

Date: October 9, 2023
To: Kittitas County Community Development Services
411 Ruby St. Suite 2
Ellensburg, WA 98926

Re: Fowler Creek Guest Ranch (CU-23-00003)

My name is Kathryn Podobnik and I live at 841 FS RD 4517. I am submitting this notice of opposition to the project "Fowler Creek Guest Reach" for consideration.

It is my belief, that the proposal as written under CU-23-00003 is:

- Non Compatible with Kittitas County Code, [KCC 17.08.270](#)
- Non Compatible with the original land use designation Purpose and Intent as defined in Kittitas County Code, [KCC 17.30A.010](#)
- Non Compatible with existing roadways
- Superfluous to the development needs of Kittitas County
- A threat to the safety and well being of the community
- A threat to the environment

Personal Statement:

My family and I live in a home in the Granite Creek neighborhood. We purchased the home 18 months ago as a way to spend time with our family who also live in the district. Despite warnings of water instability and a healthy fear of wildland fires, we invested in the local community at considerable cost to enjoy the peaceful residential community that the zoning was expected to provide. Having purchased this home from family of this applicant's business partner in Granite Creek, and his very intimate understanding of this land area, I'm angered and appalled to read what can only be viewed as complete disregard for this community. Our homes, livelihoods, and quality of life are at risk. I expect the nearby property values to decrease by a scale I'm confident many of us will not be able to overcome, the community to become increasingly water unstable, and for the coming degradation to both public and private lands to have detrimental effects for generations to come. This is a dangerous project with extensive community costs, for growth of generational wealth.

This proposal is wrought with fallacy and should be carefully scrutinized. None of the maps show the cluster of homes directly next to this facility, purposely. No mention is made of the residential easement this Resort will leverage, which will become a commercial one at the great expense of a family. The guest count is woefully underreported in relation to water and sewage needs (an expense to ultimately be paid by those who share the water table) and nothing discusses what this resort is truly meant to be: a short term rental cluster serving as a launching point for hundreds of off-road vehicles. Vehicles which will be loud, continue to degrade a Forest Service Road not meant to take the volume, and whose resulting accidents, fire risk, and trespassing, will put considerable strain on Kittitas public resources.

Please review these comments in earnest. The downstream effects of this development as proposed will result in damage to waterways, quality of life, habitat, and I believe, the real potential for loss of life in emergency situations.

Thank you for your careful consideration of the below.
Respectfully,
Kathryn Podobnik

Non Compatible with Kittitas County Code, KCC 17.08.270

17.08.270 Guest ranch or guest farm.

"Guest ranch or guest farm" means a business or an organization providing overnight lodging, dining and recreational facilities in a rural setting. The purpose of a guest ranch or guest farm shall relate primarily to vacation, recreation and similar pursuits, and does not include rehabilitation centers, group homes, clinics, nursing homes, churches and church camps, and other similar uses. Events such as auctions, barbecues and similar gatherings which do not provide overnight lodging or which are not conducted on a continuous basis shall not be considered as guest ranches or guest farms. Enhanced agricultural sales are allowed.

As proposed, the Fowler Creek Guest Ranch does not meet the intended use of the code and is a gross misinterpretation.

The proposal, **Exhibit 7, Buildings and Recreational facilities**, includes plans for “**Dining Area**: There will be a place that guests will be able to purchase and eat farm-to-table food and local brands in a common area” and “**Small Store**: The small store will sell groceries, snacks, and other supplies. The store will have a selection of recreational retail and rental items... souvenirs and apparel”.

According to KCC **17.15.060 ‘Allowed uses in rural non-LAMIRD lands’** and **KCC 17.15.060.1 ‘Rural Non-LAMIRD Use Table’** retail sales are not allowed in the existing zoning.

KCC 17.08.270: *Events such as auctions, barbecues and similar gatherings which do not provide overnight lodging or which are not conducted on a continuous basis shall not be considered as guest ranches or guest farms.*

Exhibit 7, Buildings and Recreational facilities of the proposal states that: “The large barn will be used by guest ranch guests for **gatherings and events**. The barn can accommodate up to 200 people, and will be perfect for **weddings, birthday parties, and other special events**”.

A wedding and day use venue clearly does not meet the intended use and definition of “Guest Ranch” as defined in **KCC 17.08.270**.

As proposed, the Fowler Creek Guest Ranch does not meet the intended use of the code and is a gross misinterpretation.

Bruce Coe, member of the District 2 Kittitas County Planning Commission, was party to the writing of the existing language of **KCC 17.08.270**. He states, in “Letter of opposition to Hidden Point Project Application CUP-20-20005” dated December 19, 2020 that:

“The original intent of adding the ‘guest ranch/guest farm’ as a conditional use was based on the following assumptions. Those of us who collaborated on the language of the code assumed that:

- **There was an active underlying agricultural activity that was historical and ongoing**
- The Ag community represented by the Washington State Farm Bureau would and did support any additional use in the Agricultural zones as a way of allowing farmers to make a little extra money if they wanted to, thus the addition of “guest farm” to the language in 17.08.270. Hidden Valley Ranch Opposition to Hidden Point CUP 3

- **The Washington State Cattlemen’s Association also supported the language as an additional land use for cattlemen and women.**
- That there was a specific understanding of what a dude or guest ranch was at the time though it was not codified. In the past there had been as many as 7 dude ranches in the county and Hidden Valley Guest Ranch had been in continuous operation since 1948. The concept was well known and understood by the adopters of the language.
- **That ‘western’ activities were the core of the experience** including horse activities, BBQ’s, trail rides and riding lessons, cookouts and chuckwagon events featuring campfire/foodservice activities. Also implied in the definition is the hiring of additional staff that are not incidental to the core agricultural use - cabin cleaners, cooks, handymen, office/hospitality staff, and generally a separate business to manage the guest operation.
- Outfits to serve the purpose, No one dresses goth at a guest ranch. The atmosphere was cowboy and the theme was western as embodied primarily in movies, print and other media, giving the general perception of what a ranch is and what the personnel involved in farming and ranching are like.

When asked about how to interpret [KCC 17.08.270](#), Bruce Coe stated, “if there are no activities that include horses, and cattle, or emulate anything that represents what comes to mind when you say ‘cowboy’ or any other activities that conform to my quote from the dude ranchers association then it is not a dude or guest ranch.”

This proposal is more accurately presented under [RCW 36.70A.360, Master planned resorts.](#)

17.37.020 Definitions.

The following definitions shall be used in conjunction with the administration of this chapter:

"Master planned resort," consistent with [RCW 36.70A.360](#), means a self-contained and fully integrated planned unit development, located in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

"Short-term visitor accommodations" means the following master planned resort accommodation units: (1) hotel or motel units; (2) time-share and fractionally owned units; (3) recreational vehicle sites with power and water; and (4) vacation and second homes as described below.

We request the hearing examiner:

- Apply the code as intended and described, and deny application for Land Use under KCC 17.08.270

Non Compatible with Land Use Designation:

17.30A.010 Purpose and intent.

The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. (Ord. 2005-05, 2005)

One of the main attractions of the rural residential lifestyle is the low intensity of development and the corresponding sense of a slower pace of living. Part of what creates that attraction is the rural-level facilities and services. This Comprehensive Plan supports and preserves this rural lifestyle by limiting service levels to those historically provided in the County's rural areas. Residents should expect County services, such as road maintenance and emergency responses to be limited and to decrease as the distance from a rural activity center or urban area increases.

The emergency response, while sufficient to support the estimated <100 residents of the surrounding neighborhood, is not equipped to support the need, timeliness, and size of potential emergencies that a site with 200+ guests could need. In addition, the road defined as an 'Exit' in the plan, falls onto FS RD 4517, a maintenance level 2 road with no provisions for road improvements or upgrades.

We request the hearing examiner condition the application in the following ways:

- Apply the code as intended and described, and deny application for Land Use under **KCC 17.30A.010**
- As a condition prior to occupancy, require that the Forest Service upgrade the level of service to a level 4 on Forest Service Road 4517 with maintenance paid for on behalf of the proposed Resort or by USFS
- As a condition prior to occupancy, require the creation of an emergency egress road to Westside Rd or Zrebiec Rd
- Reduce the occupant density by a minimum of 50% to better align with public service levels to meet publicly safety needs
- Restrict the use of events or dense gathering for public safety

Non Compatible with Existing Roadways:

The roadways as they exist today consist of rural, narrow roads with blind corners and poor site lines. Winter amplifies the danger due to snow and ice build up, steep grade, and narrowing following snow remediation. Big rigs, trucks, ORV trailers, and ORVs have continued to rapidly degrade FS RD 4517, a road that is a Forest Service Category 2 designation. The access points to the proposed development can be challenging for even those of us familiar with it. Drivers unfamiliar with the terrain pose an even greater risk to other vehicles, property, pedestrians, and animals.

Additionally, public services here are limited, Forest Service RD 4517 to Fowler Creek Rd. serves as the only egress in and out for the community. Any sort of congestion or accident can completely halt road access, a potential devastation to life in an emergency. The applicant's traffic review as outlined in Exhibit 12 not only dismisses the existing realities of the roadways, but by a significant matter of scale miscalculates and therefore misrepresents the anticipated level of traffic.

Exhibit 12- Traffic

(i) it is estimated that average stay will be 4 days, and guests from each lodging unit will leave the facility once per day, generating two trips including leaving and departing, which would equal 92 trips per day.

Car traffic is being inappropriately calculated by 'lodging unit' under the expectation that 1 lodging unit = 1 'household'. It also fails to recognize the additional road needs based on the types of vehicles - ORV, towed cars, and trailers. This type of usage has an exponential impact on wear of roadways and necessary roadway type.

First, a 5 bedroom Bed & Breakfast by nature of the business should be counted as a minimum of 5 individual parties, each with their own trips. It is unlikely that a 7 bedroom short term rental home has a single party and so more should be estimated. In addition, each cabin is expected to have between 2-4 bedrooms. If we look at this on the lower end, and make a more realistic 'household' assessment, two 'households' per short term rental cabin, is more consistent with actual STR use. A more realistic 'household' or 'party' count would look like:

30 RV Sites = 30 households
 10 x 2-4BR cabins = minimum 20 households
 5BR B&B = 5 households
 7 BR ranch house = 2 households
 for a total of 57 "households".

The Bureau of Transportation Statistics most recently published data (2018) estimates the "average weekday household person trips" in this area to be 8 or more trips per day. While it may be reasonable to expect this number to decrease, 1 trip per guest party is an unreasonable expectation. If we decrease trips by roughly 50% (not accounting for the 8 'or greater' part of the estimate), we arrive at 4 trips per "household". 57 households by 4 trips per day = 228 trips.

Applicant's Traffic Impact Table from Exhibit 7 is copied below. This table is woefully inaccurate as the applicant utilized Average Daily Trips (ADT) counted at each intersection, but added only expected "Peak Hour ADT" when **TOTAL ADT** should have been used when projecting their overall impact.

PROPOSED FOWLER CREEK GUEST RANCH TRAFFIC IMPACT TABLE				
Road and Mile Post	ADT(1)	Projected Guest Ranch ADT(2)	Total with Projected Guest Ranch	Projected percentage increase
Fowler Creek Road MP 0.110	191	9.177	200.177	4.58%
Westside Road MP 0.392	1339	0.966	1339.966	0.07%
Westside Road MP 2.170	1166	0.966	1166.966	0.08%
Westside Road MP 7.120	984	8.21	992.21	0.83%
(1) See attached Kittitas County 2022 Traffic Counts				
(2) This shows 85% of the projected traffic west bound and 10% eastbound, 5% south on Granite Road (FS 4517)				

Revised Proposed	Fowler Creek Guest Ranch Traffic Impact Table				
	Road and Mile Post	ADT(4)	Projected Guest Ranch ADT(2)	Total with Projected Guest Ranch	Projected Percentage Increase
	Fowler Creek Road MP 0.110	191	217	408	114%

When the applicant states they believe that 85% of the traffic will head West towards I-90, why did only one of the 3 other intersections after Fowler Creek Rd that they evaluated consist only of the 10% they expected to drive East? Intersections to the West are critically important when evaluating true impact

when it's expected that the vast majority of the traffic will be traveling West. As a result, additional intersections which should be included because of vastly increased traffic, but are not limited to:

- Westside Rd & Golf Course Rd
- Westside Rd & Nelson Siding Rd

Additionally, applicant's referenced traffic reports account for **weekday traffic only and does not include the not insubstantial existing weekend recreational traffic (ATV's, motorcycles, 4-wheelers) traversing these same roads. It also seems reasonable to project that at least some of these STR sites will be occupied by people wanting close access to areas already under heavy off-road use, thereby also increasing traffic west of the proposed Resort entrance. This traffic increase has not been addressed.**

Additionally, the blind corner of Westside Rd & Fowler Creek Rd as already an intersection of great concern. It is blind to both sides and is already a location of many accidents. Recreational Vehicles and persons not familiar with the area run a high risk of resulting accidents, a threat to public safety.

We request the hearing examiner condition the applicant in the following ways:

- As a condition prior to permit, require a weekday and weekend traffic impact study as a condition of permit
- Restrict the storage of ORVs on the property. This includes trailered vehicles.

Superfluous to the Development Needs of Kittitas County

The applicant states in Exhibit 1, Fowler Creek Guest Ranch Narrative, that: "As the vacationing population grows, Upper Kittitas County currently has a need for more recreational areas and recreational lodging facilities... Fowler Creek Guest Ranch will offer a variety of rentable lodging, including 30 recreational vehicle parking spots, ten short-term rental cabins, a bed and breakfast...The Guest Ranch would help address the need for more recreational areas and lodging facilities in Upper Kittitas County."

This proposal advocates for a cluster of 12 short term rental (STR) structures and 30 RV spaces in land that should be utilized for rural residential housing. As I will demonstrate below, the allowance of these structures for STR rental use is inconsistent with the **December 2021, Kittitas County Comprehensive Plan**, and due to existing current land use designation and the extreme saturation of short term rental residences and RV spaces, it is an unnecessary and irresponsible use of Rural-Residential lands in the area.

December 2021, Kittitas County Comprehensive Plan

3.2.2 Tenure and Occupancy Rates

According to 2017 Office of Financial Management (OFM), there are 23,665 housing units in Kittitas County. Of the identified housing units, 17,826 were occupied as of the 2016 American Community Survey projections. This suggests approximately 5,839 units were vacant within Kittitas County at the time of the survey. These vacant units include seasonal and recreational households, and units available for rent at the time of the survey... In total, seasonal and recreational units represent approximately 70% of vacant units within Kittitas County

3.2.3 Value and Cost of Housing, Housing Availability

For Kittitas County to adequately accommodate its 2037 population projections, approximately 430 housing units will need to be made available on a yearly basis through the 20-year planning horizon.

3.2.3 Value and Cost of Housing, Residential Land Supply

A land capacity analysis was conducted in July of 2016, with the intent of identifying existing and future residential land capacity in accordance with RCW 36.70A.070(2)(c). This analysis looked at the total acreage of vacant, partially developed, and underutilized land currently zoned for residential development...It is also important to note that the majority of residential land use, currently characterized as underdeveloped within this study is designated Residential-Vacation and Cabin (19) under existing Kittitas County Land Use.

A quick property analysis of nearby rental properties utilizing the Short Term Rental (STR) analytics platform, AirDNA, shows that as of October 2023 there are >800 STR rental properties between Roslyn, Cle Elum, and Easton with an average historical occupancy rate of ~58%.

When looking at available RV sites within an ~10 mile radius, a quick search identified close to 200. This list is EXCLUSIVE of readily available, accessible, and existent RV and camping spaces in public campgrounds. There is no need for additional STR units or RV spaces. The supply more than exceeds the need.

We request the hearing examiner:

- Deny permit to the application due to misalignment with the Kittitas County Comprehensive Plan.

Threat to the Safety and Wellbeing of the Community

Fire:

Granite Creek and the surrounding neighborhoods are at a significant fire risk. The proposed community is uphill, in an area of high winds, minimal water, and one way in and one way out. Without appropriate fire mitigation to manage the emergency evacuation of an additional 100-200 people as well as water, the approval of this proposal will ultimately result in loss of life.

Water:

Aside from woefully misrepresenting the likely overnight population (see below), this proposal does not address the water needs of food service, retail, or the event space proposed. This area is water sensitive and previous construction activities have resulted in flooding of lowerland neighborhoods.

Exhibit 9, Sewage Treatment Plan:

The applicant significantly under represents the total number of guests this ranch would be expected to hold which has significant impact in relation to water needs and sewage treatment.

A careful review of this proposal shows the following in **Exhibit 9:**

- (iv) *At 100% occupancy after completion, it is estimated that the maximum occupancy will be as follows:*
- A. 30 RV sites with two individuals at each site equaling 60 individuals.*
 - B. One five-room bed and breakfast with two individuals in each room equaling ten individuals.*
 - C. Ten cabins with an average of three individuals staying in each cabin equaling 30 individuals.*
 - D. One ranch house with an average of six individuals staying in the ranch house equaling six individuals.*
 - E. Residential habitats may have an average of 10 individuals at full build out.*
 - F. Based on these estimated totals, the entire maximum occupancy of the park is determined to be 116 individuals using and occupying the facilities at maximum capacity.*

Questioning the above reference:

A: Many RV's comfortably sleep 8. Why is 2 a reasonable estimate? What about families?

C: This proposal estimates 10, 2-4x bedroom cabins. If we estimate an average of 2 persons per bedroom, this number could be as high as 80 people, not 30.

D: Again, at a conservative 2 persons per bedroom, this is 14 people, not 6 (for a 7br ranch house).

F: With this accommodations, it would not be unreasonable for there to be 150-200 guests per night.

Nowhere in this proposal is there a discussion about the additional water and sewage needs of the persons in the 200 person event hall. The sewage management needed for a potential 200 persons provides an area of significant danger to this community. We also cannot take into account the additional amount of sewage volume from RV's as there is a possibility to empty their black water tank. Sewage built up before arrival.

Noise:

Daily, persons in their off-road vehicles speed through 4517. It's dangerous, disconcerting, illegal, and loud. This proposal is capitalizing on the accessibility of nearby trails. 30 RV's create an incredible amount of noise, bringing in generators and outdoor entertainment. A 2018 article published by the National Park Service states that, "Activities such as finding desirable habitat and mates, avoiding predators, protecting young, and establishing territories are all dependent on the acoustical environment. Sound levels during peak periods in a high air traffic corridor in the Yellowstone backcountry, for example, were elevated by up to 5 decibels. The result is as much as a 70% reduction in the size of an area in which predators can hear their prey".

We know that a single RV generator can be 40-60dB at 50ft or louder. For these and other noise limiting reasons and their detrimental impacts on the surrounding ecosystems, the National Park Service has a

series of noise regulations known collectively as the protocols for [NPS Soundscape Management](#). This regulations include mandatory quiet hours between 10pm and 6am and specifying a campground generator noise limit of 60 dB when measured on the A-weighted scale at 50 feet. Some National Parks are more restrictive than this.

We request the hearing examiner:

- Require as a condition prior to permit, set limits for exterior sound levels
- Specifies required quiet hours of 9pm-8am, and hours during which construction and maintenance are allowed
- Restrict ORVs on the property. This includes trailered vehicles.
- As a condition prior to permit, require the applicant to propose a fully outlined water mitigation strategy that is assessed and conditioned by the Department of Ecology

Threat to the Environment

The property has significant wetland, ponds, and fish (F) streams. The applicant stated in *Exhibit 22, Qualitative Features*, that *"the waters serve as habitat for a variety of fish, plants, waterfowl, and other aquatic life."* Given the significance of these critical areas as well as the largely unknown extension and boundary of them, it is requested that the proposal include a Critical Areas Report and subsequent mitigation plan.

The Washington Department of Natural Resources (WDNR) Natural Heritage Program (NHP) records known observations and known locations of rare plants and high-quality ecosystems. A total of 46 plant species are listed by WDNR as "rare" in Kittitas County. Given the lack of study performed on behalf of the application, it is unknown how many of these rare plant species may exist on this property.

Additionally, given the extent of the uninterrupted rural migratory paths in this area and the evidence and sightings of wildlife including but not limited to: bears, cougars, frogs, migratory birds (Golden Eagles), non-migratory birds (Owls, potentially Northern Spotted, Wild Turkeys), it is critical that an EIS be performed to understand the impact to threatened or endangered species who call this area home.

In the applicant's SEPA application, Section 3.a.1 discusses surface water within the permitted area. They state the Type 4 Seasonal (N) stream that runs along the south portion of the site is *"incorrectly listed on the (Kittitas County COMPAS) website and is actually an existing logging road misidentified as a stream. There are seasonal run-off paths and ditches."* The State Of Washington GIS information for [Surface Water Quality Standards for the State of Washington](#) on the Washington Geospatial Open Data Portal shows that there is a stream in the area that is a tributary to the Yakima River. [WAC 220-660](#) defines rules and regulations for "work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state." If there is indeed already identified surface water within this project area, this resort development would likely require a [Hydraulic Project Approval](#) permit. If the applicant incorrectly stated information on their SEPA application, it shines a spotlight on the decision in the Kittitas County Preliminary Mitigated Determination of Nonsignificance that the Kittitas County Community Development Services "has determined that the proposal will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under [RCW 43.21C.030](#) (2) (c) and [WAC 197-11](#)." Additionally, the existing surface streams listed and their subsequent water destination (Yakima river) necessitate a Construction Stormwater General Permit.

We request the hearing examiner:

- In advance of any work performed on this project, require the applicant obtain a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW)
- Require a Construction Stormwater General Permit
- In advance of permit approval hire a professional organization for creation of a Critical Areas Report and subsequent mitigation plan with specific and actionable plans
- Disallow any development on the site until the Department of Ecology has surveyed the wetlands and waterways to determine environmental impact. The applicant is to adhere to the recommendations provided by the Department of Ecology.

Closure

This letter serves to list only part of the concerns I and my community have regarding the nature of this proposal. We hope you will take these concerns into review when determining the allowance of the development of such property under the Conditional Use provisions. We are hopeful that you will agree that this application is not aligned with the [Kittitas County Code, KCC 17.08.270](#). If such a permit is issued, we hope you will apply comprehensive mitigation strategies to decrease our warranted risks.

In summary:

We request the hearing examiner:

- **Apply the code as intended and described, and deny application for Land Use under [KCC 17.08.270](#)**
- **Apply the code as intended and described, and deny application for Land Use under [KCC 17.30A.010](#)**
- **Deny permit to the application due to misalignment with the [Kittitas County Comprehensive Plan](#).**

Condition the applicant as follows:

- As a condition prior to occupancy, require that the Forest Service upgrade the level of service to a level 4 on Forest Service Road 4517 with maintenance paid for on behalf of the proposed Resort or by USFS
- As a condition prior to occupancy, require the creation of an emergency egress road to Westside Rd or Zrebiec Rd
- Reduce the occupant density by a minimum of 50% to better align with public service levels to meet publicly safety needs
- Restrict the use of events or dense gathering for public safety
- In advance of any work performed on this project, require the applicant obtain a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW)
- Require a Construction Stormwater General Permit
- Restrict ORVs on the property. This includes trailered vehicles as a matter of public safety
- In advance of permit approval, hire a professional organization for creation of a Critical Areas Report and subsequent mitigation plan with specific and actionable plans with review by the Department of Ecology
- As a condition prior to permit, disallow any development on the site until the Department of Ecology has surveyed the wetlands and waterways to determine environmental impact. The applicant is to adhere to the recommendations provided by the Department of Ecology.
- Require as a condition prior to permit, set limits for exterior sound levels
- Specifies required quiet hours of 9pm-8am, and hours during which construction and maintenance are allowed

- Restrict ORVs on the property. This includes trailered vehicles.
- As a condition prior to permit, require the applicant to propose a fully outlined water mitigation strategy that is assessed and conditioned by the Department of Ecology
- As a condition prior to permit, require a weekday and weekend traffic impact study as a condition of permit
- Require as a condition prior to permit, set limits for exterior sound levels
- Specifies required quiet hours of 9pm-8am, and hours during which construction and maintenance are allowed