

Jamey Ayling,

Subject: Fowler Creek Guest Ranch Revised Application

I have reviewed the Revised Application for the Fowler Creek Guest Ranch dated 6-24-2024 and further modified by reducing the acreage from 84.3 acres to 34.9 acres. While the revised application has made some improvements, particularly by reducing the scope (removing rental cabins & residential habitats) and not using FS Rd 4517 for egress, many other items remain unchanged and the overall project remains detrimental with serious impacts to Traffic, Fire, Noise, Water, Safety and health, the environment, and to the peaceful character of this rural neighborhood.

Last fall, many members of this community provided detailed comments of concern regarding this project. Although the applicant has provided a Comment Matrix in Exhibit 27, they did not actually address many of the comments. I consider their revised application as incomplete. The applicant also indicated some concurrence by the County on some items. This is concerning since I don't believe many valid and important comments from myself and others have been addressed.

In the Restrictive Covenant portion of Exhibit 9B, under Purpose and Scope, they state "The project aims to serve as a hub" and they go on to list multiple uses. This is the fundamental problem with this application. They are trying to create a hub, a hub with lots of people coming and going in a Rural Residential and environmentally sensitive area with high fire risk, with inadequate infrastructure including lack of water and substandard roads and intersections. I urge the county to reject this application. However, if it is approved, some caps need to be placed on the number of people, the number of vehicles, the number of ORV's and snowmobiles, the size of RV's as well as restrictions on lights, noise etc. And infrastructure improvements should be required.

In addition to the comments I provided on the original application, I have the following specific comments:

1) O'Callahan Cluster Plat: The County needs to review the conditions outlined in the O'Callahan Cluster Plat from 2006 (P-06-03), and how it relates to this current Permit application. This cluster plat included the 14 westerly most parcels within the original 84.3 acre proposed development. These 14 parcels were originally one 20-acre parcel. This parcel should have been subdivided into only 7 lots per the zoning at the time. Instead, the developer was allowed to divide it into 14 parcels (all less than the 3-acre minimum) in return for conditions placed on future development of these parcels. While 11 of these 14 parcels have since been removed from this revised application, 3 parcels remain (954547, 954548, 954549). The original intent was clearly that the 14 parcels would remain together when developed. The County needs to ensure that the conditions remain on these parcels. It's not clear how to do this since 3 of the 14 parcels are included and 11 are not.

The applicant should have addressed these restrictions within their proposal, but no mention of it was made. It was only through a FOIA that this was discovered. These parcels are still bound by the terms of the cluster plat and this needs to be addressed.

There are 6 acres of open space within the 20 acres that are supposed to be preserved in perpetuity. This acreage should be required to be preserved and documented as such in their application and in any County approval.

There are other conditions as well, regarding usage, for example, no lots being served by individual wells and a class B water system, and all lots being served by individual septic, and others. How is this being addressed?

2) Title Reports –The County should require a Title Report be completed for all parcels within the 34.9-acre development. Are there any other restrictions on development of the included parcels that haven't been disclosed? This information should be made available to the public prior to any approval by the County or any public hearing being conducted.

3) Parcels & Future Development: Within this 34.9-acre development, there are individual parcels and portions of parcels. Will inclusion within this development prevent additional development on these individual parcels? What about portions of parcels? Could the applicant also add a home at a later date to a partial parcel for example? Will guests at the "guest ranch" be prevented from accessing the area outside the 34.9 acres? If so, how? Is this reduction in acreage by the applicant something in name only? Will the guests of the guest ranch have full access to wetland and sensitive areas? What is to prevent that?

4) Zoning -The applicant is still proposing what they call a "guest ranch" but it's a business not related to farming or ranching or education, in an area zoned for Rural 5 acres minimum. I remain in disagreement that this type of use should even be allowed in this area.

5) Traffic - They are putting all traffic through the substandard intersection of Westside Road & Fowler Creek Road, and then on the substandard Fowler Creek Road. This is our only way in and out. I provided detailed comments previously on these roads, but they don't appear to have been addressed in any way. I see a concurrency letter from Public Works, with no mention of any infrastructure improvements. The applicant is increasing the volume of traffic and the percentage of large Trucks & RV traffic. There doesn't appear to be any size limits on the RV's. Has the County done any analysis of bringing large trucks and RVs through this area, given the substandard condition of Fowler Creek Road and the Fowler Creek/Westside Rd. intersection? As the roads are today, an RV could easily block access to Fowler Creek Road, creating safety and other concerns. An RV could easily block the entire intersection. Accidents should be expected given their substandard nature, and the increased volume. Has the County done their due diligence in reviewing the safety and adequacy of this infrastructure with the expected increase in traffic and truck/RV percentage?

6) Fire Risk- If we ever have a fire up here, it's going to be a mess trying to escape, everyone trying to get out down Fowler Creek Road and through the Westside/Fowler Intersection. Fire will move quickly, and this development is putting lots of people up in this area, greatly increasing our risk of fire, making it harder to escape, and potentially trapping us in our homes with a fire raging and our way out blocked. I strongly urge the County to reject this application for safety reasons. In addition, I have the following questions and concerns:

1. Is Kittitas County Fire Station #73 manned 24 hours a day? Will their response time be as quick as the applicant states?
2. The applicant has added stored water on site in this revised application, but it appears it's only accessible by the Fire Department. They state "staff will be trained in

emergency response”. What does this training include? Can staff access the stored water? Will someone on site be knowledgeable about that and be able to respond quickly to a fire that starts in the RV Park or Event Center? If a fire starts in the RV park, no one will even have a garden hose available to quickly put it out. This makes fire much more likely to spread before the fire department can arrive. They could have water on site, and no one able to get the water to the fire location. What plan is in place? It’s easy to say trained staff will be on site, but if the County doesn’t make this a condition of approval, it likely will not happen.

3. In Exhibit 11, The narrative doesn’t match the Plan View provided (is this 11B, it’s not labeled) and it’s confusing. Hydrants 1-4 are shown on the Plan View but no elevations are shown, and distances of pipes are not shown. They state the 6-inch pipe will extend approximately 1750 to connect with the entrance road. Which hydrant is this (4 or 1 or other?). Is the “entrance road” the entrance on Fowler Creek Road, or the emergency Exit on FS Rd 4517? Where is the secondary emergency entrance draft point? They list a higher elevation for that of 2835’ which is higher than the Elevation of the storage tank. They also state the final stages of fire protection development will run to Fowler Creek Road. I don’t a hydrant there on the plan view. This Exhibit needs to be corrected and resubmitted.
4. Exhibit 12 only considers getting people within the Guest Ranch out safely. They don’t consider that the number of people at their facility will make it impossible for community members to get out in time. Imagine if a fire started when they were at full capacity. They will have nearly 400 people at the guest ranch to evacuate down Fowler Creek Road. They will block people higher up or on Pasco Rd from getting out. And what is to prohibit people with RV’s from hooking up and trying to keep their RV from harms way, blocking the road, even if there is a rule against it? It’s a potentially very dangerous situation. With climate change, the situation will get riskier as the years go on. (Reference my Estimated Quantities on the attachment)

7) Rural Character: The applicant admits in Exhibit 24 to accidentally providing a fake legal case by using Artificial Intelligence in their previous application. However, they haven’t adequately addressed the concerns over rural character issue. This project if approved will forever change the rural character of this area.

It’s unbelievable to me that a 200-person event center can qualify to be placed here. There could be weddings 365 days a year with amplified music blaring until 10 pm at night, and with alcohol being served its likely impaired drivers will be leaving the site. The RV park, the ORV’s and snowmobiles, and other project features will bring lots of noise, and light, and lots of activity. This will reduce the number of wildlife we see. There are so few places now where you hear quiet, without manmade noise. This is such a place. The same is true for light. It is completely dark here at night. That will be lost with this development.

8) Noise: I have many concerns with the proposal in Exhibit 7A. In general, the wording is extremely loose and has no enforcement mechanism. Performance-based measures need to required.

1. The applicant never addressed comments by the public regarding how far noise carries in this area. I don’t see any noise studies that were done, or the County requiring any. Trees will not adequately block the noise from amplified music or other

high decibel noise, given the distances available to neighboring properties. Also, for fire safety, many are limbing the lower branches of trees. How does the applicants use of trees as noise mitigation work when the bottom 10 feet of the tree is limbed? The answer is, it doesn't. The exhibit states that people will congregate on the western portions of the property. This is the area closest in proximity to the surrounding property owners. They state that **"trees will be strategically placed"** What recourse does the Community have if the applicant plants trees and it doesn't adequately mitigate the noise? The County should require an actual noise study be done, and require performance-based measures to ensure the Community and environment are protected from noise from this proposed business.

2. In Exhibit 7A states **"The Ranch Barn will host events that will include activities such as talking, dining, dancing and amplified music."** I strongly disagree that amplified music should be allowed. How much amplification? Is there a decibel limit? Once the County approves this development, the community has no recourse. And there are no performance-based measures in place. For example, the County could require if they amplify music, if it's heard at the nearest property line, and bothers a resident, they would have to shut it off. Their proposal is full of weak wording with no enforcement mechanism or decibel limits. Another example: **"There may be additional soundproofing constructed within and around the Ranch Barn, such as the installation of acoustic panels and /or planting a barrier of trees in necessary areas, which will further reduce the noise impact."** What does this mean? Statements like this are basically worthless. Night time are quiet hours, that is good if enforced. But daytime decibel limits should not be ignored. The County should require measurable decibel limits during the day at the nearest property line of a resident. Residents and wildlife should not have to hear amplified music from a business during daytime hours. The County should also consider this isn't one day a year or one day a month. This literally could be amplified music 365 days a year. Accordingly, a reasonable decibel limit should be put in place, not a high "anything is okay during the day" limit. And if you think 365 days a year would never happen, if it's not limited, it very well could happen.
3. Exhibit 7a also states **"Off-road vehicle usage is strictly prohibited and is listed as such in the official Code of Conduct"**. Note that the official Code of Conduct can be changed by them at any time. If ORV's are prohibited, the applicant should be prohibited from bringing ORV's to the facility. Snowmobiling is allowed **"at management discretion"** between 8am and 6pm. Again, this is weak wording. A few snowmobiles coming in and out may not be a problem. A lot of snowmobiles would be. Also, if someone rides constantly back and forth within the "guest ranch", that would be very bothersome to nearby property owners. With no limits placed on the number of ORV's and snowmobiles, our community powerless once the County allows this development to proceed. There is a nearby SnoPark. This "guest ranch" should not become a hub for ORV or snowmobile use. Guests riding the Granite Creek area or nearby roads are a moving noise source that is harmful to residents and wildlife.

4. It states: “**Management will reside on site in order to ensure that all rules and regulations are adhered to.**” How is this enforceable? What if they don’t? What recourse does the community have?
5. They state “**The applicant of the proposed project has had meetings with the Department of Fish and Wildlife and the Department of Ecology to assess the effects on nearby wildlife, and concerns of noise impact have not been stressed by these agencies.**” I am not clear on what this actually means. What assumptions were these agencies under regarding amplified music? Since there are no restrictions, worst case scenario should be assumed. Nightly amplified music for hours at a time up until 10pm, at a high decibel level. I would ask that these agencies and the County take a closer look at what is being proposed and reconsider.
6. Another statement “**Moreover, guest ranch management will periodically assess noise levels and compliance with the plan to evaluate the effectiveness of the implemented mitigation measures. By working to decrease the cumulative noise impact, Fowler Creek Guest Ranch aims to maintain a peaceful atmosphere that ensures a harmonious environment for guests, employees, and the surrounding community**”. That sounds good, but again this is meaningless without an enforcement mechanism. The County could consider complaints by the Community as a trigger for action. For example, if a complaint is received, a noise reading would be required to be taken at the property line of that resident. If the decibel reading exceeded a certain level, actual mitigation would be required, not optional.
7. The County should consider reasonable daytime decibel limits at the nearest property lines that take into account the guest ranch could be a constant source of noise, 365 days a year, to ensure that that “harmonious environment” is actually achieved.

9) Light - Exhibit 8 Light Pollution and Mitigation Statement – The developer admits lighting is harmful but essentially says there is no law against it so they are doing it anyway. Light pollution is harmful to the environment, it should not be allowed. This development doesn’t belong in this area. A 200-person event center, and RV park – zoning should prohibit their use here. If the County approves this, more severe restrictions need to be placed on lighting.

10) Exhibit 19 Dept Meetings Response Letters

1. Item D. Precautions Against Criminal Activity – The applicant claims they will have full time management on site to ensure safety. Will this be a requirement of use, or an optional and unenforceable requirement?
2. E. Why do their guests need to bring ORV’s? How will ORV’s enhance the peaceful character of the neighborhood? These ORV’s should not be allowed, or if they are allowed, the number should be capped. The number of snowmobiles should be severely limited.

11) Exhibit 3 Conditional Uses – 17.08.431 Park Model trailer – This appears to indicate the applicant plans to allow long term RV park tenants, basically a long-term trailer park. Is this the case?

12) Exhibit 6 Code of Conduct - Section 43 - This code of conduct isn’t binding and the applicant can change it at any time. The County should not rely on this Code of Conduct. Any requirement desired by the County and Community should be made binding outside of this Code of Conduct.

Item 32 Firearms – Item 1 isn't clear. What constitutes "good cause"? The County should disallow firearm use on the property including target practice of any kind.

Item 36 Consumption of Alcohol and Item 37 Intoxication. Alcohol being so readily available within the guest ranch poses an increased risk for accidental fire, and for people driving under the influence when they drive away from the guest ranch. At the event center, if alcohol is allowed, they should have to stop serving it several hours prior to when guests are expected to leave.

13) Exhibit 14 Off-Road Vehicle Statement - Why are off-Road Vehicles even being allowed to be brought to this "guest ranch"? How does that serve the public benefit? How many ORV can be brought in? Will this be a drop off location for ORV's? What will be the effect of this on wildlife and residents? The applicant appears to be trying to create an ORV area here, when there is a nearby SnoPark.

14) Exhibit 25 Mitigated Uses Estimates There are large inaccuracies in the numbers provided by the applicant. The applicant has severely underestimated quantities. See attached pdf for a comparison. By doing this, they are hiding the true impacts of this project, related to people, traffic, water and sewer needs and uses. The County should review their quantities closely.

15) I discussed environmental concerns in my comments last fall and I still have those concerns, but wanted to add that it seems crazy to have a 200-person event center without any water supply, doing it all with bottled water. The amount of waste generated is huge and bad for the environment. There will also be a lot of dust and noise and additional lights during construction if this project is ultimately approved by the County. The County should ensure the disruption to the surrounding properties and the environment is minimized.

Again, I urge the County to reject this application. If the County chooses to approve the application, more protections need to be required so that the safety of the Community and the Environment are better protected. Thank you for considering my comments. Please contact me if you have any questions.

Sincerely,

Diane Berge

206-349-6814.

QuantityComparison to Applicant's Exhibit 25, Mitigated Use Estimates										Fowler Creek Guest Ranch - Revised Application	
		Number of Vehicles		Number of People		Water per Unit	Water		Quantity of Sewage in gpd		
	Proposed Facility	Developer Estimate	My Estimate	Developer Estimate	My Estimates	Rate/Develo per	Developer Estimate Total Gallons/Day	My Estimate Total Gallons/Day	Developer Estimate	My Estimate	Comments
1	30 RV sites	30	30	30	90	50	1500	4500	1050	5400	Applicant says 60 people but calculates using only 30. Number of people per RV will exceed 2. Extra people & kids will make it closer to 3 per RV.
	Extra Vehicles/Trailers	0	15	0	30				0	1800	Assume there will be extra vehicles allowed. The applicant has not stated there wont be.
2	1 B&B: 5 Bedroom Cabin (5 bedrooms with private bathrooms per Ex 7)	5	5	10	16	50	500	800	350		They revised rate from 60 to 50 gpd per person
	Extra Vehicles/Trailers	0	2	0	included above				0		
3	B&B (Dining)	see above	See above	10	16	10	100	160	70	112	
4	Ranch House: (a 7 bedroom house with 3 bathrooms & large kitchen per Ex. 7, avail to rent by large families)	6	9	7	18	40	280	900	196	196	Developer estimate of only 7 people in their calculation (i.e. one per bedroom) seems unrealistically low. Assume rent by large family, multiple cars, extra sofas for kids. Rate of 50 Gallons/day vs 40
5	BARN (per Ex 7 it is a 200 person Event Center for large gatheriings, weddings)	75	75	200	200	5	1000	1000	700	700	rate of .7 gpd @ 40 gpd
6	All staff for Store/cooking meals for dining facility, managing RESORT, cleaning Cabins	0	20	0	20	0	0	600	0	360	Staff will be needed to cook and serve at Ranch Barn for 200 person event plus normal duties. Assume 30 gallons/day per each staff.
	Totals	116	156	257	390	155	4,380	9,560	2,366	9,824	Note the Vehicle Estimate doesn't include motorized recreational Vehicles like snowmoibiles, Quads, etc.
		Vehicles		People			Total Gallons/Day of Water	Total Gallons/Day of Water	Sewage		