

EXHIBIT 21
FOWLER CREEK GUEST RANCH
RECREATION AND RURAL CHARACTER

RECEIVED
AUG 10 2023

Kittitas County CDS

Rural recreation is necessary within the definition of rural character because it provides a connection to nature, a sense of community, and opportunities for physical activity, all of which are vital components to rural character. Rural recreation is an essential part of the rural character of Kittitas County. The opportunities created at the proposed Fowler Creek Guest Ranch offer a unique way to experience rural recreation. Guests can enjoy hiking, fishing, biking, and other activities in rural upper county all while preserving the rural character of the upper county and as defined in the Kittitas County Comprehensive Plan.

The wildlife at the proposed Fowler Creek Guest Ranch is abundant. Visitors can see deer, elk, bears, eagles, and other animals in their natural habitat. There will be a handful of viewing areas so guests can observe wildlife and the nearby Eastern Cascade Range. This feature both showcases and safely regulates the rural character of Kittitas County.

The proposed guest ranch is committed to preserving the natural environment. Sustainable practices, such as recycling and composting, will be used to reduce the impact on the environment. There will also be education for guests about the importance of conservation.

Rural recreation is a vital component of what makes rural areas unique. It provides a link to nature, opportunities for safe and environmentally conscious activities, and a commitment to the goals of Kittitas County. The proposed Fowler Creek Guest Ranch will provide a one-of-a-kind way to experience rural recreation, and there will be a fervent dedication to protecting the natural environment.

EAST LAKE SAMMAMISH TRAIL V. KING COUNTY, 193 WN.2D 129 (2019)

Described below is a specific court case before the Washington State Supreme Court, East Lake Sammamish Trail v. King County, 193 Wn.2d 129 (2019), that addressed the use of a former rail line as a recreational trail in King County. The case involved a dispute between property owners along the trail, who argued that the trail should be removed and the land returned to its original use as a rail line, and supporters of the trail, who argued that it provided important recreational opportunities and should be preserved.

The court ultimately sided with the supporters of the trail, holding that the county had the authority to convert the rail line into a recreational trail under state law. The court noted that the county had a duty to preserve rural character and promote recreational opportunities, and that the trail was consistent with those goals.

The court also noted that recreational opportunities were a central component of rural character, and that the trail promoted the general welfare by providing a safe and accessible means of nonmotorized transportation and recreation, preserving open space, and enhancing the character of the area.

In reaching its decision, the court considered a range of legal arguments and evidence including the text of the Growth Management Act as well as the history and use of the rail line and the surrounding area. The court ultimately concluded that the trail was consistent with the county's obligation to balance the preservation of rural character with the promotion of recreational opportunities.

Overall, East Lake Sammamish Trail v. King County is an important case for understanding the role of recreational opportunities in preserving rural character.

This case is especially important when considering a rural area for recreational pursuits within Kittitas County. While the case is not entirely identical to the circumstances posed under the conditional use outlined in this application, the conclusions gathered from the

rulings can be applied to the proposed guest ranch. By doing this, the guest ranch not only closely follows rulings of the Washington State Supreme Court but exceeds the expectations and basic benefits of rural recreation. The proposed guest ranch is being developed on a privately-owned property in an area that creates and promotes recreational growth, preserves rural character, and decreases recreational safety concerns throughout the rest of the county. Listed below are ten rulings from the East Lake Sammamish Trail v. King County court case that support recreation as allowed while preserving rural character, with a description that demonstrates how the proposed Fowler Creek Guest Ranch closely adheres to the ruling.

1. "The County, as a GMA planning jurisdiction, has a duty to preserve rural character and promote recreational opportunities." (p. 139)
Kittitas County, as one of the primary locations in Washington State for pursuing recreation, is required to preserve rural character and promote recreational opportunities. The proposed guest ranch provides a service to the county through its fulfillment of both responsibilities. The guest ranch protects rural character by providing a safe area to recreate and lodge while carefully maintaining the care of critical areas and wildlife within the property. At the same time, the guest ranch will offer safe recreational pursuits such as biking, skiing, birdwatching, and hiking, which fulfills the second responsibility of the county.
2. "The [GMA] ... provides a framework for counties to balance these competing interests in a manner that promotes the general welfare and preserves rural character." (p. 139)
The proposed guest ranch strives to promote the general welfare and preserve rural character. There has been a recent uprise in the desire for rural lifestyles and outdoor recreation as well as a lack of recreation and recreational lodging facilities, guest houses, and recreational vehicle sites. Due to these factors, the Interstate 90 (I-90) corridor and populated areas in Upper Kittitas County are heavily impacted by visitors and tourists each summer and during busy times of the rest of the year. There are very limited private and government facilities for

short term seasonal lodging that provide accommodation for recreation and local events. Because of this and the popularity of Upper Kittitas County, many users must resort to parking their recreational vehicle, recreating, and lodging on private property not designed for such uses (in most cases trespassing) and in places more hazardous than offered by the very limited private and public facilities. The use of the property located near Fowler Creek is twofold. Not only is it provided to redirect people away from the traffic that is common around busy times of the year for I-90 and Kittitas County, but it is also provided as a space for rural recreational lodging, dining, events, and outdoor recreation pursuits for users.

3. "The Shoreline Management Act ... seeks to protect and enhance public access to the shoreline, to protect the natural character of the shoreline, and to promote recreational use." (p. 144)

While the proposed Fowler Creek Guest Ranch does not have access to a shoreline, there are a few critical areas throughout the property including a series of wetlands. The ranch will be located in a watershed that is home to a number of important wetlands. These wetlands provide a variety of benefits, including water purification, stormwater retention, and wildlife habitat. The ranch will work to protect these wetlands by developing a sustainable management plan that will minimize its impact on the water quality and wildlife habitat while still allowing for safe recreation throughout the rest of the property. For more information on wetlands within the property, see Exhibit 3 – Identified Wetlands.

4. "The Legislature has recognized the importance of nonmotorized transportation and recreation ... in the preservation of open space and the character of rural areas." (p. 147)

Another important feature of the Fowler Creek Guest Ranch is its commitment to eliminating motorized wheeled recreational vehicles within the boundaries of the ranch. Motorized recreation vehicles can have a significant impact on the environment and can damage sensitive habitats. The ranch will prohibit the use

of motorized wheeled recreational vehicles on its property, which will help to protect the environment and ensure that the ranch is a quiet and peaceful place for visitors to enjoy.

5. "Recreational opportunities are a central component of the rural character that the GMA seeks to preserve." (p. 148)

Fowler Creek Guest Ranch is in a forested mountainous region of Kittitas County and maintains its appeal through the natural environment in which it is placed. Through this, residents and users will have an expectation of limited utilities while enjoying more recreational and rural benefits. The ranch offers a variety of outdoor activities for guests to enjoy, including but not limited to hiking, fishing, biking, swimming, bird watching, and geocaching. The Fowler Creek Guest Ranch will be developed with the natural rural character as its main appeal and, thus, this feature will be preserved.

6. "The County is required to consider the preservation of recreational opportunities and the character of the surrounding area when adopting policies and regulations." (p. 152)

Fowler Creek Guest Ranch will not undermine the policies and regulations of Kittitas County by maintaining the rural environment of the property and promoting safe recreation that encourages the use of the open space within the limits of the property while also protecting critical areas within the guest ranch including wetlands.

7. "The County has the authority to convert the [rail] corridor into a trail and to allow for recreational uses that are consistent with the rural character of the area." (p. 154)

Again, while the proposal is not necessarily identical to the court case, similar conclusions can be drawn. The County's approval of the proposed guest ranch would create additional recreational uses that are consistent with the rural character of the area. The area, located in the mountainous western region of

Kittitas County, provides a number of recreational opportunities that preserve and promote the natural environment.

8. "The trail promotes the general welfare by providing a safe and accessible means of nonmotorized transportation and recreation, preserving open space, and enhancing the character of the area." (p. 155)

As previously mentioned, the proposed Fowler Creek Guest Ranch is developed to eliminate motorized wheeled recreational vehicles within its boundaries. The ranch will prohibit the use of motorized recreational vehicles on its property while allowing nonmotorized vehicles, such as bikes, which would help to protect the environment and ensure that the ranch is a quiet and peaceful place for visitors to enjoy. These vehicles will have use on the numerous trails throughout the property, which will enhance the natural environment and preserve open space.

9. "The trail is consistent with the County's policies to promote the preservation of rural character and the protection of critical areas and natural resources." (p. 159)

The Fowler Creek Guest Ranch will work to protect the wetlands within the property by developing a sustainable management plan that minimizes its impact on the water quality and wildlife habitat. For additional information on critical areas within the proposed guest ranch, see Exhibit 3 – Identified Wetlands. The ranch will also implement sustainability into its design wherever possible. In specific areas, the ranch will use renewable energy sources, such as solar power, to generate electricity. The ranch will also use water conservation measures where allowed, such as rainwater harvesting and greywater recycling, to reduce its water consumption. The ranch will also compost food waste and use it to fertilize gardens.

10. "The County's decision to develop the trail is consistent with its obligation to balance the preservation of rural character with the promotion of recreational opportunities." (p. 161)

The various lodging opportunities and wide selection of environmentally friendly activities that would be offered at the Fowler Creek Guest Ranch gives the community more recreational options and creates a safer Upper Kittitas County due to the decreased congestion that would occur. The design of the ranch will be as sustainable as possible and will offer a variety of educational programs and outdoor pursuits that closely align with the goal of the guest ranch to preserve rural character. The Fowler Creek Guest Ranch is a project that has the potential to positively impact the environment and the community.

Based on the similarities between the court rulings of the Washington State Supreme Court and the goals of the proposed Fowler Creek Guest Ranch to preserve rural recreation, the conditional use meets and exceeds the requirements, conditions, and expectations of a use that has both rural character and recreational opportunities.