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**KITTITAS COUNTY HEARING EXAMINER
KITTITAS COUNTY, WASHINGTON**

**SHREE HOLDINGS SIGN VARIANCE
VA-19-00002**

Brief of Kittitas County

INTRODUCTION

The denial of the variance request, on appeal here, must be affirmed. The request is inconsistent with the Kittitas County sign code, building code, variance criteria, and state law. Kittitas County has no authority to grant a variance to state law, and so this application cannot be approved under any circumstances.

FACTS

In December of 2008, the prior property owner, William Rowley, made application to put in what is now the existing sign on the Shree's Property. *Declaration of Lindsey Osbolt attached hereto As Exhibit "A."* The sign is over 381/2 feet tall. *Id.* Current County code limits the height of a structure (a sign is a structure under *KCC 17.08.520*) in the highway commercial zone to 35 feet. *KCC 17.44.060*. The subject property is currently zoned highway commercial. *AR pg. 73*. The existing sign on the Shree's property is non-conforming. *AR pg. 20*.

Prior to submitting application to the county, the engineer employed by the Shrees sent a revised location for the proposed sign to Washington State Department of Transportation (WSDOT) and received an email back indicating that it met WSDOT standards as set forth in *WAC 468-66-050(3)*.¹ *AR pg. 8*. That approval was premised on the revised location for the sign being 50 feet from the fuel island as indicated in the drawing of the revised proposed location attached to that email. *AR pg. 9*. *AR pg. 9* indicates that the "revised proposed Hi Rise sign location" was to be 50 feet from the fuel island. *Id.* The northerly circle has a 50 in the middle of

¹ A true and correct copy of WAC sections 468-66-050 and 200 are attached hereto as Exhibit "B."

1 it. *Id.* The email with WSDOT expressing approval of the revised location was dated August 31,
2 2018. *AR pg. 8.*

3 In March of 2019, the Shree's submitted their variance application to Kittitas County.²
4 *AR pg. 1.* That application included the August 31, 2008 email from WSDOT and the revised site
5 drawing that was attached and served as the necessary legal predicate for that approval. *AR pg. 8,*
6 *9.* Seeking this variance was necessary because (1) the Shree's were seeking to install an 87 1/2
7 foot sign when the building code limits the height in this zone to 35 feet (*KCC 17.44.060*) and
8 (2) because they sought to install a sign with a face area of approximately 1,176 square feet when
9 county code limits that to 325 square feet (*KCC 17.70.070(2)*). *AR pg. 73.*

10 In April of 2019, the county sent a request for additional information to the Shrees. *AR*
11 *pg. 20.* That letter, among other things, (1) described the existing sign as non-conforming, (2)
12 sought an explanation as to why the WSDOT signs did not remedy the perceived signage issue,
13 (3) sought the substantial property right they were allegedly being deprived of that would make
14 the variance "necessary", (4) requested a revised "site plan depicting the likely fall radius in case
15 of structural failure," and (5) requested a revision to the plan depicting dimensions from the base
16 of the sign to various points. *AR pg 21.*

17 On June 6, 2019, the Shrees resubmitted a sign variance application. *AR pg. 22.* In
18 response to the county's April 2019 request for additional information, the Shrees submitted a
19 revised site plan showing an 87 1/2 foot fall radius of the sign and showing the distance to the
20 requested points. *AR pg. 36.* This drawing shows the proposed sign now being located some
21 distance greater than 87 1/2 feet from the nearest fuel island. *Id.*

22 The Shrees also included another copy of the August 31, 2018 email of approval from
23 WSDOT, but without the attachment that explained that said approval was predicated on a 50
24 foot distance from the fuel island. *AR pg. 39.* Despite the fact that the Shree's sign is clearly
25 visible from I-90 (*Declaration of Toni Berkshire, attached hereto as Exhibit "C"*), the Shree's
26 submitted a series of photos seeking to depict the sign as obscured. *AR pg. 27, 31.* Often times
27 the sign cannot be seen in these pictures because the camera is facing the wrong direction or
28 because the resolution and black and white image are too poor. *Id.*

29 Despite the specific requests for additional information made by CDS to the Shrees, the
30 Shrees presented no argument as to why 87 1/2 feet in height and 1,176 sq.ft. of sign area was
31 necessary; no explanation as to why 40 or 45 feet high and 400 sq. ft., for example, would not
32 suffice. The Shree's presented no evidence that the state-wide practice of advertising on WSDOT
33 signs (also clearly visible before the required exit in the *Declaration of Toni Berkshire*) is

34 ² The Shree's application references the larger sign they have at their gas station in George, WA. It is important to
35 remember that the Federal government initiated a program regulating signs along the Interstate system in 1958,
36 specifically regulating signs within 660 feet of an interstate highway. 23 US Code § 131(c). Washington's Ch. 468-
37 66 WAC is our State manifestation of that regulation. The Shree's gas station in George, WA appears to be 690 feet
38 from the Interstate (*Declaration of Osbolt*) and so is not regulated by the laws discussed herein.

1 inadequate as to advising motorists of coming commercial opportunities. The Shrees presented
2 no evidence that an off-site sign, as allowed under WAC 468-66-050(4), would not remedy their
3 alleged sign/notice deficiency. In other words, the Shrees presented no evidence as to why this
4 variance is “necessary” under KCC 17.84.010.

5 The application also contained no evidence of a unique or unusual circumstance that
6 would necessitate a variance. They point out that they are adjacent to an overpass which may
7 obscure views. *AR pg. 4*. Every single exit in the United States has an overpass associated with
8 it.³ There must be one, either for those exiting to get on local roads which cross over the freeway
9 (like the situation in Thorp) or where the Freeway passes over local roads down to which exiting
10 traffic join (like in Ellensburg’s ‘south interchange’). If there is an exit from a Freeway, there is
11 some overpass. There must be. The Shree’s made no argument as to why they are unique.

12 In response to the notice of application, the Building Official submitted comment on July
13 16, 2019 that the sign needed approved engineering and that they “provide a sufficient fall zone
14 should the sign fail.” *AR pg. 66*. WSDOT commented on July 3, 2019 that the sign needed to
15 comply with state criteria and that inquiry into such compliance should be directed to Trevor
16 McCain in their Outdoor Advertising and Motorist Information Sign Program. *AR pg. 65*.

17 On December 20, 2019, I sent an email to Trevor McCain (with *AR pg. 36* attached)
18 asking if the currently requested site location would comport with WAC 468-66-050(3)(a)(ii).
19 Mr. McCain responded “WAC 468-66-050(3)(a)(ii) limits signs more than 50’ feet from the
20 advertised activity to 150 square feet in size. Further, WAC 468-66-050(3)(e)(i) defines the
21 advertised activity as “that building, storage, or other structure or processing area which is the
22 most regularly used and essential to the conduct of the advertised activity as determined solely
23 by the department.” A sign larger than 150 sq./ft. that is more than 50’ from either the store
24 building or the fuel islands is not allowed under the WAC. I’ve had emails with Yesco Sign Co.
25 in the past regarding this location and made it clear that any sign more than 50’ from the store
26 building or fuel island is restricted to 150 sq./ft. is size.” *A true and correct copy of that email is
27 attached hereto as Exhibit “D.”* In short, the current proposal violates state law and the Shree’s
28 engineer had been told numerous times that any site distance greater than 50 feet would not
29 legally support this sign under state law.

30 CDS issued its notice of decision on September 12, 2019. The variance was denied based
31 upon the applicant failing to meet the first two criteria for a variance under KCC 17.84.010 and
32 failing to comport with the county’s comprehensive plan. That denial was appealed on
33 September 26, 2019.

34 ///

35 _____
36 ³ The lone exception would be the unusual exit onto a local road that T’s off at the freeway coming from the same
37 side as the exit.

1 **STANDARD OF REVIEW**

2 “The entity seeking a variance bears the burden of proof,” City of Medina vs. T-Mobile
3 USA, 123 Wn. App. 19 ,21, 95 p 3d 377(2004). Hence, it is Shree’s burden to show that each
4 criterion for a variance has been satisfied.

5 KCC 17.84.010(5) provides that the “Hearing Examiner, upon receiving a properly filed
6 appeal to an administrative determination for approval or denial of a variance, may permit and
7 authorize a variance from the requirements of this title only when unusual circumstances cause
8 undue hardship in the application of it. The granting of such a variance shall be in the public
9 interest. A variance shall be made only when all of the conditions and facts identified within
10 subsections A through D of this section are found by the Hearing Examiner to exist.”

11 KCC 15A.07.020(1) provides that an “Administrative appeals shall serve to provide
12 argument and guidance for the body's decision. The deciding body shall conduct the appeal as an
13 open record hearing. The parties to the appeal shall submit timely written statements or
14 arguments to the decision-making body.” KCC 15A.02.060 defines an Open Record Hearing as
15 “a hearing by a single hearing body or officer, authorized by the local government to conduct
16 such hearings, that creates the local government's record through testimony and submission of
17 evidence and information under procedures prescribed by the local government by ordinance or
18 resolution.”

19 Hence, this appeal is a proceeding in which new evidence and testimony can be taken,
20 where the Hearing Examiner makes his own findings, and where the variance applicant, the
21 Shrees, bear the burden of proof. The review standards from the Land Use Petition Act (which
22 were cited by Appellants) have no application to this matter. The Hearing Examiner is to engage
23 in a fresh inquiry into whether or not the variance should be issued.

24 **ARGUMENT**

25 The county concedes that the appropriate building height for the zone is 35 feet (KCC
26 17.44.060) rather than the 13 feet referenced in the decision. The county also concedes that
27 consistency with the comprehensive plan should not have been considered. The former does not
28 change the analysis as to the inappropriateness of a request 2 1/2 times the legal height limit.
29 Neither concession changes the outcome – the variance was appropriately denied.

KCC 17.84.010 provides:

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 1. Unusual circumstances or conditions applying to the property and/or the intended
2 use that do not apply generally to other property in the same vicinity or district,
3 such as topography;
- 4 2. Such variance is necessary for the preservation and enjoyment of a substantial
5 property right of the applicant possessed by the owners of other properties in the
6 same vicinity or district;
- 7 3. The authorization of such variance will not be materially detrimental to the public
8 welfare or injurious to property in the vicinity or district in which the property is
9 located;
- 10 4. That the granting of such variance will not adversely affect the realization of the
11 comprehensive development pattern. A variance so authorized shall become void
12 after the expiration of one year if no substantial construction has taken place;

13 The County decided below that items 3 and 4 were satisfied, and so will only discuss the various
14 reasons items 1 and 2 are not satisfied.

15 **I – Unusual circumstances or conditions applying to the property and/or the intended use
16 that do not apply generally to other property in the same vicinity or district, such as
17 topography.**

18 Their sign is actually visible for motorists coming east. *Declaration of Berkshire*. The
19 Shrees seem to argue that their sign is not visible at all to eastbound motorists, yet that is not the
20 case. The Shrees argue that the overpass is a unique piece of topography that necessitates a
21 variance. However, every property in the United States that is adjacent to an exit is also adjacent
22 to an overpass because every exit has an overpass associated with it-either so local traffic can
23 pass over the freeway or such that the freeway can pass over local roads. So because every such
24 business is, by definition, next to an overpass, the Shrees do not have an “unusual circumstance
25 or condition” as required by KCC 17.84.010(1). The Shrees accuse CDS of ignoring the
26 overpass as an issue, yet CDS was correct in not discussing it because it is not an “unusual
27 circumstance or condition” related to a business adjacent to a freeway exit.

28 The Shrees submitted numerous photos into the record showing signs in Ellensburg. *AR*
29 *pg. 28, 29, 30*. These are regulated by different codes and are not “other property in the same
30 vicinity or district” so as to be considered in a variance application under Kittitas County code.

31 The Criteria is that there’s a condition unique to their property, that other properties
32 aren’t subject to, that the variance is needed to remedy. They say people cannot see it is a gas
33 station and so miss it, but the on-premise sign is not the only signal to inform folks of the gas
34 station’s presence. There is the WSDOT sign, which they use, and there is no credible evidence
35 that that is inadequate. They are saying the overpass is keeping travelers from seeing there is a
36 gas station there, but the WSDOT sign remedies that (even if their on-premise sign were not
37 visible, which it is). It is the Shree’s burden to show this variance is necessary because of the

1 inadequacy of the WSDOT signs as mitigation, and they have not done so. Since the alleged
2 problem of the overpass obscuring their sign is remedied by the WSDOT sign, the variance is not
3 shown to be needed.

4 WAC 468-66-050(4) allows for a “type 4” sign within 12 miles of the gas station. This is
5 an off-premise sign. Id. The Shrees have the burden of showing the necessity of the requested
6 variance, yet offer no evidence how an off-premise sign might relieve their alleged signage
7 shortcomings. Issuance of a variance is not necessary because there is an existing legal remedy
8 for the alleged signage problem. When an alleged signage problem can be remedied through
9 legally *conforming* means, issuance of a variance to approve something that is *non-conforming* is
10 not “necessary.”

11 In City of Medina v. T-mobile USA, the topography justified the higher tower because
12 there was no other location to place the tower, or additional towers, *and* there was a federal
13 mandate that the cell phone company not have blank spots in their coverage area. 123 Wn.App.
14 19, 30, 95 P.3d 377 (2004). Here there is an option of using WSDOT signs, which they do, and
15 having an additional off-site sign (which they don’t do). Additionally, unlike City of Medina,
16 there is no legal requirement that they have some level of signs, or any signs at all. Again, there
17 is no circumstance requiring or justifying the granting of a variance. It is not shown to be
18 “necessary.”

19 Unusual circumstances related to this property, unlike others, necessitating a variance
20 does not exist because the sign they seek is contrary to state law. WAC 468-66-050(3)(a)(ii)
21 states that a sign located along the interstate system ((3)(h); -010(12)), that is over 50ft. from the
22 advertised activity ((3)(a)(ii);(3)(e)(i)), cannot exceed 20’ x 20’ or 150 sq. ft in area. The county
23 has no authority to grant a variance to state law. Originally, the Shrees proposed the sign be 50
24 feet from the fuel station, and that passed muster under WSDOT regulations. *AR pg. 6, 7*. The
25 second variance application, however, had moved the proposed sign well over 87.5 feet from the
26 fuel station to accommodate a fall radius. *AR pg. 36*. This renders WSDOT approval void
27 because that was necessarily legally predicated on a 50 foot distance. *WAC 468-66-050(3)(a)(ii)*.
28 Now that the on-site sign is proposed to be well over 50 feet (over 87.5 feet) from the fueling
29 station, the requirement of WAC 468-66-050(3)(a)(ii) kicks in and requires that the sign face be
no more than 150 sq. ft. in area. The proposed sign is 1,176 sq. ft. in area, (almost 10 times the
legal limit) which violates state law. This is proven by the attached email from Trevor McCain.
As to the County’s variance criteria, being able to violate state law is not a condition that does
not apply to properties in the same vicinity or district. Nobody can violate state law, so this does
not constitute a hardship from which the Shrees should be relieved. Additionally, Kittitas
County has no authority, through its variance process or otherwise, to exempt things from
generally applicable state law. The County has no authority to grant this variance.

Unusual circumstances related uniquely to this property necessitating a variance does not
exist because what they seek to do violates state law. The applicant seeks to replace a non-

1 conforming sign in one location with a more non-conforming sign in another location. Said
2 another way, the applicant seeks to move a non-conforming sign. WAC468-66-200(2) provides
3 that a non-conforming sign “location may not be changed.” They seek to take down the existing
4 non-conforming sign and replace it with a more non-conforming one, yet WAC468-66-200(5)
5 states that “destroyed non-conforming signs may only be only be re-erected, and only in kind, if
6 destroyed due to vandalism or other criminal or tortious acts.” That is not what is being proposed
7 here. What is being proposed is moving a non-conforming sign and replacing one that was not
8 destroyed by tortious conduct. Both violate state law. Neither constitutes a privilege other
9 properties enjoy being able to do so as to warrant a variance. Kittitas County has no authority to
10 allow the rebuilding of a more non-conforming sign that is contrary to state law. Kittitas County
11 has no authority to grant a variance to state law.

12 **II. Preservation and enjoyment of a substantial property right**

13 The Shrees fail to identify a property right, enjoyed by others, that they are deprived of
14 which makes the variance “necessary” under KCC 17.84.010(2). The Shrees fail to demonstrate
15 why their clearly visible sign is insufficient or why their situation is any different than every
16 other commercial property in the US adjacent to an exit and overpass. The Shrees present no
17 evidence as to why a sign 2 ½ times the legal limit is necessary to remedy their alleged signage
18 problem. They present no evidence as to why a sign 40 or fifty feet tall and 400 sq. ft., for
19 example, would not be sufficient. (The latter sq. ft. request would also violate state law and not
20 be allowable.) They merely assert that they need an 87.5 foot sign with 1,176 sq.ft. of sign area.
21 It is their burden to justify this variance, and they have failed to meet that burden.

22 The Shrees have presented no evidence as to why the WSDOT signs are inadequate to
23 remedy their alleged sign problem. This is a system/program used state-wide. The Shrees bald
24 assertion that it is insufficient to remedy their alleged sign issue does not meet their burden to
25 show why this variance is “necessary.” If the alleged sign shortcoming can be remedied by the
26 WSDOT sign, then the variance is not “necessary” under Kittitas County code, and should not be
27 issued.

28 The Shrees have presented no evidence as to why off-premises signs, as allowed in WAC
29 468-66-050(4), would not remedy their alleged sign issue. Under Kittitas County code (KCC
30 17.84.010(2)) the variance must be “necessary” to remedy a unique problem not suffered by
31 those around. It is the Shree’s burden to prove all of this and justify issuance of the variance.
32 Without any evidence of the efficacy of WSDOT signs or off-premises signs, it cannot be
33 established that issuance of the variance is “necessary” to remedy the Shree’s alleged sign issues.

34 There is no authority for the proposition that an alleged financial advantage equals a
35 property right. All their competitors have the same sign limits. Hence, the applicant is at no
36 disadvantage relative to their competitors. The Shree’s citation to Penn Central are inapposite.
37 That case involves regulatory takings-where a change in government regulation changes

1 someone's ability to use their property. This case involves no change in government regulation.
2 This case does not involve the government saying that property must be used differently than it
3 currently is. This is a case where the Shrees sought to change something about the use, and
4 existing regulation prohibited that. Desiring to do something not allowed by code does not
5 create a property right. While one may have a right to seek a variance, one does not have a
6 property right that dictates that such request must be granted. The preservation/enjoyment of a
7 property right means that there's a use of this property the owners can't do that neighbors can.
8 City of Medina V. T-Mobile USA, 123 Wn.App. 19, 32, 95 P.3d 377 (2004). The neighbors have
9 no ability to put up a sign of this size, yet the neighbors are also all adjacent to an overpass. The
10 neighbors have no ability to violate state law as to sign size, so why should the Shrees be
11 allowed to do so (even if the County could allow such)?

12 The Shrees have the burden of showing that this variance is "necessary" under Kittitas
13 County code. When a sign of this size is contrary to state law as found in WAC 468-66-050(3),
14 no such showing of necessity can be made. When a non-conforming sign's location cannot be
15 changed (WAC 468-66-200(2)), and such a sign may only be re-erected after tortious acts of
16 vandalism (WAC 468-66-200(5)), this variance, which violates both, cannot be shown
17 "necessary" under Kittitas County code. This variance could not be approved under any
18 circumstances.

19 CONCLUSION

20 Essentially what we have here is a request for an enormous sign without any connection
21 to the County's variance criteria. The Shrees assert that they have a topographical issue (an
22 overpass) that compromises the visibility of their sign, and hence, warrants a variance. (For
23 purposes of argument, let us, for now, set aside the fact that their sign is very visible, that every
24 business next to an exit is also next to an overpass, that any alleged signage shortcomings are and
25 can be mitigated by WSDOT signs or an off-premise sign, and that what they are seeking is
26 contrary to state law such that the County cannot authorize this project anyway.) Instead of
27 showing the degree to which the overpass impedes visibility of their sign, and thereby
28 demonstrating the degree beyond what code allows in height and dimension is needed to mitigate
29 that unique circumstance, they merely state that they put in an enormous sign at their business in
George, WA and gas sales increased dramatically. This tells us nothing as to the specific
mitigation allegedly needed to mitigate this supposed problem that would make a variance
"necessary" under KCC 17.84.010. This tells us nothing even to the scope of the unique
conditions seeking to be mitigated. The Shrees are trying to use increased gas sales at their other
business as a surrogate for increased visibility, but without knowing distances, angles, impact of
the overpass there, or the nature of their prior sign at the other site, this tells us nothing about,
and is completely unrelatable to, the unique conditions on the Shree's Thorp property and why a
variance for a sign of this magnitude is "necessary" under our code. Without this linkage to our
code criteria, this application becomes simply a request for an enormous sign because it will
allow them to sell more gas. That is not what justifies issuance of a variance.

1 The Shree's sign variance must be denied. It is the Shree's burden to prove that the
2 necessary elements for granting a variance have been met. They have failed to show how their
3 visible sign is insufficient and must be replaced with one that is 2 ½ times the legal limit in
4 height and over three times the sign area limit found in Kittitas County code. The Shrees have
5 presented no evidence as to why a smaller sign would not possibly suffice to relieve their alleged
6 sign problem. They have put forth no evidence as to why WSDOT signs or off-premise signs
7 would not remedy their alleged sign issue and why a variance is therefore necessary. They have
8 not shown a unique condition of their property calling for a variance because all businesses at
9 freeway exits are, by definition, adjacent to some form of overpass. Indeed, these showings of
10 unique circumstances and property rights enjoyed by other, and not the Shrees, cannot be made
11 because what they seek is contrary to state law, both as to the size of the sign and the
12 movement/reconstruction of a non-conforming sign. None of their neighbors/competitors enjoy
13 the ability to violate state law, and Kittitas County has no authority to allow the Shrees to do so.
14 For these reasons, this variance request must be denied.

15 Submitted this the 30th day of December, 2019.



16 Neil A. Caulkins, WSBA #31759
17 Deputy Prosecuting Attorney
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EXHIBIT

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KITTITAS COUNTY HEARING EXAMINER KITTITAS COUNTY, WASHINGTON

In re:
SHREE HOLDINGS SIGN VARIANCE
VA-19-00002

Declaration of Lindsey Ozbolt

1. My name is Lindsey Ozbolt. I am a citizen of the U.S. and of the State of Washington. I am over the age of 18 years, competent to make this declaration, and base this declaration on my personal knowledge under penalty of perjury.
2. I am the Planning Official for Kittitas County, Washington, a subdivision of the State of Washington, with offices at Ellensburg, Washington. I make this declaration in that capacity.
3. The attached document is a true and correct copy of the application for the existing sign submitted by the property owner Rowley.
4. From looking on Google Earth, it appears that the Shree's gas station in George, WA is approximately 690 feet from I-90.
5. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, on this 20 day of December, 2019 in Ellensburg, Washington:


Lindsey Ozbolt
Planning Official



KITTITAS COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

PLAN REVIEW WORKSHEET

OFFICE COPY

DEC 04 2013

KITTITAS CO CDS

REVIEW NO:	BP-08-00992	PLANS EXAMINER:	Mike Flory
OWNER:	WILLIAM ROWLEY	CONTRACTOR:	EVERGREEN ENVIRONMENTAL
CONST. TYPE:	V - B Un-Rated	DESIGNER:	LINK ENGINEERING
OCC. GROUP:	U - Utility *** **	TAX PARCEL NO:	18-17-13020-0006
OCC. LOAD:	N/A	USE ZONE:	
NO. OF STORIES:	N/A	LOCATION:	410 GLADMAR RD
NO. BEDROOMS:	N/A	FIRE DISTRICT:	N/A
ENERGY CODE OPTION:	Not Applicable	ROOF CLASS:	N/A

Elev.:	Pitch:	Pitch:	Pitch:	Pitch:
ISO:	/ 12	/ 12	/ 12	/ 12
P _G :	C _s :	CS:	CS:	CS:
C _E :	Reduction	Reduction	Reduction	Reduction
C _T :	Dead Load	Dead Load	Dead Load	Dead Load
I:	Live Load	Live Load	Live Load	Live Load
P _F :	Total Load	Total Load	Total Load	Total Load

The following codes shall govern all aspects of construction: 2006 International Building Code, 2006 International Residential Code, 2006 International Mechanical Code, 2006 Uniform Plumbing Code, 2006 Washington State Energy Code, 2006 Washington State Ventilation & Indoor Air Quality, 2006 National Fuel Gas Code NFPA 54, 2004 Liquefied Petroleum Gas Code NFPA 58, 2006 International Fuel Gas Code, 2006 International Fire Code, 2006 International Wildland Urban Interface Code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of any applicable code or of any other ordinance of the jurisdiction IRC R 105.4, IBC 105.4.

The notes listed below in this review and as noted on your plans are recommendations to meet minimum code requirements. If a note was made it indicates that an item on the drawings was missing or inadequate to meet code requirements and may not be constructed as submitted. The owner and/or contractor may choose to use another option than the recommendation given; however, the drawings must be revised and resubmitted for further plan review and permitting. No changes may be made to the permit without written approval.

Construction shall commence within 180 days of the date of permit issuance. The building permit will expire unless an inspection is successfully completed once per year there after.

Any changes or alterations to your original plan review will be billed at \$100.00 per hour.

NOTE A:	This is a revision to existing permit # BP-08-00744. All items in the Plan Review Worksheet for the previous permit are still enforceable.
NOTE B:	Call for footing inspection.

DESCRIPTION	C.F. AREA	S.F. VALUE	TOTAL VALUE
Concrete Base Footing	330	15.70	\$5,181.00

I _____ HAVE READ AND FULLY UNDERSTAND ALL ABOVE PLAN REVIEW NOTES, INCLUDING ALL NOTATIONS ON THE PERMITTED PLANS, AND WILL ABIDE BY ALL APPLICABLE CODES AND REGULATIONS. ALL REQUIRED INSPECTIONS WILL BE PERFORMED AND NO WORK WILL BE COVERED WITHOUT BEING INSPECTED AND APPROVED. NO CHANGES WILL BE MADE TO THE APPROVED PERMIT WITHOUT PRIOR WRITTEN APPROVAL FROM THE KITTITAS COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES. FURTHERMORE, I FULLY UNDERSTAND THAT THE WORK COVERED UNDER THIS PERMIT SHALL NOT BE CONSIDERED FULLY COMPLETE UNTIL A FINAL INSPECTION HAS BEEN PERFORMED WITH NO CORRECTIONS REQUIRED.

SIGNED _____ DATED _____.

Daniel Davis

From: Barry, Edward [BarryE@wsdot.wa.gov]
Sent: Thursday, December 04, 2008 9:30 AM
To: Daniel Davis
Subject: RE: Rowley ARCO sign

Dan:
I have reviewed the pylon sign size and location for the Thorp ARCO. The sign size and location meets state standards and are approved.

*Ed Barry
SCR Traffic
509-577-1989*

From: Daniel Davis [mailto:dan.davis@co.kittitas.wa.us]
Sent: Thursday, December 04, 2008 9:11 AM
To: Barry, Edward
Subject: Rowley ARCO sign

Hi Ed,

Here is my email for approval of the Thorp ARCO sign.

Thanks

Dan Davis
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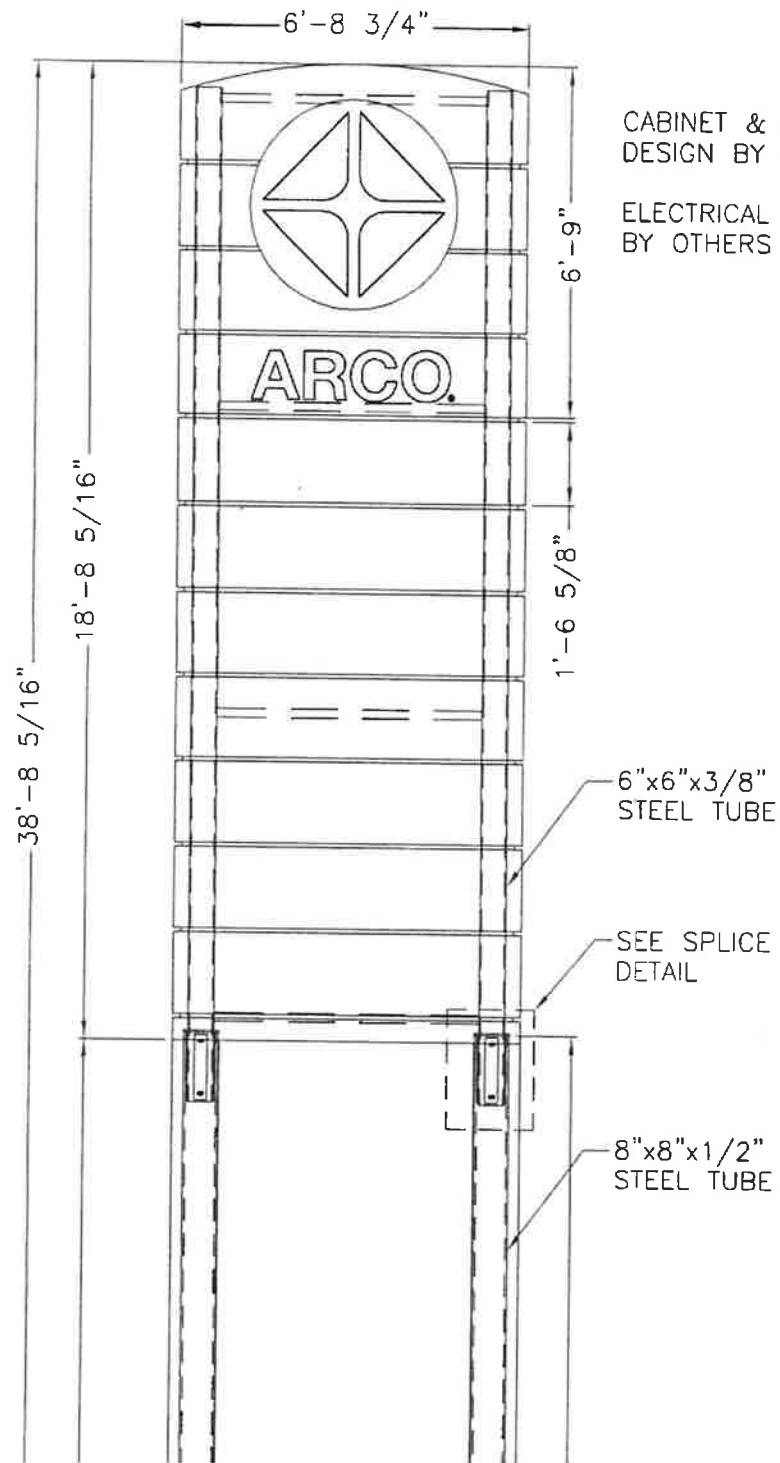
"Building Partnerships-Building Communities"

**All e-mail sent to
Disclosure under**

**Public
Recipient.**

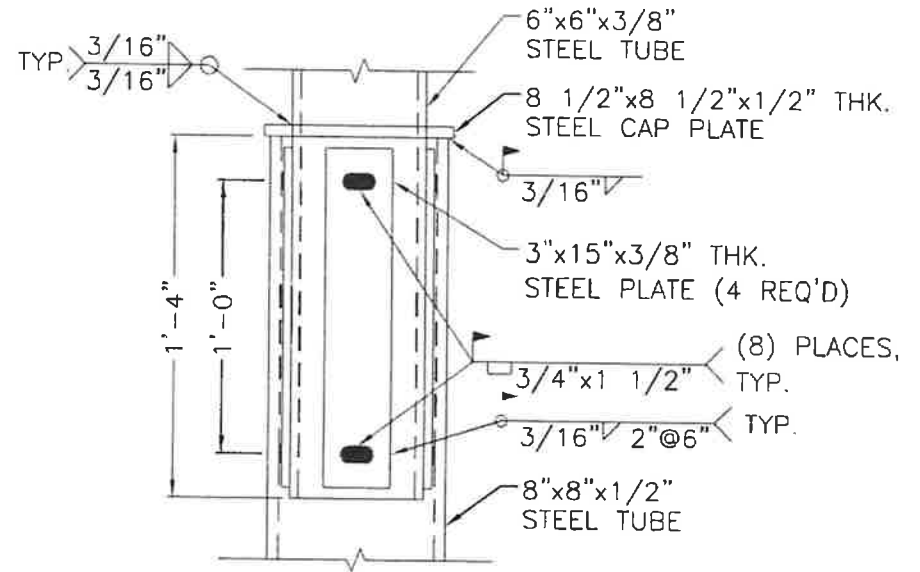
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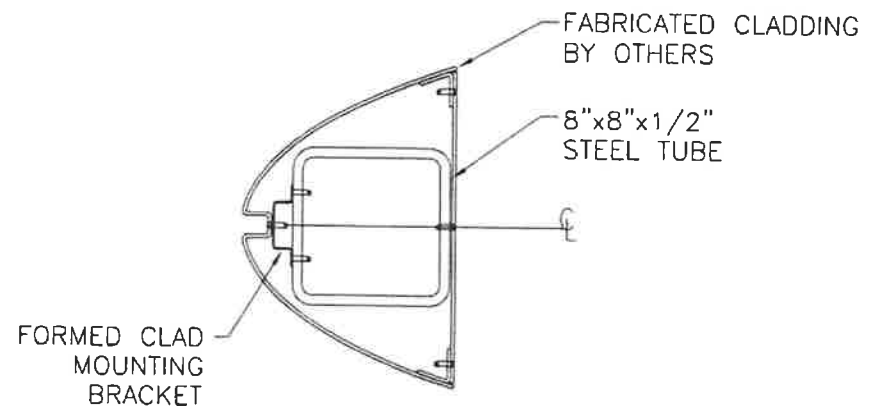


CABINET & CONNECTION
DESIGN BY OTHERS

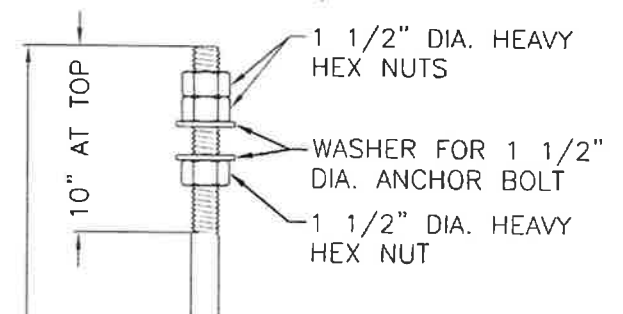
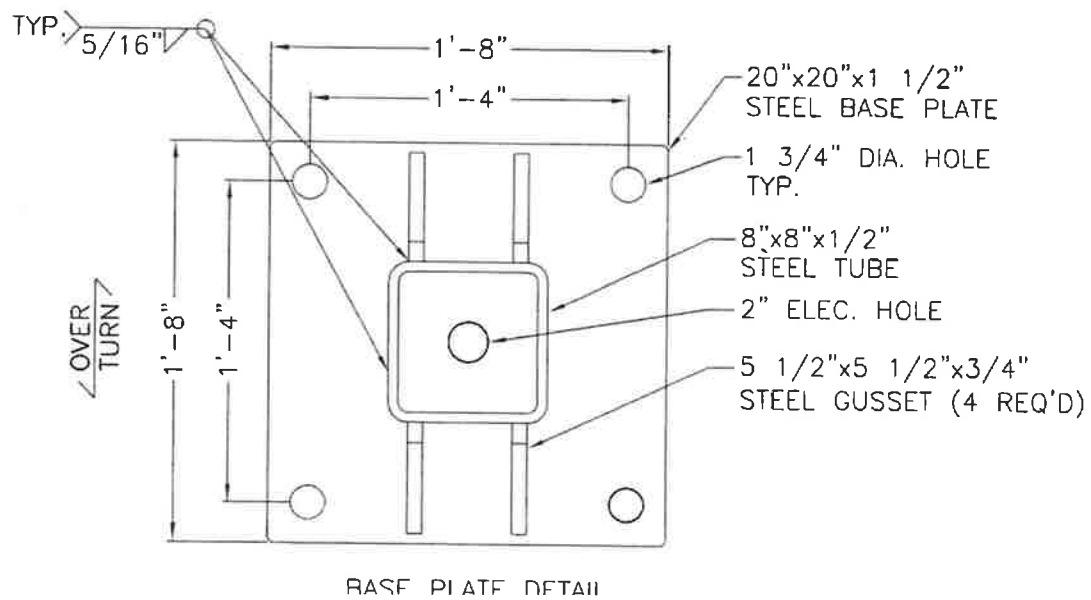
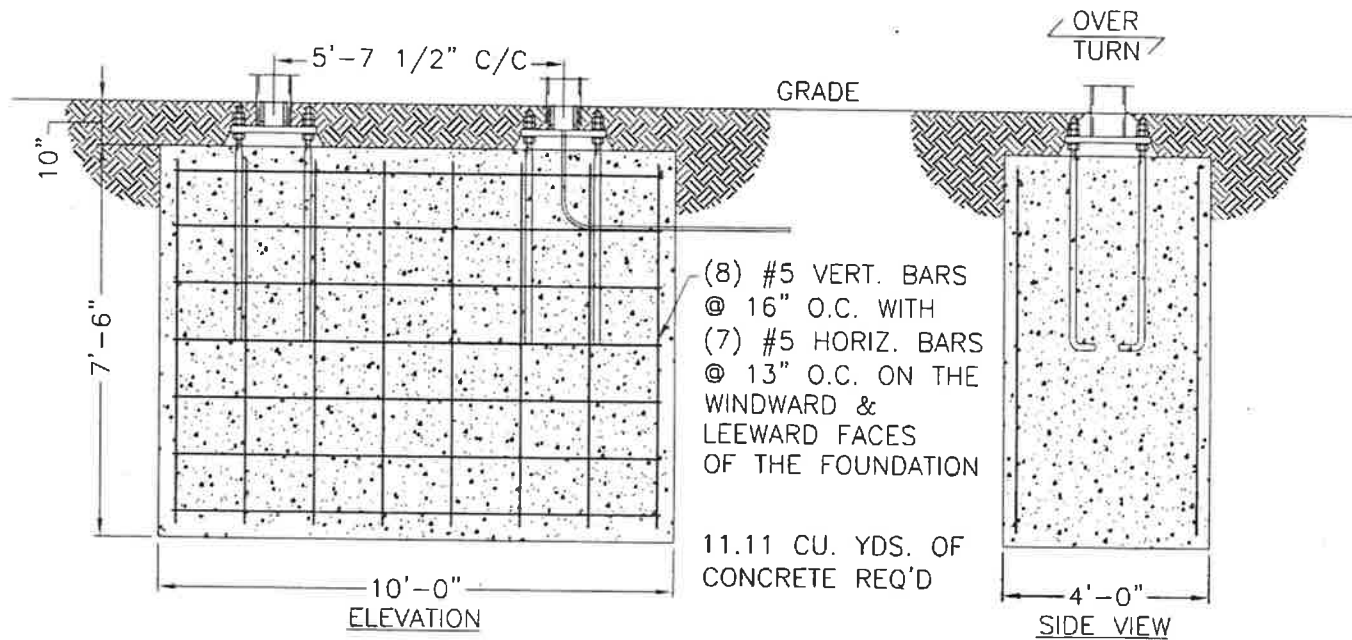
ELECTRICAL DESIGN
BY OTHERS



SPLICE DETAIL



TYPICAL CLADDING ATTACHMENT



PROJECT # 08-1049R
 November 17, 2008
 DRAWING # B171518
 WIND LOAD 24,620
 WIND SPEED 85,000
 # COLUMNS 2.000
 ENGINEER GAC

OWNER THORPE FUEL, LLC
 1410 GLADMORE ROAD
 THORPE, WA 98946
 CLIENT SIGRESOURCE
 8135 DISTRICT BLVD
 MAYWOOD, CA

ITEM	HEIGHT	WIDTH	SHAPE	CENTROID HEIGHT	FACTORED AREA	TOTAL FORCE	MOMENT
SIGN	18.809	6.725	1.000	8.305	126.226	3.083	28.687
SIGN	0.063	6.729	1.000	0.042	0.581	3.097	28.944
COLUMN/CLADDING	20.000	1.275	1.000	10.000	25.963	3.721	97.128
SUBGRADE	0.833			0.417	0.000	3.721	100.227
DAH	35.693						

COLUMN STRESSES (CODES P=PIPE, O=OTHER, T=TUBE)

ITEM	MOMENT	Sxx REQ'D	COLUMN DEPTH	COLUMN WALL	lx	Sxx COLUMN	ACTUAL STRESS	ALLOWABLE STRESS	OBLIQUE LOAD STRESS	COLUMN CENTER DISTANCE	OBLIQUE LOAD FACTOR
SIGN	28.687	4.252	6.000	0.375	41.8	13.60	12.416	30.360	18.357	5.625	1.478
SIGN	28.944	4.250	8.000	0.500	131.4	32.89	5.285	30.360	7.814		
COLUMN/CLADDING	97.128	14.386	8.000	0.500	131.4	32.86	17.734	30.360	26.220		
SUBGRADE	100.227	14.858	8.000	0.500	131.4	32.86	18.300	30.360	27.058		

BOLT CALCULATIONS

ITEM	MOMENT	BOLT SPACING	BOLTS/PLATE	OBLIQUE TENSION BOLT	BOLT DIAM	ALLOW STRESS	ALLOWABLE TENSION
BASE PL	100.227	16.000	4.000	27.785	1.500	18,100	33,752

PLATE CALCULATIONS

ITEM	TENSION BOLT	MOMENT ARM	MOMENT PLATE	PLATE WIDTH	PLATE DEPTH	PLATE THICK	MINIMUM THICK	PLATE BENDING STRESS (KSI)	ALLOWABLE BENDING STRESS (KSI)
BASE PL	27.785	4.000	222.251	20.000	20.000	1.500		18.548	21.600

ANCHOR BOLT PROJECTION 9.000
 ANCHOR EMBEDMENT 44.221
 ANCHOR BOLT MIN LENGTH 54.000
 USE 54" LONG B'S

SPREAD FOUNDATION

MOMENT AT GRADE	103.129
TOTAL FORCE	1.020 kip
WEIGHT OF SIGN	4.500 kip
SLAB WIDTH	10.000 ft
SLAB LENGTH	7.750 ft
SLAB DEPTH	4.250 ft
SLAB WEIGHT	49.406 kip
TOTAL WEIGHT	53.906 kip
OVERTURNING MOMENT	107.464
FACTOR OF SAFETY	1.944
e = OT/MWT	1.694
L/2 - e	1.881
SOIL PRESSURE 2*WT/(L/2-e)*WIDTH	1910
CONCRETE	12.199
EXCAVATION	13.634
MIN THICKNESS W/O REBAR	23.584
SQRT(A*12*6*17.75/(178*12*WIDTH))	
ACTUAL THICKNESS	51.000

BOTTOM STEEL AREA REQ'D PER FT OF WIDTH 0.152
 TOP STEEL AREA REQ'D PER FT OF WIDTH 0.068

LONG BOTTOM STEEL	REBAR SIZE	5.000
	WEIGHT PER FT	1.043
	SPACING	14.000
	AREA PER BAR	0.310
BOTTOM STEEL AREA REQ'D PER FT OF WIDTH		0.152

NOTES:

- Design is based on 85 mph 3 sec gust design wind speed per IBC 2006, Exposure C.
- Spread foundation analysis is based on a safe vertical soil bearing pressure minimum of 2000 psf. Vertical slab foundation is based on a safe lateral soil bearing pressure of 100 psf per foot of depth. Soil report was not furnished. Allowable bearing pressure should be verified prior to placement of concrete. Do not place foundation in fill.
- Concrete shall be mixed to attain a minimum compressive strength of 2500 psi in 28 days.
- Support members shall be free from defects and shall meet ASTM A500 grade B with a minimum yield strength of 46000 psi for tube. Plate and angle shall meet ASTM A36.
- Structural bolts shall be zinc coated A325 unless otherwise noted.
- Anchor bolts shall be cut from A36 round stock. Exposed surfaces shall be galvanized or coated to prevent corrosion.
- All voids between column base plate and foundation surface shall be completely filled with high strength, non-shrink grout.
- Welds shall be made with E70xx electrodes by persons qualified in accordance with AWS standards within the past two years.
- Steel reinforcing bars shall conform to ASTM 615 grade 60 with deformations in accordance with ASTM A-305. Welding of reinforcing bars is prohibited.
- This design is intended to be installed at the address shown below and should not be used at other locations unless deemed suitable by a competent Professional Engineer.

WAC 468-66-050 Sign classifications and specific provisions.

Signs shall be classified and restricted to the provisions following:

(1) Type 1 - Directional or other official signs and notices. Directional or other official signs and notices may be erected and maintained on private property or public property, other than state highway right of way, for the purposes of carrying out an official duty or responsibility. The signs may only be installed by public offices or public agencies within their territorial or zoning jurisdiction and shall follow federal, state, or local law.

(a) Type 1(a) - Directional sign. A directional sign may only be installed in accordance with the provisions following:

(i) Publicly or privately owned places - Directional signs for publicly or privately owned places that feature natural phenomena; historical, cultural, scientific, or educational opportunities; areas of scenic beauty, or outdoor recreation areas:

- Publicly owned places - Directional signs for public places owned or operated by federal, state, or local government, or their agencies;

- Privately owned places - Directional signs for nonprofit privately owned places that feature scenic attractions. The attractions must be nationally or regionally known, or of outstanding interest to travelers.

(ii) A sign message shall be limited to identification of the activity or attraction and directional information. Directional information is limited to that which helps the motorist locate the activity, such as providing mileage to the activity, highway route or exit numbers.

(iii) Descriptive words, phrases, and photographic or pictorial representations of the activity or attraction are prohibited.

(iv) Type 1(a) signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(v) The department must approve the proposed installation location.

(vi) Along the interstate system and other limited access highways having grade separations (interchanges), a sign shall not be located within two thousand feet of an interchange or rest area, measured from the ramp physical gore, or within two thousand feet of a parkland or scenic area.

(vii) Type 1(a) signs shall not be spaced closer than one mile apart.

(viii) Visible to a state route approaching an activity or attraction, a maximum of three signs per direction of travel are allowed for each activity or attraction.

(ix) Type 1(a) signs located along the interstate system shall be within seventy-five air miles of the activity or attraction.

(x) Type 1(a) signs located along the primary and scenic systems shall be within fifty air miles of the activity or attraction.

(b) Type 1(b) - Official sign. An official sign may be installed subject to the provisions following:

(i) Type 1(b) signs may only be erected and maintained by public offices or public agencies.

(ii) Type 1(b) signs may only be located within the governing jurisdiction of the public office or public agency.

(iii) Type 1(b) signs shall follow federal, state, or local law.

(iv) Type 1(b) sign message content is limited to providing information that furthers an official duty or responsibility.

(v) Type 1(b) signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(vi) Type 1(b) signs may be historical markers authorized by federal, state, and local law.

(vii) Type 1(b) signs are not regulated by the act with regard to visibility to highways, zoning requirements, number of signs, or spacing.

(c) Type 1(c) - Service activity sign. A service activity sign may be installed subject to the provisions following:

(i) Type 1(c) signs shall contain only the name of a nonprofit organization, its address, and the time of its meeting or service.

(ii) Type 1(c) signs shall not exceed eight square feet in area.

(iii) Type 1(c) signs are not regulated by the act with regard to visibility to highways, zoning requirements, number of signs, or spacing.

(2) Type 2 - For sale or lease sign. A Type 2 sign may only advertise the sale or lease of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease, or the owner's agent and phone number shall not be displayed more conspicuously than the words "for sale" or "for lease." No other message may be displayed on the sign.

(a) Type 2 signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports.

(b) Not more than one Type 2 sign may be installed that is visible to traffic proceeding in any one direction on an interstate, primary, or scenic system highway.

(c) The act does not regulate Type 2 signs with regard to zoning requirements or spacing.

(3) Type 3 - On-premise signs.

(a) Type 3(a) - On-premise sign. A Type 3(a) on-premise sign may only advertise an activity conducted on the property upon which the sign is located.

(i) A Type 3(a) on-premise sign shall be limited to advertising the business or the owner, or the products or services offered on the property. A sign consisting mainly of a brand name, trade name, product or service incidental to the main products or services offered on the property, or a sign bringing rental income to the property, is not an on-premise sign.

(ii) A Type 3(a) on-premise sign more than fifty feet from the advertised activity may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports. The act does not regulate the size of Type 3(a) on-premise signs located within fifty feet of the advertised activity.

(iii) A Type 3(a) on-premise sign located at a shopping center, mall, or business combination is not authorized more than fifty feet from the individual activity it advertises, unless it is installed together with a Type (3)(b) business complex on-premise sign as described in (b)(i) of this subsection.

(b) Type 3(b) - Business complex on-premise sign. A Type 3(b) business complex on-premise sign may display the name of a shopping center, mall, or business combination.

(i) Where a business complex erects a Type 3(b) on-premise sign, the sign structure may display additional individual business signs identifying each of the businesses conducted on the premises. A Type

3(b) on-premise sign structure may also have attached a display area, such as a manually changeable copy panel, reader board, or electronically changeable message center, for advertising on-premise activities and/or presenting public service information.

(ii) Type 3(b) on-premise signs are not regulated by the act with regard to size. Any Type 3(a) on-premise sign and any display area, installed together with a Type 3(b) on-premise sign, may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim.

(c) Type 3(c) - Future site on-premise sign. A Type 3(c) future site on-premise sign may only display the name of a business activity, or other activity of interest to motorists, planned for the property upon which the sign is located and the anticipated opening date of such activity.

(i) The owner, or owner's representative, shall by letter notify the department at least thirty days prior to the installation of the proposed Type 3(c) future site on-premise sign. Said notice shall include the location, sign message, and installation date.

(ii) Type 3(c) future site on-premise signs may remain until the business activity is operational, but shall not exceed one year from the planned installation date. The sign must be removed at the end of one year after the planned installation date if the business activity is not yet operational.

(iii) Type 3(c) future site on-premise signs shall not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area.

(d) Type 3(d) - Temporary political campaign sign. A Type 3(d) temporary political campaign sign may express a property owner's endorsement of a political candidate or ballot issue.

(i) Type 3(d) temporary political campaign signs are limited to a maximum size of thirty-two square feet.

(ii) Type 3(d) temporary political campaign signs must be removed within ten days after an election. After primary elections, temporary political campaign signs endorsing a successful candidate may remain up to ten days after the succeeding general election.

(e) Not more than one Type 3(a) or 3(b) sign, visible to traffic proceeding in any one direction on an interstate system highway; on a primary system highway outside an incorporated city or town or commercial or industrial area; or on a scenic system highway, may be permitted more than fifty feet from the advertised activity. Not more than one Type 3(c) sign may be installed visible to traffic proceeding in any one direction on an interstate system highway; on a primary system highway outside an incorporated city or town or commercial or industrial area; or on a scenic system highway. The act does not regulate Type 3(d) signs with regard to the number of signs installed, visibility from highways, zoning requirements, or spacing.

(i) For Type 3(a) on-premise signs, the fifty-foot distance from the advertised activity shall be measured from the sign to the nearest portion of that building, storage, or other structure or processing area, which is the most regularly used and essential to the conduct of the advertised activity as determined solely by the department.

(ii) For Type 3(b) on-premise signs, the fifty-foot distance from the advertised activity may be measured in the same manner as for Type 3(a) on-premise signs, or may be measured fifty feet from the nearest portion of a combined parking area.

(f) A Type 3(a) or 3(b) on-premise sign more than fifty feet from the advertised activity shall not be erected or maintained at a great-

er distance from the advertised activity than one of the options following, as applicable, selected by the owner of the business being advertised:

(i) One hundred fifty feet measured along the edge of the protected highway from the nearest edge of the main entrance to the activity advertised;

(ii) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(iii) Fifty feet from any outside edge of a regularly used parking lot maintained by, and contiguous to, the advertised activity.

(g) Electronic signs may be used only as Type 3 on-premise signs and/or to present public service information, as follows:

(i) Advertising messages on electronic signboards may contain words, phrases, sentences, symbols, trademarks, and logos. A single message or a message segment must have a static display time of at least two seconds after moving onto the signboard, with all segments of the total message to be displayed within ten seconds. A one-segment message may remain static on the signboard with no duration limit.

(ii) Displays may travel horizontally or scroll vertically onto electronic signboards, but must hold in a static position for two seconds after completing the travel or scroll.

(iii) Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the signboard.

(iv) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(v) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 8,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted as directed by the department.

(h) The act does not regulate Type 3(a), 3(b), 3(c), and 3(d) on-premise signs located along primary system highways inside an incorporated city or town or a commercial or industrial area.

(4) Type 4 - Off-premise signs; and

(5) Type 5 - Off-premise signs. Type 4 off-premise signs are distinguishable from Type 5 off-premise signs only by message content. Type 4 off-premise sign messages are those that do not qualify as Type 5 sign messages described in (b) of this subsection.

(a) A Type 4 sign shall be located within twelve air miles of the advertised activity. A Type 4 sign that displays any trade name which refers to or identifies any service rendered or product sold, used, or otherwise handled more than twelve air miles from such sign shall not be permitted unless the name of the advertised activity, which is within twelve air miles of such sign, is displayed as conspicuously as such trade name.

(b) A Type 5 sign displays a message of specific interest to the traveling public. On Type 5 signs, only information about public places operated by federal, state, or local governments, natural phenomena, historic sites, areas of natural scenic beauty or outdoor recreation, and places for lodging, camping, eating, and vehicle service and repair is deemed to be in the specific interest of the traveling pub-

lic. A trade name is authorized on a Type 5 sign only if it identifies or represents a place of specific interest to the traveling public; or identifies vehicle service, equipment, parts, accessories, fuels, oils, or lubricants being offered for sale at such place. The display of any other trade name is not permitted on Type 5 signs.

(c) Type 4 and Type 5 signs are restricted in size to the following:

(i) Visible to interstate highways, signs may not exceed twenty feet in length, width, or height, or one hundred fifty square feet in area including border and trim but excluding supports.

(ii) Visible to primary highways, the maximum area for any one sign, except as provided in (c)(iii) of this subsection, shall be six hundred seventy-two square feet with a twenty-five-foot maximum height and a fifty-foot maximum length, including the border and trim but excluding the base or apron, supports, and structural members. Cut-outs and extensions may add up to twenty percent of additional sign area.

(iii) Each sign face of a double-faced (flanking and side-by-side) sign may not exceed three hundred twenty-five square feet.

(d) The spacing of Type 4 and Type 5 signs along interstate highways and visible to traffic traveling in one direction shall be restricted as follows:

(i) Type 4 and Type 5 signs visible to traffic approaching an intersection of the main-traveled way of an interstate highway and an exit roadway may not exceed the number following:

Distance from intersection	Number of signs
0 - 2 miles.	0
2 - 5 miles.	6
More than 5 miles.	Average of one sign per mile

The specified distances shall be measured to the nearest point of intersection of the traveled way of the exit roadway and the main-traveled way of the interstate highway.

(ii) Not more than two such signs may be permitted within any mile distance and no such signs may be permitted less than one thousand feet apart.

(iii) Type 1, 2, and 3 signs shall not be considered in determining compliance with the above spacing requirements.

(iv) Type 4 and Type 5 signs may not be permitted adjacent to interstate highway right of way within the limits of an interchange, including its entrance or exit roadways.

(v) Type 4 and Type 5 signs visible to interstate highway traffic, which has passed an entrance roadway, may not be permitted within one thousand feet of the point where the entrance roadway intersects with the interstate highway. The distance shall be measured from the intersection point farthest from the preceding interchange.

(vi) Not more than one Type 4 or Type 5 sign, advertising activities conducted as a single enterprise or giving information about a single place, may be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one interstate highway.

(e) The spacing of Type 4 and Type 5 signs visible to primary highways shall be restricted as follows:

(i) On limited access highways, no two signs may be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of a grade separated interchange, a safety

rest area, or an information center, or within one thousand feet of an at-grade intersection. Not more than a total of five sign structures may be permitted per mile, including both sides of the highway. Double-faced (flanking or side-by-side) signs are prohibited.

(ii) On nonlimited access highways inside the boundaries of incorporated cities or towns, not more than a total of four sign structures, including both sides of the highway, may be permitted within a space of six hundred sixty feet or between platted intersecting streets or highways. There shall also be a minimum of one hundred feet between sign structures, including both sides of the highway.

(iii) On nonlimited access highways outside the boundaries of incorporated cities or towns, the minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(iv) Back-to-back signs and V-type signs shall be considered one sign structure.

(f) The minimum space between sign structures located on the same side of the highway shall be measured between two points along the nearest edge of pavement. The measurement points are established at the origin of lines extending perpendicular from the edge of pavement to the apparent centers of the sign structures.

(g) The minimum space between sign structures located on opposite sides of the highway shall be measured in the applicable manner following:

(i) Along tangent sections, sign spacing is measured between two points along the edge of pavement in the increasing milepost direction of travel. One measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located in the increasing direction of travel. The second measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located in the decreasing direction of travel.

(ii) Along horizontal curve sections, sign spacing is measured between two points on the edge of pavement along the arc on the inside of the curve. One measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located along the highway in the increasing milepost direction of travel. The second measurement point is established at the origin of a line extending perpendicular from the edge of pavement to the apparent center of the sign structure located along the highway in the decreasing milepost direction of travel.

(h) Type 1, 2, 3, 7, and 8 signs shall not be considered in determining compliance with the above spacing requirements.

(i) Type 4 and Type 5 signs may be permitted within commercial and industrial areas adjacent to interstate and primary highways, provided that spacing is available as specified in (d) and (e) of this subsection.

(j) Type 4 and Type 5 signs are not permitted visible to the scenic system.

(k) Pursuant to the 1991 Intermodal Surface Transportation Efficiency Act, a National Scenic Byway Demonstration Project is established on State Route 101, from the Astoria/Megler Bridge to Fowler Street in Raymond and from the junction with State Route 109 near Queets to the junction with State Route 5 near Olympia. No new Type 4 or Type 5 signs may be permitted within the limits of this project. Type 4 or Type 5 signs installed prior to July 25, 1993, may remain as nonconforming signs.

(6) Type 6 - Landmark signs.

(a) Type 6 signs shall have been lawfully in existence on October 22, 1965, and have historic or artistic significance, including signs on farm structures or natural surfaces.

(b) Historic or artistic significance shall be determined by the department and approved by the Federal Highway Administration.

(c) Within the limits of the National Scenic Byway Demonstration Project identified in (5)(h) of this subsection, Type 6 signs may remain as nonconforming signs.

(7) Type 7 - Public service signs located on school bus stop shelters. Type 7 signs may display safety slogans or messages, and identify the donor, sponsor, or contributor of a school bus stop shelter. No other message(s) may be displayed.

(a) Safety slogans or messages must occupy at least sixty percent of the sign area, and appear more predominant than the name of the donor, sponsor, or contributor.

(b) Type 7 signs may be located on school bus stop shelters only as authorized or approved by state law or regulation, or city or county ordinance or resolution, and may be installed visible to primary and scenic system highways.

(c) Type 7 signs may not exceed thirty-two square feet. A sign shall not protrude above the roofline or beyond the sides of the school bus stop shelter.

(d) Not more than one sign on each shelter may face in any one direction.

(e) The act does not regulate Type 7 signs with regard to zoning requirements or spacing between Type 7 signs and other types of signs.

(8) Type 8 - Temporary agricultural directional signs. Type 8 signs provide directional information to places of business having seasonal agricultural products for sale.

(a) Type 8 signs may display the business name, product(s) for sale, travel direction, and travel distance to the nearest mile from the state highway to the business.

(b) Type 8 signs may not exceed thirty-two square feet.

(c) There shall be at least three hundred feet spacing between Type 8 signs.

(d) Not more than two signs advertising a place of temporary agricultural business may be installed visible to traffic proceeding in one direction of travel on any one state route.

(e) Premises on which the seasonal agricultural products are sold must be within fifteen air miles of the state highway.

(f) Type 8 signs may be posted only during the period of time the seasonal agricultural product(s) is being sold.

(g) Any necessary supplemental follow-through signs along city streets or county roads must be installed before the Type 8 signs may be installed visible to the state highway.

(h) The signs may be installed visible to primary system highways outside incorporated cities or towns, and scenic system highways.

(i) Type 8 signs may not be installed visible to interstate highways, including interstate highways that are also part of the scenic system, or visible to primary system highways within incorporated cities or towns.

(j) The act does not regulate Type 8 signs with regard to zoning requirements or spacing between Type 8 signs and other types of signs.

[Statutory Authority: RCW 47.42.120. WSR 14-22-055, § 468-66-050, filed 10/30/14, effective 11/30/14. Statutory Authority: Chapter 47.42

RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-050, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 34.05 RCW and RCW 47.42.060. WSR 99-24-083 (Order 195), § 468-66-050, filed 11/30/99, effective 12/31/99. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-050, filed 5/27/94, effective 6/27/94. Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-050, filed 10/20/88. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-050, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 80-05-055 (Order 55), § 468-66-050, filed 4/18/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-050, filed 12/20/78. Formerly WAC 252-40-040.]

WAC 468-66-200 Nonconforming signs. (1) Nonconforming signs may be maintained, except as provided in subsection (3) of this section, unless otherwise removed pursuant to chapter 47.42 RCW.

(2) A nonconforming sign may be sold or leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right of way taking or for any other reason may be relocated to a conforming location but cannot be reestablished at another nonconforming location.

(3) A nonconforming sign may not be maintained if:

(a) The sign face size is increased more than fifteen percent over the original sign face size as of May 10, 1971 (the effective date of the Scenic Vistas Act), or as of the effective date of Scenic Vistas Act control over a given route, whichever applies;

(b) There are substantial changes to the sign structure's original construction materials, such as upgrades from wooden to steel signposts; or

(c) It is abandoned, destroyed, discontinued, or relocated, except as provided under subsection (2) of this section.

(4) Nonconforming signs shall be considered for sign spacing requirements pursuant to WAC 468-66-050.

(5) Destroyed nonconforming signs may only be reerected, and only in kind, if destroyed due to vandalism or other criminal or tortious acts.

[Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-200, filed 1/4/06, effective 2/4/06.]

EXHIBIT

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KITTITAS COUNTY HEARING EXAMINER KITTITAS COUNTY, WASHINGTON

**SHREE HOLDINGS SIGN VARIANCE
VA-19-00002**

Declaration of Toni Berkshire

1. My name is Toni Berkshire. I am a citizen of the U.S. and of the State of Washington. I am over the age of 18 years, competent to make this declaration, and base this declaration on my personal knowledge under penalty of perjury.
2. I am the Code Enforcement Officer for Kittitas County, Washington, a subdivision of the State of Washington, with offices at Ellensburg, Washington. I make this declaration in that capacity.
3. Attached are true and correct copies of pictures I took on I-90 heading east.
4. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, on this 20th day of December, 2019 in Ellensburg, Washington:


Toni Berkshire
Code Enforcement Officer





THORP FRUIT
& ANTIQUE MALL

GAS NEXT RIGHT

THORP HWY
THORP

AMOCO
SHELL
COMDATA
DIESEL



EXHIBIT "D"

KITTITAS COUNTY HEARING EXAMINER
KITTITAS COUNTY, WASHINGTON

SHREE HOLDINGS SIGN VARIANCE
VA-19-00002

Declaration of Neil A. Caulkins

1. My name is Neil A. Caulkins. I am a citizen of the U.S. and of the State of Washington. I am over the age of 18 years, competent to make this declaration, and base this declaration on my personal knowledge under penalty of perjury.
2. I am the Chief Civil Deputy Prosecuting Attorney for Kittitas County, Washington, a subdivision of the State of Washington, with offices at Ellensburg, Washington. I make this declaration in that capacity.
3. Attached is true and correct copy of an email exchange I had with Trevor McCain from WSDOT's Outdoor Advertising and Motorist Information Sign Programs on December 20, 2019.
4. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, on this 20th day of December, 2019 in Ellensburg, Washington:



Neil A. Caulkins
Chief Civil Deputy Prosecuting Attorney

Neil Caulkins

From: McCain, Trevor <McCainT@wsdot.wa.gov>
Sent: Friday, December 20, 2019 10:32 AM
To: Neil Caulkins
Subject: RE: Attached Image
Attachments: Type 3(a) sign location map.pdf

Mr. Caulkins

WAC 468-66-050(3)(a)(ii) limits signs more than 50' feet from the advertised activity to 150 square feet in size. Further, WAC 468-66-050(3)(e)(i) defines the advertised activity as "that building, storage, or other structure or processing area which is the most regularly used and essential to the conduct of the advertised activity as determined solely by the department."

A sign larger than 150 sq./ft. that is more than 50' from either the store building or the fuel islands is not allowed under the WAC. I've had emails with Yesco Sign Co. in the past regarding this location and made it clear that any sign more than 50' from the store building or fuel island is restricted to 150 sq./ft. is size.

I've included a diagram of the on-premise sign location and size restrictions as described by WAC 468-66-050(3)(e)&(f). Please let me know if you have any questions regarding this location or other signs visible to the state highway system.

Thanks,

TREVOR MCCAIN

Traffic Operations

Outdoor Advertising and Motorist Information Sign Programs

Phone: (360) 705-7282

Cell: (360) 624-5162

<http://www.wsdot.wa.gov/Operations/Traffic/Signs/>

From: Neil Caulkins <neil.caulkins@co.kittitas.wa.us>
Sent: Friday, December 20, 2019 10:02 AM
To: McCain, Trevor <McCainT@wsdot.wa.gov>
Subject: FW: Attached Image

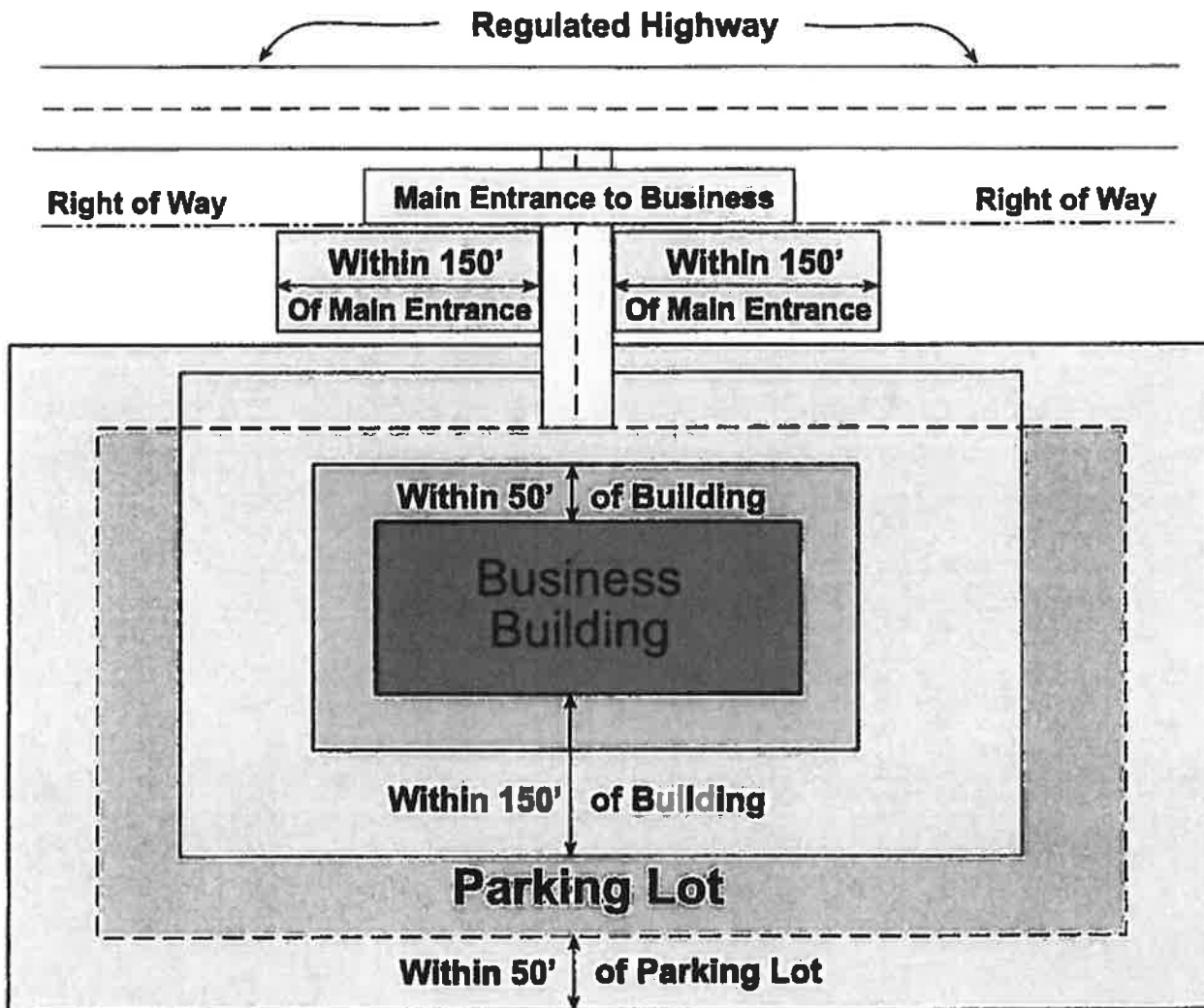
Dear Mr. McCain,



My name is Neil Caulkins and I am the Chief Civil Deputy Prosecuting Attorney for Kittitas County. I have attached a revised site plan for a proposed sign that I would like to hear from you whether it complies with WAC 468-66-050(3)(a)(ii). The proposed sign is 87 ½ feet tall and the sign area is 1,176 sq.ft. The sign is proposed to be immediately adjacent to I-90 (as you can see in the attached engineer's drawing) and is some distance greater than 87 ½ feet (the base of the sign is the little square in the center of the circle labeled "87.5' Sign Base Setback") from the nearest fuel island (indicated in the drawing as the rectangle labeled "CONC"). Let me know if you have any questions-my direct line is 509-962-7027. I look forward to your answer. Thank you so much for your consideration.

Neil Caulkins

Chief Civil Deputy Prosecuting Attorney

Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.
message id: 38eb45916c6dcbdac24bb8719d004a14



-  - One Sign per Direction of Travel - Maximum 150 Sq. Ft.
-  - Signs Not Regulated by Scenic Vistas Act

Not to Scale - Dimensions are typical

Type 3(a) Sign Location Map
WAC 468-66-050(3)(e) & (f)