

HALVERSON | NORTHWEST LAW GROUP

September 27, 2013

Robert "Doc" Hansen, Planning Official
Kittitas County Community Development Services
411 North Ruby Street, Ste. 2
Ellensburg, WA 98926

Neil Caulkins, Deputy Prosecuting Atty.
Kittitas County, Washington
Room 213, Kittitas Co. Courthouse
205 W. Fifth
Ellensburg, WA 98926

RE: Cascade Field and Stream Conditional Use Permit (CU-11-00003)

Gentlemen:

Thank you for taking the time to meet with us concerning the Conditional Use Permit Approval for Cascade Field and Stream (CU-11-00003). We believe that the conditions are appropriate but there was in our minds, uncertainty and ambiguity in the decision language. It was our purpose to seek clarification on interpretation and implementation of the permit and project conditions. Your clarifications and confirmation of process and procedure were quite helpful.

We would like to confirm our understanding of the process for review of condition compliance and activities under the Conditional Use Permit.

1. Cascade Field and Stream will submit a site plan and narrative report identifying specific shooting ranges and facilities. The report will identify proposed mitigation measures together with the narrative "... detailing how each condition of approval is being met for existing phases and will be met for the new phase." Resolution 2013-106 Finding 32. The site plan and narrative will be submitted before any activity is authorized on the range. A copy of the site plan and narrative will be provided upon receipt by CDS to the following: Dean Tonseth, 16532 Hwy. 10, Ellensburg, WA 98926; Dave Holmquist and Margaret Towle 16530 Hwy. 10, Ellensburg, WA 98926; and Ken Fayall, 303 W. 3rd Avenue, Ellensburg, WA 98926

2. Community Development Services will review the site plan for compliance with the approved project proposal. Condition 2 provides:

The project shall proceed in substantial conformance with the plans and application materials on file dated October 17, 2011, except as amended by the conditions herein.

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The review will include both the Decision and application materials. It should be noted that the application included specific designs for various types of ranges.

3. Each phase of the shooting range will require a building permit. Building permit will be reviewed for compliance with the Resolution No. 2013-106. No activity will be allowed until noise compliance analysis has been submitted by a qualified noise expert and reviewed and approved by Community Development Services. Resolution No. 2013-106 modified Condition 12.3 and now provides:

The applicant shall provide a letter or report, approved by noise expert/sound consultant, prior to final authorization to operate each phase of this project (shotgun range, long distance range, pistol range, etc.) to Kittitas County Community Development Services. This document shall illustrate that the noise abatement measures implemented and recommended by the noise study dated October 15, 2013 that was submitted to Kittitas County Community Development Services are actually effective in mitigating noise and do not exceed the maximum environmental noise levels specified in WAC 173.60.

Community Development Services will review the information and consult with an independent noise expert/sound consultant (at applicant's cost) if it is deemed necessary or appropriate for review of information. We would strongly encourage consultation with independent noise experts to make sure that all interests (both applicant and public) are appropriately considered and that the functioning of the shooting range in fact results in appropriate noise attenuation.

4. Condition 11.3 requires that "... [t]he U.S. Environmental Protection Agency's Best Management Practices for Lead and Outdoor Shooting Ranges Manual shall be strictly adhered to." The Decision does not specifically identify mitigation measures but does require "strict adherence." Our review of Best Management Practices would include the following:

- Bullet and shot containment facilities (EPA BMP 3.1). This practice would require earth and backstop to be between 15 and 20 feet high with a recommended slope as steep as possible. EPA BMP 3.1.1. Sand traps, steel traps, lamella and rubber granular traps and shock absorption concrete are alternatives.
- BMP requires monitoring and measures designed to prevent lead migration. EPA BMP Step 2. This would require monitoring of lead migration and adjusting of soil pH, immobilization of lead and controlling runoff. EPA BMP 3.2.2. This may include a soil study.
- A Type 5 stream is located within the shooting area. EPA BMP require mitigation to control soil erosion and surface water runoff. Filter beds, containment traps, detention ponds, dams and dikes are typically required to address surface water runoff.

- A lead reclamation plan is the most important BMP. EPA BMP 3.3. Reclamation activities usually require that the area be clear of scrub vegetation (grass, mulch, or compost). EPA BMP 3.3.4.

5. KCC 17.15.060 (note 31) also requires "... [a]dherence to the practices and recommendations of the 'NRA Range Source Book'". The NRA Range Source Book recommends that berms and baffles be constructed as necessary safety features. Moreover, the backstop area for ranges, if natural soil is to be used, needs to be "free of rocks and debris to a depth of 18-24 inches." Section 2.04.1.5. Berms are to be constructed that are at least eight feet in height. A target pit is to be constructed for high-powered rifle ranges. Each of the proposed shooting areas should comply with these guidelines and be "reviewed with the site plan."

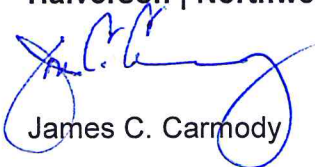
6. The provisions regarding Hayward Road are confusing. BOCC revised the condition prohibiting use of Hayward Road and also deleted the requirement to improve the road to a safe condition. It seems that the County just admitted liability in allowing use of a road with known deficiencies. We will also reaffirm our willingness to support vacation of Hayward Road as it parallels our client's property.

7. This will also confirm that the LUPA appeal date is October 2, 2013.

We have tried to outline our understanding of the process and procedures as discussed in our meeting. If we are mistaken in any regard, please let us know immediately.

We look forward to working with you on reviewing the proposed site plan and condition compliance.

Very truly yours,
Halverson | Northwest Law Group P.C.



James C. Carmody

JCC:td

cc: Clients