

**FOWLER CREEK GUEST RANCH
EXHIBIT 19
DEPARTMENT MEETING RESPONSE LETTERS**

All designated department representatives received their correspondence along with the specified exhibits referenced therein during the second meeting or through continued discussions.

Meeting Memo

Memo To: Sheriff Clay Myers

Memo From: Pat Deneen, Fowler Creek Trails Representative

Regarding: Comments Regarding Proposed Fowler Creek Guest Ranch

Sheriff Myers,

Thank you for dedicating time to meet with us and discuss the proposed Fowler Creek Guest Ranch project. Our collaborative session provided valuable insights into the necessary areas of expansion. This memo serves as an official record of our meeting, capturing key points of discussion. This document will also be included as a portion of our response to the comments regarding the proposed project and will be attached to our final submission to Jamey Ayling at Community Development Services. Included herein are our revisions made up to the time of this correspondence, a comprehensive summary of the notes and conclusions gathered from our meeting, and key documents attached as exhibits for your review as described below:

1. Your original comments addressed to Jamey;
2. Current drafts of our site plan (Exhibit 4) with proposed mitigations;
3. Relevant drafts written with your provided expertise, including our Noise Management Statement (Exhibit 7), Fire Management Plan (Exhibit 11), Emergency Ingress and Egress Plan (Exhibit 12), Transportation Concurrency Letter (Exhibit 13), Off-Road Vehicle Statement (Exhibit 14), and Trespassing Statement (Exhibit 15).

As we progress in the planning and approval of the Fowler Creek Guest Ranch, maintaining an ongoing dialogue with all involved departments remains our top priority.

On January 24th, we discussed various components of the proposed guest ranch as follows:

- A. Revisions to Original Proposal
 - B. Secondary Access Point and internal Configuration
 - C. Emergency Access Routes
 - D. Precautions Against Criminal Activity
 - E. Off-Road Vehicles and Snowmobiles
 - F. Our Experience in Recreation
- A. Revisions to Original Proposal:** Responding to your feedback during our meeting and based on comments from community members, state agencies, and county officials, we have suggested specific mitigations to the project's proposal. These adjustments are detailed below:

Elimination of Rental Cabins: We have fully eliminated the ten short-term cabin rentals. This will mitigate several aspects of potential impact including additional construction, traffic concerns, water and sewer usage, light pollution, noise impact, and added guests that would otherwise be lodging overnight.

Residential Habitats: We have removed all five residential habitats planned to be constructed within the wetlands and wetland investigation areas (buffers). This will reduce the amount of impact on these critical areas of the guest ranch, as well as decrease firewising and lessen fire concerns.

Secondary Access Point: We have revised our plan to have two entrances. The southern entrance on Forest Service Road 4517 is now planned to be a gated emergency access road only. This will alleviate the traffic impact of those living on the southern side of the development, mitigate the impact on the surrounding environment, and still give access to emergency services.

Quiet Hours: To ensure alignment with Kittitas County Code Chapter 9.45, we have updated the designated 'quiet hours' to span from 10:00 p.m. to 8:00 a.m. This adjustment addresses noise-related concerns and potential additional activity during the hours from 10:00 p.m. to 12:00 a.m.

Fire Pits: Personal fire pits were removed from the plan due to fire safety concerns. We have replaced this with community fire pits that will be closely managed and monitored to lessen potential fire impact on the natural environment and nearby wildlife.

- B. Secondary Access Point and Internal Configuration:** As stated above, we have established two exits for Fowler Creek Guest Ranch. The main access point for Fowler Creek Guest Ranch is located on Fowler Creek Road. The second access point will be an emergency exit with a breakaway barrier gate on FS Road 4517. In the case of an emergency, this exit will be primarily reserved for emergency services and vehicles and may be used by those individuals located to the south of the guest ranch if the east portion of FS Road 4517 becomes blocked for any reason.
- C. Emergency Access Routes:** The attached Emergency Ingress and Egress Plan in Exhibit 12 illustrates the two access points and internal road layout with the removal of the 10 short-term rental cabins. Additionally, the loop road system, along with the newly added cul-de-sac network, provides bidirectional escape routes for swift evacuation in any direction. These routes are maintained and prominently marked to ensure safety. The road configuration depicted in the site plan outlines the design and construction of a loop that traverses all guest ranch facilities. These roads will be constructed with a minimum width of 20 feet, as mandated by the International Fire Code Appendix D and adopted by Kittitas County.
- D. Precautions Against Criminal Activity:** As we discussed, we have implemented precautions to mitigate potential criminal activity. We have drafted an official Code of Conduct (see Exhibit 6) that details safety regulations for the guest ranch. All guests will be required to acknowledge the code before entry so that they are held liable for posted rules and possible infractions. We will also have full-time management on site to ensure safety. To deter trespassing, we plan to demarcate property lines every 100 feet and post

maps of the property at key locations throughout the site. For more information on trespassing, see Exhibit 15 – Trespassing.

- E. Off-Road Vehicles and Snowmobiles:** During our conversation, it was agreed that off-road vehicles (ORVs), such as ATVs, quads, and dirt bikes, can have many negative effects on the internal environment and surrounding population. As a precaution, we are prohibiting all ORV use on the property. Limited snowmobile use during the winter months may be allowed. Guests wishing to ride ORVs will be directed to the Evergreen Sno-Park and associated trails. This Sno-Park is located off of Woods and Steele Road about 4 miles from the proposed guest ranch. For more information on our policy regarding ORVs, see Exhibit 14 – Off-Road Vehicle Statement.
- F. Our Experience in Recreation:** During our meeting, we were able to further detail our experience in the recreation industry. For 50 years, our family has been involved in a number of recreation and lodging developments including but not limited to the Hyak Ski Area, Roslyn Ridge Community, and Timber Lodge Inn. Because of this, we have developed mitigation strategies to handle any disruptive or criminal activity that occurs on our property. With the removal of the ten short-term cabin rentals and five residential habitats, there is a significant decrease of potential nighttime activity, and our revision of the quiet hours will lessen noise impact on the surrounding community.

After extensive consultations with various county departments and thorough consideration of all submitted comments, we convened once again with you on April 16th to reach the finalization stage of our plans. During this meeting, we secured your approval for the proposed plans and received the green light to proceed with our submission.

We appreciate your time in meeting with us. Don't hesitate to contact us if you wish to further discuss any of the above issues or have additional areas upon which we can improve. We hope that, with your acknowledgement of the information as provided above, we are able to establish an open line of communication with you and your department.

Thank you again for your time and cooperation.

Best,

Pat Deneen
Fowler Creek Trails

From: [Clay Myers](#)
To: [Jamey Avling](#)
Subject: Fowler Creek Guest Ranch CU-23-0003
Date: Thursday, October 19, 2023 4:09:22 PM

Jamey,

With reference to the proposed Fowler Creek Guest Ranch Project.

As Sheriff and Director of Emergency Management for the county I have concerns over proposals which would allow otherwise restricted noise to be allowed until midnight, as this could have profound negative impacts on others in the area.

I also share Chief Sinclair's concerns over emergency response egress and access.

Though it is difficult to quantify specific increases in criminal activity and/or impacts to public safety, it has been our experience that short term recreational housing, especially those catering to large groups, often results in increased problems related to verbal and physical conflicts, trespassing, noise and alcohol related issues, motor vehicle related injuries and traffic violations. The majority of criminal violations in the un-incorporated areas of our county come from our Impact Population (non-residents of the our county) who come here for recreational purposes.

Clay Myers

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message id: 38eb45916c6dcdbdac24bb8719d004a14

Meeting Memo

Memo To: Fire Marshal Dan Young, Chief Loren McFarland, Chief Dave Ewing

Memo From: Pat Deneen, Fowler Creek Trails Representative

Regarding: Comments Regarding Proposed Fowler Creek Guest Ranch

Fire Marshal Young, Chief McFarland, and Chief Ewing,

Thank you for dedicating time to meet with us and discuss the proposed Fowler Creek Guest Ranch project. Our collaborative session provided valuable insights into the necessary areas of expansion. This memo serves as an official record of our meeting, capturing key points of discussion. This document will also be included as a portion of our response to the comments regarding the proposed project and will be attached to our final submission to Jamey Ayling at Community Development Services. Included herein are our revisions made up to the time of this correspondence, a comprehensive summary of the notes and conclusions gathered from our meeting, and key documents attached as exhibits for your review as described below:

1. Your original comments addressed to Jamey;
2. Current drafts of our narrative (Exhibit 2) and site plan (Exhibit 4) with proposed mitigations,
3. Our finalized Code of Conduct (Exhibit 6), which guests will be required to read and sign before they are allowed to use the guest ranch, and;
4. Relevant drafts written with your provided expertise, including our Fire Management Plan (Exhibit 11) and Emergency Ingress and Egress Plan (Exhibit 12).

As we progress in the planning and approval of Fowler Creek Guest Ranch, maintaining an ongoing dialogue with all involved departments remains our top priority.

On January 25th, we discussed various components of the proposed guest ranch as follows:

- A. Revisions to Original Proposal
- B. Access Points from Public Roads
- C. Internal Road Circulation
- D. On-Site Fire Water Storage
- E. New Building Protection
- F. Fire Pits
- G. Firewise Plan Creation

- A. Revisions to Original Proposal:** Responding to your feedback during our meeting and based on comments from community members, state agencies, and county officials, we have suggested specific mitigations to the project's proposal. These adjustments are detailed below:

Elimination of Rental Cabins: We have fully eliminated the ten short-term cabin rentals. This will mitigate several aspects of potential impact including additional construction, traffic concerns, water and sewer usage, light pollution, noise impact, and added guests that would otherwise be lodging overnight.

Residential Habitats: We have removed all five residential habitats planned to be constructed within the wetlands and wetland investigation areas (buffers). This will reduce the amount of impact on these critical areas of the guest ranch, as well as decrease firewising and lessen fire concerns.

Secondary Access Point: We have revised our plan to have two entrances. The southern entrance on Forest Service Road 4517 is now planned to be a gated emergency access road only. This will alleviate the traffic impact of those living on the southern side of the development, mitigate the impact on the surrounding environment, and still give access to emergency services.

Quiet Hours: To ensure alignment with Kittitas County Code Chapter 9.45, we have updated the designated 'quiet hours' to span from 10:00 p.m. to 8:00 a.m. This adjustment addresses noise-related concerns and potential additional activity during the hours from 10:00 p.m. to 12:00 a.m.

Fire Pits: Personal fire pits were removed from the plan due to fire safety concerns. We have replaced this with community fire pits that will be closely managed and monitored to lessen potential fire impact on the natural environment and nearby wildlife.

- B. Access Points from Public Roads:** The main entrance and exit for Fowler Creek Guest Ranch is located on Fowler Creek Road. The second access point will be an emergency exit with a breakaway barrier gate on FS Road 4517. In the case of an emergency, this exit will be primarily reserved for emergency services and vehicles and may be used by those individuals located to the south of the guest ranch if the east portion of FS Road 4517 becomes blocked for any reason. These roads are shown on the attached Emergency Ingress and Egress Plan in Exhibit 12.
- C. Internal Road Circulation:** The road configuration in Exhibit 12 also shows plans to design and construct a loop that runs through all guest ranch facilities. This loop road system, along with two added cul-de-sacs, provides bidirectional escape routes for swift evacuation in any direction and will be maintained and prominently marked to ensure safety. These roads will be built at a minimum of 20 feet in width and will follow the guidelines of the International Fire Code Appendix D.
- D. On-Site Fire Water Storage:** During our meeting, we agreed to install 21,000 gallons of on-site fire protection water storage. The storage facility will be filled with off-site water through the delivery of a tanker truck. Stored fire water will be delivered through a 6" pipe approximately 1,750 feet in length to Hydrant 1, shown on the Fire Management Site Plan in Exhibit 11B. This hydrant will supply water at a minimum of 20 PSI. Since our discussion, we have identified the ideal location within property boundaries that would have the size, capacity, and elevation to handle the required amount of storage, volume, and pressure for this proposed Hydrant 1 to be the southwest corner of the property. There will be a minimum of three fire hydrants located throughout the property that can be used for all types of fire protection. For the complete proposed fire management statement and site plan, see Exhibit 11 – Fire Management Plan.
- E. New Building Protection:** We also discussed the fire requirements in future buildings including the bed and breakfast and the Ranch Barn, the small-scale event facility. The on-site fire water storage system will be extended to both buildings in order to guarantee access to this system. All buildings will be constructed to meet the International Fire Code and Kittitas County Fire Code requirements.
- F. Fire Pits:** As stated above and as discussed during the meeting, we are banning personal fire pits in order to mitigate potential fire impact. Select locations will include community fire

pits, potentially covered, with surrounding areas built using fireproof materials like concrete, compacted gravel, or other approved surfaces. All fire pits will follow fire safety regulations and will be prohibited during burn ban periods. Fowler Creek Guest Ranch will have full time management reside on site to enforce the rules of the community fire pit(s) included in the official Code of Conduct.

- G. Firewise Plan Creation:** Coinciding with the development of the project, we will draft a Firewise plan in coordination with Kittitas County Fire District 7, the Kittitas County Fire Marshal's office, the Department of Fish and Wildlife, and the Department of Ecology. In the development of these plans, we are committed to following requirements from the Fire Marshal's office and implementing WUI guidelines in order to create a safer environment while conserving the natural area. The conservation of key features in the firewising process provides protection for the habitats of various wildlife within the property boundaries.

After extensive consultations with various county departments and thorough consideration of all submitted comments, we convened once again with you on April 18th to reach the finalization stage of our plans. During this meeting, we decided to add a line spanning to Fowler Creek Road through the secondary emergency entrance and install a draft point by the road. Access to this water supply will allow service to nearby homesites. We also decided to establish a turnaround area for emergency vehicles in the southwest corner of the guest ranch during construction. With these two modifications, we secured your approval for the proposed plans and received the green light to proceed with our submission.

We appreciate your time in meeting with us. Don't hesitate to contact us if you wish to further discuss any of the above issues or have additional areas upon which we can improve. We hope that, with your acknowledgement of the information as provided above, we are able to establish an open line of communication with you and your department.

Thank you again for your time and cooperation.

Best,

Pat Deneen
Fowler Creek Trails

From: [Laura Osiadacz](#)
To: [Mark Cook](#); [Jamey Ayling](#); [Josh Fredrickson](#)
Subject: FW: [Ext] Fearful Mother: Request for Comment on Behalf of FD-7
Date: Monday, October 2, 2023 1:48:12 PM

Comment from FD7 on proposed land use action below.

Laura Osiadacz (*O-Shaw-Dis*)

Kittitas County Commissioner, District #2

205 W 5th Ave. Ste. 108

Ellensburg, WA 98926-2887

Office 509-962-7508

Fax 509-962-7679

<http://www.co.kittitas.wa.us>

From: John Sinclair <sinclairj@kvfr.org>

Sent: Monday, October 2, 2023 11:20 AM

To: Kathryn Podobnik <knight.r.kathryn@gmail.com>; hutsellc@kvfr.org

Cc: Mike Podobnik <mcpodobnik@gmail.com>; Dan Young <dan.young@co.kittitas.wa.us>; Laura Osiadacz <laura.osiadacz@co.kittitas.wa.us>

Subject: RE: [Ext] Fearful Mother: Request for Comment on Behalf of FD-7

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.

Commissioner Osiadacz and Fire Marshal Young:

Thanks to the email I received below, I have had the opportunity to review the Guest Ranch Proposal. While it took a bit of reading, I found that once buildout occurs, there will be 116 people per day on this property. The proposal states guests will change out an average of every 4 days according to the material presented to the county. I believe that the fire code requires 30 homes or more requires a secondary means of egress. I realize that this proposal does not include 30 structures. However, it does include over 10 structures and 30 camping spots. In the proposal there is a discussion of well water, but not firefighting water.

This is an area of Fire District 7 that concerns me greatly due to wildland firefighting risk, topographical features, and local weather including historical winds in that area. As you can see from the email below, others in the community are expressing concerns as well.

When we have people not familiar with the area and there is a fire, the chance of pandemonium is enhanced. Bottom line, we run the risk of future loss of life in a rapidly moving wildland fire.

What can we do to mitigate the dangers and concerns?

John Sinclair, Fire Chief
Emergency Manager
Kittitas Valley Fire Rescue
400 East Mountain View
Ellensburg, WA 98926

24/7 Phone-509-856-7714

From: Kathryn Podobnik <knight.r.kathryn@gmail.com>

Sent: Monday, October 2, 2023 12:35 AM

To: John Sinclair <sinclairj@kvfr.org>; hutsellc@kvfr.org

Cc: Mike Podobnik <mcpodobnik@gmail.com>

Subject: [Ext] Fearful Mother: Request for Comment on Behalf of FD-7

CAUTION - EXTERNAL EMAIL: The email below is from an external source. Please exercise caution before opening attachments, clicking links, fulfilling requests, or following guidance.

Hello Mr. Sinclair,

You don't know me, but I come from a fire family. My father was a fireman/paramedic for most of his life and has lived in upper Kittitas for almost two decades. My brother in law is currently starting his first quarter at Harborview in their Medic program and works for Lake Stevens as a fireman. Him and his wife live in downtown Cle Elum and he hopes to start working locally in the near future. My family and I own a home off of Fowler Creek Rd and I work as a pediatric nurse at Seattle Children's Hospital.

You may not be aware, but there has been a recently proposed development off of Fowler Creek Rd. This development is proposed to offer overnight accommodations for greater than 150 guests, including 30 RV sites + recreational fire pits, access to ATV trails, dining, special events, and more.

My largest fear as it exists today is the lack of available emergency evacuation routes from FS RD 4517. If we more than double the existing population of that community, especially without ANY proposed updates to existing road infrastructure, I fear for the lives of my family and my community in an emergency.

The trails are narrow and dangerous at best. It can already be a battle for emergency services to get up, or us to get out on the best of days. The increase risk of fire danger due to commercial activity combined with intensive traffic on the only established evacuation route, is a matter that needs professional comment.

Public comments are due on this proposed "Guest Ranch" (In an R5 Zone) by 5pm this coming Thursday (10/5). I understand that this request comes late, and it comes urgently.

I implore you on behalf of this community, to please submit your concerns.

I have linked the proposal for condition use permit [HERE:](#)

Respectfully,
Katie & Mike Podobnik

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Meeting Memo

Memo To: Ryan Anderson

Memo From: Pat Deneen, Fowler Creek Trails Representative

Regarding: Comments Regarding Proposed Fowler Creek Guest Ranch

Ryan,

Thank you for dedicating time to meet with us and discuss the proposed Fowler Creek Guest Ranch project. Our collaborative session provided valuable insights into the necessary areas of expansion. This memo serves as an official record of our meeting, capturing key points of discussion. This document will also be included as a portion of our response to the comments regarding the proposed project and will be attached to our final submission to Jamey Ayling at Community Development Services. Included herein are our revisions made up to the time of this correspondence, a comprehensive summary of the notes and conclusions gathered from our meeting, and key documents attached as exhibits for your review as described below:

1. Your original comments addressed to Jamey;
2. Current drafts of our narrative (Exhibit 2) and site plan (Exhibit 4) with proposed mitigations;
3. Our finalized Code of Conduct (Exhibit 6), which guests will be required to read and sign before they are allowed to use the guest ranch, and;
4. Our proposed Fire Management Plan (Exhibit 11), written with your provided expertise.

As we progress in the planning and approval of Fowler Creek Guest Ranch, maintaining an ongoing dialogue with all involved departments remains our top priority.

On January 22nd, we discussed various components of the proposed guest ranch as follows:

- A. Revisions to Original Proposal
- B. Wetlands
- C. Firewising
- D. Toxics Cleanup and Water Resources

A. Revisions to Original Proposal: Responding to your feedback during our meeting and based on comments from community members, state agencies, and county officials, we have suggested specific mitigations to the project's proposal. These adjustments are detailed below:

Elimination of Rental Cabins: We have fully eliminated the ten short-term cabin rentals. This will mitigate several aspects of potential impact including additional construction, traffic concerns, water and sewer usage, light pollution, noise impact, and added guests that would otherwise be lodging overnight.

Residential Habitats: We have removed all five residential habitats planned to be constructed within the wetlands and wetland investigation areas (buffers). This will

reduce the amount of impact on these critical areas of the guest ranch, as well as decrease firewising and lessen fire concerns.

Secondary Access Point: We have revised our plan to have two entrances. The southern entrance on Forest Service Road 4517 is now planned to be a gated emergency access road only. This will alleviate the traffic impact of those living on the southern side of the development, mitigate the impact on the surrounding environment, and still give access to emergency services.

Quiet Hours: To ensure alignment with Kittitas County Code Chapter 9.45, we have updated the designated 'quiet hours' to span from 10:00 p.m. to 8:00 a.m. This adjustment addresses noise-related concerns and potential additional activity during the hours from 10:00 p.m. to 12:00 a.m.

Fire Pits: Personal fire pits were removed from the plan due to fire safety concerns. We have replaced this with community fire pits that will be closely managed and monitored to lessen potential fire impact on the natural environment and nearby wildlife.

- B. Wetlands:** With the inclusion of the critical areas report drafted by Ed Sewall, our conversation primarily concerned the impact on wetlands. Both of our goals involve the preservation of these critical areas. With our discussion regarding the southwestern buffer area, we will be placing a fence on the northeastern side of the ditch that separates the wetlands from the pasture area. Between the northeastern side of the ditch and the wetland, we will be planting natural material and adding woody debris to create an additional buffer. See the mitigated site plan attached as Exhibit 4 which includes these adjustments.

According to the Critical Areas Report, the westernmost wetland is rated as a Category II Wetland. Originally, the buffer size for this wetland was required to be 150' according to the Kittitas County Code Table 17A.07.030 – Standard Buffer Widths, as the guest ranch was classified as being a land use with moderate impact. However, a land use with moderate impact, such as the construction of houses, would be more invasive than our proposed plans. Because we will have little construction and relatively low impact with the allowance of only passive low-grade recreation due to our removal of the ten cabins and five residential habitats, we are planning to change the land use impact from moderate to low. This will reduce the buffer size from 150' to 100'. We will also create a trail along the western, northern, and eastern sides of the entire wetland area adjacent to the buffers and northern property border. This will allow for passive recreation within the buffer area as allowed by the Kittitas County Code Chapter 17A – Critical Areas. The Ranch Barn, the small-scale event facility that is to be constructed in the existing pasture, is outside of the adjacent wetlands and buffers.

- C. Firewising:** We also discussed the need for firewising. As stated during the meeting, we do not support complete ground-level clearing as it eliminates the habitats of smaller

ground animals. As we construct the first phase of the proposed guest ranch, we will be firewising in necessary areas while still maintaining the habitats for our resident wildlife population. Then, we will work jointly with your department as well as the Department of Fish and Wildlife, the Kittitas County Fire Marshal's Office, and Kittitas County Fire District 7 to create a Firewise Plan that will alleviate potential fire impact while preserving the natural habitats for wildlife throughout the rest of the property.

- D. Toxics Cleanup and Water Resources:** After reading your original comments during the meeting, we concluded that the concerns of other members within your department were basic requirements that will be met once we implement water storage tanks and withdraw groundwater.

After extensive consultations with various county departments and thorough consideration of all submitted comments, we convened once again with you on April 19th to reach the finalization stage of our plans. During this meeting, we secured your approval for the proposed plans and received the green light to proceed with our submission.

We appreciate your time in meeting with us. Please let us know if you wish to further discuss any of the above issues or have additional areas upon which we can improve. Following the winter months, we look forward to having you and Scott Downes tour our property. We hope that, with your acknowledgement of the information as provided above, we are able to establish an open line of communication with you and your department.

Thank you again for your time and cooperation.

Best,

Pat Deneen
Fowler Creek Trails



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

October 3, 2023

Jamey Ayling
Kittitas County Planner I
411 N. Ruby St. Suite 2
Ellensburg WA 98926

RE: 202304515; CU-23-00003

Dear Jamey Ayling:

Thank you for the opportunity to comment during the Mitigated Determination of Non Significance process for Fowler Creek Guest Ranch. The Department of Ecology (Ecology) has the following comments.

Shorelands and Environmental Assistance

Wetlands

Thank you for the opportunity to comment on the proposed project. Text in the SEPA Checklist indicate a wetland report is pending. The report should delineate any wetlands using the US Army Corps of Engineers Wetland Rating Manual (1987) and the Regional Supplement for the Arid West. Any wetlands should be rated following guidelines in the Washington State Wetland Rating System for Eastern Washington: 2014 Update. The wetland report should provide all information required in Kittitas County Code 17A.07 WETLANDS.

Please reach out to Ryan Anderson (rand461@ecy.wa.gov) with any questions regarding this comment.

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>

October 3, 2023

Page 2 of 2

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.

If you have questions about underground storage tank regulations, please call Mike Webb at 509-406-6572, or email at mike.webb@ecy.wa.gov.

Water Resources

New Uses in Upper Kittitas County

Your project is located within the boundaries of WAC 173-539A so it may be subject to the rule. If you are 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 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.

Sincerely,



Joy Espinoza
SEPA Coordinator
Central Regional Office
509-379-3967
crosepacoordinator@ecy.wa.gov

Meeting Memo

Memo To: Scott Downes and Jennifer Nelson

Memo From: Pat Deneen, Fowler Creek Trails Representative

Regarding: Comments Regarding Proposed Fowler Creek Guest Ranch

Date:

Scott and Jennifer,

Thank you for dedicating time to meet with us and discuss the proposed Fowler Creek Guest Ranch project. Our collaborative session provided valuable insights into the necessary areas of expansion. This memo serves as an official record of our meeting, capturing key points of discussion. This document will also be included as a portion of our response to the comments regarding the proposed project and will be attached to our final submission to Jamey Ayling at Community Development Services. Included herein are our revisions made up to the time of this correspondence, a comprehensive summary of the notes and conclusions gathered from our meeting, and key documents attached as exhibits for your review as described below:

1. Your original comments addressed to Jamey;
2. Current drafts of our narrative (Exhibit 2) and site plan (Exhibit 4) with proposed mitigations;
3. Our official Code of Conduct (Exhibit 6) drafted using Chapter 352-32 of the Washington Administrative Code – Public Use of State Park Areas as a template, including sections relevant to your department, and;
4. Relevant drafts written with your provided expertise, including our Noise Management Statement with our response to Kittitas County Code 9.45 – Noise Control (Exhibit 7), Light Pollution Mitigation Statement (Exhibit 8), and Fire Management Plan (Exhibit 11).

As we progress in the planning and approval of Fowler Creek Guest Ranch, maintaining an ongoing dialogue with all involved departments remains our top priority.

On December 15th, we discussed various components of the proposed guest ranch as follows:

- A. Revisions to Original Proposal
 - B. Endangered Species Within the Property
 - C. Fowler Creek
 - D. Wetlands
 - E. Shrubsteppe
- A. Revisions to Original Proposal:** Responding to your feedback during our meeting and based on comments from community members, state agencies, and county officials, we have suggested specific mitigations to the project's proposal. These adjustments are detailed below:

Elimination of Rental Cabins: We have fully eliminated the ten short-term cabin rentals. This will mitigate several aspects of potential impact including additional construction,

traffic concerns, water and sewer usage, light pollution, noise impact, and added guests that would otherwise be lodging overnight.

Residential Habitats: We have removed all five residential habitats planned to be constructed within the wetlands and wetland investigation areas (buffers). This will reduce the amount of impact on these critical areas of the guest ranch, as well as decrease firewising and lessen fire concerns.

Secondary Access Point: We have revised our plan to have two entrances. The southern entrance on Forest Service Road 4517 is now planned to be a gated emergency access road only. This will alleviate the traffic impact of those living on the southern side of the development, mitigate the impact on the surrounding environment, and still give access to emergency services.

Quiet Hours: To ensure alignment with Kittitas County Code Chapter 9.45, we have updated the designated 'quiet hours' to span from 10:00 p.m. to 8:00 a.m. This adjustment addresses noise-related concerns and potential additional activity during the hours from 10:00 p.m. to 12:00 a.m.

Fire Pits: Personal fire pits were removed from the plan due to fire safety concerns. We have replaced this with community fire pits that will be closely managed and monitored to lessen potential fire impact on the natural environment and nearby wildlife.

- B. Endangered Species Within the Property:** As we discussed, there are no endangered species within the proposed Fowler Creek Guest Ranch area. There were initial concerns about endangered species that were flagged as possibly being within the township that encompasses the Fowler Creek Guest Ranch property. The definitive roster of endangered species present within the township can be found on the Department of Fish and Wildlife's interactive Priority Habitat and Species map. However, as you noted, the species depicted on the map for any given area represent observations for the broader township encompassing that area. Consequently, the presence of a flagged species on the map for a smaller proposed development site within the township does not necessarily mean the presence of that species within the specific boundaries of the proposed project. Based on these facts and our discussion, there are no endangered species within the proposed Fowler Creek Guest Ranch area.

There are three endangered species that have at one point been spotted within the entire township and are identifiable on the WDFW PHS map, a screenshot of which can be seen as an attachment to this memo. Gray wolf packs may have wandered throughout various areas on the map but there are no current packs that reside near the proposed Fowler Creek Guest Ranch area. Northern Spotted Owls are south of the proposed area and there are no known or historic spotted owl circles that overlap this property. The only marked endangered species that was known to be within the township encompassing the proposed project is the Yellow-Billed Cuckoo, but this

species has not bred in Washington State in 90 years. Based on this information, we are not required to take any additional precautions, and we have included wildlife safety precautions within our official Code of Conduct for Fowler Creek Guest Ranch, attached as Exhibit 6.

- C. **Fowler Creek:** Fowler Creek and its fish population was also discussed. Based on information you provided, it appears that anadromous spawning is unlikely this far up Fowler Creek. As the stream is classified as a Type "F" stream, we will build around the necessary buffers. There is no guarantee where fish will swim or what kind of fish will be in the creek, but there is no significant concern for endangered species as long as the critical buffer zones are adhered to, which we plan to do.
- D. **Wetlands:** Another topic of conversation was the possible creation of a road through the wetlands area for emergency services and operational and maintenance equipment. After our discussion, we have decided not to construct a road in order to preserve this area. Official rules for the keeping of critical areas are included within the Code of Conduct, which enforces strict rules about the conservation of these areas.
- E. **Shrubsteppe:** There were initial concerns regarding the potential presence of a shrubsteppe ecosystem within Fowler Creek Guest Ranch, but after our discussion with your department, we confirmed that shrubsteppe is not within the proposed area.
- F. **Scrub-shrub:** Scrub-shrub has been identified via the critical areas report drafted by Ed Sewall.

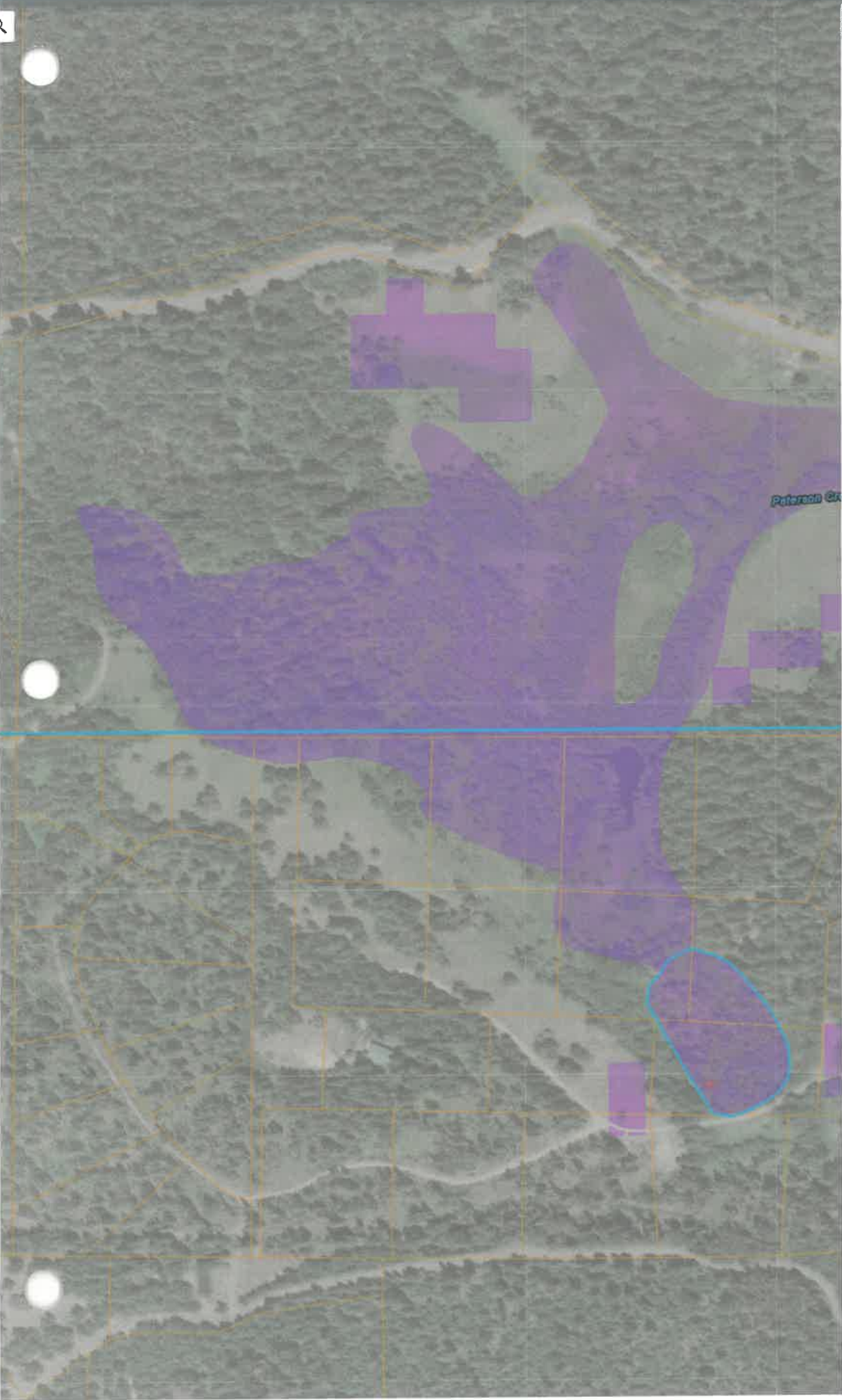
After extensive consultations with various county departments and thorough consideration of all submitted comments, we reached out to you with this complete letter on April 22nd to ensure you received our finalized plans.

We appreciate your time in meeting with us. We are confident that the revised proposal addresses your concerns and aligns with the department's mission to conserve and protect wildlife and critical areas. Our comprehensive Critical Areas Report outlines the project's potential benefits in greater detail. In the coming summer months, we look forward to giving Scott a thorough tour of the property. We hope that, with your acknowledgement of the correct information as provided above, we are able to establish an open line of communication with you and your department.

Thank you again for your time and cooperation.

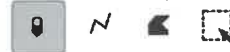
Best,

Pat Deneen
Fowler Creek Trails



PHS Identify

Select a tool to identify features with.



Buffer Options:

Distance: Units:

Generate Report

Occurrence Name	Freshwater Forested/Shrub Wetland
Priority Area	Aquatic Habitat
Site Name	N/A
Accuracy	NA
Notes	Wetland System: Freshwater Forested/Shrub Wetland - NWI Code: PSSC
Source Dataset	NWIWetlands
Source Name	Not Given
Source Entity	US Fish and Wildlife Service
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Management Recommendations	Click for more info.
Geometry Type	Polygons

Occurrence Name	Gray wolf
Scientific Name	<i>Canis lupus</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
Federal Status	Endangered
State Status	Endangered
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP

Occurrence Name	Northern Spotted Owl
Scientific Name	<i>Strix occidentalis</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
Federal Status	Threatened
State Status	Endangered
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
Management Recommendations	Click for more info.



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

September 26, 2023

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

SUBJECT: WDFW COMMENTS ON CU-23-00003 Fowler Creek Guest Ranch

Dear Mr. Ayling,

Thank you for the opportunity to comment on the CU-23-00003 Fowler Creek Guest Ranch application concerning the development of various recreation facilities including cabins and trails. Washington Department of Fish and Wildlife (WDFW) has reviewed the application and supporting documents. Our comments are regarding the project's impact on priority fish and wildlife habitats, particularly wetlands and riparian habitats. Specifically, to ensure that if the application is approved that the development will not result in loss of Fish and Wildlife Habitat Conservation Areas (FWHCA) under Kittitas County Critical Areas Ordinance (CAO).

While we appreciate that the application has identified some of the larger wetlands and streams on the property and alluded that critical areas report would be conducted, WDFW requests that a critical areas report be conducted prior to approval of a site plan to ensure that all streams and wetlands are identified, and their appropriate buffers be incorporated into the final site plan. WDFW would also request the opportunity to review and provide comments to the county on the report.

The application alludes to building of "residential habitats", trails, viewing platforms etc.. within either the stream or wetland area buffers. While WDFW is not directly opposed to this concept, it is vital that these structures do not result in a net loss of functional habitat within the wetland or riparian areas. WDFW requests that if these structures are approved, a condition be imposed that a detailed site plan be reviewed prior to any building and that either the structures themselves result in not net loss of function or that appropriate mitigation be proposed for the loss of function from these structures. Examples of loss of function include removal of overstory trees, removal of significant amounts of shrubs or understory vegetation, impervious surfaces or structures that prevent natural vegetation or functions from occurring, including that trees near these structures could now be deemed to be hazard trees. WDFW requests to be involved in the review of the site plans of trails and structures in the critical areas and evaluation of loss of function as an agency that has expertise in the FWHCA.

Thank you again for the opportunity to comment and look forward to discussing this further with the county and the applicant. Please contact me at 509-607-3578 or Scott.Downes@dfw.wa.gov to discuss these concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Downes".

Scott Downes
Area Habitat Biologist

Cc:
Elizabeth Torrey, WDFW

Meeting Memo

Memo To: Jesse Cox (jesse.cox@co.kittitas.wa.us), Holly Erdman (holly.erdman@co.kittitas.wa.us), Dan Suggs (dan.suggs@co.kittitas.wa.us)

Memo From: Pat Deneen, Fowler Creek Trails Representative

Regarding: Comments Regarding Proposed Fowler Creek Guest Ranch

Jesse, Holly, and Dan,

Thank you for dedicating time to meet with us and discuss the proposed Fowler Creek Guest Ranch project. Our collaborative session provided valuable insights into the necessary areas of expansion. This memo serves as an official record of our first meeting, capturing key points of discussion. This document will also be included as a portion of our response to the comments regarding the proposed project and will be attached to our final submission to Jamey Ayling at Community Development Services. Included herein are our revisions made up to the time of this correspondence, a comprehensive summary of the notes and conclusions gathered from our meeting, and key documents attached as exhibits for your review as described below:

1. Your original comments addressed to Jamey;
2. Current drafts of our narrative (Exhibit 2) and site plan (Exhibit 4) with proposed mitigations, and;
3. Relevant drafts written with your provided expertise, including our Sewage Management Plan (Exhibit 10) and Water Management Plan (Exhibit 9).

On January 17th, we discussed various components of the proposed guest ranch as follows:

- A. Revisions to Original Proposal
- B. Proposed Process
- C. Dump Station
- D. Event Barn
- E. Other Concerns

- A. Revisions to Original Proposal:** Responding to your feedback during our meeting and based on comments from community members, state agencies, and county officials, we have suggested specific mitigations to the project's proposal. These adjustments are detailed below:

Elimination of Rental Cabins: We have fully eliminated the ten short-term cabin rentals. This will mitigate several aspects of potential impact including additional construction, traffic concerns, water and sewer usage, light pollution, noise impact, and added guests that would otherwise be lodging overnight.

Residential Habitats: We have removed all five residential habitats planned to be constructed within the wetlands and wetland investigation areas (buffers). This will reduce the amount of impact on these critical areas of the guest ranch, as well as decrease firewising and lessen fire concerns.

Secondary Access Point: We have revised our plan to have two entrances. The southern entrance on Forest Service Road 4517 is now planned to be a gated emergency access road only. This will alleviate the traffic impact of those living on the southern side of the development, mitigate the impact on the surrounding environment, and still give access to emergency services.

Quiet Hours: To ensure alignment with Kittitas County Code Chapter 9.45, we have updated the designated 'quiet hours' to span from 10:00 p.m. to 8:00 a.m. This adjustment addresses noise-related concerns and potential additional activity during the hours from 10:00 p.m. to 12:00 a.m.

Fire Pits: Personal fire pits were removed from the plan due to fire safety concerns. We have replaced this with community fire pits that will be closely managed and monitored to lessen potential fire impact on the natural environment and nearby wildlife.

- B. Proposed process:** As was discussed in our meeting, our sewage management plan will be developed in certain phases according to each facility. The 30-unit recreational vehicle park will have three phases. The first phase is the construction of the recreational vehicle park as a dry park providing electrical and data services to each unit. The second phase will incorporate the addition of a dump station. Only guests of the recreational vehicle park will be able to use the dump station, which will hold 1,500 or 3,000 gallons of sewage and will be pumped as needed by Henley's Septic Pumping or another licensed pumping service. As water becomes available for use within the recreational vehicle park, phase three will be implemented and each site will be connected to the existing water system and a new septic system to be designed and installed upon approval from Kittitas County. The RV Park septic system may also be constructed to serve the dry park using the water from the on-board domestic water tanks brought in by utility vehicles.

The Fowler Creek Guest Ranch small-scale event facility to be constructed, currently referred to as the "Ranch Barn," will have two phases. The first phase is the initial development of the Ranch Barn as a dry facility with the use of bottled water for drinking, rented and/or purchased portable handwashing facilities for sanitation, a portable four-stall restroom facility, and either a trailer or a constructed on-site building that would include a domestic water storage tank filled with legally available water for use in the restrooms. In addition, there will be a recreational vehicle dump station for sewage generated at the Ranch Barn. See Exhibit 10 for conceptual images of the proposed facilities as described above. The septic system for the entire project is developed prior to the establishment of a primitive water system. The Ranch Barn sewage may be treated by said septic system. Phase two will be initiated once a permanent water system is approved and developed. Through this water system, potable water will be provided to the Ranch Barn. The proposed septic system, when approved, will also be installed for the Ranch Barn.

- C. Dump Station:** In the initial phases of the development of the guest ranch, we are planning to construct a minimum of two dump stations for recreational vehicles. One will be located near the recreational vehicle park and the other will be located near the Ranch Barn when it is constructed. With the guidance of Kittitas County Code Chapter 13.12 – Solid Waste Disposal Sites, we will create and apply for a disposal site permit. Upon approval, we will start construction of our proposed plan and create a tank management plan that includes the installation of a tank alarm. Through the development of this plan, we will work with Henley's Septic Pumping or another provider.

- D. Event Barn:** As we discussed in the meeting, our experience managing the Cattle Barn over the past decade has equipped us with extensive knowledge regarding septic management. In our

discussion of the Ranch Barn facilities, the following points were addressed and approved: Our plans for drinking water, hand washing water, and general cleaning water in the first phase of development were thoroughly reviewed during the meeting and are shown in the Sewage Management Plan attached as Exhibit 10. To address concerns about potential water shortages, we have decided to operate all facilities using 5-gallon water bottles or other commercially available water systems. There will be on-site backup storage for additional water bottles with double the projected needed amount. Additionally, we will engage a water purveyor to provide bulk water specifically for the temporary restroom facilities. We plan to collaborate with Henley's Septic Pumping or another reputable provider for regular pumping and maintenance of these restrooms. Exhibit 10 includes a conceptual representation of all proposed temporary facilities. We remain open to alternative designs if necessary. All presented designs will be subject to approval by the Kittitas County Department of Health. These plans serve as an interim solution until our permanent water plan is fully implemented. For more information, see the proposed Water Management Plan attached as Exhibit 9.

- E. Other Concerns:** Regarding temporary sewage holding tanks to be used as dump stations, we proposed using KCC 13.04.130(9) which states that "... The Health Officer also may allow holding tanks for controlled, part-time use situations such as recreational vehicle parks and trailer dump stations; provided, that an approved on-site sewage disposal system management program as provided in Section 13.04.180(3) is in effect." This proposal was authorized.

After extensive consultations with various county departments and thorough consideration of all submitted comments, we convened once again with you on April 23rd to reach the finalization stage of our plans. During this meeting, we secured your approval for the proposed plans and received the green light to proceed with our submission.

We appreciate your time in meeting with us. We hope that, with your acknowledgement of the correct information as provided above, we are able to establish an open line of communication with you and your department.

Thank you again for your time and cooperation.

Best,

Pat Deneen
Fowler Creek Trails



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

October 5, 2023

Jamey Ayling, Planning Manager
Community Development Services
411 N. Ruby Street
Ellensburg, WA. 98926

Dear Jamey,

The following comments are the Environmental Public Health comments on the Fowler Creek Guest Ranch, CU-23-00003. A well site inspection needs to be done for the existing well that was drilled in 1994 to approve it as a public water system source. With the expected numbers of people that will have access to the water system, this system will be classified as a Group A, transient, non-community water system. The final approval for the system will be done through the Washington State Department of Health.

The applicant is proposing to use one lot for the placement of multiple drainfields that will produce 6000 gallons per day. According to Kittitas County Code chapter 13, when a drainfield will be utilized to treat more than 3500 gallons per day, it is considered a LOSS (large on site sewage system). Therefore, prior to construction of the system, the construction plans must be submitted to the Washington State Department of Health (DOH) for approval of engineering and to ensure the system will not create a health hazard. There are some questions about the flow numbers that were calculated for the project and where those numbers were derived. The EPA manual is an excellent reference and is one that DOH regards as a good resource for calculating potential flows.

Additionally, a site evaluation will be required to be done to determine the size and placement of the proposed drainfields.



507 N. Nanum Street, St. 102 · Ellensburg, WA 98926

T: 509.962.7515 · F: 509.962.7581

www.co.kittitas.wa.us/health/



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

Thank you for this opportunity to comment. If you have any questions, please don't hesitate to give me a call.

Sincerely,

A handwritten signature in black ink that reads "Holly Erdman". The signature is fluid and cursive, with the first name "Holly" and last name "Erdman" clearly distinguishable.

Holly Erdman, B.S.
Environmental Health Specialist II
509-962-7580



507 N. Nanum Street, St. 102 · Ellensburg, WA 98926

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Meeting Memo

Memo To: Arden Thomas, Samantha Cox

Memo From: Pat Deneen, Fowler Creek Trails, LLC

Regarding: Comments Regarding Proposed Fowler Creek Guest Ranch

Arden and Samantha,

Thank you for dedicating time to meet with us and discuss the proposed Fowler Creek Guest Ranch project. Our collaborative session provided valuable insights into the necessary areas of expansion. This memo serves as an official record of our meeting, capturing key points of discussion. This document will also be included as a portion of our response to the comments regarding the proposed project and will be attached to our final submission to Jamey Ayling at Community Development Services. Included herein are our revisions made up to the time of this correspondence, a comprehensive summary of the notes and conclusions gathered from our meeting, and key documents attached as exhibits for your review as described below:

1. Your original comments addressed to Jamey;
2. Final draft of our site plan (Exhibit 4) with proposed mitigations;
3. Relevant drafts written with your provided expertise, including our Water Management Plan (Exhibits 9A & 9B), Restrictive Covenant Agreement (Exhibit 9C), a response to KCC 13.35.020(2) Adequate Water Supply Determination – Applicability (Exhibit 9D), Sewage Management Plan (Exhibit 10), and Fire Management Plan (Exhibit 11).

As we progress in the planning and approval of Fowler Creek Guest Ranch, maintaining an ongoing dialogue with all involved departments remains our top priority.

During our meeting on February 8th, we discussed various components of the proposed guest ranch as follows:

- A. Revisions to Original Proposal
- B. Current Water Situation and Future Plans
- C. Phased Development
- D. Restrictive Covenant Agreement
- E. Follow-Up Meeting

- A. Revisions to Original Proposal:** Responding to your feedback during our meeting and based on comments from community members, state agencies, and county officials, we have suggested specific mitigations to the project's proposal. These adjustments are detailed below:

Elimination of Rental Cabins: We have fully eliminated the ten short-term cabin rentals. This will mitigate several aspects of potential impact including additional construction, traffic concerns, water and sewer usage, light pollution, noise impact, and added guests that would otherwise be lodging overnight.

Residential Habitats: We have removed all five residential habitats planned to be constructed within the wetlands and wetland investigation areas (buffers). This will

reduce the amount of impact on these critical areas of the guest ranch, as well as decrease firewising and lessen fire concerns.

Secondary Access Point: We have revised our plan to have two entrances. The southern entrance on Forest Service Road 4517 is now planned to be a gated emergency access road only. This will alleviate the traffic impact of those living on the southern side of the development, mitigate the impact on the surrounding environment, and still give access to emergency services.

Quiet Hours: To ensure alignment with Kittitas County Code Chapter 9.45, we have updated the designated 'quiet hours' to span from 10:00 p.m. to 8:00 a.m. This adjustment addresses noise-related concerns and potential additional activity during the hours from 10:00 p.m. to 12:00 a.m.

Fire Pits: Personal fire pits were removed from the plan due to fire safety concerns. We have replaced this with community fire pits that will be closely managed and monitored to lessen potential fire impact on the natural environment and nearby wildlife.

B. Current Water Situation and Future Plans: One of the main points we discussed involved the current water resources and facilities needed for the proposed guest ranch. The proposed Fowler Creek Guest Ranch is located within the Yellow Water Zone as shown on the Kittitas County Water Mitigation Suitability Map. All new water uses within the boundaries of the proposed guest ranch will require either:

- i) a water right permit,
- ii) Water Budget Neutral Mitigation,
- iii) the bulk purchase of water from off-site water sources transported to the site, and/or
- iv) the purchase of commercially available water such as bottled water.

For future development, Fowler Creek Trails, LLC, the applicant and owner of the proposed Fowler Creek Guest Ranch project and property, has access to established water banks and, with the approval of the Department of Ecology, has the legal ability to pipe water from a Green Zone to the proposed Fowler Creek Guest Ranch upon such approval.

The Ranch House, our existing family home for 30 years, has relied on an existing well for all its water needs including the use of stock water throughout the property for watering our horses and the irrigation of a half-acre of trees, plants, and grasses. This well will continue to serve the Ranch House as it transitions into a stand-alone residential short-term rental.

C. Phased Development: The proposed Fowler Creek Guest Ranch will be developed in two phases:

Phase One will include the construction and operation of a dry 30-unit recreational vehicle park and the continued use of the Ranch House as a residential short-term

rental. In addition, Phase One may include the construction of the Ranch Barn as a dry facility. Any use of the Ranch Barn during this phase will require the use of legally purchased water from off-site water purveyors and/or commercially available water such as bottled water.

Phase Two will begin once legal on-site water is available for the proposed Fowler Creek Guest Ranch. Phase Two will include the construction of a water system approved by the Washington State Department of Health, the construction and operation of the bed and breakfast, and the provision of potable water to the 30-unit recreational vehicle park and Ranch Barn.

In addition, we discussed fire prevention including the creation of fire protection water storage as requested by Fire District 7 and the Kittitas County Fire Marshal. Upon request of Fire District 7, we have agreed to construct a 21,000-gallon fire water storage and delivery system that will be constructed during Phase One and expanded during Phase Two to serve all the facilities within the proposed guest ranch. During Phase One, this water will come from off-site sources and/or collected rainwater. During Phase Two, water from the approved domestic water system may be used to serve this fire protection water storage.

- D. Restrictive Covenant Agreement:** The last portion of our discussion revolved around the creation of a restrictive covenant agreement regarding water usage. Our agreement, attached as Exhibit 9C, details current plans for new available water sources for the proposed guest ranch property. The restrictive covenant agreement includes the acknowledgement that the well serving the existing Ranch House will continue to serve the same use as it becomes available as a residential short-term rental. In addition, the restrictive covenant agreement discusses other legally available methods of providing both potable and non-potable water to the proposed project. These restrictive covenants will be submitted to the Public Works Water Resources Department for review and approval prior to submission to Kittitas County Community Development Services.
- E. Follow-Up Meeting:** On February 12th, we had a productive meeting with Arden to discuss our restrictive covenant agreement draft and this letter. Following the meeting, we incorporated Arden's suggested changes into this letter. Furthermore, we diligently revised our restrictive covenant agreement draft. These changes are reflected in the attached exhibit. We also included a response to KCC 13.35.020(2), which was suggested by Arden. We sincerely hope that this letter and our agreement align with your valuable suggestions. Please feel free to provide any further input.

After extensive consultations with various county departments and thorough consideration of all submitted comments, we convened once again with you on April 16th to reach the finalization stage of our plans. During this meeting, we secured your approval for the proposed plans and received the green light to proceed with our submission.

We appreciate your time in meeting with us. Don't hesitate to contact us if you wish to discuss any of the above issues or have additional areas upon which we can improve. We hope that,

with your acknowledgement of the information as provided above, we are able to establish an open line of communication with you and your department.

Thank you again for your time and cooperation.

Best,

Pat Deneen
Fowler Creek Trails



KITTITAS COUNTY

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: All Staff
FROM: Public Works Plan Review Team
DATE: October 5th, 2023
SUBJECT: Public Works Comments: CU-23-00003 Fowler Creek Guest Ranch

ACCESS	<ol style="list-style-type: none">1. An approved access permit for commercial access shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access.2. All commercial and industrial accesses shall be designed in accordance with Exhibits 1340-1 and 1340-2 Driveway Design Templates of the WSDOT Design Manual and approved by the County Engineer prior to access permit issuance per KCC 12.05.030.3. Driveways over 150' in length will be required to meet the standards of Appendix D of the International Fire Code for IFC Turnarounds.4. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.5. 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. Please consider utilizing Public Works' Civil Review procedure for the entire build out. This may simplify procuring grading permits throughout the development life. Please reach out to Public Works County Engineer to discuss the phasing plan.2. 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). Contiguous projects owned by the same person(s), corporation(s) or other legal entity shall be considered one project.
SURVEY	There are no survey comments regarding this application. (JT)

TRANSPORTATION CONCURRENCY	A Transportation Concurrency application is required. (KAH)
FLOOD	The proposed project is not located in a FEMA identified special flood hazard area (100-year floodplain). (SC)
WATER MITIGATION/ METERING	<p>The proposed project is not eligible for the Kittitas County Water Bank. Mitigation must be provided from a private water bank.</p> <p>In accordance with KCC Chapter KCC 13.35.020 & 13.35.027, the applicant shall provide one of the following documents <u>before final approval</u>:</p> <ul style="list-style-type: none"> a. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use; b. An adequate water right for the proposed new use; or c. A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank. <p>Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.</p> <p>All mitigated water uses shall also demonstrate that they are metered and monitored annually in accord with the agreement between the landowner and the mitigation provider. (SC)</p>