

From: [Randall B. Printz](#)
To: [Robert Maul](#)
Cc: [shawn Macpherson](#); [Phil Bourquin](#)
Subject: Re: SEPA Appeal (APPEAL18-03)
Date: Saturday, May 26, 2018 8:45:30 AM
Attachments: [118052611452102207.jpg](#)

Thanks Robert

Mitchell Copp cites State v. Grays Harbor County, 122 Wn.2d 244, 250-51, 857 P.2d 1039 (1993) (quoting RICHARD L. SETTLE, THE WASHINGTON STATE ENVIRONMENTAL POLICY ACT: A LEGAL AND POLICY ANALYSIS § 20, at 244-45 (1993)) for the proposition that the SEPA appeal before City Council cannot occur until some time after June 4th.

Mr Copp's reliance on this case is clearly misplaced. The case stands for the proposition that JUDICIAL appeals of SEPA must be made after final agency action on the underlying land use permit. I agree with that.

The case expressly holds that administrative appeals can and do occur prior to final agency action on the underlying permit. This is consistent with State law and the City's code.

The Grays Harbor County court held that SEPA requires consolidated review of SEPA and the underlying permit and the judicial appeal period for challenging SEPA does not run until a final decision on the underlying application is made, stating:

"SEPA unequivocally declares that its right of judicial review "shall without exception be of the governmental action together with its accompanying environmental determinations." This provision precludes judicial review of SEPA compliance until final agency action on [the proposal](#). Then, and only then, are the agency's earlier SEPA determinations (concerning categorical exemption, threshold review, scoping, EIS preparation and adequacy) subject to judicial review. Even though administrative review of threshold determinations may be allowed prior to final agency action, interlocutory judicial review of SEPA compliance never is permitted. This limitation on SEPA's right of judicial review serves obvious, laudable purposes. Potential delay and costly litigation are greatly reduced. SEPA compliance is not subject to piecemeal, isolated adjudication but must be evaluated as an integrated element of government decisionmaking

SEPA's absolute insistence upon simultaneous judicial review of all SEPA and any non-SEPA challenges of government action precludes multiple SEPA and non-SEPA lawsuits contesting various aspects of the same agency decision and the process by which it was reached."

Mitchell Copp appears to be confused about the time limits for appeal vs comments.

WAC [197-11-340](#) and [197-11-502](#) require a 14 day comment period and WAC [197-11-680](#) requires a 14 day appeal period. The City of Camas combines these periods into one 14 day period to submit comments and/or appeals consistent with these WAC provisions

The case he cites supports rather than undercuts the City's process. Under both State law and

the City's code, the administrative SEPA appeal must be heard on June 4 (in a closed record hearing) at the same time as the hearing on the DA and the Master Plan. Thanks

Sent from my iPhone

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On May 25, 2018, at 7:06 PM, Robert Maul <RMaul@cityofcamas.us> wrote:

Begin forwarded message:

From: Mitch <mitchcopp@aol.com>

Date: May 25, 2018 at 7:00:56 PM PDT

To: Robert Maul <RMaul@cityofcamas.us>

Subject: Re: SEPA Appeal (APPEAL18-03)

Hi Robert,

That date does not work. Per the State vs Grays Harbor decision, and as stated in my appeal, I have until June 6th, 2018 to amend, add to or modify my appeal. I also suspect other Awbrey Glen residents will file new appeals on June 6th.

Thanks,

Mitch

On May 25, 2018, at 4:26 PM, Robert Maul <RMaul@cityofcamas.us> wrote:

Good afternoon, Mitch.

I wanted to follow up with you that your SEPA appeal will be heard the same night as the Master Plan public hearing since it will be a consolidated hearing, pursuant to CMC18.55.165 (see reference below). The date and time is June 4th, 2018 at 7 pm, or soon thereafter located

at Camas City Hall in the Council Chambers. Please let me know if you have any questions or need any additional information.

Regards,

Robert Maul
Planning Manager

City of Camas
616 NE 4th Ave.
Camas, WA 98607
rmaul@cityofcamas.us
(360) 817-1568 Ext. 4255



<Picture (Device Independent Bitmap) 1.jpg>

18.55.165 - SEPA threshold determinations and consolidated review.

A. Notice of Threshold Determinations. Under a consolidated review, notice of a threshold determination will be mailed to those agencies, individuals, or entities submitting comment within the comment period, and to all owners of record of the subject property, and all owners of real property generally located within three hundred feet of the subject property based on Clark County GIS records. Where a notice of public hearing is required, the threshold determination may be combined with such notice. An applicant is responsible for submitting a certified list of the property owners to be notified, and mailing labels of this list.

B. Public Hearing on Project Permit. If an open record predecision hearing is required for the underlying project permit application, the city shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

C. Consolidated Appeals. All SEPA related appeals, other than a DS, shall be consolidated with the open record hearing, or appeal, if any, on the underlying project application.

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