

# Weinman Consulting, LLC



## MEMORANDUM

April 5, 2019

**TO:** City of Cle Elum

**FROM:** Richard Weinman, Weinman Consulting LLC

**SUBJECT:** Bullfrog Flats Master Plan SEPA Compliance

### Background

In 2002, Trendwest Resorts (now Suncadia) and the City of Cle Elum completed a final environmental impact statement (Final EIS) for a proposed master planned development in the Bullfrog Flats Urban Growth Area. The City subsequently adopted a subarea plan for this UGA approved a master plan for the site, and at the request of Trendwest annexed the area. The City and Trendwest also entered into a development agreement, which contains 120 conditions of approval, many of which are based on information and recommendations contained in the Final EIS.

Sun Communities Inc., a potential development partner of Suncadia, is now preparing a revised master plan for the approximate 1,100-acre Bullfrog Flats area, and the revised master plan will be subject to review pursuant to the State Environmental Policy Act (SEPA). A specific, formal proposal has not been submitted by Sun Communities at this time, so detailed comparisons between the old and new proposals cannot be made with certainty. The new proposal is anticipated to be similar to the approved 2002 Master Plan (Alternative 5 in the Final EIS) in many respects. However at least one significant change is anticipated that would meet the criteria for consideration as a Major Modification, in accordance with the provisions of the Development Agreement.

A recommended approach to SEPA compliance for the revised proposal has been outlined to the City by their planning consultant, Gregg Dohrn. It involves preparation of a supplemental environmental impact statement (SEIS), which would embody the revised Bullfrog Flats master plan proposal in a new alternative (No. 6). It would be similar to Alternative 5 in the 2002 Final EIS. The SEIS may be appropriately focused on a subset of key environmental issues and would emphasize new or different impacts caused by changes reflected in the new proposal or changes in background conditions or external events that warrant additional analysis of aspects of the environment. An SEIS does not need to repeat the analysis in a prior EIS to the extent that it is still relevant and there are no new significant impacts. Issues that do not change, therefore, do

not need to be analyzed again. But relevance of the prior analysis must be demonstrated; it cannot merely be assumed because the old and new projects are similar.

A commonly used rule of thumb in SEPA practice is that documents more than 10 years old should be evaluated very carefully. Using an old SEPA document for a current project, therefore, does present some risks; but a 17-year old FEIS may still be relevant and can provide a usable foundation for SEPA compliance, if it is approached carefully and strategically. This memorandum provides some guidance for how to structure the SEIS for the Sun Communities proposal to ensure that supplementing the existing FEIS is thorough, is consistent with the SEPA Rules (WAC 197-11-600(4)(d)), and results in a useful and defensible SEPA document.

## **Purpose & Approach**

While the 2002 FEIS contains information that is relevant to the revised master plan proposal, some of its baseline/existing conditions information, projections, recommendations are outdated or have been superseded by intervening events and actions. This is to be expected, given the passage of time. The purpose of this memorandum is to provide a roadmap for the City and the applicant that indicates the range of environmental information and analysis in the 2002 Final EIS that needs to be reviewed, and that may need to be updated, refreshed and/or reevaluated, to support an SEIS. "Support", in this context, means that the updated information supports conclusions about the occurrence or significance of an impact. The suggestions in the memo are based on the author's initial review of the 2002 UGA Final EIS, and a general estimate of information that will need to be updated; the potential for new or different impacts based on the revised proposal; and a sense of the relative level of effort that could be required by experienced consultants to complete these updates and reevaluations.

The general approach recommended for preparation of the SEIS that assesses the new or different potential impacts associated with Alternative 6 includes the following primary tasks, which will apply to each SEPA issue/element of the environment:

- (1) summarize major conclusions from the 2002 Final EIS;
- (2) update existing conditions to reflect changes over time, and establish the new baseline for analysis of the revised proposal in the SEIS;
- (3) update the analysis, as appropriate, for the new master plan alternative. This may be brief or more involved, depending on the issue and the extent of change; and
- (4) determine whether the previously identified mitigation is adequate, and if not, identify new/modified mitigation measures.

The SEIS will also need to include a complete description of the new Alternative 6 and some type of summary description of how it is similar and different from Alternatives 1-5 that were previously analyzed.

The type and amount of discussion needed may vary for each element of the environment. For some issues, there will not have been substantial change, little updating will be necessary, and no additional analysis will be required. For others, there may have been some amount of change but the FEIS conclusions are still applicable. In other cases – transportation being the primary example – there will have been substantial change in background conditions, and detailed additional analysis will be necessary to identify impacts and appropriate mitigation.

There are various ways to organize and present this information in the SEIS. For example, issues where there is no change in conclusions about impacts could be grouped together in a separate section of the SEIS, discussed summarily, and eliminated from further analysis. The main analyses of the SEIS would be limited to a few key environmental issues where detailed discussion of significant new impacts is required. Regardless of how it is presented, this approach to review and documentation will need to clearly demonstrate that the City and the Project Sponsors have performed a comprehensive review to determine the appropriate scope of the SEIS, and the information has been updated so it is relevant to the revised proposal.

## **Review of Individual Environmental Elements**

The following outline summarizes key information that, based on an initial review, should be considered for updating in an SEIS.

### Earth

1. Document the results of any ongoing monitoring.
2. Identify of any recent geologic events (e.g., slides).
3. Update estimated amount of clearing, earthwork, and impervious surfaces.
4. Discuss any new information on geologic hazards identified by City (e.g. updated critical area regulations)
5. Conclusion re: change in impacts/significance based on updated info and revised project.

### Air Quality

1. Verify that agreement regarding no wood burning still in effect.
2. Change in AQ will depend on change in traffic; may or may not need to model.
3. Model greenhouse gas emissions (GHG); this is a new SEPA issue since FEIS.
4. Conclusion re: change in impacts/significance based on updated info and revised project.

#### Water Quantity & Quality

1. FEIS water rights/water supply analysis is very complex; need to verify whether actions/transfers assumed in 2002 have occurred.
2. Confirm adequate water rights exist.
3. Update water balance model; piggyback on any available info from Suncadia projects.
4. May need to update Master Drainage Plan to reflect changes in Ecology Manual re: water quality treatment, etc.
5. Conclusion re: change of impacts/significance based on updated info and revised project.

#### Plants & Animals (Wildlife/Habitat/Wetlands/Fisheries)

1. Identify any potentially significant changes to on-site vegetation, habitat, etc. over time.
2. Changes in species status (federal, state, local).
3. Changes in observed recorded presence of wildlife on or near site.
4. Changes in fishing demand.
5. Additional site recon may be appropriate depending on new species, etc.
6. Conclusion re: change/significance based on updated info and revised project.

#### Noise

1. Any new sensitive receivers based on changes in adjacent land use.
2. Any changes in construction techniques or duration (buildout period not stated).
3. Approach to analysis dependent on changes in traffic volumes; may need to model if traffic substantially greater or different patterns than 2007 FEIS.
4. Conclusion re: change/significance based on updated info and revised project.

#### Land Use

1. Document any known or planned changes in land use patterns and uses in the surrounding area, including vested/ pipeline projects.
2. Document any conflicts or incompatibilities related to the new proposal based on the types, intensities and densities of land use
3. Conclusion re: change in impacts/significance based on updated info and revised project.

#### Plans & Policies

1. Update based on Comprehensive Plan policy/map changes (2007 and draft 2019, or 2019 if adopted), zoning, critical areas, SMP, etc.
2. Include Cle Elum, Roslyn, South Cle Elum and Kittitas County.
3. Evaluate consistency of revised proposal.

#### Population, Housing & Employment

1. Primarily a data exercise, but will influence demand for services, utilities, etc.
2. Update city baseline and Comprehensive Plan population targets (2007 and draft 2019).
3. Update project population (resident and visitors) based on expected unit types, estimated product mix, and updated persons per household estimates.
4. Update affordable housing data/demand and proposed mitigation.

5. Estimate construction and permanent employment (with and without business park).
6. Conclusion re: change in impacts/significance based on updated info and revised project.

#### Aesthetics

1. Document any potential visual/aesthetic changes in the surrounding area since the 2002 FEIS.
2. Visual/aesthetic changes based on new site plan, unit types/mix, perimeter buffering, etc.
3. Are design guidelines proposed?
4. Conclusion re: change in impacts/significance based on updated info and revised project.

#### Cultural Resources

1. Review and confirm methodology used to evaluate site in 2002 DEIS (not included in FEIS).
2. Update status of any on-site resources identified in FEIS and determined eligible for designation.
3. Document any resource finds in the surrounding area since 2002, any TCP's designated.
4. Reference any recent studies conducted in the vicinity and any new info from the Washington State Department of Historic Preservation (DAHP) regarding the expected presence of resources.
5. Consult with affected tribes.
6. Review mitigation measures in FEIS; carry over and implement as appropriate.
7. Conclusion re: change in impacts /significance based on revised project.

#### Parks & Recreation

1. Update existing city facilities and adopted LOS.
2. Review demand projections of revised project.
3. Conclusion re: change in impacts/significance based on revised project.

#### Transportation

1. Update baseline, identify changes in background conditions since FEIS.
2. Conduct updated traffic study based on revised master plan.
3. SEIS could consider options, considering on agency input, for access and mitigation.

#### Public Services

1. Review current facilities, LOS, projected demand; focus on police, fire/EMS, schools.
2. Review mitigation agreements with providers.
3. Conclusion re: change in impacts/significance based on revised project.

#### Utilities

1. Status of regional water supply system and sewer system.
2. Identify applicable plans, supply/capacity.
3. Calculate demand from revised project.

### Economic & Fiscal Analysis

1. These analyses need an overall updating and reevaluation to reflect new tax rates, construction values, employment estimates, etc. and the revised proposal.

### **Preparation of the SEIS**

Overall, based on the author's experience, the amount of updating and analysis that will be necessary to prepare an SEIS for the revised UGA master plan is not insignificant, and the overall effort would be considered moderate (using a relative scale for a wide range of EIS types). This level of effort primarily reflects the perceived costs that are implicit in using a 17-year old SEPA document; never-the-less this approach would be more efficient and economical than starting from scratch.

As was the case with the original EIS, it is reasonable to assume that the SEIS will be prepared by one or more consultants. Successfully implementing the approach recommended in this memo will require an individual/firm with a wide range of knowledge and experience, with strong writing skills and a proven track record of effectively organizing information and explaining unique situations will be required. Relevant consulting experience should emphasize SEPA compliance, and should ideally include master plan projects and should emphasize. In addition, the selected firm will also need the skill to work effectively with the Project Sponsors, the City, the County, and the Washington State Department of Transportation to address the traffic impacts; the context of the revised project within existing conditions is complex. Whether and what types of additional individuals/firms will be needed depends in large part on the qualifications of the primary EIS consultant and the scope of the SEIS.

It should be noted that the City's SEPA regulations (Cle Elum Municipal Code (CEMC) 15.28.180) sets forth a process for selecting consultants for EIS projects. The regulations provide that the City will select the SEIS consultant(s) from a list of at least three consultants provided by the Project Sponsor(s) following solicitation of statements of qualifications . The regulations also provide that the Project Sponsors will contract with the consultants for the preparation of the SEIS, but the City will be responsible for directing their work. The City can authorize the consultants to meet with the Project sponsor(s) as appropriate and they will have an opportunity to review and comment on a preliminary draft of the SEIS before it is circulated. The regulations provide further direction on the EIS, but I mention this now to underscore the importance of the regular communications and the coordination of efforts that will be required if this process is to be completed in a timely manner.

### **Conclusion**

I hope this information is helpful and I look forward to meeting with you to discuss this information in more detail and to answer your questions.