

FOWLER CREEK GUEST RANCH
EXHIBIT 26
KCC 17A CRITICAL AREAS ORDINANCE MITIGATION PLAN

17A.01.100 Critical Areas Mitigation.

1. **Mitigation Sequence.** Adverse impacts caused by new alterations and developments shall be mitigated using the following actions in order of priority:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;

We have removed several aspects of the proposed project including the removal of all ten short-term cabin rentals and all five residential habitats. For our full list of mitigations see Exhibit 1.

- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

We have streamlined various aspects of the proposed project, including adjusting the quiet hours. Instead of starting at midnight on specific nights, quiet hours will now commence at 10:00 p.m. daily, without any exceptions. We will also construct a fence along the western side of the westernmost wetland border, which will protect this critical area next to the Ranch Barn.

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

We will use the ground affected by construction to create sound barriers on the southwest border of the property. We will also plant trees on that same border to further reduce noise.

- d. Reducing or eliminating the impact over time by preservation and maintenance operations;

On the southwestern border of the westernmost wetland, we will maintain and revegetate when necessary that portion of the buffer

area between the fence described above and the fence line. We will have regular maintenance of the property and will use restoration tactics within critical areas when necessary.

- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

As the vast majority of the 84.3-acre property will be dedicated to open space, the wetlands will remain unaffected. Our commitment is to carefully manage all areas, ensuring equitable utilization while preserving the integrity of these valuable ecosystems. We will maintain and revegetate when necessary that portion of the buffer area between the fence described above and the fence line on the southwestern border of the westernmost wetland.

- f. Monitoring the impact and the compensation project and taking appropriate corrective measures

As the guest ranch begins operations, we will assess situations that arise and will take appropriate corrective measures besides implementing the mitigations already listed. See Exhibit 1 for a full list of mitigations.

- 2. **Mitigation Plans.** When mitigation is required, the applicant shall submit a mitigation plan. The mitigation plan shall include all the following:

- a. Mitigation Sequencing. A description of reasonable efforts made to apply mitigation sequencing pursuant to [KCC 17A.01.100.1](#) to avoid, minimize, and mitigate impacts to critical areas and buffers; *See Exhibit 1 for our full list of mitigations. We will implement these mitigation strategies upon beginning construction and operation as described in Exhibit 21 – Development Phasing Plan.*

- b. Mitigation Details.

- i. Documentation of consultation/coordination with appropriate agencies of expertise, as applicable; *We have attached a Critical Areas Report in Exhibit 5. This report was completed by Ed Sewall, who is the*

Principal Senior Ecologist at Sewall Wetland Consulting, Inc. Furthermore, our list of mitigations has also been shared with Jamey Ayling, the planning manager for Kittitas County Community Development Services. All critical areas research and information has been completed and reviewed by these appropriate agencies of expertise.

- ii. A description of the anticipated impacts to the critical area and buffer, including impacts to critical area functions and values;

There will be passive, low-grade recreation allowed within the wetlands such walking and hiking. The Ranch Barn, over 200 feet away from the nearest wetland, will have the closest proximity to the wetlands in comparison to all other guest ranch facilities.

- iii. The mitigating actions proposed, including: type of mitigation proposed (e.g., on-site or off-site); site selection criteria; identification of compensation goals; and identification of critical area functions.

We will construct a fence along the western side of the westernmost wetland border, which will protect this critical area next to the Ranch Barn. Motorized vehicles, bicycles, pets, and other forms of impact will be prohibited within the critical areas, leaving very little impact.

- iv. The environmental goals and objectives of the mitigation, together with specific measurable criteria and performance standards for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained;

Our primary objective is to preserve the westernmost wetland and its buffer by constructing a fence as

described above. This will be achieved by adding natural plants and woody debris along the side of the buffer and will be measured based on the continued flourishing of the wetland and its buffer in this area.

- v. An analysis of the likelihood of success of the mitigation project based on best available science.

The success of this project can be measured by comparing the growth of the wetland over the following years of guest ranch operation. We have obtained an aerial photo of the project site from 1954. As can be seen by the photo, there was no clearly visible wetland area as the land was being farmed for decades before the photo was taken. After farming stopped, the wetland formed, due to its untouched state. Now, 70 years later, the wetland is flourishing. We will compare the preservation of these wetlands based on aerial photos in the coming years of operation and adjust our conservation strategies if the need arises.

- c. **Construction Details.** The mitigation plan shall include written specifications, descriptions, and drawings of the mitigation proposed, including:

- i. Construction sequence, timing, and duration;

During phase one of construction, we will construct a fence by installing 6' steel tee posts 2' deep and 8' apart. Attached to these posts will be a 4' wired fence.

- ii. Grading and excavation details;

Not applicable

- iii. Erosion and sediment control features; and

Not applicable

- iv. Planting plan specifying plant species, quantities, locations, size, spacing, density, and measures to protect and maintain plants until established. All plant species must be native to the region.

We will pack natural woody debris and plant native species that are yet to be determined along the fence line.

d. Monitoring Details.

- i. A program for monitoring construction and assessing the outcome of the mitigation project, including the schedule for site monitoring (for example, describe how monitoring may occur in years 1, 2, 3, 5, 7 and 10 after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. Monitoring reports shall be submitted to the County to document milestones, successes, problems, and contingency actions of the compensation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than ten (10) years. Mitigation monitoring shall be the responsibility of the applicant, and monitoring reports will be reviewed by County staff to ensure that performance standards are being met.

See similar response above. We will compare aerial photos and adjust tactics if necessary.

- ii. A contingency plan with courses of action and corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met, including a possible extension of the monitoring period until it can be shown that performance standards are being met.

See similar response above. We will compare aerial photos and adjust tactics if necessary.

- e. Public development proposals shall be relieved from having to comply with the bonding requirements of this Section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
 - f. Any failure to satisfy critical area requirements established by law or condition, including but not limited to the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan, shall constitute a default, and the Director may demand payment of any financial guarantees or require other action authorized by Kittitas County code or any other law.
 - g. Any funds recovered pursuant to this Section shall be used to complete the required mitigation. Such funds shall not be deposited in the County General Fund, but rather provided with a separate account. The County will use such funds to arrange for completion of the project or mitigation, and follow-up corrective actions.
 - h. Depletion, failure, or collection of financial guarantees shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
4. Mitigation Banking and In-Lieu Fee Mitigation. The County may approve mitigation banking and/or in-lieu fee mitigation as a form of compensatory mitigation for wetland and fish and wildlife habitat conservation area impacts when the provisions of this Title require mitigation and when the use of a mitigation bank/in-lieu fee program will provide equivalent or greater replacement of critical area functions and values when compared to conventional permittee-responsible mitigation. Mitigation banks and in-lieu fee program shall only be used when it can be demonstrated that they provide significant ecological benefits including long-term conservation of critical areas, important species, habitats and/or habitat linkages, and when they are documented to provide a viable alternative to the piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals. Mitigation banks and in-lieu fee programs shall not be used unless they are certified in accordance with applicable federal and state mitigation rules and expressly authorized through County legislative action.

Ord. 2021-016, 2021;

Fowler Creek Guest Ranch Mitigation Map

North

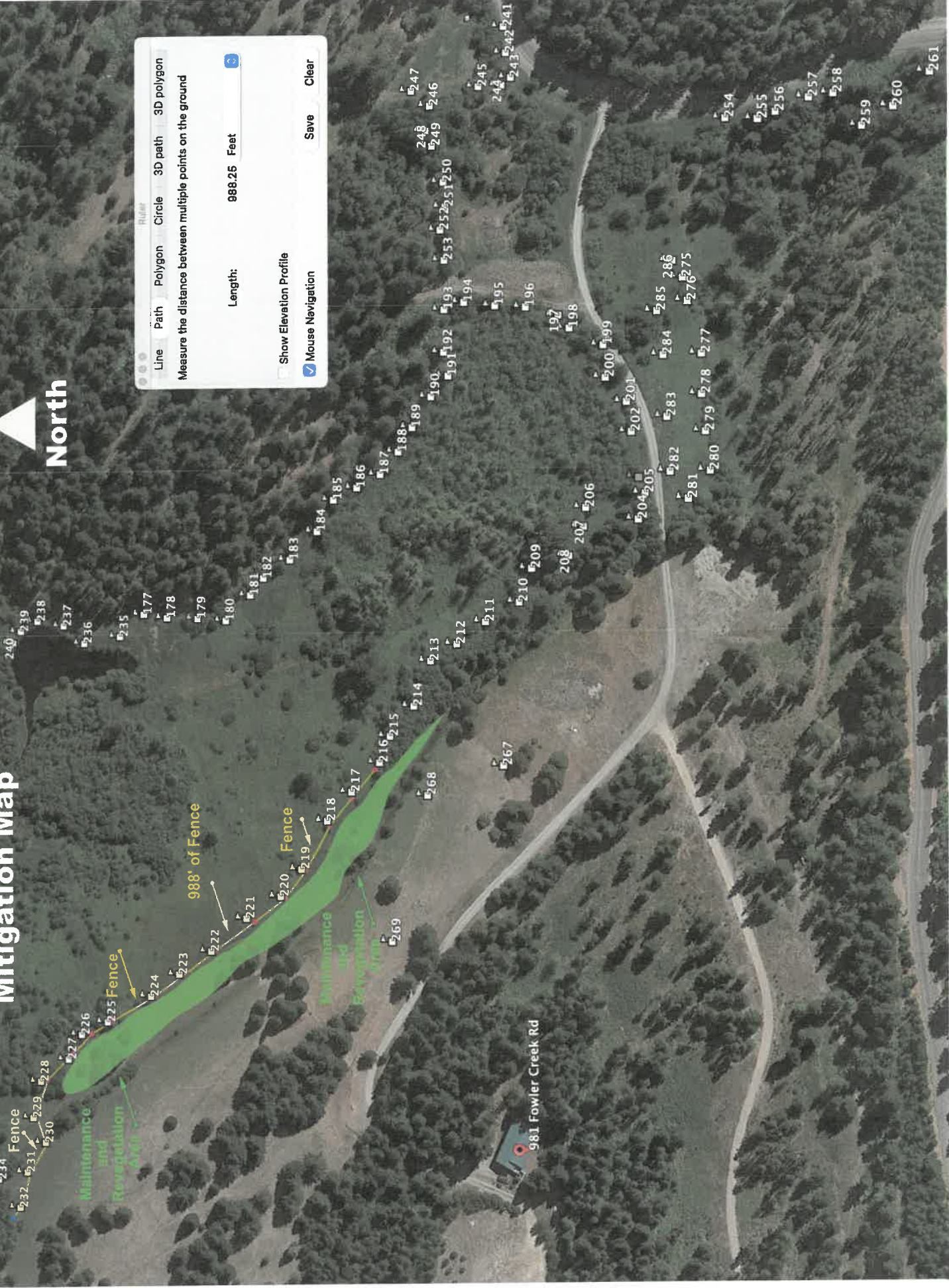
Line Path Polygon Circle 3D path 3D polygon

Measure the distance between multiple points on the ground

Length: 988.25 Feet

Show Elevation Profile ☐ Mouse Navigation ☒

Save Clear



FOWLER CREEK GUEST RANCH
AERIAL PHOTO
SEPTEMBER 1, 1954

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SEPTEMBER 1, 1954
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