

## Paula Smith

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**From:** Bruce Titus <brucet@brucetitus.com>  
**Sent:** Friday, December 07, 2018 3:17 PM  
**To:** Tim Smith; Cari Hornbein; Paula Smith; Steve Thompson; Jeff Fant  
**Subject:** Wellington Heights + Olympia Chrysler Jeep

Dear Mayor Selby and Nathaniel Jones, Mayor Pro Tem,

I am writing to ask that you postpone the Hearing Examiner's public hearing, scheduled for Monday, December 10<sup>th</sup> on the Alex Vo/Wellington Heights project. This is necessary in order to return the project's Determination of Nonsignificance (DNS) to the the City's SEPA's Officer for reconsideration.

After over a year of discussions with the City staff, I was informed yesterday, December 6<sup>th</sup>, that a staff member, responding to a December 4<sup>th</sup> request from the developer, will recommend removal of two mitigating conditions from the project DNS. These conditions are essential to protect my property from the consequences of the Alex Vo/Wellington Heights project.

The DNS for this project was conditioned on the performance of these two (and other) listed mitigations. Removing them renders the DNS invalid. Proposing to do this at the last minute, one business day before the hearing and with no meaningful opportunity for public comment, renders your planning process invalid.

In order to preserve any semblance of substantive or procedural justice in the City's planning process, you must order a postponement of the Hearing Examiner's public hearing to allow for a new threshold statement by the City's Environmental Officer. This will permit businesses like mine and the broader community to review, comment upon and potentially appeal a new SEPA determination.

Sincerely,

Bruce Titus

Bruce Titus, President & CEO  
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6221 Tacoma Mall Blvd, Tacoma 98409  
o. (253) 284-0140 f. (253) 474-0805  
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"Count on Us, All Around the Sound"

## Paula Smith

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**From:** Tim Smith  
**Sent:** Monday, December 10, 2018 7:38 AM  
**To:** Paula Smith  
**Subject:** FW: Vouching for Vo: City Staff Invalidates SEPA Determination one day before Public Hearing

FYI and for the file.

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**From:** Mark Barber  
**Sent:** Saturday, December 08, 2018 3:52 PM  
**To:** Keith Stahley <kstahley@ci.olympia.wa.us>; Steve Hall <shall@ci.olympia.wa.us>  
**Cc:** Tim Smith <tsmith@ci.olympia.wa.us>; Leonard Bauer <lbauer@ci.olympia.wa.us>  
**Subject:** Re: Vouching for Vo: City Staff Invalidates SEPA Determination one day before Public Hearing

Keith's proposal is reasonable and fair.

Mark

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**From:** Keith Stahley  
**Sent:** Saturday, December 8, 2018 9:49:56 AM  
**To:** Steve Hall  
**Cc:** Mark Barber; Tim Smith; Leonard Bauer  
**Subject:** FW: Vouching for Vo: City Staff Invalidates SEPA Determination one day before Public Hearing

Hi Steve and Mark,

I don't believe that there is any reason to postpone the hearing. Stormwater is one of many issues that have been raised about this project and notice has been provided to all interested parties regarding this hearing.

Tim was in the office this morning and he and I conferred on this issue. As I understand it, Mr. Vo and his engineer have decided to pursue a different approach to managing the flow of stormwater from the site. This is the result of ongoing discussions with the adjoining property owner Mr. Titus. They have found a different solution that removes the need to expand the ditch on Mr. Titus' property. This solution has been evaluated by our stormwater staff and they agree that this is an acceptable alternative. The conditions related to the stormwater improvements on the Titus property can be deleted. My understanding is that this has limited impacts on the design of the project and that it only directly affects the Titus property.

I suggest that we clarify that: The Hearing Examiner will be holding a hearing and taking testimony on Monday. That is the appropriate venue to raise concerns about the project. Should any party feel that they have not had adequate time to evaluate the revised proposal the hearing examiner can also hold the record open or continue the proceedings to allow for additional testimony on this particular issue. I recommend that staff recommend that the hearing examiner keep the record open to accommodate this review by interested parties. The public hearing is the best place to present this information to the hearing examiner and let him make a decision based on the facts.

k

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**From:** Keith Stahley  
**Sent:** Saturday, December 08, 2018 9:13 AM  
**To:** Tim Smith <[tsmith@ci.olympia.wa.us](mailto:tsmith@ci.olympia.wa.us)>  
**Subject:** RE: Vouching for Vo: City Staff Invalidates SEPA Determination one day before Public Hearing

Hi Tim,

I would add that the Hearing Examiner will be holding a hearing and taking testimony on Monday. Should any party feel that they have not had adequate time to evaluate the revised proposal the hearing examiner can also hold the record open or continue the proceedings to allow for additional testimony on this particular issue. Staff will recommend that the hearing examiner do this accommodate this review by interested parties.

k

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**From:** Tim Smith  
**Sent:** Saturday, December 08, 2018 9:03 AM  
**To:** Keith Stahley <[kstahley@ci.olympia.wa.us](mailto:kstahley@ci.olympia.wa.us)>  
**Subject:** RE: Vouching for Vo: City Staff Invalidates SEPA Determination one day before Public Hearing

Here is my response. I'd like your review and revisions if you believe any need to be made.

Nathanial,

The City's Stormwater Engineering staff has approved a modified plan proposed by the applicant to address offsite overflow of stormwater in the case of a large storm event. The original plan was to improve an existing drainage swale on the north side of the Titus property that runs east-west. The drainage swale connects to another existing conveyance ditch located in northwest corner of the Titus property that directs stormwater south to an existing 42"covert under the west entrance to the Titus Site.

Following issuance of the MDNS, the applicant proposed an alternative plan for handling stormwater overflow on the subject site so that no additional stormwater overflow will be added to the existing drainage swale below the embankment on the Titus property. This plan has been approved by the City's Stormwater Engineering Division and includes the installation of a 36" stormwater pipe that will direct overflow to the northwest corner of the Titus property.

Any required offsite improvements for a project to mitigate impacts are addressed as SEPA mitigation measures. Two of the four conditions in the MDNS specially address making improvements to the existing east-west offsite stormwater swale and related restoration of the embankment on the Titus property. Based on the revised plan, these SEPA mitigation measures are no longer needed.

The Hearing Examiner is authorized to approve preliminary plats and conditions of the approval. This includes any modifications to the MDNS. Staff will recommend to the Hearing Examiner that those specific SEPA mitigation measures be removed. Staff has also prepared a detailed staff presentation for the hearing that will describe the changes proposed by the applicant and supported by staff.

**Tim Smith, AICP | Principal Planner**  
City of Olympia Community Planning & Development  
P.O. Box 1967 | 601 4th Avenue E | Olympia, WA 98507-1967  
(360) 570-3915  
[tsmith@ci.olympia.wa.us](mailto:tsmith@ci.olympia.wa.us)

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**From:** Nathaniel Jones

**Sent:** Saturday, December 08, 2018 5:52 AM

**To:** Keith Stahley <[kstahley@ci.olympia.wa.us](mailto:kstahley@ci.olympia.wa.us)>; Steve Hall <[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)>; Cheryl Selby <[cselby@ci.olympia.wa.us](mailto:cselby@ci.olympia.wa.us)>; Tim Smith <[tsmith@ci.olympia.wa.us](mailto:tsmith@ci.olympia.wa.us)>

**Subject:** Fw: Vouching for Vo: City Staff Invalidates SEPA Determination one day before Public Hearing

Folks,

Once I get past Dan Leahy's accusations, I believe there is merit to his concerns.

The December 6th modifications to SEPA provisions, in advance of a Monday, December 10 hearing have the appearance that the City is playing too fast with this development proposal. Setting aside all substantive impacts of the change to the SEPA conditions, these procedural moves are not good process.

I'm asking that the City introduce a pause in the hearings process to allow Mr. Titus and the neighborhood an opportunity to understand and comment on the changes being brought forward at this time. And further, that parties of record be notified of the process change.

I welcome your response.

Many thanks,

Nathaniel Jones,  
Olympia Mayor Pro Tem

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**From:** Dan Leahy <[danleahy43@yahoo.com](mailto:danleahy43@yahoo.com)>

**Sent:** Friday, December 7, 2018 3:58 PM

**To:** Cheryl Selby; Nathaniel Jones

**Subject:** Vouching for Vo: City Staff Invalidates SEPA Determination one day before Public Hearing

Cheryl and Nathaniel,

I mention you two in this email to my neighbors so I decided to send it to you directly.

Dan

----- Forwarded Message -----

**From:** Dan Leahy <[danleahy43@yahoo.com](mailto:danleahy43@yahoo.com)>

**Sent:** Friday, December 7, 2018, 2:47:19 PM PST

**Subject:** Vouching for Vo: City Staff Invalidates SEPA Determination one day before Public Hearing

Dear Neighbors, Parties of Record and Decatur Raiders,

It's hard to believe the city staff could be any more egregious than they already have been in their facilitation and approval of Alex Vo's land turnover scheme called "Wellington Heights."

But, here they are, bowing to a December 4th memo from Vo's Engineer Chris Merritt. Responding to Merritt, the staff will remove two mitigating conditions from the SEPA determination of nonsignificance that Merritt and Vo don't want to pay for and want "resolved prior to the public hearing on December 10th."

The staff justify their actions by saying they "accept Mr. Merritt's professional conclusion..."

Remember this is the same professional engineer who initially certified in his "environmental checklist" that there were no water bodies associated with this project thus ignoring the retention pond in Wellington West, the stream of storm water running north to south through the 9.4 acres, the storm water running down the 14 foot southern slope into the Jeep Chrysler dealership and the storm water running into Percival creek.

The removal of these two mitigating conditions, designed to protect Bruce Titus' property from the effects of Vo's project, invalidates the City's SEPA determination of nonsignificance. In addition, the staff removal of mitigating conditions was announced on Thursday, one business day before the public hearing, thereby foreclosing any meaningful public comment.

I know it won't happen, but even an appearance of fairness would require the City to postpone the December 10th hearing and to send the determination of nonsignificance back to the City's Environmental Officer for reconsideration. This would take City Council action, but both Mayor Cheryl Selby and Mayor Pro Tem, Nathaniel Jones, as well as all other Council members, have been completing silent for the past 15 months despite our numerous requests for assistance.

The documents are attached. The "Merritt Letter" is a perfect testimony as to how the City's planning process is fundamentally corrupt and injurious to the public interest in general and to our neighborhood in particular.

Dan

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**From:** Jeff Fant [<mailto:jfant@ci.olympia.wa.us>]  
**Sent:** Thursday, December 06, 2018 4:42 PM  
**To:** Bruce Titus  
**Cc:** Tim Smith; Cari Hornbein; Paula Smith; Steve Thompson  
**Subject:** Wellington Heights - Off-Site Stormwater Improvements (Merritt Letter / City Response)

Mr. Titus,

I received the attached letter from Mr. Merritt in response to our Monday meeting.

Staff have reviewed this letter; in conclusion, Staff accept Mr. Merritt's professional conclusion that the "...requested upgrades to the existing ditch along the northern portion of Mr. Titus' parcel are not warranted..."

At this time Staff plan to recommend to the Hearing Examiner that SEPA Condition No.3 be modified by striking mitigation bullet items 3 and 4.

Best regards,

**Jeff Fant | Engineering Plans Examiner**  
City of Olympia Community Planning & Development  
P.O. Box 1967 | 601 4th Avenue E | Olympia, WA 98507-1967  
Office 360-753-8315 | Cell 360-239-6066

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**From:** Chris Merritt <[chris@olyeng.com](mailto:chris@olyeng.com)>  
**Sent:** Tuesday, December 04, 2018 12:10 PM  
**To:** 'Jeff Fant' <[jfant@ci.olympia.wa.us](mailto:jfant@ci.olympia.wa.us)>  
**Cc:** 'Paula Smith' <[psmith@ci.olympia.wa.us](mailto:psmith@ci.olympia.wa.us)>; Tim Smith ([tsmith@ci.olympia.wa.us](mailto:tsmith@ci.olympia.wa.us)) <[tsmith@ci.olympia.wa.us](mailto:tsmith@ci.olympia.wa.us)>; 'Steve Thompson' <[sthompso@ci.olympia.wa.us](mailto:sthompso@ci.olympia.wa.us)>; 'Alex Vo' <[AlexV@triwayenterprises.com](mailto:AlexV@triwayenterprises.com)>; 'leungnick1@gmail.com' <[leungnick1@gmail.com](mailto:leungnick1@gmail.com)>; Luke McCann ([luke.mccann@mtc-inc.net](mailto:luke.mccann@mtc-inc.net)) <[luke.mccann@mtc-inc.net](mailto:luke.mccann@mtc-inc.net)>  
**Subject:** Wellington Heights - Off-Site Stormwater Improvements

Jeff,

Please see attached letter in response to our meeting yesterday. In summary, we are lessening the amount of stormwater runoff being directed to the existing east-west ditch, the pass-through runoff will bypass this undersized ditch entirely, and the slope is stable. Therefore, we do not believe the Wellington Heights project should be responsible for upgrading this section of ditch as requested.

We look forward to hearing from you.

Thanks,

**Chris Merritt, PE**



PO Box 12690  
Olympia, WA 98508-2690  
360.705.2474  
[www.olyeng.com](http://www.olyeng.com)

## Paula Smith

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**From:** Tim Smith  
**Sent:** Monday, December 10, 2018 7:38 AM  
**To:** Paula Smith  
**Subject:** FW: Wellington Heights + Olympia Chrysler Jeep

FYI and for the file.

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**From:** Nathaniel Jones  
**Sent:** Saturday, December 08, 2018 12:41 PM  
**To:** Bruce Titus <brucet@brucetitus.com>; Tim Smith <tsmith@ci.olympia.wa.us>  
**Subject:** Re: Wellington Heights + Olympia Chrysler Jeep

Mr. Titus,

It now appears that the Hearings Examiner will “continue” the December 10 hearing to provide adequate time for everyone’s consideration of the changed stormwater provisions.

This means that the Monday hearing will proceed but an additional hearing will be scheduled for the stormwater elements.

The continuance is at the discretion of the Examiner. However, I believe that the extension is the only rational course.

Please stay tuned.

Best regards,

Nathaniel Jones,  
Olympia Mayor Pro Tem

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**From:** Nathaniel Jones <njones@ci.olympia.wa.us>  
**Sent:** Saturday, December 8, 2018 9:58 AM  
**To:** Bruce Titus; Tim Smith  
**Subject:** Re: Wellington Heights + Olympia Chrysler Jeep

Mr. Titus,

Thank you for reaching out to me.  
I share your concerns.

I have asked City staff to delay the hearings process to allow all parties to understand and respond to the modifications to the SEPA conditions.

I believe that the current process is flawed and fails to follow the intent of Olympia’s development procedures.

I will try to get this fixed.

With best regards,

Nathaniel Jones,  
Olympia Mayor Pro Tem

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**From:** Bruce Titus <[brucet@brucetitus.com](mailto:brucet@brucetitus.com)>  
**Sent:** Saturday, December 8, 2018 8:09 AM  
**To:** Cheryl Selby; Nathaniel Jones  
**Subject:** Wellington Heights + Olympia Chrysler Jeep

Dear Mayor Selby and Nathaniel Jones, Mayor Pro Tem,

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In order to preserve any semblance of substantive or procedural justice in the City's planning process, you must order a postponement of the Hearing Examiner's public hearing to allow for a new threshold statement by the City's Environmental Officer. This will permit businesses like mine and the broader community to review, comment upon and potentially appeal a new SEPA determination.

Sincerely,

Bruce Titus

Bruce Titus, President & CEO  
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