

From: [Jill Merwin](#)
To: [Jeremiah Cromie](#)
Subject: VA-23-00003 Sparks Park Variance and SEPA SE 23 00010
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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