



CITY OF DUPONT

Department of Community Development
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SEPA ENVIRONMENTAL POLICY ACT WITHDRAWAL AND ISSUANCE OF NEW MITIGATED DETERMINATION OF NONSIGNIFICANCE DuPont West (formerly DuPont 243)

City File Number: SEPA2022-032 SEPA
Related File Numbers: PLNG2022-031 (Site Plan Review), PLNG 2018-008 (SEPA)
Public Comment Period: August 29 – September 12, 2024

Description of proposal: The proposal is to construct a 256,800 square foot office/warehouse building on approximately 19.65-acres of vacant land located on the west side of Sequalitchew Drive. The proposal includes grading, paved truck maneuvering, truck and vehicular parking, landscaping, water and sanitary sewer extensions, franchise utility improvements, and a stormwater collection and infiltration facility. The project proposes the extension of Sequalitchew Drive through dedication and construction of public right-of-way. Additionally, the proposal includes the relocation and reconstruction of a portion of the existing Sequalitchew Trail within a revised trail easement. The proposal will retain the existing Mission Marker as located in the northeastern portion of the site.

The property is known to contain contaminated soil above current MTCA Method A cleanup levels for unrestricted land use. It is subject to the terms of a Consent Decree between Washington State Dept. of Ecology and Weyerhaeuser Company and DuPont Company entered by Thurston County Superior Court on July 22, 1991 pertaining to cleanup of the contamination on the property. It is also subject to a Restrictive Covenant that is binding on all successors and limits the use of the property to industrial type uses.

Environmental Review History: SEPA and Land Use applications were previously submitted and processed through the City of Dupont for a similar project in 2018 (PLNG 2018-008 (SEPA), -009 (Type III Site Plan Review, -047 (Tree Modification)). A SEPA Mitigated Determination of Nonsignificance (MDNS) was issued for the project in February of 2019 and was subsequently appealed on issues relative to the relocation of the existing Mission Marker. The project has been revised to maintain the location of the existing Mission Marker and a short plat has been processed to address the location of the project relative to Sequalitchew Drive, a “main street”. The original parcel has been segregated into three parcels, Lots 1 – 3, of which Lot 3 is not a part of this proposal. Due to project changes and pursuant to WAC 197-11-340(3)(c), the City is withdrawing its February 2019 SEPA Determination and issuing this new SEPA MDNS.

Project Location: 1700 Center Drive, Section 26, Township 19 North, Range 1 East, W.M, in the City of DuPont, Tax Parcel Nos. 011926-6005 and -6006.

Proponent: Ben Varin, Avenue 55
601 Union Street, Suite 2930
Seattle, WA 98101

Lead Agency: City of DuPont

Responsible Official: Barb Kincaid, AICP
Director of Public Services, City of DuPont

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The Responsible Official hereby makes the following findings and conclusions based on a review of the revised environmental checklist and attachments; comments received from City Departments and peer review consultants; public comments received on the land use application during the public comment period, other information on file with the City and the policies, plans and regulations designated by the City of DuPont as a basis for the exercise of substantive authority under RCW 43.21C.060.

The lead agency has determined that the requirements for environmental analysis and protection have been adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW, and/or mitigating measures have been applied that ensure no significant adverse impacts will be created.

A. FINDINGS

This determination is based on the following findings and conclusions:

1. The site of the proposal is currently vacant land comprised of two tax parcels: 011926-6005 (Lot 1) and -6006 (Lot 2) that were created through a short plat in 2022 (recording no. 202203015001). The two parcels comprise 19.65 acres. Lot 1 contains a historical marker and a portion of the Sequallitche Creek Trail. Lot 2 has a private access easement for the benefit of Lot 1. Lot 3 of the Short Plat is not a part of the proposal.
2. The city received numerous public comments during the public notice period for the project's land use application. Many of the comments are related to concerns for impacts to plants, animals, transportation, environmental health, noise, air, aesthetics, water, land use, and cultural resources and were, therefore reviewed and considered in the preparation of this SEPA Determination.
3. Earth – GeoEngineers has completed a Geotechnical Study dated 2011 and four (4) Addendums to the study through the course of project review. The site is generally flat with slopes greater than 40% along the south perimeter. The slopes are classified as a critical slope/geologic hazard area and require a 50-foot steep slope setback at the top of slope, which is provided on the plans. All work will be located outside of the steep slope buffer with the exception of a small area of the relocated Sequallitche Creek Trail. In Addendum #4 the geotechnical engineer provides an opinion that the new trail encroachment poses a low risk to overall global slope stability.

Soils are generally recessional glacial outwash deposits consisting of sand and gravel with varying amounts of silt and cobble. and there are no indications of unstable soils in the vicinity. Approximately 32,400 CY of cut, 24,600 CY of fill and removal of 6,500 CY of stripping material will be removed. If any fill is imported to the site, it shall be from an approved source and clean. Approximately 69% of the site will be impervious surface upon completion. A temporary erosion and sedimentation control (TESC) plan will be implemented during construction to reduce and control erosion impacts. Design and construction will be required to follow the recommendations of the geotechnical engineer.

4. Air – Air emissions will result from vehicles and dust generated during construction of the proposal. The City will require construction equipment be maintained and in good working condition. Watering down areas during construction will assist in controlling dust. Post construction emissions will be related to vehicular traffic entering and exiting the site.
5. Water – The property is adjacent to the north of Sequallitche Creek, a fish-bearing stream. The proposed building, parking and access driveways, relocated trail, and grading limits are located outside of the City code-required 100-foot stream buffer. The required TESC plan and Construction

Stormwater Pollution Prevention Plan (SWPPP) will provide mitigation measures to ensure construction activities do not cause erosion impacts, including to the stream.

No groundwater will be withdrawn for the proposal and no waste materials will be discharged to groundwater. The geotechnical report describes that 22 test pits were excavated at depths between 8 and 11 feet below surrounding grade (BGS). Groundwater was observed in one test pit at a depth of about 8 feet BGS at the time of exploration. Groundwater conditions should be expected to vary as a result of season, precipitation and other factors. The report states it expects groundwater to be below the depths of the test pit explorations. They do not expect groundwater to be a major factor during shallow excavations and earthwork. If shallow perched groundwater is encountered, it can typically be handled with sumps, pumps and/or diversion ditches. The contractor shall be made responsible for controlling and collecting groundwater encountered.

A Stormwater Site Plan report was prepared dated November 2023. Stormwater runoff will be generated by rainfall from building roof tops and pavement areas and conveyed through catch basins and storm pipe. The stormwater runoff will be infiltrated onsite in a new infiltration pond and water quality treatment provided by three modular wetland systems. In addition, a separate infiltration gallery will serve the new public road on Lot 2 (Sequalitchew Drive). The storm drainage system will be designed and constructed per City of DuPont standards and in accordance with the requirements of the 2019 Ecology Stormwater Manual. Specific Best Management Practices for erosion control are included as Mitigation Measures.

6. Plants – A Tree Retention Plan was prepared by Washington Forestry Consultants (WFC) dated March 2024 that describes the existing trees in detail and their locations. A Landscape Plan was prepared by Barghausen Consulting Engineers dated March 27, 2024. The property contains grass, shrubs, and deciduous and evergreen trees, including significant 607 healthy significant trees and 75 Landmark trees. The reports and plans indicate that all vegetation within the grading limits will be removed for development of the proposal. The plan retains 211 trees, which is in excess of the city tree retention requirements.

One significant Oregon white oak tree that is located within the future Sequalitchew Drive right of way will be removed, which is allowed by DMC 25.120.030(2) because the right of way is integral to the neighborhood and cannot easily be moved. The site will be replanted with new landscaping in the parking lot and the east and southeast portions of the site to screen the site parking and stormwater pond from the public right of way and trail.

Tree protection measures are outlined in DuPont Municipal Code (DMC) 25.120.030(5) and the WFC Tree Retention Plan and are required to be implemented for the proposal. The measures are to be provided on the approved Landscaping and Grading Plans for the project at the time of site development permit approval.

The proposed location and paving of the relocated Sequalitchew Creek Trail crosses the critical root zone (CRZ) of several trees, including one significant Douglas fir tree (Tree #33) that is proposed to be retained. The alignment follows the existing grade so little soil disturbance should occur. Root impacts could be reduced using root protection strategies such as structural soil under the pathway or installing a passive aeration under the path. Structural soils are soils that are specially designed to provide nutrients, space, and porosity to accommodate root growth while also allowing for compaction to support pavement without settling. This will protect the roots of the tree and allow for the pathway construction. According to the project arborist, the overall impact of the trail within the CRZ of the save trees is minimal compared to the entire root zone of the trees. If the trees are healthy, they will be able to tolerate some root impact.

The non-oak trees located in the relocated trail grading limits are not required to be retained by the city's Tree Retention code, however mitigation proposed by the applicant is to retain them with tree-specific measures, including construction observation by the arborist and three years of monitoring for tree health following construction. The recommendations of the arborist report for tree protection are included as Mitigation Measures.

7. Animals – Songbirds, deer and other animals common in urbanized forests are known to be present onsite. There are three bat species mapped on the Washington Dept. of Fish and Wildlife (PHS) maps. A Bat Habitat Reconnaissance was completed for the proposal by Soundview Consultants dated March 2023. The biologist did not observe any bat activity or evidence of roosting bat concentrations and confirmed with WDFW that there are no documented occurrences of any priority species on or within the vicinity. No impacts to the species are anticipated.

The property is also located within the Pacific Flyway, a bird migration route. Perimeter landscaping will be provided, and vegetation retained where possible. The proposal is not anticipated to have any significant impacts on wildlife habitat, and therefore no mitigation measures are required.

8. Environmental Health – The site is the former location of the DuPont Powder Works Company and is located within the Asarco plume boundary and contains soils contaminated with arsenic and lead that are above the MTCA cleanup levels for unrestricted land use. The site has a Restrictive Covenant that was put into place pursuant to Pierce County Superior Court Consent Decree No. 03-2-10484-7 between Weyerhaeuser Company and El DuPont De Nemours and company, which is binding on all successors and limits the use of the property to industrial use. The landowner submitted a letter from the Attorney General of Washington dated Oct. 17, 2018, describing the restrictive covenants recorded on the property. It confirms the property may be developed and used only for industrial use as allowed under the City of DuPont zoning regulations and Comprehensive Land Use Plan and under MTCA; provided that the property shall not be developed and used for any of the following: residential uses, schools, daycares, parks, recreational uses, or any other use in which the likelihood of children having sustained access to soils can be reasonably anticipated. It is not clear if the required public access along the trail and to the historical marker complies with the Open Space Restrictive Covenant. The applicant shall provide the city with assurances that the trail use and public access to the historical monument can be accommodated in accordance the Consent Decree and Restrictive Covenant.

Previous site soils investigations identified buried containers and anthropogenic material at the site. An Environmental Media Management Plan will be in place for the planned construction excavation work. Hazardous Waste Operations and Emergency Response (HAZWOPER)-trained personnel will be utilized when working around contaminated soil. Workers will follow a HAZWOPER-compliant health and safety plan (HASP) and wear the HASP-specified personal protective equipment for tasks performed in the vicinity of contaminated soil. Engineering controls will be implemented when practical to mitigate exposure risks to workers. Contaminated soil left onsite will be permanently capped beneath the buildings and parking areas and subject to an institutional control. The City will require approval of the construction activities from Dept. of Ecology prior to issuance of permits associated with ground disturbing activity.

9. Noise – A Noise Study was prepared by JGL Acoustics dated January 27, July 21, October 2023, and May 20, 2024. Each Noise Study and update were Peer Reviewed by Landau Associates. The applicant submitted a letter in response to Peer Review of the Noise Study on March 1, 2024, and a fourth/final revised Noise Study (Study) was provided dated May 20, 2024. In Landau's final peer review letter dated June 14, 2024, the conclusions of the Study were deemed adequate information to deem the Study as valid and acceptable.

On a long-term basis, noise will be generated by the project from vehicular and truck circulation onsite and to and from the site. The Study has shown that the noise will be negligible on all surrounding properties when evaluated against FTA criteria. The study has also shown that the operational noise of the proposal will meet the requirements of the DuPont Noise Ordinance during all hours of the day on all adjacent properties. The Study proposes additional noise mitigation measures to further reduce project noise levels offsite, which include the use of truck air brake release silencers and broadband backup alarms, which the city acknowledges will be difficult to enforce. Therefore, the city will require an Agreement that is recorded against the property requiring all future tenants to require all trucks entering and leaving the site to be equipped with air brake release silencers and broadband backup alarms. The retention of existing mature vegetation along the south perimeter, berthing and additional plantings will also buffer noise impacts to some extent. In addition, the city will restrict late night truck movements.

On a short-term basis, noise from construction equipment would be audible from approximately 7 am to 6 pm, Monday through Friday as regulated by DuPont Municipal Code (DMC) Chapter 9.09. During the construction hours noise from construction work is exempt from the noise ordinance limitations.

10. Land Use – The site is currently vacant land. To the east is vacant land, further east is a multifamily use, the Creekside Apartments. To the north is undeveloped property that is part of an application for a gravel mine expansion, which is also zoned Manufacturing Research Park. To the south is Sequalitchew Creek trail and Sequalitchew Creek. South of Sequalitchew Creek is City Hall. The property is zoned Manufacturing Research Park. The property contains critical areas including geologic hazard areas which require a 50-foot steep slope buffer. A portion of the Sequalitchew Creek 100-foot buffer falls on the subject property, however no work is proposed within the buffer. According to the SEPA Checklist, 90 to 120 persons are anticipated to work at the completed development. The proposal is being evaluated for compliance with applicable city codes and regulations, therefore no mitigations are required.
11. Aesthetics – The building will be 45 feet in height and of concrete tilt-up construction. The applicant submitted a View Analysis that demonstrates that that views of the building will not be visible from the trail lower trail locations because the existing vegetation, new landscaping, and site topography all serve to mitigate views of the project from the trail. The proposal provides berthing together with enhanced plantings to screen parking areas from the public right of way and the relocated Sequalitchew Creek Trail. Extension of the berm and landscaping an additional 55 feet to the west would further screen the view of the building and drive aisles from the trail.
12. Light and Glare – Building and site/parking lot lighting will be provided. Light and glare could be present in early morning and evening hours but is not anticipated to be a safety hazard or interfere with views. The photometric analysis prepared by Range Electric Company dated November 2023 indicates that light spill will be minimal to none at the property line and there will be no light spill to Sequalitchew Creek Trail. Updated photometric analysis and light fixture specifications shall be provided at the time of construction permit that demonstrate no light spill beyond the property boundaries, fixtures are full cut-off types with shields and lights are directed downward.
13. Recreation – The Sequalitchew Creek Trail currently extends through the site (on private property) and outside of the existing trail easement. The trail will be relocated with the project and the easement

modified to correspond to the new location. The city will require temporary safety measures and restrictions on the use of the trail during relocation as needed for public safety purposes. The city will require the trail be relocated prior to the start of building construction so that the temporary construction-related limitations on the use of the trail will be minimized to the greatest extent possible. Where feasible, the trail reconstruction shall match the existing trail in regards to signage, width, and surfacing, except where the trail initially extends off Sequalitchew Drive in which it shall be widened to converge with the existing trail from City Hall. Directional signage will be required on Sequalitchew Drive at the intersection of Sequalitchew Drive and Center Drive.

14. Historic and Cultural Preservation – The property has historical significance and has been the subject of numerous archaeological and cultural resources studies due to the documented history of events and activities that occurred either on the site or nearby. A previous cultural resources investigation was conducted by Parus Consulting Inc. (PCI) in 2011. The current application submitted a Cultural Resources Addendum Memo prepared by Natural Investigations Company dated July 2023 and Addendum dated October 2023. Historical events that are known to have occurred either onsite or within the immediate vicinity that are listed in the 2011 PCI report include, among others:

- Historic 1843 Fort Nisqually
- Historic DuPont munitions plant, ca.1906
- Historic Hudson's Bay house, ca. 1845-1869
- Pre-Contact Nisqually Indian Burial Site
- Historic 1840-1842 Methodist Episcopal Mission
- Historic 9th U.S. Cavalry Bivouac, Camp Nisqually, 1904

The subject property is the former location of a Methodist Episcopal Mission and the 9th U.S. Cavalry Bivouac. These sites were previously determined eligible for the National Register of Historic Places under Criterion A because of their association with significant events in history, but there are no extant remnants of the sites on the property. PCI determined that no historic properties would be affected by development of the property and recommended the implementation of an Unanticipated Cultural Resources Discovery Plan. PCI's report was filed with Washington Dept. of Historic and Archaeologic Preservation (DAHP) and sent to the appropriate Tribes. Natural Investigations Company confirmed PCI's findings, and does not recommend any additional investigations, and determined that construction of the proposal would not affect any historic properties or properties that could be eligible for the Washington Heritage Register.

A historic marker is located on the subject property marking the location of the Methodist Episcopal Mission. Under a previous development proposal, the applicant convened a stakeholder group of interested parties to discuss interest in permanent commemoration of the history onsite. That application was ultimately denied by Washington Superior Court which opined that City code did not allow for the historical marker to be moved.

With the subject proposal, the marker is proposed to remain in place together with a 50-foot protective radius where, per DMC 25.80.030, no structures, roads or utilities are permitted. Access for the public to view the marker is provided via a pedestrian connection from Sequalitchew Drive and the project's parking lot via a concrete path. For ongoing preservation, the marker and its buffer will be dedicated to the City. The public parking space must be denoted on the plans.

The City will require the addition of interpretive signage along the relocated Sequalitchew Creek Trail that describes and commemorates the site's unique history.

The proposal entails new excavation of soil; therefore it is required to adhere to the requirements of the 1989 Memorandum of Agreement for the discovery of cultural and historic resources, which requires

monitoring during construction and procedural requirements should artifacts be found. The Agreement also requires notification of the construction activities in advance to the Nisqually Tribe so that they may be present to observe. With the implementation of these measures and the protection of the Methodist Episcopal Mission marker, development of the property would not affect any historic properties.

15. Transportation – A Traffic Impact Analysis was prepared by Heath & Associates dated October 9, 2023, which was reviewed by the City's traffic consultant. The proposal will dedicate right of way and construct partial street improvements (two travel lanes plus the eastern bike lane, curb, gutter and sidewalk) for Sequalitchew Drive, which will be located on the existing Lot 2 of the Short Plat. The remaining portion of the roadway will be completed upon development of the adjacent lot to the east (Lot 3 of Short Plat).

The proposal will be accessed via the construction of a driveway off Sequalitchew Drive that will extend through Lot 2 via a private access easement. The proposal will generate approximately 444 daily trips, with 54 during the AM peak hour (7:00 to 9:00 AM) and 57 during the PM peak hour (4:00 to 6:00 PM). It is estimated that at 5 AM (3 in/2 out) and 8 PM (4 in/4 out) peak hour trips will be truck trips. The trip generation estimates were derived from the 11th Edition of the ITE *Trip Generation* Manual using the assumed Warehousing land use type (LUC 150). The results of the analyses indicate that all affected intersections should operate at an acceptable level of service upon completion of the project. A user has not been identified at this time, therefore if any user should propose a use type that is different from a Warehouse land use type, as defined by the ITE manual, additional transportation study and if needed potential mitigations will be required.

The City will require an autoturn analysis of the intersection of Center Drive and Sequalitchew Drive and improvements to accommodate truck turning movements as needed. (Mitigation Measure #33)

The City will require signage at the exit of Sequalitchew Drive to Center Drive indicating left turn only for exiting truck traffic.

Sequalitchew Drive will eventually carry a significant amount of traffic when the remainder of Sequalitchew Village to the north is developed. An exclusive left-turn lane on Sequalitchew Drive at the site access shall be constructed to serve entering vehicles as part of the street construction for this project.

A pedestrian crossing at Sequalitchew Drive is needed to get to the Sequalitchew Creek Trail and historical marker from the east side of Sequalitchew Drive to the west side. The location shall be proposed by the applicant at the time of site development permit and shall demonstrate adequate sight distance. A rapid flashing beacon shall be provided at both sides of the crossing.

A haul route plan for clearing and grading and a Construction Transportation Management Plan shall be approved by the City. The Construction Transportation Management Plan shall demonstrate that construction activities will not impact Sequalitchew Drive, Center Drive, or access to Creekside Apartments

16. Public Services – The proposed development will need public services and all utilities are available to serve the proposal. The development will be required to pay fire impact fees, sewer, stormwater and water system development charges, and install new fire hydrants. These are code requirements; therefore mitigation measures are not needed.

B. MITIGATION MEASURES

The following mitigation measures are required:

Earth Mitigation

1. No disturbance or grading activity shall occur in the stream buffer, with the exception of the installation of required trail signage.
2. Any fill that is imported to the site shall be from an approved source and shall be clean structural fill.
3. The project design and construction shall comply with the recommendations of the Geotechnical Engineer as described in the October 2011 Geotechnical Report and Addendums and as subsequently updated. The final report shall comply with the City's current stormwater manual and update any stormwater-related compliance measures.

Air Mitigation

4. Construction equipment shall be maintained to meet emission standards and turned off when not in use to limit emissions caused by idling and unnecessary noise.
5. Best Management Practices to minimize dust during construction shall be used, including temporary paving of certain roads, street sweeping, and watering the site as needed.
6. Obtain permit approval from the Puget Sound Clean Air Agency (if required).

Surface and Groundwater Mitigation

7. If during earthwork or excavation groundwater is discovered, the contractor shall be responsible for controlling and collecting groundwater encountered. Typical BMPs for handling groundwater during construction include the use of sumps, pumps and/or diversion ditches.
8. A temporary erosion and sedimentation control plan (TESC) and Stormwater Pollution Control Plan (SWPPP) shall be prepared in accordance with the City's current stormwater manual to reduce and control construction-related stormwater impacts.
9. The project will be required to obtain a Construction General Permit (CSWGP) from the Washington State Department of Ecology. When applying for coverage under the CSWGP, check the appropriate boxes for known contamination of soil on the Notice of Intent (CSWGP application) and provide Ecology with any additional required information. The contractor shall provide a Certified Erosion and Sediment Control Lead (CESCL) for the duration of the CSWGP and submit monthly construction reports to the City.
10. The following best management practices are required to minimize development impacts to Sequalitchew Creek and shall be provided (but not limited to) in the TESC and final design:
 - a. All new, untreated runoff shall be routed away from the stream and slopes.
 - b. Channelized flow from landscaping shall be prevented from entering the stream buffer.
 - c. New runoff from impervious surfaces and new landscaping shall be infiltrated, treated, detained and/or dispersed. No runoff from the trail may cause erosion.
 - d. Dust control measures shall be in place prior to construction.

Plants/Tree Protection Mitigation

11. Retained trees are to be protected following the measures outlined in the WFC Tree Protection Plan dated March 2024. The measures shall be included in the construction documents and implemented with the proposal. They include:
 - a. Trees to be saved must be protected during construction by a six-foot-high temporary chain link fence (Attachment #4 of the WFC Plan), located around the edge of the CRZ. Placards shall be placed on the fencing every 50 feet indicating the words, "NO TRESPASSING – Protected Trees". The individual critical root zone (CRZ) is a radius of one foot for each one inch of DBH (6 feet minimum), unless otherwise delineated by WFCI. The fences should be placed around the edge of the CRZ. The fence should be erected after logging but prior to the start of clearing. The fences should be maintained until the start of the landscape installation.
 - b. There should be no equipment activity, including rototilling within the CRZ of trees to be saved. No irrigation lines, trenches, or other utilities should be installed within the CRZ. Cuts or fills should impact no more than 25% of a tree's root system. If topsoil is added to the root zone of a protected tree, the depth should not exceed 2 inches of sandy loam or loamy fine sand topsoil and should not cover more than 25% of the root system.
 - c. If roots are encountered outside the CRZ during construction, they should be cut cleanly with a saw and covered immediately with moist soil. Noxious vegetation within the CRZ should be removed by hand. If a proposed save tree must be impacted by grading or fills, then the tree should be re-evaluated by WFCI to determine if the tree can be saved with mitigating measures, or if the tree should be removed.
 - d. No significant Oregon white oak trees shall be impacted during construction with the exception of oak tree #9 located within the Sequalitchee Drive right of way. This includes no clearing, grading, trenching or other work inside the CRZ.
 - e. Stumps located within 10 feet of trees to be saved should not be excavated where possible. If removal is necessary for the project, these stumps shall be individually evaluated by WFCI to determine the method of removal.
 - f. A Certified Arborist shall be onsite during site work in the area of trees to be retained. The project arborist shall provide a closing report describing the construction observation, impacts to the critical root zone of any trees intended to be retained, and procedural steps for ongoing monitoring and management of the impacted trees for overall health and retention.
 - g. The health of the trees to be saved shall be monitored for three years after the path has been constructed. The city will require a monitoring and maintenance bond be in place for the three-year period.

Environmental Health Mitigation

12. The Owner must maintain and develop the Property consistent with the Restrictive Covenant(s). It is not clear if the required public access along the trail and to the historical marker complies with the Open Space Restrictive Covenant. The applicant shall provide the city with assurances that the trail use and public access to the historical monument can be accommodated in accordance the Consent Decree and Restrictive Covenant.
13. An Environmental Media Management Plan is required to be in place for the planned construction excavation work. Hazardous Waste Operations and Emergency Response (HAZWOPER)-trained personnel shall be utilized when working around contaminated soil. Workers will follow a HAZWOPER-compliant health and safety plan (HASP) and wear the HASP-specified personal protective equipment for tasks performed in the vicinity of contaminated soil.
14. Extra precaution shall be taken to avoid escaping dust, soil erosion, and runoff during grading and site construction. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulations

(Chapter 173-350) and with the terms of the Restrictive Covenant dated July 24, 2006 and recorded on July 25, 2006.

Noise Mitigation

15. An Agreement shall be drafted by the applicant for city review and approval that stipulates that all trucks entering and leaving the site be equipped with air brake release silencers and broadband backup alarms. The Agreement shall be recorded with Pierce County and enforceable by the city.
16. Operational mitigation requirements include keeping bay doors closed and requiring all industrial activities that generate noise to occur inside the building.
17. Noise at the property line shall not exceed the existing ambient noise levels post development. Within six months of occupancy, the noise levels shall be retested from the three points that were tested for existing ambient noise levels shown in Figure 2 of the Noise Study. If needed, additional sound mitigation measures may be required as recommended and approved by the city.

Aesthetics Mitigation

18. To further screen the view of the building and drive aisles from the proposed trail relocation, the proposed landscaped berm located north of the stormwater pond shall be extended an additional 55 feet to the west to the property line (where the proposed trail relocation begins on the property).

Light Mitigation

19. No light spill shall be allowed to the trail or outside of the development footprint, other than spill caused by street lighting on Sequalitchew Drive. Lights shall be LED and fixtures shall have full cut-offs and shields and be directed downward and inward to the site development. An updated photometric analysis shall be provided with the site development permit application demonstrating that no light spill occurs outside of the property.
20. Additional infill plantings or other treatments are required along the planter strip on Sequalitchew Drive adjacent to the Creekside Apartments to mitigate light impacts from trucks and vehicles to the apartments. At the time of site development permit, the applicant shall provide a plan for this area for review and approval by the City.

Recreation Mitigation

21. During construction of the re-aligned trail, the existing trail will be open to public use. The portions under construction will be fenced off for safety purposes prior to opening. It is anticipated that final connection of the trail may require closure for a small period of time. The City shall be notified and approve of any trail closure with at least 24 hours of notice.
22. The relocated Sequalitchew Creek Trail shall match, where feasible, the width and surfacing of the existing paved section of the trail. The trail details shall be provided for City approval at the time of submittal of site development permit.
23. Where the relocated trail initially extends off Sequalitchew Drive, the trail shall be widened at its connection point with the sidewalk in Sequalitchew Drive to incorporate the remnant area to the south so that the existing trail from City Hall will converge and match the alignment.
24. Signage shall be placed on either side of the relocated trail denoting users to stay on the trail similar to the existing signs located along the trail. They shall be provided at intervals to be approved by the City.

The signage details shall be submitted to the City for review and approval prior to issuance of the site development permit.

25. Directional signage for the trail shall be provided on Sequalitchew Drive at Center Drive intersection and at the point where the trail extends from the public road. The signs and their locations shall be reviewed and approved by the Public Works Director prior to issuance of site development permit.

Historic and Cultural Resources Mitigation

26. The area comprising the historical monument and its 50-foot buffer shall be dedicated to the City for ongoing preservation prior to certificate of occupancy.
27. The trail provided around the marker shall be revised to connect to the vehicle parking area rather than the truck drive aisle.
28. At least two of the onsite parking spaces located east of the historical marker shall be allowed for public use for access to the marker, with one of the spaces meeting ADA requirements. These parking spaces shall be denoted on the plans.
29. A permanent interpretive sign shall be installed along the relocated Sequalitchew Creek trail describing the unique history of the area. The sign details shall be approved by the city and the DuPont Historical Society. A sign permit will be required.
30. The Applicant shall fully implement the Memorandum of Agreement dated August 7, 1989, between Weyerhaeuser Real Estate Company (WRECO), the City of DuPont and the Washington State Historic Preservation Officer regarding the discovery of cultural resources within the City of DuPont, customary professional standards for archaeology, and applicable state and federal laws.
 - a. The Applicant shall provide a professional archaeologist to monitor onsite soil disturbance activities.
 - b. The project Archaeologist shall notify and allow a Nisqually Indian Tribe representative to be present during soil disturbance activities.
 - c. The Project Archaeologist shall notify the Nisqually Indian Tribe representative if Native American cultural resources are discovered during any soil disturbance activities. Construction activities that might disturb or affect such resources are to stop until the Tribal representative has had the opportunity to examine the find.
 - d. Native American artifacts recovered during construction activities shall be donated to the Nisqually Indian Tribe. Hudson's Bay Company-era artifacts should be donated to the Fort Nisqually Living History Museum, located in the City of Tacoma's Point Defiance Park. DuPont-era artifacts should be donated to the DuPont Historical Museum.
 - e. The archaeologist shall forward a closing report to the City of DuPont and the Nisqually Indian Tribe. The report shall discuss contact with the Nisqually Indian Tribe, implemented procedures and observed conditions and be submitted prior to issuance of any permanent Certificate of Occupancy for the project.
31. A note shall be placed on the civil plans informing the contractor that construction activities are subject to the Unanticipated Cultural Resources Discovery Plan, Appendix E, of the Cultural Resources Report prepared by Parus Consulting dated April 14, 2011.

Transportation Mitigation

32. The submitted traffic study was prepared using an assumption of Warehousing LUC 150 from the 11th Edition of the ITE Manual. A user has not been identified at this time, however, therefore if any user should propose a use type that is different from a Warehouse land use type, as defined by the ITE manual, additional transportation study and if needed, potential mitigations may be required.
33. An Autoturn Analysis shall be provided demonstrating that truck turning movements entering and exiting Sequalitchew Drive can be accommodated without impacting the Center Drive or Sequalitchew Drive center medians. If impacts are unavoidable, revisions to the median(s) are required to accommodate truck turning radius.
34. Signage shall be provided at the intersection of Sequalitchew Drive and Center Drive restricting truck traffic exiting Sequalitchew Drive from turning right onto Center Drive (left turn only). The signage and locations shall be reviewed and approved by the Director prior to issuance of site development permit.
35. An exclusive left-turn lane shall be provided on Sequalitchew Drive at the site driveway to serve entering vehicles. The location and design shall be reviewed and approved by the Director.
36. A pedestrian crossing of Sequalitchew Drive shall be provided to include trail signs and markings. The location and design shall be reviewed and approved by the Director prior to issuance of site development permit and shall demonstrate adequate sight distance. A rapid flashing beacon shall be provided at both sides of the crossing.
37. A haul route plan for the clearing and grading shall be approved by the City prior to issuance of construction permits.
38. Construction may not impact access to the Creekside Apartments. A Construction Transportation Management Plan shall be prepared for city review that demonstrates that construction activities will not impact Sequalitchew Drive or Center Drive.

CONCLUSIONS OF THE RESPONSIBLE OFFICIAL: The Responsible Official has determined, with the mitigation measures listed above, that the proposal will not have a probable significant adverse impact on the environment, and an Environmental Impact Statement is not required under RCW 43.21c.030(2)(c). The mitigation measures described are recommended as conditions of project approval.

PUBLIC COMMENT: Copies of all application plans and documents may be viewed at City Hall at the location listed below or at the following website location: <https://www.dupontwa.gov/697/DuPont-243>. The public may comment on the proposal by submitting written comments to the City of DuPont by 5 p.m. September 12, 2024. They may be submitted via email to bkincaid@dupontwa.gov or mailed or dropped off to City Hall at the above address.

APPEAL PERIOD: Consistent with DMC 25.175.060(4) and WAC 197-11-680, this Determination may be appealed to the City hearing examiner. Pursuant to DMC 25.175.060(3), only parties of record may file an administrative appeal. **Per DMC 23.01.210(b)(1)(C), appeals must be filed within 14 days after the conclusion of the comment period (no later than 5:00 pm on September 26, 2024).** Instructions for filing an appeal are found in DMC 25.175.060(4). Appeals shall be in writing, be accompanied by the required appeal fee, and contain the information detailed in DMC 25.175.060(4) (d). You should be prepared to make specific factual objections. Contact Barb Kincaid at the City to read or ask about the procedures for SEPA appeals.

Signature: Barb Kincaid
SEPA Responsible Official
Barb Kincaid, AICP
Director of Public Services
City of DuPont

Date

8/29/2024

Issue Date: August 29, 2024

End of Public Comment Period: September 12, 2024

