



LeAnne M. Bremer, P.C.
Admitted in Washington and Oregon
leanne.bremer@millernash.com
360.619.7002 (direct)

March 16, 2022

VIA HAND-DELIVERY

Hearing Examiner
City of Woodland
230 Davidson Avenue
Woodland, WA 98674

Subject: **NOTICE OF APPEAL**
 SEP-22-003 Determination of Significance – Logan's Landing Proposal

To the City of Woodland Hearings Examiner:

On behalf of Logan Partners, LLC, owner and applicant for Logan's Landing, I am filing this appeal of the enclosed Determination of Significance dated March 8, 2022, issued by the City of Woodland.

A party may appeal a SEPA threshold determination under WMC 19.08.030, 19.06.040, and 19.06.050. This appeal is timely filed within 14 days of March 8, 2022.

This Notice of Appeal must include the following:

- **Name and address of the party or agency filing the appeal:**

Applicant and Owner:

Shayne Olsen
Logan Partners, LLC
PO Box 1940
Bend, OR 97709
(541) 306-1611
shayne@saceinc.com

Contact Person:

LeAnne Bremer
Miller Nash LLP
500 Broadway Street, Suite 400
Vancouver, WA 98660
(360) 619-7002
leanne.bremer@millernash.com

- **Identification of the specific proposal and specific SEPA actions or determination related to condition, lack of conditioning, or denial of an action for which the appeal is sought:**

Logan Partners is appealing the enclosed Determination of Significance (DS) associated with the Logan's Landing project.

- **Statement of the particular ground or reasons for the appeal:**

The DS is not supported by facts or law.

The proposal will not have a potential, significant adverse impact on the environment, which is a requirement for a DS. WAC 197-11-360. The fact that the proposal will add multi-family units to the City does not justify the DS. The proposal is a permitted use in the zone and can fully comply with all code requirements. All impacts of the proposal can be fully mitigated through application of current regulations. SEPA allows the City to make a determination that a project's impacts can be adequately addressed and mitigated for under existing development regulations. WAC 197-11-158. The pre-application report did not note any deficiencies in public facilities or infrastructure necessary to serve the project that cannot be mitigated, nor was there any hint that an EIS would be required. None of the items noted in the DS require further study. Additional argument and evidence on this point will be presented at the hearing.

Premature Issuance

The DS is premature because the City has not yet determined that the application to which the DS attaches is fully complete. WMC 19.06.010.D. states that within 14 days after the city has made a determination of completeness of a project permit application, the city will issue a notice of application. WMC 19.06.010.E. states: "A SEPA threshold determination may be made at the same time the notice of application is issued and the comment periods run concurrently." In addition, all public comments received on the notice of application must be received by City by the end of the comment period. WMC 19.06.010.F.

The threshold determination— in this case a DS—accompanies the notice of application, and the notice of application is not issued until the application is fully complete. In addition to this being the required order in code, it also makes sense. Otherwise, those commenting on the application will be commenting on an incomplete proposal. The applicant is entitled to supplement the application to respond to the not-fully-complete determination and the proposal could change in more than insignificant ways to become fully complete. At the very least, additional information will be provided by the applicant that the public and agencies should have the benefit of reviewing before responding to a notice of application and DS.

The City recognizes on page 2 in the DS that SEPA review should occur once a notice of application is issued:

Should the Logan's Landing site plan and other land use applications become fully [complete] during the SEPA process, a notice of application for those applications shall be issued so that the land use and SEPA processes can be completed concurrently.

By issuing the threshold determination early, and forcing this appeal, the City is unnecessarily, and without authority, complicating the application process, not to mention requiring the applicant to incur significant additional cost.

The applicant respectfully requests that the Hearings Examiner require the City to withdraw the DS as not supported by the facts or law, and because it is premature.

According to the City's fee schedule effective February 22, 2022, the fee for an appeal is \$700, which accompanies this appeal, plus the Hearings Examiner's cost, which will be determined after the appeal is heard.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'LeAnne M. Bremer', with a long horizontal flourish extending to the right.

LeAnne M. Bremer, P.C.

Enclosure: Determination of Significance