

RESPONSE TO MOTION TO DISMISS

Prepared by

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The motion to dismiss my appeal of the expansion of the Cascadia School is without merit and contains incorrect and misleading information.

Incidentally, my neighbors found it amusing that the motion to dismiss referred to me as “an aggrieved neighbor.” In almost thirty years of working as an environmental planning consultant and preparing many SEPA and NEPS documents along with planning and environmental studies, that’s an entirely new title.

The motion to dismiss states that I challenged the DNS and asked that “the Hearing Examiner require additional review of traffic and parking.” In fact, the SEPA checklist is incomplete and never addresses any traffic-related impact issues. As recently as the second week of February, Andy Chow, the City transportation engineer assigned to the project, told me that the City and Cascadia were still in discussion on how to address traffic impacts. That was two months after the City had made a Determination of Nonsignificance.

The argument that the project is categorically exempt from SEPA review based solely on the square footage of buildings and number of parking spaces is not relevant. The attorneys failed to note the exceptions to categorical exemptions found in WAC 197-11-305 (b)(i) “A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not.” Common sense would tell you that practically any proposed project that includes a building would be categorically exempt from SEPA review if you believe the attorneys’ interpretation of the SEPA Rules.

In other words, exemption based on square footage is limited to only those proposals that would have no potential impacts to the environment. It would not include proposals such as the Cascadia School expansion, because of, among other things, potential traffic impacts.

It was not clear to me why the motion to dismiss included such an extensive discussion of critical areas and “land covered by water” as categorical exemptions, because neither of these types of exemptions are near where any project construction is proposed.

In summary, there is nothing in the Applicant’s Motion to Dismiss SEPA Appeal that would merit further consideration.

Submitted by

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