

Carey Certo

From: Karin Nosrati, DC <bforback@gmail.com>
Sent: Friday, November 15, 2024 11:11 AM
To: Community Development Email
Cc: Alan Peters; Patrick Mullaney; Carey Certo; Yvette Sennewald; Stephen Horenstein
Subject: Reply to Mr. Turner regarding appeal procedure
Attachments: Email thread about who can join the appeal per City of Camas Portrait mode.pdf

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Hi,

Attached please find the email communication during which we were told that we can file one appeal with others to join. The document is an email thread with correspondence. Please view the entire document.

- We followed the appeal procedures that were printed on the "Notice of Decision" received from the City and dated 09-16-2024, and we are appealing the decision.
- Questions remained after reading through these limited instructions and so we contacted the city for answers to those procedural questions.
- Robert Maul Wed, Sep 25, 2024 at 2:27 PM To: "Karin Nosrati, DC" Cc: Yvette Sennewald , Carey Certo , Alan Peters [You can file one appeal with others to join](#)

Based on the above information we submitted the appeal as follows (excerpts):

- "On behalf of the residents of Morning Meadows Estates, residents of Katie's Hill and residents of Evergreen Acre Tracts, I am appealing the approval of a project called 13TH STREET GAS STATION (FILE NO. SPRV23-06). We live in single family residences adjacent to the project."
- "The following neighbors would like to be included in the appeal and receive an invitation to the hearing:" and the neighbors names and addresses were listed.

We are appealing the City's "decision of approval" and we had to submit the appeal on the website, which was the way we also paid for the appeal. The website directed us to complete specific fields one page at a time. The steps were prescribed and not intuitive or flexible to allow for explanations or choices beyond what was prescribed.

I would also respectfully request a minor modification to Mr. Turner's first line in the email to refer to the plural rather than the singular by moving the apostrophe: If possible, please change it to read "...the City, the applicant, and the appellants' representative (Ms. Nosrati)) ...

Could the City please confirm receipt of this email and the request to forward it to Mr. Turner? Please let me know if there is anyone else I need to cc from this point forward. Please make this letter an exhibit.

Thank you for your consideration,

Karin Nosrati



Karin Nosrati, DC <bforback@gmail.com>

SPRV23-06 - 13th Street Gas Station

11 messages

Yvette Sennewald <YSennewald@cityofcamas.us>
 To: "Karin Nosrati, DC" <bforback@gmail.com>
 Cc: Robert Maul <RMaul@cityofcamas.us>

Fri, Sep 20, 2024 at 1:52 PM

Hi Karin,

Please find attached, the Notice of Decision for the project noted above. The appeal instructions are contained in the notice.

Thank you,

Yvette




Yvette Sennewald, Senior Planner
 Community Development – Planning

Office: (360) 817-1568

Direct: (360) 817-7269

www.cityofcamas.us | ysennewald@cityofcamas.usThe City of Camas has gone digital! Apply for permits online through our new Civic Access Portal at www.cityofcamas.us/permits

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 **SPRV23-06 Notice of Decision.pdf**
 620K

Karin Nosrati, DC <bforback@gmail.com>
 To: Yvette Sennewald <YSennewald@cityofcamas.us>
 Cc: Robert Maul <RMaul@cityofcamas.us>

Fri, Sep 20, 2024 at 3:54 PM

Thank you!

[Quoted text hidden]

Karin Nosrati, DC <bforback@gmail.com>
 To: Yvette Sennewald <YSennewald@cityofcamas.us>
 Cc: Robert Maul <RMaul@cityofcamas.us>
 Bcc: Kristin Price <19813mkp@gmail.com>, Joan & Rich Rickard <joanier@comcast.net>, Russell Wegner <rwegner@lmi.net>, Barbara Wegner <oakbarb@lmi.net>

Tue, Sep 24, 2024 at 11:27 AM

Hi,

I just left a message in the planning department's voicemail.

I was hoping that somewhere on the City website we could find more detailed instructions and a description of procedures and timelines for the Type II hearing with the hearings examiner.

Specifically, we need to know

- Can one person submit the appeal or should it be submitted by all or some of the neighbors?
- Can neighbors not listed on the submission voice their opinions at the hearing?
- If the appeal is submitted via email, how is the payment process handled?
- Is the deadline for the appeal submission September 30, 2024?
- How can we access documents from a similar hearing, e.g. the gasoline station project on Brady Road near Prune Hill Elementary, in order to educate ourselves about the process? If there is a link on the City website, it would be much appreciated.
- Do we need to appear with legal counsel?

Thank you for your time,

Karin Nosrati
360-254-1585

On Fri, Sep 20, 2024 at 1:52 PM Yvette Sennewald <YSennewald@cityofcamas.us> wrote:

[Quoted text hidden]

Kristin Price <19813mkp@gmail.com>
To: "Karin Nosrati, DC" <bforback@gmail.com>

Tue, Sep 24, 2024 at 11:36 AM

Also I am wondering if we can access the schematic for the planned facility- I wasn't able to locate it with the materials that were submitted previously.
Thanks,
Kristin Price

Sent from my iPad

On Sep 24, 2024, at 11:28 AM, Karin Nosrati, DC <bforback@gmail.com> wrote:

Hi,

I just left a message in the planning department's voicemail.

I was hoping that somewhere on the City website we could find more detailed instructions and a description of procedures and timelines for the Type II hearing with the hearings examiner.

Specifically, we need to know

- Can one person submit the appeal or should it be submitted by all or some of the neighbors?
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Karin Nosrati
360-254-1585

On Fri, Sep 20, 2024 at 1:52 PM Yvette Sennewald <YSennewald@cityofcamas.us> wrote:

Hi Karin,

Please find attached, the Notice of Decision for the project noted above. The appeal instructions are contained in the notice.

Thank you,

Yvette

<[image001.jpg](#)>

Yvette Sennewald, Senior Planner
Community Development – Planning

Office: (360) 817-1568

Direct: (360) 817-7269

www.cityofcamas.us | ysennewald@cityofcamas.us

[Quoted text hidden]

Robert Maul <RMaul@cityofcamas.us>
 To: "Karin Nosrati, DC" <bforback@gmail.com>, Yvette Sennewald <YSennewald@cityofcamas.us>
 Cc: Carey Certo <CCerto@cityofcamas.us>, Alan Peters <APeters@cityofcamas.us>

Tue, Sep 24, 2024 at 12:44 PM

Good afternoon, Karin.

The notice of decision clearly outlines what is needed for the appeal which is also listed in CMC 18.55.200. You will need to file the appeal online using our electronic submittal process. Yes, the deadline to file is September 30th. For all the other items I have talked to you about them several times.

Regards,

Robert

From: Karin Nosrati, DC <bforback@gmail.com>
Sent: Tuesday, September 24, 2024 11:28 AM
To: Yvette Sennewald <YSennewald@cityofcamas.us>
Cc: Robert Maul <RMaul@cityofcamas.us>
Subject: Re: SPRV23-06 - 13th Street Gas Station

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[Quoted text hidden]

 **SPRV23-06 Notice of Decision.pdf**
620K

Karin Nosrati, DC <bforback@gmail.com>
 To: Robert Maul <RMaul@cityofcamas.us>
 Cc: Yvette Sennewald <YSennewald@cityofcamas.us>, Carey Certo <CCerto@cityofcamas.us>, Alan Peters <APeters@cityofcamas.us>, Kristin Price <19813mkp@gmail.com>, Joan & Rich Rickard <joanier@comcast.net>, Russell Wegner <rwegner@lmi.net>, Barbara Wegner <oakbarb@lmi.net>

Tue, Sep 24, 2024 at 12:54 PM

Hi, Robert,

Thank you for answering bullet points 3 and 4.

Could you please answer bullet points 1,2, 5 and 6, because I do not recall this critical information. If you have detailed it for me previously via email, a date would suffice.

Thank you,

Karin

[Quoted text hidden]

Robert Maul <RMaul@cityofcamas.us>
 To: "Karin Nosrati, DC" <bforback@gmail.com>
 Cc: Yvette Sennewald <YSennewald@cityofcamas.us>, Carey Certo <CCerto@cityofcamas.us>, Alan Peters <APeters@cityofcamas.us>, Kristin Price <19813mkp@gmail.com>, Joan & Rich Rickard <joanier@comcast.net>, Russell Wegner <rwegner@lmi.net>, Barbara Wegner <oakbarb@lmi.net>

Tue, Sep 24, 2024 at 1:02 PM

Only parties of record can appeal, but anyone can testify at a hearing. I am not going to advise you on legal matters, which we have talked about multiple times.

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Karin Nosrati, DC <bforback@gmail.com>
 To: Robert Maul <RMaul@cityofcamas.us>
 Cc: Yvette Sennewald <YSennewald@cityofcamas.us>, Carey Certo <CCerto@cityofcamas.us>, Alan Peters <APeters@cityofcamas.us>, Kristin Price <19813mkp@gmail.com>, Joan & Rich Rickard <joanier@comcast.net>, Russell Wegner <rwegner@lmi.net>, Barbara Wegner <oakbarb@lmi.net>

Tue, Sep 24, 2024 at 1:43 PM

Thank you for your clarification. Regarding bullet point #5, which department or resource at the City should I contact to access this information - I presume it is public record?

Lastly, does written information that will be presented at the hearing, e.g. revised public documents, new studies, expert opinions etc., need to be submitted prior to the hearing? Looking at the City's hearing schedule, what is a ballpark timetable - days, weeks or months away? This information is important to help us prepare and obtain advice.

Best,

Karin

[Quoted text hidden]

Robert Maul <RMaul@cityofcamas.us>
 To: "Karin Nosrati, DC" <bforback@gmail.com>
 Cc: Yvette Sennewald <YSennewald@cityofcamas.us>, Carey Certo <CCerto@cityofcamas.us>, Alan Peters <APeters@cityofcamas.us>, Kristin Price <19813mkp@gmail.com>, Joan & Rich Rickard <joanier@comcast.net>, Russell Wegner <rwegner@lmi.net>, Barbara Wegner <oakbarb@lmi.net>

Wed, Sep 25, 2024 at 10:33 AM

Karin,

All past hearings are on the city's website under the meetings portal. You can search for hearing examiner meetings there. As you and I have discussed very specifically before, the filing of the appeal should contain whatever information you want to present to make your case to the examiner.

[Quoted text hidden]

Karin Nosrati, DC <bforback@gmail.com>

To: Robert Maul <RMaul@cityofcamas.us>

Cc: Yvette Sennewald <YSennewald@cityofcamas.us>, Carey Certo <CCerto@cityofcamas.us>, Alan Peters <APeters@cityofcamas.us>, Kristin Price <19813mkp@gmail.com>, Joan & Rich Rickard <joanier@comcast.net>, Barbara Wegner <oakbarb@lmi.net>, Randy Nosrati <randynos1@gmail.com>

Hi, Robert,

Thank you for helping direct me to find the prior hearing notes on the Camas website.

I apologize, but I don't remember very specifically discussing the finer details of the hearing process, because we were in the stage of submitting comments on the SEPA at the time. This is not for expert opinions or rebuttals, if they can only be submitted now, when we turn in the appeal.

The only written instructions, which do not detail the limits of timeliness of submission of documents, I found here:

18.55.200 - Appeals—Generally.

- A. Type II decisions may be appealed to the hearings examiner.
- B. The following decisions may be appealed to the City Council: (1) Shoreline master program permits; (2) SEPA decisions; (3) civil regulatory orders, and (4) chapter 17.05, but not chapter 17.05.010. If a decision is made under chapter 17.05.010, there is no appeal to any other decision maker within the city.
- C. All appeals are initiated by filing a notice of appeal with the director within fourteen days of issuance of the decision being appealed.
- D. The notice of appeal shall be in writing and contain the following information:
 1. Appellant's name, address and phone number;
 2. Appellant's statement describing their or other standing appeal;
 3. Identification of the application which is the subject of the appeal;
 4. Appellant's statement of grounds for the appeal and the facts upon which the appeal is based;
 5. The relief sought, including the specific nature and extent;
 6. A statement that the appellant has read the notice of appeal and believes the content to be true, followed by the appellant's signature.
- E. The notice of appeal shall be accompanied by an appeal fee as set forth in a fee schedule adopted by resolution.
- F. Appeals of civil regulatory orders and civil fines shall be heard de novo by the city council. All other appeals, with the exception of SEPA appeals subject to chapter 17.05.010, shall be heard by the city council.
- G. Notice of any appeal shall be given to those entitled to notice of the decision or determination being appealed.

Where else can I find the instructions specifically pertaining to additional documentation which will be available at the time of the hearing? In other words, will the documents be considered?

From the July 26, 2022 hearing, from the Hearing Examiner's introduction, I read " Exhibits may be submitted to City staff at the hearing." I just need to verify if I need to submit documents at the time of the hearing. I am not trying to split hair, but I need to know if I need to rush a report by next week, or not.

Additional question: Several neighbors would like to also sign the appeal. Would that require multiple filing fees?

Thank you,

[Quoted text hidden]

Robert Maul <RMaul@cityofcamas.us>

Wed, Sep 25, 2024 at 2:27 PM

To: "Karin Nosrati, DC" <bforback@gmail.com>

Cc: Yvette Sennewald <YSennewald@cityofcamas.us>, Carey Certo <CCerto@cityofcamas.us>, Alan Peters <APeters@cityofcamas.us>, Kristin Price <19813mkp@gmail.com>, Joan & Rich Rickard <joanier@comcast.net>, Russell Wegner <rwegner@lmi.net>, Barbara Wegner <oakbarb@lmi.net>, Randy Nosrati <randynos1@gmail.com>

You can file one appeal with others to join. As you have listed below, 18.55.200 tells you what you need to supply for the appeal. If you want certain documents or information to be considered it needs to be in the appeal you file.

The statement from the July meeting about submittal of items to staff at the hearing is in reference to a conditional use permit hearing where a decision has not been made. The difference here is the decision has been made, which you disagree with, and now you need to prove to the examiner why the decision should be modified or denied. As for when we meet with the examiner, it is on an as-needed basis so there is nothing on the calendar right now.

From: Karin Nosrati, DC <bforback@gmail.com>

Sent: Wednesday, September 25, 2024 2:02 PM

To: Robert Maul <RMaul@cityofcamas.us>

Cc: Yvette Sennewald <YSennewald@cityofcamas.us>; Carey Certo <CCerto@cityofcamas.us>; Alan Peters <APeters@cityofcamas.us>; Kristin Price <19813mkp@gmail.com>; Joan & Rich Rickard <joanier@comcast.net>; Russell Wegner <rwegner@lmi.net>; Barbara Wegner <oakbarb@lmi.net>; Randy Nosrati <randynos1@gmail.com>

Subject: Re: SPRV23-06 - 13th Street Gas Station

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I apologize, but I don't remember very specifically discussing the finer details of the hearing process, because we were in the stage of submitting comments on the SEPA at the time. This is now the new reality and I need to know if we obtain expert opinions or rebuttals, if they can only be submitted now, when we turn in the appeal.

The only written instructions, which do not detail the limits of timeliness of submission of documents, I found here:

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