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Exhibit 5.a

Technical Response letter for
Planning Department Pre-
Application meeting comments,
PLNG2023-002
Dated June 2, 2023



LEROY SURVEYORS & ENGINEERS, INC.

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December 19, 2023

Ms. Barb Kincaid
 Director of Community Development
 City of DuPont
 1700 Civic Drive, DuPont WA 98327

RE: Response to City's Pre-Application Meeting Comments, PLNG20223-002

Dear Ms. Kincaid:

This letter is included as an Exhibit in our Land Use Application packet in order to aid the City in its review as to how the applicant addressed the City's comments resulting from our Pre-Application meeting. For ease of reference, I have set forth each of the City's comments from its June 2, 2023 Pre-Application Comment letter, immediately followed by our response to that comment.

A. Background and History

1. **CITY COMMENT:** In December 2017, the city received an application for an ARCO am/pm fueling facility and self-serve car wash (PLNG2017-050 and 051). During the SEPA public comment period, the City received approximately 48 public comments. The City issued a SEPA MDNS on January 23, 2018. The applicant withdrew their application and the SEPA MDNS was withdrawn. In March 2017, the City received a revised ARCO am/pm fueling facility and self-serve car wash application. During the SEPA public comment period, the city received numerous public comments. The City issued a new SEPA MDNS in June 2018. The City received an appeal to the SEPA MDNS in June 2018.

The applicant subsequently withdrew the application and the appeal was never heard. Copies of the documents can be found on the City's website at:

<https://dupont.civicweb.net/filepro/documents/34893>.

We recommend you review these historical records closely as many of the requirements will be similar to your proposal. While the plans were approved by the City, the application was withdrawn before the SEPA appeal was heard and it is not known what the ultimate outcome would have been.

APPLICANT RESPONSE: Reviewed existing documents from previous submittal. See Section 1, Exhibit 1.b for details.

2. **CITY COMMENT:** In March 2020 we held a pre-application meeting for a similar project as your proposal (PLNG2019-038). You will find that many of our comments are very similar.

APPLICANT RESPONSE: Acknowledged

3. **CITY COMMENT:** The property is currently vacant land but historically was the site of a gas station. A Pierce County Sewer Lift Station is located on the property as well as a



stormwater outfall in an easement owned by JBLM and a power line easement.
APPLICATION RESPONSE – Acknowledged.

B. Zoning Code Requirements

1. **CITY COMMENT:** The property is located within the Commercial zoning district and is designated by the Comprehensive Plan as being within the Historic Village planning area. The Comprehensive Plan goals and policies for the Historic Village require the proposal to use traditional building materials in the design of the proposed buildings; *see Section D, SEPA Environmental Review* below for additional details.

APPLICANT RESPONSE: Acknowledged

2. **CITY COMMENT:** Permitted Uses in the Commercial zoning district are stated in DMC 25.25.020:

- a. According to the site plan, the building on Parcel C is intended for retail commercial use. “Retail trade” is a permitted use in the Commercial zoning district.
- b. The proposed Religious Assembly building on Parcel A is considered a “quasi-public use” and is permitted in the Commercial zoning district. Any proposed Sunday school rooms, religious education classrooms, nursery, storage area and service space, and office are considered accessory uses to the principal church use.

APPLICANT RESPONSE: Acknowledged

3. **CITY COMMENT:** Maximum allowed building height is 50 feet per DMC 25.25.050. However, structures within 100 feet of a residential district shall not exceed 35 feet in height. It appears that both buildings will be more than 100 feet from residential use. Proposed building height information was not provided.

APPLICANT RESPONSE: See Section 2, Exhibit 2.g for details.

4. **CITY COMMENT:** Per DMC 25.25.050, the front yard setback shall be between zero and 20 feet. Both Barksdale Avenue and DuPont Steilacoom Road are frontage streets; therefore, the front yard setback requirement applies to both streets. The following comments about setbacks are based on the plan submitted:

- a. Religious Assembly Building – This building appears to be situated on the DuPont Steilacoom Road property line, meeting the front setback requirement for this frontage. The building is setback from Barksdale Avenue by what appears to be more than 20 feet, which does not meet the requirement for that frontage (**label the setback distance on the submitted site plan**).

APPLICANT RESPONSE: See Section 2, Exhibit 2.b for details.

- b. Commercial Building - This building appears to be situated on the DuPont Steilacoom Road property line, meeting the front setback requirement for this frontage.

APPLICANT RESPONSE: Acknowledged



If you are unable to meet the front yard setback requirements, you may apply for and seek a variance pursuant to DMC Chapter 25.160. Without further explanation of the hardship, we are not able to determine if you would qualify for an administrative or general variance or if you would be able to meet the criteria for approval. We suggest you carefully review the criteria listed in DMC 25.160.050.

APPLICANT RESPONSE: See Section 2, Exhibit 2.b for details.

5. **CITY COMMENT:** There is no maximum lot coverage or impervious surface coverage requirement in the Commercial zoning district, however, see the applicable landscaping requirements below.

APPLICANT RESPONSE: Acknowledged

6. **CITY COMMENT:** A landscape plan shall be submitted with the land use application per DMC 25.90.060. A minimum of 20 percent of the site shall be landscaped per DMC 25.90.020(C). The requirement is to be met for each proposed parcel. **Provide the overall landscape area calculation on the face of the plans.**

APPLICANT RESPONSE: See Section 2, Exhibit 2.b for details.

7. **CITY COMMENT:** At least one street tree must be provided per 40 to 50 feet of frontage, located within the right of way, pursuant to DMC 25.90.030. Street trees are already in place along Barksdale Avenue at acceptable spacing intervals and you indicate an intention to retain all trees. **Additional street trees are required along DuPont-Steilacoom Road to meet the tree spacing requirement.** Note that there is one Landmark Oregon white oak along the Barksdale Avenue frontage that may need to be removed according to your site plan. See Tree Retention requirements in Section B.15, below as Landmark Oregon white oaks are required to be retained.

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

8. **CITY COMMENT:** Landscaping shall be provided within interior surface parking lots per DMC 25.70.030. Provide interior parking lot landscaping calculations on the landscaping plans. Note that DMC 25.90.030(2) requires at least one tree per six stalls. This is in conflict with the DMC 25.70.030 requirement of one tree per four parking spaces described in Section 17.f, below. Per DMC 25.05.040(3), when there is a conflict in our code the more restrictive provision applies. **Therefore, the proposal shall comply with DMC 25.70.030 and provide one tree per four parking spaces.**

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

9. **CITY COMMENT:** Per DMC 25.70.030(3) (a), a moderate landscape buffer shall be provided between parking lots and adjacent public right-of-way. See Chapter 25.10 for a definition of moderate buffer. DMC 25.10.020.060 states that the minimum visual screening is 50 percent for moderate buffers. **The submitted site plan indicates multiple parking areas, which will be visible from Barksdale Avenue and from DuPont-Steilacoom Road. Revise plans as needed to address City landscape moderate buffer screening requirements.**

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

10. **CITY COMMENT:** Per DMC 25.70.030(3) (b), the city will require landscaping buffers as necessary to mitigate incompatibility between residential and nonresidential development. The proposal depicts a parking lot located adjacent to residential parcel 3575001073. The site plan depicts a 4-foot landscape wall along the length of the parking lot in this area



(283-feet) but it is unclear of the intent. It is possible that it may help to meet the moderate landscape buffer requirement with some intervening landscaping. The City is concerned about potential light, glare, noise and air/emissions impact to the adjacent residential property. **Note that additional buffering requirements between the proposed use and the residential property will likely be required as SEPA Mitigation Measures.**

11. CITY COMMENT: Landscape plans shall include a water conservation element as described in DMC 25.90.040.

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

12. CITY COMMENT: Parking and loading requirements stated in DMC 25.95 will apply to this project.

- a. The project description you provided indicates a total of 143 parking spaces associated with the Religious Services building and 40 spaces for the commercial building.

APPLICANT RESPONSE: See Section 5, Exhibit 5.a for details.

- b. The proposed Champions Centre (Building A) is classified as “places of public assembly” for determining the minimum and maximum number of parking spaces. “Places of public assembly” will require between 0.15 and 0.4 parking spaces per person at maximum occupancy. It is not possible to determine the parking requirements applicable to this building without more information. **Provide maximum seating capacity of the congregation space on the face of the plan so that it can be demonstrated that the amount of parking provided is within the allowed range per DMC 25.95.030(1).** The other uses associated with the church (classrooms, offices, nursery, etc.) are considered part of the church/places of public assembly use and are not assigned additional parking spaces.

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

- c. The type of uses contemplated for the Commercial Building was not provided so it is difficult to determine the code-required parking quantity. If it is to be a low intensity sales and services use, the parking requirement would be one to three parking spaces per 1,000 SF (allowing a range of 3 to 9 spaces). **The application will need to define the proposed type of use for Building B and demonstrate compliance with the parking ratios listed in DMC 25.95.030(1).** The parking requirements for each building will be re-verified when the tenants submit tenant improvement permits.

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

- d. **Submit a parking exhibit that identifies which parking areas are associated with which buildings to confirm that the minimum and maximum parking standards is met for each use.**

APPLICANT RESPONSE: See Section 5, Exhibit 5.a for details.

- e. Per DMC 25.95.080, parking facilities may be provided cooperatively. If the land uses generate their peak parking demand at different times, the administrator may reduce the total parking requirement to a number representative of the greatest demand likely to occur at any one time. If you intend to propose a shared parking scenario, provide a detailed parking analysis with number of spaces per use and peak parking demand times per use for City review. A Joint Use Parking Agreement will be required to be submitted to the City for recording prior to building permit application or recording of a boundary line adjustment, whichever occurs first.



APPLICANT RESPONSE: See Section 5, Exhibit 5.a for details.

- f. Per DMC 25.95.060, uses that require a minimum number of parking spaces per employee, at least one of every 20-employee parking spaces shall be reserved for high-occupancy vehicles. **Provide parking calculations and clearly identify the high-occupancy parking spaces on the site plan.**

APPLICANT RESPONSE: See Section 5, Exhibit 5.a for details.

- g. Loading facilities are required to meet the design requirements provided in DMC 25.95.070.

APPLICANT RESPONSE: Acknowledged, there are no proposed loading facilities.

- 13. **CITY COMMENT:** Per DMC 25.100.020, the proposed project is required to provide or have access to at least one enclosure for refuse and recycling. The refuse and recycle enclosure shall meet DMC 25.100.020 and DMC 25.70.070(10) standards. The site plan does not include a refuse and recycling location. **Each lot will need to contain its own refuse and recycling enclosure. The location and design shall be reviewed and approved by the service provider and the approval submitted with the land use application.**

APPLICANT RESPONSE: See Section 2, Exhibit 2.h for details.

- 14. **CITY COMMENT:** Per DMC 25.110.010, on corner lots no building, structure, parking, sign, berm, planting, or other sight-obscuring object, other than traffic signs and utility poles, shall be erected, placed, or allowed to grow between the heights of three feet and eight feet above the street surface within the vision clearance triangle. It is not clear if the proposal is compliant with this standard. **Provide a clearance triangle on the site plan to show compliance with DMC 25.110.010.**

APPLICANT RESPONSE: See Section 2, Exhibit 2.b for details.

- 15. **CITY COMMENT:** The application will be subject to other design requirements as detailed in Chapter 25.70 Commercial and Mixed-Use Design Regulations and Guidelines. We recommend you review the Design Review decision in the previous application's staff report (PLNG2017-050, -051), including the findings and conditions of approval as some of the requirements will be similar.

- a. Buildings shall be arranged to facilitate plazas, courtyards, and other pedestrian use areas. **With your application provide a narrative that describes how the proposal is compliant with these and the other applicable design standards in DMC 25.70.**

APPLICANT RESPONSE: The buildings shown on site plans are placed along the frontage of the property within the allowed setback with parking facilities designed at either the rear or side area of each proposed building. Pedestrian walkways have been provided for safe accessways to the designated parking areas and are shown on the revised plans included in the submittal package.

- b. Per DMC 25.70.020(3) (e), primary building pedestrian entrances and storefront windows must face onto the primary street not the parking lot. The street(s) in this case are DuPont Steilacoom

Road and Barksdale Avenue. A secondary entrance may be provided from the parking lot.

Provide elevations depicting the entrances and windows.

APPLICANT RESPONSE: See Section 2, Exhibit 2.g for details.



- c. With regards to being compliant with the front yard setback requirements, please note that the previous development proposal provided a pedestrian-oriented structure with landscaping and a monument sign at the DuPont-Steilacoom and Barksdale Avenue intersection/corner to meet the setback requirement and to provide a gateway to the Historic Village. This alternative was deemed by the City to be an acceptable means to meet the setback requirements. Your proposal (as currently proposed) is different in that it will require approval by the Hearing Examiner (Type III process) for other aspects, including Critical Areas and Tree Retention. It is not known if the Hearing Examiner would agree with this type of approach to meet the setback requirements.

APPLICANT RESPONSE: Acknowledged, there are no pedestrian-oriented structures with landscaping and a monument sign provided with the new design layout.

- d. Parking shall be located either at the rear and/or sides of buildings and must be screened per DMC 25.70.030(2) (a). The proposal includes parking in the rear and side of both buildings. **Parking shall be located to the side or rear of the property but must not be closer to the front property line than the proposed buildings. Additionally, landscape screening would be required for the parking areas adjacent to DuPont Steilacoom Road and Barksdale Avenue**

APPLICANT RESPONSE: See Section 5, Exhibit 5.a for details.

- e. Per DMC 25.70.030(3), all parking lots must contain five-foot clearly marked pedestrian connections from parking areas to the proposed buildings, pedestrian crosswalk shall be provided at parking lot entrances and exits, and pedestrian scaled lighting shall be provided in parking lots. **Depict the pedestrian connections and lighting on the plans.**

APPLICANT RESPONSE: See Section 5, Exhibit 5.a for details. The lighting plan will be provided during the building permit stage.

- f. **As described in Comment #B.8 above, the proposal shall provide one tree per four parking spaces. Provide the associated tree per parking space calculation on the landscape plans.**

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

- g. DMC 25.70.070(4) requires building modulation for the portions of the building that are over 60 feet in length “as measured parallel to a street or parking lot, shall be divided along the façade abutting a public street or parking lot at regular intervals”. A menu of options is provided in code to achieve the modulation. The term “abut” is defined in DMC 25.10.010.005 as follows: “abut means to be contiguous with or touching property lines or right-of-way”. It appears that all elevations of both buildings will be visible to parking areas, Barksdale Avenue, and DuPont- Steilacoom Road. **Depict the building modulation on the building elevations and floor plans.**

APPLICANT RESPONSE: Acknowledged, this will be addressed by the Architect during building permit stage.

- h. DMC 25.70.070(5) provides a list of required building elements and details for “all building sides facing public streets”. Staff interprets that the requirements apply to all facades that are visible from Barksdale Avenue and DuPont-Steilacoom Road (see Comment #15.g, above). The list of potential building elements and details is provided in the code section. **Depict the required building elements on the building elevations.**

APPLICANT RESPONSE: See Section 2, Exhibit 2.g for details.

- i. DMC 25.70.070(6)(b) states that blank walls more than 15 feet in length, and between



two feet and eight feet in elevation height without a window, entry, architecture feature, or modulation should not face public open spaces, street rights-of-way, and parking lots. Where such walls are unavoidable, they shall be treated in at least two or more of the ways provided in the code section. This provision applies to the portions of the buildings that will be visible to the public rights of way and any site retaining or screening walls. No building elevations were provided. **Depict blank wall treatments on the provided building plans.**

APPLICANT RESPONSE: Acknowledged, this will be addressed by the Architect during building permit stage.

- j. Building Roofs exposed to public right-of-way shall have minimum slopes of six feet vertical to 12 feet horizontal. Portions of roofs not visible from a public right-of-way may be flat or have a lesser slope. All roof portions will be visible from the public right-of-way and therefore must meet the slope requirement. **Depict roof pitch on the building elevations.**

APPLICANT RESPONSE: See Section 2, Exhibit 2.g for details.

C. Tree Retention Requirements

1. **CITY COMMENT:** The proposal shall meet the tree retention requirements stated in DMC 25.120.030. The site plan identifies removal of 41 trees including several landmark trees the amount of which was not provided. The list included in the Tree Retention, Removal, and Planting Areas exhibit provided indicates that 4 Landmark Oregon white oaks are proposed to be removed. Note the following tree retention requirements apply:

- a. Per DMC 25.120.030(2), removal of Landmark Oregon white oak trees is prohibited. **We strongly encourage you to redesign the proposal to avoid or minimize removal of any Landmark Oregon white oak trees.** The approved site plan for the previous development proposal (PLNG2017-050, -051) was the result of significant revisions made by that applicant following the level of public comment received and an effort to minimize impacts to the trees.

APPLICANT RESPONSE: See Section 3 for details.

- b. If you propose removal of one or more Landmark Oregon white oak trees, the process to request removal is called a Type III Tree Modification (see DMC 25.120.050), which requires approval by the City's Hearing Examiner. **Such requests are to be addressed in writing with full documentation and justification for the tree removal. A Type III application and fee is required.**

APPLICANT RESPONSE: See Section 3, Exhibit 3.h for details.

- c. **A tree assessment report is required** whether you propose a Tree Modification or not. The report shall identify all trees onsite, including tree type, size, and health, and provide tree protection measures for all retained trees.

APPLICANT RESPONSE: See Section 3, Exhibit 3.b for details.

- d. At least half of all other (non-oak) landmark trees are also required to be retained. This shall also be described and depicted in the tree assessment report. It is not known if you will be meeting this requirement.



APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

- e. Three trees per acre over the site shall be retained; however no more than half of the existing non-oak trees are required to be retained. Include the calculation associated with this requirement in the tree assessment report. This requirement is to be met for each proposed parcel in its intended final configuration.

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

2. CITY COMMENT: Per DMC 25.120 Tree Retention, the landscape plans shall include the following:

- a. The location, size, and species of all landmark, historic, and specimen trees;

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

- b. Which trees are to be retained; and

APPLICANT RESPONSE: See Section 2, Exhibit 2.d, See Section 2, Exhibit 2.c. and See Section 3, Exhibit 3.k for details.

- c. How retained trees will be protected during development.

APPLICANT RESPONSE: See Section 2, Exhibit 2.d, See Section 2, Exhibit 2.c. and See Section 3, Exhibit 3.b for details.

- d. Provide the tree protection radius on the plans. It is one and one-half times the radius of the canopy.

APPLICANT RESPONSE: See Section 2, Exhibit 2.d, See Section 2, Exhibit 2.c. and See Section 3, Exhibit 3.b for details.

- e. Per DMC 25.120.030.5, No clearing, grading, cutting, impervious surfacing, or other construction shall be allowed within the drip line of any tree to be retained or within one and one-half times the radius of the canopy of the oak tree to be retained. This shall be demonstrated and noted on the landscape and grading plans.

APPLICANT RESPONSE: See Section 2, Exhibit 2.d, See Section 2, Exhibit 2.c. and See Section 3, Exhibit 3.b for details.

D. Critical Areas Requirements

The site plan depicts the Bell Marsh wetland with a 75-foot reduced wetland buffer. The following will be required:

1. **CITY COMMENT:** The subject property has the following critical areas and their regulated buffers; Wetlands (Bell Marsh), and Fish and Wildlife habitat conservation areas (Type F stream) and steep slopes (small “knob” with slopes of approximately 22 percent). **The regulated critical areas are required to meet the requirements of DMC Chapter 25.105 Critical Areas, including the preparation of a Critical Areas Report responding to the criteria provided in DMC 25.105.080(4).** The Critical Areas Report shall respond to each of the criteria listed. The City reserves the right to have critical areas reports peer-reviewed by a contracted consultant.

APPLICANT RESPONSE: See Section 3, Exhibit 3.e, 3.f & 3.g for details.

2. **CITY COMMENT:** Wetland Buffer reduction may be allowed per DMC 25.105.050(1)(B)(iv). **A Buffer Enhancement Plan will be required for the reduced**



buffer including a five-year maintenance and monitoring plan. The City will not accept dedication of the wetland and buffer parcel until completion of the maintenance and monitoring.

APPLICANT RESPONSE: See Section 3, Exhibit 3.e, 3.f & 3.g for details.

3. **CITY COMMENT:** A portion of the site contains a small “knob” with slopes of approximately 22 percent. Per DMC 25.105.030.075 it is not considered a “Critical Slope”. Per DMC 25.105.030.345, it may be considered a “Steep Slope” if it meets all three of the following criteria:

- (a) Slopes steeper than 15 percent.
- (b) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
- (c) Springs or ground water seepage.

Per DMC 25.105.050(3) it may be considered a “Landslide Hazard Area” due to the slope being steeper than 15 percent. Development activity may be allowed within the area when properly designed and in accordance with the requirements of a geotechnical engineer. Setbacks from retained slopes are to be recommended from the geotechnical engineer per DMC 25.105.050(3) (i) **(A). A Geotechnical Report shall be required with the land use application meeting the requirements of DMC Chapter 25.105.**

APPLICANT RESPONSE: See Section 3, Exhibit 3.c for details.

4. **CITY COMMENT:** The critical area permit shall provide the submittal items listed in **DMC 25.105.080**. Provide a survey depicting the existing conditions of the property, including the boundaries of all critical areas, the required buffers and associated Fish and Wildlife Habitat Conservation Areas on the property. A site plan shall also be provided depicting the location of the proposed improvements in relationship to the critical areas and a calculation of the impact areas. If you are unable to meet the requirements, you may seek a variance pursuant to DMC Chapter 25.160. Without further explanation of the hardship, it is not likely you would be able to meet the criteria for approval. We suggest you carefully review the criteria listed in DMC 25.160.050.

APPLICANT RESPONSE: See Section 3, Exhibit 3.e, 3.f & 3.g for details.

5. **CITY COMMENT:** Fish and Wildlife Habitat Conservation Areas:
- a. **The previous proposal identified a Type F stream onsite with an associated 100-foot stream buffer that is to be depicted on the site plan.** The proposal shall require a Habitat Management Plan that is compliant with DMC 25.105.050(2)(i). Additionally, the proposal may impact Fish and Wildlife Habitats, Terrestrial Habitat and Species, and marine habitats and Species. **The critical area report shall fully address the fish and wildlife criteria and performance standards provided in DMC 25.105.050(2).**

APPLICANT RESPONSE: See Section 3, Exhibit 3.e, 3.f & 3.g for details.

- b. If there are impacts proposed to the Type F stream by extending the existing culvert, the proposal is subject to DMC 25.105.050(2)(a) – (c). A Mitigation Plan shall address all stream and stream buffer alteration criteria and describe the proposed stream mitigation method.

APPLICANT RESPONSE: See Section 3, Exhibit 3.e, 3.f & 3.g for details.

6. **CITY COMMENT:** The proposal appears to require fill within the FEMA Flood Zone A.



Per DMC 25.105.050(2)(i)(iv), a permit application is required to develop in the regulatory floodplain. The

application shall include an assessment of the impact the project has on federal, state or locally protected species and habitat, water quality, and aquatic and riparian habitat. As such, the development within a floodplain will require one of the approved assessments provided in DMC 25.105.050(2)(f)(iv). We recommend additional consultation with the City Engineer on the application requirements and the timing of the application.

APPLICANT RESPONSE: The proposed fill areas shown on the are above and outside of the limits of the FEMA Flood Zone. Please see the provided site plans included with the plan set for the limit of grading that are located outside/above the FEMA Flood Zone.

7. **CITY COMMENT:** Per DMC 25.105.080, a Critical Area Permit will be required when there are unavoidable impacts to Critical Areas (for wetland fill, any buffer reduction or averaging of wetland/stream buffers or impacts to Priority Habitat). Critical Area Permits are processed as a Type III procedure, which requires approval from the City's Hearing Examiner. **A complete critical area development application shall contain the information contained in DMC 25.105.080 and the information required by DMC 25.175.020 as well as the additional information specified in the pre- application meeting comment letters. Provide a narrative at the time of application that addresses the permit review criteria provided in DMC 25.105.080.D.1. This can be included within the Critical Areas Report.**

APPLICANT RESPONSE: See Section 3, Exhibit 3.e, 3.f & 3.g for details.

E. Electric Vehicle Facilities

CITY COMMENT: DMC 25.126 Describes the process and design criteria for review of electric vehicle facilities. The review is a Type I process. There are specific design criteria provided in DMC 25.126.050 that you should review.

Provide design details for the electric vehicle facilities demonstrating compliance with DMC 25.126.050. Ensure that the traffic study prepared for the proposal addresses trips associated with the electric vehicle charging facilities.

APPLICANT RESPONSE: See Section 2, Exhibit 2.i for details.

F. SEPA Environmental Review

1. **CITY COMMENT:** SEPA environmental review will be required. Submit a SEPA Checklist with your application. Environmental studies required with SEPA include the above-mentioned critical areas report(s) and proposed mitigation plans; documentation about soil contamination or lack thereof (a copy of the No Further Action letter from Department of Ecology shall also be provided prior to issuance of site development/grading permits); a geotechnical and hydrogeologic analysis; cultural resources study; arborists report; and traffic report.

APPLICANT RESPONSE: See Section 1, Exhibit 1.b for details.

2. **CITY COMMENT:** Please note that the property is located in the Historic Village, as designated in the City's Comprehensive Plan. The City's Comprehensive Plan seeks to retain the historic character of the Historic Village, although there are no specific goals and policies dictating historic or traditional architecture design or building elements. The Comprehensive Plan states that "Commercial and other development uses near the entrance to the Historic Village (at DuPont-Steilacoom Road and Wilmington Drive) should also



reflect DuPont's historic character and unique charm." As such, the use of more traditional building materials and colors in the design of the buildings is consistent with the historic character goals of the Comprehensive Plan. We recommend review of the previous proposal's SEPA MDNS and Design Review Conditions of Approval (PLNG2017-050 and 051) to identify what site development concerns the City has for the site related to its location in the Historic Village.

APPLICANT RESPONSE: See Section 2, Exhibit 2.g for details. Additional information will be provided with the building permit application.

3. **CITY COMMENT:** Pursuant to a 1989 Memorandum of Agreement between Weyerhaeuser Real Estate Company, City of DuPont and the Washington State Historic Preservation Office, a cultural resource study is required to be submitted with the application. An archaeological consultant shall oversee all clearing and grading activity and provide a closing report to the City. This will be spelled out in the project's SEPA determination.

APPLICANT RESPONSE: Acknowledged, See Section 3, Exhibit 3.j for details.

4. The property is located in a wellhead protection area. We recommend you contact the City Public Works Department for any special requirements or project limitations that may apply. Address the requirements in your application.

APPLICANT RESPONSE: We contacted the City Public Works Department and there were no special requirements or project limitation that apply. See Section 5, Exhibit 5.b for details.

G. Other Comments

1. **CITY COMMENT:** The Tree Modification Request and the Critical Areas Permits are Type III permits requiring approval from the City's Hearing Examiner. These Type III applications are required due to the site design and footprint that you are proposing. We do not have sufficient information to predict or anticipate whether the application could be supported by City staff, and/or how it would be received by the Hearing Examiner. The previous development proposal, which had a reduced footprint and did not require a Type III approval process, was ultimately appealed and then the application withdrawn without any final conclusion. We recommend you carefully consider the risks associated with the site design and development impacts.

APPLICANT RESPONSE: See Section 3, Exhibit 3.h for details.

2. **CITY COMMENT:** The site plan three parcels, where there are currently four, which will require a Boundary Line Adjustment (BLA). A BLA will be subject to provisions of DMC Chapter 24.07 and would be processed as a Type I procedure as provided in DMC 24.175.010. The timing of submittal of the BLA can be either prior to land use application, concurrent with, or following the land use application. Completion/recording of the BLA would be a condition of approval to be completed prior to application for building permits.

If you propose to process the BLA prior to submitting the land use application, please note that changes may result following review of the land use application. If you elect to process the BLA concurrently with the land use approval, depict the proposed boundary lines on the project plans. If you propose to process the BLA after land use approval, provide a separate exhibit with the land use application that depicts all setbacks together with proposed structures and site improvements to ensure ultimate compliance with City code.

APPLICANT RESPONSE: The BLA will be processed concurrently with the land use approval. See Section 4, Exhibit 4.b for details.



3. **CITY COMMENT:** There are a stormwater outfall, powerline and sewer pump station easements located on the subject property. Please read the easement agreements carefully to understand your obligations.

APPLICANT RESPONSE: Acknowledged

4. **CITY COMMENT:** Any proposed permanent and temporary signage will require a sign permit and will be subject to regulations stated in DMC Chapter 25.116.

APPLICANT RESPONSE: Acknowledged

H. Application Requirements

The application fees are can be found on the City's website at the following link:

<http://www.dupontwa.gov/DocumentCenter/View/2696>

As indicated in the City's fee ordinance, the City will invoice you for all consultant costs and fire department review fees, hearing examiner cost, and 10 percent overhead charges.

As proposed, the application will require the following land use applications:

Permits and Application Fees		
Land Use Application	Permit Type	Fee
Design Review	Type I	\$1,500
Site Plan Review (Type II)	Type II	\$1,500
Critical Area Permit (Type III)	Type III	\$3,000 plus Hearing Examiner costs with a 10% mark up
Tree Modification Permit (Type III)	Type III	\$3,000 plus Hearing Examiner costs with a 10% mark up
Boundary Line Adjustment (Type I)	Type I	\$1,500
Electric Vehicle Facility Review	Type I	\$1,500
SEPA Environmental Review (Type I)	Type I	\$750
Transportation Concurrency Review		\$350

*In addition, you will be charged for consultant fees with a 10% mark up.

In order to achieve some of the aspects of your proposal, you may need to seek a Variance. See DMC 25.160 for the variance application requirements and the criteria for approval. Administrative Variances are a Type II procedure and General Variances are Type III and require approval by the Hearing Examiner.

1. **CITY COMMENT:** Per DMC 26.05.060, the City charges fire impact fees based on a formula and use type. The fee for commercial uses is currently \$2,696.91 per acre.

APPLICANT RESPONSE: Acknowledged, to be collected when the building permit is issued. The building permit will be applied for at a later date.

2. **CITY COMMENT:** Submittal Requirements for a Critical Area Permit is provided in DMC 25.105.080. Currently, there is no application form for a Critical Area



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Permit. Please use the general Land Use Application Form, which can be obtained from the City website. Include the reports and details described above, including justification for the request and a response to the criteria for approval.

APPLICANT RESPONSE: See Section 3, Exhibit 3.a for details.

3. **CITY COMMENT:** Submittal Requirements for a Tree Modification Permit is provided in DMC 25.105.080. All Tree Modification Permit Applications shall include full documentation and justification for the request. Currently, there is no application form for a Tree Modification Permit. Please use the general Land Use Application Form, which can be obtained from the City website. Include a report prepared by a qualified arborist with full documentation and justification for tree removal per DMC 25.120.050.

APPLICANT RESPONSE: See Section 3, Exhibit 3.a for details.

4. **CITY COMMENT:** Submittal Requirements for Site Plan Review are stated on the Land Use Application. In addition, the following is required:

- a. Documentation of soil contamination (or not), the No Further Action Letter from Ecology may be deferred to site development permit application.

APPLICANT RESPONSE: See Section 3, Exhibit 3.j for details.

- b. Conceptual landscape plan at a minimum scale of one inch equals 20 feet;

APPLICANT RESPONSE: See Section 2, Exhibit 2.c for details.

- c. Provide a copy of the easements encumbering the property with your application.

APPLICANT RESPONSE: See Section 1, Exhibit 1.a and Section 5, Exhibit 5.c for details. for details.

- d. An electronic copy of all submittal requirements.

APPLICANT RESPONSE: Acknowledged

- e. Name and address of the financially responsible party.

APPLICANT RESPONSE:

**Champions Centre c/o Dave Yadon,
1819 E. 72nd St.
Tacoma, WA 98404**

5. **CITY COMMENT:** Per DMC 25.70.010(2) applications for Design Review are required to submit the following:

- a. Building elevations at a minimum scale of one inch equals eight feet including exterior building materials and color;

APPLICANT RESPONSE: See Section 2, Exhibit 2.g for details.

- b. Site plan at a minimum scale of one inch equals 20 feet;



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APPLICANT RESPONSE: See Section 2, Exhibit 2.b for details.

c. No drawing shall be larger than 24 inches by 36 inches in size

APPLICANT RESPONSE: Acknowledged

d. An electronic copy of all submittal plans and documents.

APPLICANT RESPONSE: Acknowledged

e. In addition, provide a Colors and Materials board.

APPLICANT RESPONSE: See Section 2, Exhibit 2.g for details, additional information will be provided with the building permit application.

6. **CITY COMMENT:** PDF “writeable” land use application forms can be found at the following link: <http://washington.dupont.civicplus.com/index.aspx?nid=140>

APPLICANT RESPONSE: Acknowledged

7. **CITY COMMENT:** Per DMC 25.175.010, the applications may be consolidated into the highest land use procedure. The Type III process requires a public hearing and approval by the City’s Hearing Examiner. In order for the site plan to be approved, all development regulations and criteria specified in the district applicable to the property must be satisfied in addition to any general development requirements in DMC Chapters 25.75 through 25.95 and 25.105 through 25.125.

APPLICANT RESPONSE: Acknowledged

Sincerely,

Wendy Garrison, of LeRoy Surveyors and Engineers, Inc.

Wendy
Garrison

Digitally signed by
Wendy Garrison
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email=wgarrison@lseinc.
com, c=US
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