

Exhibit 41A

March 15, 2022

To: City of Lacey Community Development Department
c/o Samra Seymour, Senior Planner
From: Janet O'Halloran
RE: Land Use Application 20-310 Meridian Market and Gas

Ms. Seymour,

Before you potentially issue a negative threshold determination regarding the SEPA analysis connected to this project, I hope that you will consider my concerns as described below. Simply put, the City of Lacey lacks sufficient information to make a threshold determination on this project.

1. Northwest Investors LLC have submitted a **Geotechnical Engineering Report** completed in May 2020 by Zipper Geo of Lynnwood, WA. At that time, a different developer, LE-LACEY, WA-1UT, LLC, was considering the site for a 10,000 square foot day care center called the "Lacey Learning Experience," with a 5000 sq. ft. play area. But the proposal being reviewed now is for a gas station and mini mart. The Geotech Report expressly indicates that "[i]n the event that changes in the nature, design or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless Zipper Geo Associates, LLC reviews the changes and either verifies or modifies the conclusions of this report in writing." (Geotech Report, at 17.)

Despite this language, and despite the proposed change in use from a day care to a gas station, the SEPA Checklist relies on the Geotech Report for the daycare center. (SEPA Checklist, page 2, response to question 8.) There are some big problems with this.

First, a day care center involves significantly different construction in the subsurface when compared to a gas station. For example, the Geotech Report (and the SEPA checklist) does not address the impact of the 25,000 gallon underground storage tank (UST) for 87 octane gasoline, the 22,000 gallon UST for 92 octane gasoline, and a third, 10,000-gallon UST for diesel. Yet of the 12 test pits Zipper Geo dug at the site, six of the pits recorded perched groundwater at depths less than 12 feet. (Geotech Report, at 4, and Appendix A, pits 1, 2, 4, 5, 6, and 7). No evaluation has been done yet on the suitability of the subsurface geology for three USTs holding 57,000 gallons of fuel, particularly when these tanks will be sitting in groundwater. This significant shortfall requires further study before the City. At a minimum, a new Geotech Report should be required of the applicant for the new project proposal, consistent with [WAC 197-11-080](#) and [WAC 197-11-335](#).

An additional problem demonstrating the May 2020 Geotech Report's inadequacy is its discussion of the pavement needs for the site. (Geotech Report, at 15-16.) The report indicates that only light traffic was expected for the day care center design. It says, "[n]

traffic loading was provided for this report. We have assumed relatively low traffic volumes consisting primarily of passenger cars and trucks with occasional small delivery trucks for light and heavy-duty pavements. *If traffic routes are expected across the site that could increase the estimated traffic loading, ZGA should be notified so that we can re-analyze the pavement sections.*” (Geotech Report, at 15.) Here, the Geotech Report did not assess the subsurface geology or construction needs associated with a gas station, which will require loaded tanker trucks in and out of the site. Again, a new Geotech Report is necessary for a proper environmental analysis.

2. The SEPA Checklist indicates that the proposed gas station will have no off-site emissions. (SEPA Checklist at 3, Air response 2(a) – response “none known”.) But all gas stations have off-site gassy smells. As noted above, the plans call for 57,000 gallons of underground fuel to be stored there. Particularly for a gas station in this proposed setting, which is bordered by a residential neighborhood, the William Ives Trail corridor, and located across the street from the Meridian Neighborhood Park, airborne odors are important and must be disclosed as an impact associated with the project. Failing to discuss such impacts would be erroneous and inconsistent with SEPA.
3. The SEPA Checklist Section Environmental 7A addresses the risk of fires and explosions because of the handling of fuel. But the checklist fails to contextualize these dangers in proximity to two parks (the William Ives Trail corridor, and the Meridian Neighborhood Park) and is a pedestrian and bike route for children commuting to or from Salish Middle School.
4. Additionally, the applicant’s response to SEPA Checklist Section 11 (LIGHT and GLARE) is not answered specifically. It indicates that there will be “some light” produced after dark. The City should require further discussion of the lighting plans, including the size, number, and intensity of the lighting. What will be the proposed hours of nighttime operations? How close will lights be to the nearest homes? Again, the checklist is so vague that the environmental impacts on the community cannot be determined.
5. SEPA Checklist Section 12 (RECREATION) mentions the William Ives Trail and Meridian Neighborhood park, in that these are “near” the proposal. However, the checklist does not discuss that the proposal is *adjacent* to the trail greenbelt, and is *immediately across the street from* the park. But most obviously, the Checklist discloses no impacts from this proximity on users of either greenspace, and further indicates that mitigation measures are “not applicable.” This side-steps major, important impacts from this proposal, ignores ways to mitigate those impacts, and results in an incomplete environmental evaluation.
6. SEPA Checklist Section 14 (TRANSPORTION) is deficient in several ways. No traffic analysis has been prepared for this project. This is particularly important where the proposed business will sit in a residential area, near a middle school and two parks. In one response (question 14(d)), a vague reference is made to “[traffic] improvements on

London Loop NE and Campus Glen Dr.,” but no information is provided to assess how any changes to this area affect school bike and pedestrian routes, and affects access to the park and William Ives Trail. It is important to consider what is “normal” traffic patterns vs. COVID -depressed traffic patterns with so many working from home.

The SEPA Checklist for Land Application 20-310 Meridian Market and Gas suffers from many deficiencies. Please consider obtaining better information from the applicant prior to making your threshold determination on this project. Remember, while the applicant completed the SEPA Checklist, all environmental documents are considered the product of the lead agency. [WAC 197-11-050](#)(2). After all, if a SEPA analysis is legally inadequate, it undermines the integrity of the lead agency’s eventual permitting decision.

There will certainly be environmental impacts from this proposal. Perhaps the next draft of the SEPA Checklist will discuss mitigation measures, as well as fully disclosing the applicable impacts from this proposal in our neighborhood. Thank you for your time in considering this input.

Regards,

Janet O’Halloran
9031 Merrill Court NE
Lacey, WA 98516

Exhibit 41B

From: jamesa.westberg
To: [Samra Seymour](mailto:Samra.Seymour)
Subject: RE: City of Lacey Project 20-310: MDNS
Date: Friday, March 18, 2022 5:13:33 PM

You don't often get email from jamesa.westberg@comcast.net. [Learn why this is important](#)

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the IS Department

Of course, this is disappointing to read but is a typical political response in as much as if it isn't a priority it is insignificant to the outcome.

What I am reading into this is that a decision to go ahead with approval of this project is a foregone conclusion.

I understand that tax dollars, or the promise of them, is important to the city but it begs the question...who does this really benefit?

As it is now semi truck traffic is unchanged and is still violated despite posted signs.

The city of Lacey does nothing to hold violators responsible. Who will be held responsible when something serious happens? You? The city? Or will this be deemed an act of God?

You are free to respond to me at any time because I care about our neighborhood.

Convince me I'm wrong, please.

Please read this to the committee.

Definition of a committee is..what is a camel? A horse designed by a committee.

Sent from Samsung Galaxy smartphone.

----- Original message -----

From: Samra Seymour <Sseymour@ci.lacey.wa.us>
Date: 3/18/22 4:48 PM (GMT-08:00)
To: Samra Seymour <Sseymour@ci.lacey.wa.us>
Subject: City of Lacey Project 20-310: MDNS

Good afternoon,

Attached to this email is the mitigated determination of nonsignificance (MDNS). Please note, this is not a land use approval document or an exhaustive list of project conditions, rather an environmental threshold determination made under RCW 43.21C.240 that an Environmental Impact Analysis is not required. The MDNS identifies potential project impacts requiring mitigation that are not regulated under City of Lacey codes or other regulatory statutes of the State.

The MDNS will also become part of the official record for the project, that will be considered by the Hearings Examiner, and ultimately the City Council.

Also, this is a reminder that all parties of record (and if you're receiving this, you're a party of record) will be sent the official notice of hearing late next week.

Thank you,

Samra Seymour AICP | Senior Planner

(she/her)

City of Lacey
420 College St SE
Lacey, WA 98503

www.ci.lacey.wa.us www.locationlocationlacey.com

360.491.5642 department

360.413.3541 direct

Exhibit 41C

From: jamesa.westberg
To: [Samra Seymour](mailto:Samra.Seymour)
Subject: RE: City of Lacey Project 20-310: MDNS
Date: Friday, March 18, 2022 6:18:19 PM

You don't often get email from jamesa.westberg@comcast.net. [Learn why this is important](#)

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I took the time to look up RCW 43.21C.240.

Obviously written up by a states attorney to make it as difficult to read as possible for a layman which is the reason it was allowed and passed.

Basically it gives a city or jurisdiction the power to skip any real environmental concerns and do what they wish in the interest of it's constituents.

Such nonsense!

Honesty is always a winner.

Do not hide behind ambiguously worded regulations that only lawyers or their clerks have written.

No wonder the confidence in American government is the lowest it has been since the Woodrow Wilson Presidency.

Sent from Samsung Galaxy smartphone.

----- Original message -----

From: Samra Seymour <Sseymour@ci.lacey.wa.us>
Date: 3/18/22 4:57 PM (GMT-08:00)
To: Samra Seymour <Sseymour@ci.lacey.wa.us>
Subject: City of Lacey Project 20-310: MDNS

Good afternoon,

Attached to this email is the mitigated determination of nonsignificance (MDNS). Please note, this is not a land use approval document or an exhaustive list of project conditions, rather an environmental threshold determination made under RCW 43.21C.240 that an Environmental Impact Analysis is not required. The MDNS identifies potential project impacts requiring mitigation that are not regulated under City of Lacey codes or other regulatory statutes of the State.

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