

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RESOLUTION

NO. 2000- 79

**A Resolution Relating to the Appeals Challenging the Adequacy of the
Environmental Impact Statement Prepared by the Kittitas County
Planning Department for Trendwest Resorts, Inc.'s Proposed
MountainStar Master Planned Resort**

WHEREAS on April 10, 2000, the Kittitas County Planning Department published a Final Environmental Impact Statement prepared pursuant to the State Environmental Policy Act ("SEPA"), Ch. 43.21C RCW, for Trendwest Resorts, Inc.'s proposed MountainStar Master Planned Resort (the "MountainStar EIS");

WHEREAS appeals were timely filed by RIDGE, REBOUND, City of Roslyn, the Yakama Nation, and the Washington Department of Fish and Wildlife ("WDFW"), challenging the legal adequacy of the MountainStar EIS;

WHEREAS appeal hearings were conducted by the Board of County Commissioners ("Board") on July 5th, 6th, 7th and 11th, 2000 regarding Appellants' appeals;

WHEREAS prior to the appeal hearings the Board approved Appellants' Coordinated Statement of Issues, which identified thirty-one (31) issues regarding the adequacy of the MountainStar EIS;

WHEREAS the Board received notices of withdraws of WDFW's and the Yakama Nations' appeals on June 30, 2000 and July 3, 2000, respectively. The Board accepted those withdrawals on July 5, 2000;

WHEREAS RIDGE/REBOUND abandoned Issues IV, V, XVIII and XXXI in their briefing prior to commencement of the appeal hearings. Issues XII and XIX raised by the Yakama Nation were dismissed as a result of the Yakama Nation's withdrawal of its appeal. Finally, RIDGE/REBOUND stipulated during the appeal hearings to the dismissal of Issues XX, XXI and XXII.

WHEREAS the Board has reviewed and considered the pleadings and briefing, including prefiled testimony, submitted by the parties. The Board also heard and considered the presentation of evidence, testimony and argument by the parties at the appeal hearings;

WHEREAS the Board's determination of the adequacy of the MountainStar EIS is based under state law on the "rule of reason." Under the rule of reason, an EIS is legally adequate if it presents decisionmakers with a reasonably thorough discussion of the probable significant adverse environmental impacts of a proposed action;

WHEREAS the Board pursuant to RCW 43.21C.075(3)(d) must accord substantial weight to the Planning Director's determination that the MountainStar EIS is adequate and compliant with SEPA to warrant its publication; and

WHEREAS Appellants bear the burden of proving by a preponderance of the evidence that the MountainStar EIS is not legally adequate under the rule of reason.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR KITTITAS COUNTY DOES HEARBY RESOLVE:

SECTION 1: Findings

The Board finds that:

(1) The MountainStar EIS presents a reasonably thorough discussion of the probable significant adverse environmental impacts of the proposed MountainStar Master Planned Resort on the elements of the environment identified in WAC 197-11-444; and

(2) Appellants RIDGE, REBOUND and Roslyn failed to meet their burden of proving by a preponderance of the evidence that the MountainStar EIS is legally inadequate in any respect under the rule of reason.

SECTION 2: Conclusions

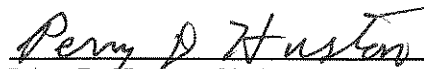
The Board concludes that:

(1) The MountainStar EIS is legally adequate; and

(2) Appellants RIDGE, REBOUND and Roslyn's appeals of the adequacy of the MountainStar EIS are hereby denied.

ADOPTED this 24th day of July, 2000, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

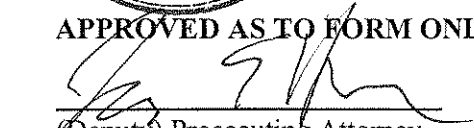

Perry D. Huston, Chair


William R. Hinkle, Vice-Chair


Max A. Golladay, Commissioner



APPROVED AS TO FORM ONLY:


(Deputy) Prosecuting Attorney