



Chelan County Natural Resource Department

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August 17, 2020

Tamarack Saddle, LLC
c/o Clay White, Director of Planning
LDC, Inc.
20210 142nd Ave. NE
Woodinville, WA 98072

RE: Determination of Significance and Scoping Notice

Dear Mr. White:

In attachments contained in a claim for damages dated July 14, 2020, Tamarack Saddle, LLC, (Tamarack) has raised several questions regarding the County's review of the Mission Ridge Expansion Master Planned Resort. This letter is intended as the County's response to questions related to SEPA. It is not written to otherwise address the claim for damages. Rather it is intended to provide you and the applicant with a clear path for SEPA review. This letter generally references your July 13, 2020, memorandum attached as Exhibit A to the claim, again for the limited purpose of addressing SEPA matters.

A Determination of Significance and Request for Comments on Scope of an Environmental Impact Statement (DS) was issued on May 20, 2020. The two essential SEPA questions you've raised are whether the DS remains in effect and how future SEPA review will occur.

Determination of Significance

The DS remains in effect.

In your memorandum, you refer to your earlier communication dated May 27, 2020, in which you asserted that there are three approaches applicants can take when a DS is contemplated: 1) modify the proposal; 2) provide additional mitigation; or 3) move forward with an EIS. You imply that these options are available for any application without limitation. While this statement of SEPA is accurate to an extent, this fails to account for the features and magnitude of the actual proposal at hand. In the judgment of the County, this MPR proposal will inherently and significantly affect important environmental resources in ways that cannot be easily predicted or quantified.

A pertinent SEPA rule, WAC 197-11-360(1) states:

If the responsible official determines that a proposal may have a probable significant adverse environmental impact, the responsible official shall prepare and issue a determination of significance (DS)

SEPA charges the responsible official with the ultimate decision on when an EIS will be prepared. Unless the MPR proposal is fundamentally modified inclusive of several core components (e.g., 25-year development agreement, 5-phase, 20-year buildout, 110,000 sq. ft. commercial space and attendant parking, over 9,400 new average daily trips), the County does not believe that environmental impacts, based on the present record, are clearly enough understood to avoid preparation of an EIS. The EIS process may suggest an array of suitable mitigation for the proposal, and the County will continue to be mindful of WAC 197-11-360(4) (DS may be withdrawn under certain circumstances).

A DS and scoping notice considers the possibility that the answers to some questions simply cannot be known until an EIS is prepared. A project of this scale may have impacts that are undocumented at the pre-DEIS stage. The MPR proposal will result in the irrevocable conversion of the natural character of the land to new uses and an increase in demand for public services. As seen in various scoping comments, some residents, agencies, and interest groups disagree on the technical issues and proposed mitigation. Given the change in land use that the proposed MPR development represents it is our opinion that information is best presented to the public in an EIS to allow a fair hearing of the issues by all the parties.

To take another particular issue, the applicant is requesting approval of a 65-page development agreement to implement the 5-phase project over the next 20 to 25 years. The language of the agreement¹ places heavy reliance on its provisions for business and financial justification in undertaking the project. Section H and section 4.1.a of the agreement would, in 2020, confer vested status on all or some of the project area literally for decades, through 2045. Discussion of the development agreement's concepts and contents will both inform and be informed by an EIS and is not readily adapted to formulation of mitigation measures.

DEIS Preparation

In terms of authorship of the DEIS, the County believes that any of three possible methods are acceptable: preparation by the applicant, by the County, or by a consultant retained for the County. According to Chelan County Code 13.04.250(2), County costs for SEPA review are borne by project applicants, whichever method is selected. These are paid to the County to cover staff costs or are paid to a contract consultant hired by the County.

We will also accept a fourth method whereby you may prepare a manuscript of the DEIS, which will be edited by the County and converted into the official DEIS. In any event the DEIS must be acceptable to the County pursuant to WAC 197-11-420(1).

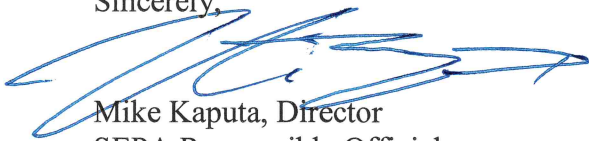
DEIS Format

¹ For example, see section E, page 3.

Your memorandum asks how the applicant's technical reports and appendices will be used in DEIS development. In a scoping status summary document that we will make publicly available in the next two weeks we will outline some areas that will likely require you to talk to your subconsultants and perhaps clarify their reports. At this time we will not require further development of the reports contained in Appendices A through H; provided, however, that each of these topics may well require reassessment and additional work as the DEIS process takes place. Ultimately, we will review your DEIS to confirm that its content accurately reflects your analysis and public comments and that each of the technical topics has been adequately addressed. The County may perform peer review as necessary on technical aspects of your analysis once the initial DEIS is submitted.

Please advise on which method you prefer for preparation of the DEIS. And, of course, if you have any additional questions, contact me at any time.

Sincerely,



Mike Kaputa, Director
SEPA Responsible Official

Cc: Clay Gatens, Gatens Green Weidenbach, LLC
Ken Harper, Menke Jackson Beyer, LLP
Reid Shockey, Shockey Planning Group
Jim Brown, Chelan County Community Development
Marcus Foster, Chelan County Office of the Prosecuting Attorney