



**BEFORE THE HEARING EXAMINER
FOR THE
CITY OF DUPONT**

**FINDINGS, CONCLUSIONS AND DECISION
APPROVING SITE PLAN SUBJECT TO CONDITIONS AND LIMITATIONS**

RE: Industrial Redevelopment, LLC's proposal to replace 2 existing office buildings on the former "Intel" property with up to 1.355 million square feet of high-cube warehouse/distribution space in 3 new buildings

FILE NUMBER: PLNG 2017-006

APPLICANT: Industrial Redevelopment, LLC

TYPE OF APPLICATION: Type III Site Plan Application

LOCATION: The site is commonly known as the "Intel" property, at 2800 to 2980 Center Drive, in the City of DuPont, Washington

ZONING: MRP – Manufacturing/Research Park

TAX PARCELS: Pierce County Parcel No. 011923-4023

STAFF RECOMMENDATION(s): APPROVAL, subject to conditions

HEARING DATE: April 28, 2017

SUMMARY OF DECISION: APPROVED, subject to conditions and limitations

DATE OF DECISION: May 30, 2017

I. CONTENTS OF RECORD.

Exhibits:

“Staff Report” – “Type III Site Plan Review Staff Report”, signed by Jeffrey S. Wilson, AICP, Community Development Director for the City of DuPont, and Recommendation of APPROVAL subject to conditions, to the Hearing Examiner regarding City File No. PLNG 2017-006, dated April 25, 2017;

- A. Land Use Application (dated March 2, 2017)
- B. SEPA Checklist (dated March 9, 2017)
- C. Title Report by First American Title (Commitment Date of January 19, 2017)
- D. Draft Declaration of Reciprocal Easements
- E. Trip Generation Memo by Transportation Engineering Northwest (dated February 20, 2017, and then updated with version of March 24, 2017)
- F. Preliminary Site Plan by Craft Architects (one sheet dated March 3, 2017)
- G. Preliminary Building Elevation Drawings by Craft Architects (two sheets dated March 3, 2017)
- H. Preliminary Stormwater Site Plan by Barghausen Consulting Engineers (dated March 3, 2017)
- I. Geotechnical Engineering Report by GRI (dated October 4, 1995)
- J. Phase I Environmental Site Assessment Report by ATC Group Services, LLC (dated February 2, 2017)
- K. DuPont Water Availability Form (two sheets dated March 1, 2017)
- L. Pierce County Public Works and Utilities Sanitary Sewer Request for Sewer Service Information (dated March 1, 2017)
- M. LeMay Trash Enclosure Application for Building Permit (dated March 2, 2017)
- N. Photometric Study by Pacific Lighting Systems (dated February 2, 2017)
- O. Preliminary Civil Plans by Barghausen Consulting Engineers (14 sheets dated February 2, 2017)

- P. Preliminary Tree Retention Plan by Washington Forestry Consultants, Inc. (dated February 27, 2017)
- Q. Preliminary Landscape Plans by Barghausen Consulting Engineers, Inc. (three sheets dated February 2, 2017)
- R. Geralyn Reinart, PE, Traffic Review Memorandum dated March 28, 2017
- S. Gray & Osborne Comment Letter dated April 4, 2017
- T. Building Services Division Memorandum regarding demolition dated March 27, 2017
- U. Building Services Division Memorandum regarding building dated March 31, 2017
- V. City of DuPont Fire Department Comment Letter dated March 31, 2017
- W. SEPA MDNS dated April 10, 2017
- X. Notice of Application and Optional SEPA MDNS, Affidavit of Posting, Affidavit of Publication
- Y. Notice of Public Hearing, Affidavit of Posting and Mailing, Affidavit of Publication
- Z. Department of Ecology SEPA Comment Letter dated April 7, 2017
- AA. Pierce County Public Works SEPA Comment Letter and email dated April 6, 2017
- BB. Applicant Response to Design Questions dated April 24, 2017
- CC. Aerial Exhibits Received from Kathy Craft-Reich, Craft Architects dated April 27, 2017
- DD. Written Public Comments received April 26 – 28, 2017:
 - 1. Mike Brown, email received on April 28, 2017
 - 2. Carman Ambrose, email received on April 28, 2017
 - 3. Johathan Tafrati, email received on April 28, 2017
 - 4. Monika W, email received on April 27, 2017
 - 5. Michael McNutt, email received on April 27, 2017
 - 6. Jenn M, email received on April 27, 2017

7. Steven Schenk, received April 26, 2017
8. Steven Schenk, received April 28, 2017
9. Bridgett King, received April 28, 2017

- EE. DuPont Municipal Code, Chapter 16.05, re: Truck Route
- FF. Google Earth Imagery referenced at the public hearing
- GG. Email from Jeff Haynie of TENW, applicant's consultant, dated April 10, 2017, regarding county comments about Wharf Road and DuPont Steilacoom Road issues
- HH. Staff/City traffic consultant comments and request for certain additional traffic information from applicant's consultant, TENW, included in the project review file, email dated February 24, 2017 from Geri Reinart, to applicant's consultants at TENW, including Amy Wasserman, and to City staff (Mr. Wilson), cc'ing the applicant, Mr. Haas. *(document is included in the city's project file, transmitted to the Examiner by Mr. Wilson).*
- II. ITE technical report, issued in October 2016, referenced by Geralyn Reinart, PE, the City's Traffic Engineering consultant, in her March 28, 2017 Traffic Review Memorandum (already included in the Record as Exhibit "R"), which *"provides more detailed information with respect to the amount of truck traffic generated by high-cube warehouses". (Located by the Examiner through ITE online resources, confirmed as the Report in project file, with copy transmitted to Examiner by Mr. Wilson).*
- JJ. Phase I Environmental Site Assessment of DuPont Corporate Park, prepared by applicant's consultants, dated February 2, 2017, stamped 'received' by the city on March 10, 2017; 2 volumes in large binders, hard copies provided to the Examiner on day of the hearing.
- KK. Proposed Site Plans, large copies, including: C1-C14, Site Plan cover sheet, Existing Conditions, Demo Plans, Preliminary Water and Sewer plans, Preliminary Grading and Storm Drainage Plans, proposed Construction Notes and Details, prepared by Barghausen Consulting Engineers, Inc.; L1-L3, Landscape Plans, prepared by Barghausen Consulting Engineers, Inc.; A0.1, Architectural Site Plan, and A3.1-3.2, Architectural elevations, prepared by Craft Architects.

Testimony/Comments: The following persons participated in the open-record hearing held on April 28, 2017, and provided testimony under oath as part of the record:

1. Jeff Wilson, Community Development Director, City of DuPont;
2. Lisa Klein, with AHBL, the City's planning review consultant;
3. Geralyn Reinart, PE, the City's traffic engineering consultant;
4. Dominic Miller, with Gray & Osborne Engineers, the city's contract engineering consultant;
5. Kathy Craft, applicant's architect;
6. Bruce Haas, the applicant, Industrial Redevelopment, LLC;
7. Bridget King, local resident;
8. Beth Elliott, local resident;
9. Chris Pieper, operates his "Alliance Enterprises" business in the office building that is to remain as part of the redevelopment; and
10. Gus Lim, Public Works Director for the City of DuPont.

Upon consideration of all the evidence, testimony, codes, policies, regulations, and other information contained in the file, the undersigned Examiner issues the following findings, conclusions and Decision.

II. FINDINGS OF FACT.

A. Summary of Project and Process.

A1. On or about March 10, 2017, the applicant, Industrial Redevelopment, LLC, submitted an application and volumes of supporting materials, requesting Site Plan approval for a major redevelopment of a 93.16-acre site that is commonly known as the "Intel Corporate Park", located in the City of DuPont. *Staff Report; Ex. A, Land Use Application; presumably Exhibits B through Q.* The application followed a mandatory pre-application meeting as required by DMC 25.175.020. *Staff Report, at page 3.*

A2. The project site currently contains attractive office buildings that once housed, or were built to house, a large workforce of Intel employees. Buildings "DP-2" and "DP-3", as identified in the Phase I Environmental Site Assessment, are each 4 stories, with 337,391/sq.ft of office/lab space in each building, each mostly vacant. The site also already includes a much less attractive, shorter warehouse-like building on the site. Combined, the existing structures provide 1,010,000 square feet of building space. *Staff Report, Summary of Request; Site Visit observations; Ex. A, Land Use Application; Ex. B, SEPA Checklist.*

A3. The proposed development would replace two existing office buildings totaling approximately 660,000 square feet, with up to 1,355,000 square feet of "high-cube

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warehouse"/distribution center buildings and 100,000 square feet of office use in three new buildings. One existing 340,711-square foot building in the northerly portion of the site, which is currently used for warehousing, would remain as part of the proposed project. *Id.*

A4. Vehicular access would rely upon the same two existing driveways on Center Drive and the existing driveway on Wharf Road, along with a potential future second access driveway to Wharf Road. Existing parking and access drives would be demolished and replaced with new parking and access drives. Parking lot and perimeter landscaping will be provided as part of the project. The project will provide approximately 966 parking spaces for both vehicles and trucks/trailers. *Id.*

A5. As reflected on the City's zoning map, the project site lies within a "Manufacturing/Research Park" zoning district. Under DMC 25.45.040, site plan approval is required for all development projects in the MRP zoning district, and development projects and expansions larger than 15 acres shall be processed with a Type III procedure. Accordingly, this project has been reviewed under the city's Type III procedures, meaning that the Hearing Examiner is the official responsible for reaching a decision on the underlying application. *See Chapter 25.175 DMC.*

A6. On or about March 23, 2017, the City deemed the pending application complete for processing, posting and publishing a notice of project applications required for the project on March 24, 2017. *Staff Report, page 3; Ex. X, notices and confirmation records.*

A7. The Notice of Application and Optional DNS issued on March 24, 2017 provided a 14-day SEPA public comment period, which concluded on April 7, 2017. The City allows for comments regarding the application itself to be received up to the time of the public hearing. *Staff Report.*

A8. The City only received 2 (two) timely written SEPA Comments, one from the Washington State Department of Ecology, which provided relatively standard comments for projects in the immediate area regarding potential soil contamination and erosion control measures, which Staff incorporated as part of the SEPA Mitigation Measures imposed on the project; and one letter from Brian A. Churchill, P.E., Associate County Traffic Engineer in the Pierce County Planning and Public Works Department. *Ex. Z, Ecology letter; Ex. AA, Pierce County Traffic Engineer's letter.*

A9. The Staff Report observes that Pierce County's SEPA comment letter (*Ex. AA*) "stated concerns for the accuracy of the traffic generation and truck trips described in the Traffic Generation Assessment." To address these "concerns", Staff included SEPA Mitigation Measure No. 3, as part of the MDNS issued for the project, "requiring additional evaluation of impacts to Wharf Road". *Staff Report, page 3.* MDNS Condition No. 3 reads as follows:

3. The March 24, 2017 Trip Generation Report shall be updated to analyze the intersection of Wharf Road SW and Steilacoom-DuPont Road SW. If warranted,

the applicant may be responsible for additional mitigation measures to the intersection of Wharf Road SW and Steilacoom-DuPont Road SW to maintain its operation and function at pre-development level of service.

A10. The Examiner finds that the County Engineer's letter (Ex. AA) includes more than just simple "concerns", but instead raises serious credibility questions about the reliability of trip generation descriptions offered by the applicant's consultants. The County's letter references past studies in the region and the County's own internal data to challenge the accuracy of the applicant's anticipated truck traffic to and from the project site. The County's letter speaks for itself, and reads in relevant part as follows:

"Pierce County Planning and Public Works Department Traffic Section has reviewed the Traffic Generation Assessment for the proposed re-development of the DuPont Corporate Park that was received on March 24, 2017 [from TENW, the applicant's traffic consultant]. We have the following comments:

- The Traffic Generation Memo presented did not accurately compare passenger car equivalency of the past site use versus the proposed site use in our opinion. Based upon the anticipated truck trips, when a passenger car equivalency is presented for comparison, the actual numbers will be closer to the previous site traffic generation volumes.*

- Based upon past reviews and knowledge of similar sized warehousing projects, we have concerns regarding the lack of accuracy in reporting the anticipated truck traffic to and from this site. Specifically, using data from past TENW distribution warehousing studies performed in the region and our own internal counts of existing County distribution warehousing, we estimate that the number of truck trips to / from this site could be as high as 800 trucks per day. Assuming that all trucks to/ from the site must access via the Wharf Road SW driveway (due to City weight restrictions on Center Drive SW), this proposal could pose a significant traffic impact at the Wharf Road SW and Steilacoom-DuPont Road SW intersection. Therefore, the Applicant should be requested to further analyze the existing signalized intersection at Wharf Road SW and Steilacoom-DuPont Road SW and, if an impact is determined the Applicant should be required to mitigate the impact."*

A11. The City issued its SEPA MDNS (Mitigated Determination of Non-Significance) for the project on April 10, 2017. The MDNS was issued, noticed and published in accord with applicable law. The MDNS provided a two-week appeal period, which concluded on April 24, 2017. No one filed an appeal within the applicable appeal period. *Staff Report; Testimony of Mr. Wilson.*

A12. The City issued the Notice of Public Hearing for the pending site plan application on April 11, 2017. The Staff Report confirms that, in accord with DMC 25.175.030(2), the hearing

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notice was published in the News Tribune, posted onsite, and posted on the City's official notice board. It was also mailed to the applicant and all owners of property within 300 feet of the subject property.

A13. The hearing occurred on April 28, 2017, wherein the undersigned Examiner presided, with city staff, the applicant's representatives, and several local residents present. Witnesses who testified at the public hearing under oath are listed above, and written comments received from the general public are included as part of Exhibit DD.

A14. The Examiner did not receive copies of the voluminous written materials that were part of the staff review process until April 26th, and did not have time before the hearing to carefully review the environmental information and project materials. Given the size of the written record, and the significance of this Decision to the applicant, the city, potentially-impacted local residents, and local business owners, this decision has taken more time than other matters presented in this jurisdiction.

A15. Following the public hearing on April 28th, the Examiner drove to the project site, and visited the road network surrounding the area. During this Site Visit, the Examiner observed the scale of the neighboring Amazon facility, with numerous containers stored on the site, and the narrow width and deteriorating condition of Wharf Road, which was used by several trucks driving out of an industrial/distribution facility to the north of the proposed site. The site visit included several trips to and from the project site and the closest interchange with Interstate 5, "Exit 119", in the 3:00 afternoon hour. Traffic was extremely heavy, with a mixture of cars and trucks lined up to turn left towards the freeway, waiting 3 cycles at the redlight signal before making the turn (from DuPont-Steilacoom Road onto Barksdale) on two occasions, with several cars left waiting as a large truck slowly maneuvered to make the angles needed to turn through the intersection. The Examiner's first-hand observations were consistent with complaints raised by local residents during the public hearing, and the Public Works Director's testimony (Mr. Lim) that work was needed and is now in process to address the unacceptable delays caused by signal timing at the intersection, where an at-grade train crossing divides local traffic from ramps to and from the interstate. Even after the signal timing is adjusted, hopefully well-before the pending project redevelopment would ever materialize, the importance of this intersection to the quality of life for DuPont residents and local businesses, large and small, cannot be underestimated, or left to chance. The potential for impacts associated with the scale of redevelopment identified in the pending site plan application must be fairly and accurately analyzed, using the best data and information available.¹

B. Applicable Law.

¹ Neither the MDNS or this Decision includes conditions that are intended to remedy existing infrastructure deficiencies. Instead, mitigation measures and conditions of approval are imposed to address impacts that are directly associated with the new development, or to cover/determine the proportionate share of the cost of public facilities that benefit or are needed to serve the new development.

B1. As noted above, the pending Type III Site Plan approval is required for all development projects over 15 acres in any of the city's MRP (Manufacturing/Research Park) zoning district. *DMC 25.45.040.*

B2. The city's Type III review procedures are summarized in DMC 25.175.010 and .020. Under these provisions, the Community Development Director is to make a recommendation to the Hearing Examiner, who is granted jurisdiction and authority to hold a duly noticed open record pre-decision public hearing regarding the application. DMC 25.175.050. The hearing examiner is authorized to issue a written decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with all applicable law. *DMC 25.175.050(7).*

B3. The burden of proof rests with the applicant, and any decision to approve or deny the Site Plan approval application must be supported by convincing proof that it conforms to the applicable elements of the city's development regulations and comprehensive plan, i.e. evidence that is substantial when viewed in light of the whole record. *See DMC 25.175.050(5) and RCW 36.70C.130(1)(c).* The applicant must also prove that any significant adverse environmental impacts have been adequately mitigated. *Id.*

B4. As provided in DMC 25.150.030, in order to obtain site plan approval, all of the development regulations and criteria specified in the district applicable to the property must be satisfied *in addition to* any general development requirements in Chapters 25.75 through 25.95 DMC (re: Commute Trip Reduction, Cultural Resources, Affordable Housing, Landscaping) and 25.105 through 25.125 DMC. (Sensitive Areas, Setback-street corners, Transportation Concurrency, Sign Code, Tree Retention, and Wireless Communication Facilities).

B5. To reach a conclusion that the pending application conforms to applicable elements of city development regulations and/or the comprehensive plan, the DuPont Municipal Code mandates a review that asks:

Whether the development regulations applicable to the proposed project, or in the absence of applicable development regulations, the city's comprehensive plan, address the following?

(i) The type of land use permitted at the site, including uses that may be allowed if the criteria for their approval have been satisfied;

(ii) The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density;

(iii) Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan;

(iv) Whether the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW; and

(v) The character of the proposed development, as authorized by development standards.

DMC 25.175.040.

C. Public Hearing and Comments.

C1. At the public hearing, Mr. Wilson and Ms. Kline summarized the review process for the proposal and key aspects of the Staff Report. They explained how they believe the application generally conforms to applicable city regulations and comprehensive plan provisions for the zone, and that any concerns have been addressed through mitigation measures included in the MDNS, and/or recommended conditions of approval included as part of the Staff Report.

C2. Mr. Wilson and Ms. Kline provided a brief summary of how the site was developed years ago as the “Intel Campus”, and how the redevelopment proposal can receive credits for trips attributable to the prior use on the project site.

C3. In response to questions posed by the Examiner, generally regarding the potential for impacts caused by increased truck traffic in the vicinity, as noted in written comments received from members of the public, Ms. Kline directed attention to mitigation measure No. 31 in the MDNS, which reads as follows:

31. Transportation impacts have been evaluated for a high-cube warehouse uses with office space. If at any point in time the uses and trip generation are any different than what is identified in the March 24, 2017 Trip Generation report, the City may require an updated traffic report and additional mitigation prior to issuance of a Certificate of Occupancy for a new use or change of use.

C4. Because the Examiner asked several questions about how heavy trucks might impact the condition of city streets in the area, Geralyn Reinart, P.E., the City’s contract transportation engineer retained to review traffic impact documents submitted by the applicant’s consultants from TENW, testified regarding levels of service on city streets around the project site, and how a “heavy vehicle factor” can be used to help assess certain impacts on the city’s street system. She offered her professional opinion that the blend of trucks to cars for the proposal “was within the range of what we see out there”. Dominic Miller, P.E. from G&O Engineers, followed up and supported Ms. Reinart’s testimony, and credibly testified that he has been a contract-engineer for the city over the years since 2003, and that he is familiar with how Center Drive and other portions of streets now designated as a “truck-route” in the city, have been built with trucks in mind, with adequate “load capacity”, presumably to help prevent crumbling streets under the weight of heavy trucks.

C5. Based on Mr. Miller’s testimony, the Examiner finds the city streets now officially designated as the “truck route(s)” in the city, have been designed to withstand the weight of vehicles, including most trucks, using such roadways.

C6. As noted by City witnesses, DMC Ch. 16.05 designates “truck routes” in the city, which includes the route that will provide a link between the site project and Interstate 5.

C7. The applicant’s project architect, Ms. Craft, testified that she has worked to design buildings with features intended to meet city aesthetic requirements, including landscaping that will exceed mandates, and use of setbacks and “screening” strategies intended to minimize views from residential uses across Center Drive. She noted that the application was “speculative”, and that the new buildings could be used for various purposes, expressly mentioning the words ‘fulfillment center’.

C8. Mr. Haas, the applicant representative, provided brief testimony explaining how Intel has vacated the site, contrary to their comments that they would not leave the location, and how he currently allows the neighboring Amazon facility trucks to pass over a portion of his property during the busy Christmas season to access Wharf Road, as a way to work with Amazon and the city to minimize truck traffic impact on Center Drive.

C9. Ms. King testified that she spoke on behalf of others who were unable to attend the hearing, criticizing the SEPA analysis because it makes mistaken comparisons to Intel’s previous use of the site. Ms. King’s allegations about the Asarco Plume were unfounded, and are contradicted by mitigation measures included in the MDNS and Conditions of Approval, that are based on previous Department of Ecology determinations and guidance for projects in the immediate vicinity.

C10. Ms. Elliott and Mr. Pieper each provided credible testimony regarding their concerns with the potential for increased truck traffic in the area, including along Wharf and DuPont-Steilacoom Road. In response, Mr. Haas sought to address Mr. Pieper’s concerns with his current lease for a portion of the building that is to remain on the site.

Findings, re: Consistency with City’s Comprehensive Plan and Development Regulations.

D1. The Staff Report, on pages 4-6, references several Land Use and Economic Development Goals contained in the City’s Comprehensive Plan, that touch upon issues that are relevant to redevelopment of the subject property, including the description for the “Manufacturing and Research” land use district, and policies that generally encourage sound economic development in the city, balanced with an effort to maintain DuPont’s “small town character”. *Comprehensive Plan Goals LU-1, LU 1.3, LU-2, LU-4.1, LU-9.1, LU-9.5, LU 9.6, ED-1, ED 1.1, ED 2.2, ED 3, and ED 3.1.* Although not discussed in the Staff Report, the Examiner finds that Comprehensive Plan Policy LU-9.2, on page 74, should also be considered when reviewing the pending

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application, because it reads as follows: *“Ensure development standards limit standalone warehousing and establish limitations on uses adjacent to main streets in order to ensure the small town aesthetic of DuPont is maintained.”*

D2. The Comprehensive Plan description for the “Manufacturing and Research” land use designation does not include the words “warehouse”, “distribution center”, or “high cube warehouse facility”. It reads in its entirety: *“This district allows for light manufacturing and high technology industries such as biotechnology, computer technology and communications equipment uses. Land uses with any significant adverse impacts, such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants, are prohibited. This district also provides in limited locations small scale retail.”* See *Comprehensive Plan*, page 34.

D3. The Economic Development Assessment, included as Appendix C to the Comprehensive Plan, includes this observation in its Executive Summary: *“The Regional economy shapes DuPont in many ways. Transportation and Warehousing activity is growing [...] in DuPont and in Pierce County, though it is creating transportation and congestion challenges. This comes at a time when I-5 traffic and local traffic are accommodating impacts of increased JBLM activity. However, the lack of regional strength in professional, scientific, and technical services will mean filling the recently vacated Intel facility with a similar user will be a challenge”*.

D4. The City’s municipal code includes a Manufacturing Research Park (“MRP”) zoning classification that has been assigned to the property at issue in this matter. Under DMC 25.45.020(1)(a), the MRP district *“permits light manufacturing, office, research, warehousing/distribution, and service providers that: (i) Do not create significant noise, risk of explosion, or radioactive release, or air or water pollution; (ii) Are designed for a campus-like setting with architectural detailing as required by DMC 25.45.030(5) and landscaping”*. This application does not provide project opponents with an opportunity to challenge city zoning regulations for consistency with the comprehensive plan, because the time and opportunity for doing so has long passed.

D5. As directed by the City’s Comprehensive Plan, city development regulations include several provisions that specify where and how a warehouse facility can be placed, so as to maintain the city’s small town aesthetic. By way of example, under DMC 25.10.230W, “Warehouse/distribution” means a building or land use in which goods, merchandise or equipment are stored for eventual distribution. Under DMC 25.45.030.3(17), warehouses “shall not be located abutting a main street, including Center Drive...” One of the buildings, identified as “Building C” in the proposed site plan, faces Center Drive. The Staff Report, at page 8, notes that “Building C is set back over 240 feet and separated by parking and a landscape buffer”, presumably from Center Drive. The City’s code helps to clarify the issue, in its definition of the term “abut” which means “to be contiguous with or touching property lines or right-of-way.” DMC 25.10.010A. Merriam-Webster’s Dictionary defines the word “contiguous” to mean “being in actual contact: touching along a boundary or at a point”. Given the placement of the proposed buildings identified in the proposed site plan, the Examiner finds that none of the new

warehouses would be “located abutting” Center Drive, which is discouraged by the Comprehensive Plan.

D6. To the likely disappointment of neighboring residents, and possibly the applicant in this matter, the Record does not contain any reference to a “Freight Mobility Study” conducted by the City, which has been listed as the top action “ordered by priority and urgency” in the Transportation Element of the City’s Comprehensive Plan list of “Implementation Actions” on page 128. The Implementation Action expresses the City’s strong concerns with freight mobility and the potential impacts that commercial trucks could have on various areas, including residential areas, within the city. It reads as follows:

TA-1 Perform a freight mobility study that:

- *Considers a variety of route options that would be appropriate for use for commercial trucks into and out of existing and developing commercial, manufacturing, and industrial areas and evaluates potential impacts to existing and proposed residential areas*
- *Analyzes the economic and social costs and benefits for all identified options*
- *Identify spot improvements that would improve safety, and/or reduce delay*

D7. In the absence of a comprehensive freight mobility study that evaluates the various topics listed in Implementation Action TA-1, the importance of accurate environmental reviews, studies, estimates, and evaluations regarding the potential impacts that high volume commercial truck operations could have upon existing and proposed residential areas is imperative to assure that specific impacts are addressed and/or mitigated.

D8. Mr. Wilson testified that, subject to the MDNS and recommended conditions of approval, he found the project to be consistent with the City’s Comprehensive Plan and development regulations.

D9. Subject to Conditions of Approval included in this Decision, including without limitation Condition 1A, the Examiner finds that the pending Site Plan application is generally consistent with applicable city comprehensive plan and development regulations.

E. Compliance with Applicable Review Criteria.

E1. The Staff Report, recommending approval with conditions, includes a number of proposed findings to explain how the underlying Site Plan application is designed or conditioned to comply with applicable development standards and guidelines. At the hearing, the applicant’s representatives accepted all proposed findings, recommended conditions and comments in the Staff Report, without objection or any suggested changes, except they did make note that they

transmitted an email communication questioning MDNS Mitigation Measure No. 3, which requires an update to the applicant's trip generation report to analyze the intersection of Wharf Road SW and Steilacoom-DuPont Road SW, and additional mitigation measures at such intersection if warranted by such analysis. The Examiner held the record open to allow the applicant to submit a copy of their email comments (dated April 10th) after the hearing, a copy of which is now included as Exhibit GG.

E2. As provided in DMC 25.150.030, in order to obtain site plan approval, all of the development regulations and criteria specified in the district applicable to the property must be satisfied *in addition to* any general development requirements in Chapters 25.75 through 25.95 DMC (re: Commute Trip Reduction, Cultural Resources, Affordable Housing, Landscaping) and 25.105 through 25.125 DMC. (Sensitive Areas, Setback-street corners, Transportation Concurrency, Sign Code, Tree Retention, and Wireless Communication Facilities).

E3. Throughout the review process and the public hearing, there was no credible or convincing dispute that the proposal, as conditioned, cannot satisfy applicable development regulations regarding the following topics. Instead, the Staff Report (on pages 8 – 17), and other evidence in the record, including witness testimony, credibly established that the Site Plan application, as conditioned, can satisfy the following, applicable development regulations: Commute Trip Reduction requirements, found in DMC 25.75; Landscaping requirements, found in DMC 25.90; Off-Street Parking requirements, found in DMC 25.95; Tree Retention requirements, found in DMC 25.120; Stormwater regulations; Water, Sewer, Trash and recycling requirements; and Building construction codes, including fire codes. Applicable conditions based on comments in prior environmental documentation (see discussion in Ex. JJ, the Phase I Environmental Site Assessment), regarding the potential for encountering cultural resources during the redevelopment process, are included as conditions of approval to adequately address such issues. (*MDNS Mitigation Measures, 17-23, included as part of Condition of Approval No. 1*).

E4. Several witnesses and written comments raised concerns that the proposed redevelopment project will generate excessive noise or other pollutants on surrounding areas. In response, Staff directed attention to MDNS Mitigation Measures 1, 2, 5, and 14. The Examiner finds that these conditions/mitigation measures, along with number 4, are reasonable measures intended to minimize many of the potential impacts mentioned in public comments about the proposal. The relevant MDNS Mitigation Measures read as follows:

1. A noise study shall be submitted to the City by July 30, 2017 that evaluates noise impact generated by the proposal. Mitigating measures may be an outcome of the study to ensure that all noise emanating from the site impacting adjacent residential property will comply with City standards. Mitigation measures may include landscaping, berming, or a solid wall as determined by the study.
2. Light spill emanating from trucks maneuvering onsite shall not impact adjacent residential properties. Following construction of the project the density of the landscape buffer adjacent to Center Drive will be assessed and augmentation in the way of supplemental plantings, berming or solid wall may be required.

The following mitigation measures shall be in place prior to issuance of a demolition permit:

4. The potential for asbestos-containing materials to be present in significant quantities is considered to be low, however documentation of soil conditions should be maintained to show appropriate evaluation and/or handling of building materials through the demolition activities. A Comprehensive hazardous materials survey is required to be submitted prior to demolition.

5. A haul route plan for demolition debris shall be in place prior to issuance of demolition permits.

14. A haul route plan for clearing and grading shall be submitted to the City for review and approval prior to issuance of any site development permits.

E5. Based on evidence in the Record, including the Staff Report and findings noted above, and subject to compliance with the Conditions of Approval, including without limitation Condition 1A and Mitigation Measures 1-5 and 14, the Examiner finds that the application meets the performance standards for uses permitted in the MRP zone, found in RMC 25.45.

T. Findings re: Transportation Concurrency and the adequacy of transportation mitigation.

T1. The City's Traffic Review Consultant, GERALYN REINART, PE, prepared a memo dated March 28, 2017, included in the Record as *Exhibit R*, which reads in relevant part:

The main issue associated with the redevelopment of the Intel site is how much credit should be allowed for past and more recent uses on the site. The TENW memorandum provides trip generation credits for the original Intel development and the more recent use of the site, i.e., occupancy of 180,000 square feet of the total 660,000 square feet of office space. The proposed action would generate less traffic than the original Intel development, but more traffic than the more recent occupancy and use of the site. Industry standard is to allow trip credits for uses occupied within the past 12-24 months with respect to intersection impacts/operations and the need for analysis. The City's TIA (traffic impact analysis) guidelines found in the *Public Works Standards* typically require the analysis of key intersections impacted by 25 or more peak hour trips. Using this guideline and the ratio of the net trips for the most recent occupancy to the gross trips, five intersections along Center Drive (i.e., East Driveway, West Driveway, Palisade, Bobs Hollow, and McNeil) would warrant analysis to determine the project impacts at these locations and the possible need for mitigation.

The main purpose of preparing a TIA is to determine a project's impacts on the transportation system and to determine the need for mitigation to maintain the City's adopted standard. Having stated that, the subject parcel is unique with respect to its impacts on the transportation system. More specifically, many of the improvements that are currently in place today are the result of the initial development of Intel and its mitigation measures (i.e., completion of Center Drive/ construction of Exit 118 and channelization improvements to Exit 119). These improvements provided significant capacity improvements which supported most of the development in DuPont that has occurred over the past 20 years and will continue into the future. The proposed action would generate less total traffic than Intel's original development. More truck traffic than the historic use of the site would be generated, but the impacts will be mostly limited to Wharf Road

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(a private street) and DuPont-Steilacoom Road (see Attachment E of the TENW memorandum).
[...]

The detailed trip generation table (Attachment C) identifies the truck/nontruck trips, as requested. The truck estimates were based on information found in the current ITE *Trip Generation* manual. Since the publication of the most recent *Trip Generation* manual, ITE has released a technical report (October 2016) that provides more detailed information with respect to the amount of truck traffic generated by high-cube warehouses. The values presented in the TENW memorandum are reasonable/acceptable when compared to the more recent technical report **as long as the type of highcube warehouse is transload, short-term, or cold storage, and not a fulfillment center or parcel hub**, which have different trip generating characteristics. The Applicant has indicated that there is not a specific user or tenant at the present time, so as long as the future tenant is not a fulfillment center or parcel hub, then the trip generation as provided is reasonable and acceptable.

... Pending your review of the information and my comments above (and concurrence with them), the analysis is acceptable as submitted. I do not need any further information as long as the future tenant falls within the high-cube warehouse uses noted above (and is **NOT** a fulfillment center or parcel hub), and that your office feels that any SEPA issues have been adequately addressed.

Should either of these latter uses be the tenant, further analysis could be needed.

T2. Ms. Reinart did not rescind or revise her written opinion in the records made available to the Examiner. In fact, the City's MDNS includes findings lifted directly from Ms. Reinart's letter. (*See MDNS, particularly Finding 18(b), which reads in part: "The review found that the trip distribution/assignment for the traffic generated by high-cube warehouses is reasonable/acceptable as long as the type of high-cube warehouse is transload, short-term, or cold storage, and not a fulfillment center or parcel hub, which have different trip generating characteristics."*)

T3. The ITE technical report, dated October 2016, which was expressly referenced in Ms. Reinart's transportation review memorandum (*Ex. R*), has been marked and included in the Record as Exhibit I I. The Examiner takes official notice of this publication, which is titled "**HIGH-CUBE WAREHOUSE VEHICLE TRIP GENERATION ANALYSIS**", prepared by the Institute of Transportation Engineers, October 2016. The ITE High-Cube Warehouse Vehicle Trip Generation Analysis was prepared for California's South Coast Air Quality Management District and the National Association of Industrial and Office Properties.

T4. The ITE's October 2016 Analysis (*Ex. I I, at page 1*) includes the following findings that are instructive in this matter:

Findings – *The HCW ["high cube warehouse"] market continues to evolve as individual tenants/owners implement different e-commerce business plans. For example, some deliver goods to the customer within two days and others deliver orders to the nearest store for customer pick-up. As business plans and technology continue to evolve, these should continue to be monitored. Although the tenant or its planned operations are often unknown at the time of site*

development review, for the purpose of estimating vehicle trip generation, it may be as important to know the tenant as much as other facility factors.

For transload, short-term storage, and cold storage HCWs, the proportionate mix of types of vehicles (i.e., cars versus trucks) accessing the site is very consistent, both daily and during the AM and PM peak hours.

For a cold storage HCW, the currently available data demonstrates a useable, direct correlation between building size and vehicle trip generation.

The single data points for fulfillment centers and parcel hubs indicate that they have significantly different vehicle trip generation characteristics compared to other HCWs. However, there are insufficient data from which to derive useable trip generation rates.

T5. As noted above, in *Exhibit AA*, Pierce County officials raised serious credibility questions about the reliability of trip generation descriptions offered by the applicant's consultants. The County's letter references past studies in the region and the County's own internal data to challenge the accuracy of the applicant's anticipated truck traffic to and from the project site. The County's letter speaks for itself, and reads in relevant part as follows:

"Pierce County Planning and Public Works Department Traffic Section has reviewed the Traffic Generation Assessment for the proposed re-development of the DuPont Corporate Park that was received on March 24, 2017 [from TENW, the applicant's traffic consultant]. We have the following comments:

- The Traffic Generation Memo presented did not accurately compare passenger car equivalency of the past site use versus the proposed site use in our opinion. Based upon the anticipated truck trips, when a passenger car equivalency is presented for comparison, the actual numbers will be closer to the previous site traffic generation volumes.*

- Based upon past reviews and knowledge of similar sized warehousing projects, we have concerns regarding the lack of accuracy in reporting the anticipated truck traffic to and from this site. Specifically, using data from past TENW distribution warehousing studies performed in the region and our own internal counts of existing County distribution warehousing, we estimate that the number of truck trips to / from this site could be as high as 800 trucks per day. Assuming that all trucks to/ from the site must access via the Wharf Road SW driveway (due to City weight restrictions on Center Drive SW), this proposal could pose a significant traffic impact at the Wharf Road SW and Steilacoom-DuPont Road SW intersection. Therefore, the Applicant should be requested to further analyze the existing signalized intersection at Wharf Road SW and Steilacoom-DuPont Road*

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SW and, if an impact is determined the Applicant should be required to mitigate the impact.”

T6. Other than objecting to Pierce County’s traffic count figures in the email record included in the Record as Exhibit GG, the applicant’s representatives present at the public hearing, did not offer any evidence to rebut the statements made in the County’s letter about the lack of accuracy in the applicant’s anticipated truck traffic estimates to and from the site. Whatever the basis for applicant’s estimate, the County challenged the accuracy of such estimates and explained that past TENW distribution warehouse studies performed in the region as well as the County’s own internal counts of distribution warehouse traffic indicate that estimates could be much higher.

T7. Based on Ms. Reinart’s transportation review memorandum (*Ex. R*), the ITE High-Cube Warehouse Vehicle Trip Generation Analysis from October of 2016 (*Ex. I I*) that is expressly referenced and relied upon in Ms. Reinart’s memo, and the County’s unrebutted truck traffic estimates and concerns with the accuracy of estimates provided by the applicant’s consultants (TENW), the Examiner finds that the Record does not include credible or convincing evidence to establish that a Fulfillment Center or Parcel Hub type of high-cube warehouse can satisfy transportation concurrency or other traffic-impact mitigation requirements for Site Plan approval at this time.

T8. Unrebutted evidence in the record establishes that the applicant’s trip generation estimates are only adequate, i.e. reasonable and acceptable, with respect to transload, short-term, or cold storage types of high-cube warehouse facilities. Accordingly, the Site Plan approval issued by this Decision is limited to such uses. (*See Condition of Approval, 1A*). Any change of use to operate a Fulfillment Center or Parcel Hub will require a Site Plan Amendment, as set forth in DMC 25.150.050, which must include either an updated Trip Generation Report or a Transportation Impact Analysis that analyzes the potential impacts associated with the specific fulfillment center or parcel hub type of high-cube warehouse facility proposed for the site.

T9. Although a specific tenant or its planned operations were not identified as part of this Site Plan application, for the purpose of meaningfully and properly estimating vehicle trip generation, the Examiner concurs with the ITE report, and finds that it is as important to know the tenant as much as other facility factors, like building aesthetics, landscaping, parking and the like. The Current ITE Manual may work well in providing trip generation estimates for many uses, but for those that are evolving much faster than any new version of the ITE Manual is ever issued, the specific user and type of use should be analyzed to provide the most reliable type of environmental review that is in the public interest. Because the ITE’s credible and thorough report, issued in October of 2016, explains that fulfillment centers and parcel hubs have significantly different vehicle trip generation characteristics compared to other high-cube warehouses, and that there is currently insufficient data from which to derive useable trip generation rates for fulfillment centers and parcel hubs, the Examiner finds that it would be a mistake and contrary to the public interest, safety, and general welfare to approve a Site Plan that would permit a fulfillment center or parcel hub operation at this time.

T10. Section 2.17 of the City of DuPont Public Works Standards, dated September 2011, at page 21, reads as follows:

2.17 Intersections with Pierce County Roads

In the event that the City has jurisdiction on a development that requires the construction or improvement of a commercial driveway or street that intersects a Pierce County or Fort Lewis road, minimum intersection spacing, entering sight distance and landing requirements in accordance with these Standards shall be satisfied in addition to the requirements of all other applicable permits. In the instance that Pierce County or Fort Lewis standards exceed these Standards, the Pierce County and/or Fort Lewis Standards shall govern.

T11. Despite the applicant's short email asserting that Pierce County should use some other figures before requiring additional data regarding impacts on Wharf Road, the Examiner finds that MDNS Mitigation Measure No. 3 is necessary and capable of accomplishment. It is also fully supported by the above-referenced Sec. 2.17 from the City's Public Works Standards, which provides that Pierce County standards shall govern when they might exceed city standards.

T12. The City's *Traffic Impact Analysis Guidelines* that are included as part of is Public Works Standards, explain that: "Trip generation shall be based on the current edition of the ITE Trip Generation Manual using the average trip rate. [...] Trip generation for unusual land uses which are not found in the Trip Generation Manual shall be estimated from similar types of uses, field studies of similar uses, or based on number of employees, deliveries, expected clientele, etc., as appropriate." (Emphasis added).

T13. Based upon the ITE's October 2016 Report, the Examiner finds that "Fulfillment Centers" and "Parcel Hubs" are "unusual land uses" that are not expressly found in the ITE's current Trip Generation Manual. "Unusual" is commonly understood to mean something that is remarkable or interesting because it is different from others. Ms. Reinart's memo and the ITE 2016 Report establish that not all high-cube warehouses or HCW users are the same, and that Fulfillment Centers and Parcel Hubs have significantly different vehicle trip generation characteristics compared to other high-cube warehouses. If the applicant or any subsequent party should wish to amend the Site Plan to allow a Fulfillment Center or Parcel Hub, additional trip generation field studies may be required.

T14. As noted in Ms. Reinart's Transportation Review memo, at Exhibit R, and in previous findings included in this Decision, the applicant's trip generation review by TENW for the traffic generated by high-cube warehouses is reasonable/acceptable as long as the type of high-cube warehouse is transload, short-term, or cold storage, and not a fulfillment center or parcel hub, which have different trip generating characteristics. There is not sufficient, credible information

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in the record at this time to conclude that a fulfillment center or parcel hub high-cube warehouse use can satisfy the city's transportation concurrency requirements set forth in DMC 25.115.030, particularly sections (2)(a)(ii)(A) ["The project makes on-site and frontage improvements, consistent with city standards for utilities, curbs, gutters, sidewalks, bicycle lanes where appropriate, and roads necessary to serve the proposed project consistent with safety and public interest; or (B) [The project makes such off-site facility improvements, not listed on the capital facilities plan, as are necessary to meet city standards for the safe movement of traffic and pedestrians attributable to the project]].

T15. Except for Fulfillment Centers and Parcel Hub high-cube warehouses, the record contains sufficient credible and convincing evidence to demonstrate that the five review criteria listed in DMC 25.175.040(i)-(v) are satisfied. Accordingly, this site plan approval has been conditioned to apply to the types of high-cube warehouses for which sufficient evidence exists to demonstrate compliance with applicable city review criteria, i.e. transload, short-term, or cold storage types of high-cube warehouse facilities, and not a fulfillment center or parcel hub, which have different trip generating characteristics that have not been adequately estimated or analyzed as part of this application process.

Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such, including without limitation the summary of proceedings provided above.

III. CONCLUSIONS of LAW.

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed redevelopment project, as conditioned and limited herein, conforms to all applicable zoning and land use requirements and appropriately mitigates adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the project meets the standards necessary to obtain approval by the City.
2. The recommended conditions of approval as set forth in the Staff Report, and supplemented herein, are reasonable, supported by the evidence, and capable of accomplishment.
3. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.

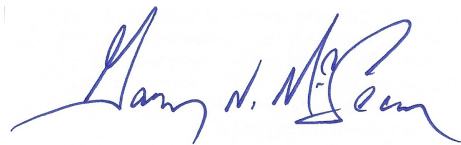
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IV. DECISION.

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the examiner's site visit, the undersigned Examiner APPROVES the Type III Land Use Site Plan application for Industrial Redevelopment, LLC's Warehouse/Distribution Center Project at DuPont Corporate Park, subject to the attached Conditions of Approval.

Decision issued: May 30, 2017.



Gary N. McLean
Hearing Examiner for the City of DuPont

Attachment: Conditions of Approval (numbered 1 and 1A -77, on pages 22 – 28 of this Decision)

Appeal Notification.

Consistent with DMC 25.175.010 and 25.175.060(6), this Decision by the Hearing Examiner is the city's final decision regarding a Type III Site Plan application. It may be appealed by a party of record with standing to file a land use petition in Pierce County superior court. Such petition must be filed within 21 days after issuance of the decision, as provided in Chapter 36.70C RCW.

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CONDITIONS OF APPROVAL

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Type III Land Use Site Plan Approval*

1. All Mitigation Measures, numbered 1 – 31, included in the MDNS issued for the proposal on April 10, 2017, are hereby adopted in full, incorporated by reference, and included as Conditions of Approval for the Site Plan approved by this Decision.

1A. Based upon evidence in the Record, including without limitation the City's Transportation Engineering Consultant's March 28, 2017 memorandum (*Exhibit "R"*), the Site Plan approved by this Decision is expressly limited to a use/user or combination of users considered to be transload, short-term, or cold storage types of high-cube warehouse facilities, and not a fulfillment center or parcel hub, which have different trip generating characteristics. Any proposed change of use to operate a fulfillment center or parcel hub on the property would first require a Site Plan Amendment, as provided in DMC 25.150.050, which must include either an updated Trip Generation Report or a Transportation Impact Analysis that analyzes the potential impacts associated with fulfillment center or parcel hub types of high-cube warehouse facilities.

2. A sign permit will be required that meets the requirements of DMC 25.116.
3. Per DMC 25.45.030.3(13), air emissions shall meet applicable regulations of the Puget Sound Air Pollution Control Authority, and no visible, frequent smoke, dust, or gases shall be emitted.
4. All existing trees within the perimeter buffers shall be retained on an ongoing basis unless deemed unsafe or unhealthy by an arborist.
5. Construction of the development proposal must commence within 24 months from the date of the City's final decision on the site plan, otherwise the site plan approval expires.
6. Per DMC 25.75, at the time an individual business meets or exceeds 100 employees, the County CTR Department is to be notified within 30 days. The employer shall make a good faith effort, as defined in RCW 70.94.534(2) and DMC Chapter 25.75, to develop and implement a CTR program that will encourage their employees to reduce vehicle miles traveled per employee and single occupancy vehicle trips. The requirements of the CTR program are provided in DMC Chapter 25.75.
7. This project is subject to the Geographic Information System (GIS) requirements, as stated in DMC Chapter 24.09 and Ordinance 97-559.
8. Proposed site improvements within the easements on the project site shall comply with the conditions of said easements.

Prior to issuance of Site Development Permits

9. To meet the blank wall regulations provided in DMC 25.45.030.3(5), provide a landscape plan demonstrating that each end of the east elevation of Building C is either planted with large caliper trees, wood trellises or similar measures.
10. Per 25.45.030.3(9), if outdoor storage is proposed, it shall not cover more than 2 percent of the total site area and shall be screened from street by a 100 percent sight obscuring fence or wall. Provide the details on the landscape plan.

11. The landscape plan submitted with the site development permit applications is required to demonstrate that adequate tree quantities are provided in the interior parking lot demonstrating compliance with DMC 25.90.030(2) .
12. The trash receptacles are required to be planted around three sides. The perimeter of the trailer storage areas shall be planted with evergreen tree types to provide year-round screening placed 30 feet on-center. The landscape plan submitted with the site development permit applications shall demonstrate compliance with DMC 25.90.030(3).
13. Proximity of parking to the existing building doors will be reviewed at the time of site development permit for compliance with DMC 25.95.040.
14. The site plan shall reflect all easements, site restrictions, and encumbrances from the pending short plat and any other recorded documents. Callouts with numbers corresponding with the Title Report Exception Numbers should be provided.
15. Turning movement drawings are required. The site plan shall include supplemental exhibits to demonstrate that the City Fire Department's large apparatus can navigate the site (lane width, radius), including access to fire department connections and hydrants. The Fire Department will confirm the adequacy of vehicle access points.
16. The revised entrances from Center Drive at Hamilton Avenue and Manchester Place will require alterations to City right-of-way improvements, including curbs, curb ramps, sidewalks, crosswalks, signal heads, and pushbuttons. The revised entrances include elimination of existing traffic islands and the reduction of travel lanes. The alterations shall be included on the civil construction plans.
17. A Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control (TESC) Plan shall be prepared for the project. The project activities shall comply with the requirements of the Washington State Department of Ecology National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges associated with construction activity, which will be required for this project prior to issuance of a grading permit.
18. All comments on the Stormwater Site Plan provided in the Gray & Osborne letter dated April 4, 2017 shall be addressed prior to issuance of a site development permit.
19. Two water main connections shall be made to the existing 16-inch water main in Center Drive.
20. Documentation of Pierce County Public Works and Utilities approval of the Sanitary Sewer Plans for this project will be required.
21. Trash enclosures shall be provided as required by DMC 25.100, Recycling, and shall be surfaced with concrete with a concrete apron, and at the same grade as the service vehicle access. Recycling and refuse receptacles may not be located in landscape buffers.
22. DMC 25.70.070 allows 25-foot-tall lighting fixtures in parking lots, except at entries and for parking adjacent to buildings, where lighting remains restricted to 15 feet in height. The submitted photometric exhibit shall be revised and submitted with site development permit application to replace the 28-foot-tall lighting fixtures with code-compliant fixtures.
23. The preliminary utility plan shall include the pipe sizes, routing, proposed points of connection for the utilities, and locations for the fire department connections and hydrants.
24. The existing Pierce County Utilities Sewer Pump Station near the southwest corner of the site includes aboveground electrical components. A proposed parking area and landscaping appears to be in conflict with

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the pump station. Provisions shall be made for modifications to the pump station to ensure access for operation and maintenance, as approved by Pierce County Utilities.

25. A Construction Sequence and a TESC Plan shall be added to the plans, including details and City of DuPont Standard TESC notes.
26. All water mains and appurtenances to be owned and operated by the City, up to and including water meters and backflow assemblies, shall be included within 15-foot-wide easements to the City of DuPont.
27. Separate water connections with backflow prevention devices will be required for domestic, fire, and irrigation. Such devices shall be located in underground vaults, with easements granted to the City of DuPont for access. The locations of meters and backflow devices for the water service connections (i.e., domestic, fire, and irrigation) should be shown and labeled for review of site feasibility. Meter sizing calculations will be required for domestic and fire water services.
28. Cross-connection control, in accordance with WAC 246-290-490, shall be provided by installation of an approved backflow preventer commensurate with the degree of hazard for protection of the public water system. The level of protection is dependent on the building use. The Applicant should state the building use type, if known, and provide the appropriate premises isolation backflow preventers. In the event the warehouse use type is classified as a severe or high health cross-connection hazard, as defined in WAC 246-290-490 Table 9, aboveground-reduced pressure (RP) type backflow prevention will be required.
29. The City's Cross-Control Specialist (CCCS) shall be granted access for plumbing and fixture inspection during construction and annual hazard evaluations thereafter. The CCCS is the approving authority for evaluation of the premises hazard protection for the building official (e.g., water used for forklift battery maintenance).
30. Show gate valve symbols at the main for the irrigation, fire, and domestic services.
31. Water vaults and meter boxes shall include provisions for drainage.
32. The proposed development shall be provided with fire lanes, as required by the City of DuPont Fire Department.
33. The construction plans shall include profiles for storm drains and for water mains, to include proposed utility crossings. The water main profile shall include air-vacuum assemblies at high points and blowoff assemblies at low points.
34. The utility crossings of the water, storm, and sewer systems shall be provided to demonstrate compliance with the City's 1-foot minimum vertical clearance requirement.
35. The Landscape Plans shall be revised to show the Tree Retention Plan information, including the Oregon white oak in the northwest corner and several trees on the southern portion of the site. The retained trees will be protected during construction per the requirements of DMC 25.120.040 and the protective measures outlined in the Tree Retention Plan shall be provided on the landscape plans.
36. Clearances around fire hydrants, in accordance with City standards, will be reviewed for compliance during construction review. A minimum 3-foot clearance and level area is required around all fire hydrants.
37. The Landscape Plans shall be revised to relocate trees outside of sewer and water easements.
38. All outdoor mechanical equipment shall be screened to reduce noise impacts to residential areas. Alternatively, the applicant can provide a sound study that demonstrates that the equipment when in operation will not exceed acceptable noise levels on receiving residential properties during nighttime hours.

39. Irrigation plans that demonstrate compliance with DuPont PWS shall be submitted for review and approval. The Applicant will be required to demonstrate compliance with the substantive requirements identified in DMC 25.90, Landscaping.

Prior to issuance of Demolition Permits

40. A City Grading and Civil Construction Permit will be required for the site work associated with the proposed building demolition. Plans shall be submitted for approval and shall include TESC, rough grading, and temporary site restoration.
41. Demonstration of compliance with Chapter 33 of the 2015 International Fire Code (IFC) (fire safety during construction and demolition) is required.
42. 2980 Center Drive (existing Building 1): Emergency and life safety systems (sprinklers, fire alarms, standpipes, fire pump and fire hydrants) shall be operational during demolition of 2960 Center Drive (existing Building 2) and 2800 Center Drive (existing Building 3), and also during construction of the proposed new Buildings A, B, and C. A plan shall be provided for approval by the Fire Marshal.
43. During demolition of buildings, hydrant coverage shall be maintained for fire ground operations. A plan shall be provided for approval by the Fire Marshal.
44. A haul route plan for debris shall be submitted to the City for review and approval.
45. All contractors and subcontractors shall have or obtain a City of DuPont Business License prior to initiating any work.
46. In conformance with the Puget Sound Clean Air Agency:
- a. Prior to any demolition, wrecking, razing, leveling, dismantling or burning, the owner or the owner's authorized agent shall obtain an asbestos survey by an AHERA building inspector of the structures to be demolished.
 - b. A summary of the results of the asbestos survey shall either be posted by the property owner or the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.
 - c. The owner or owner's authorized agent shall file a completed notification and pay a fee to the Puget Sound Clean Air Agency prior to demolition. Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present. All demolitions require a 10-day waiting period, unless waived under Section 4.03(c)(1) of Puget Sound Clean Air Agency Regulation III. All asbestos-containing materials must be removed from the structures by an asbestos contractor prior to demolition.
 - d. Other government agencies have adopted rules that may apply to asbestos projects regulated under these rules, including, but not limited to, the US Environmental Protection Agency, the Occupational Safety and Health Administration, the Washington State Department of Ecology (WAC 173-460), and the Department of Labor and Industries.
47. Construction and demolition-related noise shall be limited to the levels established in DMC Chapter 9.09. Construction hours are limited to 7 am to 6 pm, Monday through Friday.

Prior to issuance of a Building Permit

48. Each application for building permit will specify the use and be assessed for its compliance with DMC 25.45.020(1)(a)(i) to ensure that the use does not create significant noise, a risk of explosion or radioactive release, or air or water pollution.

49. Per DMC 25.45.030.3(8), all HVAC equipment, pumps, heaters, and other mechanical equipment shall be fully screened from view from all public rights-of-way.
50. Each application for building permit will be required to identify the uses and employee forecast to ensure compliance with DMC 25.95.030.
51. Per DMC 25.100, the recycling and refuse enclosure locations shall be approved by the solid waste utility purveyor prior to obtaining a building permit. Elevations and building material details shall be provided at the time of building permit to ensure compliance with DMC 25.100.050.
52. A building permit issued by the City is required when gates are installed on commercial developments. In order for the City to issue the building permit, the following requirements must be met:
 - a. Gates shall have an Opticom activation system or an equivalent and compatible system that is approved by the Fire Chief.
 - b. Gates shall have rapid-entry key capabilities compatible with the local fire department, per IFC Section 506.
 - c. All electrically-activated gates shall have default capabilities to the unlocked position.
 - d. The minimum clear width of a gate shall be compatible with the required street width.
 - e. Gates that might be obstructed by the accumulation of snow shall not be installed.
 - f. A vehicular turnaround must be provided in front of the gate.
53. An automatic fire sprinkler system shall be installed. The system shall comply with NFPA 13 Standard for Automatic Fire Sprinkler System. Three sets of plans, hydraulic calculations, and material specification sheets for all equipment used in the system shall be submitted by a State of Washington Licensed Contractor for review, approval, and permits issued prior to commencing work. A separate permit is required.
54. If a fire pump is required, the system shall comply with NFPA 20. Three sets of plans and material specification sheets for all equipment used in the system shall be submitted by a State of Washington Licensed Contractor for review, approval, and permits issued prior to commencing work. A separate permit is required.
55. An automatic fire alarm system shall be installed. The system shall comply with NFPA 72 Standard for Fire Alarm System. Three sets of plans and material specifications sheets for all equipment used in the system shall be submitted by a State of Washington Licensed Contractor for review, approval, and permits issued prior to commencing work. A separate permit is required.
56. A standpipe system shall be installed. The system shall comply with NFPA 14 Standard for Standpipe Systems. Three sets of plans, hydraulic calculations, and material specification sheets for all equipment used in the system shall be submitted by a State of Washington Licensed Contractor for review, approval, and permits issued prior to commencing work. A hose connection shall be required to serve the top landing of the stairs for roof operation, per 905.4 #5 of the 2012 IFC. A separate permit is required.
57. If an emergency generator is installed, the system shall comply with NFPA 110 and 111. The generator shall be listed in accordance with UL 220. Three sets of plans and material specification sheets for all equipment used in the system shall be submitted for review, approval, and permits used prior to commencing work. A separate permit is required.
58. Make sure you meet the exit access travel distance for this project. The maximum for S-1 is 250 feet, per Table 1017.2. This can be extended to 400 feet per Section 1017.2.2 if all of the following conditions are met:
 - a. The portion of the building classified as Group S-1 is limited to one story in height.
 - b. The minimum height from the finished floor to the bottom of the ceiling, roof slab, or deck is 24 feet.

- c. The building is equipped throughout with an automatic sprinkler system, in accordance with Section 903.3.1.1
59. Prior to Fire Department approval for occupancy, High-Piled Combustible Storage shall comply with Chapter 32 of the 2015 IFC.
60. A Knox key box system shall be required. Knox applications may be picked up at the DuPont Fire Department located at 1780 Civic Drive, DuPont, WA 98327. A key shall be required to be placed in the Knox key box.
61. Fire extinguishers are required to be installed, as directed by City of DuPont Fire Department. Prior to installation, the client is directed to request a fire inspection to confirm the locations of the fire extinguishers.
62. All new buildings shall have approved emergency responder radio coverage per Section 510 of the 2015 IFC.
63. The structures must be designed to meet the requirements of the building construction codes in effect at the time of Building Permit submittal. The following codes are currently enforced by the City of DuPont: 2015 International Building Code, 2015 International Residential Code, 2015 International Fire Code, 2015 International Mechanical Code, 2015 International Fuel Gas Code, 2015 Uniform Plumbing Code (each as amended and adopted by the State of Washington), and 2015 Washington State Energy Code.
64. The project must receive all land use and civil construction approvals prior to issuance of building permits for the structures, related walls, fences, etc.
65. Prior to issuance of a building permit, the applicant shall provide a copy of the Pierce County Sewer Service Permit for City record. (Please note that Pierce County Sewer Utility requires a pre-treatment review and approval to be completed prior to their issuance of a service connection permit. Each subsequent tenant modification of the building requiring sanitary waste must also complete a pre-treatment review and provide a copy of sewer service permitting, where applicable, prior to obtaining a building permit for associated improvements.)
66. Per DMC 26.05.050, the City imposes fire impact fees on development applications. The fee is approved and paid prior to issuance of the building permit. The amount of the impact fee will be based on the current rates and City formula described in DMC 26.05 at that time.
67. Information and specifications for all commodity storage and rack storage systems must be submitted for review and approval by the City fire and building departments to determine code compliance.
68. Fire Suppression and Fire Alarm permits must be obtained through the City of DuPont Fire Department prior to initiating any such work. All alarms systems must obtain an alarm registration permit with the City; forms may be obtained at City Hall.
69. Fire flow requirements, fire department connection location, and adequacy of onsite hydrant provisions will be determined by the DuPont Fire Chief or his designee.
70. Preliminary addresses will be assigned for the project site and may be obtained from the building department, as needed.
71. All required plan review fees shall be paid at the time of permit submittal.
72. Coordination must be made to provide continued utility services to the existing warehouse building during demolition of the existing office buildings and construction of the new buildings.
73. Pursuant to RCW 19.122.033, the applicant shall consult with all utility and pipeline companies.

*Findings, Conclusions and Decision Approving
Type III Site Plan Application for Industrial Redevelopment, LLC's
Warehouse/Distribution Center Project at DuPont Corporate Park,
File No. PLNG 2017-006*

74. Building materials and colors shall be as described in the design narrative dated April 24, 2017 (Attachment “BB”). Colors shall be earth tones to blend into the natural environment. There shall be some similarities to the existing building in use of color or material types to provide a unified campus design.

Prior to the issuance of a Certificate of Occupancy

75. Following construction, a City of DuPont Agreement for Inspection and Maintenance of Privately Maintained Storm Drainage Facilities will be required for any onsite stormwater system.
76. The owner has submitted a short plat application which, if recorded, will subsequently require either a lot line elimination or boundary line adjustment so that the proposed DuPont Corporate Park project conforms to city setback requirements.
77. The project must comply with the requirements for GIS as-built drawings contained in DMC Chapter 24.10. As-built drawings and submittals shall be submitted and approved prior to issuance of a Certificate of Occupancy for the building, or portions thereof.