



**TO:** Joe Turner, Hearing Examiner  
**CC:** Shawn MacPherson, City Attorney  
**FROM:** Robert Maul, Planning Manager  
**DATE:** November 21, 2024  
**SUBJECT:** APPEAL24-1001 – Arguments on SEPA appeal process and appellant status

**The Appellant has not appealed the City’s SEPA Determination.**

Based on the appeal narrative, the City argues that the appellant is challenging the City’s approval of the project and has not appealed the City’s SEPA determination. The appeal explicitly challenges the City’s land use decision only. The appellant’s arguments and requests seek changes to the land use decision and conditions of approval but does not request relief that would affect the City’s SEPA determination itself.

Camas Municipal Code (CMC) 18.55.165 provides for consolidated SEPA threshold determinations and project review. The project applicant requested consolidated review; as such, the SEPA Determination of Non-significance for the project was only considered final once the decision for the project was issued. Any SEPA appeal would also be consolidated with an appeal on the underlying project application, however the appellant would need to indicate that they are appealing the SEPA determination, and they must explicitly raise issues regarding the environmental review.

In the narrative submitted with the appeal, the appellant states, “I am appealing the approval of a project called 13TH STREET GAS STATION (FILE NO. SPRV23-06).” The appeal clearly identifies the City’s site plan project number and does not raise separate appeal request specific to SEPA. All the items the appellant identifies are impacts that are addressed in adopted Camas Municipal Code standards and do not raise any issues specifically related to the City’s SEPA determination.

The appeal should be treated as one concerning the City’s land use decision only, without extending to the project’s SEPA review or determination.

**Only one individual has complied with the requirements to be recognized as the appellant.**

The appeal was filed with one individual listed as the appellant who submitted and paid the appeal form and fee. This individual provided and signed a narrative which included a list of neighbors whom they wished to include in the appeal. However, the Camas Municipal Code requires that an appeal must include a statement from each appellant, including their name, address, and phone number, a description of standing, and a signed statement. The appeal submitted does not meet these requirements for multiple appellants, and as such, the City argues that only the individual who



submitted the appeal and complied with the necessary requirements can be recognized as the appellant in this case.

Camas Municipal Code (CMC) 18.55.200 includes the requirements for filing a notice of appeal. Each appeal must include the following:

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.

The appeal was submitted using the City's online application portal. The online application requires at least one applicant but includes an option to "add any additional applicant parties involved in this project if applicable." While neither the municipal code nor the application form precludes the filing of a single appeal by multiple appellants, the appeal form was submitted with Karin Nosrati listed as the sole applicant.

With the online submittal, Ms. Nosrati included a written narrative under her own name and address and signed by herself. The narrative states that Ms. Nosrati is appealing on behalf of certain nearby residents and includes a list of 50 additional individuals with a statement that these "neighbors would like to be included in the appeal and receive an invitation to the hearing."

However, Ms. Nosrati alone signed the application narrative and has fulfilled the requirements of CMC 18.55.200. The additional individuals listed in the appeal as neighbors have not signed the form, nor have they provided any individual statements regarding their standing or any other required information. Without meeting these procedural requirements, these individuals cannot be considered appellants. Notably, Ms. Nosrati also included her name and her husband's name at the end of this list, identifying "Karin and Randy Nosrati" as "appellant" in parenthesis.

Based on the municipal code's requirements, we assert that only Ms. Nosrati can be considered the appellant in this case. The additional names listed in the appeal, have not satisfied the appeal requirements in CMC 18.55.200.

Looking forward, should this matter be appealed under LUPA by the applicant, allowing a substantial number of appellants at this stage could create a service issue. Under RCW 36.70C.040(2) filing and



service of the petition is required to be served on each “person named in the written decision who filed an appeal.” While this section does indicate that “persons who later . . . joined in the appeal” are exempt from this provision it would at least create an arguable procedural issue at that stage and, as a practical matter, a significant burden on a party attempting to fulfill the service requirements. LUPA contemplates an expedited procedure to resolve land use matters and the City would assert allowing the position of the appellant in this matter to prevail would run contrary to those directives.

Finally, within a long line of email inquiries pressing City staff to address legal and procedural questions on their behalf, the appellant has noted a comment from City staff which appears to be the sole basis for the assertion that some 50 neighbors should be included as joined parties. The City would respectfully request that in context this comment be disregarded particularly in relation to the authorities noted above.