|---|---|--------|---|---|
| Conflicting Flow All | 85 | 85 | 11 | - | 0 | 0 | 18 | 0 | 0 |
| Stage 1 | 67 | 67 | - | - | - | - | - | - | - |
| Stage 2 | 18 | 18 | - | - | - | - | - | - | - |
| Critical Hdwy | 6.43 | 6.53 | 6.23 | - | - | - | 4.13 | - | - |
| Critical Hdwy Stg 1 | 5.43 | 5.53 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.43 | 5.53 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.527 | 4.027 | 3.327 | - | - | - | 2.227 | - | - |
| Pot Cap-1 Maneuver | 914 | 803 | 1067 | 0 | - | - | 1592 | - | 0 |
| Stage 1 | 953 | 837 | - | 0 | - | - | - | - | 0 |
| Stage 2 | 1002 | 878 | - | 0 | - | - | - | - | 0 |
| Platoon blocked, % | | | | | | | | | |
| Mov Cap-1 Maneuver | 898 | 0 | 1067 | - | - | - | 1592 | - | - |
| Mov Cap-2 Maneuver | 898 | 0 | - | - | - | - | - | - | - |
| Stage 1 | 953 | 0 | - | - | - | - | - | - | - |
| Stage 2 | 984 | 0 | - | - | - | - | - | - | - |

| Approach | SE | NE | SW |
|----------------------|----|----|-----|
| HCM Control Delay, s | 9 | 0 | 5.2 |
| HCM LOS | A | | |

| Minor Lane/Major Mvmt | NET | NER | SELn1 | SWL | SWT |
|-----------------------|-----|-----|-------|-------|-----|
| Capacity (veh/h) | - | - | 948 | 1592 | - |
| HCM Lane V/C Ratio | - | - | 0.041 | 0.017 | - |
| HCM Control Delay (s) | - | - | 9 | 7.3 | 0 |
| HCM Lane LOS | - | - | A | A | A |
| HCM 95th %tile Q(veh) | - | - | 0.1 | 0.1 | - |

HCM 6th TWSC
2: Lake Easton Road & I-90 WB Ramps

Projected 2020 without Project
PM Peak Hour

| Intersection | | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| Int Delay, s/veh | 2.2 | | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR | |
| Lane Configurations | | | | | ↕ | | | ↕ | | | ↕ | | |
| Traffic Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 25 | 2 | 35 | 0 | 0 | 35 | 20 | |
| Future Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 25 | 2 | 35 | 0 | 0 | 35 | 20 | |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free | |
| RT Channelized | - | - | None | |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - | |
| Veh in Median Storage, # | - | 2 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Peak Hour Factor | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | |
| Heavy Vehicles, % | 0 | 0 | 0 | 4 | 4 | 4 | 3 | 3 | 3 | 2 | 2 | 2 | |
| Mvmt Flow | 0 | 0 | 0 | 1 | 2 | 29 | 2 | 41 | 0 | 0 | 41 | 23 | |

| Major/Minor | Minor1 | | Major1 | | Major2 | | | | |
|----------------------|--------|-------|--------|-------|--------|---|---|---|---|
| Conflicting Flow All | 98 | 109 | 41 | 64 | 0 | - | - | - | 0 |
| Stage 1 | 45 | 45 | - | - | - | - | - | - | - |
| Stage 2 | 53 | 64 | - | - | - | - | - | - | - |
| Critical Hdwy | 6.44 | 6.54 | 6.24 | 4.13 | - | - | - | - | - |
| Critical Hdwy Stg 1 | 5.44 | 5.54 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.44 | 5.54 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.536 | 4.036 | 3.336 | 2.227 | - | - | - | - | - |
| Pot Cap-1 Maneuver | 896 | 777 | 1024 | 1532 | - | 0 | 0 | - | - |
| Stage 1 | 972 | 853 | - | - | - | 0 | 0 | - | - |
| Stage 2 | 964 | 838 | - | - | - | 0 | 0 | - | - |
| Platoon blocked, % | | | | | - | | | - | - |
| Mov Cap-1 Maneuver | 895 | 0 | 1024 | 1532 | - | - | - | - | - |
| Mov Cap-2 Maneuver | 895 | 0 | - | - | - | - | - | - | - |
| Stage 1 | 971 | 0 | - | - | - | - | - | - | - |
| Stage 2 | 964 | 0 | - | - | - | - | - | - | - |

| Approach | NW | NE | SW |
|----------------------|-----|-----|----|
| HCM Control Delay, s | 8.7 | 0.4 | 0 |
| HCM LOS | A | | |

| Minor Lane/Major Mvmt | NEL | NETNWLn1 | SWT | SWR |
|-----------------------|-------|----------|-----|-----|
| Capacity (veh/h) | 1532 | - 1018 | - | - |
| HCM Lane V/C Ratio | 0.002 | - 0.032 | - | - |
| HCM Control Delay (s) | 7.4 | 0 8.7 | - | - |
| HCM Lane LOS | A | A A | - | - |
| HCM 95th %tile Q(veh) | 0 | - 0.1 | - | - |

SimTraffic Performance Report

1: Lake Easton Road & I-90 EB Ramps Performance by movement

| Movement | SEL | SET | SER | NET | NER | SWL | SWT | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.0 | 0.0 | 0.1 |
| Total Del/Veh (s) | 4.5 | 5.8 | 2.5 | 0.0 | 0.0 | 1.8 | 0.3 | 2.2 |

2: Lake Easton Road & I-90 WB Ramps Performance by movement

| Movement | NWL | NWT | NWR | NEL | NET | SWT | SWR | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Del/Veh (s) | | 6.2 | 2.5 | 2.7 | 0.7 | 0.6 | 0.5 | 1.1 |

3: Lake Easton Road & W Sparks Road Performance by movement

| Movement | SET | SER | NWL | NWT | NEL | NER | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Del/Veh (s) | 8.7 | 2.5 | 4.3 | 4.8 | 0.1 | 0.1 | 2.2 |

Total Network Performance

| | |
|--------------------|-----|
| Denied Del/Veh (s) | 0.1 |
| Total Del/Veh (s) | 4.3 |

HCM 6th TWSC
1: Lake Easton Road & I-90 EB Ramps

Projected 2020 with Project
PM Peak Hour

| Intersection | | | | | | | | | | | | |
|--------------------------|------|------|------|------|-------|------|------|------|------|------|------|------|
| Int Delay, s/veh | 7.4 | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR |
| Lane Configurations | | ↕ | | | | | | ↔ | | | ↕ | |
| Traffic Vol, veh/h | 95 | 5 | 10 | 0 | 0 | 0 | 0 | 35 | 1 | 90 | 30 | 0 |
| Future Vol, veh/h | 95 | 5 | 10 | 0 | 0 | 0 | 0 | 35 | 1 | 90 | 30 | 0 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - |
| Veh in Median Storage, # | - | 0 | - | - | 22355 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 |
| Heavy Vehicles, % | 20 | 3 | 3 | 0 | 0 | 0 | 7 | 7 | 7 | 17 | 3 | 3 |
| Mvmt Flow | 106 | 6 | 11 | 0 | 0 | 0 | 0 | 39 | 1 | 100 | 33 | 0 |

| Major/Minor | Minor2 | | | Major1 | | | Major2 | | |
|----------------------|--------|-------|-------|--------|---|---|--------|---|---|
| Conflicting Flow All | 273 | 273 | 33 | - | 0 | 0 | 40 | 0 | 0 |
| Stage 1 | 233 | 233 | - | - | - | - | - | - | - |
| Stage 2 | 40 | 40 | - | - | - | - | - | - | - |
| Critical Hdwy | 6.6 | 6.53 | 6.23 | - | - | - | 4.27 | - | - |
| Critical Hdwy Stg 1 | 5.6 | 5.53 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.6 | 5.53 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.68 | 4.027 | 3.327 | - | - | - | 2.353 | - | - |
| Pot Cap-1 Maneuver | 680 | 632 | 1038 | 0 | - | - | 1478 | - | 0 |
| Stage 1 | 765 | 710 | - | 0 | - | - | - | - | 0 |
| Stage 2 | 938 | 860 | - | 0 | - | - | - | - | 0 |
| Platoon blocked, % | | | | | | | | | |
| Mov Cap-1 Maneuver | 633 | 0 | 1038 | - | - | - | 1478 | - | - |
| Mov Cap-2 Maneuver | 633 | 0 | - | - | - | - | - | - | - |
| Stage 1 | 765 | 0 | - | - | - | - | - | - | - |
| Stage 2 | 873 | 0 | - | - | - | - | - | - | - |

| Approach | SE | NE | SW |
|----------------------|------|----|-----|
| HCM Control Delay, s | 11.7 | 0 | 5.7 |
| HCM LOS | B | | |

| Minor Lane/Major Mvmt | NET | NER | SELn1 | SWL | SWT |
|-----------------------|-----|-----|-------|-------|-----|
| Capacity (veh/h) | - | - | 657 | 1478 | - |
| HCM Lane V/C Ratio | - | - | 0.186 | 0.068 | - |
| HCM Control Delay (s) | - | - | 11.7 | 7.6 | 0 |
| HCM Lane LOS | - | - | B | A | A |
| HCM 95th %tile Q(veh) | - | - | 0.7 | 0.2 | - |

HCM 6th TWSC
2: Lake Easton Road & I-90 WB Ramps

Projected 2020 with Project
PM Peak Hour

| Intersection | | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| Int Delay, s/veh | 2.4 | | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR | |
| Lane Configurations | | | | | ↕ | | | ↕ | | | ↕ | | |
| Traffic Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 100 | 2 | 130 | 0 | 0 | 120 | 85 | |
| Future Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 100 | 2 | 130 | 0 | 0 | 120 | 85 | |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free | |
| RT Channelized | - | - | None | |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - | |
| Veh in Median Storage, # | - | 2 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Peak Hour Factor | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | |
| Heavy Vehicles, % | 0 | 0 | 0 | 4 | 4 | 22 | 3 | 17 | 3 | 2 | 10 | 10 | |
| Mvmt Flow | 0 | 0 | 0 | 1 | 2 | 116 | 2 | 151 | 0 | 0 | 140 | 99 | |

| Major/Minor | Minor1 | Major1 | Major2 | | | | |
|----------------------|--------|--------|--------|-------|---|---|---|
| Conflicting Flow All | 345 | 394 | 151 | 239 | 0 | - | - |
| Stage 1 | 155 | 155 | - | - | - | - | - |
| Stage 2 | 190 | 239 | - | - | - | - | - |
| Critical Hdwy | 6.44 | 6.54 | 6.42 | 4.13 | - | - | - |
| Critical Hdwy Stg 1 | 5.44 | 5.54 | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.44 | 5.54 | - | - | - | - | - |
| Follow-up Hdwy | 3.536 | 4.036 | 3.498 | 2.227 | - | - | - |
| Pot Cap-1 Maneuver | 648 | 539 | 845 | 1322 | - | 0 | 0 |
| Stage 1 | 868 | 766 | - | - | - | 0 | 0 |
| Stage 2 | 838 | 704 | - | - | - | 0 | 0 |
| Platoon blocked, % | | | | | - | - | - |
| Mov Cap-1 Maneuver | 647 | 0 | 845 | 1322 | - | - | - |
| Mov Cap-2 Maneuver | 647 | 0 | - | - | - | - | - |
| Stage 1 | 866 | 0 | - | - | - | - | - |
| Stage 2 | 838 | 0 | - | - | - | - | - |

| Approach | NW | NE | SW |
|----------------------|----|-----|----|
| HCM Control Delay, s | 10 | 0.1 | 0 |
| HCM LOS | B | | |

| Minor Lane/Major Mvmt | NEL | NETNWLn1 | SWT | SWR |
|-----------------------|-------|----------|-------|-----|
| Capacity (veh/h) | 1322 | - | 842 | - |
| HCM Lane V/C Ratio | 0.002 | - | 0.142 | - |
| HCM Control Delay (s) | 7.7 | 0 | 10 | - |
| HCM Lane LOS | A | A | B | - |
| HCM 95th %tile Q(veh) | 0 | - | 0.5 | - |

SimTraffic Performance Report

1: Lake Easton Road & I-90 EB Ramps Performance by movement

| Movement | SEL | SET | SER | NET | NER | SWL | SWT | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.0 | 0.0 | 0.1 |
| Total Del/Veh (s) | 6.0 | 6.1 | 2.8 | 0.1 | 0.0 | 2.1 | 0.8 | 3.4 |

2: Lake Easton Road & I-90 WB Ramps Performance by movement

| Movement | NWT | NWR | NEL | NET | SWT | SWR | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Del/Veh (s) | 8.1 | 3.6 | 1.6 | 1.1 | 2.0 | 1.2 | 2.0 |

3: Lake Easton Road/Site Driveway & W Sparks Road Performance by movement

| Movement | SEL | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.2 | 0.1 | 0.1 |
| Total Del/Veh (s) | 5.6 | 2.8 | 5.8 | 1.9 | 3.2 | 0.1 | 0.2 | 0.1 | 6.8 | 6.9 | 2.8 | 2.9 |

4: W Sparks Road & Site Driveway Performance by movement

| Movement | WBR | NBT | SBL | SBT | All |
|--------------------|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.0 | 0.0 | 0.1 |
| Total Del/Veh (s) | 2.8 | 0.0 | 1.5 | 0.2 | 0.6 |

Total Network Performance

| | |
|--------------------|-----|
| Denied Del/Veh (s) | 0.1 |
| Total Del/Veh (s) | 6.4 |

HCM 6th TWSC
4: W Sparks Road & Site Driveway

Projected 2020 with Project
PM Peak Hour

| Intersection | | | | | | |
|--------------------------|------|------|------|------|------|------|
| Int Delay, s/veh | 1.5 | | | | | |
| Movement | WBL | WBR | NBT | NBR | SBL | SBT |
| Lane Configurations | | | | | | |
| Traffic Vol, veh/h | 1 | 20 | 55 | 1 | 1 | 60 |
| Future Vol, veh/h | 1 | 20 | 55 | 1 | 1 | 60 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Free | Free | Free | Free |
| RT Channelized | - | None | - | None | - | None |
| Storage Length | 0 | - | - | - | - | - |
| Veh in Median Storage, # | 0 | - | 0 | - | - | 0 |
| Grade, % | 0 | - | 0 | - | - | 0 |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 100 | 100 | 2 | 100 | 100 | 2 |
| Mvmt Flow | 1 | 22 | 60 | 1 | 1 | 65 |

| Major/Minor | Minor1 | Major1 | Major2 | | | |
|----------------------|--------|--------|--------|---|------|---|
| Conflicting Flow All | 128 | 61 | 0 | 0 | 61 | 0 |
| Stage 1 | 61 | - | - | - | - | - |
| Stage 2 | 67 | - | - | - | - | - |
| Critical Hdwy | 7.4 | 7.2 | - | - | 5.1 | - |
| Critical Hdwy Stg 1 | 6.4 | - | - | - | - | - |
| Critical Hdwy Stg 2 | 6.4 | - | - | - | - | - |
| Follow-up Hdwy | 4.4 | 4.2 | - | - | 3.1 | - |
| Pot Cap-1 Maneuver | 679 | 786 | - | - | 1093 | - |
| Stage 1 | 762 | - | - | - | - | - |
| Stage 2 | 756 | - | - | - | - | - |
| Platoon blocked, % | | | - | - | - | - |
| Mov Cap-1 Maneuver | 678 | 786 | - | - | 1093 | - |
| Mov Cap-2 Maneuver | 678 | - | - | - | - | - |
| Stage 1 | 762 | - | - | - | - | - |
| Stage 2 | 755 | - | - | - | - | - |

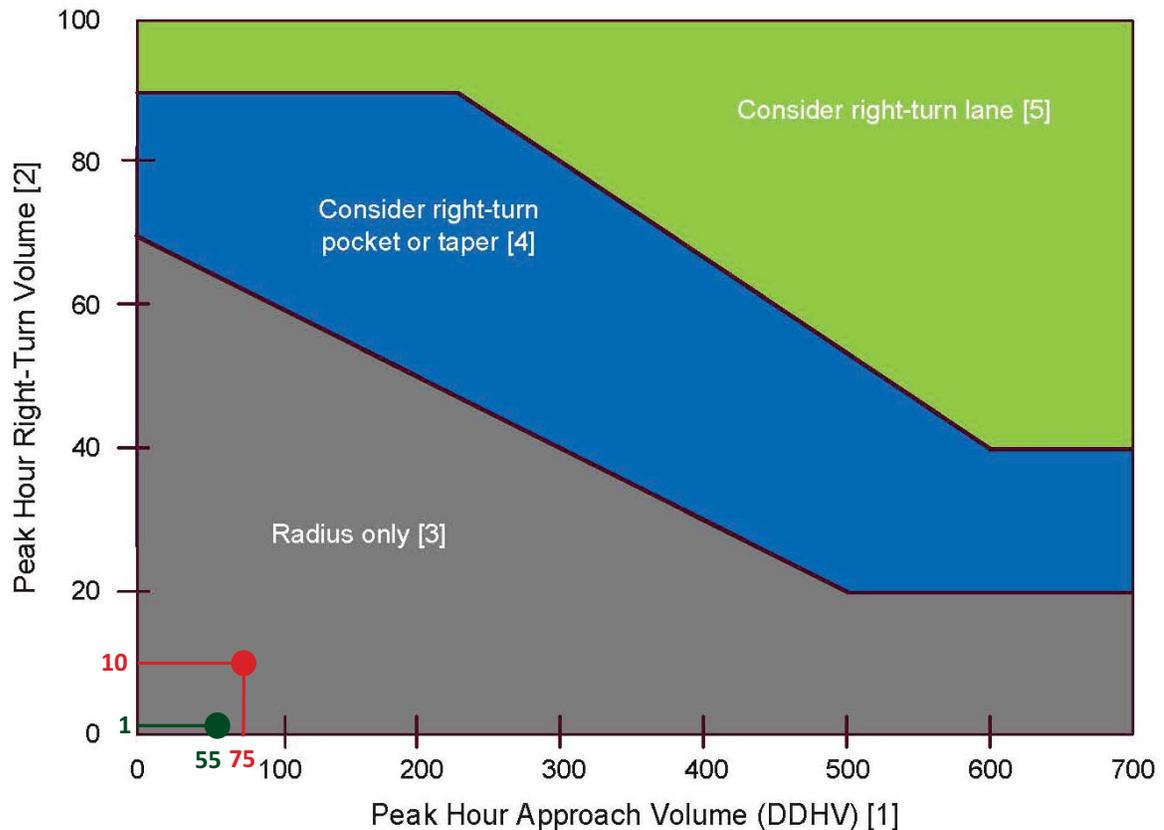
| Approach | WB | NB | SB |
|----------------------|-----|----|-----|
| HCM Control Delay, s | 9.8 | 0 | 0.1 |
| HCM LOS | A | | |

| Minor Lane/Major Mvmt | NBT | NBRWBLn1 | SBL | SBT |
|-----------------------|-----|----------|-------|-------|
| Capacity (veh/h) | - | - | 780 | 1093 |
| HCM Lane V/C Ratio | - | - | 0.029 | 0.001 |
| HCM Control Delay (s) | - | - | 9.8 | 8.3 |
| HCM Lane LOS | - | - | A | A |
| HCM 95th %tile Q(veh) | - | - | 0.1 | 0 |

APPENDIX D
RIGHT TURN LANE WARRANTS

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Exhibit 1310-11 Right-Turn Lane Guidelines

**Notes:**

- [1] For two-lane highways, use the peak hour DDHV (through + right-turn).
For multilane, high-speed highways (posted speed 45 mph or above), use the right-lane peak hour approach volume (through + right-turn).
- [2] When all three of the following conditions are met, reduce the right-turn DDHV by 20:
- The posted speed is 45 mph or below
 - The right-turn volume is greater than 40 VPH
 - The peak hour approach volume (DDHV) is less than 300 VPH
- [3] For right-turn corner design, see [Exhibit 1310-6](#).
- [4] For right-turn pocket or taper design, see [Exhibit 1310-12](#).
- [5] For right-turn lane design, see [Exhibit 1310-13](#).

LEGEND

- W Sparks Road/North Driveway
- W Sparks Road/South Driveway

Appendix B

Operational Analysis Worksheets

HCM 6th TWSC
1: Lake Easton Road & I-90 EB Ramps

Projected 2025 without Project
PM Peak Hour

| Intersection | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Int Delay, s/veh | 5.9 | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR |
| Lane Configurations | | ↕ | | | | | | ↔ | | | ↕ | |
| Traffic Vol, veh/h | 20 | 5 | 10 | 0 | 0 | 0 | 0 | 15 | 1 | 30 | 10 | 0 |
| Future Vol, veh/h | 20 | 5 | 10 | 0 | 0 | 0 | 0 | 15 | 1 | 30 | 10 | 0 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free |
| RT Channelized | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 |
| Heavy Vehicles, % | 3 | 3 | 3 | 0 | 0 | 0 | 7 | 7 | 7 | 3 | 3 | 3 |
| Mvmt Flow | 22 | 6 | 11 | 0 | 0 | 0 | 0 | 17 | 1 | 33 | 11 | 0 |

| Major/Minor | Minor2 | | | Major1 | | | Major2 | | |
|----------------------|--------|-------|-------|--------|---|---|--------|---|---|
| Conflicting Flow All | 95 | 95 | 11 | - | 0 | 0 | 18 | 0 | 0 |
| Stage 1 | 77 | 77 | - | - | - | - | - | - | - |
| Stage 2 | 18 | 18 | - | - | - | - | - | - | - |
| Critical Hdwy | 6.43 | 6.53 | 6.23 | - | - | - | 4.13 | - | - |
| Critical Hdwy Stg 1 | 5.43 | 5.53 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.43 | 5.53 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.527 | 4.027 | 3.327 | - | - | - | 2.227 | - | - |
| Pot Cap-1 Maneuver | 902 | 793 | 1067 | 0 | - | - | 1592 | - | 0 |
| Stage 1 | 943 | 829 | - | 0 | - | - | - | - | 0 |
| Stage 2 | 1002 | 878 | - | 0 | - | - | - | - | 0 |
| Platoon blocked, % | | | | | | | | | |
| Mov Cap-1 Maneuver | 883 | 0 | 1067 | - | - | - | 1592 | - | - |
| Mov Cap-2 Maneuver | 883 | 0 | - | - | - | - | - | - | - |
| Stage 1 | 943 | 0 | - | - | - | - | - | - | - |
| Stage 2 | 981 | 0 | - | - | - | - | - | - | - |

| Approach | SE | NE | SW |
|----------------------|----|----|-----|
| HCM Control Delay, s | 9 | 0 | 5.5 |
| HCM LOS | A | | |

| Minor Lane/Major Mvmt | NET | NER | SELn1 | SWL | SWT |
|-----------------------|-----|-----|-------|-------|-----|
| Capacity (veh/h) | - | - | 937 | 1592 | - |
| HCM Lane V/C Ratio | - | - | 0.042 | 0.021 | - |
| HCM Control Delay (s) | - | - | 9 | 7.3 | 0 |
| HCM Lane LOS | - | - | A | A | A |
| HCM 95th %tile Q(veh) | - | - | 0.1 | 0.1 | - |

HCM 6th TWSC
2: Lake Easton Road & I-90 WB Ramps

Projected 2025 without Project
PM Peak Hour

| Intersection | | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| Int Delay, s/veh | 2.3 | | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR | |
| Lane Configurations | | | | | ↕ | | | ↕ | | | ↕ | | |
| Traffic Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 30 | 2 | 35 | 0 | 0 | 40 | 20 | |
| Future Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 30 | 2 | 35 | 0 | 0 | 40 | 20 | |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free | |
| RT Channelized | - | - | None | |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - | |
| Veh in Median Storage, # | - | 1 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Peak Hour Factor | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | |
| Heavy Vehicles, % | 0 | 0 | 0 | 4 | 4 | 4 | 3 | 3 | 3 | 2 | 2 | 2 | |
| Mvmt Flow | 0 | 0 | 0 | 1 | 2 | 35 | 2 | 41 | 0 | 0 | 47 | 23 | |

| Major/Minor | Minor1 | Major1 | Major2 | | | | |
|----------------------|--------|--------|--------|-------|---|---|---|
| Conflicting Flow All | 104 | 115 | 41 | 70 | 0 | - | - |
| Stage 1 | 45 | 45 | - | - | - | - | - |
| Stage 2 | 59 | 70 | - | - | - | - | - |
| Critical Hdwy | 6.44 | 6.54 | 6.24 | 4.13 | - | - | - |
| Critical Hdwy Stg 1 | 5.44 | 5.54 | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.44 | 5.54 | - | - | - | - | - |
| Follow-up Hdwy | 3.536 | 4.036 | 3.336 | 2.227 | - | - | - |
| Pot Cap-1 Maneuver | 889 | 771 | 1024 | 1524 | - | 0 | 0 |
| Stage 1 | 972 | 853 | - | - | - | 0 | 0 |
| Stage 2 | 959 | 833 | - | - | - | 0 | 0 |
| Platoon blocked, % | | | | | - | - | - |
| Mov Cap-1 Maneuver | 888 | 0 | 1024 | 1524 | - | - | - |
| Mov Cap-2 Maneuver | 888 | 0 | - | - | - | - | - |
| Stage 1 | 971 | 0 | - | - | - | - | - |
| Stage 2 | 959 | 0 | - | - | - | - | - |

| Approach | NW | NE | SW |
|----------------------|-----|-----|----|
| HCM Control Delay, s | 8.7 | 0.4 | 0 |
| HCM LOS | A | | |

| Minor Lane/Major Mvmt | NEL | NETNWLn1 | SWT | SWR |
|-----------------------|-------|----------|-------|-----|
| Capacity (veh/h) | 1524 | - | 1019 | - |
| HCM Lane V/C Ratio | 0.002 | - | 0.038 | - |
| HCM Control Delay (s) | 7.4 | 0 | 8.7 | - |
| HCM Lane LOS | A | A | A | - |
| HCM 95th %tile Q(veh) | 0 | - | 0.1 | - |

SimTraffic Performance Report

3: Lake Easton Road & W Sparks Road Performance by movement

| Movement | SET | SER | NWL | NWT | NEL | NER | All |
|--------------------|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Del/Veh (s) | 7.3 | 2.2 | 4.2 | 7.0 | 0.2 | 0.1 | 2.0 |

HCM 6th TWSC
1: Lake Easton Road & I-90 EB Ramps

Projected 2025 with Project
PM Peak Hour

| Intersection | | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| Int Delay, s/veh | 7.5 | | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR | |
| Lane Configurations | | ↕ | | | | | | ↕ | | | ↕ | | |
| Traffic Vol, veh/h | 95 | 5 | 10 | 0 | 0 | 0 | 0 | 35 | 1 | 95 | 30 | 0 | |
| Future Vol, veh/h | 95 | 5 | 10 | 0 | 0 | 0 | 0 | 35 | 1 | 95 | 30 | 0 | |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free | |
| RT Channelized | - | - | None | |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - | |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Peak Hour Factor | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | |
| Heavy Vehicles, % | 20 | 3 | 3 | 0 | 0 | 0 | 7 | 7 | 7 | 17 | 3 | 3 | |
| Mvmt Flow | 106 | 6 | 11 | 0 | 0 | 0 | 0 | 39 | 1 | 106 | 33 | 0 | |

| Major/Minor | Minor2 | | | Major1 | | | Major2 | | |
|----------------------|--------|-------|-------|--------|---|---|--------|---|---|
| Conflicting Flow All | 285 | 285 | 33 | - | 0 | 0 | 40 | 0 | 0 |
| Stage 1 | 245 | 245 | - | - | - | - | - | - | - |
| Stage 2 | 40 | 40 | - | - | - | - | - | - | - |
| Critical Hdwy | 6.6 | 6.53 | 6.23 | - | - | - | 4.27 | - | - |
| Critical Hdwy Stg 1 | 5.6 | 5.53 | - | - | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.6 | 5.53 | - | - | - | - | - | - | - |
| Follow-up Hdwy | 3.68 | 4.027 | 3.327 | - | - | - | 2.353 | - | - |
| Pot Cap-1 Maneuver | 669 | 623 | 1038 | 0 | - | - | 1478 | - | 0 |
| Stage 1 | 755 | 702 | - | 0 | - | - | - | - | 0 |
| Stage 2 | 938 | 860 | - | 0 | - | - | - | - | 0 |
| Platoon blocked, % | | | | | | | | | |
| Mov Cap-1 Maneuver | 620 | 0 | 1038 | - | - | - | 1478 | - | - |
| Mov Cap-2 Maneuver | 620 | 0 | - | - | - | - | - | - | - |
| Stage 1 | 755 | 0 | - | - | - | - | - | - | - |
| Stage 2 | 870 | 0 | - | - | - | - | - | - | - |

| Approach | SE | NE | SW |
|----------------------|------|----|-----|
| HCM Control Delay, s | 11.9 | 0 | 5.8 |
| HCM LOS | B | | |

| Minor Lane/Major Mvmt | NET | NER | SELn1 | SWL | SWT |
|-----------------------|-----|-----|-------|-------|-----|
| Capacity (veh/h) | - | - | 645 | 1478 | - |
| HCM Lane V/C Ratio | - | - | 0.189 | 0.071 | - |
| HCM Control Delay (s) | - | - | 11.9 | 7.6 | 0 |
| HCM Lane LOS | - | - | B | A | A |
| HCM 95th %tile Q(veh) | - | - | 0.7 | 0.2 | - |

HCM 6th TWSC
2: Lake Easton Road & I-90 WB Ramps

Projected 2025 with Project
PM Peak Hour

| Intersection | | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| Int Delay, s/veh | 2.3 | | | | | | | | | | | | |
| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR | |
| Lane Configurations | | | | | ↕ | | | ↕ | | | ↕ | | |
| Traffic Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 100 | 2 | 130 | 0 | 0 | 125 | 85 | |
| Future Vol, veh/h | 0 | 0 | 0 | 1 | 2 | 100 | 2 | 130 | 0 | 0 | 125 | 85 | |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Sign Control | Stop | Stop | Stop | Stop | Stop | Stop | Free | Free | Free | Free | Free | Free | |
| RT Channelized | - | - | None | |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - | |
| Veh in Median Storage, # | - | 1 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - | |
| Peak Hour Factor | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | 86 | |
| Heavy Vehicles, % | 0 | 0 | 0 | 4 | 4 | 22 | 3 | 17 | 3 | 2 | 10 | 10 | |
| Mvmt Flow | 0 | 0 | 0 | 1 | 2 | 116 | 2 | 151 | 0 | 0 | 145 | 99 | |

| Major/Minor | Minor1 | Major1 | Major2 | | | | |
|----------------------|--------|--------|--------|-------|---|---|---|
| Conflicting Flow All | 350 | 399 | 151 | 244 | 0 | - | - |
| Stage 1 | 155 | 155 | - | - | - | - | - |
| Stage 2 | 195 | 244 | - | - | - | - | - |
| Critical Hdwy | 6.44 | 6.54 | 6.42 | 4.13 | - | - | - |
| Critical Hdwy Stg 1 | 5.44 | 5.54 | - | - | - | - | - |
| Critical Hdwy Stg 2 | 5.44 | 5.54 | - | - | - | - | - |
| Follow-up Hdwy | 3.536 | 4.036 | 3.498 | 2.227 | - | - | - |
| Pot Cap-1 Maneuver | 643 | 536 | 845 | 1316 | - | 0 | 0 |
| Stage 1 | 868 | 766 | - | - | - | 0 | 0 |
| Stage 2 | 833 | 700 | - | - | - | 0 | 0 |
| Platoon blocked, % | | | | | - | - | - |
| Mov Cap-1 Maneuver | 642 | 0 | 845 | 1316 | - | - | - |
| Mov Cap-2 Maneuver | 642 | 0 | - | - | - | - | - |
| Stage 1 | 866 | 0 | - | - | - | - | - |
| Stage 2 | 833 | 0 | - | - | - | - | - |

| Approach | NW | NE | SW |
|----------------------|----|-----|----|
| HCM Control Delay, s | 10 | 0.1 | 0 |
| HCM LOS | B | | |

| Minor Lane/Major Mvmt | NEL | NETNWLn1 | SWT | SWR |
|-----------------------|-------|----------|-------|-----|
| Capacity (veh/h) | 1316 | - | 842 | - |
| HCM Lane V/C Ratio | 0.002 | - | 0.142 | - |
| HCM Control Delay (s) | 7.7 | 0 | 10 | - |
| HCM Lane LOS | A | A | B | - |
| HCM 95th %tile Q(veh) | 0 | - | 0.5 | - |

SimTraffic Performance Report

3: Lake Easton Road/Site Driveway & W Sparks Road Performance by movement

| Movement | SEL | SET | SER | NWL | NWT | NWR | NEL | NET | NER | SWL | SWT | SWR |
|--------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Denied Del/Veh (s) | 0.1 | 0.1 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.2 | 0.2 |
| Total Del/Veh (s) | 5.2 | 7.9 | 2.6 | 5.6 | 3.2 | 4.0 | 0.6 | 0.4 | 0.2 | 7.3 | 6.8 | 3.4 |

3: Lake Easton Road/Site Driveway & W Sparks Road Performance by movement

| Movement | All |
|--------------------|-----|
| Denied Del/Veh (s) | 0.1 |
| Total Del/Veh (s) | 3.2 |

| Intersection | | | | | | |
|--------------------------|------|------|------|------|------|------|
| Int Delay, s/veh | 1.4 | | | | | |
| Movement | WBL | WBR | NBT | NBR | SBL | SBT |
| Lane Configurations | | | | | | |
| Traffic Vol, veh/h | 1 | 20 | 60 | 1 | 1 | 65 |
| Future Vol, veh/h | 1 | 20 | 60 | 1 | 1 | 65 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Stop | Stop | Free | Free | Free | Free |
| RT Channelized | - | None | - | None | - | None |
| Storage Length | 0 | - | - | - | - | - |
| Veh in Median Storage, # | 0 | - | 0 | - | - | 0 |
| Grade, % | 0 | - | 0 | - | - | 0 |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 100 | 100 | 2 | 100 | 100 | 2 |
| Mvmt Flow | 1 | 22 | 65 | 1 | 1 | 71 |

| Major/Minor | Minor1 | Major1 | Major2 | | | |
|----------------------|--------|--------|--------|---|------|---|
| Conflicting Flow All | 139 | 66 | 0 | 0 | 66 | 0 |
| Stage 1 | 66 | - | - | - | - | - |
| Stage 2 | 73 | - | - | - | - | - |
| Critical Hdwy | 7.4 | 7.2 | - | - | 5.1 | - |
| Critical Hdwy Stg 1 | 6.4 | - | - | - | - | - |
| Critical Hdwy Stg 2 | 6.4 | - | - | - | - | - |
| Follow-up Hdwy | 4.4 | 4.2 | - | - | 3.1 | - |
| Pot Cap-1 Maneuver | 669 | 780 | - | - | 1088 | - |
| Stage 1 | 757 | - | - | - | - | - |
| Stage 2 | 751 | - | - | - | - | - |
| Platoon blocked, % | | | - | - | - | - |
| Mov Cap-1 Maneuver | 668 | 780 | - | - | 1088 | - |
| Mov Cap-2 Maneuver | 668 | - | - | - | - | - |
| Stage 1 | 757 | - | - | - | - | - |
| Stage 2 | 750 | - | - | - | - | - |

| Approach | WB | NB | SB |
|----------------------|-----|----|-----|
| HCM Control Delay, s | 9.8 | 0 | 0.1 |
| HCM LOS | A | | |

| Minor Lane/Major Mvmt | NBT | NBRWBLn1 | SBL | SBT |
|-----------------------|-----|----------|-------|-------|
| Capacity (veh/h) | - | - | 774 | 1088 |
| HCM Lane V/C Ratio | - | - | 0.029 | 0.001 |
| HCM Control Delay (s) | - | - | 9.8 | 8.3 |
| HCM Lane LOS | - | - | A | A |
| HCM 95th %tile Q(veh) | - | - | 0.1 | 0 |

Snow Storage Management Plan

Easton Travel Center

Mountview Group LLC

Part #1

Pre- and Post-Winter Season Topics

Pre-Season Actions

Preparation

a) Management Meetings

Due to the fact snow typically falls in the Easton area between the months of September and May, the owners will hold an annual meeting in early September to discuss equipment and material inventory, repair needs, staffing, budget, training, previous year issues, and any other topics associated with snow and ice control and its plan.

b) Personnel Training

Every member of the snow removal team completes annual, ongoing snow removal training. The owners, or a person they have designated, are in charge of all employee training. Management keeps a record of the training. Training must cover safety procedures, priority areas for snow and ice removal, general equipment maintenance, and any required specialized skills.

c) Equipment Preparation

The owners will arrange for an on-site mechanic or outside equipment service to inspect and prepare each piece of snow removal equipment in conjunction with the annual meeting in September. Fluids, replacement parts, and snow removal equipment components, as well as ice and snow removal materials and supplies, will be inventoried and stockpiled.

Snow Season Actions

During the snow season, at least once a month, a meeting will be held between the owners/managers and the snow removal team to discuss items of concern. Urgent matters will be addressed promptly between meetings. Following each snow event, management may hold a meeting and invite snow removal personnel to discuss any issues that arose as a result of the event. Snow removal crews will be encouraged to provide feedback to management prior to, during, and after each snow event. A separate meeting will be held following a significant event or a difficult operation.

Post-Season Actions

Following each snow season, a meeting will be held, usually in late May, to review the snow season issues and make recommendations for changes. The same topics as in pre-season will be covered. Any necessary equipment upgrades or replacements will be made.

Part #2

Winter Storm Actions and Procedures

Snow Removal Action Criteria

Activating Snow Removal Personnel

a) Weather Forecasting

Beginning in September, the weather will be monitored by the National Weather Service. The Service will be monitored on a daily basis once the weather cools down. Monitoring is the responsibility of the owners/management or someone designated by them. As the weather begins to change, a preliminary call will be made to alert the snow removal crews. When snow or freezing weather is expected to occur, the owners/management or their designee will issue the Snow Alert Call out, at which point snow removal personnel will be notified to begin snow control activities.

b) Triggers for Initiating Snow Removal Operations

When snow or freezing temperatures are anticipated, or when snow or freezing rain begins to accumulate on pavement surfaces, snow removal operations will begin. The initial procedure will be the application of de-icing products.

Travel Center Clearing Priorities

The most critical areas in terms of safety and accessibility determine priorities.

a) Priority 1

The first priority is to maintain access into and out of the Travel Center, with a special emphasis on keeping the entrance ramp and the area at the bottom of the ramp clear and free of ice and snow. The second part of this is to keep an area open for vehicles to pass through the center, so that the ramp and area below it are not clogged with stopped vehicles. As a throughway, a continuous lane will be maintained through the Travel Center from the entrance through the truck canopy and out the exit.

b) Priority 2

The second priority will be to keep the store and automobile fueling canopy access and parking area clear and free of ice and snow. Along with the parking area, the sidewalks will be treated to help them stay ice-free.

c) Priority 3

The remaining automobile and truck parking areas will be the third priority. In these areas, much of the snow will be on top of the trucks and trailers. To remove accumulated snow and move it to the back of the parking lot, walk behind snow removal equipment will be used between the parked trucks.

Methods and Procedures for Ice Control and Removal

a) Chemicals

Initially, or until further notice, the Travel Center will use Calcium Chloride as the preferred Ice Melt. Calcium chloride ice melt is the most effective ice melt in lower temperatures when compared to other ice-melt compounds. It is less expensive than sodium acetate but more expensive than other compounds. Of all the common de-icers on the market, tests have shown that calcium chloride is the least harmful to concrete. It is also among the most effective, melting ice at temperatures as low as minus-25 degrees Fahrenheit.

b) Environmental factors

Salt, chemicals, and sand all have potential environmental concerns, which is why we train operators to apply only as much as necessary. Our precision equipment is also calibrated on a regular basis to ensure that treatments are administered in precisely measured doses. We will make every effort to stay current on snow and ice control trends, as well as to test new products as they become available, in order to use the best products for the safety of our travelers and the environment.

c) Procedure for Snow Removal

The following snow removal sequence will be followed. The road surfaces of the Priority 1 area will be treated as needed at the first sign of snow or freezing temperatures. This will include access into and out of the Center, as well as the roadway in between. Following that, the sidewalks and passenger walking areas will be prioritized.

When snow begins to accumulate, it will be pushed into the "Area 1" section noted on the attached Snow Plan - Site Plan. Area 2 will be used once Area 1 has reached capacity. Smaller piles will be formed for convenience in the areas marked on the Plan by small blue boxes. Snow will be pushed into Area 3 once Area 2 has reached capacity, or as convenient depending on traffic and traveler levels. Next Area 4 and 5 will be utilized.

Snow will be piled higher in designated areas and moved as needed between storms or when it is convenient. As previously stated, snow that accumulates between the parked tractor trailers will be moved to the rear of the parking area with walk behind blowers.

Special Notes

a) Snow removal from Travel Center

At no time will snow be removed from the Travel Center complex. All snow will remain on-site to melt and pass through the oil separator systems before being directed to the onsite storage ponds.

b) Sparks Road and the I-90 overpass

Mountview Group LLC and the Easton Travel Center will work with WSDOT and Kittitas County to keep the center's overpass and access roads clear and unobstructed. Part of this is allowing entities to stage equipment in the center. The center will also keep towing equipment on hand to help free stuck vehicles.

GOAL

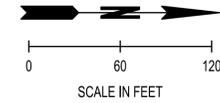
The primary goal of the Easton Travel Center's Snow Plan is to provide the traveling public with the safest driving and walking surfaces possible during winter storm conditions, in the most efficient and cost-effective way, while also protecting the environment to the greatest extent possible.

It should be noted that, while this plan provides general guidelines for implementation, each snowstorm has unique characteristics such as air and pavement temperatures, wind speeds and directions, precipitation rates and types, extreme temperatures, timing, duration, and traffic activity. This plan must remain flexible and take these variables into consideration.

CALL BEFORE YOU DIG

THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION BY CALLING THE UNDERGROUND LOCATE LINE AT 811 OR (800)-424-5555 A MINIMUM OF 48 HOURS PRIOR TO ANY EXCAVATION.

SEC. 2, T20N., R13E., W.M.



LEGEND

- PROPERTY LINE
- - - EXISTING CHANNELIZATION
- (X) STALL COUNT
- CEMENT CONCRETE CURB & GUTTER
- ▨ PROPOSED BUILDING
- ▨ CEMENT CONCRETE SIDEWALK
- - - XX EXISTING CONTOURS (MAJOR/MINOR)
- - - XX PROPOSED CONTOURS (MAJOR/MINOR)

CONSTRUCTION NOTES

1. CONVENIENCE STORE AND QUICK SERVICE RESTAURANT
2. VEHICLE MAINTENANCE BUILDING
3. TRUCK SCALE
4. AUTO CANOPY
5. TRUCK CANOPY
6. UNDERGROUND FUEL STORAGE TANKS
7. STORMWATER POND
8. UNDERGROUND STORAGE TANKS
9. TRASH ENCLOSURE
10. 12" WIDE WHITE PAINTED STOP BAR
11. RV SEWER DUMP STATION
12. PROPANE TANK
13. AUTO PARKING STALL: 9'X20' (TYP.)
14. TRUCK PARKING STALL: 12.5'X65' (TYP.)
15. RV PARKING STALL: 9'X40' (TYP.)
16. CEMENT CONCRETE CURB & GUTTER

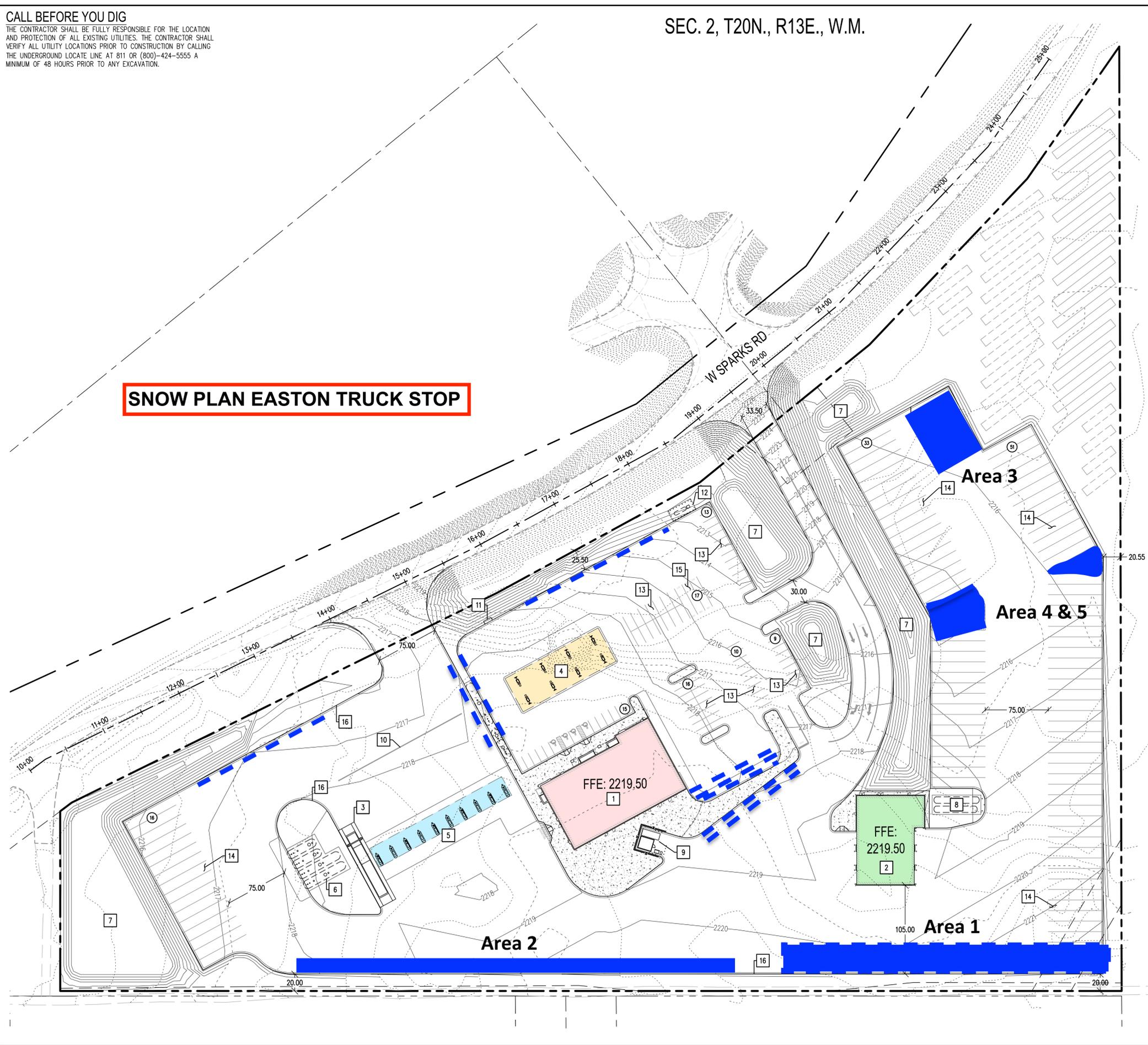
| LAND USES | | |
|-----------|--------------------------|-----------------------|
| KEY | USE | USE AREA (APPROX. SF) |
| | VEHICLE MAINTENANCE | 7700 |
| | DIESEL FUELING CANOPY | 4500 |
| | GAS FUELING CANOPY | 5700 |
| | C-STORE AND RESTAURANT | 13325 |
| | C-STORE | 8325 |
| | RESTAURANT | 5000 |
| | SNOW STORAGE AREA | |

SCJ ALLIANCE
CONSULTING SERVICES
8730 TALLON LANE NE, SUITE 200, LACEY, WA 98516
P: 360.352.1465 F: 360.352.1509
SCJALLIANCE.COM

PRELIMINARY SITE PLAN
PROJECT NAME: MOUNTVIEW GROUP LLC TRAVEL CENTER
WEST SPARKS ROAD
EASTON, WASHINGTON

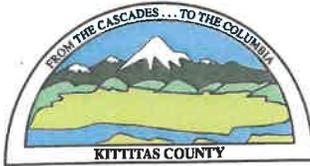
DESIGNER: D. PHILLIPS
DRAWN BY: K. GANIS
APPROVED BY: D. PHILLIPS
DATE: JANUARY 2023
JOB NO: 22-000880
DRAWING FILE NO: 22-000880 SP-01
DRAWING NO: SP-01
SHEET NO: 1 OF 1

SNOW PLAN EASTON TRUCK STOP



Jan 17, 2023 10:36:25am I:\scj\phillips\22-000880\PROJECTS\22-000880\MOUNTVIEW GROUP LLC\22-000880 EASTON WA EXT 70 TRUCK STOP\CADD\22-000880 SP-01.DWG





KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

Affidavit of Mailing & Publication

PROPOSAL NAME: (VA-23-00003) (SE-23-00010) Sparks Park Easton Travel Center

NOTIFICATION OF: Notice of Decision

NOTIFICATION MAIL DATE: September 13, 2023

I certify that the following documentation:

- Notice of decision for VA-23-00003, SE-23-00010 Sparks Park Zoning Variance and SEPA has been mailed and/or emailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

Signature

Jamey Ayling
Community Development Services Planning Manager
County of Kittitas
State of Washington

Subscribed and sworn to before me this 13th day of September, 2023



Stephanie Mifflin
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: 12.23.25

Kittitas County Sheriff's Dept.
kim.dawson@co.kittitas.wa.us

KittCom
long@kittcom.org
storch@kittcom.org

Kittitas County Deputy Fire Marshal
Dan.Young@co.kittitas.wa.us

Kittitas County Board of County Co
julie.kjorsvik@co.kittitas.wa.us

Kittitas County Code Enforcement
toni.berkshire@co.kittitas.wa.us

Kittitas County Environmental Health
PublicHealthInspectors@co.kittitas.wa.us

Kittitas County Solid Waste Pr
lisa.lawrence@co.kittitas.wa.us
patti.stacey@co.kittitas.wa.us

Kittitas County Public Works
kelee.hodges.pw@co.kittitas.wa.us
candie.leader@co.kittitas.wa.us
tate.mahre@co.kittitas.wa.us

Yakama Nation
enviroreview@yakama.com
corrine_camuso@yakama.com
jessica_lally@yakama.com
noah_oliver@yakama.com
casey_barney@yakama.com
kozj@yakamafish-nsn.gov
matj@yakamafish-nsn.gov
barh@yakamafish-nsn.gov

Department of Ecology
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
hector.casique@ecy.wa.gov
crosepacoordinator@ecy.wa.gov
christopher.kossik@ecy.wa.gov

Airport Manager
david.ohl@co.kittitas.wa.us
Codi.Fortier@co.kittitas.wa.us

WA Dept. Fish and Wildlife
Scott.Downes@dfw.wa.gov
Jennifer.Nelson@dfw.wa.gov
Elizabeth.Torrey@dfw.wa.gov

Washington State DAHP
sepa@dahp.wa.gov
Sydney.hanson@dahp.wa.gov

James E Brooks Library
jorgenja@cwu.edu
nelmsk@cwu.edu

Kittitas County Building Dept.
Jeremy.larson@co.kittitas.wa.us
Steph.mifflin@co.kittitas.wa.us

WA State Department of Health
russell.mau@doh.wa.gov

WA Dept. of Natural Resources
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

Allison Kimball brooksideconsulting@gmail.com

Northern Kittitas County Tribune
tribune@nkctribune.com
terry@nkctribune.com

Daily Record
mbreckenridge@kvnews.com
legals@kvnews.com

Army Corps of Engineers
Deborah.j.knaub@usace.army.mil
Jenae.N.Churchill@usace.army.mil

Bureau of Reclamation
lhendrix@usbr.gov
1917 Marsh Road
Yakima, WA 98901

Yakima Training Center
mark.a.gradwohl.civ@mail.mil

Northwest Training Range Complex
Kimberly.peacher@navy.mil
Robert.d.bright10.civ@army.mil

Kittitas County Assessor
Haley.mercer@co.kittitas.wa.us
Christine.garcia@co.kittitas.wa.us

Snoqualmie Tribe
steve@snoqualmietribe.u
dahp@snoqualmietribe.u
adam@snoqualmietribe.u

Colville Tribe
guy.moura@colvilletribes.com
sam.rushing@colvilletribes.com
connor.armi.hsv@colvilletribes.com

Kittitas County P.U.D.
matt.boast@kittitaspud.com

Bonneville Power Administr:
Dtsmith@BPA.gov

Puget Sound Energy
rightofway@pse.com
Joseph.Pignatelli@pse.com

Forest Service
kimberly.larned@usda.gov

Washington State DOT
Jacob.Prilucik@wsdot.wa.gov
SCPlanning@wsdot.wa.gov
AviationLandUse@wsdot.wa.gov
KaiserM@wsdot.wa.gov
krahenm@wsdot.wa.gov
isond@wsdot.wa.gov

Washington State Parks
ken.graham@parks.wa.gov
PO Box 42650
Olympia, WA 98504-2650

Kittitas Valley Healthcare
Attn: CEO
603 S. Chestnut Street
Ellensburg, WA 98926
(mailed)

BUREAU OF LAND MANAGEMENT
915 N. WALLA WALLA
WENATCHEE WA 98801
(mailed)

Easton School District 28
kombola@easton.wednet.edu
jensens@easton.wednet.edu
millerj@easton.wednet.edu
superintendent@easton.wednet.edu

KCFD #3 (Easton)
PO Box 52
Easton, WA 98925
kcf3102@yahoo.com
asstchief.eastonfd3@gmail

Federal Aviation Administration (FAA)
Ilon.Logan@faa.gov

Lori Turnley
ltingig@comcast.net
jrtinwa@comcast.net

Easton Water District
eastonwaterdistrict@hotmail.com
gerbado31@gmail.com

Terri Campbell
terriacampbell@gmail.com

Patti Rayfield
Patti.rayfield@icloud.com
Tom Rayfield
Tom_rayfield@comcast.net

Larry Everett
leverett@netos.com

Wayne LaVassar
wayne@ctstan.com

Todd Mitchell
tmitchell@buchalter.com

Julie Worthen
jworthen@buchalter.com

Michael & Lisa Jones
Mikejones777@gmail.com

Marty & Hollie Given
hollie@ymail.com

Bdavid9040@aol.com

Kraig & Ann McLeod
KraigMcLeod@msn.com
annmaricmcLeod@msn.com

Nancy Smith
Nksmith777@gmail.com

Jeanne & Zane Johnson
jeannebts19@gmail.com
Kari & Jeb Thomas
karirenet@gmail.com

Chris Johnson
Cjskier88@gmail.com

Keri Monroe
Kerimonroe@comcast.net

Moultonjason70@hotmail.com

John Jensen
jensenjohnr@yahoo.com

James Carmody
carmody@mftlaw.com

Deborah Girard
Girard@mftlaw.com

Tim Schauer
schauertm50@gmail.com

Scott Campbell
campbellgang@gmail.com

Michelle Tignor
m.tignor@comcast.net

Tim Ryals
Catrider58@gmail.com

Matthew Johnson
matthewkylejohnson@gmail.com

AJ Sandhu
Sanbros.farms@gmail.com
omakinn@gmail.com

Bill Deatry
bill@yourbrokerbill.com

Dan Phillips
Dan.phillips@scjalliance.com
Bill Dunning
bill.dunning@scjalliance.com

Sparks Park LLC
nathan@inlandcell.com

Charlie Beckett
CBECKETT@PRKLAW.COM

Terry Danysh
Tdanysh@prklaw.com



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

NOTICE OF DECISION

To: Applicant
Authorized Agent
Interested Parties (KCC 15A.06)

From: Jamey Ayling, Planning Manager

Date: September 13, 2023

Subject: Sparks Park Zoning Variance (VA-23-00003) & SEPA (SE-23-00010)

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services **approves** the Zoning Variance for Angadjot Sandhu, applicant, to increase the impervious surface and expand the retail square footage requirement in KCC 17.15.070. KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is authorized to construct a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail 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 subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009. Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

An appeal of this land use decision must be filed within 10 working days by submitting specific factual objections and a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Suite 2, Ellensburg, WA 98926. The appeal period deadline is **5:00 PM September 27, 2023**.

The application, decision and related information may be examined during business hours at Kittitas County Development Services, 411 N Ruby St Suite 2, Ellensburg, WA 98926 or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under “Setback Variance” using the file “VA-23-00003 Sparks Park”.

If you have questions or need assistance, please contact Community Development Services at (509) 962-7637; email at jamey.ayling@co.kittitas.wa.us Planning Manager: Jamey Ayling.



State Environmental Policy Act
MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Angadjot Sandhu 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 defined in the allowable uses table, these are permitted uses in the existing zone and land use designation.

Proponent: Angadjot Sandhu, Applicant, authorized 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.
- 4) The Applicant is required to dedicate additional access rights to the Department of Transportation along the proposed driveway a distance of 130 feet 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.

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.
- 3) Snow removal activities shall adhere to the submitted snow storage management plan and all snow storage shall be retained on-site.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office or retail space, and parking facilities shall be ADA accessible.
- 3) All structures will 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 will need to comply with certain height restrictions. It is the applicant's responsibility to contact David Ison of the WSDOT Aviation Division at 360-709-8028 for requirements.

Fire

- 1) All structures must have adequate fire apparatus access.

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

Cultural Resources and Historic Preservation

- 1) A Cultural Resources Survey shall be conducted prior to any ground disturbing activities and survey results shall be submitted to DAHP and associated tribes.
- 2) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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 between 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.

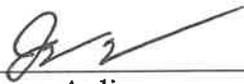
Noise

- 1) 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, September 25, 2023).

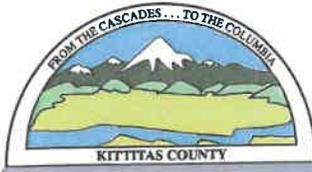
Responsible Official: 
Jamey Ayling

Title: Planning Official

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

Date: September 13, 2023

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, September 27, 2023.



Sparks Park Variance File Number VA-23-00003 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

Site Characteristics:

| | |
|---------------|--|
| <u>North:</u> | Forest land and sparse residential development |
| <u>South:</u> | commercial development gas station/restaurant |
| <u>East:</u> | RV Park |
| <u>West:</u> | I-90 and Lake Easton |

Access: The site is accessed via Sparks Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of LAMIRD Type 3 General Commercial in a LAMIRD Land Use designation. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant

must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17.84.010 Granting Criteria (all four must be met):

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;

Applicant Response

“The subject LAMIRD is identified more specifically as Type 3, Rural employment center (KCC 15.15.070). The property is located along W. Sparks Road and affects properties of varying size, location, and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD”.

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS recognizes the subject parcel is larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

*“Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a local area of more intense rural development, or a LAMIRD, which retains the community’s rural character and limits higher-density development.
From WAC 365- 196-425: Type 3 LAMIRDS Small-scale businesses and cottage industries, we understand that the County may allow isolated small scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.”*

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant's submitted information and comments received during the comment period. CDS agrees that without this variance, the truck stop would be too small to accommodate the needed services provided to the traveling public including the allowable retail square footage in comparison to other parcels in the vicinity per acre ratio and the amount of impervious surface that is expected to reduce maintenance activities, aid in snow removal and be more environmentally sound in collecting potential contaminants. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1)

The applicant has demonstrated in a factual and meaningful way the existence of a “substantial property right” that may be negated by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

“This variance will not be detrimental to any public welfare or be injurious to any other property in the area.”

Staff Response

CDS agrees that the proposed variance would not be injurious to adjacent property owners or the public welfare in any material way. The proposed impervious surfaces will be screened from Sparks Road utilizing the existing evergreen trees along the Sparks Road frontage. Stormwater collection will be retained on-site and designed utilizing the Eastern Washington Stormwater Manual. The larger retail area is proportionate to the size of the parcel it is proposed on and will have less of an effect and provide more efficient use of the space when combined into one multi use occupancy. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

The applicant has demonstrated in a factual and meaningful way that the proposed build site will maintain substantial property line setbacks despite granting of the variance. The variance will not be “materially detrimental to the public welfare or injurious to property in the vicinity” as required in KCC 17.84.010(3).

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

“The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of general commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment.”

Staff Response

CDS has concluded that the requested zoning variance will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similar uses on smaller lots further from the freeway. This more intense use adjacent to the freeway will absorb the highest traffic volume immediately off the freeway and prevent spread further into town and provide a noise and visual buffer to the freeway while also promoting further development of adjacent general commercial properties.

The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).

Staff Conclusions

Staff finds that the zoning variance request **does** meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on February 17, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were transmitted to the applicant on May 16, 2023.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical areas. CDS has conducted an environmental review and issued a Mitigated Determination of Non-significance.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Easton School District, Washington State Dept of Health, Kittitas County Public Health , Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. A review of these comments was completed and applicant provided response to each comment in a unified document.

Comment was received from forty-one (41) members of the public.

Staff Response

CDS has provided these comments to the applicant.

VII. PROJECT ANALYSIS

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

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

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no identified critical areas located on the property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.15.070 Allowed Uses in Rural LAMIRD Lands:

This proposal, with approval of the zoning variance, is consistent with the allowed uses outlined in Kittitas County Zoning Code 17.15.070.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

Comments received from the public are on file and available for public review.

VIII. FINDINGS OF FACT

1. Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

2. Parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

4. Site Characteristics:

| | |
|--------|--|
| North: | Forest land and sparse residential development |
| South: | commercial development gas station/restaurant |
| East: | RV Park |
| West: | I-90 and Lake Easton |

The site is accessed via Sparks Road.

5. The Comprehensive Plan land use designation is Rural Working within General Commercial zoning.
6. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 2, 2023.
8. The application was determined complete on February 17, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were

transmitted to the applicant on May 16, 2023.

10. CDS performed a critical areas review of the subject parcel and found there to be no critical areas. Based upon review of the submitted application materials and a critical areas review.
11. CDS conducted an environmental review of the proposal and issued a Mitigated Determination of Non-significance on September 13, 2023.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal is not consistent with the provisions of KCC 17.15.070, General Commercial zoning without approval of the zoning variance.
14. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
15. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
16. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
17. Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health , Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.
18. Public comment was received from forty-one (41) citizens. These comments are on file and available for public review.

IX. STAFF CONCLUSIONS:

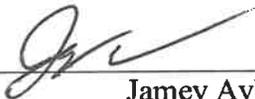
1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Sparks Park Variance (VA-23-00003) is hereby **approved** subject to the conditions below. The Sparks Park Variance has satisfied the requirements of a zoning variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. Evergreen trees shall remain along Sparks Road frontage to provide a visual buffer to the impervious surface.
6. The project shall comply with all conditions of SE-23-00010 Easton Travel Center MDNS.
7. This variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).

Responsible Official  _____
Jamey Ayling

Title: Planning Manager

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7065

Date: September 13, 2023

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm September 27, 2023. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.

**Notice of SEPA and Variance Action
Easton Travel Center
SE-23-00010**

NOTICE IS HEREBY given that pursuant to WAC 197-11-355 and RCW 43.21C.030(2)(c), Kittitas County Community Development Services did, on September 13, 2024, issue a Determination of Non-Significance (DNS) on the proposed SEPA application submitted by Angadjot Sandhu. The applicant, Angadojot Sandhu, is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft of retail services. This work requires a variance to exceed the lot coverage limitations and expanded retail square footage which is hereby approved. The project is proposed on a site 16.51 acres that is zoned General Commercial within a type 3 LAMIRD. The project area is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

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 and WAC 197-11-355. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. The complete application file is available to the public on request or may be viewed at Kittitas County Community Development Services at 411 North Ruby St, Suite 2 Ellensburg, WA 98926, or on the county website: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> (Miscellaneous SEPA Applications, file number SE-23-00010 Sparks Park).

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of non-compliance with the provisions of Chapter 43.21C RCW (State Environmental Policy Act) and pursuant to Chapter 15A.07.010 KCC, may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 to Kittitas County Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926. Timely appeals must be received no later than **5:00pm, September 27, 2023**.

Direct questions regarding this proposal to:

Jamey Ayling
411 N. Ruby St. Suite 2
Ellensburg, WA. 98926
509-962-7065
jamey.ayling@co.kittitas.wa.us

Date: September 13, 2023
Publish Daily Record: September 13, 2023
Appeal Period Ends: September 27, 2023



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

NOTICE OF DECISION

To: Applicant
Authorized Agent
Interested Parties (KCC 15A.06)

From: Jamey Ayling, Planning Manager

Date: September 29, 2023

Subject: Sparks Park Zoning Variance (VA-23-00003) & SEPA (SE-23-00010)

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services **approves** the Zoning Variance for Angadjot Sandhu, applicant, to increase the impervious surface and expand the retail square footage requirement in KCC 17.15.070. KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is authorized to construct a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail 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.

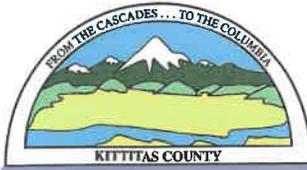
The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS)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

The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009. Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

An appeal of this land use decision must be filed within 10 working days by submitting specific factual objections and a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Suite 2, Ellensburg, WA 98926. The appeal period deadline is **5:00 PM October 13, 2023**.

The application, decision and related information may be examined during business hours at Kittitas County Development Services, 411 N Ruby St Suite 2, Ellensburg, WA 98926 or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Setback Variance" using the file "VA-23-00003 Sparks Park".

If you have questions or need assistance, please contact Community Development Services at (509) 962-7637; email at jamey.ayling@co.kittitas.wa.us Planning Manager: Jamey Ayling.



Sparks Park Variance
File Number VA-23-00003
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

Site Characteristics:

| | |
|---------------|--|
| <u>North:</u> | Forest land and sparse residential development |
| <u>South:</u> | commercial development gas station/restaurant |
| <u>East:</u> | RV Park |
| <u>West:</u> | I-90 and Lake Easton |

Access: The site is accessed via Sparks Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of LAMIRD Type 3 General Commercial in a LAMIRD Land Use designation. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant

must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17.84.010 Granting Criteria (all four must be met):

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;

Applicant Response

“The subject LAMIRD is identified more specifically as Type 3, Rural employment center (KCC 15.15.070). The property is located along W. Sparks Road and affects properties of varying size, location, and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD”.

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS recognizes the subject parcel is larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

“Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a local area of more intense rural development, or a LAMIRD, which retains the community’s rural character and limits higher-density development.

From WAC 365- 196-425: Type 3 LAMIRDS Small-scale businesses and cottage industries, we understand that the County may allow isolated small scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant's submitted information and comments received during the comment period. CDS agrees that without this variance, the truck stop would be too small to accommodate the needed services provided to the traveling public including the allowable retail square footage in comparison to other parcels in the vicinity per acre ratio and the amount of impervious surface that is expected to reduce maintenance activities, aid in snow removal and be more environmentally sound in collecting potential contaminants. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1)

The applicant has demonstrated in a factual and meaningful way the existence of a “substantial property right” that may be negated by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

“This variance will not be detrimental to any public welfare or be injurious to any other property in the area.”

Staff Response

CDS agrees that the proposed variance would not be injurious to adjacent property owners or the public welfare in any material way. The proposed impervious surfaces will be screened from Sparks Road utilizing the existing evergreen trees along the Sparks Road frontage. Stormwater collection will be retained on-site and designed utilizing the Eastern Washington Stormwater Manual. The larger retail area is proportionate to the size of the parcel it is proposed on and will have less of an effect and provide more efficient use of the space when combined into one multi use occupancy. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

The applicant has demonstrated in a factual and meaningful way that the proposed build site will maintain substantial property line setbacks despite granting of the variance. The variance will not be “materially detrimental to the public welfare or injurious to property in the vicinity” as required in KCC 17.84.010(3).

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

“The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of general commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment.”

Staff Response

CDS has concluded that the requested zoning variance will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similar uses on smaller lots further from the freeway. This more intense use adjacent to the freeway will absorb the highest traffic volume immediately off the freeway and prevent spread further into town and provide a noise and visual buffer to the freeway while also promoting further development of adjacent general commercial properties.

The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).

Staff Conclusions

Staff finds that the zoning variance request **does** meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on February 17, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were transmitted to the applicant on May 16, 2023.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical areas. CDS has conducted an environmental review and issued a Mitigated Determination of Non-significance.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. A review of these comments was completed and applicant provided response to each comment in a unified document.

Comment was received from forty-one (41) members of the public.

CDS has provided these comments to the applicant.

VII. PROJECT ANALYSIS

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

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

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no identified critical areas located on the property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.15.070 Allowed Uses in Rural LAMIRD Lands:

This proposal, with approval of the zoning variance, is consistent with the allowed uses outlined in Kittitas County Zoning Code 17.15.070.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

Comments received from the public are on file and available for public review.

VIII. FINDINGS OF FACT

1. Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

2. Parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

4. Site Characteristics:

| | |
|--------|--|
| North: | Forest land and sparse residential development |
| South: | commercial development gas station/restaurant |
| East: | RV Park |
| West: | I-90 and Lake Easton |

The site is accessed via Sparks Road.

5. The Comprehensive Plan land use designation is Rural Working within General Commercial zoning.
6. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 2, 2023.
8. The application was determined complete on February 17, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were

transmitted to the applicant on May 16, 2023.

10. CDS performed a critical areas review of the subject parcel and found there to be no critical areas. Based upon review of the submitted application materials and a critical areas review.
11. CDS conducted an environmental review of the proposal and issued a Mitigated Determination of Non-significance on September 13, 2023.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal is not consistent with the provisions of KCC 17.15.070, General Commercial zoning without approval of the zoning variance.
14. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
15. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
16. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
17. Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health , Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.
18. Public comment was received from forty-one (41) citizens. These comments are on file and available for public review.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

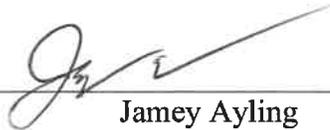
X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Sparks Park Variance (VA-23-00003) is hereby **approved** subject to the conditions below. The Sparks Park Variance has satisfied the requirements of a zoning variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. Evergreen trees shall remain along Sparks Road frontage to provide a visual buffer to the impervious surface.
6. The project shall comply with all conditions of SE-23-00010 Easton Travel Center MDNS.
7. This variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).

Responsible Official



Jamey Ayling

Title: Planning Manager

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7065

Date: September 29, 2023

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm October 13, 2023. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: **Angadjot Sandhu** 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 defined in the allowable uses table, these are permitted uses in the existing zone and land use designation.

Proponent: Angadjot Sandhu, Applicant, authorized 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.
- 4) The Applicant is required to dedicate additional access rights to the Department of Transportation along the proposed driveway a distance of 130 feet 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.

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.
- 3) Snow removal activities shall adhere to the submitted snow storage management plan and all snow storage shall be retained on-site.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office or retail space, and parking facilities shall be ADA accessible.
- 3) All structures will 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 will need to comply with certain height restrictions. It is the applicant's responsibility to contact David Ison of the WSDOT Aviation Division at 360-709-8028 for requirements.

Fire

- 1) All structures must have adequate fire apparatus access.

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

Cultural Resources and Historic Preservation

- 1) A Cultural Resources Survey shall be conducted prior to any ground disturbing activities and survey results shall be submitted to DAHP and associated tribes.
- 2) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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 between 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.

Noise

- 1) 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, October 13, 2023).

**Responsible
Official:**



Jamey Ayling

Title:

Planning Official

Address:

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

Date:

September 29, 2023

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 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, October 13, 2023.



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

Affidavit of Mailing & Publication

PROPOSAL NAME: (VA-23-00003) (SE-23-00010) Sparks Park Easton Travel Center

NOTIFICATION OF: Notice of Amended Decision

NOTIFICATION MAIL DATE: September 29, 2023

I certify that the following documentation:

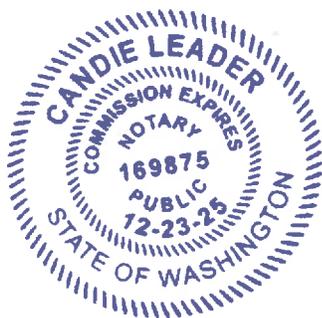
- Notice of decision for VA-23-00003, SE-23-00010 Sparks Park Easton Travel Center Zoning Variance and SEPA

has been mailed and/or emailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

Signature

Jamey Ayling
Community Development Services Planning Manager
County of Kittitas
State of Washington

Subscribed and sworn to before me this 29th day of September, 2023



Candie Leader
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: 12.23.2025

| Owner | Address2 | City t2_State Zip |
|-----------------------------------|-------------------------|------------------------------|
| LAVASSAR, JOANN M | 3504 MAPLE AVE | MANHATTAN BEACH, CA 90266 |
| MCRAE, MONIKA D & | 32462 NE 120TH ST | DUVALL, WA 98019 |
| BECKMAN, JESSE R | 125 YAKIMA AVE SE | RENTON, WA 98059-7064 |
| CLE ELUM PARTNERS LLC | 3835 W MERCER WAY | MERCER ISLAND, WA 98040-3317 |
| STATE OF WASH (AG WSU TRUST) | PO BOX 47014 | OLYMPIA, WA 98504-7014 |
| SPARKS PARK LLC | PO BOX 246 | RONALD, WA 98940 |
| PALMERO PARTNERS LLC | 3925 FOREST BEACH DR NW | GIG HARBOR, WA 98335-5845 |
| TRANQUIL PINES LLC | 2454 ALVARADO DR | SANTA CLARA, CA 95051-1305 |
| DNAM INC | PO BOX 122 | EASTON, WA 98925-0122 |
| LAKE EASTON RV RESORT LLC | PO BOX 7097 | COVINGTON, WA 98042-0040 |
| USA (WNF) | 215 MELODY LN | WENATCHEE, WA 98801 |
| <i>Dennis & Barb Davitsen</i> | <i>1441 Country DR</i> | <i>EASTON, WA 98925</i> |
| <i>John Jensen</i> | <i>3910 E Sparks Rd</i> | <i>EASTON, WA 98925</i> |

Kittitas County Sheriff's Dept.
kim.dawson@co.kittitas.wa.us

Kittitas County Deputy Fire Marshal
Dan.Young@co.kittitas.wa.us

KittCom
long@kittcom.org
storch@kittcom.org

Kittitas County Board of County Comm
julie.kjorsvik@co.kittitas.wa.us

Kittitas County Code Enforcement
toni.berkshire@co.kittitas.wa.us

Kittitas County Environmental Health
PublicHealthInspectors@co.kittitas.wa.us

Kittitas County Solid Waste Program
lisa.lawrence@co.kittitas.wa.us
patti.stacey@co.kittitas.wa.us

Kittitas County Public Works
kelee.hodges.pw@co.kittitas.wa.us
candie.leader@co.kittitas.wa.us
tate.mahre@co.kittitas.wa.us

Yakama Nation
enviroreview@yakama.com
corrine_camuso@yakama.com
jessica_lally@yakama.com
noah_oliver@yakama.com
casey_barney@yakama.com
kozj@yakamafish-nsn.gov
matj@yakamafish-nsn.gov
barh@yakamafish-nsn.gov

Department of Ecology
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
hector.casique@ecy.wa.gov
crosepacoordinator@ecy.wa.gov
christopher.kossik@ecy.wa.gov

Airport Manager
david.ohl@co.kittitas.wa.us
Codi.Fortier@co.kittitas.wa.us

WA Dept. Fish and Wildlife
Scott.Downes@dfw.wa.gov
Jennifer.Nelson@dfw.wa.gov
Elizabeth.Torrey@dfw.wa.gov

Washington State DAHP
sepa@dahp.wa.gov
Sydney.hanson@dahp.wa.gov

James E Brooks Library
jorgenja@cwu.edu
nelmsk@cwu.edu

Kittitas County Building Dept.
Jeremy.larson@co.kittitas.wa.us
Steph.mifflin@co.kittitas.wa.us

WA State Department of Health
russell.mau@doh.wa.gov

WA Dept. of Natural Resources
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

Allison Kimball brooksideconsulting@gmail.com

Northern Kittitas County Tribune
tribune@nkctribune.com
terry@nkctribune.com

Daily Record
mbreckenridge@kynews.com
legals@kynews.com

Army Corps of Engineers
Deborah.j.knaub@usace.army.mil
Jenae.N.Churchill@usace.army.mil

Bureau of Reclamation
lhendrix@usbr.gov
1917 Marsh Road
Yakima, WA 98901

Yakima Training Center
mark.a.gradwohl.civ@mail.mil

Northwest Training Range Complex
Kimberly.peacher@navy.mil
Robert.d.bright10.civ@army.mil

Kittitas County Assessor
Haley.mercer@co.kittitas.wa.us
Christine.garcia@co.kittitas.wa.us

Snoqualmie Tribe
steve@snoqualmietribe.u
dahp@snoqualmietribe.u
adam@snoqualmietribe.u

Colville Tribe
guy.moura@colvilletribes.com
sam.rushing@colvilletribes.com
connor.armi.hsy@colvilletribes.com

Kittitas County P.U.D.
matt.boast@kittitaspud.com

Puget Sound Energy
rightofway@pse.com
Joseph.Pignatelli@pse.com

Bonneville Power Administr:
Dtsmith@BPA.gov

Forest Service
kimberly.larned@usda.go

Washington State DOT
Jacob.Prilucik@wsdot.wa.gov
SCPlanning@wsdot.wa.gov
AviationLandUse@wsdot.wa.gov
KaiserM@wsdot.wa.gov
krahenm@wsdot.wa.gov
isond@wsdot.wa.gov

Washington State Parks
ken.graham@parks.wa.gov
PO Box 42650
Olympia, WA 98504-2650

Kittitas Valley Healthcare
Attn: CEO
603 S. Chestnut Street
Ellensburg, WA 98926
(mailed)

BUREAU OF LAND MANAGEMENT
915 N. WALLA WALLA
WENATCHEE WA 98801
(mailed)

Easton School District 28
kombola@easton.wednet.edu
jensens@easton.wednet.edu
millerj@easton.wednet.edu
superintendent@easton.wednet.edu

KCFD #3 (Easton)
PO Box 52
Easton, WA 98925
kcf3102@yahoo.com
asstchief.eastonfd3@gmail

Federal Aviation Administration (FAA)
Hon.Logan@faa.gov

Lori Turnley
ltingig@comcast.net
jrtinwa@comcast.net

Easton Water District
eastonwaterdistrict@hotmail.com
gerbado31@gmail.com

Terri Campbell
terriacampbell@gmail.com

Patti Rayfield
Patti.rayfield@icloud.com
Tom Rayfield
Tom_rayfield@comcast.net

Larry Everett
leverett@netos.com

Wayne LaVassar
wayne@ctstan.com

Todd Mitchell
tmitchell@buchalter.com

Julie Worthen
jworthen@buchalter.com

Michael & Lisa Jones
Mikejones777@gmail.com

Marty & Hollie Given
hollie@ymail.com

Bdavid9040@aol.com

Kraig & Ann McLeod
KraigMcLeod@msn.com
annmariemcleod@msn.com

Nancy Smith
Nksmith777@gmail.com

Jeanne & Zane Johnson
jeannebts19@gmail.com
Kari & Jeb Thomas
karirenet@gmail.com

Chris Johnson
Cjskier88@gmail.com

Keri Monroe
Kerimonroe@comcast.net

Moultonjason70@hotmail.com

John Jensen
jensenjohnr@yahoo.com

James Carmody
carmody@mftlaw.com

Deborah Girard
Girard@mftlaw.com

Tim Schauer
schauertm50@gmail.com

Scott Campbell
campbellgang@gmail.com

Michelle Tignor
m.tignor@comcast.net

Tim Ryals
Catrider58@gmail.com

Matthew Johnson
matthewkylejohnson@gmail.com

AJ Sandhu
Sanbros.farms@gmail.com
omakinn@gmail.com

Bill Deatry
bill@yourbrokerbill.com

Dan Phillips
Dan.phillips@scjalliance.com
Bill Dunning
bill.dunning@scjalliance.com

Sparks Park LLC
nathan@inlandcell.com

Charlie Beckett
CBECKETT@PRKLAW.COM

Terry Danysh
Tdanysh@prklaw.com

Dennis & Barb Davidson
1441 Country Drive
Easton, WA 98925

Stefani Porter
brendonnstef@gmail.com

Justin Packard
Justin8582@aol.com

Shawn Hebert
Herbertshawn35@gmail.com

Peggy Berline
Berlinefamily@gmail.com

David Yager
trakdpm@yahoo.com

Jay Berline
berlineportableweldiong@gmail.com

Cindy McGlaughlin
clcrider@msn.com

Jackson Purcell
Jackson0121@gmail.com

Patsy Herbert
Pattigrandmama777@gmail.com

Mike, Kim & Nicole Krzycki
kimkrzy@hotmail.com

Marge Brandsrud
dmbrandsrud@comcast.net

Debbie Bogart
dbogart@outlook.com

John Jensen
3910 E Sparks Road
Easton, WA 98925

Jill Merwin
Jamerwin@gmail.com

Lyn & Judy Zwiefelhofer
Lyn.Judy.123@gmail.com

Mari & Chris CLarke
Tiamaria2506@aol.com

Bricklin & Newman, LLP
Audrey Clungeon
123 NW 36th street, suite 205
Seattle, WA 98107
Audrey Clungeon clungeon@bnd-law.com



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTTITAS.WA.US
Office (509) 962-7506

NOTICE OF DECISION

To: Applicant
Authorized Agent
Interested Parties (KCC 15A.06)

From: Jamey Ayling, Planning Manager

Date: September 29, 2023

Subject: Sparks Park Zoning Variance (VA-23-00003) & SEPA (SE-23-00010)

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services **approves** the Zoning Variance for Angadjot Sandhu, applicant, to increase the impervious surface and expand the retail square footage requirement in KCC 17.15.070. KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is authorized to construct a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail 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 subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009. Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

An appeal of this land use decision must be filed within 10 working days by submitting specific factual objections and a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Suite 2, Ellensburg, WA 98926. The appeal period deadline is **5:00 PM October 13, 2023**.

The application, decision and related information may be examined during business hours at Kittitas County Development Services, 411 N Ruby St Suite 2, Ellensburg, WA 98926 or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Setback Variance" using the file "VA-23-00003 Sparks Park".

If you have questions or need assistance, please contact Community Development Services at (509) 962-7637; email at jamey.ayling@co.kittitas.wa.us Planning Manager: Jamey Ayling.



Sparks Park Variance
File Number VA-23-00003
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

Site Characteristics:

| | |
|---------------|--|
| <u>North:</u> | Forest land and sparse residential development |
| <u>South:</u> | commercial development gas station/restaurant |
| <u>East:</u> | RV Park |
| <u>West:</u> | I-90 and Lake Easton |

Access: The site is accessed via Sparks Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of LAMIRD Type 3 General Commercial in a LAMIRD Land Use designation. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant

must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17.84.010 Granting Criteria (all four must be met):

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;

Applicant Response

“The subject LAMIRD is identified more specifically as Type 3, Rural employment center (KCC 15.15.070). The property is located along W. Sparks Road and affects properties of varying size, location, and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD”.

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS recognizes the subject parcel is larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

*“Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a local area of more intense rural development, or a LAMIRD, which retains the community’s rural character and limits higher-density development.
From WAC 365- 196-425: Type 3 LAMIRDS Small-scale businesses and cottage industries, we understand that the County may allow isolated small scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.”*

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant's submitted information and comments received during the comment period. CDS agrees that without this variance, the truck stop would be too small to accommodate the needed services provided to the traveling public including the allowable retail square footage in comparison to other parcels in the vicinity per acre ratio and the amount of impervious surface that is expected to reduce maintenance activities, aid in snow removal and be more environmentally sound in collecting potential contaminants. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1)

The applicant has demonstrated in a factual and meaningful way the existence of a “substantial property right” that may be negated by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

“This variance will not be detrimental to any public welfare or be injurious to any other property in the area.”

Staff Response

CDS agrees that the proposed variance would not be injurious to adjacent property owners or the public welfare in any material way. The proposed impervious surfaces will be screened from Sparks Road utilizing the existing evergreen trees along the Sparks Road frontage. Stormwater collection will be retained on-site and designed utilizing the Eastern Washington Stormwater Manual. The larger retail area is proportionate to the size of the parcel it is proposed on and will have less of an effect and provide more efficient use of the space when combined into one multi use occupancy. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

The applicant has demonstrated in a factual and meaningful way that the proposed build site will maintain substantial property line setbacks despite granting of the variance. The variance will not be “materially detrimental to the public welfare or injurious to property in the vicinity” as required in KCC 17.84.010(3).

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

“The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of general commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment.”

Staff Response

CDS has concluded that the requested zoning variance will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similar uses on smaller lots further from the freeway. This more intense use adjacent to the freeway will absorb the highest traffic volume immediately off the freeway and prevent spread further into town and provide a noise and visual buffer to the freeway while also promoting further development of adjacent general commercial properties.

The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).

Staff Conclusions

Staff finds that the zoning variance request **does** meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on February 17, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were transmitted to the applicant on May 16, 2023.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical areas. CDS has conducted an environmental review and issued a Mitigated Determination of Non-significance.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. A review of these comments was completed and applicant provided response to each comment in a unified document.

Comment was received from forty-one (41) members of the public.

CDS has provided these comments to the applicant.

VII. PROJECT ANALYSIS

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

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

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no identified critical areas located on the property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.15.070 Allowed Uses in Rural LAMIRD Lands:

This proposal, with approval of the zoning variance, is consistent with the allowed uses outlined in Kittitas County Zoning Code 17.15.070.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

Comments received from the public are on file and available for public review.

VIII. FINDINGS OF FACT

1. Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

2. Parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

4. Site Characteristics:

| | |
|--------|--|
| North: | Forest land and sparse residential development |
| South: | commercial development gas station/restaurant |
| East: | RV Park |
| West: | I-90 and Lake Easton |

The site is accessed via Sparks Road.

5. The Comprehensive Plan land use designation is Rural Working within General Commercial zoning.
6. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 2, 2023.
8. The application was determined complete on February 17, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were

transmitted to the applicant on May 16, 2023.

10. CDS performed a critical areas review of the subject parcel and found there to be no critical areas. Based upon review of the submitted application materials and a critical areas review.
11. CDS conducted an environmental review of the proposal and issued a Mitigated Determination of Non-significance on September 13, 2023.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal is not consistent with the provisions of KCC 17.15.070, General Commercial zoning without approval of the zoning variance.
14. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
15. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
16. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
17. Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.
18. Public comment was received from forty-one (41) citizens. These comments are on file and available for public review.

IX. STAFF CONCLUSIONS:

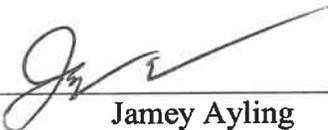
1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Sparks Park Variance (VA-23-00003) is hereby **approved** subject to the conditions below. The Sparks Park Variance has satisfied the requirements of a zoning variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. Evergreen trees shall remain along Sparks Road frontage to provide a visual buffer to the impervious surface.
6. The project shall comply with all conditions of SE-23-00010 Easton Travel Center MDNS.
7. This variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).

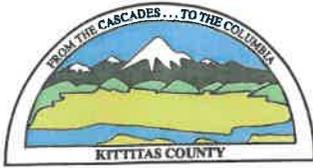
Responsible Official 
Jamey Ayling

Title: Planning Manager

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7065

Date: September 29, 2023

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm October 13, 2023. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.



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: **Angadjot Sandhu** 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 defined in the allowable uses table, these are permitted uses in the existing zone and land use designation.

Proponent: Angadjot Sandhu, Applicant, authorized 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.
- 4) The Applicant is required to dedicate additional access rights to the Department of Transportation along the proposed driveway a distance of 130 feet 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.

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.
- 3) Snow removal activities shall adhere to the submitted snow storage management plan and all snow storage shall be retained on-site.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office or retail space, and parking facilities shall be ADA accessible.
- 3) All structures will 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 will need to comply with certain height restrictions. It is the applicant's responsibility to contact David Ison of the WSDOT Aviation Division at 360-709-8028 for requirements.

Fire

- 1) All structures must have adequate fire apparatus access.

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

Cultural Resources and Historic Preservation

- 1) A Cultural Resources Survey shall be conducted prior to any ground disturbing activities and survey results shall be submitted to DAHP and associated tribes.
- 2) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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 between 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.

Noise

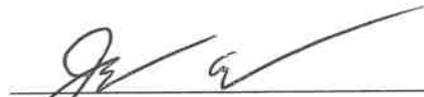
- 1) Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby properties.

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, October 13, 2023).

**Responsible
Official:**



Jamey Ayling

Title:

Planning Official

Address:

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

Date:

September 29, 2023

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 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, October 13, 2023.

**Notice of SEPA and Variance Action
Sparks Park - Easton Travel Center
SE-23-00010, VA-23-00003**

NOTICE IS HEREBY given that pursuant to WAC 197-11-355 and RCW 43.21C.030(2)(c), Kittitas County Community Development Services did, on September 29, 2023, issue a Mitigated Determination of Non-Significance (MDNS) on the proposed SEPA application submitted by Angadjot Sandhu. The applicant, Angadjot Sandhu, is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft of retail services. This work requires a variance to exceed the lot coverage limitations and expanded retail square footage which is hereby approved. The project is proposed on a site 16.51 acres that is zoned General Commercial within a type 3 LAMIRD. The project area is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

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 and WAC 197-11-355. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. The complete application file is available to the public on request or may be viewed at Kittitas County Community Development Services at 411 North Ruby St, Suite 2 Ellensburg, WA 98926, or on the county website: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> (Miscellaneous SEPA Applications, file number SE-23-00010 Sparks Park).

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of non-compliance with the provisions of Chapter 43.21C RCW (State Environmental Policy Act) and pursuant to Chapter 15A.07.010 KCC, may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 to Kittitas County Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926. Timely appeals must be received no later than **5:00pm, October 13, 2023**.

Direct questions regarding this proposal to:

Jamey Ayling
411 N. Ruby St. Suite 2
Ellensburg, WA. 98926
509-962-7065
jamey.ayling@co.kittitas.wa.us

Date: September 29, 2023
Publish Daily Record: September 30, 2023
Appeal Period Ends: October 13, 2023



ADVERTISING PROOF

401 N Main St,
 Ellensburg, WA 98926
 Ph. (509) 204-8236 Fax: (907) 452-5054

| BILLING DATE: | ACCOUNT NO: |
|---------------|-------------|
| 09/29/23 | 50096 |

Jamey Ayling
 KC COMMUNITY DEVELOPMENT SERVICES
 411 N. RUBY ST, SUITE 2
 ELLENSBURG, WA 98926

| AD # | DESCRIPTION | START | STOP | TIMES | AMOUNT |
|--------|----------------------|----------|----------|-------|----------|
| 429499 | Notice of SEPA and V | 09/30/23 | 09/30/23 | 2 | \$166.75 |

Payments:

| Date | Method | Card Type | Last 4 Digits | Check | Amount |
|------|--------|-----------|---------------|-------|--------|
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Discount: \$0.00
 Surcharge: \$0.00
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Gross: **\$166.75**
 Paid Amount: **\$0.00**

Amount Due: \$166.75

We Appreciate Your Business!

**Notice of SEPA and Variance Action
Sparks Park - Easton Travel Center
SE-23-00010, VA-23-00003**

NOTICE IS HEREBY given that pursuant to WAC 197-11-355 and RCW 43.21C.030(2)(c), Kittitas County Community Development Services did, on September 29, 2023, issue a Mitigated Determination of Non-Significance (MDNS) on the proposed SEPA application submitted by Angadjot Sandhu. The applicant, Angadjot Sandhu, is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft of retail services. This work requires a variance to exceed the lot coverage limitations and expanded retail square footage which is hereby approved. The project is proposed on a site 16.51 acres that is zoned General Commercial within a type 3 LAMIRD. The project area is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

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 and WAC 197-11-355. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. The complete application file is available to the public on request or may be viewed at Kittitas County Community Development Services at 411 North Ruby St, Suite 2 Ellensburg, WA 98926, or on the county website: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> (Miscellaneous SEPA Applications, file number SE-23-00010 Sparks Park).

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of non-compliance with the provisions of Chapter 43.21C RCW (State Environmental Policy Act) and pursuant to Chapter 15A.07.010 KCC, may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 to Kittitas County Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926. Timely appeals must be received no later than **5:00pm, October 13, 2023**.

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Date: September 29, 2023
Appeal Period Ends: October 13, 2023

PUBLISH: Daily Record: September 30, 2023/LEGAL
#: 429499

VA-23-00003
SE-23-00010

RECEIVED
SEP 27 2023

Kittitas County CDS

BEFORE THE KITTITAS COUNTY HEARING EXAMINER

In the matter of an appeal of the:

Variance and Mitigated Determination of
Nonsignificance for Easton Travel Stop

Administrative Site Plan and Determination of
Non-Significance for Sparks Park LLC

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

NOTICE OF APPEAL

Friends of Easton, an unincorporated association of property owners, file this appeal of (1) Kittitas County Community Development Services' ("Kittitas County" or "CDS") *Findings of Fact, Conclusions of Law and Decision in Sparks Park Variance* (File No. VA-23-0003); and (2) Kittitas County SEPA Responsible Officials *Mitigated Determination of Nonsignificance* dated September 13, 2023 (File No. SE-23-00010).

I. DECISIONS BEING APPEALED

Friends of Easton jointly and collectively appeal the following land use decisions related to Zoning Variance Application filed by Sparks Park, LLC, through authorized agent, Angadjot Sandhu, for a proposed construction of a multi-use truck facility which includes a retail store, fast food restaurant with drive-through, truck and automobile fueling statins, tire and vehicle repair shop, and 117 space truck parking facility.¹ Applicants specifically appeal the following land use decisions:

¹ Application materials also include written narrative from AJ Sandhu and Mountain View Group, LLC. Washington Secretary of State records disclose that the limited liability company is governed by Carl and Katie Smith with a principal business address of 33811 SE Strouf Street, Snoqualmie, WA 98065.

1 **III. STATEMENT OF ERRORS**

2 **A. Hearing Examiner Standard of Review of Administrative Variance Decisions.**

3 **1. Kittitas County zoning ordinance review standard – KCC 17.84.010(5).**

4 Kittitas County has adopted a specific appellate review procedure governing appeals of
5 administrative variance determinations under KCC 1.84.010. The review standard is as follows:

6 “Pursuant to Title 15A of this code, *the Hearing Examiner*,
7 upon receiving a properly filed appeal to an administrative
8 determination for approval or denial of a variance, *may*
9 *permit and authorize a variance from the requirements of*
10 *this title only when unusual circumstances cause undue*
11 *hardship in the application of it.” The granting of such a*
12 *variance shall be in the public interest. A variance shall be*
13 *made only when all conditions and facts, identified in*
14 *subsections A through D are found by the Hearing Examiner*
15 *to exist.*

16 KCC 17.84.010(5). Hearing Examiner makes *de novo* determination following open record
17 hearing.

18 **2. Sparks Park’s variance amounts to a “use” variance, which is subject to a**
19 **higher standard than a typical “bulk” variance.** Applicant requests a use variance. Applicant’s
20 request is to create a new use for an integrated facility that expands the ordinance limitation on
21 “Retail Sales, General” from 4000 square feet to 18,522 square feet. Impervious coverage is
22 expanded from 239,725 square feet to 479,480 square feet. The use change requires a legislative
23 amendment. Hearing Examiner does not have authority to amend the zoning ordinance.

24 Changes to the impervious surface and retail size requirements of the zoning code
25 amount to use variances, which must be held to a higher standard in order to be granted. Under
26 the Planning Enabling Act, the Revised Code of Washington chapter establishing the requirements
27 for a variance, there are two types of variances: 1) A “bulk” or “area” variance, which “permits a
variation from area, setback, front yard, side yard, backyard, or height restrictions,” and; 2) a use
variance, which “permits a use not among those listed as either a regularly permitted or
conditionally permitted use in a given zone.”² Of the two, “use variances are much less common
than bulk variances, are tested by a higher legal standard, and are entirely forbidden by some local

27 ² § 4.25. Grounds for variance, 17 Wash. Prac., Real Estate § 4.25 (2d ed.)

1 zoning codes.”³ Even where use variances are possible, “they are granted much less frequently
2 than bulk variances, and there must be a showing of greater hardship than for bulk variances.”⁴

3 **B. Kittitas County CDS *Variance Decision* – Summary Statement of Errors.**

4 **1. Sparks Park mixed-use truck stop is not an allowed use within the Easton Type**

5 **3 LAMIRD.** Applicant proposes the development of a mixed-use truck stop on a 16.51 acre parcel
6 of land located within the Easton Type 3 LAMIRD. Kittitas County *Comprehensive Plan* provides
7 the following description of a Rural Employment Center (i.e. Type 3 LAMIRD) as follows:

- 8 • *Rural Employment Center* – intensification of
9 development on lots containing isolated
10 nonresidential uses or new development of isolated
11 small-scale businesses that are not principally
12 designed to serve the rural area, but do provide job
13 opportunities for rural residents.

14 The property is zoned General Commercial. Kittitas County has set forth allowed uses in KCC
15 17.15.070.1 Rural LAMIRD Use Table. Kittitas County CDS concluded that “...[a]ll these uses
16 are permitted outright in General Commercial zoning [district].” The conclusion is contrary to
17 law. Sparks Park proposed land uses are not allowed under the zoning ordinance.

18 **(a) Sparks Park multi-use development included prohibited land uses.** Sparks Park
19 has proposed development of a mixed-use truck/travel stop on 16.51 acre parcel of undeveloped
20 property. The project proposal includes an integrated development of a restaurant, convenience
21 store, diesel and gas fueling facilities, vehicle/equipment service and repair business and overnight
22 parking area. The development proposal was described as follows:

23 The proposes truck stop project will consist of an
24 approximate 14,500-square foot country store building
25 containing a convenience market with walk-up food service
26 and a drive-through fast-food restaurant. There will be a
27 diesel fueling island with 9 fueling positions and a gasoline
island with 16 fueling positions. The project will have a 3-
bay tire shop for tire replacement and light service for trucks.
117 truck parking stalls for overnight parking, 80 passenger
vehicle stalls and 3 RV parking stalls will be provided.⁵

3 Id. See also *Martel v. City of Vancouver* (Wash.) Bd. of Adjustment, 35 Wn. App. 250, 256, 666 P.2d 916, 920
(1983) (use variances are approved only upon a greater showing of hardship or practical difficulty than is required
for an area variance).

4 § 4.25. Grounds for variance, 17 Wash. Prac., Real Estate § 4.25 (2d ed.)

5 This development description is set forth in the Traffic Impact Analysis (TIA) prepared for Love’s Travel Stop.
The TIA Addendum states that the “Easton Truck Stop will be similar in size or smaller than the previously
approved project which consisted of a truck stop facility with passenger vehicle and truck fueling, a convenience
market and food service, a tire shed for trucks, and overnight truck parking.”

1 The land use application did not include the site plan.

2 The proposed overnight truck parking use is not permitted within the zoning
3 district. The overnight parking facility is classified as a “Freighting and trucking yard or
4 terminal”. Specifically, Applicant proposes 117 parking spaces over overnight truck stays. KCC
5 17.08.261C, defines trucking terminal as follows:

6 “Freighting and trucking yard or terminal” means an
7 area in which trucks, tractor and/or trailer units, and
8 semi-trailers are parked for seventy two (72) hours or
less.

9 Truck terminals are not an allowed use within the General Commercial (GC) zoning district.

10 **(b) Applicant proposes a “planned unit development” under the guise of a**
11 **variance.** The proposed development is a “Planned Unit Development” which is subject to the
12 provisions of KCC Ch. 17.36 - Planned Unit Development Zone. It should be noted, however, that
13 Planned Unit Developments located in “rural LAMIRDs” are authorized only for the development
14 of “...properties over twenty (20) acres in size,” KCC 17.36.015(2). The proposed
development is not allowed in the Easton Type 3 LAMIRD.

15 **(c) Multi-use commercial developments are not listed approved uses.** The
16 Allowable Use Table does not identify or authorize mixed-use developments within the applicable
17 zoning district. Applicant did not file a similar use application with Kittitas County as required by
KCC 17.15.030(4).

18 More broadly speaking, the Applicant’s variance ought to be denied because it
19 seeks to further a development pattern which is not permitted in a Type 3 LAMIRD implementing
20 General Commercial zoning. The applicant seeks to develop a gas station, retail space, “truck stop,
21 restaurant and vehicle repair shop” on its parcel, in effect seeking the sort of mixed-use, strip
22 development which is only found in urban environments and which is explicitly disfavored in a
23 Type 3 LAMIRD implementing General Commercial Zoning under WAC-365-196-
425(6)(c)(iii)(B)(I), KCC 17.15.070, and KCC 17.15.080.⁶

24
25
26 ⁶ Under the Kittitas County Code, the only mixed-use zones recognized are those of Planned Unit Developments
27 (“PUD”) and Master Planned Resorts (“MPR”), which carry the highest permissible levels of zoning density outside
of a UGA. Such parcels are markedly distinguishable in character and purpose from the rural character prescribed
for a Type 3 LAMIRD implementing General Commercial zoning.

1 The most glaring example of the impermissible character of the Applicant's desired
2 use is for the use of the property as a "truck stop." Under KCC 17.15.070, in a Type 3 LAMIRD,
3 a truck stop is considered a more industrial use than that of an ordinary automobile service station.
4 As a result, in a Type 3 LAMIRD, a truck stop is only permissible in a Type 3 LAMIRD
5 implementing Highway Commercial Zoning, which is a more intensive zoning than that of the
6 Applicant's property.⁷ By way of analogy, a truck stop within the confines of the City of
7 Ellensburg would be considered "Heavy Service" and would only be permitted in Commercial
8 Highway or Industrial zones (converting to Highway Commercial or Industrial zoning under the
9 KCC, per KCC 17.11.035), further attesting to the more intensive character of such use.⁸

10 Other elements of the site plan appear to call for elements specifically tailored to
11 Recreational Vehicles, including an RV sewer dump station, RV parking, and vehicle maintenance
12 facility. To the extent that this "Vehicle Maintenance" facility would service both trucks and RVs,
13 it would thus constitute a Recreational Vehicle/equipment service and repair facility, a use which
14 is not permitted at all in a General Commercial zone, nor in a Type 3 LAMIRD implementing
15 General Commercial zoning. Even in the one zoning classification in which it is permitted,
16 Recreational Vehicle/equipment service and repair uses are strictly limited, are conditional uses
17 only, and are subject to additional requirements with which the applicant has not demonstrated
18 compliance, including the requirement that vehicles under repair be kept inside buildings or
19 visually screened from surrounding areas.⁹

20 **2. Applicant failed to meet its burden to establish compliance with variance**
21 **criteria of KCC 17.84.010(1)-(4).** A variance may be granted only when an applicant meets its
22 burden to establish that "...unusual circumstances cause undue hardship in the application of the
23 [zoning ordinance]..." and that the "...granting of such a variance shall be in the public interest."
24 KCC 17.84.010. A variance shall be made only when all of the following conditions and facts
25 exist:

1. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply

⁷ KCC 17.15.070.2 Note 19.

⁸ KCC 17.11.036 Note 18. "Heavy service" includes service activities that may have regular exterior service, or storage areas. This use category includes, but is not limited to, contractors, heating fuels, **truck stops**, breweries and warehousing. Heavy service uses are limited to buildings no larger than 50,000 gross square feet in area. "

⁹ See KCC 17.15.060.2 (permitting Recreation Vehicle/equipment storage and repair only in Forest & Range zones only as a conditional use, and only upon compliance with additional requirements).

generally to other property in the same vicinity or district, such as topography;

2. Such variance is necessary for the preservation and enjoyment of the 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 the 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 plan development pattern.

“A variance shall be made only when all of the conditions and facts identified within subsections A through D of this section are found by the Hearing Examiner to exist.” KCC 17.84.010(5). Hearing Examiner considers the appeal following an open record hearing. KCC 15A.07.020(1). An “[o]pen record hearing means a hearing by a single hearing body or officer, authorized by the local government to conduct such hearings, that creates the local government’s record through testimony and submission of evidence and information under procedures prescribed by the local government by ordinance for resolution”. KCC 15A.02.060.

(a) Applicant failed to establish the existence of unusual circumstances or conditions applying to the property and/or the intended use that are not generally applicable to other properties within the same vicinity or district. Kittitas County Planning Manager offered the following conclusory but unsubstantiated finding:

CDS recognizes the subject parcel as larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria contained in KCD 17.84.

CDS erroneously interpreted and applied ordinance standards under KCC 17.84.010. The decision contains no findings with respect to undue hardship caused by the “unusual circumstances”. The Applicant failed to provide any substantive support for this variance requirement.

Requisite to the granting of a variance is that “unusual circumstances apply[-ing] 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.” Common examples of such unusual circumstances are

1 unusual topography and steep slopes¹⁰, pie-shaped parcels¹¹, and/or parcels of land that are too
2 small to accommodate a house or garage after applying the prescribed setbacks. Generally
3 speaking, “A variance should not be granted simply because an owner cannot make a particular
4 use of it, as long as uses permitted in the zone can generally be made; the concept embodied in
5 the enabling acts is that the land cannot be used as other land in the same vicinity and zone is
6 generally used.”¹² The court’s have summarized this requirement as follows:

7 The remaining question is whether the evidence supports the
8 Board’s findings that the exceptional features of the lot gave
9 rise to unnecessary hardship or practical difficulties
10 justifying a variance. This is important because the practical
11 difficulty or unnecessary hardship that will support a
12 variance must relate to the land itself, and not the owner-
13 applicant.

14 *Martel v. City of Vancouver*, 35 Wn. App. 250, 256, 666 P.2d 916 (1983). Sparks Parks Variance
15 Application is not based upon the land itself. The land in its current condition presents no
16 impediments or hardships to development under existing regulations. The problem that Applicant
17 seeks to address is that the adopted zoning ordinance limits the size of certain land uses and places
18 restrictions on impervious coverage. The impediment is not the land itself but rather the Growth
19 Management Act (GMA) zoning ordinance.

20 Applicant asserts without evidence that due to the lower elevation of its property
21 relative to the adjacent interchange, there exists a situation “that is not conducive to small general
22 retail, particularly when the predominant traffic is large semi-trucks.” Aside from the implicit
23 admission that the use the Applicant is seeking is not among the “small-scale businesses and
24 cottage industries” prescribed by WAC 365-196-425, this claimed circumstance is not supported
25 by evidence, and is even contradicted by the applicant’s own traffic impact analysis which
26 concludes that the predominant traffic pattern in front of the applicant’s property is composed of
27 automobiles rather than trucks.¹³ Even were this to be true, the applicant has failed to produce any
evidence beyond its own self-serving statements that the property is not conducive.

28 _____
29 ¹⁰ Project Narrative, VA-21-00003 (Ward)

30 ¹¹ Project Narrative, VA-20-00001 (Brown)

31 ¹² § 4.25. Grounds for variance, 17 Wash. Prac., Real Estate § 4.25 (2d ed.)

32 ¹³ See 2019 SCJ Alliance Consulting Services Traffic Impact Analysis, pg. 9, Table 2.

1 As to the applicant's second claimed circumstance, the size of the lot in question,
2 this does not amount to an unusual circumstance preventing development of the Applicant's
3 parcel in the same manner as its neighbors. All neighboring properties are subject to the same
4 regulations. In other words, Applicant has not demonstrated that due to the size of its parcel, it
5 cannot develop a retail store of the same size and with the same percentage of impervious surfaces
6 as its neighbors. The reality is that the parcel is well-suited, in its present condition, to
7 accommodate the development of permitted uses in accordance with adopted development
8 standards. The problem is not the size of the property – the problem is that the zoning ordinance
9 sets limits on building size and imperious lot coverage.

10 Proximity to the I-90 off-ramp is a condition shared by each of the properties in
11 the Type 3 Easton Rural Employment Center LAMIRD, and where this condition is shared by
12 each of the properties within the LAMIRD, it is a shared, rather than unusual circumstance, and
13 one which is reflected in the zoning standards for the LAMIRD. The Applicant may reiterate the
14 argument that due to being directly proximate to the I-90 off-ramp, its parcel sees additional
15 traffic, and therefore deserves additional consideration. However, to give additional consideration
16 in this manner amounts to spot-zoning, which is impermissible under Washington law.

17 Applicant has not met its burden for the element of a variance. The County should
18 therefore have properly denied the Applicant's request for a variance.

19 **(b) The requested variance is not necessary for the preservation and**
20 **enjoyment of a substantial property right possessed by the owners of other properties in the**
21 **same district.** Kittitas County CDS found that the variance was necessary for the preservation
22 and enjoyment of a substantial property right possessed by the owners of other properties in the
23 same vicinity or district. The conclusion was as follows:

24 CDS agrees that without this variance, the truck stop would
25 be too small to accommodate the needed services provided
26 to the traveling public including the allowable retail square
27 footage in comparison to other parcels in the vicinity per acre
ratio and the amount of impervious service that is expected
to reduce maintenance activities, aid and snow removal and
be more environmentally sound in collecting potential
contaminants. CDS finds that applicant has satisfied the
criteria outlined in KCC 17.84.010(1).

Kittitas County CDS erroneously interpreted and applied the provisions of KCC 17.84.010(2). As
a simple beginning point, the zoning and development requirements apply to all other properties

1 within the Easton LAMIRD in exactly the same way as they apply to the subject property. The
2 variance is not necessary to preserve development rights set forth in the adopted zoning ordinance
3 and development regulations.

4 For the purposes of a variance analysis, the hardship analysis “must relate to the
5 particular land, not to the owner personally or the owner's affairs apart from the land.”¹⁴ Under
6 this analysis, to prove that a variance is necessary, the Applicant must be able to prove there is
7 some right that its neighbors possess that it is being denied: a variance cannot be used “confer on
8 the applicant a special privilege not shared by other properties in the same vicinity and zone.”¹⁵
9 Under this standard, the Applicant has failed to demonstrate a substantial property right enjoyed
10 by its neighbors to which it is denied.

11 Rather than demonstrating necessity, the Applicant relies upon the inconvenience
12 of operating a gas station with only 4,000 square feet of retail space and a smaller parking lot to
13 argue that it is denied proportionate enjoyment of its property. Nowhere does Applicant
14 demonstrate that aside from its economic ambitions, there is anything preventing it from erecting
15 a 4,000 square foot retail space, a fact which the applicant impliedly recognizes in raising the
16 specter of its subdividing the parcel in order to erect several such spaces.¹⁶ Likewise, the Applicant
17 fails to demonstrate that there is anything preventing it from reducing the number of truck, RV,
18 and automobile parking spots in order to comply with the impervious surfaces requirement to
19 which its neighbors (including the neighboring shell gas station) are already subject, and for
20 which, due to the size of its parcel, the Applicant is already a significant beneficiary. In fact, this
21 component should be eliminated because it is not an allowed use in the zoning district.

22 Where the record demonstrates that the requested variance is convenient to the
23 Applicant’s business ambitions, but not necessary for the preservation and enjoyment of a
24 substantial property right possessed by the owners of other properties in the same vicinity or
25 district, the requested variance ought to be denied.

26 **(c) Applicant has failed to establish that the variance will not be materially**
27 **detrimental to the public welfare or injurious to property in the vicinity or district in which**
28 **the property is located.** Kittitas County CDS offered the following finding with regard to
29 detrimental impacts to the public and adjacent properties.

30 ¹⁴ § 4.25. Grounds for variance, 17 Wash. Prac., Real Estate § 4.25 (2d ed.)

31 ¹⁵ RCW 36.70.810(2).

32 ¹⁶ Project Narrative, VA-23-00003 Sparks Park

1 The proposed impervious surfaces will be screened from
2 Sparks Road utilizing the existing evergreen trees along the
3 Sparks Road frontage. Stormwater collection will be
4 retained on-site and designed utilizing the Eastern
5 Washington Stormwater Manual. The larger retail area is
6 proportionate to the size of the parcel it is proposed on and
7 will have less of an effect and provide more efficient use of
8 the space when combined into one multi-use occupancy.

9 Kittitas County CDS ignored the plethora of community comment on adverse impacts associated
10 with the expanded development. Applicant provided no substantive or meaningful response to
11 either agency or public comments.

12 Kittitas County CDS does not identify or substantiate that the variance will not
13 adversely impact the public welfare or adjoining properties. The fact is that the massive project
14 *will* create adverse impacts. Kittitas County adopted its zoning ordinance in accordance with
15 applicable standards set forth in the Growth Management Act (GMA) and established specific
16 land use restrictions and requirements necessary and appropriate for Type 3 LAMIRDS. The
17 adopted standards and expectations were for “small cottage businesses” consistent with the pre-
18 existing development patterns of the area. A five-fold increase in retail business size together with
19 a 239,755 square foot (i.e. 5.5 acres) of impervious coverage is not only inconsistent with the
20 adopted development standards and patterns but is in patent conflict with the preservation of rural
21 character. Kittitas County adopted applicable standards through a public hearing process that was
22 found to be compliant with the Growth Management Act (GMA). Neither Kittitas County CDS
23 nor the Hearing Examiner have authority to change this legislative determination based upon their
24 view of the public welfare.

25 **(d) The granting of the variance will adversely affect the realization of the**
26 **comprehensive development pattern.** Kittitas County CDS made the following finding with
27 respect to compliance with KCC 17.84.010(4).

CDS agrees that without this variance, the truck stop
would be too small to accommodate the needed
services provided for the travelling public including
the allowable retail square footage in comparison to
the other parcels in the vicinity per acre ratio and the
amount of impervious surface that is expected to
reduce maintenance, aid and snow removal and be
more environmental sound in collecting potential
contaminants.

1 Kittitas County CDS neither cites nor references any provision of the Kittitas County
2 *Comprehensive Plan* and fails to provide any substantive support regarding how the proposal
3 supports the realization of the comprehensive plan development pattern. The placement of a
4 massive urban level truck stop in a Type 3 LAMIRD is the antithesis of the development pattern
5 contemplated for Type 3 LAMIRDs.

6 Granting a variance as to the Applicant's property based upon its proximity to the
7 I-90 off-ramp does not promote the realization of the development pattern portrayed in the
8 comprehensive plan. Part of the impetus stated by the Applicant for the variance is that the
9 "immediate adjacency of the property to the existing interchange results in a volume of traffic,
10 turning movements, and access concerns" that are unique to its property.¹⁷ Such impacts are
11 already addressed by the implementation of a Type 3 LAMIRD in the vicinity of the I-90 off ramp,
12 which enables the development of the Applicant's parcel at higher densities and to a degree
13 unshared by rural and commercial properties outside of the LAMIRD. Notwithstanding that these
14 impacts are already addressed in the zoning pattern for his property, Applicant's request for a
15 variance seeks attempt to "double-dip" on density, seeking additional development in derogation
16 of the rural character prescribed by the comprehensive plan. Where the applicant's sought-after
17 variance will adversely affect the realization of the comprehensive plan, it ought therefore be
18 denied.

19 **B. Mitigated Determination of Nonsignificance for CDS File No. SE-23-00010.**

20 Appellants appeal SEPA Responsible Official's issuance of *Mitigated*
21 *Determination of Nonsignificance (MDNS)* dated September 13, 2023. Appellants incorporate
22 comments provided by Marge Brandsrud as attached as *Attachment C*. Applicant's SEPA
23 Checklist is inadequate, incomplete and void of any meaningful substantive information.

24 (1) **MDNS is contrary to and in conflict with SEPA's purpose as an**
25 **environmental full disclosure law.** SEPA is this state's "...environmental full disclosure law."
26 The purpose of SEPA rules is to ensure an agency fully discloses and carefully considers a
27 proposal's environmental impacts at the earliest possible stage and prior to taking action on the
28 proposed action. *Spokane County v. Eastern Washington Growth Management Hearings Bd.*, 176
29 Wn. App. 555, 578-79, 309 P.3d 673 (2013). The agency must base its threshold determination

30 ¹⁷ Project Narrative, VA-23-00003.

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

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

14 **(2) Kittitas County failed to appropriately evaluate environmental impacts
15 associated with the requested variance to adopted zoning and development standards.**

16 Applicant applied for a variance from the adopted zoning standards and development regulations
17 related to land use, building square footage, and impervious coverage requirements under the
18 zoning ordinance and applicable development regulations. The appropriate scope of review is a
19 comparative analysis between the current baseline impacts and those impacts associated with the
20 development based upon a grant of the variance. SEPA Responsible Official did not make the
21 comparative analysis required by the “proposal.”

22 Under SEPA, evaluation of a proposal’s environmental impact requires examination
23 of at least two relevant factors: “(1) the extent to which the action will cause adverse
24 environmental effects in excess of those created by existing uses in the area, and (2) the absolute
25 quantitative adverse environmental effects of the action itself, including the cumulative harm that
26 results from its contribution to existing adverse conditions or uses in the affected area.” *Norway
27 Hill Pres. & Prot. Ass’n v. King County Council*, 87 Wn.2d at 277; and *Chuckanut Conservancy*,
156 Wn. App. at 285. The appropriate baseline for review is the adopted zoning ordinance and
associated development regulations. In this case, applicant provided no comparative analysis with
regard to the comparative impact of the development when compared to permitted uses under the
zoning ordinance. The size and scope of the change is massive in terms of building size and uses,

1 impervious coverage, transportation impacts, demands on public services, and environmental
2 impacts to both the community and adjacent properties.

3 **(3) The Threshold Decision relies upon Applicant's information in its**
4 **SEPA Checklist, which is incomplete, inaccurate, and/or out of date.** The Mitigated
5 Determination of Nonsignificance (MDNS) relies upon the Applicant's information set forth in
6 the SEPA Checklist. Applicant provided no other substantive facts. That information is
7 incomplete, inaccurate, and/or out of date.

8 Comparison of the 2019 SEPA Checklist, which was previously withdrawn, with
9 that of the 2023 Checklist reveals that other than the identity of the Applicant, the 2023 Checklist
10 has not been materially altered or updated.¹⁸ This has resulted in several inconsistencies between
11 the project as described in the variance and as described in the SEPA checklist. Where these
12 inconsistencies in many cases directly pertain to the variance sought-after by the applicant (such
13 as to the amount of impervious surfaces to be covered by the project) and where the County is
14 reliant upon the Applicant's representations contained in the SEPA checklist when forming its
15 opinion as to the impacts of the project, the SEPA MDNS ought to be withdrawn and withheld
16 until such time as the Applicant is able to update its checklist.

17 The inadequacies and lack of information include but are not limited to the
18 following:

- 19 • SEPA Checklist refers to a Geotechnical Report as prepared by
20 TERRACON which was neither submitted nor included in the land use
21 application.
- 22 • SEPA Checklist does not include a site plan or other description of the
23 project proposal including description of building location, fueling
24 stations, stormwater and drainage plans, access design, and other essential
25 components of the project proposal.
- 26 • SEPA Checklist relies upon an incomplete and inadequate Traffic Impact
27 Analysis (TIA) as updated by Technical Memo from SCJ Alliance dated
April 24, 2023. The Technical Memo was not filed with Kittitas County
until May 17, 2023 – five (5) days after the end of the agency and public
comment period. The TIA analyzes only intersection impacts associated

¹⁸ Kittitas County CDS erroneously stated in its initial Notice of Application that "...[t]his 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 Nonsignificance (MDNS). Kittitas County did not "adopt" the prior environmental threshold determination nor engage in an independent environmental review of the new application. Kittitas County neglected to review *Stipulation and Order of Dismissal With Prejudice and Without Costs*, which vacated the earlier *Mitigated Determination of Nonsignificance* dated January 13, 2020.

1 with the I-90 off ramps. No information is provided with respect to local
2 road condition, service levels and functions adjacent to the development
3 site despite the fact that the proposed development will generate in excess
4 of 8,000 vehicle trips per day and 673 peak hour trips.

- 5 • SEPA Checklist states that 74% of the site will be covered with
6 impervious surfaces after project construction. The land use application
7 states that 69% of the site will be covered with impervious surfaces. SEPA
8 Checklist does not disclose where and what type of impervious surface
9 coverage will be in place for the project.
- 10 • SEPA Checklist contains no information with respect to air emissions
11 from vehicles entering and exiting the Travel Stop.
- 12 • SEPA Checklist provides no specific information regarding development
13 of a Large On-Site Sewer (LOSS) system to serve the travel stop facility.
- 14 • SEPA Checklist provides no substantive information regarding stormwater
15 runoff and adopted plan for collection, treatment and/or on-site infiltration
16 systems. The SEPA Checklist includes the following unsubstantiated
17 statement that "...[e]xisting drainage patterns will not be affected." State
18 of Washington Department of Fish & Wildlife commented as follows:

19 With the amount of vegetation removal and
20 increased impervious surface in a high snowfall
21 area, a detailed drainage plan needs to be
22 conducted to show that drainage from the site can
23 be properly dealt with and not contribute to the
24 degradation of nearby fish-bearing waters such as
25 Lake Easton and Silver Creek.

26 Applicant did not provide a detailed drainage plan or otherwise address
27 drainage impacts.

- 28 • SEPA Checklist discloses that approximately 13,000 cubic yards of
29 material will be cut and approximately 33,000 cubic yards of structural fill
30 imported to the site. Applicant did not submit the required grading permit
31 application or provide any environmental information regarding the
32 massive cut-and-fill required for the project.

33 This list is not complete and Appellant reserves the right to further address inadequacies,
34 deficiencies and lack of environmental information in the open record hearing.

35 Applicant also improperly seeks to defer significant environmental analysis to a
36 later point in time. SEPA Checklist contains no detailed information or current analysis of
37 cultural resource impacts, storm drainage plan and designs, impact analysis to local roads such

1 as West Sparks Road and Lake Easton Road/Railroad Street, septic system feasibility, or water
2 availability.

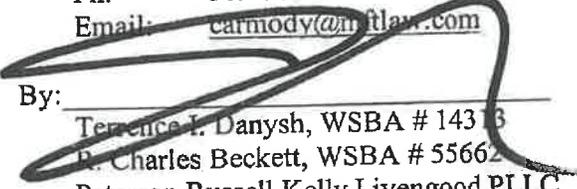
3 **IV. REQUESTED RELIEF**

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

- 5 1. The *Variance Application* be denied.
6 2. The Mitigated Determination of Nonsignificance (MDNS) for CDS File No. SE-
7 23-00010 (Easton Travel Center) be declared inadequate under SEPA.

8
9 By: 

10 James C Carmody, WSBA # 05205
11 Meyer, Fluegge & Tenney P.S.
12 230 S 2nd St Ste 101
13 Yakima, WA 98901-2865
14 Ph: 509-575-8500
15 Email: carmody@mftlaw.com

16 By: 

17 Terrence I. Danysh, WSBA # 14313
18 R. Charles Beckett, WSBA # 55662
19 Peterson Russell Kelly Livengood PLLC
20 10900 NE 4th Street, Ste. 1850
21 Bellevue, WA 98004
22 Ph: 425-462-4700
23 Fax: 425-451-0714
24 Email: tdanysh@prklaw.com
25 cbeckett@prklaw.com

26 *Attorneys for Appellant*

27 Attachment A: *Mitigated Determination of Nonsignificance (MDNS)*
dated September 13, 2023.
Attachment B: *Sparks Park Variance*
Attachment C: *Marge Brandsrud Comments*

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ATTACHMENT A



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTTITAS.WA.US
Office (509) 962-7506

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: **Angadjot Sandhu** 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 defined in the allowable uses table, these are permitted uses in the existing zone and land use designation.

Proponent: Angadjot Sandhu, Applicant, authorized 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.
- 4) The Applicant is required to dedicate additional access rights to the Department of Transportation along the proposed driveway a distance of 130 feet 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.

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.
- 3) Snow removal activities shall adhere to the submitted snow storage management plan and all snow storage shall be retained on-site.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office or retail space, and parking facilities shall be ADA accessible.
- 3) All structures will 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 will need to comply with certain height restrictions. It is the applicant's responsibility to contact David Ison of the WSDOT Aviation Division at 360-709-8028 for requirements.

Fire

- 1) All structures must have adequate fire apparatus access.

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

Cultural Resources and Historic Preservation

- 1) A Cultural Resources Survey shall be conducted prior to any ground disturbing activities and survey results shall be submitted to DAHP and associated tribes.
- 2) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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 between 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.

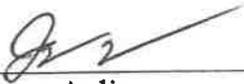
Noise

- 1) 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, September 25, 2023).

Responsible Official: 
Jamey Ayling

Title: Planning Official

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

Date: September 13, 2023

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, September 27, 2023.

ATTACHMENT B



Sparks Park Variance
File Number VA-23-00003
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

Site Characteristics:

North: Forest land and sparse residential development
South: commercial development gas station/restaurant
East: RV Park
West: I-90 and Lake Easton

Access: The site is accessed via Sparks Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of LAMIRD Type 3 General Commercial in a LAMIRD Land Use designation. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant

must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17.84.010 Granting Criteria (all four must be met):

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;

Applicant Response

“The subject LAMIRD is identified more specifically as Type 3, Rural employment center (KCC 15.15.070). The property is located along W. Sparks Road and affects properties of varying size, location, and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD”.

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS recognizes the subject parcel is larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

*“Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a local area of more intense rural development, or a LAMIRD, which retains the community’s rural character and limits higher-density development.
From WAC 365- 196-425: Type 3 LAMIRDS Small-scale businesses and cottage industries, we understand that the County may allow isolated small scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.”*

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant's submitted information and comments received during the comment period. CDS agrees that without this variance, the truck stop would be too small to accommodate the needed services provided to the traveling public including the allowable retail square footage in comparison to other parcels in the vicinity per acre ratio and the amount of impervious surface that is expected to reduce maintenance activities, aid in snow removal and be more environmentally sound in collecting potential contaminants. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1)

The applicant has demonstrated in a factual and meaningful way the existence of a "substantial property right" that may be negated by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

"This variance will not be detrimental to any public welfare or be injurious to any other property in the area."

Staff Response

CDS agrees that the proposed variance would not be injurious to adjacent property owners or the public welfare in any material way. The proposed impervious surfaces will be screened from Sparks Road utilizing the existing evergreen trees along the Sparks Road frontage. Stormwater collection will be retained on-site and designed utilizing the Eastern Washington Stormwater Manual. The larger retail area is proportionate to the size of the parcel it is proposed on and will have less of an effect and provide more efficient use of the space when combined into one multi use occupancy. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

The applicant has demonstrated in a factual and meaningful way that the proposed build site will maintain substantial property line setbacks despite granting of the variance. The variance will not be "materially detrimental to the public welfare or injurious to property in the vicinity" as required in KCC.17.84.010(3).

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

"The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of general commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment."

Staff Response

CDS has concluded that the requested zoning variance will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similar uses on smaller lots further from the freeway. This more intense use adjacent to the freeway will absorb the highest traffic volume immediately off the freeway and prevent spread further into town and provide a noise and visual buffer to the freeway while also promoting further development of adjacent general commercial properties.

The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).

Staff Conclusions

Staff finds that the zoning variance request **does** meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on February 17, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were transmitted to the applicant on May 16, 2023.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical areas. CDS has conducted an environmental review and issued a Mitigated Determination of Non-significance.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. A review of these comments was completed and applicant provided response to each comment in a unified document.

Comment was received from forty-one (41) members of the public.

Staff Response

CDS has provided these comments to the applicant.

VII. PROJECT ANALYSIS

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

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

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no identified critical areas located on the property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.15.070 Allowed Uses in Rural LAMIRD Lands:

This proposal, with approval of the zoning variance, is consistent with the allowed uses outlined in Kittitas County Zoning Code 17.15.070.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

Comments received from the public are on file and available for public review.

VIII. FINDINGS OF FACT

1. Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

2. Parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

4. Site Characteristics:

| | |
|--------|--|
| North: | Forest land and sparse residential development |
| South: | commercial development gas station/restaurant |
| East: | RV Park |
| West: | I-90 and Lake Easton |

The site is accessed via Sparks Road.

5. The Comprehensive Plan land use designation is Rural Working within General Commercial zoning.
6. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 2, 2023.
8. The application was determined complete on February 17, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were

transmitted to the applicant on May 16, 2023.

10. CDS performed a critical areas review of the subject parcel and found there to be no critical areas. Based upon review of the submitted application materials and a critical areas review.
11. CDS conducted an environmental review of the proposal and issued a Mitigated Determination of Non-significance on September 13, 2023.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal is not consistent with the provisions of KCC 17.15.070, General Commercial zoning without approval of the zoning variance.
14. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
15. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
16. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
17. Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.
18. Public comment was received from forty-one (41) citizens. These comments are on file and available for public review.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Sparks Park Variance (VA-23-00003) is hereby **approved** subject to the conditions below. The Sparks Park Variance has satisfied the requirements of a zoning variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. Evergreen trees shall remain along Sparks Road frontage to provide a visual buffer to the impervious surface.
6. The project shall comply with all conditions of SE-23-00010 Easton Travel Center MDNS.
7. This variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).

Responsible Official



Jamey Ayling

Title: Planning Manager

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7065

Date: September 13, 2023

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm September 27, 2023. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.

ATTACHMENT C

Marge Brandsrud
PO Box 639
Easton WA, 98925
dbrandsrud@comcast.net

To: Jeremiah Cromie
Kittitas County Community
Development Services
411 N Ruby St., Suite 2
Ellensburg, WA 98926
jeremiah.cromie@co.kittitas.wa.us

The following comments apply to the **VA 23 00003** Zoning Variance Application Submitted by:
Land Owner Sparks Park LLC C/O Lisa Weis
Agent AJ Sandhu
Tax Parcel number: 778834

The requested variance appears to actually be a request for Land Use Change and RE-Zone, as a "Truck Stop" this allowed use, is only available in the Urban Land Use designations.

The applicant has not requested a variance to build a "Service Station" which would include the sale of gasoline and diesel. The requested variance will not allow such activities which are not an allowed use in the General Commercial designation of the Type III LAMRID.

The Zoning Variance Application Narrative document does not identify the applicant or the specific Parcel requesting the Variance.

Submitted Zoning Variance Application VA 23 00003

Page 1

Required Attachments

The attached Preliminary Site Plan does not clearly identify Septic tank, drain field and replacement area. The document is almost impossible to read due to the poor quality. It is difficult to tell if the additional items required by the Site Plan submittal are included in the submitted document. Without clarity it is difficult if not impossible to make constructive comments on the site plan for this document.

Page 3 Question 10

Response to applicant section "A"

The Comprehensive Plan states clearly the path to GMA Compliance. "RR G32 Rural Employment Center – Intensification of development on lots containing isolated nonresidential uses or new development of isolated small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents." The Allowed uses in Kittitas County Code Title 17.5 implement the goals set out in the Comprehensive Plan. Clearly the approval of this Variance request would **not** result in an isolated small-scale business.

The current owner of this parcel had an opportunity during the Growth Management Hearings Board Compliance process to offer input as to the designation of this parcel as a part of a Type 3 LAMRID. My recollection is that they gave positive input regarding the parcel's inclusion in this LAMRID. One would have to check the official record to confirm that statement. That entire process which was designed to bring the County into compliance with the Growth Management act regarding the protection of "Rural Character" was done at with great effort and considerable cost to Kittitas County. The request for a "Variance" that would more than double the allowed impervious soil coverage and retail area is **excessive** and certainly does not maintain the "Rural Character" as intended by the allowed uses put in place to preserve that aspect of the Compliance process. You can't hide a 16.5-acre development with a few trees which will likely obstruct the visibility for traffic entering and leaving the development. Then there is the view from aircraft using the nearby airport. This proposal would look like a very out of place urban type development.

The unusual circumstances or conditions cited in the applicant's narrative there is discussion regarding the difficulty of access. They express access concerns that are unique to the immediate location. Ingress and Egress for vehicles visiting a "Truck Stop" is extremely important to public safety and the flow of traffic on the frontage road as well as the very nearby I-90 on and off ramps. This circumstance will easily cause substantial blocking events during snow events. The location of the proposed truck stop will also serve to attract many additional vehicles during snow and other events that cause an interruption to travel on I-90. The public will become quickly aware of the facility. The infrastructure in Easton cannot accommodate the additional vehicular traffic generated during such

events. This truck stop would quickly become an attractive nuisance. It should be clear that humans cannot rid themselves of the notion is always best to be first in line.

No emergency evacuation route available in the event of a large fire near Easton or chemical spill at the facility. All local residents would be required to move toward the facility to evacuate their homes. In the event of Fire, including wildfire, Chemical spill, Explosion, flooding or other event requiring emergency evacuations from East and West Sparks Road, would be dangerously impaired due to addition of large numbers of freight trucks and autos at the proposed development. There are no alternate routes from this area and all resident ingress and egress routes are at the I 90 at the Exit 70 interchange ramps. As has been testified in the past – Easton Fire Department is on the South side of I 90, there are Fire fighters on the North and South side of I 90, the point being how do you get the personal to the equipment and how do they efficiently access and call on the North side of I 90. This can be a very dangerous for local residents. The need to upgrade or add facilities would be looked at as extending urban facilities to rural areas to accommodate new growth.

Again, I must remind the reviewer of this request that, the property owner had ample opportunity during the Comprehensive Plan Compliance process to comment on the proposed Type 3 LAMRID. The size of the parcel has not changed during the intervening time. It was substantially larger than other parcels then as it is now. There are allow uses as stated in Title 17.15.070 that are more suitable to a 16.5-acre parcel. The property owner can still enjoy several other uses which are actually more compatible with neighboring properties while maintaining the rural character of the area.

The applicant also indicates that along with the difficult access there is highly restricted visibility due to the lower site topography. The topography should be of concern regarding run off especially volumes from snow melt. Also of concern is the fact that the designated truck parking is at the lower portion of the parcel which will likely cause a considerable challenge to trucks using that area during snow events causing a possible traffic flow problem at ingress and egress points.

The proposed vegetation to shield the view of the truck stop would have consist of some very tall trees if traffic on the frontage road and I-90 are not able to see the activity or lighting from the proposed truck stop. The proposed vegetation must also be placed and spaced to accommodate Firewise landscape. In a rural forested area such as Easton Wildfire is a very real concern. Having a

large quantity of flammable material is of special concern. Weather ignition were to take place on or off site there would be irreparable harm. Again, a reminder that there is only one way in and out of Easton and this project is in a location when operational could cause substantial problems with evacuations as well as possibly impeding access to the Airport for firefighting equipment and personal.

References to the Land use and Comprehensive Plan seem to demonstrate a lack of respect and understanding of the purpose of such documents or perhaps they are simply taking things out of context which can lead to unintended consequences.

Response to applicant section "B"

The applicant's request for variance says "is necessary for the preservation and enjoyment of a substantial property right of the possessed by the owners of other properties in the same vicinity."

Other property owners in the same Type 3 LAMRID enjoy and are governed by the same property rights and zoning regulations as the applicant. The approval of this variance however will gravely impact at least one neighboring property owners. Specifically Silver Ridge Ranch is within feet of the proposed truck stop. The Campground at Silver Ridge Ranch is directly behind the proposed truck stop. Trucks traffic, service and repair operations, noise levels and emissions would be greatly detrimental to the Silver Ridge Ranch property operations. Silver Ridge Ranch has operated on that parcel for decades. Silver Ridge Ranch provides recreation in a rural setting. Building a truck stop for their customers to look at smell and hear would be unduly burdensome to those property owners.

I do not believe the applicant has presented documentation that would justify the requested variance. The request is **excessive**. Requesting more than 100% increase in impervious surface area and Retail space is not in keeping with the preservation of rural character mandated by the County's Comprehensive Plan.

A variance to develop a "truck stop" in a rural area is not beneficial. This is a parcel which has the ability to be developed in a manner more beneficial to the area and allowed by Zoning regulations. Allowed Uses include, Animal boarding, Agriculture sales, Farm stand, Grazing, Nurseries, Cemetery, Auction sales of non-agriculture products, Restaurant, Retail sales, general, Retail sales,* lumber and

building materials, Services, Vehicle/equipment service and repair, Manufacturing, Parks and playgrounds, Recreation, indoor, Mini-warehouse, Adult family home, among many others. All uses permitted out right or by conditional use are required to abide by, "**17.15.070 Allowed Uses in Rural LAMIRD Lands**. Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot." There are also many other restrictions on uses noted in the foot notes for each use. These restrictions were put in place to implement protections for Rural Character as required for compliance with Washington State's Growth Management Act. Kittitas County's Comprehensive Plan and associated Zoning regulation have been declared in compliance by the Growth Management Hearings Board and allowing the excessive request in this variance will put the County at risk for non-Compliance again.

Even in the Urban use Table there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.1 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P 18 Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop only appears in Urban Zones and is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

There are other parcels in Kittitas County which are much more suited for and zoned for this type of project. The parking needs related to I-90 traffic are admittedly a big issue for Easton. WSDOT this winter has closed I-90 access at Ellensburg and Cle Elum as well as Exit 70 Which has to some extent mitigated the issue. WSDOT is continuing to improve I-90 allowing for more efficient and effective snow management. I believe the work on going and in the pipeline will alleviate much or the parking problem on Easton streets as that work progresses.

The impervious service coverage, although has a relationship to Rural Character but, is in place to preserve water quality, reduce undesirable runoff and maintain habitat. There is no infrastructure for treatment of run off in place in Easton. Run off from any surface which is used continuously by heavy vehicular traffic, and is subject to petroleum product spills, small or large, emissions and substantial snow fall with melt water runoff is not healthy for the environment.

Response to applicant section "C"

The Comprehensive Plan and Zoning Codes provide areas in the County that will best serve public well-being. Those regulations also dictate where Truck Stop facilities are best suited. I think the "well-being" of the traveling public is best decided on a larger scale. The applicant appears to believe that "well-being" should be to providing fuel sales, general retail sales, a vehicle/truck stop service and repair shop and a restaurant on a large scale. Those are not amenities associated with rural character and are rightfully not allowed to occur in this Type 3 LAMRID.

The view stated under the heading, "Property in the Vicinity", that higher volumes of traffic will serve to protect Rural Character completely escapes my understanding.

As I have already commented it will likely be impossible to retain rural character if this variance request is approved. You can't hide a facility of this size. The environmental hazards, noise, air quality, runoff and reduction in impervious soils are not appropriate for

Response to applicant section "D"

Granting this Variance Request will absolutely effect the realization to the comprehensive development plan. Developing General Commercial on the scale proposed will **not** promote preserve or enhance the rural character of the LAMRID. Services proposed will provide services that are in extreme excess of what is consistent with the Comprehensive Plan. The proposed project is designed in a way that will not promote further development of adjacent "General Commercial "properties within the LAMRID. The proposal has stated that **it would funnel traffic into its establishment discouraging travel other businesses in the LAMRID.** The effects on local infrastructure would result in the extension of urban services to accommodate rural sprawl which is strictly prohibited. The proposal would require extension and annexation into the public water district. That water district would require substantial improvement to meet the needs of the proposed truck stop. The local fire department would be required to obtain equipment and training to meet responses to spills, petroleum or chemical spills ro ignition, as well as additional EMS personal to meet the needs of those visiting the truck stop. Easton is a very small community with only a small volunteer staff. This community does not have a tax base to add full time staff and additional equipment to meet the requirements to keep the community safe.

Employment

The dream that the facility would create jobs for locals, is just that a dream. Most citizens of Easton are much more gainfully employed than the wages offered at a truck stop, restaurant or Convivence store. The rest of the residents either are unable to work or do not need to work. There are few rental properties or homes for sale in Easton that would be in budget for those 20 employees. The proponent could argue that if their plan goes forward, home values in Easton would decrease substantially and maybe there might be some housing available for their employees. But that would be detrimental to home owners in Easton. One more reason to deny the variance. Potential employees would have to travel several miles to get to Easton for work. Given the cost to travel these days it will be difficult to retain employees here.

The following comments are intended to demonstrate further why the proposed variance should be denied.

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

Definitions 17.08.469A Retail sales

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

While this is a general definition there are specific restrictions placed on the actual allowed aspects of this use. Retail sales by definition include sale of diesel and gasoline, providing over night parking space for travelers (semi-trucks and RVs), providing maintenance for their customers, selling and installing tires and other parts and supplies used in the performance of service tasks.

17.15.060 Allowed uses in rural non-LAMIRD lands

Retail sales,* general **Forest & Range Foot Note 51** When enhanced agricultural sales are provided. **CU Foot Note 36** Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.

Retail sales,* general, **General Commercial CU Foot Note 18** Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Retail sales,* general **Rural Recreation CU Foot Note 18** Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

Note that Retail sales in all rural lands are restricted to the same 4,000 square foot size as the Type III LAMRID. This should make it very clear the County is serious about controlling inappropriate development in Rural Lands

17.15.70.1 Rural LAMIRD Use Table

Type 1 LAMRID Commercial Permitted

Retail sales,* general, **General Commercial Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general **Highway Commercial Permitted Foot Note 14** Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

Retail sales,* general PUD Permitted

Type 3 LAMRID Use Table

Retail sales,* general Limited Commercial Permitted **Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general General Commercial Permitted **Foot Note 48** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*

Retail sales,* general Highway Commercial Permitted **Foot Note 14** Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

17.15.80.1 Urban Use Table

Retail sales,* general **Limited Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general **General Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Retail sales,* general **Highway Commercial Permitted Foot Note 11** Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

Urban uses also require the business be wholly enclosed within an enclosed building. This further demonstrates the Counties effort to remain compliant with the Growth Management Act.

Definitions 17.08.560A Vehicle/equipment service and repair.

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

While this is a general definition there are specific restrictions placed on the actual allowed use of certain aspects of this use.

17.15.070 Allowed Uses in Rural LAMIRD Lands

Rural Employment Centers Foot notes 50,52

(Type 3 LAMIRDS)

General Commercial, Vehicle/equipment service and repair*, Foot Note P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

This does seem to eliminate the allowed use for fuel station which cannot be wholly enclosed in a building.

The only Truck Stop and repair facility in the allowed the use table for Rural LAMRIDS is as follows

17.15.070.1 Rural LAMIRD Foot note 49

(Type 1 LAMIRDS)

Highway Commercial , Vehicle/equipment service and repair*, Foot Note P 19 Includes truck stop operations. Minor repair work permitted.

This demonstrates the County has determined such facilities should be only be sited as described, to assure the protection of Rural Charcter and maintain compliance with County Wide Planning Polocies, the Comprehensive Plan and the State’s Growth Management Act.

Even in the Urban use Table Truck Stops are restricted and there are restrictions regarding the Vehicle/equipment service and repair allowed uses

17.15.80.02 Urban Use Table

Limited Commercial Vehicle/ equipment service and repair*, P 18 Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

General Commercial Vehicle/ equipment service and repair*, P 11 Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

The allowed use for a Truck Stop in Urban Zones is restricted to the following Zones

Highway Commercial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

Light Industrial Vehicle/ equipment service and repair*, P 19 Includes truck stop operations. Minor repair work permitted.

The limitations on siting Truck Stop facilities in the Allowed Use Tables Makes it abundantly clear the County has taken steps to site such facilities appropriately. This Variance application is not appropriate and should be denied on the basis that the County has provided adequate Zoning to allow this type of facility on much more appropriate parcels.

Marge Brandsrud
PO Box 639
Easton WA, 98925
dbrandsrud@comcast.net

To: Jeremiah Cromie
Kittitas County Community
Development Services
411 N Ruby St., Suite 2
Ellensburg, WA 98926
jeremiah.cromie@co.kittitas.wa.us

Easton Travel Center SEPA SE 23 00010

Applicant: Mountview View Group LLC

Tax Parcel: 778834

Check list Submitted 4/17/23

The submitted information in this document is incomplete which misrepresents the actual conditions and impacts of the applicant's proposal. The applicant has only provided a small portion of the environmental information. There is information that a property owner or developer should be well aware of before answering questions put forth in a SEPA. This applicant has not provided enough information to base an informed decision on the next step for the application to move forward.

A. Background

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

Additional government approvals and or permits should include the following Propane Tank placement, Grade and Fill Permit, Large on Site Septic System, Oil Water Separators as required at fuel canopies and service building (possibly also for catch basins where runoff from truck parking

spaces would catch oil, fuel, antifreeze and other contaminants), a Boiler permit to operate a large capacity air compressor, an approved storm water plan which includes plans for snow storage and melt runoff. Wildland interface codes would require additional landscape approvals. Those requirements could require thinning established trees and removal of low growing tree boughs and branches which would interfere with the applicants plan to use existing trees to shield the view of such a large project. Provisions for potable water will require government approval and infrastructure permits. There could be additional permits or approvals required.

B. Environmental Elements

1. Earth

g. about what percent of the site will be covered with impervious surfaces after project construction is complete.

The 74% impervious surface does not match the 69% impervious surface stated on the Zoning Variance Application Narrative page1. IMPERVIOUS AREA. Whether the percent is 69 or 74 it is excessive and does not reflect the goals set out for a Type 3 LAMRID.

Air

a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

On site **Emissions after** construction should include, emissions emitted from the exhaust of vehicles idling in parking spaces. Fuel vapors produced when underground storage tanks are filled. Fuel vapors created when fueling vehicles. Fuel vapors and lingering odors from fuel spills.

b. Are there any off-site sources of emissions or odor that may affect your proposal. If so generally describe.

Off -site emissions should include wood smoke generated by camp fires in the long-established camp ground and lodge directly abutting property. Smoke from regular spring debris burns in the area. And smoke from the summer wildfires that often migrate to the Easton area and can be at ground level due to the regularly occurring inversions in the area.

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

The applicant did not answer this question completely. It appears they offer no effort to control or reduce the impacts of their business once is becomes operational.

3. Water

b. Ground Water

1) Will ground water be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities with from the well. Will water be discharged to ground water? Give general description, purpose and approximate quantities if known.

Potable water could be provided by the Easton Water District which the applicant will have to request. The water district will have to process the request in order to determine if it is able to meet the quantity requested and the applicant will likely have to provide any required infrastructure.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources if any (for example: Domestic sewage; Industrial, containing the following chemicals ...; agricultural; etc.) Describe the general size of the system, the number of such systems, the

number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Water via Large on-site Septic System and Storm water runoff will be discharged to ground. The applicant did not provide required information regarding the size of the system or the number of humans expected to be served. The disposal of discharge from oil water separators is also not addressed or quantified.

c. Water runoff (including storm water)

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so describe.

The applicant has not answered this question completely. The source is not identified nor has the method of collection. Water runoff must also address the large amounts of snow that will be stored on site and melt into runoff at times quickly. Depending on the storage area and method, snow storage can inhibit runoff from storm water and cause local flooding which must also be addressed.

2) Could waste materials enter ground or surface waters? If so generally describe.

I don't believe the applicant understood this question.

I believe it is asking about materials which would not be disposed of as refuse. I believe it is intended to identify possible chemical or organic materials which might be improperly handled processed or disposed of. Waste materials would also include sanitary sewer waste discharges from a sewer line, septic system, RV dump station or holding tank. An additional source would be improperly maintained oil water separator. Out door storage of vehicle tires will leach particles of rubber which will be washed into catch basins and discharged into the ground. Eventually all of these

materials will reach the aquifer and into the local potable water supply. This parcel is within the well head protection zone for the Easton Water District as well as several private wells. There is an abandon well on the property which becomes a direct route to this aquifer and should be highly concerning to the County. What chemicals might be used to melt ice on sidewalks, at fueling canopies and on driveway surfaces.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so describe.

The project intends to reshape the landscape which could cause run off patterns to change. This change may cause run off from adjacent parcels or create run off to adjacent parcels that do not currently exist. Cutting 13,000 cy of material and filling 33,000 cy of material will have an effect on current drainage patterns on the parcel and in the vicinity.

4) Proposed measures to reduce or control surface, ground and runoff water, and drainage pattern impacts if any:

The applicant only addresses current conditions regarding run-on from adjacent parcels. The cut and fill portion of the proposal will change the run off patterns as they currently exist. The applicant has not addressed possibility that after the cut and fill changes the surface of the parcel, there could be run off from adjacent parcels to their parcel.

4. Plants.

c. List threatened and endangered species known to be on or near the site

Why did the applicant use the US Fish and Wildlife document to address endangered plant species on or near the project site. There are other more focused documents to address this question. The applicant must provide accurate information regarding plants on the site.

e. List all noxious weeds and invasive species known to be on or near the site

The noxious weed information is lacking complete information. It would be more informative to requested information from the Kittitas County Noxious Weed Board. I know form my own observations that bull thistle, other thistle species and scotch broom have and do grow in the Easton area.

5.) Animals

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

The applicant did not fully answer this question. Perhaps they did not understand the questions only provided Examples and that other species seen or known be the site must also be listed. There are also coyotes, skunks, hare, racoons, alligator lizards, skates, snakes, frogs, voles, gophers, ground squirrels, chipmunks, hawks, turkey vultures, northern flickers, pleated woodpeckers, downy woodpeckers, thrush, robins, finch, grosbeak, humming birds, nuthatch, and likely many other species on or near the site.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill or hazardous waste that could occur because of this proposal?

Although the applicant described the type of activities that will take place, they **did not** explain the hazards that could occur. The applicant must clarify the risks for each activity, any hazardous condition, and probable harm to humans and surrounding areas. For example, the Easton area is a

high-risk area for wildfire. Could an explosion caused by activity at the site cause a wild fire? This would include the Propane tank location and protection from damage. Will customers using the parking spaces be hauling hazardous materials that could leak or explode, catch fire, release toxic materials into the air, or corrosive materials be leaked in the event of an equipment failure or accident? The service area will handle hazardous materials such as antifreeze, motor oil, lubricants, or other chemicals that could damage the environment in the event of an accident or mishandling. Will the onsite treatment of run-off be able to sufficiently treat fuel, oil, antifreeze, ice and snow melt chemicals without allowing them to infiltrate permeable soils, the aquifer, or well head protection areas?

a. 3) Describe any toxic or hazardous chemicals that might be stored, used or produced during the project's development, or construction, or at any time during the operating life of the project.

The applicant has not provided a complete list of toxic or hazardous chemicals. Additional items would include Propane, Diesel, gasoline, DEF, antifreeze, break fluids, lubricants, new and used oil, new and used antifreeze, storage of used tires, landscape chemicals. There will be hazardous materials on trucks entering, parking and leaving the site on a daily basis.

4) Describe special emergency services that might be required.

It makes me very uneasy to think the applicant will not need special emergency services. No private or commercial activity that involves the hazards of the proposed uses should ever think that no special emergency services are required. When ready for operation the applicant must have a safety plan in place for the protection of Easton residents, their customers, their employees' and due to the proximity to a major Interstate a plan to protect the traveling public in the event of an emergency. The Easton Fire Department is totally volunteer and has limited resources to deal with

hazardous situations such as chemical spills or contamination containment. Only a small number are certified wildland firefighters in the event of a large fire moving to or from nearby forest lands. In the event of Fire or explosion the Fire Department could have a difficult time accessing the site as there is only one access to Sparks Road and that is the I 90 over pass or west bound off ramp at Exit 90. Access to that type of emergency would likely be hampered by a large number of vehicles trying to leave the site. In the case of a required evacuation, residents only have one road for that process which is Sparks Road and either over I 90 or onto I 90 to possibly reach safety. Toxic airborne chemicals would create an epically concerning situation.

There are limited resources available for law enforcement in the Easton area and in the event of an emergency there a much-delayed response time. If I 90 is closed there will be no response by law enforcement. If there is a traffic incident between Easton and the closest responding officer there will also be a long delay in response.

In the event an incident (natural or manmade) were to damage either the Keechelus or Kachess dam, there could be catastrophic flooding to the Easton area. The only designated evacuation routes are unimproved roads which are not suitable for autos, RVs or semi-trucks.

5) Proposed measures to reduce or control environmental health hazards, if any:

Measures proposed to reduce or control environmental health hazards are pretty vague. They do not address any safety plans, facility maintenance or measures to insure the human or environmental health affected by the operation of the facility. The applicant may not understand that when tasks are done as required, dangerous accidents or malfunctions happen and can have devastating results. An emergency response plan should be prepared with required employee training.

b. Noise

2) What types and levels of noise would be created or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other?) Indicate what hours noise would come from the site.

The types and levels of noise created by project at completion are not expressed accurately. The applicant expects a large volume of vehicles entering and exiting the site at an almost continuous level. That is a lot of noise. There will be trucks idling on an almost continuous basis. Those actions are not the same as a vehicle just passing by. Entering and exiting the facility will require a noise level much more intense. The tire and service activities will also create a level of noise that is not a part of the Rural Character the Growth Management Act, Land Use and Zoning Code require to maintain the vision put forth by those regulations. The noise of an air compressor and air tools along with tire changing activities are an urban sound. The noise generated will disturb every adjacent property owner, their activities and businesses.

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

The applicant did not answer this question completely. It appears they offer no effort to control or reduce the noise impact of their business after construction is complete.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect the current land uses on near by or adjacent properties. If so, describe.

The applicant did not provide a complete answer to this question. Current adjacent property uses are more accurately described here.

The 121.58 acres to the north are WSU Trust land managed by DNR.

The 22 acres to the East are a recreational property with camping, RV and lodge accommodations that was established in 1975 and has continued to provide such services since 1975. The property has purchased from the long-time owners and is currently undergoing an extensive remodel, renovation and upgrade project to better serve their customers, some of whom have been patronizing the facility for many years.

The property directly south is the entrance road to the Silver Ridge Ranch Lodge.

The Rural Character as viewable by air traffic and users of the Easton State Airport will be completely destroyed. Even with screening views from Sparks Road and I 90 will change substantially degrading the Rural Character as defined in State and County regulations.

The applicant has made it clear they expect the proposed facility to attract traffic that may have used other current businesses on Sparks Road. That would certainly have a devastating affect to those businesses and the special rural quality of the Easton community as it has been designated by the GMA, the County's Comprehensive Plan and the Land Use and Zoning regulations.

b. Has the project site been used as working farmlands or working forest lands? If so describe. How much agricultural or forest land of long-term significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use?

The current owner of the property has had a recent Forest Practices Permit to log the property. FPA # 2703309. It was initiated August 18, 2005 and was last renewed to be in place through 2015.

c. Describe structures on the site.

Although there are no structures currently on the site, there is an abandoned well. The well house collapsed during heavy winter snowfall and has left the well head exposed. The well will have to be remediated per DOE requirements to prevent contamination to the local aquifer and well head protection zone.

e. What is the current zoning classification of the site?

f. What is the current Comprehensive designation of the site?

These questions were only superficially answered. The property is Zoned General Commercial. The property is in a Type III LAMRID for which Kittitas County Code 17.15.070 limits the uses, types of surfaces and quantity of surface coverage. Other limits governed by 17.15.070.1 are described in 17.15.070.2 note 48 of the County's code which include the size of retail space and require those activities be wholly enclosed in that space. I believe the fuel canopies or the vehicle parking activities are by definition regarded as retail activities, neither of which can be wholly enclosed in a building. The Vehicle Service and Repair proposed is governed by 17.15.070.2 note 11. "Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas)." Fuel and Service components are not allowed uses, as they cannot be wholly enclosed in a building. The property's Land Use is Rural LAMRID Type III. To determine the actual uses the applicant has to refer to the Allowed Use Table for that designation and Zone which is found in Kittitas County Code 17.15.070.1 and refer to the notes in 17.15.070.2. WAC 365-196-426.6.c.iii and RCW 36.70.A.070 (5) (d) iii, limit Type 3 LAMRID uses to

isolated small-scale businesses and cottage industries. The proposed development certainly does not represent that type of use.

i. Approximately how many people would reside of work in the completed project?

It will be difficult to attract 50 employees to the Easton area. There is little affordable housing which is not already occupied. Employees traveling from out of the Easton area would find it almost impossible to get to for from work during I 90 closures that can last for several days at times.

J. Approximately how many people would the completed project displace?

The owners and guests of Silver Ridge Ranch would likely be displaced due to the incompatibility of the proposed development and the long-term historical use of their property. Current active business owners and employees would certainly be displaced as the applicant intends their project to funnel traffic to their facility.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The applicants answer to this question is very misleading and demonstrates an inability to read and understand Kittitas County Code and Comprehensive Plan along with the State's Growth Management Act. Kittitas County spent a substantial amount of time and money to bring its's Zoning and Land Use regulations into compliance with the Growth Management Act. The applicants disregard for that process is apparent given the answer provided. The request is absolutely not compatible with existing zoning. By the answer "and proposed zoning in the Comprehensive Plan" is clear they are attempting making false statements as a basis for the request. The application is definitely not compatible with the

Comprehensive Plan or the Growth Management ACT The Variance Request is **excessive and is more like a land use change and rezone request.**

Those types of requests are processed in an entirely different manner and likely would not be approved.

10. Aesthetics

b. What views in the immediate vicinity would be altered or obstructed?

Views in the immediate vicinity would be greatly altered. The applicants plan to use the trees along Sparks to obscure the view of their finished project is all but impossible to achieve. The stand of trees is only about 10 feet deep and consists of small fir trees growing very close together. Thinning would be required to achieve a healthy stand of trees. The wildland interface code would require removing lower limbs to reduce wild fire hazards. Both of those action would likely remove any value for obscuring the sight of an urban style development. The view from the long-established Silver Ridge Ranch property would be absolutely unthinkable as there is no screening. It would take years to propagate vegetation to provide adequate screening. Views from air traffic and planes using Easton State Airport would be greatly impacted. Views from area recreational areas, roads and trails would be of a large urban facility not the designated rural views where the landscape dominates over the built environment.

What does the applicant when they make the statement, “The site is off the road”??? I hardly think anyone would believe it is proposed to be located on the road. Off the road physically does not negate views from other vantage points where such a facility is so unexpected, out of place and unpleasant to see in such a beautiful rural environment.

11. Light and Glare

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Light will greatly interfere with views of the night sky which is a key element to achieving Rural Character. The light will be disturbing to patrons of near by camp grounds and State Park Visitors. The view of the lighting at night, from the directly adjacent Silver Ridge Ranch and Lodge, would be devastating to their business. Even with the surface being somewhat lower the roadway and with down facing lights the facility will still be visible from nearby I 90 and other properties in the area. The amount of proposed fill will raise the surface of the facility to level nearer to that of Sparks Road allowing more light to be seen off site.

12. Recreation

a. What designated and informal recreational opportunities are there in the vicinity?

Additional recreational activities include Easton RV Park, Silver Ridge Ranch Camping and Lodge, which directly abuts the proposal, fishing, boating, hiking, biking, UTV and ATV riding, snowmobiling, snow Shoeing, horseback riding and recreational airport use and informal camping.

b. Would the proposed project displace any existing recreational uses? If so describe.

The applicant has limited response to this question to the possibility of displaced recreation on their parcel. There are other recreational activities that will be negatively affected. Recreational use of Silver Ridge Ranch and Lodge Facilities. Use of licensed UTVs and ATVs and snowmobiles on Sparks Road. Walking and Riding bicycles would also be greatly impacted by the

addition of constant large vehicle traffic using Sparks Road which does not have shoulders for the safety of those users. To develop or require bicycle or pedestrian accommodations would further demonstrate that the proposed development is actually Urban. The views from local roads and trails on the locally higher elevations areas of the vicinity would degrade the expected vision of a small rural community with limited development.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any?

“None Proposed” is the applicants response. I do not believe there are any possible ways to reduce or control impacts to recreation in the Easton area which would be created by this project. The project is urban in size and any impact controls would diminish the expected opportunities to that of a city street.

14 Transportation

b. Is the site of affected geographic area currently served by public transportation? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The Easton Area is not served by any form of public transportation. The applicant has cited Hope Source as a transportation provider. Hope Source is a private non-profit organization which has provides necessary transportation to low-income households. I personally have no idea where the nearest transit stop might be, but is not anywhere near Easton.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so describe (include weather public or private)

Although the applicant indicates they do not believe improvements will be necessary to facilitate their development they have ignored several issues. The WSDOT signs that alert traffic to chain requirement and other traffic related information operate before Exit 70 in I 90. Not all drivers are local nor do they have access to other means of receiving the information posted on those signs. If travelers leave the facility and access I 90 West bound they could be unaware of travel restrictions posted on the message signs. I don't even want to consider the additional traffic hazards that will create. The WSDOT I 90 over pass at Exit 70 is past its useful life and is in poor condition. The additional 8,560 mostly heavy weight loads using that interchange will quickly further degrade that bridge. Kittitas County should also be concerned about the additional heavy truck traffic on Sparks Road. Those trucks will reduce the life of that portion of Sparks Road and require additional maintenance. The great number of heavy truck traffic using tire chain in winter will also cause premature wear on the surface of the road.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation. If so generally describe.

Just to clarify the answer regarding the airport. Easton State Airport is an Emergency Airport that is used recreationally by the public. The airport is also used as a base for wildland fire training and in case of a fire they use as their base for deployment and camp facilities. Emergency medical air lifts are also done at the Airport. Clear access to the Airport via the easement between the applicant's parcel, and the Silver Ridge Ranch parcel is essential.

e. How many vehicular trips per day would be generated by the completed project or proposal? If known indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles) What data or transportation models were used to make these estimates?

It does not appear a Traffic Study has been submitted for this project. That data must available be to demonstrate the monumental difference between existing and projected volumes. WSDOT and Kittitas County cannot make truly informed decisions regarding required improvements without that information. Adding the additional 8,560 projected vehicle trips to this intersection is way out of line with the number of vehicles trips any rural non highway intersection would experience. That volume of traffic is not reflective of Rural Character.

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

What are the frontage improvements along Sparks Road that the applicant believes will control transportation impacts and insure the Rural Character?

A new driveway access is required for ingress and egress. Entry and exit maneuvers will impede traffic on Sparks Road. Semi-trucks entering and leaving the project will require a large area to safely travel onto the traveled roadway. Those movements generally cause traffic on the roadway to slow or even stop during such activity. I do not see how the applicant will be able to reduce or control impacts of the additional traffic to and from their proposed project.

16. Utilities

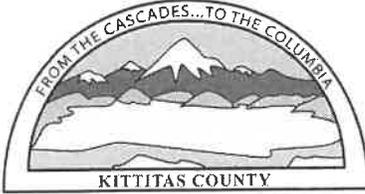
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The parcel is not in the Easton Water District Service Area or in the district itself. Provisions for suppling water to the project will require a process which includes evaluation of available quantity, engineering and infrastructure installation all requiring a signed contract with the water district. The proposal will need a quantity of water for operation that would

be considered an Urban Level of Service. No other customer of the Easton would even come close to the excessive consumption required for this proposal.

Kittitas PUD does not provide power service to the Easton area.

Puget Sound Energy provides power service to the Easton area. Although the applicant has not chosen to acknowledge the future of electric vehicle energy needs that will have to be installed at the facility to continue providing travelers with their services. Without charging services, this facility will likely not be able to operate as green energy requirements evolve. The installation of infrastructure to provide that service on a level to provide charging services would be another egregious action requiring Urban Services to allow Rural Development. Puget Sound Energy does not currently have infrastructure in the Easton area that would support such service. Puget Sound Energy may not currently have enough infrastructure in the Easton area to provide service the applicants proposal.



KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES

Receipt Number: CD23-02423

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

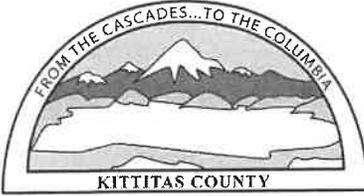
Payer/Payee: MEYER, FLUEGGE, & TENNEY
PO BOX 22680
YAKIMA WA 98907

Cashier: JEN WIEMER
Payment Type: CHECK (080298)

Date: 09/27/2023

SE-23-00010 SEPA

| <u>Fee Description</u> | <u>Fee Amount</u> | <u>Amount Paid</u> | <u>Fee Balance</u> |
|----------------------------|-------------------|--------------------|--------------------|
| Administrative Appeal | \$1,560.00 | \$1,560.00 | \$0.00 |
| SE-23-00010 TOTALS: | \$1,560.00 | \$1,560.00 | \$0.00 |
| TOTAL PAID: | | \$1,560.00 | |



**KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES**

Receipt Number: CD23-02422

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

Payer/Payee: MEYER, FLUEGGE, & TENNEY
PO BOX 22680
YAKIMA WA 98907

Cashier: JEN WIEMER
Payment Type: CHECK (080299)

Date: 09/27/2023

VA-23-00003 Zoning Varlance

W SPARKS RD EASTON

| <u>Fee Description</u> | <u>Fee Amount</u> | <u>Amount Paid</u> | <u>Fee Balance</u> |
|----------------------------|-------------------|--------------------|--------------------|
| Administrative Appeal | \$1,670.00 | \$1,670.00 | \$0.00 |
| VA-23-00003 TOTALS: | \$1,670.00 | \$1,670.00 | \$0.00 |
| TOTAL PAID: | | \$1,670.00 | |

VA-23-00003
SE-23-00010

RECEIVED
SEP 27 2023

Kittitas County CDS

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BEFORE THE HEARING EXAMINER
FOR KITTITAS COUNTY

JACKSON PURCELL, KRAIG MCLEOD,
AND ANN MARIE MCLEOD,
Appellants,

NO.

Appealing Mitigated Determination of Non-
Significance for SE-23-00010 & the
Decision Approving VA-23-00003 for
Sparks Park/Easton Travel Center, Parcel
#778834

NOTICE OF APPEAL

I. ACTIONS BEING APPEALED

Appellants Jackson Purcell, Kraig McLeod, and Anne Marie McLeod appeal Kittitas County's State Environmental Policy Act (SEPA) Mitigated Determination of Nonsignificance (MDNS) for the Sparks Park, also called Easton Travel Center. The proposal is located on parcel #778834 and is designated as Type 3 Limited Area of More Intensive Rural Development (LAMIRD), permit application numbers SE-23-00010. A copy of the MDNS dated September 13, 2023 is attached hereto as Exhibit A. The underlying action for the SEPA threshold determination is a variance application, permit application number VA-23-00003, seeking a substantial variance from code requirements for lot coverage, retail space, and impervious surface. Mr. Purcell and the McLeods also appeal the

1 County's decision to approve the variance. A copy of the Sparks Park Variance, File Number VA-23-
2 00003, Findings of Fact, Conclusions of Law and Decision dated September 13, 2023 is attached
3 hereto as Exhibit B.

4 **II. APPELLANTS' INTERESTS**

5 **A. Jackson Purcell**

6 Jackson Purcell lives at 90 Thistle Down Road, Easton, Washington 98925. He also owns
7 property at 831 Hawthorne Lane in Easton, WA 98925. Mr. Purcell is aggrieved because the proposed
8 project will impact water, traffic, aesthetics, wildlife/habitat, land use, rural character, noise, light, and
9 recreation which will adversely impact his use and enjoyment of his property.
10

11 Mr. Purcell lives in close proximity to the proposed site. He lives, works, recreates, and drives
12 in the area. Mr. Purcell uses exit 70 to access his home. During the snowy winter, vehicles frequently
13 lose control or get stuck along the exit due to the slope. Sparks Park will generate significant traffic in
14 the area which will impact Mr. Purcell's daily life and commute. Sparks Park will remove the trees,
15 vegetation, and habitat from the site, resulting in adverse aesthetic impacts and degradation of the rural
16 character of the area which will adversely impact his use and enjoyment of his property, nearby
17 recreational areas he uses and enjoys, and the surrounding area. Sparks Park will generate significant
18 amounts of polluted stormwater runoff in close proximity to local water resources including Yakima
19 River, Lake Easton, Silver Creek, Kachess River, and Kachess Lake. Mr. Purcell recreates on or near
20 these waters and fishes in the Yakima River and impacts to water quality from Sparks Park will
21 adversely impact his use and enjoyment of these resources. Sparks Park will increase water demand
22 in the area—which is already limited—and, because there is no sewer service, will rely on septic
23 drainfields to dispose of wastewater generated by the Project's truck stop, restaurant, and vehicle repair
24 shop. Mr. Jackson relies on well water. Impacts to water availability, soil contamination, and
25
26

1 groundwater quality will adversely impact Mr. Purcell and other members of the community who rely
2 on these resources.

3 **B. Kraig and Ann Marie McLeod**

4 Appellants Kraig and Ann Marie McLeod own the Silver Ridge Ranch, lodge, and RV park
5 directly east and south of the project at 182 Silver Ridge Ranch Road in Easton, Washington. Their
6 property entrance is adjacent to the project site. The McLeods work, drive, own property, recreate,
7 and run a business adjacent to the proposed project site. The McLeods have invested significant time,
8 effort, and money to improve the Silver Ridge Ranch property as a recreational destination for horse
9 riding, weddings, concerts, events, and corporate or family retreats. The business also features 60 to
10 70 horses that riders utilize trails on the property and the surrounding area. The McLeods purchased
11 this property because of the rural character of the area and their improvements to the property are
12 consistent with the rural and recreational character of the area. The McLeods and their guests currently
13 enjoy the quiet, dark, tranquil, natural, and rural character of the area which will be adversely impacted
14 by this project. The McLeods and their guests will be adversely impacted by the noise, light, excess
15 stormwater, polluted runoff, groundwater pollution, traffic, air pollution, aesthetic, and land use
16 impacts resulting from the proposed project. The proposed project will spook the horses, degrade the
17 area's aesthetics, discourage recreation, and deter guests from the McLeod's business. For example,
18 a bride will not book her wedding at a ranch with a massive truck stop adjacent to the venue. The same
19 applies for a family reunion or corporate retreat. Additional descriptions of the ways in which this
20 project will impact their use and enjoyment of their property are included in the McLeods' public
21 comments on the application, attached hereto as Exhibit C.
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1 **III. ISSUES ON APPEAL**

2 **A. Procedural Violations**

3 **1. Notice**

4 The County failed to provide notice of the SEPA threshold decision and the variance decision.
5
6 The County Code requires that notice of decision shall be provided in the same manner as the notice
7 of application to (1) any person who specifically requested notice of the decision and (2) any person
8 who submitted substantive comments on the application. KCC 15A.06.010. Appellant, Mr. Purcell,
9 submitted comments on the application, attached hereto as Exhibit D, yet Mr. Purcell did not receive
10 notice of decision. Additionally, appellants' counsel contacted County Planning Official Jamey Ayling
11 in August of 2023 regarding the status of the application and specifically requested notice of any
12 decisions related to the parcel. As of the date of this appeal, neither Mr. Purcell nor appellant's counsel
13 have received the required notice of decision for either the SEPA threshold determination or the
14 variance. Additional problems with the notice include that the MDNS does not include the project
15 name or permit numbers and that the daily record website¹ regarding notice was only briefly available
16 and has been inaccessible during the majority of the appeal period. Attached hereto as Exhibit E is
17 the "Page Not Found" result when members of the public try to access the website.² The County's
18 failure to provide adequate notice harms members of the public who would have appealed the decision.
19
20 To the appellants and the large number of citizens who have voiced opposition to this project, it
21

22
23 ¹ Here is the website link:
24 https://www.dailyrecordnews.com/classifieds/community/announcements/legal/notice-of-sepa-and-variance-action/ad_310a236a-39a0-57f3-ac0e-6b3a4c2b774d.html

25 ² This exhibit was generated on September 22, 2023. Appellants' counsel has attempted to access the site
26 multiple times since September 18 and received the same error message. I do not know precisely when the page was removed, but it has been unavailable for the majority of the potential appeal period. I say "potential appeal period" because, due to the faulty notice, the appeal period has not yet begun. Despite my position that the appeal period has not yet begun, I am submitting this appeal in an abundance of caution to preserve appellants' rights.

1 appears that the County is intentionally obscuring the decision and failing to provide proper notice as
2 required by code.

3 **2. Incomplete application materials**

4 The application materials for this project did not contain information essential to
5 understanding the proposed use, its relationship to the surrounding properties, and the environmental
6 impacts of the project pursuant to KCC 15.A.03.030 and SEPA review. For example, the application
7 materials did not include reports or assessments of stormwater, critical areas, soils, water availability,
8 noise, light, cultural resources, or clearing. Additionally, the maps provided by the applicant do not
9 feature any keys or legends to identify the surrounding features. For example, the vicinity map,
10 attached hereto as Exhibit F, features green, yellow, brown, grey, and black lines but no indication of
11 what the colored lines signify. The applicant has not provided adequate information for the County to
12 make a SEPA threshold determination or variance decision for this project.
13
14

15 **B. Substantive Violations**

16 **1. Significant adverse environmental impacts under SEPA**

17 The project will result in significant adverse environmental impacts which have not been
18 adequately analyzed by the applicant or the County and an Environmental Impact Statement (EIS) is
19 required.
20

21 **a. Water**

22 The Project will result in significant impacts to surface water and ground water that have not
23 been adequately analyzed. The project seeks a substantial variance from surface coverage, retail square
24 footage, and impervious surface requirements to operate a truck stop, restaurant, and vehicle service
25 shop in a rural area with existing water availability issues and nearby surface waters including the
26 Yakima River, Lake Easton, Silver Creek, Kachess River, and Kachess Lake. The project's proposed

1 uses will require considerable water resources, generate pollution, dramatically increase polluted
2 stormwater runoff, drain wastewater into septic drainfields on the site, and increase contamination of
3 surface and ground water. However, no reports or analysis on these issues is provided. For example,
4 there is no stormwater report to assess if the applicant's proposed stormwater management is even
5 feasible.
6

7 **b. Cultural resources**

8 The project may result in impacts to cultural resources that have not been adequately
9 addressed. The Project site is located on lands known to be used by tribes and therefore may contain
10 cultural and historic resources, yet no cultural resource assessment or report has been provided.
11

12 **c. Vegetation, habitat, and wildlife**

13 The project will result in significant impacts to vegetation, habitat, and wildlife that have not
14 been adequately addressed. The project is located on a forested site, within the Elk Winter
15 Concentration Area, and in close proximity to fish-bearing waters. The project would effectively clear-
16 cut the entire site, deter wildlife from the area, and increase drainage of pollutants into nearby waters.
17 However, no wildlife survey, critical areas report, elk impact analysis, or detailed drainage plan has
18 been requested or provided.
19

20 **d. Noise and light**

21 The project will result in significant noise and light impacts that have not been adequately
22 addressed. The proposed use would significantly increase light pollution and noise over existing
23 conditions in this rural area, yet no noise study was conducted and no lighting plan was provided.
24

25 **e. Traffic**

26 The project will result in a significant increase in traffic that has not been addressed or
mitigated. The Traffic Impact Analysis provided by the applicant is 4 years old from a withdrawn

1 project. A more current Traffic Impact Analysis should be required to assess the traffic impacts of this
2 Project. Additionally, the 2019 TIA demonstrated that the withdrawn project would result in a
3 decreased level of service at adjacent intersections and the 2019 TIA did not consider impacts to
4 intersections beyond the on-ramps and project driveways. It did not assess additional intersections in
5 the entire area which may be impacted by traffic generated from this project.
6

7 **f. Air and odors**

8 The project will result in a significant increase in air pollution and odors that have not been
9 addressed or mitigated. The project will produce significant odors, such as gasoline, and air pollution
10 from idling vehicles that will adversely impact surrounding property owners. These air and odor
11 impacts are not adequately assessed or mitigated.
12

13 **g. Aesthetic and land use impacts**

14 The project will have significant adverse land use and aesthetic impacts in the area. The project
15 is an undeveloped forested site in a rural area. The surrounding land uses are rural working lands, rural
16 residential, LAMIRD, and state-owned agricultural trust lands to the north. The clearing and intense
17 development of multiple different commercial uses will adversely impact the natural, rural, and
18 recreational character of the area. These impacts have not been analyzed or mitigated.
19

20 **2. Variance**

21 The applicant seeks a variance from the zoning requirements for this site to develop it to
22 include at least three different types of commercial use—a truck stop, a restaurant, and a vehicle repair
23 shop. The 16.51 acre parcel is zoned LAMIRD Type 3 General Commercial. The County code limits
24 uses to 30,000 square feet and 33% lot coverage and limits retail uses to 4,000 square feet, KCC
25 17.15.070.2. The applicant is seeking a variance that is not a slight deviation from these requirements,
26 but rather demonstrates a complete disregard for them. Instead of the maximum 30,000 square feet,

1 the applicant requests 672,047 square feet. Instead of the 33% lot coverage maximum, the applicant
2 requests 69-74%³. Instead of the 4,000 square foot maximum for retail, the applicant requests 8,325
3 square feet. The applicant seeks authorization for anywhere from 2 to 22 times more area than what is
4 allowed under the code. This variance application does satisfy any of the required elements for a
5 variance set forth in KCC 17.84.010.
6

7 **a. No unusual circumstances or conditions**

8 The applicant has failed to demonstrate compliance with variance criteria KCC 17.84.010(1).
9 To obtain a variance, the applicant must demonstrate that “[u]nusual circumstances or conditions
10 applying to the property and/or the intended use that do not apply generally to other property in the
11 same vicinity or district, such as topography.” KCC 17.84.010(1). The applicant claims that the
12 property’s location along W. Sparks Road and proximity to I-90 creates unusual circumstances.
13 Exhibit B at 2. That is not an unusual circumstance or condition. Many other properties are along
14 Sparks Road and there are countless properties along I-90 which comply with existing zoning code.
15 This a relatively flat site with no topographical features which would prohibit a use or size that can
16 comply with existing code requirements. There are no slopes, cliffs, bodies of water, or other
17 topographical features which could be considered to be unusual circumstances or conditions.
18

19 **b. Not necessary for property right of the owners**

20 The applicant has failed to demonstrate compliance with variance criteria KCC 17.84.010(2).
21 To obtain a variance, the applicant must demonstrate that “[s]uch variance is necessary for the
22 preservation and enjoyment of a substantial property right of the applicant possessed by the owners of
23 other properties in the same vicinity or district.” KCC 17.84.010(2). The applicant has not
24
25

26 _____
³ The variance application notice say 69% while the SEPA checklist says 74%.

1 demonstrated that they are denied a substantial property right possessed by owners of other properties
2 in the vicinity. This is a rural area with limitations placed on high density development. The other
3 commercial uses in the area comply with similar zoning requirements, helping to retain the
4 community's rural character while also allowing for limited commercial development. For example,
5 just south of the project site, in a LAMIRD Type 3 General Commercial zone, there is a site with a gas
6 station (Shell), restaurant (Parkside Café), and towing shop (Cascade Towing) on less than 2 acres.
7 Sparks Park could construct a similar operation on their parcel in a manner that is consistent with
8 county code. Furthermore, the proposed project is a size and scale much larger than anything in the
9 area or in a similar zone and applicant has not demonstrated they are entitled to such intensive
10 development in this rural area.
11

12 **c. Detrimental to public welfare or injurious to other property in the**
13 **area**

14 The applicant has failed to demonstrate compliance with variance criteria KCC 17.84.010(3).
15 To obtain a variance, the applicant must demonstrate that “the authorization of such variance will not
16 be materially detrimental to the public welfare or injurious to property in the vicinity or district in
17 which the property is located.” KCC 17.84.010(3). The variance will result in traffic, water impacts,
18 noise, odor, air pollution, noise, light, wildlife, and aesthetic impacts that will be detrimental to the
19 public welfare for the community in Easton. Furthermore, the variance is injurious to nearby property
20 owners such as the McLeods who own and operate Silver Ridge Ranch, lodge, and RV park. Their
21 property, business, and livelihood will be injured by this project. The noise, odors, light, traffic, and
22 intensive large-scale activity on the site will stress the horses and riders, deter guests, and prevent
23 wedding/retreat bookings. It would destroy their business. The variance to allow this intensive and
24 dense commercial development in this rural area would clearly injure the McLeods property.
25
26

1 **d. Adversely affects realization of comprehensive development**
2 **pattern**

3 The applicant has failed to demonstrate compliance with variance criteria KCC 17.84.010(4).
4 To obtain a variance, the applicant must demonstrate that “the granting of such variance will not
5 adversely affect the realization of the comprehensive development pattern.” KCC 17.84.010(4). This
6 project is inconsistent with the comprehensive plan and development pattern of the area. The
7 Comprehensive Plan states that Limited Areas of More Intensive Rural Development (LAMIRDS)
8 “are often small, rural communities where rural residents and others can gather, work, shop, entertain,
9 and reside. Commercial and industrial development compatible with rural character may continue to
10 locate and prosper in rural areas under limited conditions.” 2021 Comprehensive Plan 2.5.1 at 24. In
11 this case, the project’s large development, with multiple different commercial uses, in violation of
12 county code and zoning requirements, does not satisfy these goals and policies to ensure compatibility
13 and protection of rural character. It is also inconsistent with Comprehensive Plan goals such as RR-
14 G26–32, Comprehensive Plan at page 95 and 100, and RR-P102–106, *id* at page 102. As discussed
15 above, the project will adversely affect local recreational opportunities and businesses such as Silver
16 Ridge Ranch and result in a development density that requires an urban level of service and is
17 inconsistent with the rural character of the area. This development does not “harmonize with the rural
18 character of the surrounding areas” as required by Comprehensive Plan Goal RR-P102.
19

20
21 The applicant does not satisfy a single criterion required for a variance under KCC 17.84.010,
22 much less all criteria. Accordingly, the decision to approve the variance was made in error and should
23 be reversed.
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IV. RELIEF REQUESTED

Appellants request that the Hearing Examiner reverse or remand the County SEPA MDNS threshold determination and variance decision. Appellants also request a new notice of decision that complies with county code notice requirements and a new appeal period once proper notice is issued.

Appellants request any and all additional relief that is necessary to address and alleviate the errors presented in this appeal.

Dated this 27th day of September, 2023.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

By: 
David A. Bricklin, WSBA No. 7583
Audrey Clungeon, WSBA No. 55133
Attorneys for Appellants

EXHIBIT A



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: **Angadjot Sandhu** 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 defined in the allowable uses table, these are permitted uses in the existing zone and land use designation.

Proponent: Angadjot Sandhu, Applicant, authorized 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.
- 4) The Applicant is required to dedicate additional access rights to the Department of Transportation along the proposed driveway a distance of 130 feet 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.

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.
- 3) Snow removal activities shall adhere to the submitted snow storage management plan and all snow storage shall be retained on-site.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office or retail space, and parking facilities shall be ADA accessible.
- 3) All structures will 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 will need to comply with certain height restrictions. It is the applicant's responsibility to contact David Ison of the WSDOT Aviation Division at 360-709-8028 for requirements.

Fire

- 1) All structures must have adequate fire apparatus access.

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

Cultural Resources and Historic Preservation

- 1) A Cultural Resources Survey shall be conducted prior to any ground disturbing activities and survey results shall be submitted to DAHP and associated tribes.
- 2) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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 between 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.

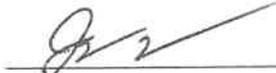
Noise

- 1) 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, September 25, 2023).

Responsible Official: 
Jamey Ayling

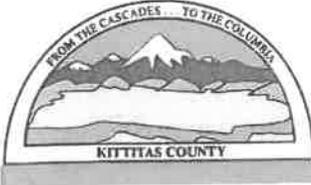
Title: Planning Official

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

Date: September 13, 2023

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, September 27, 2023.

EXHIBIT B



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

Sparks Park Variance File Number VA-23-00003 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

Site Characteristics:

North: Forest land and sparse residential development

South: commercial development gas station/restaurant

East: RV Park

West: I-90 and Lake Easton

Access: The site is accessed via Sparks Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of LAMIRD Type 3 General Commercial in a LAMIRD Land Use designation. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant

must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17.84.010 Granting Criteria (all four must be met):

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;

Applicant Response

“The subject LAMIRD is identified more specifically as Type 3, Rural employment center (KCC 15.15.070). The property is located along W. Sparks Road and affects properties of varying size, location, and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD”.

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS recognizes the subject parcel is larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

*“Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a local area of more intense rural development, or a LAMIRD, which retains the community’s rural character and limits higher-density development.
From WAC 365- 196-425: Type 3 LAMIRDS Small-scale businesses and cottage industries, we understand that the County may allow isolated small scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.”*

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant's submitted information and comments received during the comment period. CDS agrees that without this variance, the truck stop would be too small to accommodate the needed services provided to the traveling public including the allowable retail square footage in comparison to other parcels in the vicinity per acre ratio and the amount of impervious surface that is expected to reduce maintenance activities, aid in snow removal and be more environmentally sound in collecting potential contaminants. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1)

The applicant has demonstrated in a factual and meaningful way the existence of a "substantial property right" that may be negated by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

"This variance will not be detrimental to any public welfare or be injurious to any other property in the area."

Staff Response

CDS agrees that the proposed variance would not be injurious to adjacent property owners or the public welfare in any material way. The proposed impervious surfaces will be screened from Sparks Road utilizing the existing evergreen trees along the Sparks Road frontage. Stormwater collection will be retained on-site and designed utilizing the Eastern Washington Stormwater Manual. The larger retail area is proportionate to the size of the parcel it is proposed on and will have less of an effect and provide more efficient use of the space when combined into one multi use occupancy. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

The applicant has demonstrated in a factual and meaningful way that the proposed build site will maintain substantial property line setbacks despite granting of the variance. The variance will not be "materially detrimental to the public welfare or injurious to property in the vicinity" as required in KCC. 17.84.010(3).

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

"The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of general commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment."

Staff Response

CDS has concluded that the requested zoning variance will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similar uses on smaller lots further from the freeway. This more intense use adjacent to the freeway will absorb the highest traffic volume immediately off the freeway and prevent spread further into town and provide a noise and visual buffer to the freeway while also promoting further development of adjacent general commercial properties.

The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).

Staff Conclusions

Staff finds that the zoning variance request **does** meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on February 17, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were transmitted to the applicant on May 16, 2023.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical areas. CDS has conducted an environmental review and issued a Mitigated Determination of Non-significance.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Easton School District, Washington State Dept of Health, Kittitas County Public Health , Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. A review of these comments was completed and applicant provided response to each comment in a unified document.

Comment was received from forty-one (41) members of the public.

CDS has provided these comments to the applicant.

VII. PROJECT ANALYSIS

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

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

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no identified critical areas located on the property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.15.070 Allowed Uses in Rural LAMIRD Lands:

This proposal, with approval of the zoning variance, is consistent with the allowed uses outlined in Kittitas County Zoning Code 17.15.070.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

Comments received from the public are on file and available for public review.

VIII. FINDINGS OF FACT

1. Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

2. Parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

4. Site Characteristics:

| | |
|--------|--|
| North: | Forest land and sparse residential development |
| South: | commercial development gas station/restaurant |
| East: | RV Park |
| West: | I-90 and Lake Easton |

The site is accessed via Sparks Road.

5. The Comprehensive Plan land use designation is Rural Working within General Commercial zoning.
6. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 2, 2023.
8. The application was determined complete on February 17, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were

transmitted to the applicant on May 16, 2023.

10. CDS performed a critical areas review of the subject parcel and found there to be no critical areas. Based upon review of the submitted application materials and a critical areas review.
11. CDS conducted an environmental review of the proposal and issued a Mitigated Determination of Non-significance on September 13, 2023.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal is not consistent with the provisions of KCC 17.15.070, General Commercial zoning without approval of the zoning variance.
14. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
15. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
16. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
17. Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health , Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.
18. Public comment was received from forty-one (41) citizens. These comments are on file and available for public review.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Sparks Park Variance (VA-23-00003) is hereby **approved** subject to the conditions below. The Sparks Park Variance has satisfied the requirements of a zoning variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. Evergreen trees shall remain along Sparks Road frontage to provide a visual buffer to the impervious surface.
6. The project shall comply with all conditions of SE-23-00010 Easton Travel Center MDNS.
7. This variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).

Responsible Official 
Jamey Ayling

Title: Planning Manager

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7065

Date: September 13, 2023

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm September 27, 2023. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.

EXHIBIT C

From: Kraig and Ann Marie McLeod, Owners of Silver Ridge Ranch
To: Kittitas County

Silver Ridge Ranch (SRR) is located directly behind the proposed truck stop location and our entrance is adjacent to the proposed truck stop. Noise, aesthetics, lighting, traffic, parking, air quality, horse and animal wellbeing, crime, pollution, and general access will have a devastating effect on our business. A business that was intended, per land use, and has been a part of the community for decades.

The proposed truck stop will create a large cement pad three times the size that is allowed on the current surface. The landscape plan is inadequate, and our guests direct view to the truck stop would all but stop guests from returning.

Our guest expectations are to have a unique outdoor experience including but not limited to enjoying a quiet and tranquil vacation, riding their horses, sitting next to a campfire, enjoying the lodge and RV sites with friends, hosting family reunions and weddings, and the enjoying the great outdoors. This proposed truck stop would have a complete negative effect to our guests experience and to our business.

Their request for a variance that would more than double the allowed impervious soil coverage and retail area is more than excessive and does not maintain the intended rural character of the area.

The incompatibility of the proposed development and our long-term history of recreation cannot coexist as adjacent neighbors.

Silver Ridge Ranch as an outdoor recreation area will have to deal with the following unmitigated issues; all of which will have a negative effect on our guests, horses, and wildlife in general.

Light and glare, this will be most disturbing at night as customers generally enjoy the sky while watching the stars.

Air quality, the continual emissions from the truck stop via exhaust and fuel vapor could have long term health effects on patrons and wildlife, not to mention quality of life issues.

Water and water run-off contamination, since Silver Ridge Ranch is adjacent to this property, could pose a major risk to both our guest's horses and the general condition of our property.

Noise: We have all visited truck stops in our travels and have heard the 24-hour continual noise levels that these operators emit. Our activities will be severely affected by this issue. People will not be able to sleep at night, horses will be on edge, guests constantly subjected to the noise will seriously hinder the enjoyment of their vacation.

Access & Traffic

The ingress and egress for truck and vehicles visiting the truck stop along with the impact on public safety and flow on and off the freeway and Sparks Road, will create heavy traffic and congestion. Our facility has RV and horse trailers using the area now along with the resorts on the south side of the freeway. Guest transporting horses will no longer want to risk the danger this will impose. With thousands of more vehicles and trucks in additional traffic, volume will be added to this interchange. This will turn into gridlock all seasons of the year. When it does become gridlock either because of excessive traffic or illegal parking our guests will find another resort to visit.

Due to all these issues listed, this facility will have a devastating effect on our established business. Silver Ridge Ranch fits the current permitted use for the area.

This area promotes recreation, and it should continue to be promoted as Easton has the charm and beauty that many outdoor enthusiasts enjoy. If this variance is granted to an entity that does not fit into the general land use plans for Easton, the long-term effects will devastate its rural character. There are many more suitable areas for a truck stop that would fit into those areas general plan. Easton has had a long history of recreation and that should continue.

EXHIBIT D

Name: Jackson Purcell

Date: 11 May 2023

Address: 90 Thistle Down Road, Easton, WA 98925

Email: jackson0121@gmail.com

To: Jeremiah Cromie; Staff Planner
Kittitas County, WA

Re: VA-23-00003 Sparks Park Variance

I am writing to inform the city of my very strong opposition to the proposed zoning variance set out in application VA-23-00003

The 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.

This variance proposal is a zoning change in disguise. We all want growth in Easton and understand change is inevitable however the rate of growth is important to all communities. There are rules and regulations and laws in place that the local governments have added to protect the "local communities" in this so called variance spits in the face of those laws. We as a community in Easton do not want to be bullied by corporations that do not have the best interests for the community itself but rather gross profits for their stakeholders.

For all of these reasons, and others, I implore the County to **DENY** this proposed variance and retain the current approved land use for the property.

Respectfully,

Jackson
Purcell

Digitally signed by Jackson Purcell
DN: cn=Jackson Purcell, c=US,
o=Cross Arrows,
email=thecrossarrows@gmail.com
Date: 2023.05.11 18:14:05 -0700

Signature

EXHIBIT E

Sorry, the page you're looking for is gone.

The page is likely temporary content that is no longer available.

Visit our homepage, or search for whatever you were looking for...

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Around the Web



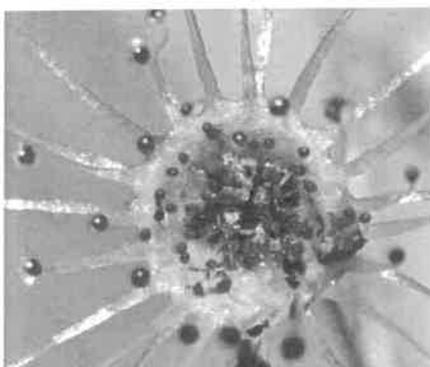
Photos Posted Without Checking The Background



This Credit Card is Worth Its Weight in Gold: Best Credit Card for 2023



2 Insane Cards W/ 0% Interest Until Nearly 2025



Doctor Discovers Natural Solution for Macular Degeneration (Watch)

EXHIBIT F

0 1,375 2,750 5,500 Feet



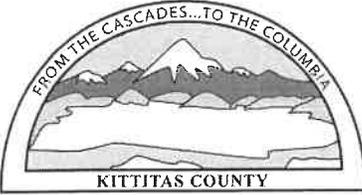
**ROSLYN
(WATERSHED)**



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

VA-23-00003 Sparks Park

Vicinity View



**KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES**

Receipt Number: CD23-02418

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

Payer/Payee: JACKSON PURCELL
6521 HIGH POINT DR SW
SEATTLE WA 98126

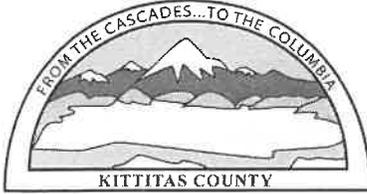
Cashier: GAIL WEYAND CDS
Payment Type: CHECK (1207)

Date: 09/27/2023

VA-23-00003 Zoning Variance

W SPARKS RD EASTON

| <u>Fee Description</u> | <u>Fee Amount</u> | <u>Amount Paid</u> | <u>Fee Balance</u> |
|----------------------------|-------------------|--------------------|--------------------|
| Administrative Appeal | \$1,670.00 | \$1,670.00 | \$0.00 |
| VA-23-00003 TOTALS: | \$1,670.00 | \$1,670.00 | \$0.00 |
| TOTAL PAID: | | \$1,670.00 | |



KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES

Receipt Number: CD23-02417

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

Payer/Payee: JACKSON PURCELL
6521 HIGH POINT DR SW
SEATTLE WA 98126

Cashier: GAIL WEYAND CDS
Payment Type: CHECK (1207)

Date: 09/27/2023

SE-23-00010 SEPA

| <u>Fee Description</u> | <u>Fee Amount</u> | <u>Amount Paid</u> | <u>Fee Balance</u> |
|----------------------------|-------------------|--------------------|--------------------|
| Administrative Appeal | \$1,670.00 | \$1,670.00 | \$0.00 |
| SE-23-00010 TOTALS: | \$1,670.00 | \$1,670.00 | \$0.00 |
| TOTAL PAID: | | \$1,670.00 | |

RECEIVED
OCT 13 2023

Kittitas County CDS

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BEFORE THE HEARING EXAMINER
FOR KITTITAS COUNTY

JACKSON PURCELL, KRAIG MCLEOD,
AND ANN MARIE MCLEOD,
Appellants,

NO.

Appealing Mitigated Determination of Non-
Significance for SE-23-00010 & the
Decision Approving VA-23-00003 for
Sparks Park/Easton Travel Center, Parcel
#778834

NOTICE OF APPEAL

I. ACTIONS BEING APPEALED

Appellants Jackson Purcell, Kraig McLeod, and Anne Marie McLeod appeal Kittitas County's State Environmental Policy Act (SEPA) Mitigated Determination of Nonsignificance (MDNS) for the Sparks Park, also called Easton Travel Center. Sparks Park/Easton Travel Center would involve construction of a retail store, restaurant, truck and automobile fueling stations, a vehicle and tire repair shop, and 117 space truck parking facility on a 16.51 acre parcel of undeveloped property. The proposal is located on parcel #778834 and is designated as Type 3 Limited Area of More Intensive Rural Development (LAMIRD), permit application numbers SE-23-00010. A copy of the MDNS dated September 13, 2023, is attached hereto as Exhibit A. A copy of the re-issued MDNS dated

1 September 29, 2023, is attached hereto as Exhibit B. The underlying action for the SEPA threshold
2 determination is a variance application, permit application number VA-23-00003, seeking a
3 substantial variance from code requirements for lot coverage, retail space, and impervious surface.
4 Mr. Purcell and the McLeods also appeal the County's decision to approve the variance. A copy of
5 the Sparks Park Variance, File Number VA-23-00003, Findings of Fact, Conclusions of Law and
6 Decision dated September 13, 2023 is attached hereto as Exhibit C. A copy of the reissued Sparks
7 Park Variance, File Number VA-23-00003, Findings of Fact, Conclusions of Law and Decision dated
8 September 29, 2023 is attached hereto as Exhibit D.

10 II. APPELLANTS' INTERESTS

11 A. Jackson Purcell

12 Jackson Purcell lives at 90 Thistle Down Road, Easton, Washington 98925. He also owns
13 property at 831 Hawthorne Lane in Easton, WA 98925. Mr. Purcell is aggrieved because the proposed
14 project will impact water, traffic, aesthetics, wildlife/habitat, land use, rural character, noise, light, and
15 recreation which will adversely impact his use and enjoyment of his property. Mr. Purcell submitted
16 public comment opposing the project, attached hereto as Exhibit E.

17 Mr. Purcell lives in close proximity to the proposed site. He lives, works, recreates, and drives
18 in the area. Mr. Purcell uses exit 70 to access his home. During the snowy winter, vehicles frequently
19 lose control or get stuck along the exit due to the slope. Sparks Park will generate significant traffic in
20 the area which will impact Mr. Purcell's daily life and commute. Sparks Park will remove the trees,
21 vegetation, and habitat from the site, resulting in adverse aesthetic impacts and degradation of the rural
22 character of the area which will adversely impact his use and enjoyment of his property, nearby
23 recreational areas he uses and enjoys, and the surrounding area. Sparks Park will generate significant
24 amounts of polluted stormwater runoff in close proximity to local water resources including Yakima
25
26

1 River, Lake Easton, Silver Creek, Kachess River, and Kachess Lake. Mr. Purcell recreates on or near
2 these waters and fishes in the Yakima River and impacts to water quality from Sparks Park will
3 adversely impact his use and enjoyment of these resources. Sparks Park will increase water demand
4 in the area—which is already limited—and, because there is no sewer service, will rely on septic
5 drainfields to dispose of wastewater generated by the Project’s truck stop, restaurant, and vehicle repair
6 shop. Mr. Purcell relies on well water. Impacts to water availability, soil contamination, and
7 groundwater quality will adversely impact Mr. Purcell and other members of the community who rely
8 on these resources.
9

10 **B. Kraig and Ann Marie McLeod**

11 Appellants Kraig and Ann Marie McLeod own the Silver Ridge Ranch, lodge, and RV park
12 directly east and south of the project at 182 Silver Ridge Ranch Road in Easton, Washington. Their
13 property entrance is adjacent to the project site. The McLeods work, drive, own property, recreate,
14 and run a business adjacent to the proposed project site. The McLeods have invested significant time,
15 effort, and money to improve the Silver Ridge Ranch property as a recreational destination for horse
16 riding, weddings, concerts, events, and corporate or family retreats. The business also features 60 to
17 70 horses that riders utilize trails on the property and the surrounding area. The McLeods purchased
18 this property because of the rural character of the area and their improvements to the property are
19 consistent with the rural and recreational character of the area. The McLeods and their guests currently
20 enjoy the quiet, dark, tranquil, natural, and rural character of the area which will be adversely impacted
21 by this project. The McLeods and their guests will be adversely impacted by the noise, light, excess
22 stormwater, polluted runoff, groundwater pollution, traffic, air pollution, aesthetic, and land use
23 impacts resulting from the proposed project. The proposed project will spook the horses, degrade the
24 area’s aesthetics, discourage recreation, and deter guests from the McLeod’s business. For example,
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1 a bride will not book her wedding at a ranch with a massive truck stop adjacent to the venue. The same
2 applies for a family reunion or corporate retreat. Additional descriptions of the ways in which this
3 project will impact their use and enjoyment of their property are included in the McLeods' public
4 comments on the application, attached hereto as Exhibit F.

6 III. ISSUES ON APPEAL

7 A. Incomplete Application Materials

8 The application materials for this project did not contain information essential to
9 understanding the proposed use, its relationship to the surrounding properties, and the environmental
10 impacts of the project pursuant to KCC 15.A.03.030 and SEPA review. For example, the application
11 materials did not include reports or assessments of stormwater, critical areas, soils, water availability,
12 noise, light, cultural resources, or clearing. Additionally, the maps provided by the applicant do not
13 feature any keys or legends to identify the surrounding features. For example, the vicinity map,
14 attached hereto as Exhibit G, features green, yellow, brown, grey, and black lines but no indication of
15 what the colored lines signify.

17 The SEPA checklist provides insufficient, outdated, or inaccurate information. For example,
18 the checklist references a geotechnical report that does not exist in the record and contains details,
19 such as impervious surface percentages, that are inconsistent with the application materials. In
20 addition to these errors, the checklist fails to provide the required information and improperly defers
21 environmental analysis. The applicant has not provided adequate information for the County to make
22 a SEPA threshold determination or variance decision for this project.

1 **B. Inadequate Information and the Significant Adverse Environmental Impacts**
2 **Under SEPA**

3 The project will result in significant adverse environmental impacts which have not been
4 adequately analyzed by the applicant or the County and an Environmental Impact Statement (EIS) is
5 required.

6 **1. Water**

7 The Project will result in significant impacts to surface water and ground water that have not
8 been adequately analyzed. The project seeks a substantial variance from surface coverage, retail square
9 footage, and impervious surface requirements to operate a truck stop, restaurant, and vehicle service
10 shop in a rural area with existing water availability issues and nearby surface waters including the
11 Yakima River, Lake Easton, Silver Creek, Kachess River, and Kachess Lake. The project's proposed
12 uses will require considerable water resources, generate pollution, dramatically increase polluted
13 stormwater runoff, drain wastewater into septic drainfields on the site, and increase contamination of
14 surface and ground water. However, no reports or analysis on these issues is provided. For example,
15 there is no stormwater report to assess if the applicant's proposed stormwater management is even
16 feasible.
17

18 **2. Cultural resources**

19 The project may result in impacts to cultural resources that have not been adequately
20 addressed. The Project site is located on lands known to be used by tribes and therefore may contain
21 cultural and historic resources, yet no cultural resource assessment or report has been provided.
22

23 **3. Vegetation, habitat, and wildlife**

24 The project will result in significant impacts to vegetation, habitat, and wildlife that have not
25 been adequately addressed. The project is located on a forested site, within the Elk Winter
26

1 Concentration Area, and in close proximity to fish-bearing waters. The project would effectively clear-
2 cut the entire site, deter wildlife from the area, and increase drainage of pollutants into nearby waters.
3 However, no wildlife survey, critical areas report, elk impact analysis, or detailed drainage plan has
4 been requested or provided.

6 **4. Noise and light**

7 The project will result in significant noise and light impacts that have not been adequately
8 addressed. The proposed use would significantly increase light pollution and noise over existing
9 conditions in this rural area, yet no noise study was conducted and no lighting plan was provided.

10 **5. Traffic**

11 The project will result in a significant increase in traffic that has not been addressed or
12 mitigated. The Traffic Impact Analysis provided by the applicant is 4 years old from a withdrawn
13 project. A more current Traffic Impact Analysis should be required to assess the traffic impacts of this
14 project. Additionally, the 2019 TIA demonstrated that the withdrawn project would result in a
15 decreased level of service at adjacent intersections and the 2019 TIA did not consider impacts to
16 intersections beyond the on-ramps and project driveways. It did not assess additional intersections in
17 the entire area which may be impacted by traffic generated from this project.

19 **6. Air and odors**

20 The project will result in a significant increase in air pollution and odors that have not been
21 addressed or mitigated. The project will produce significant odors, such as gasoline, and air pollution
22 from idling vehicles that will adversely impact surrounding property owners. These air and odor
23 impacts are not adequately assessed or mitigated.
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1 **7. Aesthetic and land use impacts**

2 The project will have significant adverse land use and aesthetic impacts in the area. The project
3 is an undeveloped forested site in a rural area. The surrounding land uses are rural working lands, rural
4 residential, LAMIRD, and state-owned agricultural trust lands to the north. The clearing and intense
5 development of multiple different commercial uses will adversely impact the natural, rural, and
6 recreational character of the area. These impacts have not been analyzed or mitigated.

7
8 **C. The Variance Criteria Are Not Met**

9 The applicant seeks a variance from the zoning requirements for this site to develop it to
10 include at least three different types of commercial use—a truck stop, a restaurant, and a vehicle repair
11 shop. The 16.51 acre parcel is zoned LAMIRD Type 3 General Commercial. The County code limits
12 uses to 30,000 square feet and 33% lot coverage and limits retail uses to 4,000 square feet, KCC
13 17.15.070.2. The applicant is seeking a variance that is not a slight deviation from these requirements,
14 but rather demonstrates a complete disregard for them. Instead of the maximum 30,000 square feet,
15 the applicant requests 672,047 square feet. Instead of the 33% lot coverage maximum, the applicant
16 requests 69-74%.¹ Instead of the 4,000 square foot maximum for retail, the applicant requests 8,325
17 square feet.² The applicant seeks authorization for anywhere from 2 to 22 times more area than what
18 is allowed under the code. This variance application does satisfy any of the required elements for a
19 variance set forth in KCC 17.84.010.
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24 ¹ The variance application notice say 69% while the SEPA checklist says 74%.

25 ² The application materials indicate that the project will involve significantly more retail square footage
26 than the 8,325 sq ft requested by the applicant. The Traffic Impact Analysis describes the proposal as “an approximate
14,500-square foot country store building containing a convenience market with walk up food service and a drive-through
fast-food restaurant.” It will also include diesel and gasoline fueling islands a 3 bay tire and repair shop. These retail uses
do not appear to be included in the retail square footage calculations.

1 **1. No unusual circumstances or conditions**

2 The applicant has failed to demonstrate compliance with variance criteria KCC 17.84.010(1).
3 To obtain a variance, the applicant must demonstrate that “[u]nusual circumstances or conditions
4 applying to the property and/or the intended use that do not apply generally to other property in the
5 same vicinity or district, such as topography.” KCC 17.84.010(1). The applicant claims that the
6 property’s location along W. Sparks Road and proximity to I-90 creates unusual circumstances.
7 Exhibit D at 2. That is not an unusual circumstance or condition. Many other properties are along
8 Sparks Road and there are countless properties along I-90 which comply with existing zoning code.
9 This is a relatively flat site with no topographical features which would prohibit a use or size that can
10 comply with existing code requirements. There are no slopes, cliffs, bodies of water, unusual parcel
11 shapes, or other topographical features which could be considered to be unusual circumstances or
12 conditions. The applicant has not met its burden and the county should have denied the request for a
13 variance. The applicant has not met its burden and the county should have denied the request for a
14 variance.
15

16 **2. Not necessary for property right of the owners**

17 The applicant has failed to demonstrate compliance with variance criteria KCC 17.84.010(2).
18 To obtain a variance, the applicant must demonstrate that “[s]uch variance is necessary for the
19 preservation and enjoyment of a substantial property right of the applicant possessed by the owners of
20 other properties in the same vicinity or district.” KCC 17.84.010(2). The applicant has not
21 demonstrated that they are denied a substantial property right possessed by owners of other properties
22 in the vicinity. This is a rural area with limitations placed on high density development. The other
23 commercial uses in the area comply with similar zoning requirements, helping to retain the
24 community’s rural character while also allowing for limited commercial development. For example,
25 just south of the project site, in a LAMIRD Type 3 General Commercial zone, there is a site with a gas
26

1 station (Shell), restaurant (Parkside Café), and towing shop (Cascade Towing). Sparks Park could
2 construct a similar operation on their parcel in a manner that is consistent with county code.
3 Furthermore, the proposed project is a size and scale much larger than anything in the area or in a
4 similar zone and applicant has not demonstrated they are entitled to such intensive development in this
5 rural area.

6
7 **3. Detrimental to public welfare or injurious to other property in the area**

8 The applicant has failed to demonstrate compliance with variance criteria KCC 17.84.010(3).
9 To obtain a variance, the applicant must demonstrate that “the authorization of such variance will not
10 be materially detrimental to the public welfare or injurious to property in the vicinity or district in
11 which the property is located.” KCC 17.84.010(3). The variance will result in traffic, water, noise,
12 odor, air pollution, noise, light, wildlife, and aesthetic impacts that will be detrimental to the public
13 welfare for the community in Easton. The county ignored the significant number of public and agency
14 comments on the project and the applicant failed to provide meaningful response to these comments.
15

16 Furthermore, the variance is injurious to nearby property owners such as the McLeods who
17 own and operate Silver Ridge Ranch, lodge, and RV park. Their property, business, and livelihood
18 will be injured by this project. The noise, odors, light, traffic, and intensive large-scale activity on the
19 site will stress the horses and riders, deter guests, and prevent wedding/retreat bookings. It would
20 destroy their business. The variance to allow this intensive and dense commercial development in this
21 rural area would clearly injure the McLeods property. The applicant has not met its burden and the
22 county should have denied the variance request.
23

24 **4. Adversely affects realization of comprehensive development pattern**

25 The applicant has failed to demonstrate compliance with variance criteria KCC 17.84.010(4).
26 To obtain a variance, the applicant must demonstrate that “the granting of such variance will not

1 adversely affect the realization of the comprehensive development pattern.” KCC 17.84.010(4). This
2 project is inconsistent with the comprehensive plan and development pattern of the area. The
3 Comprehensive Plan states that Limited Areas of More Intensive Rural Development (LAMIRDS)
4 “are often small, rural communities where rural residents and others can gather, work, shop, entertain,
5 and reside. Commercial and industrial development compatible with rural character may continue to
6 locate and prosper in rural areas under limited conditions.” 2021 Comprehensive Plan 2.5.1 at 24. In
7 this case, the project’s large development, with multiple different commercial uses, in violation of
8 county code and zoning requirements, does not satisfy these goals and policies to ensure compatibility
9 and protection of rural character. It is also inconsistent with Comprehensive Plan goals such as RR-
10 G26–32, Comprehensive Plan at page 95 and 100, and RR-P102–106, *id* at page 102. As discussed
11 above, the project will adversely affect local recreational opportunities and businesses such as Silver
12 Ridge Ranch and result in a development density that requires an urban level of service and is
13 inconsistent with the rural character of the area. This development does not “harmonize with the rural
14 character of the surrounding areas” as required by Comprehensive Plan Goal RR-P102.
15

16
17 The applicant does not satisfy a single criterion required for a variance under KCC 17.84.010,
18 much less all criteria. Accordingly, the decision to approve the variance was made in error and should
19 be reversed.
20

21 IV. RELIEF REQUESTED

22 Appellants request that the Hearing Examiner reverse or remand the County SEPA MDNS
23 threshold determination and variance decision.

24 Appellants request any and all additional relief that is necessary to address and alleviate the
25 errors presented in this appeal.
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Dated this 13th day of October, 2023.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP



By:

David A. Bricklin, WSBA No. 7583
Audrey Clungeon, WSBA No. 55133
Attorneys for Appellants

EXHIBIT A



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: **Angadjot Sandhu** 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 defined in the allowable uses table, these are permitted uses in the existing zone and land use designation.

Proponent: Angadjot Sandhu, Applicant, authorized 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.
- 4) The Applicant is required to dedicate additional access rights to the Department of Transportation along the proposed driveway a distance of 130 feet 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.

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.
- 3) Snow removal activities shall adhere to the submitted snow storage management plan and all snow storage shall be retained on-site.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office or retail space, and parking facilities shall be ADA accessible.
- 3) All structures will 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 will need to comply with certain height restrictions. It is the applicant's responsibility to contact David Ison of the WSDOT Aviation Division at 360-709-8028 for requirements.

Fire

- 1) All structures must have adequate fire apparatus access.

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

Cultural Resources and Historic Preservation

- 1) A Cultural Resources Survey shall be conducted prior to any ground disturbing activities and survey results shall be submitted to DAHP and associated tribes.
- 2) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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 between 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.

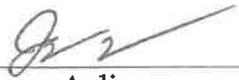
Noise

- 1) 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, September 25, 2023).

Responsible Official: 
Jamey Ayling

Title: Planning Official

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

Date: September 13, 2023

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, September 27, 2023.

EXHIBIT B



KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTAS.WA.US

Office (509) 962-7506

NOTICE OF DECISION

To: Applicant
Authorized Agent
Interested Parties (KCC 15A.06)

From: Jamey Ayling, Planning Manager

Date: September 29, 2023

Subject: **Sparks Park Zoning Variance (VA-23-00003) & SEPA (SE-23-00010)**

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services **approves** the Zoning Variance for Angadjot Sandhu, applicant, to increase the impervious surface and expand the retail square footage requirement in KCC 17.15.070. KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is authorized to construct a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail 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.

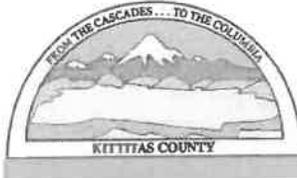
The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS)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

The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009. Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

An appeal of this land use decision must be filed within 10 working days by submitting specific factual objections and a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Suite 2, Ellensburg, WA 98926. The appeal period deadline is **5:00 PM October 13, 2023**.

The application, decision and related information may be examined during business hours at Kittitas County Development Services, 411 N Ruby St Suite 2, Ellensburg, WA 98926 or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Setback Variance" using the file "VA-23-00003 Sparks Park".

If you have questions or need assistance, please contact Community Development Services at (509) 962-7637; email at jamey.ayling@co.kittitas.wa.us Planning Manager: Jamey Ayling.



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTTITAS.WA.US
Office (509) 962-7506

"Building Partnerships – Building Communities"

Sparks Park Variance File Number VA-23-00003 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

Site Characteristics:

| | |
|---------------|--|
| <u>North:</u> | Forest land and sparse residential development |
| <u>South:</u> | commercial development gas station/restaurant |
| <u>East:</u> | RV Park |
| <u>West:</u> | I-90 and Lake Easton |

Access: The site is accessed via Sparks Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of LAMIRD Type 3 General Commercial in a LAMIRD Land Use designation. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant

must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17.84.010 Granting Criteria (all four must be met):

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;

Applicant Response

“The subject LAMIRD is identified more specifically as Type 3, Rural employment center (KCC 15.15.070). The property is located along W. Sparks Road and affects properties of varying size, location, and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD”.

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS recognizes the subject parcel is larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

“Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a local area of more intense rural development, or a LAMIRD, which retains the community’s rural character and limits higher-density development. From WAC 365- 196-425: Type 3 LAMIRDS Small-scale businesses and cottage industries, we understand that the County may allow isolated small scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant's submitted information and comments received during the comment period. CDS agrees that without this variance, the truck stop would be too small to accommodate the needed services provided to the traveling public including the allowable retail square footage in comparison to other parcels in the vicinity per acre ratio and the amount of impervious surface that is expected to reduce maintenance activities, aid in snow removal and be more environmentally sound in collecting potential contaminants. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1)

The applicant has demonstrated in a factual and meaningful way the existence of a “substantial property right” that may be negated by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

“This variance will not be detrimental to any public welfare or be injurious to any other property in the area.”

Staff Response

CDS agrees that the proposed variance would not be injurious to adjacent property owners or the public welfare in any material way. The proposed impervious surfaces will be screened from Sparks Road utilizing the existing evergreen trees along the Sparks Road frontage. Stormwater collection will be retained on-site and designed utilizing the Eastern Washington Stormwater Manual. The larger retail area is proportionate to the size of the parcel it is proposed on and will have less of an effect and provide more efficient use of the space when combined into one multi use occupancy. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

The applicant has demonstrated in a factual and meaningful way that the proposed build site will maintain substantial property line setbacks despite granting of the variance. The variance will not be “materially detrimental to the public welfare or injurious to property in the vicinity” as required in KCC 17.84.010(3).

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

“The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of general commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment.”

Staff Response

CDS has concluded that the requested zoning variance will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similar uses on smaller lots further from the freeway. This more intense use adjacent to the freeway will absorb the highest traffic volume immediately off the freeway and prevent spread further into town and provide a noise and visual buffer to the freeway while also promoting further development of adjacent general commercial properties.

The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).

Staff Conclusions

Staff finds that the zoning variance request **does** meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on February 17, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were transmitted to the applicant on May 16, 2023.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical areas. CDS has conducted an environmental review and issued a Mitigated Determination of Non-significance.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. A review of these comments was completed and applicant provided response to each comment in a unified document.

Comment was received from forty-one (41) members of the public.

CDS has provided these comments to the applicant.

VII. PROJECT ANALYSIS

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

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

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no identified critical areas located on the property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.15.070 Allowed Uses in Rural LAMIRD Lands:

This proposal, with approval of the zoning variance, is consistent with the allowed uses outlined in Kittitas County Zoning Code 17.15.070.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

Comments received from the public are on file and available for public review.

VIII. FINDINGS OF FACT

1. Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

2. Parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

4. Site Characteristics:

| | |
|--------|--|
| North: | Forest land and sparse residential development |
| South: | commercial development gas station/restaurant |
| East: | RV Park |
| West: | I-90 and Lake Easton |

The site is accessed via Sparks Road.

5. The Comprehensive Plan land use designation is Rural Working within General Commercial zoning.
6. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 2, 2023.
8. The application was determined complete on February 17, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were

transmitted to the applicant on May 16, 2023.

10. CDS performed a critical areas review of the subject parcel and found there to be no critical areas. Based upon review of the submitted application materials and a critical areas review.
11. CDS conducted an environmental review of the proposal and issued a Mitigated Determination of Non-significance on September 13, 2023.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal is not consistent with the provisions of KCC 17.15.070, General Commercial zoning without approval of the zoning variance.
14. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
15. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
16. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
17. Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health , Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.
18. Public comment was received from forty-one (41) citizens. These comments are on file and available for public review.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

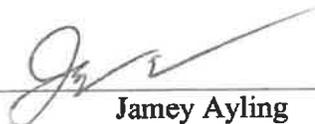
X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Sparks Park Variance (VA-23-00003) is hereby **approved** subject to the conditions below. The Sparks Park Variance has satisfied the requirements of a zoning variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. Evergreen trees shall remain along Sparks Road frontage to provide a visual buffer to the impervious surface.
6. The project shall comply with all conditions of SE-23-00010 Easton Travel Center MDNS.
7. This variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).

Responsible Official


Jamey Ayling

Title: Planning Manager

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7065

Date: September 29, 2023

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm October 13, 2023. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTTITAS.WA.US
Office (509) 962-7506

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: **Angadjot Sandhu** 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 defined in the allowable uses table, these are permitted uses in the existing zone and land use designation.

Proponent: Angadjot Sandhu, Applicant, authorized 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.
- 4) The Applicant is required to dedicate additional access rights to the Department of Transportation along the proposed driveway a distance of 130 feet 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.

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.
- 3) Snow removal activities shall adhere to the submitted snow storage management plan and all snow storage shall be retained on-site.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office or retail space, and parking facilities shall be ADA accessible.
- 3) All structures will 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 will need to comply with certain height restrictions. It is the applicant's responsibility to contact David Ison of the WSDOT Aviation Division at 360-709-8028 for requirements.

Fire

- 1) All structures must have adequate fire apparatus access.

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

Cultural Resources and Historic Preservation

- 1) A Cultural Resources Survey shall be conducted prior to any ground disturbing activities and survey results shall be submitted to DAHP and associated tribes.
- 2) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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 between 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.

Noise

- 1) 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, October 13, 2023).

**Responsible
Official:**


Jamey Ayling

Title:

Planning Official

Address:

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

Date:

September 29, 2023

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 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, October 13, 2023.

EXHIBIT C



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTITAS.WA.US
Office (509) 962-7506

"Building Partnerships – Building Communities"

Sparks Park Variance File Number VA-23-00003 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

Site Characteristics:

| | |
|---------------|--|
| <u>North:</u> | Forest land and sparse residential development |
| <u>South:</u> | commercial development gas station/restaurant |
| <u>East:</u> | RV Park |
| <u>West:</u> | I-90 and Lake Easton |

Access: The site is accessed via Sparks Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of LAMIRD Type 3 General Commercial in a LAMIRD Land Use designation. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant

must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17.84.010 Granting Criteria (all four must be met):

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;

Applicant Response

“The subject LAMIRD is identified more specifically as Type 3, Rural employment center (KCC 15.15.070). The property is located along W. Sparks Road and affects properties of varying size, location, and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD”.

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS recognizes the subject parcel is larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

“Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a local area of more intense rural development, or a LAMIRD, which retains the community’s rural character and limits higher-density development.

From WAC 365- 196-425: Type 3 LAMIRDS Small-scale businesses and cottage industries, we understand that the County may allow isolated small scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant's submitted information and comments received during the comment period. CDS agrees that without this variance, the truck stop would be too small to accommodate the needed services provided to the traveling public including the allowable retail square footage in comparison to other parcels in the vicinity per acre ratio and the amount of impervious surface that is expected to reduce maintenance activities, aid in snow removal and be more environmentally sound in collecting potential contaminants. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1)

The applicant has demonstrated in a factual and meaningful way the existence of a "substantial property right" that may be negated by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

"This variance will not be detrimental to any public welfare or be injurious to any other property in the area."

Staff Response

CDS agrees that the proposed variance would not be injurious to adjacent property owners or the public welfare in any material way. The proposed impervious surfaces will be screened from Sparks Road utilizing the existing evergreen trees along the Sparks Road frontage. Stormwater collection will be retained on-site and designed utilizing the Eastern Washington Stormwater Manual. The larger retail area is proportionate to the size of the parcel it is proposed on and will have less of an effect and provide more efficient use of the space when combined into one multi use occupancy. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

The applicant has demonstrated in a factual and meaningful way that the proposed build site will maintain substantial property line setbacks despite granting of the variance. The variance will not be "materially detrimental to the public welfare or injurious to property in the vicinity" as required in KCC.17.84.010(3).

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

"The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of general commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment."

Staff Response

CDS has concluded that the requested zoning variance will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similar uses on smaller lots further from the freeway. This more intense use adjacent to the freeway will absorb the highest traffic volume immediately off the freeway and prevent spread further into town and provide a noise and visual buffer to the freeway while also promoting further development of adjacent general commercial properties.

The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).

Staff Conclusions

Staff finds that the zoning variance request does meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on February 17, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were transmitted to the applicant on May 16, 2023.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical areas. CDS has conducted an environmental review and issued a Mitigated Determination of Non-significance.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. A review of these comments was completed and applicant provided response to each comment in a unified document.

Comment was received from forty-one (41) members of the public.

Staff Response

CDS has provided these comments to the applicant.

VII. PROJECT ANALYSIS

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

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

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no identified critical areas located on the property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.15.070 Allowed Uses in Rural LAMIRD Lands:

This proposal, with approval of the zoning variance, is consistent with the allowed uses outlined in Kittitas County Zoning Code 17.15.070.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

Comments received from the public are on file and available for public review.

VIII. FINDINGS OF FACT

1. Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

2. Parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

4. Site Characteristics:

| | |
|--------|--|
| North: | Forest land and sparse residential development |
| South: | commercial development gas station/restaurant |
| East: | RV Park |
| West: | I-90 and Lake Easton |

The site is accessed via Sparks Road.

5. The Comprehensive Plan land use designation is Rural Working within General Commercial zoning.
6. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 2, 2023.
8. The application was determined complete on February 17, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were

transmitted to the applicant on May 16, 2023.

10. CDS performed a critical areas review of the subject parcel and found there to be no critical areas. Based upon review of the submitted application materials and a critical areas review.
11. CDS conducted an environmental review of the proposal and issued a Mitigated Determination of Non-significance on September 13, 2023.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal is not consistent with the provisions of KCC 17.15.070, General Commercial zoning without approval of the zoning variance.
14. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
15. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
16. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
17. Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health , Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.
18. Public comment was received from forty-one (41) citizens. These comments are on file and available for public review.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Sparks Park Variance (VA-23-00003) is hereby **approved** subject to the conditions below. The Sparks Park Variance has satisfied the requirements of a zoning variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. Evergreen trees shall remain along Sparks Road frontage to provide a visual buffer to the impervious surface.
6. The project shall comply with all conditions of SE-23-00010 Easton Travel Center MDNS.
7. This variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).

Responsible Official 

Jamey Ayling

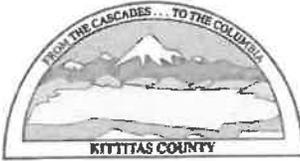
Title: Planning Manager

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7065

Date: September 13, 2023

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm September 27, 2023. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.

EXHIBIT D



NOTICE OF DECISION

To: Applicant
Authorized Agent
Interested Parties (KCC 15A.06)

From: Jamey Ayling, Planning Manager

Date: September 29, 2023

Subject: **Sparks Park Zoning Variance (VA-23-00003) & SEPA (SE-23-00010)**

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services **approves** the Zoning Variance for Angadjot Sandhu, applicant, to increase the impervious surface and expand the retail square footage requirement in KCC 17.15.070. KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is authorized to construct a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail 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.

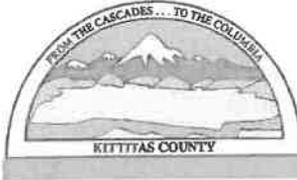
The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS)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

The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009. Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

An appeal of this land use decision must be filed within 10 working days by submitting specific factual objections and a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Suite 2, Ellensburg, WA 98926. The appeal period deadline is **5:00 PM October 13, 2023**.

The application, decision and related information may be examined during business hours at Kittitas County Development Services, 411 N Ruby St Suite 2, Ellensburg, WA 98926 or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Setback Variance" using the file "VA-23-00003 Sparks Park".

If you have questions or need assistance, please contact Community Development Services at (509) 962-7637; email at jamey.ayling@co.kittitas.wa.us Planning Manager: Jamey Ayling.



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTTITAS.WA.US
Office (509) 962-7506

"Building Partnerships – Building Communities"

Sparks Park Variance File Number VA-23-00003 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

Location: The subject property is parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

Site Characteristics:

| | |
|---------------|--|
| <u>North:</u> | Forest land and sparse residential development |
| <u>South:</u> | commercial development gas station/restaurant |
| <u>East:</u> | RV Park |
| <u>West:</u> | I-90 and Lake Easton |

Access: The site is accessed via Sparks Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of LAMIRD Type 3 General Commercial in a LAMIRD Land Use designation. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant

must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17.84.010 Granting Criteria (all four must be met):

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;

Applicant Response

“The subject LAMIRD is identified more specifically as Type 3, Rural employment center (KCC 15.15.070). The property is located along W. Sparks Road and affects properties of varying size, location, and configuration. The large parcel size (16.51 acres) and specific location (fronting the center of I-90 interchange) of the subject property creates unusual circumstances and conditions that do not apply generally to other General Commercial property in the same LAMIRD”.

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS recognizes the subject parcel is larger than others in the vicinity, is set lower in elevation with respect to I-90 than other parcels and is closer to the freeway interchange than any other property. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

“Property rights are maintained by allowing property owners to develop land in accordance with the Comprehensive Plan and applicable codes, except when those codes become unduly burdensome. The property has been designated as a local area of more intense rural development, or a LAMIRD, which retains the community’s rural character and limits higher-density development. From WAC 365- 196-425: Type 3 LAMIRDS Small-scale businesses and cottage industries, we understand that the County may allow isolated small scale businesses and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites. It is the intent of this code variance request to allow the development of this property in a manner that addresses the unique characteristics and constraints of the site in a manner addresses the transportation and parking related needs of the I-90 corridor while maintaining the intent of the code to the extent practical.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant's submitted information and comments received during the comment period. CDS agrees that without this variance, the truck stop would be too small to accommodate the needed services provided to the traveling public including the allowable retail square footage in comparison to other parcels in the vicinity per acre ratio and the amount of impervious surface that is expected to reduce maintenance activities, aid in snow removal and be more environmentally sound in collecting potential contaminants. CDS finds that the applicant has satisfied the criteria outlined in KCC 17.84.010(1)

The applicant has demonstrated in a factual and meaningful way the existence of a “substantial property right” that may be negated by the application of the requirements as stipulated in KCC 17.15.070. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

“This variance will not be detrimental to any public welfare or be injurious to any other property in the area.”

Staff Response

CDS agrees that the proposed variance would not be injurious to adjacent property owners or the public welfare in any material way. The proposed impervious surfaces will be screened from Sparks Road utilizing the existing evergreen trees along the Sparks Road frontage. Stormwater collection will be retained on-site and designed utilizing the Eastern Washington Stormwater Manual. The larger retail area is proportionate to the size of the parcel it is proposed on and will have less of an effect and provide more efficient use of the space when combined into one multi use occupancy. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

The applicant has demonstrated in a factual and meaningful way that the proposed build site will maintain substantial property line setbacks despite granting of the variance. The variance will not be “materially detrimental to the public welfare or injurious to property in the vicinity” as required in KCC 17.84.010(3).

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

“The proposed development will have a positive impact on the realization of the comprehensive development pattern. Development of general commercial in a manner that promotes the rural character of the LAMIRD will provide services consistent with the Comprehensive Plan and promote further development of adjacent General Commercial properties within this LAMIRD. This proposal will have a positive effect with regards to local services, utility infrastructure, and local rural employment.”

Staff Response

CDS has concluded that the requested zoning variance will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similar uses on smaller lots further from the freeway. This more intense use adjacent to the freeway will absorb the highest traffic volume immediately off the freeway and prevent spread further into town and provide a noise and visual buffer to the freeway while also promoting further development of adjacent general commercial properties.

The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).

Staff Conclusions

Staff finds that the zoning variance request **does** meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on February 17, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were transmitted to the applicant on May 16, 2023.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical areas. CDS has conducted an environmental review and issued a Mitigated Determination of Non-significance.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. A review of these comments was completed and applicant provided response to each comment in a unified document.

Comment was received from forty-one (41) members of the public.

CDS has provided these comments to the applicant.

VII. PROJECT ANALYSIS

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

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

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no identified critical areas located on the property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.15.070 Allowed Uses in Rural LAMIRD Lands:

This proposal, with approval of the zoning variance, is consistent with the allowed uses outlined in Kittitas County Zoning Code 17.15.070.

Consistency with the provisions of KCC 17.84. Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health, Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

Comments received from the public are on file and available for public review.

VIII. FINDINGS OF FACT

1. Angadjot Sandhu, authorized agent, submitted a Variance application requesting 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. All these uses are permitted outright in General Commercial zoning in a Type 3 LAMIRD.

KCC 17.15.070 limits uses other than manufacturing, outdoor recreation, and natural resources to 30,000 square feet in area and 33% of the lot to be impervious surface. KCC 17.15.070.2(48) limits retail sales to 4,000 square feet. The applicant is proposing a truck stop, restaurant and vehicle repair shop use that would be approximately 672,047 square feet (15.42 acres), include impervious surfaces of 69% of the lot and include 8,325 sq. ft. of retail services.

2. Parcel # 778834 that is located just east of the Sparks Rd. I-90 interchange (Exit 70) in Easton, WA. The property is in Section 02, Township 20, Range 13, W.M. in Kittitas County, bearing Assessor's map number 20-13-02030-0009.

3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 16.51 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Sewage Disposal: | Individual Septic |
| Fire Protection: | Fire District 3 (Easton) |
| Irrigation District: | N/A |

4. Site Characteristics:

| | |
|--------|--|
| North: | Forest land and sparse residential development |
| South: | commercial development gas station/restaurant |
| East: | RV Park |
| West: | I-90 and Lake Easton |

The site is accessed via Sparks Road.

5. The Comprehensive Plan land use designation is Rural Working within General Commercial zoning.
6. The purpose and intent of the General Commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the limitations of site area, impervious surface and retail square footage. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 2, 2023.
8. The application was determined complete on February 17, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on May 12, 2023 and all comments were

transmitted to the applicant on May 16, 2023.

10. CDS performed a critical areas review of the subject parcel and found there to be no critical areas. Based upon review of the submitted application materials and a critical areas review.
11. CDS conducted an environmental review of the proposal and issued a Mitigated Determination of Non-significance on September 13, 2023.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal is not consistent with the provisions of KCC 17.15.070, General Commercial zoning without approval of the zoning variance.
14. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
15. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
16. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
17. Comments were received from the following agencies: Easton School District, Washington State Dept of Health, Kittitas County Public Health , Yakama Nation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Kittitas County Fire Marshal, Snoqualmie Tribe, Confederated Tribes of the Colville Reservation, Easton Water District, Department of Archaeology and Historic Preservation (DAHP), Department of Ecology, Kittitas County Public Works, Washington State Department of Transportation, KITTCOM, Puget Sound Energy, and Kittitas County Public Works. All comments are on file and available for public review.
18. Public comment was received from forty-one (41) citizens. These comments are on file and available for public review.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

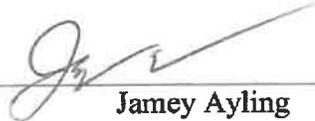
X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Sparks Park Variance (VA-23-00003) is hereby **approved** subject to the conditions below. The Sparks Park Variance has satisfied the requirements of a zoning variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. Evergreen trees shall remain along Sparks Road frontage to provide a visual buffer to the impervious surface.
6. The project shall comply with all conditions of SE-23-00010 Easton Travel Center MDNS.
7. This variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).

Responsible Official


Jamey Ayling

Title: Planning Manager

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7065

Date: September 29, 2023

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm October 13, 2023. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.



KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTTAS.WA.US
Office (509) 962-7506

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Angadjot Sandhu 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 defined in the allowable uses table, these are permitted uses in the existing zone and land use designation.

Proponent: Angadjot Sandhu, Applicant, authorized 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.
- 4) The Applicant is required to dedicate additional access rights to the Department of Transportation along the proposed driveway a distance of 130 feet 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.

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.
- 3) Snow removal activities shall adhere to the submitted snow storage management plan and all snow storage shall be retained on-site.

Building

- 1) All buildings and structures shall require full engineering for lateral gravity and fire life-safety.
- 2) All restrooms, office or retail space, and parking facilities shall be ADA accessible.
- 3) All structures will 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 will need to comply with certain height restrictions. It is the applicant's responsibility to contact David Ison of the WSDOT Aviation Division at 360-709-8028 for requirements.

Fire

- 1) All structures must have adequate fire apparatus access.

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

Cultural Resources and Historic Preservation

- 1) A Cultural Resources Survey shall be conducted prior to any ground disturbing activities and survey results shall be submitted to DAHP and associated tribes.
- 2) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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 between 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.

Noise

- 1) 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, October 13, 2023).

**Responsible
Official:**


Jamey Ayling

Title:

Planning Official

Address:

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

Date:

September 29, 2023

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 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, October 13, 2023.

EXHIBIT E

Name: Jackson Purcell

Date: 11 May 2023

Address: 90 Thistle Down Road, Easton, WA 98925

Email: jackson0121@gmail.com

To: Jeremiah Cromie; Staff Planner
Kittitas County, WA

Re: VA-23-00003 Sparks Park Variance

I am writing to inform the city of my very strong opposition to the proposed zoning variance set out in application VA-23-00003

The 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.

This variance proposal is a zoning change in disguise. We all want growth in Easton and understand change is inevitable however the rate of growth is important to all communities. There are rules and regulations and laws in place that the local governments have added to protect the "local communities" in this so called variance spits in the face of those laws. We as a community in Easton do not want to be bullied by corporations that do not have the best interests for the community itself but rather gross profits for their stakeholders.

For all of these reasons, and others, I implore the County to **DENY** this proposed variance and retain the current approved land use for the property.

Respectfully,

Jackson
Purcell

Digitally signed by Jackson Purcell
DN: cn=Jackson Purcell, c=US,
o=Cross Arrows,
email=thecrossarrows@gmail.com
Date: 2023.05.11 10:14:00 -0700

Signature

EXHIBIT F

From: Kraig and Ann Marie McLeod, Owners of Silver Ridge Ranch
To: Kittitas County

Silver Ridge Ranch (SRR) is located directly behind the proposed truck stop location and our entrance is adjacent to the proposed truck stop. Noise, aesthetics, lighting, traffic, parking, air quality, horse and animal wellbeing, crime, pollution, and general access will have a devastating effect on our business. A business that was intended, per land use, and has been a part of the community for decades.

The proposed truck stop will create a large cement pad three times the size that is allowed on the current surface. The landscape plan is inadequate, and our guests direct view to the truck stop would all but stop guests from returning.

Our guest expectations are to have a unique outdoor experience including but not limited to enjoying a quiet and tranquil vacation, riding their horses, sitting next to a campfire, enjoying the lodge and RV sites with friends, hosting family reunions and weddings, and the enjoying the great outdoors. This proposed truck stop would have a complete negative effect to our guests experience and to our business.

Their request for a variance that would more than double the allowed impervious soil coverage and retail area is more than excessive and does not maintain the intended rural character of the area.

The incompatibility of the proposed development and our long-term history of recreation cannot coexist as adjacent neighbors.

Silver Ridge Ranch as an outdoor recreation area will have to deal with the following unmitigated issues; all of which will have a negative effect on our guests, horses, and wildlife in general.

Light and glare, this will be most disturbing at night as customers generally enjoy the sky while watching the stars.

Air quality, the continual emissions from the truck stop via exhaust and fuel vapor could have long term health effects on patrons and wildlife, not to mention quality of life issues.

Water and water run-off contamination, since Silver Ridge Ranch is adjacent to this property, could pose a major risk to both our guest's horses and the general condition of our property.

Noise: We have all visited truck stops in our travels and have heard the 24-hour continual noise levels that these operators emit. Our activities will be severely affected by this issue. People will not be able to sleep at night, horses will be on edge, guests constantly subjected to the noise will seriously hinder the enjoyment of their vacation.

Access & Traffic

The ingress and egress for truck and vehicles visiting the truck stop along with the impact on public safety and flow on and off the freeway and Sparks Road, will create heavy traffic and congestion. Our facility has RV and horse trailers using the area now along with the resorts on the south side of the freeway. Guest transporting horses will no longer want to risk the danger this will impose. With thousands of more vehicles and trucks in additional traffic, volume will be added to this interchange. This will turn into gridlock all seasons of the year. When it does become gridlock either because of excessive traffic or illegal parking our guests will find another resort to visit.

Due to all these issues listed, this facility will have a devastating effect on our established business. Silver Ridge Ranch fits the current permitted use for the area.

This area promotes recreation, and it should continue to be promoted as Easton has the charm and beauty that many outdoor enthusiasts enjoy. If this variance is granted to an entity that does not fit into the general land use plans for Easton, the long-term effects will devastate its rural character. There are many more suitable areas for a truck stop that would fit into those areas general plan. Easton has had a long history of recreation and that should continue.

EXHIBIT G



VA-23-00003 Sparks Park

Vicinity View