BEFORE THE HEARING EXAMINER OF THE CITY OF CLE ELUM

In the Matter of the Consolidated Hearing for the WILDWOOD RANCH DEVELOPMENT and Appeal of the Mitigated Determination of Nonsignificance (MDNS) issued for such proposal **WILDWOOD RANCH, LLC**, Applicant/Respondent, **CITY OF CLE ELUM, SEPA Responsible Official**, Respondent, **FRIENDS OF DEER MEADOW, LLC**, Appellant.	**File Nos.: SUB-2023-003, DA-2024-001, SEPA-2024-004** **RESPONDENT CITY OF CLE ELUM'S STATEMENT OF NO OPPOSITION TO APPLICANT'S MOTION FOR CONTINUANCE**

Respondent City of Cle Elum (the "City") submits this statement of no opposition to Applicant Wildwood Ranch, LLC's ("Applicant") Motion for Continuance ("Motion"). The Applicant's request appears to be limited to the SEPA appeal portion of the hearing. The City and its witnesses are prepared for the hearing, but the City does not oppose continuing the SEPA appeal and agrees that the parties' experts should have an opportunity to fully and completely address each other's concerns and arguments.

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However, the City believes the public hearing on the development applications can move forward on Thursday, November 12. The City sees no reason that Staff and Applicant presentations and public testimony on the development applications cannot occur on that date. Per the Hearing Examiner's October 30, 2026 Prehearing Scheduling Order, the portion of the hearing on the development applications will occur first, followed by the portion of the hearing on the SEPA appeal. The Appellants' experts and expert materials are specific to the SEPA MDNS and the documents relied on in issuing the MDNS, which can be addressed during a continued hearing on the SEPA appeal.

Holding the public hearing as scheduled would also address Appellant's concern about fairness to the public, because anyone who plans to attend and give comments on November 12 will still be able to do so. Holding the application portion of the hearing on November 12 would also allow for greater scheduling flexibility for the SEPA appeal. The City schedules public hearings during the evenings to allow greater opportunities for public participation and attendance, but those considerations do not apply to a SEPA appeal limited to the parties to the appeal. Therefore, the City proposes the Hearing Examiner conduct the public hearing portion as scheduled on November 12 and continue the SEPA appeal portion until a date agreed upon by the parties.

In the alternative, if the Hearing Examiner is inclined to continue both the public hearing and SEPA appeal, the City requests the Hearing Examiner open the public hearing on November 12 and inform any members of the public that it will be continued to a later date. If the hearing will only be opened and continued on November 12, the City requests

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that all parties be permitted to participate remotely to conserve resources. City staff would be available in person to coordinate logistics for any person who attends in person.

DATED this 9th day of November, 2026

VAN NESS FELDMAN LLP

s/ Clara Park

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Attorneys for Respondent City of Cle Elum

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CERTIFICATE OF SERVICE

I, I'sha Willis, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein:

That I, as a Litigation Specialist in the office of Van Ness Feldman LLP, caused true and correct copies of the following documents to be delivered as set forth:

1. Respondent City of Cle Elum's Statement of No Opposition
2. Certificate of Service

and that on November 9, 2026, I addressed said documents and deposited them for delivery as follows:

CITY OF CLE ELUM HEARING EXAMINER Gary N. McLean City Hall 119 West First Street Cle Elum, WA 98922	☐ By First Class Mail ☐ By Legal Messenger ☒ Via Email: planning@cleelum.gov
APPLICANT **WILDWOOD RANCH, LLC** James Cortland Carmody Meyer Fluegge & Tenney PS 230 S. 2nd Street, Suite 101 Yakima, WA 98901-2865	☐ By First Class Mail ☐ By Legal Messenger ☒ Via Email: carmody@mftlaw.com
APPELLANT, **FRIENDS OF DEER MEADOW, LLC** Peterson Russell Kelly Livengood PLLC Terrence I. Danysh R. Charles Beckett 10900 NE 4th Street, Suite 1850 Bellevue, WA 98004-8341 Ph: (425) 462-4700	☐ By First Class Mail ☐ By Legal Messenger ☒ Via Email: tdanysh@prklaw.com cbeckett@prklaw.com

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EXECUTED at Washington, DC on this 9th day of November, 2026.

I'sha Willis
I'sha Willis, Litigation Specialist

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