

REVIEW AND RESPONSE
TO KITTITAS COUNTY CODE 17.60A
REGARDING FOWLER CREEK GUEST RANCH

RECEIVED
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Kittitas County CDS

The applicant has copied Kittitas County Code chapter 17.60A Conditional Uses below with the applicant's response to each section of the code that shows how this proposed conditional use meets or exceeds the requirements of said code. Please note that the specific wording of the code is included here and is in black type. The applicant's response is in blue type and in italics.

For a general description of the proposed Fowler Creek Guest Ranch, see Exhibit 1: Narrative.

For a general description of the existing and proposed water and sewer infrastructure, see Exhibit 8: Domestic Water Plan and Options and Exhibit 9: Sewer Treatment Plan.

For a general description of the recreational opportunities and facilities that will be offered within the proposed Fowler Creek Guest Ranch, see Exhibit 7: Buildings and Recreational Facilities.

For a general description of how to access the proposed Fowler Creek Guest Ranch, see Exhibit 5: Vicinity Map.

For a general description of the history of the proposed Fowler Creek Guest Ranch property ownership including historical photos, see Exhibit 19 – Ownership and History.

Fowler Creek Guest Ranch is located on 84.3 +/- acres.

Chapter 17.60A CONDITIONAL USES*

Sections

- [17.60A.010](#) Review authority.
- [17.60A.015](#) Review criteria.
- [17.60A.020](#) Conditions.
- [17.60A.030](#) Application and accompanying data.
- [17.60A.040](#) Repealed.
- [17.60A.050](#) Repealed.
- [17.60A.060](#) Hearings - Appeal.
- [17.60A.070](#) Repealed.
- [17.60A.080](#) Transfer of Ownership.
- [17.60A.090](#) Expiration.
- [17.60A.095](#) Modification.
- [17.60A.100](#) Revocation or limitation.

* Prior history: Ords. 71-5, 2.

17.60A.010

17.60A.010 **Review authority.**

KCC [17.15.030](#) explains how to interpret the Zoning Use Tables. Uses identified with an "AC" (Administrative Conditional Use) on the use tabled in KCC Chapter [17.15](#) shall be reviewed administratively by the Director while uses identified with a "CU" (Conditional Use) shall require a public hearing and review by the Board. ([Ord. 2013-012](#), 2013)

17.60A.015

17.60A.015 **Review criteria.**

The Director or Board, upon receiving a properly filed application or petition, may permit and authorize a conditional use when the following requirements have been met:

17.60A.015(1)

1. The proposed use is essential or desirable to the public convenience (i) and not detrimental or injurious to the public health (ii), peace or safety (iii) or to the character of the surrounding neighborhood (iv).

(i) *The proposed use is essential or desirable to the public convenience because of the recent uprise in the desire for rural lifestyles and outdoor recreation as well as a lack of recreation and recreational lodging facilities, guest houses, event centers, 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 growing popularity of Upper Kittitas County, many users must resort to parking their recreational vehicles, 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. Fowler Creek Guest Ranch will provide permanent homesites for some staff and temporary overnight lodging for guests in a safe and controlled environment. Various outdoor recreational facilities will be developed throughout Fowler Creek Guest Ranch which may include but will not be limited to hiking trails, biking and winter sports trails, indoor and outdoor gathering areas, playgrounds for children, and picnic areas. This onsite development may reduce the surrounding impact of those visiting the area and using the I-90 corridor. Fowler Creek Guest Ranch will be*

located off Fowler Creek Road, which is off Nelson Siding Road, both of which are county on-system roads, and NF 4517, a national forest service road (see Exhibit 5: Vicinity Map). All these uses are allowed as conditional uses within the Rural 5 zoning code.

(ii) The proposed use will not be detrimental or injurious to the public health as the proposed Fowler Creek Guest Ranch will benefit public health by helping to alleviate dangerous roadside conditions and providing an expansion of safe tourist facilities in a largely underdeveloped area in the northwestern portion of Kittitas County. For a plan as to how Fowler Creek Guest Ranch will provide safe public health facilities, see Exhibit 8: Domestic Water Plan and Options and Exhibit 9: Sewage Treatment Plan.

In addition, Fowler Creek Guest Ranch will ensure that all users with access to Fowler Creek Guest Ranch will be educated on the importance of public health within the community. Fowler Creek Guest Ranch will improve public health.

(iii) The proposed use will provide a safe and peaceful environment for users and residents of Kittitas County as it will remove some of the unsafe and unpeaceful uses that are now occurring within rural areas of Kittitas County such as parked recreational vehicles on private property and on the sides of roads. In addition, the proposed use is in an isolated location surrounded by a forested area. The proposed guest ranch is being planned for the southern center and western portion of the property which are more isolated from the surrounding private properties due to natural land features, neighboring land uses, and Forest Service Road 4517. The bordering private property will not be connected to the guest ranch facility in order to preserve and maintain measures of safety and peace. This entire development is being planned to provide a safe and peaceful environment.

(iv) The proposed use will not impact the character of the surrounding neighborhood as all development and construction will be maintained within the 84.3 acres +/- . As the main appeal of the development will be its rural charm, much of the natural environment

within the property will be preserved and, because of this, little work will be done that will impact the surrounding neighborhood. Required setbacks that border the surrounding properties will meet or exceed the requirements of the Rural Residential zoning and land use. Fowler Creek Guest Ranch as well as the properties to the north, west, south, and east are all zoned Rural Residential, so the land use is determined to be similar. See Exhibit 6: Surrounding Properties for additional information on each of the neighboring properties.

17.60A.015(2)

2. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that *the use is located entirely on private property and will create additional tax revenue for the county through sales tax and increased property taxes. Access to the property is off Fowler Creek Road, a county on-system road, and NF 4517, a national forest service road. NF 4517 is accessed by Fowler Creek Road, which is accessed by Nelson Siding Road, also a county on-system road. All of these roads have very low traffic volumes. See Exhibit 5 for a vicinity map with location and access information and Exhibit 12 for general traffic information.*

Fowler Creek Guest Ranch, as described by the project narrative attached hereto as Exhibit 1 – Project Narrative, will have all services, utilities, and roads provided by private entities at no cost to the public. All the roads within Fowler Creek Guest Ranch will be privately owned, constructed, and maintained by the applicant, including snow removal. See Exhibit 18 for more information regarding the collection of increased taxes.

17.60A.015(2)(A)

The proposed use will be adequately serviced by existing facilities such as highways, roads (i), police (ii) and fire protection(iii), irrigation(iv) and drainage structures (v), refuse disposal (vi), water and sewers(vii), and schools (viii); or

- i. The proposed use of this property will be adequately serviced by existing facilities such as highways and roads

See Exhibit 5 for a vicinity map with location and access information and Exhibit 12 for general traffic information. Fowler Creek Guest Ranch is not projected to increase the Level of Service of any of these roads from the existing standard.

- ii. The proposed use of this property will be adequately serviced by existing facilities such as police

Fowler Creek Guest Ranch is served by the Kittitas County Sheriff's Department, Kittitas County Fire District 7, Kittitas Valley Healthcare, and the Cle Elum-Roslyn School District. Any additional costs will be paid for by the additional county revenue that will be generated by the additional taxes as described herein. See Exhibit 18 for more information on increased tax collection.

- iii. The proposed use of this property will be adequately serviced by existing facilities such as fire

Fowler Creek Guest Ranch will be served by Kittitas County Fire District 7 as it is within the said fire district.

- iv. The proposed use of this property will be adequately serviced by existing facilities such as irrigation.

There will be no irrigation except what is allowed by the Kittitas County DOE Rule in Chapter 173-539A of the Washington Administrative Code. All landscaping will be done with xeriscaping and naturally occurring plants.

- v. The proposed use of this property will be adequately serviced by existing facilities such as drainage structures

A new drainage plan will be prepared by the applicant for the approval of the Kittitas County Public Works Department and will be based on the Washington State Department of Ecology's Stormwater Management Manual for Eastern Washington (SWMMEW). The applicant will provide any additional drainage structures required at no cost to the county.

- vi. The proposed use of this property will be adequately serviced by existing facilities such as refuse disposal

The Fowler Creek community will have its own private refuse collection system which collects all garbage from the guest ranch and transports it to the transfer station located adjacent to and west of Cle Elum.

- vii. The proposed use of this property will be adequately serviced by existing facilities such as waters and sewers

The Fowler Creek community will have water utilities serviced by Evergreen Valley Water System, Inc. The Fowler Creek community will have waste utilities serviced by Evergreen Valley Sewer System, Inc. For more information, see Exhibit 8

– Domestic Water Plan and Options and Exhibit 9 – Sewage Treatment Plan.

- viii. The proposed use of this property will be adequately serviced by existing facilities such as schools

The handful of staff that may live in the Fowler Creek community would reside in the Cle Elum-Roslyn school district. Because of this, there may be a slight impact on the schools in this area. The school system will collect additional revenue through the additional property taxes paid by the proposed land use. The guest ranch itself will not impact the Cle Elum-Roslyn School District being that all lodging will be short-term.

17.60A.015(2)(B)

- A. The applicant shall provide such facilities; or *See Above*

17.60A.015(2)(C)

- B. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
Fowler Creek Guest Ranch will substantially increase property taxes on the property where it is developed and will collect additional sales tax revenue which will benefit the county. In addition, a county lodging tax will be paid by Fowler Creek Guest Ranch to support recreation in Kittitas

County. See Exhibit 18 for more information on increased tax collection.

17.60A.015(3)

3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.

As demonstrated in this response to KCC sections 17.60A and 17.30A, as contained herein, the proposed use complies with and exceeds the various development standards and criteria for approval as it meets all the requirements of the various sections KCC 17.60A and KCC 17.30A as defined in the Rural Residential zone and the conditional use process of the Kittitas County Code.

17.60A.015(4)

4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.

As a result of the increased recreational use of the I-90 corridor and upper county area, there has been a correlating increase in traffic, fire hazards, and general maintenance on public lands located in this area. This proposed private property use, by providing additional lodging and recreational uses on site, will reduce illegal or excessive parking of recreational vehicles, traffic, lodging, and other pressure on Upper Kittitas County, which is already congested and exhausted of many recreational opportunities during much of the year. The guest ranch is being designed in such a way that it will not impact any of the existing

wetlands and associated areas.

Kittitas County, through the COMPAS on-line property mapping system, has identified various areas of the property that are impacted by wetlands and critical area buffers. All structures and facilities of the proposed guest ranch will be located outside of the wetlands and the critical area buffers as shown on Exhibit 16 – Site Plan. The wetlands have been identified on the ground and the attached Exhibit 3 – Identified Wetlands shows the locations of the identified wetlands. The proposed guest ranch has been designed to ensure that there will be no impacts on the environmentally sensitive sites, which is shown in the exhibit referenced above.

17.60A.015(5)

5. The proposed use will ensure compatibility with existing neighboring land uses.

This use will not create conflict with the private properties that surround the borders of Fowler Creek Guest Ranch. The surrounding properties are all forested and zoned Rural Residential which is a compatible zone for the proposed use. The property to the north is owned by a timber company but operations will not be interrupted by the development of Fowler Creek Guest Ranch. All borders will include a 25 ft setback, which is required by the Code. All construction, operations, and maintenance will be contained within the borders of the development. The only possible conflict with another property is already solved with an existing easement. For a broader description of each parcel that may be affected by the construction and operation of Fowler Creek Guest Ranch, see Exhibit 6 – Surrounding Properties.

17.60A.015(6)

The proposed use is consistent with the intent and character of the zoning district in which it is located.

The use will not compromise the intent and character of the Rural Residential zone in which Fowler Creek Guest Ranch is located. Residents and guests alike will be able to use the various private facilities and trails of Fowler Creek Guest Ranch. The county, through its comprehensive plan, land use mapping, and zoning, has approved these and additional recreational uses through conditional use permits, and the actions of such have been judged compliant by the Eastern Washington Growth Hearings Board. Due to this, this area has been designated as eligible for this use and is consistent with the intent and character of the zoning district in which it is located.

17.60A.015(7)

For conditional uses outside of Urban Growth Areas, the proposed use:

17.60A.015(7)(A)

A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;

As demonstrated below in this response, this use is consistent with and exceeds the expectations of the intents, goals, policies, and objectives of the Kittitas County Comprehensive Plan. This includes the policies of Chapter 8, Rural and Resource Lands.

The portion of the Kittitas County Comprehensive Plan titled "Rural Residential" outlines certain policies and goals for developments in lands zoned Rural Residential. Listed below is a portion of the intents, goals, policies, and objectives that demonstrate that this proposed use is consistent with the Kittitas County Comprehensive Plan, specifically regarding Rural Residential land use. The following intents, goals, policies, and objectives are a few, but not all, of those listed in the Kittitas County Comprehensive Plan with the applicant's response as to how the proposed use is consistent with the said plan:

RR-G16: Allow for residential opportunity with rural character and a variety of densities outside UGAs without population expecting all urban services.

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. In addition, all utilities are provided privately with no government services extending into or utilized within the boundaries of the proposed guest ranch.

RR-G17: Generally, provide services supporting rural development and lower population densities.

Fowler Creek Guest Ranch will provide services supporting the rural development of the proposed guest ranch while preserving the natural environment, including but not limited to the following:

- 1. Privately developed and operated recreational facilities that may include but are not limited to the following:
 - a. Private walking trails*
 - b. Private fishing pond*
 - c. Private picnic areas*
 - d. Private gathering areas for celebrations and both indoor and outdoor recreation**

- e. *Private trails for horse riding*
 - f. *Private outdoor exercise area*
 - g. *Private children's play area*
 - h. *Private onsite snowmobile trails*
2. *Private utilities including:*
- a. *Private temporary rentable lodging, including short-term cabins, a bed and breakfast unit, and a ranch house*
 - b. *Privately developed domestic water*
 - c. *Electricity provided privately by Puget Power*
 - d. *Data provided privately by Bluespan, Starlink, or other private data providers*
 - e. *Sewage disposal through privately developed onsite sewer and septic systems as approved by Kittitas County, the Washington State Department of Health, and/or the Washington State Department of Ecology*
3. *Private roads and driveways developed to Kittitas County rural standards*

RR-G18: Designate areas where lots are generally less than 10 acres in size and have a common land use pattern.

Fowler Creek Guest Ranch has lot sizes ranging from approximately 1.13 acres to approximately 3.54 acres and will be uniformly regulated and maintained.

RR-G19: Permit siting in areas generally without commercial activity.

Fowler Creek Guest Ranch will be used for recreational purposes and will also include overnight lodging and recreational vehicle parking. All commercial activities located within the guest ranch will be for the individuals visiting the guest ranch.

RR-G20: Protect residential activities from flooding areas and natural hazard areas.

Fowler Creek Guest Ranch will have no activities set in flooding areas or natural hazard areas.

RR-G21: Preserve views of open space while providing opportunity for variety of rural densities.

Fowler Creek Guest Ranch would be surrounded by the lush natural forests and abundant wildlife typical of rural Washington state and privy to stunning views of the Cascade Range. There will be no disruption of any views.

RR-P17: Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreation areas. Direct rural development to lands that have adequate public services.

Fowler Creek Guest Ranch will maintain the rural environment of the property and promote 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.

RR-P23: Municipal, or public urban services should not be extended outside of urban growth areas in Rural Lands. However, municipal services may be provided to a Master Planned Resort which is approved pursuant to County Comprehensive Plan policies and development regulations so long as all costs directly attributable to the extension of such services to the resort or community, including capacity increases, are fully borne by the resort or community.

Fowler Creek Guest Ranch will not need municipal services extended outside of urban growth areas and will not require MBR approval. There will be no extension of municipal or public urban services to the guest ranch or surrounding properties.

RR-P24: Residential development near water will limit impervious surfaces to the size necessary to conduct the allowed use proposed on the site.

Fowler Creek Guest Ranch will limit the use of impervious surfaces only to areas where it is required such as road topping, building sites, and recreation sites that require hard surfacing.

RR-P25: New rural residential development shall provide adequate water for domestic use.

*See Exhibit 8: Domestic Water Plan and Options and Exhibit 9: Sewage Treatment Plan for information regarding infrastructure development.
Electrical requirements will be provided by Puget Power.
Data requirements will be provided by Blue Span.*

RR-P27: Electric and natural gas transmission and distribution facilities may be sited in any areas of Kittitas County including "Rural" designated areas, municipalities, UGAs, Master Planned Resorts, and LAMIRDs.

Fowler Creek Guest Ranch will extend electrical service which is currently located within the boundaries of the proposed guest ranch services.

RR-P31: County restrictions on free-running dogs shall be developed and enforced.

Fowler Creek Guest Ranch will provide information and establish rules to ensure that residents and users are educated on and made aware of the risks and liabilities associated with free-running dogs.

RR-P32: Residential uses, where permitted, shall be located where farming and forestry activities and opportunities are not negatively impacted.

Fowler Creek Guest Ranch will not impact any rural working lands or commercial forest land during the planning and implementation. Furthermore, residents and users will be educated through adopted CCRs and made aware of risks and liabilities associated with the negative impact of these areas.

RR-P33: Residences will be located to create the least interference with the movement of farm vehicles and farmlands.

Fowler Creek Guest Ranch will not impact the operations of any farm vehicles and farmlands.

RR-P37: Innovative housing developments which preserve rural character will be encouraged.

Fowler Creek Guest Ranch will offer appealing lodging while maintaining the surrounding natural environment. There are two clusters of cabins planned within the development that will preserve much of the natural space, rural character, and integrity of the development as a whole. In the same way, the individual RV sites will be larger in order to create more natural space within the site itself and to offer a more appealing aesthetic that creates a rural feel. See Exhibit 7 – Recreational Buildings and Facilities for more information on all lodging facilities.

17.60A.015(7)(B)

B. Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(20));

NOTE: RURAL CHARACTER IS DEFINED IN RCW 36.70A.030(23) NOT AS IDENTIFIED IN THE CURRENT CODE.

The county, through its comprehensive plan, land use mapping, and zoning, which has been judged compliant by the Eastern Washington Growth Hearings Board, has designated this area for temporary lodging and recreational use. This proposed use is allowed within the zone with a conditional use permit and through the Kittitas County Comprehensive Plan, land use map, and zoning.

*The following is the specific definition of rural character as defined in RCW 36.70A.030 with an explanation as to how the conditional use of Fowler Creek Guest Ranch preserves and enhances the rural character of the area within the Rural Residential zone and land use. The **black text** is the specific*

wording of RCW 36.70A.030 as it defines rural character. The blue text is the applicant's response to each section of the code.

(23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

Kittitas County, through the comprehensive plan process which includes public notices, public meetings, and review by the Eastern Washington Growth Hearings Board, has identified the land where Fowler Creek Guest Ranch is proposed to be located as Rural Residential. Fowler Creek Guest Ranch meets the requirements established by the county in the rural element of its comprehensive plan. The applicant owns approximately 84.3 acres +/- with the guest ranch situated in the southern center and western portion of the property that is sheltered from the view of all the adjacent properties with a design for the guest ranch that enhances the rural character of the property.

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

The primary purpose of developing the guest ranch in the proposed space is to offer a unique rural environmental experience in which the open space, the natural landscape, and vegetation dominate over the built environment. Because of this, the creation of Fowler Creek Guest Ranch will enhance the land and provide a more natural landscape with the planting of naturally occurring vegetation throughout the boundaries of Fowler Creek Guest Ranch. Much of the land within the boundaries of the proposed use will be left as open space. Critical areas within the property including wetlands will be protected.

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

The county has established this area as Rural Residential zoning and land use. By doing this, Kittitas County has realized that the traditional lifestyles that were common in the early decades of the upper county's establishment of farming and logging have since been replaced by smaller residential parcels, tourism, and recreational opportunities. Fowler Creek Guest Ranch will improve the economy of the area by providing local jobs in and around the proposed guest ranch for individuals living in rural northwestern Upper Kittitas County and also by creating a separate recreational area that will deter users from the main portion of the upper county, which would create less congestion and possible harm to public health and safety. Furthermore, this proposed use will enhance the rural lifestyles that are desired by those who wish to live here in the upper county and experience the way of life that is unique to this area of the state.

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

Fowler Creek Guest Ranch would be surrounded by the lush natural forests and abundant wildlife typical of rural Washington state and privy to stunning views of Mt. Stuart and the Cascade Range. Open space will be maintained and visual landscapes will be improved with the development of Fowler Creek Guest Ranch.

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

Currently, the land has an area that is affected by marshy conditions that are typical of wetlands. The land itself, seen by the current aerial photo shown in Exhibit 13, provides a mostly forested area with a small series of roads. The applicant proposes to work with Kittitas County to protect the wetlands and create more vegetation in and throughout the surrounding

area of Fowler Creek Guest Ranch. With the protection of the wetland marsh where much of the wildlife in the area calls home, the proposed guest ranch will be compatible with the use of the land for fish and wildlife habitats.

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

The rural nature of Fowler Creek Guest Ranch is the main appeal of the property as it shows a character that is consistent with Kittitas County values. Because of this, sprawling, low-density development would hinder the purpose of the conditional use. Extra planning and precautions have been taken in order to maintain the rural character of Fowler Creek Guest Ranch. The proposed use does not create additional low-density development or housing but provides needed short-term vacation rental facilities and recreational vehicle parking and does not create inappropriate conversion of undeveloped land into sprawling, low-density development.

(f) That generally do not require the extension of urban governmental services; and

Fowler Creek Guest Ranch will not require the extension of any urban governmental services beyond what is normally provided for rural areas such as police service through the Kittitas County Sheriff's Office and fire service through Kittitas County Fire District 7. The property will have all other utilities and services provided privately with no impact on Kittitas County.

(g) That is consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

Within the boundaries of the proposed conditional use permit application, there is a large wetland area as shown on Exhibit 3 – Identified Wetlands and Exhibit 13 – Current Aerial Photo. The applicant proposes to work with Kittitas County to contain and preserve this area through a plan that will be approved by Kittitas County. The protection of local natural surface water flows, groundwater and surface water recharge, and discharge areas are being protected with the creation of the open space that protects the established wetlands.

17.60A.015(7)(C)

C. Requires only rural government services; and

All construction, operations, and maintenance inside of the boundaries of the proposed use will be done privately and will not require government service. Rural government services including but not limited to police service by the Kittitas County sheriff, fire protection by Kittitas County Fire District 7, and road maintenance on Nelson Siding Road, Fowler Creek Road, and NF 4517 by the Kittitas County Public Works Department are paid for in rural areas by property taxes and sales taxes. This proposed use will increase the revenue to all government entities listed above as shown in Exhibit 18 – Taxes.

17.60A.015(7)(D)

D. Does not compromise the long term viability of designated resource lands. ([Ord. 2019-013](#), 2019; [Ord. 2013-012](#), 2013; [Ord. 2013-001](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)
The proposed use is not adjacent to nor contributes in any way to the resource lands of Kittitas County. All lands, roads, and wildlife will be privately maintained in order to preserve the integrity of the rural character and appeal. This proposed land use has no impact on the designated resource lands of Kittitas County.

17.60A.020

17.60A.020 Conditions.

In permitting such uses the Director or Board may impose in addition to the regulations specified herein, such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood or the county as a whole. These conditions may include, but are not limited to, the following:

17.60A.020(1)

1. Increasing the required lot size, setback or yard dimensions;

The applicant has no proposals for setback increases. Setbacks on the north, east, south, and west will remain at 25 feet.

17.60A.020(2)

2. Limiting the height of buildings or structures;

The applicant proposes to limit the height of any building or structures, specifically the short-term rental cabins, the bed and breakfast center, and the ranch house, to 40 feet.

17.60A.020(3)

3. Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);

The applicant proposes to limit the access points of this proposed land use to the current property access points being from the east off Fowler Creek Road and from the south off NF 4517.

17.60A.020(4)

4. Requiring the dedication of additional rights-of-way for future public street improvements;

The applicant has no proposals for additional rights-of-ways.

17.60A.020(5)

5. Requiring the designation of public use easements;

The applicant has no proposals for public use easements.

17.60A.020(6)

6. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;

There are no specific requirements within the zoning code requiring off-street parking for the specific conditional use permit applied for herein. The proposed land use will provide all parking within its boundaries.

17.60A.020(7)

7. Limiting the number, size, height, shape, location and lighting of signs;

The applicant will place one informational sign on the proposed guest ranch off Fowler Creek Road, one sign at the entrance to the property off Fowler Creek Road, another informational sign on the proposed guest ranch off Granite Creek Road, and a second entrance sign off Granite Creek Road.

17.60A.020(8)

8. Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;

Upon the approval of this conditional use permit, the applicant will plant fir trees on the borders of the southwest parcels 17436 and 17437 to create additional privacy and protection. Other than this, the property is forested and located away from any other residences and will therefore not need additional protection. Natural occurring vegetation will be maintained within the zoning setbacks.

17.60A.020(9)

9. Designating sites for and/or the size of open space or recreational areas;

The proposed land use is entirely recreational in nature. Guests of Fowler Creek Guest Ranch will have access to recreational facilities within the property. New trails and other recreation facilities will be provided. No additional open space is being requested.

17.60A.020(10)

10. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;

The applicant is proposing a permanent perpetual use of the area.

17.60A.020(11)

11. Limiting hours and size of operation;

The proposed land use, being entirely recreational in nature, will be operated 24 hours per day. The applicant is proposing to institute a quiet time from 10 PM to 6 AM. The applicant is proposing to allow permission for quiet time hours from midnight to 6 AM on Fridays, Saturdays, and holiday nights throughout the year.

17.60A.020(12)

12. Controlling the siting of the use and/or structures on the property;

The applicant has attached a conceptual site plan for this proposed conditional use in Exhibit 16.

17.60A.020(13)

13. Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural and resource lands, such as: landscape buffers, special setbacks, screening, and/or site design using physical features such as rock outcrops, ravines, and roads.

The proposed guest ranch property and all adjacent properties are zoned R-5. There are no adjacent agriculture or resource lands so no mitigation measures are required.

17.60A.020(14)

14. Demonstrating that the requirements of [Chapter 13.35, Kittitas County Code](#), Adequate Water Supply Determination, can be met. ([Ord. 2014-005](#), 2014; [Ord. 2013-012](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988)

See Exhibit 8: Domestic Water Plan and Options and Exhibit 9: Sewage Treatment Plan for information regarding infrastructure development.

17.60A.030

17.60A.030 Application and accompanying data.

Written application for the approval of the uses referred to in this chapter shall be filed in the Community Development Services department upon forms prescribed for that purpose. The application shall be accompanied by a site plan showing the dimensions and arrangement of the proposed development or changes in an existing conditional use. The administrator, Hearing Examiner and/or Board may require other drawings,

topographic surveys, photographs, or other material essential to an understanding of the proposed use and its relationship to the surrounding properties. ([Ord. 2013-001](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Res. 83-10, 1983)
This application, once completed, will be filed in the Community Development Services Department and accompanied by a site plan and any other forms that the administrator, hearing examiner, or board requires.

17.60A.040

17.60A.040 Fees.

Repealed by [Ord. 2017-001](#). ([Ord. 2017-001](#), 2017; [Ord. 2013-001](#), 2013; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

17.60A.050

17.60A.050 Affected area of use.

Repealed by Ord. 96-19. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

17.60A.060

17.60A.060 Hearings - Appeal.

Any such hearings shall be held pursuant to Title 15A of this code, Project permit application process. (Ord. 2007-22, 2007)

Understood

17.60A.070

17.60A.070 Appeal.

Repealed by Ord. 9619. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

17.60A.080

17.60A.080 Transfer of ownership

The granting of a conditional use permit and the conditions set forth run with the land; compliance with the conditions of the conditional use permit is the responsibility of the current owner of the property, the applicant and successors. ([Ord. 2013-001](#), 2013; Ord. 2007-22, 2007)

The applicant and operators understand the responsibility of this use and are prepared to correctly operate and maintain it.

17.60A.090

17.60A.090 Expiration

A conditional use permit shall become void five (5) years after approval or such other time period as established if the use is not completely developed. Said extension shall not exceed a total of ten (10) years and said phases and timelines shall be clearly spelled out in the application. ([Ord. 2013-001](#), 2013; [Ord. 2012-009](#), 2012; Ord. 200722, 2007)

If the use is permitted, construction and operations will begin immediately as the weather permits and will stay in operation year-round. See Exhibit 2 – Phasing Plan for additional information.

17.60A.095

17.60A.095 Modification

Any change, enlargement or alteration in such use shall require a new review and new conditions may be imposed where finding requires. ([Ord. 2013-012](#), 2013; [Ord. 2013-001](#), 2013)

The applicant understands that any changes shall require a new review and a new set of conditions and will adhere to this requirement if any changes are made.

17.60A.100

17.60A.100 Revocation or limitation.

The Board may hold a hearing to revoke or additionally limit a conditional use permit granted pursuant to the provisions of this Chapter. Ten (10) days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such conditional use permit was granted. Notice shall be deemed delivered three (3) days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County.

Understood

A conditional use permit may be revoked or limited by the Board if any one (1) of the following findings can be made:

17.60A.100(1)

1. That circumstances have changed so that 1 or more of the Conditions of [17.60A.020](#) are no longer met;

All conditions will be met at all times and in every capacity.

17.60A.100(2)

2. That the conditional use permit was obtained by misrepresentation or fraud;

As demonstrated through this response, the entirety of this process was done in an upfront and transparent manner.

17.60A.100(3)

3. That one or more of the conditions of the conditional use permit have not been met;

As demonstrated by this response, all conditions of the conditional use permit have been met.

17.60A.100(4)

4. That the use for which the conditional use permit was granted had ceased or was suspended for twelve or more consecutive calendar months;

If the use is permitted, construction and operations will proceed as proposed in Exhibit 2 – Phasing Plan.

17.60A.100(5)

5. That the actual or permitted use is in violation of any statute, ordinance, law, or regulation; or

As can be noted by this response and the transparency of the process, the use is not in violation of any statute, ordinance, law, or regulation.

17.60A.100(6)

6. That the use permitted by the conditional use permit is detrimental to the public health, safety or welfare or constitutes a nuisance.

As can be demonstrated from previous responses stated in this document, not only is this use not detrimental to the health, safety, and welfare of the public and surrounding wildlife, but instead offers benefits that will lessen the hazards to I-90 and additional traffic in upper Kittitas County. This use will also offer a designated spot for users to remain safe without using property illegally or dangerously and enjoy the natural surrounding environment and amenities as provided by Fowler Creek Guest Ranch. See Exhibit 6 – Surrounding Properties, Exhibit 11 – Noise, Exhibit 12 – Traffic, and Exhibit 14 – Lighting Discussion for more information on possible effects on the surrounding area.

The Board's decision shall be subject to judicial appeal under the provisions of KCC Chapter [15A.08](#).

The Board's decision shall not be effective for twenty-one (21) days after being entered. The Superior Court in reviewing the Board's decision to revoke a CUP may grant a stay during the pendency of any appeal upon a finding that such a stay is necessary to avoid manifest injustice or upon stipulation by the County. ([Ord. 2013-001](#), 2013; Ord. 200922, 2009)

Understood