

3 October, 2023

From: Rosemary Baisch Dunkle, Director
Fowler Creek Ranch / FC RANCH LLC
2040 Fowler Creek Road
Cle Elum, WA 98922

To: Planning Commission of Kittitas County
c/o Jamey.Ayling@co.kittitas.wa.us

RE: Conditional Use Permit Application CU 23-00003

I am the owner of Fowler Creek Ranch, which is just a few hundred yards South of the proposed Fowler Creek Guest Ranch. Through family I have had a relationship to my land for more than 60 years. I purchased it from my uncle's family in 2021 to prevent the 145 acres from being developed and to bring it back into use for active agriculture, while adding opportunities for environmental education and limited philanthropic use.

I think the concept of developing this neighboring 85 acres in a way that will expose more folks to the magic nature of this part of Kittitas County is great. The way the development is executed, however will have a significant impact on the rural character of what is currently well spaced residential plots and agricultural land.

My most significant area of interest is in their plans to acquire the water necessary to build-out their development. They describe piping in water from nearby sites also owned by the developer. This concept needs to be more fully examined, with specifics around water sources, the availability at those sources, and the impact of diverting water from uphill or upstream of neighbors holding senior water rights. I urge the planning commission to pause any further action until this work is undertaken and examined.

My other areas of comment are around the character of the commercial development and its impact on the neighborhood. We are a rural community, miles from any formal commercial activity, enjoying quiet days and quiet, dark nights. The introduction of rotating guest list of more than 100 people in dozens of RVs, at an outdoor wedding venue, and with their motorized recreational vehicles, will have a profound impact on our rural community. The flocks of turkeys will be disrupted; hawks will move to quieter hunting grounds; herds of elk and deer be driven to quieter areas in the forest; resident bears will be viewed as a dangerous nuisance; dirt bikes, ATVs and snowmobiles will venture onto private property without permission; our views of the Milky Way in the night sky will be obscured; and amplified music lasting until midnight will echo off the hills.

There are ways that this project can be undertaken that will reduce this impact: tent camping rather than RVs, specific constraints around noise and light, and controls on the number, type and destination of motorized recreational vehicles leaving the property headed for the trails under the power lines are specific examples. There also needs to be greater examination of egress for neighbors in the event of a fire on the property.

I have detailed my concerns in the paragraphs below. I urge you to read and consider these suggestions as you work with the developer to permit this new, large, commercial operation that will sit in the middle of a now remote, rural community.

Thank you,

Rosemary B. Dunkle

Rosemary Baisch Dunkle

1. Water

In May, 2023, Kittitas County notified all water rights holders that consumptive use permitted by rights dated after 1905 were suspended due to the full appropriation of the Yakima River Drainage Basin. According to the county's website (<https://www.co.kittitas.wa.us/health/services/water-resources.aspx>) there is no water available for new appropriations. Senior water rights are defined with priority dates prior to May 10, 1905.

The site continues, "Kittitas County is also currently under a compliance order from the Growth Management Hearings Board which requires the county, among other things, to employ measures to protect the quality and quantity of surface water and ground water resources."

The site goes on to say, "Mitigation will be required for all new uses of ground water for domestic (including lawns and gardens), commercial, irrigation and industrial purposes within the areas of Lower Kittitas County inside the Yakima River Drainage Basin with regard to Total Water Supply Available (TWSA)" and that new uses mitigated through the county's program will be limited to indoor domestic and up to 500 square feet of outdoor use only.

The application materials for the Project clearly call out 12 structures plus recreational habitats and usage by up to 56 people per day when fully built. The usage demanded by this population explosion will far outstrip the 5,000 gallons per day as allowed by their well tag.

The developer proposes to pipe water from other land controlled by the developer/owner to the guest ranch. NO environmental impact assessment has been done to confirm that (1) the necessary volume of water is available at other property, and (2) how that redirection of the limited resource will impact senior rights holders on nearby properties.

This new consumption will likely decrease the water available to senior rights holders located downhill and downstream from the point of its taking, as it will be redirected for new commercial use in advance of it naturally reaching their property.

For this reason, the conditional permit should be paused until a full assessment of water needs and water sourcing (and the sourcing's impact) can be performed and examined.

2. Noise

The area in which this project would occur is zoned R-5. Per the zoning documents, within R-5 zones **(17.30A.010 Purpose and intent)** 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)

Furthermore, in the Conditional Use review criteria (17.60A.015) the proposed use must be essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

In order to retain the peace, safety and character of the surrounding area, conditions may be applied (17.60A.020) including (1) limiting hours and size of operation and (2) controlling the siting of the use and/or structures on the property.

The Guest ranch proposes to serve as an event venue for weddings, parties and family gatherings. For these events they will allow / feature amplified music, with an end time of 12 midnight on Friday and Saturday.

Amplified noise and music in this hilly, rocky environment will not diffuse into the forest, but rather will echo off the hills, dramatically changing the peaceful character of the rural residential neighborhood. It will adversely impact the animals that hunt and reside in the surrounding natural lands, and will have disrupt the residents of nearby properties who live in, and visit the area for quiet rest and relaxation away from the city. For this reason, quiet hours of 9 p.m. must be enforced throughout the week, and the outdoor amplification of sound and music be prohibited.

2a. Noise

The current plan tightly clusters the 30 RV camping sites on the property's southern boundary. A key reason that people choose to recreate in an RV versus tent camping is that they like to take their creature comforts with them – heat, TVs, lights, kitchen appliances. These comforts require external power generation, and generators are loud. No consideration has been made in the proposal to quantify and consider the impact of the 30 clustered RV generators to the peace, air quality and character of the nearby forest and neighboring properties.

2b. Noise

At the end of section 2's Phasing Plan is a list of, "Notes effecting the phasing plan". Note #7 on the states: "The land within the recreational areas may continue to evolve as recreational interests change over the life of the Project." This means that at some point in the future, the site may be opened to motorized wheeled and snow vehicle recreation and potentially gun sports. These examples are of activities that will markedly increase noise generated from the site and continue the degradation of the area's rural, residential character. For this reason, potential recreational activities on site must be detailed and constrained at the time of the conditional permit being granted.

3. Light Pollution

The application submits that the character of downward-facing 60W LED lights will not pollute the night sky for neighboring properties. However, the applicant did not include a layout of the light poles. We have no understanding from their plan how many poles and with what density the property will be lit. It is quite likely that the cluster of buildings, illuminated roads and open spaces, and 30 RVs will produce light many times brighter than any of the neighboring properties. This will change the character of what

is now a sparsely populated community with very dark night skies, as well as negatively impact the animals currently using the dark as a time to move and hunt.

Furthermore, the light plan does not consider the light emanating from the 30 RVs parked along the Southern border of the property. These lights will travel far into the forest, disrupting nighttime habitat of birds of prey and other nocturnal hunters, especially during the fall and winter months when deciduous trees lose their leaves.

It is important that the eventual commercially used property have a lighting density and impact that is consistent with the impact of nearby properties.

4. Character of the Commercial Enterprise

The rural, residential character of the community will be irrevocably changed by this commercial property. The plan details a planned load on the land of 30 RVs for overnight stays.

RV's produce noise, light and air pollution through the act of driving into a site and the use of generators once parked.

if the goal of the Guest Ranch is to enable people traveling the I-90 corridor to experience, "a connection to nature, a sense of community and opportunities for physical activities," the Guest Ranch should follow the example set forth by Washington State's beautiful campgrounds and provide spaces instead for tent camping.

Tent camping is the ideal way to experience Kittitas County's rural, forested character. Tent campsites have a lighter impact on the surrounding environment than a large vehicle and are a considerably more affordable than a Recreational Vehicle, which can easily cost \$250,000. From a tent people can more fully experience their surroundings such as the sound of a bird hunting and views of the night sky. By limiting the overnight use spots to RVs, the Guest Ranch is pricing out of reach the opportunity to spend time in nature from the vast majority of those who might be interested in the experience. It is also denying access to those desiring an opportunity to have an experience that is closer to nature.

Furthermore, RVs produce greater road discharge and pollution than standard vehicles, and always present a risk of the accidental discharge of fuel and/or raw sewage. The proximity of this vast parking area is very close to Fowler Creek. This Proposal does not adequately discuss safeguarding the quality of the water in Fowler Creek.

For these reasons the development plan should be changed such that tent camping is featured in the 30 temporary use sites rather than RV hookups.

5. Impact on the surrounding residents

In the Exhibit One Narrative, the developer states, "The ranch will prohibit the use of motorized wheeled recreational vehicles within its property, **except for a trail that leads to Forest Service Road 4517.**" With the plan's expected occupancy to be 116 people by the end of the build out, this business will have the opportunity to release dozens of motorized wheeled and snow recreational vehicles onto nearby roads, as well as onto private property, each day.

There will be (heretofore unexamined) noise and traffic impacts from these vehicles and snow machines on the surrounding community. Additionally, the inundation of these vehicles into what is currently a rural, residential area will require current landowners to undertake expensive, extensive boundary demarcation projects to limit access to these transient vehicles and their users. For this reason, the potential use of wheeled recreational and snow vehicles from this site must be constrained at the time of the conditional permit being granted.

6. Egress

My property, located at 2040 Fowler Creek Road, is South of the proposed development site. Currently, the only egress from my property is down Fowler Creek Road to Westside Rd. With an additional 116 people + staff, so 125-150 people on the guest site every day, the possibility of an accidental fire being started is logarithmically higher than without the development. If this were to happen, anyone on my property would be blocked from exiting to Westside and I-90. It is crucial that any conditional development permit require fire suppression equipment on site **and** make considerations for anyone South of the development to exit safely from a fire started on the property.

7. Surrounding Properties Review

The applicant submitted a map noting the properties generally surrounding the proposed development project. My property, located South and Southeast of the project (parcels 775434, 952255, 952256, 952257 and 952258, etc.), is closer than a number of properties considered (555434, 789134, 875934, 885934), however the impact to mine was not considered. I would argue that the impact of noise in the evening (after 9:00 p.m.) and lights after dark will have a dramatic impact on the character of, and peace I find on, my land. Furthermore, the use by guest ranch visitors of the trails under the power lines and along the Western and Southern boundaries to my property (see item 5 above) will require me to more extensively demarcate the boundaries at considerable expense. For these reasons I would like the impact to my land be considered along with the ability to comment.