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5 BEFORE THE HEARING EXAMINER FOR THE CITY OF DUPONT

6 RE: Patriots Landing Village Master
7 Plan

8 Master Plan Approval

9 File No. PLNG 2022-014 (Master
10 Plan) and PLNG2022-

)
)
) FINDINGS OF FACT, CONCLUSIONS OF
) LAW AND FINAL DECISION UPON
) RECONSIDERATION
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12 **SUMMARY**

13 Careage Construction has requested master plan approval for the Patriots Landing Master Plan, a 43.8-
14 acre area located in the Yehle Park Village, south of McNeil Street. The master plan area is composed
15 of existing development and proposed new development. Proposed new development includes a
16 78,000 SF elementary school for 500 students in the northeast portion and two buildings for
multifamily (83 units) and senior living multifamily (200 units) residences in the southwest portion.
The application is approved subject to conditions.

17 Numerous comments were made by concerned residents on the traffic impacts associated with the
18 proposal. Those comments are addressed in Finding of Fact 5A below, pages 3-6.

19
20 **TESTIMONY**

21 A computer-generated transcript has been prepared of the appeal hearing to provide an overview of the
22 hearing testimony. The transcript is provided for informational purposes only as Appendix A. Since
23 the transcript is computer generated, it is not 100% accurate, but does provide a useful indication of
what testimony was presented during the hearing.

24
25 **EXHIBITS**

26 A hearing was held on August 21, 2023. A revised staff report containing Exhibits 1-5 as identified in

Section H of the report were admitted into the record as Exhibit 1. Materials submitted at the hearing by David Bungert were entered into the record as Exhibit 2.

FINDINGS OF FACT

Procedural:

1. Applicant. Mike Campeau, Careage Construction, 4411 Point Fosdick Drive NW, Gig Harbor, WA 98335.

2. Hearing. A hearing was held on the subject applications on August 22, 2023 at 2:00 pm in the City of Dupont City Council Chambers.

Substantive:

3. Project Description. The Applicant has requested Type III Master Plan approval for the Patriots Landing Master Plan, a 43.8-acre area located in the Yehle Park Village, south of McNeil Street. The Master Plan area is comprised of eight parcels, some of which are already developed or approved for development, and some of which are for new development. The new development includes the northeastern 10 acres that are currently vacant land proposed to be developed into a 78,000 SF elementary school for 500 students. The southwestern 14.60 acres are currently vacant land proposed to be developed with two buildings for multifamily (83 units) and senior living multifamily (200 units) uses. The new residential buildings will total approximately 240,000 SF. The proposal includes roadway improvements, landscaping improvements, open space/recreation areas, stormwater and utility infrastructure, and below- and above-ground parking spaces. The already developed or previously permitted portions of the Master Plan area include 3.26 acres to be occupied by the previously approved Patriots Landing Memory Care facility and the eastern 15.94 acres occupied by the existing Patriots Landing Assisted living facility, consisting of an assisted living multifamily building and several single-family, independent living, cottage-style homes.

4. Location. Section 34, Township 19 North, Range 1 East, W.M, in the City of DuPont, in Yehle Park Village, south of McNeil Street, on Pierce County Tax Parcel Nos. 0119341006 and 0119341007.

5. Adverse Impacts. A revised State Environmental Policy Act (SEPA) Mitigated Determination of Non-significance (MDNS)¹ was issued by the City of DuPont as lead agency on August 2, 2023 with a 14-day comment period. See Ex. H2f. The SEPA Determination concluded that there were no significant adverse impacts associated with the proposal. The threshold determination was not appealed. Pertinent impacts raised through comment and testimony are addressed as follows:

¹ An MDNS is a decision that an environmental impact statement is not necessary for a proposal because with required conditions (mitigation measures) the proposal will not create probable significant adverse environmental impacts.

1 A. Traffic Impacts. The proposal will not create any significant traffic impacts. City
2 development standards set standards for acceptable street design, traffic volumes and
3 congestion levels and all such standards have been met.

4 The City's adopted congestion level, based upon intersection delay, is Level of Service
5 (LOS) D. The Applicant has prepared a Traffic Impact Assessment (TIA) (Exhibit 1.H.1.h)
6 that evaluated the proposal's compliance with the LOS standard. City staff and its third party
7 traffic consultant have ascertained that the TIA adequately establishes conformance to the
8 City's LOS standards.

9 The new school and residential development upon completion is anticipated to generate
10 approximately 2,534 average vehicle trips per day, with 443 occurring in the AM peak hour
11 and 172 occurring in the PM peak hour. The trip generation estimates are based on data from
12 the Institute of Traffic Engineer's *Trip Generation Manual*, 11th Edition (ITE Manual). The
13 new school will primarily capture students west of Center Drive that currently pass the site
14 to go to Chloe Clark Elementary School and Saltar's Point Elementary School. The new
15 school would reduce travel distances for the students, provide for more walking opportunities
16 and less overall transportation impacts within the region during school arrival and dismissal
17 times. The trip generation estimates in the TIA are based on the ITE Manual and are not
18 factoring in the unique neighborhood characteristics and therefore may be overestimated.
19 The Master Plan proposes two accesses for the school use, one from McNeil Street for
20 passenger vehicles and pick-up/drop-off (one-way circulation) and the other from Marshall
21 Circle for school buses. The Traffic Study estimates an increase of approximately 2 to 35
22 percent in the AM peak hour and 6 percent or less in the PM peak hour. The level of service
23 analysis indicates that all affected intersections are operating acceptably in the existing
24 condition.

25 However, the stop-controlled southbound movement at McNeil Street/Hoffman Hill
26 Boulevard could drop to LOS "E" in 2026 during the PM peak hour for the "without project"
condition (which includes an assumed 2 percent growth rate for background trips). The
Hoffman Hill Boulevard/McNeil Street intersection will continue to operate at LOS E in the
PM peak hour with the project. It would experience an increase in delay of four seconds and
minimal queuing with the addition of the project traffic. The Bobs Hollow Lane/McNeil
Street intersection in the "without project" condition will continue to function at an
acceptable LOS D. In the "with-project" condition, the stop-controlled southbound
movement will function at LOS E in the AM peak hour, and for 15 minutes the southbound
movement will drop to LOS F. Staff have recognized this problem and as a result a SEPA
mitigation measure requires approval of a variance to exceed applicable LOS standards. The
TIA found there is not enough volume or delay to warrant a new traffic signal. There are
alternative routes in the neighborhood that residents may use to avoid congestion during the
AM peak.

1 The City's Transportation consultant, an independent third party reviewer hired by the City
2 likely at the Applicant's expense, has evaluated the TIA (Exhibit 1.H.4.a) and determined
3 that it was prepared in accordance with City requirements and is accurate in its general
4 conclusions. However, most of the transportation related impacts associated with the
5 proposed Master Plan will be generated by the proposed school and additional transportation
6 analyses are required to fully evaluate those impacts. A SEPA Mitigating Measure that
7 specifically requires this additional analysis was included in the Threshold Determination
8 (Exhibit H.2.f). Pending the results associated with this additional information, other
9 mitigation measures may be required. The additional studies are to be submitted concurrent
10 with the Site Plan Review application as allowed by DMC 25.152.

11 The school-based component of the additional studies includes the preparation of a new
12 school walking route/school access study, further analysis of access safety issues including
13 an all-way stop control at the McNeil Street/Bobs Hollow Lane intersection to address both
14 pedestrian and vehicle issues, adequacy of vehicle queuing area for the drop-off/pick-up
15 location, and approval of a variance to City of DuPont Public Works Standards to allow a
16 level of service "E" condition at the McNeil Street/Hoffman Hill Boulevard intersection.
17 Additional SEPA Mitigating Measures include two specific improvements to be constructed
18 for the project: the installation of stop signs at the site exits along Marshall Circle for both
19 the school and apartment accesses, and the modification of lane markings for southbound
20 traffic on Bobs Hollow Lane north of McNeil Street to reflect the new access.

21 Concerns were raised through written comment and testimony regarding the impact of the
22 proposal (with specific emphasis on the trip generation from the proposed school) on existing
23 streets and intersection. Materials were submitted to support an assessment that there are
24 current functional inadequacies in traffic infrastructure and emergency response capabilities
25 that will be exacerbated by the proposal. Specific concerns were also raised regarding
26 congestion caused during school pick-up and drop-off periods. These issues were directly
addressed by conclusions summarized at page 19 of the TIA, which found that affected
intersections would still operate within adopted LOS standards, excepting for a brief period
at the McNeil Street/Hoffman Hill Boulevard intersection, which will need to pursue a
variance (as required by a SEPA mitigating measure) and described above. In regard to the
brief LOS impacts associated with peak periods (pick-up and drop-off), the City's
transportation consultant testified (Appendix A) that the anticipated transportation demands
can be accommodated although there would be some limited but acceptable periods of
reduced function at surrounding intersections and that these peak periods impacts are
common and anticipated with a school use.

27 In regard to the potential adverse effect of the proposal on emergency and public safety
28 services, As previously noted, as mitigated, the added traffic generated by the proposal still
29 allows for adequate functionality of intersections. City fire and police review personnel have
30 not expressed any concerns with the proposal.

1 The access points to the proposed school were a major concern in the public comments.
2 Vehicle access to the school site is proposed via two driveways. One along McNeil Street
3 aligns with Bobs Hollow Lane which will function as entry-only, and the other located along
4 Marshall Circle will function as mostly exit-only aside from faculty and bus traffic.
5 Operationally, schools have brief peak periods (pick-up and drop-off of students) that
6 generate high transportation demand. As functionally assessed in the TIA, proposed access
7 points are anticipated to operate at LOS B or better with the exception of the access aligned
8 with Bobs Hollow Lane/McNeil Street during a portion of the AM peak period. The 15-
9 minute LOS analysis shows that the access is anticipated to operate at LOS C until the 8:45-
9:00 AM school drop-off window where it will operate at LOS F for a short period. It is
typical for school access points to have congestion for a short period of time. There are
alternative routes in the neighborhood and often times local residents will alter patterns to
avoid congestion during these peak times. In addition, traffic volumes and delays are not
forecasted to be high enough to meet signal warrants.

10 Concerns were raised regarding the proposed location of access points for the school site and
11 the queuing of vehicles waiting to enter and the poor access LOS (LOS F) at morning drop-
12 off. Specifically, alternative site plan configurations and alternate access points that may
13 potentially reduce impacts were suggested. The School District's representative testified
14 (Appendix A) that the site design for the new school was at the conceptual level and that the
15 future Site Plan Review process would focus on improving function and minimizing traffic
16 impacts. However, it was noted that all solutions, inclusive of those suggested by comment,
17 have their own unique set of benefits, and impacts and that there is no perfect alternative. As
18 to the LOS F found briefly during morning peak drop-off, the City's transportation consultant
19 has identified that additional analysis is needed to fully assess access functionality and the
20 turn storage needs. These studies will be evaluated during subsequent Site Plan review as
21 required by the SEPA MDNS conditions.

22 Another point of disagreement raised in public comment was inadequate assessment of after
23 school activities on traffic. The TIA assessed the AM drop-off for the school as the peak
24 period to evaluate functionality of the proposed access to the school site. The AM peak period
25 represents the highest demand on facilities (Exhibit H.1.h pages 17-18). Concerns were
26 raised that the TIA understated the impacts of the proposed school due to the potential for
multiple peak periods. Specifically, it was asserted that the before- and after-school use of
the proposed facility (between 6 am and 8 pm) was not fully considered in the analysis and
would be significant, creating multiple peak periods. The School District's representative
testified (Appendix A) that before and after school use for an elementary school was limited.
While there might be an occasional evening assembly or meeting, those uses were not
routine. Although a list of potential after-school activities was submitted (Exhibit 2) no
frequency of occurrence was provided. For this project, there is no evidence in the record on
how much impact after-school activities will have and what, if any proportionate measures
can or should be required of the Applicant to address them at this time. However, a SEPA
Mitigating Measure (Exhibit 1.H.2.f page 7) requires that current operations at Chloe Clark
Elementary School operations be assessed to identify usage patterns and function. This will

1 provide additional information on the duration of peak periods. These studies will be
2 evaluated during subsequent Site Plan review. As noted previously, should impacts be greater
3 than anticipated additional measures may be imposed at that time.

- 4 B. Critical Areas. The only critical areas on-site are oak trees, located in the northwest and
5 southeast corners of the project site. The City's tree retention standards will be implemented
6 during site plan review.

7 The Applicant submitted a critical areas report, Ex. H1i, prepared to evaluate for the
8 presence of protected wetlands, streams, species and habitat at the project site. The found
9 no such critical areas except oak trees as further discussed below. The SEPA checklist
10 identifies that there are slopes of 50% located on the easter portion of the project site,
11 adjacent to Meyer Street. It appears this is an erroneous location reference, as Meyer Street
12 is located on the west side of the project site and the site plans show steep slopes on the
13 western portion of the project site. See Ex. H1f. These slopes may qualify as geologically
14 hazardous areas under the City's critical areas ordinance, but it does not appear that any
15 development is proposed within this area. The geotechnical report submitted by the
16 Applicant, Ex. H1k, p.4, determined that the "site" does not contain areas that qualify as
17 geological hazardous areas under the City's critical areas ordinance. The "site" as
18 investigated in the report was the building site for the proposed school and residential
19 development.

20 The critical areas report identifies the presence of oak trees in the northwest and southeast
21 corners of the project area. It appears these are Oregon White Oak, which are designated as
22 a priority habitat in the Washington State Department of Fish and Wildlife Priority Habitats
23 and Species List, 2008, updated 2023. These priority habitats, in turn, qualify as fish and
24 wildlife habitat conservation areas under DMC 25.105.030.140. Fish and Wildlife Habitat
25 conservation areas are subject to numerous development restrictions, including preparation
26 of habitat management plans that restrict areas of development. See DMC 25.105.050(2)(d).
The City also has tree retention standards that specifically apply to Oregon White Oaks. See
DMC 25.120.040. It appears these tree retention standards are intended to replace the
restrictions imposed by the City's critical areas ordinance for fish and wildlife habitat
conservation areas. The Applicant has prepared an arborist report identifying the retention
of some, but not all of the Oregon White Oaks on the project site. A final tree retention plan
that meets staff approval will be required during site plan review.

- 27 C. Cultural Resources. As conditioned, the proposal will not adversely affect cultural
28 resources. The Applicant prepared a detailed cultural resources assessment. The
29 assessment consisted of background review and field investigations. Field investigations
30 included a pedestrian survey of 10 acres of the northeastern portion of the area of potential
31 impact (API) and shovel probe testing within 14.6 acres of the southwestern portion of the
32 API, totaling roughly 24 acres. No significant cultural resources were identified during the
33 survey. Therefore, the authors of the report recommended a finding of no historic properties

1 affected and that the project proceeds as planned. The authors also recommended that an
2 Inadvertent Discovery Plan (IDP) be adopted as part of the project documents in case
3 cultural resources are identified during ground-disturbing activities.

4 In addition to the cultural resources assessment, a Memorandum of Agreement (MOA)
5 dated August 7, 1989, was executed between Weyerhaeuser Real Estate Company
6 (WRECO), the City of DuPont and the Washington State Historic Preservation Officer
7 regarding the discovery of cultural resources within the City of DuPont, customary
8 professional standards for archaeology, and applicable state and federal laws. Implementation of the MOA requires archaeological monitoring during soil disturbing
9 activities, including extending an invitation to the Nisqually Tribe to be present during such
10 activities, and preparation of a closing report. Any artifacts found are required to be donated
11 in accordance with the MOA.

12 The requirements of the MOU were ultimately adopted into the MDNS of the proposal.

- 13 D. Stormwater. The project will not create any significant stormwater impacts as shown by
14 the Applicant's conformance to stormwater regulations in its preliminary stormwater
15 design.

16 At this stage of review stormwater review is largely conceptual, ensuring that the
17 contemplated design can accommodate stormwater facilities that will be found necessary in
18 subsequent stages of development review. To this end the Applicant has prepared a
19 preliminary stormwater management report, Ex. H1w, which estimates the stormwater
20 flows that will be generated by the proposal land what facilities and mitigation measures
21 will need to be taken to accommodate those flows.

22 Preliminary stormwater design for this project is heavily regulated by the 2012 Washington
23 State Department of Ecology Stormwater Management Manual for Western Washington as
24 Amended in December 2014 (herein referred to as the "Manual"), which sets the
25 methodology and design criteria for the project as well as following the drainage basin
26 configurations outlined in the SSP prepared by ESM for Patriots Landing in October, 2003
as well as the Patriots Landing Memory Care Facility SSP prepared by ESM on July 11,
2018.

The report finds that stormwater runoff from the proposed elementary school and residential
buildings will not generate pollutants and will be infiltrated on-site through separate roof
downspout infiltration trenches. The report further finds that stormwater runoff from the
pollution generating impervious and pervious surfaces should be collected in catch basins
and pipes and directed to a combined water quality treatment and infiltration facility.
Stormwater runoff from all site landscaped and naturally vegetated areas, as well as the
school field playfield are anticipated to infiltrate onsite but are also accounted for in the
combined water quality treatment and infiltration facility.

6. Conformity to Development Standards³. The project conforms to applicable development standards as follows:

- A. Residential 5 (R-5) zoning with a Complete Community Overlay (CCO). The purpose of the R-5 district is to implement the single-family land uses called for in the land use tables of the Comprehensive Plan, where single-family density averages five units per acre. Per DMC 25.20.030, multifamily residences and adult family homes are permitted uses and schools, senior housing, and retirement homes with up to 120 units, and nursing homes with up to 180 beds are conditional uses. The purpose of the Complete Community Overlay (CCO) district is to provide for density bonus incentives and mixed-use development options to achieve diverse housing choices for seniors and retirees, and to provide mixed-use occupancy at a neighborhood scale that promotes an active, walkable lifestyle for DuPont residents. The overlay is an optional planning tool that allows density and land use incentives for innovative, mixed-use projects that are compatible with the surrounding neighborhood. Through analysis of the proposed application, staff has indicated at page 5 of the Staff Report (Exhibit 1) that the proposed Master Plan demonstrates consistency with the purpose of the R-5 and CCO overlay districts.
- B. Maximum Density. The density of the CCO district is permitted at the base density of the underlying zone per DMC 25.20.020(7). The underlying R-5 zone allows for 5.5 dwelling units per acre; however, the number of allowable dwelling units may be exceeded if the density bonus requirements of DMC 25.20.020(7) are met. Additionally, per DMC 25.20.020(7)(d), all CCOs shall provide neighborhood-oriented uses for the purposes of promoting a walkable village environment while protecting the district scale. Through analysis of the proposed application, staff has indicated at pages 6-7 of the Staff Report (Exhibit 1) that the proposed Master Plan demonstrates consistency with density standards.
- C. Use Restrictions. Permitted land uses in residential zoning districts are listed in DMC 25.20.030(1) Permitted uses are further elaborated specific to the CCO overlay district in DMC 25.20.060(1) Land uses. DMC 25.20.060(1)(a) states that all uses listed as permitted and/or conditional uses within the underlying zoning district are permitted, in addition to other neighborhood-oriented uses listed in DMC 25.20.060(b). Through analysis of the proposed application, staff has indicated at page 8 of the Staff Report (Exhibit 1) that the proposed Master Plan demonstrates consistency with use restrictions.
- D. Single Family Restrictions. As the proposal does not include single-family residential, this standard is not applicable.

³ Conformity to development standards is usually assessed via conclusions of law. However, master plan review standards are highly detailed and technical. In the absence of any disagreement over the application or any indication in the record of a code compliance issue, the examiner will rely upon assurances made by staff that standards are met, based upon the staff's exercise of professional judgment. Since these determinations of conformity are based upon staff expertise instead of application of law to fact, the determinations regarding conformance to development standards are treated as findings of fact.

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- 2 E. Multi-family Residences. Consistent with the requirements of DMC 25.20.050, multifamily
- 3 residences in a CCO district must meet the standards set forth in DMC 25.20.060 CCO
- 4 District Restrictions. Through analysis of the proposed application, staff has indicated at page
- 5 9 of the Staff Report (Exhibit 1) that the proposed Master Plan includes multi-family
- 6 residences and is required to meet CCO standards (See Finding 7(F) below).
- 7
- 8 F. Complete Community Overlay (CCO) District Restrictions. The provisions of DMC
- 9 25.20.060 (10) requires that projects utilizing the CCO district density incentives must be
- 10 developed according to an approved Master Plan. The Master Plan must be created for the
- 11 entire land area that is included in the CCO district and approved pursuant to Chapter 25.152
- 12 DMC. Specific requirements for CCO compliance are identified as follows:
- 13
- 14 1. Location and Size Limit. Consistent with DMC 25.20.060(2) specific limitations
- 15 apply on both the number of units per building and the clustered location of separate
- 16 buildings. Through analysis of the proposed application, staff has indicated at page 9
- 17 of the Staff Report (Exhibit 1) that the proposed Master Plan demonstrates
- 18 consistency with both location and size limits.
- 19 2. Height. Consistent with DMC 25.20.060(3) specific limitation are established for
- 20 multifamily and nonresidential building height. Staff has indicated at page 9 of the
- 21 Staff Report (Exhibit 1) that the proposed Master Plan demonstrates consistency with
- 22 height limitations.
- 23 3. Setbacks. Consistent with DMC 25.20.060(4) specific setback standards apply for
- 24 multi-family, non-residential and mixed-use buildings and structures. Staff has
- 25 indicated at pages 10-11 of the Staff Report (Exhibit 1) that the proposed Master Plan
- 26 demonstrates consistency with setback standards. Detailed analysis was performed on
- the proposed setbacks associated with a proposed plaza that would include a pavilion
- structure and the proposed school building. Staff has determined that both the
- proposed pavilion and the school building would be compliant with setback
- requirements.
4. Design Standards. Multi-family buildings are subject to the design regulations and
- standards of DMC 25.65. The school is subject to the commercial and mixed-use
- design regulations and guidelines in Chapter 25.70 DMC. Design standards and
- regulations have been established as development regulations in the City's municipal
- code. Consistent with the requirements of RCW 36.70A.120 a local agencies
- development regulations (inclusive of design standards and guidelines) must be in
- conformity with its comprehensive plan. Projects that meet the standards and
- guidelines found in design review are found to consistent with the Comprehensive
- Plan. The Applicant has requested to defer design review to follow Master Plan
- approval as permitted per DMC 25.152. Compliance with design standards will be
- reviewed and assured in a future permitting phase.
5. Pedestrian Amenities. Consistent with DMC 25.20.060(6) sidewalks and/or a multi-
- use trail is required for all roadways. Staff has indicated at page 11 of the Staff Report

(Exhibit 1) that the proposed Master Plan includes sidewalks and/or multi-use trails on all roadways.

6. Lot Area. There is no maximum lot area in this district.
7. Lot Coverage. There is no maximum lot coverage, except as needed to meet setback and landscaping requirements.
8. Block Length. Consistent with DMC 25.20.060(9) block length standards are required. Staff has indicated at page 12 of the Staff Report (Exhibit 1) that the proposed Master Plan demonstrates consistency with block length standards.
9. Master Plan Approval. Consistent with DMC 25.20.060(10) a CCO district must be developed consistent with an approved Master Plan that is created for the entire land area included within the CCO district. The subject proposal includes a request for Master Plan Approval. The subject application also includes the entire land area that is included in the CCO District.

CONCLUSIONS OF LAW

1. Authority. DMC 25.152.050 provides that major amendments to master plans shall be processed as a Type III procedures, as set forth in DMC 25.175.010. Type III procedures require a public hearing and final decision by the City's Hearing Examiner.

2. Zoning/Comprehensive Plan Designations. The zoning district is Residential 5 (R-5) with a Complete Community Overlay (CCO). The property is designated Residential 5 in the City's Comprehensive Plan Land Use Map and is also located in the Yehle Park Village Planning Area.

3. Review Criteria. DMC 25.20.060(10) requires master plan approval for all development subject to the CCO overlay zone. The proposal is an amendment to an existing master plan and is subject to the same review criteria as the initial approval for a master plan. DMC 25.152.030 governs the criteria for Master Plan review. Applicable criteria are quoted below in italics and applied through associated conclusions of law.

DMC 25.152.030: *In order to obtain master plan approval, all of the development regulations and criteria specified in the district applicable to the property must be satisfied. Additionally, the request must fully comply with the general goals, vision and policies established in the comprehensive plan with specific focus on the applicable village in which it is located.*

4. Criterion met. As determined in Findings of Fact No. 6, all development regulations and criteria specified in the district applicable to the property have been satisfied. For the reasons identified in Section D of the staff report, the proposal is consistent with the general goals, vision and policies of the City's comprehensive plan.

DMC 25.152.020(2): *The hearing examiner may impose conditions to ensure neighborhood compatibility, to mitigate impacts relating to traffic and the environment, and to ensure sound urban design practices based on the city of DuPont comprehensive plan.*

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2 5. Criterion Met. For the reasons outlined in Finding of Fact No. 6 and the City's MDNS, the
3 conditions of approval adopted by this decision in conjunction with those adopted into the MDNS
4 ensure neighborhood compatibility and are found to adequately mitigate traffic and environmental
5 impacts. Design review is found to adequately assure conformance to the comprehensive plan via the
6 design review required for the school and multi-family residences at Finding of Fact No. 6.F.4. As the
7 applicant has requested to defer design review to follow Master Plan approval as permitted per DMC
8 25.152, a condition requiring subsequent review has been required.

9 **DECISION**

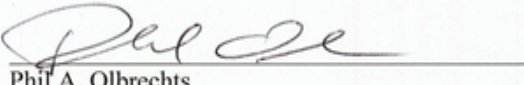
10 The application for Type III Master Plan Approval (PLNG2022- 014) for the Patriots Landing Village
11 satisfies all applicable criteria as determined in the Conclusions of Law of this decision and is
12 therefore approved subject to the following conditions:

- 13 1. The proposal shall be consistent with the Findings and comply with the Mitigation
14 Measures provided in the Revised SEPA Mitigated Determination of Nonsignificance
15 dated August 2, 2023.
- 16 2. The proposal includes 11.7 acres of open space, which is approximately 26 percent of the
17 gross CCO area, meeting the minimum 11 percent necessary to qualify for a 30 percent
18 density bonus. A density bonus is granted allowing for 73 additional dwelling units
19 under the condition that a minimum of 73 units will be restricted to the 55+ age group per
20 DMC 25.20.020 (7)(c). Prior to issuance of building permits for the multifamily housing,
21 a notice shall be recorded against the property restricting 73 units to the age of 55 or
22 more.
- 23 3. The design of the pavilion structure located at the corner of McNeil Street and Marshall
24 Circle shall meet the City's definition of a structure (DMC 25.10.190.165) and shall be
25 located between zero feet and 20 feet of these streets as required to meet the front setback
26 requirements in DMC 25.20.060(4)(b)(i). If the school building placement is to be
modified, a Master Plan Amendment may be required per DMC 25.152.050.
4. Type I Design review and Type II Site Plan review shall be completed prior to issuance
of site development or building permits, as allowed per DMC 25.152. If any deviations or
variances from Title 25 are identified during Site Plan or Design Review, they shall also
be approved following the proper procedure type prior to issuance of site development or
building permits. Per DMC 25.152.040, the Site Plan Review application must be
submitted within 24 months from the date of the City's final decision on the master plan,
otherwise the master plan approval expires.

Decision issued September 28, 2023⁴.

⁴ This Final Decision was initially issued on September 6, 2023. It has been re-issued due to the granting of a request for reconsideration filed by the City of Dupont, addressed in a separate order granting reconsideration. As a result of

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Phil A. Olbrechts

Hearing Examiner

Appeal Right and Valuation Notices

DMC 25.175.010 provides that this decision, as a Type III decision, is final, subject to appeal to Pierce County Superior Court. Appeals are governed by Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

the approved reconsideration request, Condition No. 5 has been stricken from the originally issued Final Decision. A separate order granting the reconsideration request was issued on September 28, 2023.