



## CITY OF DUPONT

DEPARTMENT of Community Development

1700 Civic Drive, DuPont, WA 98327

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### PLANNING DIVISION

#### STAFF REPORT & RECOMMENDATION TO THE HEARING EXAMINER

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**Project:** Type III Site Plan Review - DuPont West (formerly DuPont 243)  
**File Numbers:** PLNG2022-031 (Type III Site Plan Review)  
PLNG2022-032 (SEPA)  
**Date of Report:** October 7, 2024  
**From:** Lisa Klein, AICP  
AHBL, Inc., Planning Consultant to the City  
**Via:** Barb Kincaid, AICP  
City of DuPont, Public Services Director  
**Public Hearing:** October 15, 2024, at 3:00 pm  
1700 Civic Drive  
Dupont, WA 98327

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**SUMMARY OF REQUEST:** The applicant is seeking Type III Site Plan Review (PLNG2022-031) for Dupont West (formerly DuPont 243).

**PROJECT DESCRIPTION:** 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.

**LOCATION:** 1700 Center Drive, NW ¼ of Section 26, Township 19, Range 1, East, W.M., in the City of DuPont, in Sequalitchew Village, west of Sequalitchew Drive, on Pierce County Tax Parcel Nos. 011926-6005 and 011926-6006.

**APPLICANT:** Ben Varin  
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Seattle, WA 98101  
Phone: (206) 707-9696

**PROJECT REPRESENTATIVE:**  
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Phone: (253) 838-6113

**CITY CONTACT:**  
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## **SUMMARY OF RECOMMENDATION:**

Staff recommends Site Plan approval with conditions listed in Section I.

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## **SUMMARY OF RECORD:**

Refer to the list of attachments provided in Section J, which includes the submittal plans and documents received for processing the application, comments received on the application during the City review process, and City process documents.

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## **A. FINDINGS OF FACT:**

### **1. History/Background**

- a. The property has been documented to be the location of cultural and historic events which occurred on or near the property. As such there are numerous agreements, covenants and studies completed to date for the documentation and protection of the cultural resources. The SEPA Determination includes mitigation measures for monitoring the site during construction by a professional archaeologist and the Nisqually Tribe, implementation of an Inadvertent Discovery Plan and installation of interpretive signage. More detailed discussion of the history is provided below in Sections B(5) (Comprehensive Plan, Cultural Resources Chapter) and C(3) (Chapter 25.80 Cultural, Historic and Archaeologic Resources).
- b. The site is the former location of the DuPont Powder Works Company and is located within the Tacoma Asarco smelter plume boundary. Excavation and remediation of contaminated soils has been completed at the project site in accordance with the terms outlined in the 1991

Department of Ecology Consent Decree No. 91-2-01703-1. The cleanup of the soils has resulted in residual concentrations in portions of the property of hazardous substances which exceed the soil and groundwater cleanup levels specified in the Washington Model Toxics Control Act ("MTCA"). Land use of the property is therefore limited to industrial purposes per the 1999 Department of Ecology Restrictive Covenant (recording no. 9910290750) (Attachment J.5(a)) and the 2006 Restrictive Covenant (recording no. 200607251020) (Attachment J.5.(b)).

A 2006 Restrictive Covenant - Open Spaces (recording no. 200607251019) (Attachment J.5.(c)) describes specific areas in the vicinity that can be used for Open Space uses such as pave and unpaved trails, and tables, benches, signs and waste receptacles incidental to such uses but not including parks, or recreational uses other than Open Space in which the likelihood of children having sustained access to soils can be reasonably anticipated. Recreation. The Open Space area near the DuPont 243 property appears to be associated with the Sequatchew Creek Trail.

The landowner submitted a letter from the Attorney General of Washington dated Oct. 17, 2018 (Attachment J.1(d)), 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 uses: 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.

The SEPA Determination (Attachment J.2(d)) includes mitigation measures that require the owner to maintain and develop the property consistent with the Restrictive Covenant(s), provide for the safe handling of contaminated soils during construction and the import of only clean soils for use as structural fill. Compliance with the SEPA Determination and Mitigation Measures are included as a condition of approval (Condition No. 1).

- c. The site is the subject of a former development application that was very similar to the proposed application (PLNG2018-008, -009, -047). A copy of the previous SEPA Determination and Decision is provided as Attachment J.5(d) and J.5.(e). The decision was appealed to Superior Court, a copy of that Opinion is also attached (Attachment J.5.(f)).
- d. In 2020 the subject property was part of a short plat application (PLNG2020-017) that segregated one lot into three lots (recording no. 202203015001). Lot 1 is the westernmost parcel. It is 17.72 acres and the location of the proposal. Lot 2 abuts Lot 1, is a width of 135 feet and an area of 1.93 acres. Upon dedication of the Sequatchew Drive right of way, which is a condition of approval of this proposal, there will be a 50-foot-wide intervening parcel between Sequatchew Drive (a main street) and the warehouse use, as required per 25.45.030(17). The easternmost 42.5 feet of Lot 2 is not a part of the proposal. Lot 3 is the easternmost 5.64 acres of vacant land, which is also not a part of the proposal.

## **2. Procedural Requirements**

- a. A pre-application meeting was held on the proposal as required per DMC 25.175.020(1) on January 17, 2023.
- b. A Notice of Complete Application, First Comment Letter, and Request for Additional Information was issued to the applicant on February 17, 2023 (Attachment J.2(a)).

- c. A Notice of Application was issued on February 23, 2023. The site was posted, the Notice was placed at City Hall, and the Notice was published in the News Tribune (Attachment J.2(b)).
- d. Several comments were received during the comment period (see Attachment J.3(a)-(m)). The comments were reviewed and considered in the preparation of the SEPA Determination (because they were largely related to elements of the environment) as well as this Staff Report and Recommendation. The comments covered topics such as the protection of Sequelitchew Creek, safety, traffic, noise, aesthetic impacts, and more. The majority of the comments were related to the intensity of the proposed use and concern for misalignment with the code and comprehensive plan.
- e. The City issued a SEPA Mitigated Determination of Nonsignificance (MDNS) on August 29, 2024 (Attachment J.2.d). The comment period ended on September 12, 2024 and the appeal period ended on September 26, 2024. Several comments were received largely relating to general opposition of the use, misalignment with code and the Comprehensive Plan and potential habitat for the endangered Western Gray Squirrel (Attachments J.4.(a) – (i)). As of the date of this staff report no appeals have been received. Compliance with the mitigating measures in the SEPA Determination is a Condition of Approval (Condition No. 1).
- f. A Notice of Public Hearing was published in the News Tribune on September 27, 2024 and posted onsite on October 1, 2024. The notice was also mailed to property owners located within 300 feet of the subject property per DMC 25.175.030(2)(b) and all persons who commented on the proposal. (Attachment J.2(e))
- g. The site is located within the Manufacturing Research Park (MRP) zoning district. The property is designated Manufacturing Research Park in the City’s Comprehensive Plan Land Use Map and is also located in the Sequelitchew Village Planning Area.
- h. Per DMC 25.152.050, the Site Plan Review process for development projects greater than 15 acres in the manufacturing and research park district are to be reviewed and processed as a Type III procedure, as set forth in DMC 25.175.010. The proposal is located on approximately 19 acres. Type III procedures require a public hearing and final decision by the City’s hearing examiner. The hearing examiner will make Written Findings and issue a Decision following the public hearing.
- i. Per DMC 25.152.020(2), the hearing examiner may impose conditions to ensure neighborhood compatibility to mitigate impacts relating to traffic and the environment and to ensure sound urban design practices based on the City of DuPont Comprehensive Plan.

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## **B. CONSISTENCY WITH CITY OF DUPONT COMPREHENSIVE PLAN**

The City’s Comprehensive Plan provides a vision for the community with guiding concepts, goals, policies and implementation actions. Below is an analysis of the consistency of the DuPont West development proposal with the Comprehensive Plan. The analysis provides the relevant goals and policies for the vision and guiding concepts found in the Introduction Chapter as well as the Land Use, Economic Growth and Development, Natural Environment, and Cultural Resources and Historic Preservation Chapters.

## 1. Chapter 1 – Introduction

The Comprehensive Plans stated vision for the City is:

*“The City of Dupont is a model small city known for its planned setting and hometown sense of community; a place that blends its natural beauty, rich Northwest history, and vibrant economy with a proactive approach to its future.”*

The Plan lists 14 guiding concepts, including:

- *There is a balance of housing, jobs and services.*
- *Various uses are planned to fit and reinforce the basic community pattern and architectural style.*
- *You feel oriented, can find and enjoy the commercial area, and the community's various parts including natural areas.*
- *Environmentally sensitive areas are preserved.*
- *Heritage of the early settlements (American Indian, Hudson Bay, and DuPont Company) is featured with development, not obscured.*

*Staff Analysis and Conclusion:* *The proposal is consistent with the City’s vision and guiding concepts. It provides a balance of jobs and economic development while protecting the City’s natural and cultural resources. The development is located outside of Sequelitchew Creek’s 100-foot buffer, preserving environmentally sensitive areas. It includes retention of the existing historical marker with a 50-foot protection buffer. In addition, the City is requiring the preparation and installation of an interpretive sign to be located along the Sequelitchew Creek Trail commemorative the unique cultural and historic resources within the area. The proposed warehouse/office use is one of the various uses anticipated for the City.*

## 2. Chapter 3 - Land Use Chapter

The Land Use Chapter provides policy guidance on preserving the small-town postcard character, while suggesting individual actions the City and community can take to accommodate growth and development. The land use chapter breaks down the City into various planning districts and land use designations. The subject site/property is located within an area designated as Sequelitchew Village with a land use designation of Manufacturing and Research. The Manufacturing and Research area is described as follows:

*“The 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.”*

A summary of the description of the Sequelitchew Village planning area is described as follows (emphasis added):

*“This village is planned as a mixture of residential types and densities in the northern two-thirds of the area, and manufacturing and research park uses in the southern one-third. It is named for the creek and canyon which form its southern border.”*

*“One of the features of this village is the north side of the Sequelitchew Creek Canyon. This is a natural area that can be traversed on an old narrow gauge railway roadbed that ran from the DuPont Company area to Puget Sound. Public access along the canyon and the Puget Sound beach will be developed in the future as designated in the Parks Master Plan. Significant efforts to preserve the trail corridor and surrounding area are anticipated and expected in the future. Any future development located adjacent to Sequelitchew Creek, or its associated nature trail must be done with significant care to protect and preserve the full length of the Sequelitchew Creek Trail in a natural and uninterrupted state. It is anticipated that future modifications to Pedestrian trail connections near Sequelitchew Creek and Center Drive are likely, these connections should enhance the natural elements of the existing trail and improve pedestrian access from Center Drive to the mouth of Sequelitchew Creek.”*

*In addition to trails that will connect this village with other neighborhoods, a seven to ten-acre community urban design feature is located within this area, just north of Sequelitchew Creek and west of Center Drive in the vicinity of the historic 1838 Methodist/Episcopal Mission site. The intent of this feature is to emphasize and preserve historic elements through the development of a community focal point involving water, nature, and linkage between Sequelitchew Village and the villages south of the creek.”*

The Land Use Chapter includes the following goals and policies relevant to the proposal:

*Goal LU-2: Encourage economic development that is balanced with maintaining the small-town character of the city.*

*Goal LU-3: Promote a sense of community health by protecting natural features, preserving historical sites, reducing the necessity for driving, making walking an enjoyable alternative and making transit use practical.*

*LU-3.1: Maintain the visual quality of the City as seen from Puget Sound, the Nisqually National Wildlife Refuge and public roads. Provide scenic viewpoints to reinforce attractive community features and highlight natural and cultural amenities such as Puget Sound and the Nisqually Delta.*

*LU-3.2: Establish and prioritize multi-modal linkages, provide recreational spaces, and trails for pedestrians and bicycles between villages.*

*LU-3.3: Provide paved and lighted, pedestrian accessible corridors to link adjacent villages that enhance pedestrian safety and promote connectivity from one village to another. Lighting should be minimized when adjacent to the wetlands in order to preserve the natural character and to protect habitat function.*

*LU-3.4: Provide land use regulations that give opportunities for the community to have fair access to livelihood, education, and resources.*

*LU 3.6: Employ practices that protect the long-term integrity of the natural environment, adjacent land uses, and the long-term productivity of resource lands.*

*Staff Analysis and Conclusion: The proposal is consistent with the type of development and use*

*envisioned for the Manufacturing and Research Park District located within the southern third of the Sequelitchew Village Planning area. As conditioned, the proposal protects and preserves the full length of the Sequelitchew Creek Trail. The developer will relocate a segment of the trail within an updated trail easement on their property. This is consistent with Goal LU-3 in that it promotes a sense of community health by protecting natural features. It is consistent with policies LU 3.2 and LU 3.3 in that it establishes a paved trail for pedestrians that links the Civic Center and Sequelitchew Village planning areas. Lighting of the trail is not provided and lighting of the project improvements will not spill to the trail to protect habitat in the adjacent Sequelitchew Creek riparian corridor.*

*The Land Use Element describes a new community urban design feature in the vicinity of the historic 1838 Methodist/Episcopal Mission site with the intent to emphasize and preserve historic elements through the development of a community focal point. In the previous development proposal, it was determined that relocation of the marker was not allowed by city code. Therefore, the applicant has redesigned the proposal to retain the marker in its present location. The City is requiring that the marker and buffer be dedicated to the City for ongoing preservation. In addition, the City is requiring that a historical interpretive sign be installed along the trail. These measures meet the intent to emphasize and preserve historic elements through the development of a community focal point.*

### **3. Chapter 4 - Economic Growth and Development Chapter**

This chapter acknowledges that the City must leverage its historical, natural, and commercial assets to attract future economic development and maintain high quality services for a growing population. To meet the Puget Sound Regional Council's employment targets, the Plan states that:

*"DuPont will need to add 6,584 jobs by the year 2035. DuPont aspires to those jobs filling professional office, high-tech, military-defense, medical, light manufacturing, warehousing, and retail sectors, providing employment that will fit within the regional context and also be suitable for employing DuPont residents."*

The Economic Growth and Development Chapter includes the following goals and policies relevant to the proposal:

*Goal ED-1: Recruit, grow and retain a diverse spectrum of commercial and industrial development projects to increase employment opportunities and provide a stable, sustainable tax base for municipal services.*

*ED 1: Ensure land use designations provide for an appropriate mix of allowed uses including office, industrial, and retail which are necessary for the long-term economic health and sustainability of the city.*

*Goal ED-2: Ensure the public interest is being served by balancing financial growth with less tangible quality of life elements such as public security and environmental health.*

*ED 2.1: Identify and consider public-private partnership investments that enhance the overall wellbeing of the citizens.*

*ED 2.2: Recognize and balance the long-term interests of the citizens with the fiscal benefits of business growth.*

*ED 2.4: Encourage a variety of marketing and tourism efforts.*

*Goal ED.3: Continue strengthening DuPont’s regional reputation as a welcoming, attractive and business-friendly City.*

*ED 3.1: Support local business development efforts, programs, and property investment projects.*

*Goal ED-5: Encourage a variety of marketing and tourism efforts that build on the City’s assets.*

*ED 5.1: Recognize, support, and enhance DuPont’s unique historic landmarks by encouraging historic preservation planning.*

*ED 5.4: Recognize, support and enhance DuPont’s unique and precious natural features by encouraging restoration, protection, and preservation.*

The Economic Growth and Development Chapter includes the following implementation actions relevant to the proposal:

*EDA-2: Prepare strategic road maps for non-residential development properties, conducting detailed market analysis, building partnerships with stakeholders, and establishing collaborative investment and development action steps to realize planning objectives. These properties include:*

- *Sequalitchew Village to strengthen relationships with existing property owners and position the property for future development in a manner to fulfill economic and environmental objectives.*

*Staff Analysis and Conclusion:* *The proposal is consistent with the Economic Development Chapter in that it seeks to add warehousing sector jobs, providing employment that will fit within the regional context and also be suitable for employing DuPont residents. In keeping with a key implementation goal for the Sequalitchew Village planning area (EDA-2), the proposal will position the property to fulfill economic and environmental objectives.*

*In keeping with policy ED 2.1 the proposal will protect the mission marker and incorporate interpretive signage along the trail, for the overall wellbeing of the citizens. The proposal, as conditioned, balances the long-term interests of the citizens with the fiscal benefits of business growth (policies ED.2.1 and 2.2). The City is leveraging its resources by requiring the dedication of the marker and its buffer to the city for ongoing preservation.*

*Policy ED 2.4 and goal ED-5 encourages a variety of marketing and tourism efforts. The relocated trail segment with interpretive signage furthers this goal.*

*The plan to provide a 50-foot protection buffer and public access to the Methodist/Episcopal Mission marker where the public can view and learn about the area’s cultural and historic heritage enhances DuPont’s unique historic landmarks by encouraging historic preservation planning, consistent with policy ED 5.1. As conditioned, the mission marker will be dedicated to the City (see Condition No.1).*

*As conditioned, the proposal seeks to protect DuPont’s “unique and precious natural features” by encouraging restoration, protection, and preservation of these areas (policy ED 5.4).*



#### 4. Chapter 5 - Natural Environment

This chapter establishes policy guidance to integrate the natural and built systems, ensuring that DuPont's development and operations are compatible with its ecological, geological and topographical context. The chapter describes Sequatchew Creek and its de-listing as a shoreline of the state because it fell under the 20cfs threshold mandated by the Shoreline Management Act.

Natural Environment goals and policies relevant to the proposal are:

*Goal NE-1: Protect DuPont's natural environment by meeting the needs of today's citizens without compromising the needs of future generations.*

*NE 1.1: Preserve environmentally sensitive areas and those that are valuable natural and aesthetic resources to the City.*

*NE 1.2: Institute and regularly update measures which promote development and construction practices that minimize impacts on the environment.*

*Goal NE-2: Exercise responsible environmental stewardship by considering long range implications of the city policies on the environment and directing development towards areas of the City where natural systems and amenities present the fewest environmental constraints.*

*NE 2.1: Limit uses (public and private) within environmentally sensitive areas where the uses are likely to negatively impact the environmental resource and promote passive uses in areas where such impacts are adequately mitigated.*

*NE 2.2: Maintain unique physical features and environmentally sensitive areas within the City as passive open space areas in order to ensure their protection while providing for access and enjoyment.*

*NE 2.3: Protect and retain significant trees and vegetation in public and privately dedicated areas.*

*NE 2.4: Landscaping in public places and rights of way should consist of species that are drought resistant and low maintenance such as native plant species.*

*NE 2.6: Ensure that the Sequatchew Nature Trail's natural character is preserved and or enhanced by any development project that is located on, around, near or adjacent to the trail from beginning to end through site design efforts such as reduced lighting and noise, and enhanced vegetation preservation etc.*

*Goal NE-3: Protect water resources for present and future generations.*

*NE 3.1: Strive to ensure standards are consistent with the most current draft of Department of Ecology and Pierce County guidelines related to grading, stormwater, and erosion control.*

*NE 3.2: Protect the quantity of ground waters by encouraging stormwater systems that maximize aquifer recharge and establish site development guidelines to control stormwater runoff from impervious surfaces.*

*Goal NE-4: Minimize adverse effects of development on the environment.*

*NE 4.1: Ensure all development meets or exceeds applicable federal, state, regional, and local air quality standards.*

*NE 4.3: Site preparation activities should be designed to minimize extensive grading and to retain a portion of significant trees and vegetation. Development standards should implement guidelines and define extensive grading to clarify the circumstances when extensive grading may be appropriate.*

*Goal NE-5: Restore historic stream flows, improve habitat conditions, and promote long term preservation efforts within the City.*

*NE 5.3: Maintain important wildlife habitats and function wildlife corridors to link important natural areas such as Edmond Marsh and Sequalitchew Creek.*

*NE 5.5: Recognize that the Oak Savannah is a unique habitat within the City and region and preserve the highest value oak groupings in the area as open space.*

*Staff Analysis and Conclusion: The proposal is compliant with Goal NE-1, policies NE 1.1, NE 1.2, NE 2.1, in that it is located outside of critical areas and is also located outside of critical area buffers. The proposal incorporates native plants in its planting palette (NE 2.4) and, as conditioned, retains significant trees and vegetation in excess of the code requirement (NE 2.3). The proposal is required to comply with the most recent Department of Ecology Stormwater Manual, as adopted by the City, which is designed to minimize adverse effects of stormwater runoff on the environment (NE 3.2 and NE-4). As conditioned, grading will be minimized to retain significant trees (NE 4.3).*

*While there are no “Oak Savannah’s” on the property, landmark Oregon white oak trees are preserved to the greatest extent possible while providing access to the property and the Sequalitchew Village to the north (NE 5.5).*

## **5. Chapter 6 - Cultural Resources and Historic Preservation**

The City chose to include a Cultural Resources and Historic Preservation element in its comprehensive plan because of the high importance residents place on its deep and more recent history. This chapter of the comprehensive plan provides a description of the history of the city but does not inventory resources. The history described includes that of the early Native Americans, followed by the Hudson’s Bay Company, Fort Nisqually, DuPont Powder Works plant, City incorporation, and Weyerhaeuser’s purchase of property and plans for a 3,000-acre community, called Northwest Landing to include a mix of uses. The chapter provides guiding concepts for cultural resources, including:

*“Heritage of the early settlements (American Indian, Hudson Bay, and DuPont Company) is featured with development, not obscured.”*

Relevant cultural resources goals and policies are:

*Goal CR-1: Protect cultural resources by continuing to implement regulations that ensure cultural resources will not be destroyed, damaged, or disregarded during the planning and development process.*

*CR-1.1: Work with federal and state agencies to utilize historic preservation planning and funding resources.*

*CR-1.2: Encourage protection and preservation of cultural resources as well as efforts to promote awareness of the community's natural and historic assets.*

*CR-1.4: Encourage identification, protection, preservation and or restoration of cultural resource sites of documented significance as outlined in the:*

- *Memorandum of Agreement among the Washington State Historical Preservation Office, the Weyerhaeuser Real Estate Company, and the City of DuPont dated August 7, 1989 including any subsequent amendments.*
- *Memorandum of Agreement among the Weyerhaeuser Company, Weyerhaeuser Real Estate Company, City of DuPont, the Nisqually Point Defense Fund, Committee for the Preservation of the Nisqually Mission Historical Site, the Nisqually Delta Association, and the DuPont Historical Society, dated December 12, 2000.*

*CR-1.6: Seek ways to capitalize on DuPont's unique cultural and historic resources to enhance tourism and local education opportunities.*

Implementation Actions in order of priority and urgency are provided as follows:

*CRA-1: Implement a coordinated program of promotional and interpretive signage to identify significant historical sites and points of interest as well as an oversight and management program to coordinate overall promotion and maintenance of significant historic sites.*

*CRA-2: Create an education program focused on natural and historic treasures to increase awareness and understanding and appreciation of the community and its visitors.*

*CRA-4: Coordinate with the Historic Society to identify and implement specific efforts to preserve DuPont's cultural and historic resources. Explore the potential for a variety of historic preservation tools such as becoming a Certified Local Government, identifying a National Historic District, and looking into the Main Street Association.*

*Staff Analysis and Conclusion:* *The proposal is consistent with the goals and policies of the Cultural Resources & Historic Preservation Chapter. The plan to provide a 50-foot protection buffer and public access to the Methodist/Episcopal Mission marker where the public can view and learn about the area's cultural and historic heritage is in keeping with the mission to feature the heritage of the early settlements with development, not obscure it. It is also consistent with policy CR 1.2 and implementation measures CRA-1 and CRA-2 in that the marker and planned interpretive signage will promote awareness and education of the community's natural and historic assets as well as implement Policy CR 1.6, which seeks to enhance tourism and local education opportunities. The Sequimitchew Creek Trail is a regional trail that draws visitors from outside the City and the proposed additional segment of the trail will enhance tourism and local education opportunities.*

*Policy CR-1.5 seeks a wide range of funding sources to ensure the financial viability of promoting and protecting the City's cultural and historic resources. The plan to provide a 50-foot*

*protection buffer and public access to the Methodist/Episcopal Mission marker will be funded by the developer but dedicated to the City and maintained by the City, resulting in a pseudo public/private partnership. The SEPA requirement that site disturbing activities be monitored by a professional archaeologist and the Nisqually Tribe be invited to observe as well, will ensure that any remaining cultural resources artifacts be protected during development (Goal CR-1, policies CR-1.2).*

## **6. Chapter 9 – Transportation**

The Transportation Chapter provides an overview of functional classifications of city roadways, level of service standards, and conditions for transit, walking and biking. A Transportation Project List is provided. There are no roadway projects listed within the vicinity of the proposal.

Relevant goals and policies of the Transportation Chapter are:

*T 5.8: Require the construction of roads within the City to be concurrent with new development.*

*T 5.9: Use sound and environmentally responsible design principles in road construction.*

*T 5.10: Promote the design of roadways to minimize impacts upon the hydrologic system, including surface and ground water.*

*T 5.11: Provide for internal access roads within commercial and industrial areas to achieve convenient access and minimize pedestrian/ vehicular conflicts.*

*T 5.12: Restrict freight traffic to identified corridors within DuPont, managing that traffic to minimize negative impacts to adjoining residential areas.*

*T 5.13: Continue to include emergency service providers in review of roadway designs to ensure safe emergency vehicle passage. Design considerations include turn- arounds, travel lane widths, maximum road grades, parking locations, and avoiding dead-end street lengths and cul-de-sacs.*

*T 5.14 - Guide the development of new streets and maintenance of existing streets to form a well-connected network that provides for safe, direct, and convenient access to the existing roadway network for automobiles, transit vehicles, bicycles, and pedestrians. Transportation investments should reinforce the City's vision of connecting to downtown DuPont and JBLM.*

*Staff Analysis and Conclusion: The proposal is consistent with the Transportation Chapter by dedicating land for future road right-of-way, designing the road to current City standards and managing stormwater runoff in accordance with the most recent adopted stormwater manual (T5.8, T5.9, 5.10). The proposal provides internal access roads (drive aisles) (T 5.11). The city Fire Department has reviewed the proposal and provided comments to ensure that safe emergency vehicle access is provided (T 5.13). The completion of the relocated trail segment of the Sequatchew Creek Trail will allow for long-needed emergency access to the Puget Sound shoreline. Center Drive has signage restricting truck traffic to avoid the residential areas. Additional signage restricting exiting truck traffic from the project from turning right onto Center Drive will be added. (T5.12) (Condition No. 27)*

## 7. Chapter 10 – Capital Facilities & Utilities

The Washington state Growth Management Act (GMA) requires jurisdictions fully planning under the GMA to include a capital facilities plan (CFP) element in their comprehensive plans (RCW 36.70A.070(3)). The capital facilities element is required before a jurisdiction can impose GMA impact fees upon development and projects must be included in the CFP before funding can be allocated. The capital facilities plan implements the land use element of the comprehensive plan and these two elements, including the financing plan within the capital facilities element, must be coordinated and consistent.

The Capital Facilities and Utilities Chapter plans for public facilities for the City's population with a priority to provide the facilities to the adopted level of service for each type. The Chapter provides a 6-year Capital Facilities Plan (CFP) and a 20-year Capital Improvement Program (CIP) for capital projects and city expenditures. New transportation projects required for new development are to be developer funded.

*CF Goal 1: To plan for the provision and development of roads, water system, wastewater and storm drainage systems, parks, civic facilities, schools, and police and fire protection that are adequate to meet the needs of the City at full development. The funding of those capital facilities requiring concurrency shall be the responsibility of the developer.*

*CF 1.1: Each application shall be evaluated for Concurrency. Concurrency for the provision of roads, water system extensions, waste water system extensions, schools, fire protection, and parks shall mean that they are in place at the time of occupancy of the housing and/or businesses to be served.*

*CF 1.2: Require all development projects, both public and private, to demonstrate there are adequate public facilities and infrastructure to support the project or to demonstrate how such facilities will be provided as part of the project.*

*CF 1.7: The City will place substantive reliance on the following facilities plans when reviewing development proposals and undertaking public improvements:*

- *DuPont Water Comprehensive Plan*
- *DuPont Storm Drainage Plan*
- *DuPont Street Standards*
- *Pierce County Sewer Plan*
- *DuPont Fire Service: Resource Allocation and Public Fire Safety Plan*
- *DuPont Capital Facilities Plan*

*CF 1.9: Require new developments to incorporate appropriate on-site stormwater facilities or connect to regional facilities in order to prevent pollution, siltation, erosion, flooding and other surface water degradation.*

*CF 1.18: Continue to use and adopt updated Washington DOE standards for stormwater runoff.*

*CF 1.23: Trails, parks, and open space should be required in residential and commercial planning and should connect to the City's trail system and neighboring local trails. Trail and park locations may be determined during the land use review process.*

*CF – 7.10: Ensure that future development pays a proportionate share of the cost of new facilities which it requires. Future development may also pay a portion of the cost to replace obsolete or worn-out facilities, but impact fees will not be used to pay for such costs. Future development's payments may take the form of voluntary contributions for the benefit of any public facility, impact fees (Fire and Rescue facilities not part of a fire district, parks, open space, and recreational facilities, Streets, and schools), mitigation payments, capacity fees, dedications of land, provision of public facilities, and future payments of user fees, charges for services, special assessments and taxes.*

*Staff Analysis and Conclusion: The applicant requested a Transportation Concurrency Certificate on March 31, 2023 and a Certificate was provided by the City on April 17, 2024 (Attachment J.2(c)), consistent with CF Goal 1 and policy CF 1.1. Demonstration of available capacity (policy CF 1.2) was provided at the time of application when the applicant submitted a Water Certificate Application and Pierce County Sewer Application. The proposal is designed to the current City-adopted stormwater manual and incorporates on-site stormwater facilities to prevent degradation to adjacent properties (policies CF 1.9 and CF 1.18). The proposal plans to connect to the City trail system, per CF 1.23, by relocating a segment of the Sequelitchew Creek Trail. The proposal is paying its proportionate share of the cost of new facilities it requires, including fire impact fees, stormwater fees, as well as dedication of public right-of-way for the construction of a portion of Sequelitchew Drive. The proposal is consistent with the Capital Facilities Element of the Comprehensive Plan.*

#### **8. Appendix D –Parks, Recreation and Open Space Plan**

The City's Parks Recreation and Open Space (PROS) Plan is dated May 2014 and provided in Appendix D of the Comprehensive Plan. It inventories existing facilities, identifies level of service standards and prioritizes new park facilities. Relevant goals in the PROS Plan include the following:

*Establishes a long-term goal to provide a park on the north side of Sequelitchew Creek to highlight unique cultural sites and improve community connections to Puget Sound.*

*Establishes a short term and ongoing goal of implementing historical/cultural interpretive signs system wide.*

*Establishes a short term and ongoing goal to secure a formalized agreement for public access to the Puget Sound along the Sequelitchew Creek corridor.*

*Establishes a short-term goal to provide viewpoints and overlooks along the trail system, with the highest priority viewpoints along Puget Sound and overlooks of historic sites another high priority.*

Section 2.5, Cultural Resources, states the following (emphasis added):

*The City of DuPont and the former DuPont Powder Works site rest upon land that has a diverse and multi-layered history - history worthy of interpretation by cultural and historical specialists, as well as presentation in a variety of community forums. Interpretive history can be featured throughout the City's park system by including interpretive signage along trails and sites, incorporating historic structures and landscapes into trail systems or park inventories, and providing recreational programs that educate the public about a community's past.*

Relevant Goals and Objectives include the following:

*Goal 3: Integrate natural resources and open spaces, including Sequelitchew Creek, Edmond Marsh, and Puget Sound, into the park system.*

*Goal 4: Recognize cultural and historical resources as an essential part of DuPont's identity and heritage.*

*Goal 5: Provide a comprehensive network of trails and pathways to improve community walkability, connectivity, and park access.*

*Goal 8: Encourage and pursue partnerships to maximize local resources for parks and recreation.*

*Objective 3B: Coordinate the trail system with natural area preservation areas, responding to environmental conditions and preservation priorities while providing public access where feasible.*

*Objective 8E: Encourage a "good neighbor" relationship with residents and businesses located adjacent to parks, trails, and natural areas.*

*New park needs were developed based on the Needs Assessment. The assessment determined that historical and cultural interpretation can be incorporated throughout the park and trail system and on City-owned land. This may be done through interpretive signage and facilities, art, and historical markers.*

*No parks are identified on the subject property other than the segment of the Sequelitchew Creek Trail.*

*Table 7.3 in Chapter 7, Implementation, lists the projects in the proposed 6-year Capital Improvement Plan. Improvements to Sequelitchew Creek Trail are included and described as follows: "Develop the trail corridor along Sequelitchew Creek from Center Drive to Puget Sound. The total length of the trail is 1.4 miles. It is presumed the funding is to improve or maintain existing trail segments.*

*Staff Analysis and Conclusion: The protection of the historic marker is in keeping with Goal 4 in that it recognizes cultural and historical resources as an essential part of DuPont's identity and heritage. In keeping with Goal 8 and Objective 1G, the proposal is an example of maximizing local resources for parks and recreation to meet community needs.*

*Although the PROS Plan does not identify a future park located on the subject property, the PROS plan identifies goals and priorities for education of the important historic and cultural resources in the City through viewpoints and interpretive signage, which the proposal is providing by protecting the existing historic marker. It should be noted that the Restrictive Covenants (Attachments J.5((a) – (c)) restrict the subject property from being used for a park. There are also no funds identified in the City Capital Facilities Plan for purchase of the subject property for any use, including park.*

*Objective 8E encourages being a good neighbor between residents and businesses located adjacent to the trail. The City interprets this as applying to minimizing impacts of a development proposal to nearby trails and parks such as for light and noise. The SEPA MDNS includes mitigation measures to mitigate the impacts of light and noise to trail users and to the adjacent apartment building. These include additional landscaping for screening and buffering to minimize light and noise*

*impacts. Also included are measures that restrict the use of truck backup alarms and air brake release sensors, as well as requiring that bay doors be kept closed when not in use.*

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## **C. SITE PLAN REVIEW CONSISTENCY ANALYSIS**

As required per DMC 25. 150.030, Site Plan Review criteria, the following presents staff consistency review and analysis with DMC Chapters 25.45, 25.75 through 25.95 and 25.105 through 25.125.

### **1. Chapter 25.45 Manufacturing/Research Park District (MRP)**

- a. Allowed Uses: Office and warehouse uses are listed as permitted uses in the MRP Zoning District. DMC 25.45.020 restricts uses to those that do not create significant noise, risk of explosion, or radioactive release, or air or water pollution and are designed for a campus-like setting with architectural detailing as required by DMC 25.45.030(5) and landscaping (see Section 7 below).

*Staff Analysis and Conclusion: The proposed use is an office/warehouse, which are both permitted uses in the MRP District. A tenant has not been identified at this time. Each application for building permit should be reviewed to ensure that the use does not create significant noise, a risk of explosion or radioactive release, or air or water pollution. (Condition No. 11)*

*The proposal is only one building, which doesn't qualify as a "campus". The same applicant has completed a pre-application meeting for a future project to be located on Lot 3 to the east. When Lot 3 is developed, it will be required to be designed for a campus-like setting, meaning a similar building design, landscaping and plant palette as the DuPont West proposal.*

- b. Lot Area/Lot Coverage: DMC 25.45.030(1) and (2) state that there are no minimum lot area or maximum lot area coverage requirements in the MRP district.
- c. Building Front Setbacks: DMC 25.45.030 (3)(a) requires a front setback of 25 feet. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot over 40 feet.

*Staff Analysis and Conclusion: The proposed building is 45 feet in height and would require an additional five (5) feet of setback, making the required front setback 30 feet. The front setback applies to the property line shared with Lot 2 where the future Sequelitchew Drive is to be located. The building is setback approximately 250 feet from the front lot line, at its closest point. The proposal is compliant.*

- d. Building Side Setbacks: DMC 25.45.030 (3)(b) requires 15 feet side yard setbacks. Any building wall over 40 feet in height shall be set back at least an additional one foot for each foot over 40 feet.

*Staff Analysis and Conclusion: The proposed building is 45 feet in height and would require an additional 5-feet setback, making the required side setback 20 feet. The side setback requirements apply to the north and south property lines. At its closest point, the building is*



*setback approximately 110 feet from the south property line and 40 feet from the north property line. The proposal is compliant.*

- e. Building Rear Setbacks: DMC 25.45.030 (3)(c) requires 15 feet rear yard setbacks. Any building wall over 40 feet in height shall be set back at least an additional one foot for each foot over 40 feet.

*Staff Analysis and Conclusion: The proposed building is 45 feet in height and would require an additional 5 feet setback, making the required rear setback 20 feet. The rear yard is the west property line. At its closest point, the building is setback approximately 60 feet. Walls less than 6 feet in height are permitted within the setback. The proposed retaining wall along the western property line north of the trash enclosure depicted on civil plan sheet C5, is less than six feet in height and is therefore compliant.*

- f. Building Height: DMC 25.45.030 (4) states that height shall not exceed 65 feet within 100 feet of a public street and no taller than 70 feet when set back 100 feet or more from a public street.

*Staff Analysis and Conclusion: The building is set back more than 100 feet (approximately 250 feet at its closest) from a future public street, Sequalitchew Drive, and is therefore allowed to be the maximum of 70 feet in height. The proposed building is approximately 45 feet and is therefore compliant.*

- g. Blank walls: Per DMC 25.45.030.3(5), blank walls greater than 50 feet in length along the front and side of a building shall be softened with one or more of the following design options (i) large caliper trees of 10 through 14 feet tall adjacent to the building, (ii) large-scale trees planted 10 to 20 feet away, (iii) wood trellises on the building, or (iv) by similar means. Entrances shall be emphasized with architecturally distinctive materials, such as a covered walk, gabled roof, landscaping, or similar means. Earth berms at the base of the façade are encouraged for large-scale structures. Building designs for multiphase campuses are encouraged to be of similar character.

*Staff Analysis and Conclusion: The blank wall requirements apply to the south and east elevations which face/are visible from Sequalitchew Creek Trail and the future right of way of Sequalitchew Drive. Architectural elevation drawings were provided as a part of a previous submittal when two buildings were proposed (in addition to the one large building, an additional smaller building was previously proposed in the southeast corner of the site). The majority of the southern elevation is not visible from Sequalitchew Creek, as demonstrated by the Visual Analysis provided on August 8, 2023. The proposal does not include any blank walls along the front or south sides of the building as architectural elements are proposed at intervals of less than 50 feet, including changes in materials, windows, doors, and loading docks. The proposal is compliant.*

- h. Parking and loading: Per DMC 25.45.030(6), Parking and loading areas shall be provided, as required by DMC Chapter 25.95. Parking and loading shall be located at the rear of buildings or separated from public rights-of-way by a moderate screen.

*Staff Analysis and Conclusion: Proposed parking, loading and trailer storage areas are located on the east (front), west (rear), and south (side) elevations of the building. The east and south elevations have the potential to be visible from public rights-of-way (Sequalitchew Drive) and the Sequalitchew Creek Trail that require screening. The applicant submitted a*

*Visual Analysis on August 8, 2023 depicting that the south loading docks and trailer storage area will not be visible from the trail in two locations, largely due to the grade change.*

*The parking and trailer storage area east of the building will be visible from Sequalitchew Drive and Sequalitchew Creek Trail. The applicant has provided a moderate landscape buffer along the east property boundary with Sequalitchew Drive right of way. A landscape berm with large caliper trees is proposed east of the eastern trailer parking storage area between the trailer parking area and Sequalitchew Drive and south of the parking area adjacent to the detention pond. The berm and plantings will provide a moderate screen of the parking area from Sequalitchew Drive. The SEPA Determination includes a mitigation measure for the extension of the berm and plantings further west a distance of approximately 55 feet that will further screen the proposal from the relocated trail. (Condition No. 1)*

- i. Landscaping: Per DMC 25.45.030(7), landscaping shall be provided as required by DMC 25.90. At least 20 percent of the lot shall be covered with landscape area.

*Staff Analysis and Conclusion: The provided landscape plans depict a landscaped area of 8.18 acre, or 46.2% of the site and are therefore compliant. See also Section C.4 for additional analysis of landscaping requirements per DMC 25.90.*

- j. Exterior Mechanical Devices: Per DMC 25.45.030(8), all HVAC equipment, pumps, heaters, and other mechanical equipment shall be fully screened from view from all public rights-of-way.

*Staff Analysis and Conclusion: No exterior mechanical equipment is shown on the submitted plans. Building permit applications shall be assessed for compliance with the provisions for screening mechanical equipment. (Condition No. 12(a))*

- k. Outdoor Storage: Per DMC 25.45.030(9), outdoor storage shall not cover more than 2 percent of the total site area and shall be screened from the street by a 100 percent sight obscuring fence or wall. The City defines outdoor storage in DMC 25.10.150.070 as follows: “The storage of fuel, raw materials, products, and equipment outside of an enclosed building. Mechanical equipment necessary for the operation of the building shall be excluded from the definition.”

*Staff Analysis and Conclusion: The outdoor trailer storage areas do not meet the city’s definition for outdoor storage. There are no outdoor storage areas shown on the plans. Building permit applications shall be assessed for compliance with the provisions for size and screening of outdoor storage, if provided. (Condition No. 12(b))*

- l. Trash Enclosures: Trash enclosures are required to comply with DMC Chapter 25.100 Recycling, below.

*Staff Analysis and Conclusion: The applicant submitted an email dated October 30, 2023 indicating that LeMay (the service provider) has reviewed and approved the location of the trash enclosures. The design requirements for trash enclosures will be reviewed at the time of site development and building permit application for compliance with DMC 25.100. (Condition No. 16)*

- m. Signage: Signage shall comply with the requirements of DMC Chapter 25.115 (see below).

*Staff Analysis and Conclusion: No signage application or details were submitted for review. When submitted, applications for sign permits are to be evaluated for compliance with DMC Chapter 25.115. (Condition No. 3)*

- n. Noise: Noise levels shall not exceed the maximum allowed in DMC Chapter 9.09 (Sound and Vibration). Chapter 9.09 regulates the maximum permissible noise levels permitted within the City of DuPont. DMC 9.09.040 provides specific noise limitations broken down into the following classes. EDNA means environmental designation for noise abatement:
- Class A EDNA (residential areas),
  - Class B EDNA (commercial areas), and
  - Class C EDNA (industrial areas)

<b>Table 1 – Maximum Allowed Noise Levels per DMC 9.09.040</b>			
EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A	55 dBA	57 dBA	60 dBA
Class B	57	60	65
Class C	60	65	70

Between the hours of 10 pm and 7 am the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs. DMC 9.09.040(3) also provides allowances for exceeding the noise limitations for short periods of time.

*Staff Analysis and Conclusion: The applicant submitted a Noise Study prepared by JGL Acoustics (May 2024, Attachment 4.1(mm)) that was peer reviewed by Landau (June 2024, Attachment J.6(e)). Landau found that combined with JGL's comment letter dated March 1, 2024 (Attachment J.1(ll)) the information adequately characterizes potential project-related noise.*

*The Noise Source is Class B. The receiving property EDNA varies depending on adjacent use. The property is bounded to the north by MRP-zoned vacant land that is under review for mining (Class B), to the west and south by open space/recreational property (Sequalitchew Creek and Trail) and to the east by residential property (all Class A).*

*The maximum allowable noise level on the Class A properties to the east, south, and west is 57 dBA during the day and 47 dBA during the nighttime (10 PM to 7 AM). The noise ordinance allows the noise level to exceed these limits, but only for limited durations. If the cumulative duration of the noise does not exceed 15 minutes per hour, the allowable noise level is 5 dBA higher than the continuous (steady) limit. If the cumulative duration of the noise does not exceed 5 minutes per hour the maximum allowable noise level is 10 dBA higher than the steady-level limit, and if the cumulative duration of the noise does not exceed 1.5 minutes per hour the maximum allowable noise level is 15 dBA higher than the steady level limit. The absolute maximum allowable noise level (even for time periods less than 1 second) is 75 dBA on Class B and 72 dBA during the day and 62 dBA during the night on Class A receiving property. The noise study presented these allowable noise levels at receiving properties in the following table:*

**Table 2 - Maximum allowed noise levels at receiving properties\***

Receive Property	Steady Noise	< 15 minutes/hr	< 5 minutes/hr	< 1.5 minutes/hr
Class B	60	65	70	75
Class A (day)	57	62	67	72
Class A (night)	47	52	57	62

\*Source: JGL Acoustics Noise Study, May 2024

*The potential new sources of noise that will be associated with the proposal include delivery trucks and automobiles, and mechanical and electrical equipment serving the building (which are not currently planned). Motor vehicles operating on public streets and highways, aircraft in flight, and emergency equipment such as backup beepers are exempt from noise level limitations. Once the vehicles enter private property, they must comply with the noise limits.*

*The predicted project-generated average and maximum noise levels at each of the 20 receiver locations is provided in the study's Table 5, below. They demonstrate that they are all within the limits of the noise ordinance (both day and night) for all receivers located off-site, except for the portion of the Sequatchew Creek Trail (T14) where the average noise (Leq) is expected to exceed 47 dBA nighttime limit by 0.3 dBA. This is not a violation of the noise ordinance because the sound level is allowed to exceed the specific limit by no more than 5 dBA for up to 15 minutes per hour and the predicted duration over 47 dBA at T14 is 5.45 minutes. Note that the bolded value for T13 exceeds the limit, but this location is onsite and not subject to the noise ordinance.*

<b>Table 3 - Predicted Noise Compliance (6AM Nighttime Hour)*</b>					
Receiver Location	Night Leq (dBA)	Night L <sub>max</sub> (dBA)	Time Over 47 dBA (15 min. max)	Time Over 52 dBA (5 min. max.)	Time Over 57 dBA (1.5 min. max)
P1	41.0	47.4	0.01 min	0 min	0 min
P2	49.2	53.4	5.94 min	0 min	0 min
P3	40.3	50.4	0.04 min	0 min	0 min
P4	35.9	49.3	0.81 min	0 min	0 min
T1	43.0	44.2	0.0 min	0 min	0 min
T2	43.7	45.2	0.0 min	0 min	0 min
T3	44.2	46.3	0.0 min	0 min	0 min
T4	45.7	47.2	0.0 min	0 min	0 min
T5	46.7	48.4	1.86 min	0 min	0 min
T6	47.9	48.4	1.74 min	0 min	0 min
T7	47.9	49.5	1.19 min	0 min	0 min
T8	49.3	51.7	5.91 min	0 min	0 min
T9	49.2	53.4	5.94 min	0 min	0 min
T10	48.8	53.0	6.39 min	3.15 min	0 min
T11	48.7	53.3	6.21 min	3.6 min	0 min
T12	48.9	54.9	6.23 min	3.68 min	0 min
T13	50.1	61.7	5.64 min	3.4 min	<b>2.04 min</b>
T14	47.3	54.8	5.45 min	3.0 min	0.39 min
T15	43.6	49.1	3.84 min	1.31 min	0.04 min
T16	42.1	49.1	0.75 min	0.04 min	0 min

\*Source: JGL Acoustics Noise Study, May 2024

*The SEPA MDNS (Attachment J.2(d)) includes mitigation measures to further reduce project noise levels to the adjacent trail and apartment building. This includes requiring a recorded and enforceable agreement between the owner and the City that stipulates that all trucks be equipped with air brake release silencers and broadband backup alarms; bay doors be kept closed during operations, and follow up noise testing occur within six months of occupancy. Staff will review site development and building permit applications for compliance with DMC 25.45.020(1)(a)(i), Chapter 9.09 and the SEPA MDNS (Condition No. 1)*

- o. Air and Odors: 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.

*Staff Analysis and Conclusion: Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold, as measured at any point along the lot on which the use or structure is located. The SEPA checklist submitted with the application indicates that long-term air emissions are not anticipated to increase from current conditions, other than that associated with vehicle and truck emissions. Each tenant will be assessed at the time of building permit for compliance with this requirement and for consistency with the City's nuisance ordinance (DMC 9.16). (Condition No. 12(c))*

- p. Lighting: Outdoor lighting shall be designed to minimize light escapement beyond the site.

*Staff Analysis and Conclusion: Building and site/parking lot lighting will be provided. The Photometrics Plan prepared by Range Electric Company dated November 2, 2023 (Attachment J.1(bb)) depicts light spill of 1 and 1.1 FC in some areas along the northern property line. The SEPA MDNS includes a mitigation measure that requires an updated photometric analysis and light fixture specifications be provided at the time of construction permit demonstrating that no light spill will occur beyond the property boundaries and all fixtures are full cut-off types with shields and lights directed downward. The SEPA Determination includes additional light mitigation measures to mitigate the impacts of truck lights to the adjacent apartment building by providing additional plantings along Sequalitchew Drive (Condition No. 1))*

- q. Hazardous Substances or Waste Storage: No more than 20,000 pounds of hazardous substances or hazardous wastes may be stored onsite, and no hazardous substances or wastes may be stored onsite, except that which is delivered for onsite operations or produced onsite.

*Staff Analysis and Conclusion: The application did not identify the potential for storage of hazardous substances or waste. Each user should be assessed at the time of building permit for compliance with this requirement. (Condition No. 12(d))*

- r. Abutting a Main Street: Warehouses shall not be located abutting a main street, including the access road from Center Drive to Sequalitchew Village.

*Staff Analysis and Conclusion: Sequalitchew Drive is a main street that will be extended along the frontage of the proposal. The proposal is for a warehouse with office building that is separated from the future right of way of Sequalitchew Drive by an intervening parcel (Lot 2 of the Short Plat). Upon dedication of the Sequalitchew Drive right of way, which is a condition of approval of this proposal (Condition No. 28), there will be a 50-foot-wide intervening parcel between Sequalitchew Drive (a main street) and the warehouse parcel, as required per 25.45.030(17). The warehouse building will also be set back from the edge of*

*the right of way a distance of approximately 250 feet. The proposed warehouse use will not be abutting a main street. The proposal is compliant.*

- s. DMC 25.45.040 requires site plan approval for all development projects in the MRP District following the procedures in DMC 25.175.010. For projects over 15 acres, the Type III approval process shall be followed.

*Staff Analysis and Conclusion: The site is over 15 acres requiring a Type III approval process. The Site Plan Review process is documented by this Report. Final approval will be granted by the City's Hearing Examiner, in accordance with the Type III procedural requirements.*

## **2. Chapter 25.75 Commute Trip Reduction**

Commute Trip Reduction (CTR) is applicable to new businesses that employ more than 100 persons. The City requires implementation of a commute trip reduction program in accordance with RCW 70.94.521 through 70.94.551.

*Staff Analysis and Conclusion: The Land Use Application and SEPA checklist submitted for this proposal stated that approximately 90-120 persons would be employed in the completed project. If the final number of employees is greater than 100 persons, then Chapter 25.75 will be applicable. Final employee numbers shall be finalized prior to issuance of building permits. (Condition No. 13)*

## **3. Chapter 25.80 Cultural, Historical and Archaeological Resources**

Chapter 25.80.010 encourages the identification, protection, preservation and/or restoration of cultural resource sites of documented significance. Important cultural resource sites are to be identified so that they may be incorporated into open space areas and connected to the recreational trail system.

*Staff Analysis and Conclusion: The site is known to be the location of several important historic and cultural resources. There are numerous agreements, covenants and studies that have been completed for the documentation and protection of the cultural resources. The Cultural Resources Addendum Memos prepared by Natural Investigations Company (NIC), dated October 17, 2022 (Attachment J.1(e)), July and October 2023 (Attachment J.1(q) and (z)) summarize the 2011 Parus Consulting Cultural Resources Study (Attachment J.1(a)). The historical sites/events include the Methodist Episcopal Mission, the 9<sup>th</sup> US Calvary Bivouac, a piece of chipped stone, or sites reported being destroyed during hazardous material remediation projects. Surface historic archaeological sites were found outside of the parcel boundaries (including a railroad track segment, concrete platform, one isolated kerosene can, and bridge fragments). The study concluded that adequate site investigations had been completed and additional cultural resource action is not needed at this time.*

*Several SEPA Mitigation Measures are provided for the protection of cultural and historic resources, including implementation of the requirements of the 1989 Memorandum of Agreement for the discovery of cultural resources and the addition of an interpretive sign along the relocated Sequelitchew Creek Trail that commemorates the area's unique and important historical and cultural resources. (Attachment J.2(d)).*

- a. DMC 25.80.020 lists four designated cultural resource sites within the city, one of which is the Methodist/Episcopal Mission.

*Staff Analysis and Conclusion: The Methodist/Episcopal Mission marker is located on the subject property approximately 225 feet west of Lot 2 and approximately 140 feet south of the northern property line. The marker is proposed to remain in its present location. The proposal is compliant.*

- b. DMC 25.80.030 states that no structures, roads, or utilities are permitted within 50 feet of the markers identifying cultural resource sites designated under DMC 25.80.020. Structures are defined in DMC 25.10.190.165 as follows: “anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but not including fences and walls less than six feet in height.”

*Staff Analysis and Conclusion: The proposal includes a 50-foot radius buffer for the Methodist/ Episcopal Mission, with no work proposed within the buffer.*

- c. DMC 25.80.040 requires the city to maintain a map showing potential cultural resource areas and review every development proposal to ensure appropriate measures are taken to protect such areas. Auger tests may be required before construction and representatives from the State Historical Preservation Office or the Nisqually Indian Tribe may be invited to observe any tests and construction work. If auger or historical data indicate probable presence of cultural resources which may be disturbed by excavation, the mayor or his or her designee shall meet with the developer and may impose conditions on any plat, site plan or permit to assure that such resources are protected, preserved or collected.

*Staff Analysis and Conclusion: There is not one adopted historic resource map for the entire City. The City relies upon expert analysis be provided for every development proposal. The most recent Cultural Resources study for the property was completed by Parus Consulting, Inc. dated April 14, 2011 (Parus Report, Attachment J.1(a)) with Addendum Memos prepared by Natural Investigations Company (NIC) dated Oct. 17, 2022 (Attachment J.1(e) and July and October 2023 (Attachment J.1.(q), and (z)). The NIC Addendum Memo provides a map in Figure 3 and 3A that depicts the cultural resources areas and sites in the vicinity of the subject property. Staff has reviewed the development proposal recognizing the lasting cultural resources affecting the site to ensure appropriate measures are taken to protect such resources.*

*The Parus Cultural Resources Study and the NIC Addendums describe the historical events that occurred on-site and in the surrounding areas. The executive summary includes a description of a pedestrian survey and examination of subsurface sediments that was completed in a series of 125 shovel test probes and 22 geotechnical exploration pits. The work was monitored by the Nisqually Tribe. The Addendum Memos concludes that the project will not affect any historic properties (i.e., properties eligible for or listed on the NRHP) or properties that could be eligible for the WHR and that no additional investigations are recommended for this project.*

*The SEPA Determination includes mitigating measures for the protection of historical and cultural resources (Attachment J.2(d). It requires dedication of the historical monument and its 50-foot buffer to the city for ongoing preservation and installation of a permanent interpretive sign to be installed along the relocated Sequelitchew Creek Trail. If allowed per the terms of the Declaration of Restrictive Covenants (Attachment J.5(a) – (c)), public*

*access shall be made available. It requires the applicant to implement the requirements of the 1989 Memorandum of Agreement for the discovery of cultural resources, which includes monitoring of soil disturbing activities by a professional archaeologist and, if desired, monitoring by the Nisqually Tribe. A closing report is to be prepared describing all procedures and observed conditions.*

*As conditioned and mitigated in the SEPA Determination, the proposal is compliant with Chapter 25.80 and consistent with the conclusions of the Cultural Resources studies completed for the subject property.*

#### **4. Chapter 25.90 Landscaping**

- a. Substantive Requirement-Proportion of landscape areas - DMC 25.90.020(2)(c) requires that 20 percent of the site be landscape area.

*Staff Analysis and Conclusion: The provided landscape plans depict a landscaped area of 8.18 acre, or 46.2% of the site. The proposal is compliant.*

- b. Substantive Requirement-Landscaping Interior Parking Lots - DMC 25.90.030(2) requires that the interior of surface parking lots with 10 or more stalls be landscaped with at least one tree per six stalls.

*Staff Analysis and Conclusion: The interior parking lots contain planted landscape islands. Sheet L3 of the Landscape Plans state that for 141 parking spaces a total of 24 parking lot trees are required and 36 are provided. The trailer parking stalls located south of the proposed building have accounted for one tree per six trailer stalls to be located in the southern perimeter buffer. The proposal is compliant.*

- c. Substantive Requirement-Landscaping Buffers - DMC 25.90.030(3)(a) requires that a moderate buffer be provided between parking lots and any adjacent public right-of-way. DMC 25.90.030(3)(b) provides the city the authority to require full, moderate or light buffers as necessary to mitigate incompatibility, for example between residential and nonresidential development, between an outdoor storage or trash receptacle and surrounding high use areas.

*Staff Analysis and Conclusion: Sequelitchew Drive and Sequelitchew Creek Trail are both adjacent public rights of way that require screening by a landscape buffer.*

*Sequelitchew Drive screening: The vehicle and trailer parking area located east of the building is required to be screened by a moderate buffer from Sequelitchew Drive. The proposal provides three-foot-tall, landscaped berms with shrubs and trees (including pine, cedar, and maple) between the parking stalls and Sequelitchew Drive, which will effectively screen the parking area.*

*Sequelitchew Creek Trail screening: The southern perimeter of the property contains a trailer storage/parking area, which will not be visible from Sequelitchew Drive. It will also not be visible from Sequelitchew Creek Trail due to topography and existing mature vegetation. The development footprint area is on a bench and there is a vertical drop that ranges between approximately 28 to 45 feet from the southern perimeter of the trailer storage area to the Sequelitchew Creek Trail. See the Visual Analysis (Attachment J.1(v)).*



*The trailer storage/parking areas will not be visible from the Sequalitchew Creek Trail, however other portions of the proposal will be visible from the eastern portion of the relocated trail, such as the stormwater pond, parking, circulation and building areas. The proposed berm and plantings located south of the stormwater pond will screen the pond and parking areas from the trail; however, a portion of the relocated trail will not be screened. The SEPA Determination includes a mitigation measure to extend the berm and plantings further to the west to screen the parking, drive aisle and building from Sequalitchew Creek Trail. (Condition No.1)*

*Trash Receptacle screening – Per the visual analysis, the trash receptacles will not be visible from high-use areas (i.e. Sequalitchew Creek Trail). The proposal is compliant.*

*As mitigated through SEPA, the proposal complies with the requirements for landscape screening. The City will require a landscaping maintenance and monitoring bond for a period of five years to ensure satisfactory survival (Condition No.7).*

- d. Irrigation - DMC 25.90.040 requires that the landscaping require minimal irrigation. A statement is required as to the techniques proposed to conserve water and the amount of irrigation required in gallons per square foot of landscaping (excluding retained vegetation).

*Staff Analysis and Conclusion: Irrigation plans are provided and proposed water conservation techniques are included on Sheet L8 (Attachment J.1(nn)). The proposal is compliant.*

## **5. Chapter 25.95 Off-Street Parking**

- a. Required Quantity of Spaces - DMC 25.95.030 requires a minimum of 0.3 and a maximum of 1 parking space per worker at maximum shift.

*Staff Analysis and Conclusion: The SEPA Checklist submitted with the application indicates between 90-120 people will be employed by the project but does not indicate the number of workers at maximum shift. The Architectural Site Plan provides that a total of 141 vehicle parking spaces are provided and 43 trailer parking spaces. The City does not include the trailer parking spaces in the total code required parking calculation.*

*If 90 employees are the number of workers at maximum shift, the code required parking range is between a minimum of 30 and maximum of 90 parking spaces, which is less than the proposed 141 spaces. If 120 employees are the number of workers at maximum shift, the code required parking range is between a minimum of 40 and maximum of 120 parking spaces, which is still less than the proposed 141 spaces. The applicant shall either revise the plan to reduce the parking, apply for a variance, or demonstrate at the time of building permit application that the employee count will be at least 141 workers at maximum shift. Each user should be required to provide an employee maximum shift count at the time of building permit demonstrating they are within the code required parking range. Any removed parking shall be vegetated. (Condition 17)*

- b. Locational Requirements - DMC 25.95.040 requires that off-street parking be located within a 500-foot walking distance from an entrance to the building served, and that it not be located in required front yard or within 5 feet of any property line.

*Staff Analysis and Conclusion: The building provides an entrance at the east elevation (front) in the south corner. Another entrance is located at the south end of the west elevation (rear). All standard vehicle parking spaces are located within 500 feet of these entrances. The proposal is compliant.*

- c. Dimensional Requirements - DMC 25.95.050 provides dimensional requirements for parking lots and spaces.

*Staff Analysis and Conclusion: Parking aisle and stall dimensions appear compliant with code dimensional requirements and will be reviewed again for compliance at the time of site development or building permit application. (Condition No. 18)*

- d. High-occupancy vehicles - DMC 25.95.060 requires that at least one of every 20 employee parking spaces be reserved for high-occupancy vehicles.

*Staff Analysis and Conclusion: High-occupancy vehicle spaces are not noted on any plans. The required high-occupancy vehicle spaces shall be provided on the plans at the time of site development permit (Condition No. 19). Building code also requires dedicated electric vehicle spaces which shall also be provided on the plans at the time of site development permit. (Condition 20)*

- e. Loading Areas - DMC 25.95.070 pertains to loading area requirements. Loading areas shall be on the same parcel of land as the structure and shall not be located so that a vehicle using the loading space projects into any public street.

*Staff Analysis and Conclusion: The location of the proposed loading docks is on the same parcel as the structure it is serving and vehicles using the loading docks will not project into a public street. The project provides over 50 loading docks along the south elevation, however dimensions are not provided. Loading areas will be reviewed at the time of site development and building permit application for compliance with the City dimensional requirements for loading areas (DMC 25.95.070). (Condition No. 21)*

## **6. Chapter 25.105 Critical Areas**

Chapter 25.105 establishes regulations to protect the public health, safety and welfare by preventing the adverse environmental impacts to properties which contain or are adjacent to critical areas. This chapter regulates the protection of the following four types of critical areas within the City: wetlands and lakes; fish and wildlife habitat conservation areas; geologic hazard areas; and aquifer recharge areas. Of these, the property contains fish and wildlife habitat conservation areas and geologic hazard areas.

- a. DMC 25.105.050(2) Fish and Wildlife Habitat Conservation Areas (FWHCAs)
- i. DMC 25.105.050(2) provides regulations for the protection of Fish and Wildlife Habitat Conservation Areas (FWHCAs), which are defined as follows in DMC 25.105.030.140 (abbreviated to relevant sections):
- Areas with which state or federally endangered, threatened, and sensitive species have a primary association.
  - Lands and waters containing documented habitats for plant and animal species listed in the Washington Department of Fish and Wildlife's Priority Habitats and Species Program List.

- Streams and waters of the state that provide habitat to endangered or threatened species, or certain species that have been identified as being sensitive to habitat manipulation, as defined in WAC 222-16-030.
- ii. DMC 25.105.050(2)(g) states that a 100-foot buffer is required on each side of a stream as measured from the ordinary highwater mark (OHWM). DMC 25.105.050(2)(a) provides the regulations for alterations to streams and stream buffers and provisions for mitigating impacts. When a stream is located on the property or when there are impacts to a stream, a Critical Areas Report is required to be prepared by a qualified professional to address the requirements of DMC 25.105.050(2)(a)(i). There shall be no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations.

*Staff Analysis and Conclusion: Sequalitchew Creek is located offsite to the south of the subject property and is required to have a 100-foot buffer. A portion of Sequalitchew Creek's 100-foot buffer falls within the south side of the subject property. The development footprint and all grading are located outside of the 100-foot stream buffer, therefore no impacts are anticipated. The SEPA Determination provides mitigation measures for protection of Sequalitchew Creek from potential erosion impacts caused by construction. (Condition No. 1)*

- iii. DMC 25.105.050(2)(d) provides the regulations for development in fish and wildlife habitats and separates the performance standards into Terrestrial Habitats and Species and Marine Habitats and Species. DMC 25.105.050(2)(e) requires that a habitat management plan shall be required for any development in or adjacent to areas identified as habitat for endangered, threatened or sensitive species and for breeding or nesting habitat of terrestrial priority species. Development in or adjacent to areas used by state priority species shall be designed, located and constructed in consideration of Washington Department of Fish and Wildlife (WDFW) habitat recommendations, and consistent with best management practices (BMPs), including measures to avoid impacts due to construction noise, light and timing.

*Staff Analysis and Conclusion: There are several terrestrial state priority habitat and species mapped by WDFW as being located within the city limits and near the project site: the big brown bat (*Eptesicus fuscus*), little brown bat (*Myotis lucifungus*), and Yuma myotis (*Myotis yumanensis*). A Bat Habitat Reconnaissance (Attachment J.1(r)) was completed for the proposal by a qualified biologist. 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 bat priority species on or within the vicinity; therefore, no protection measures are required.*

*Several public comments were received during the SEPA MDNS comment period stating that the subject property is potential habitat for the newly-listed, endangered Western Gray Squirrel. DMC 25.105.050(2)(e)(i) Performance Standards for Terrestrial Habitats and Species, requires a habitat management plan for any development in or adjacent to areas identified as habitat for endangered, threatened or sensitive species and for breeding or nesting habitat of priority species. The plan shall incorporate mitigation recommendations developed in consideration of Washington Department of Fish and Wildlife habitat recommendations. WDFW does not map the property as containing habitat for the Western Gray Squirrel in their Priority Habitats and Species*

*mapping, and there is no guidance provided by WDFW for the Western Gray Squirrel at this location.*

- iv. DMC 25.105.050.(2)(f) provides the performance standards for marine habitats and species states that a habitat management plan shall be required for any development likely to cause impacts to marine habitat and environmental processes. The plan shall incorporate mitigation recommendations consistent with Washington Department of Fish and Wildlife habitat recommendations.

*Staff Analysis and Conclusion: There are no marine habitats and/or species mapped within the property boundaries as there are no marine environments. WDFW has mapped Sequelitchew Creek (offsite to the south) as containing marine Priority Habitat and Species. The SEPA Determination includes mitigation measures for the protection of water quality impacts to Sequelitchew Creek. The measures include the preparation of a Temporary Erosion Control Plan (TESC) and implementation of best management practices to ensure that impacts to the creek during construction are minimized. (Condition No. 1)*

- b. DMC 25.105.050(3) Geologically Hazardous Areas. DMC 25.105.050(3) provides regulations for development within or near geological hazardous area in order to protect the public health, safety and welfare of the community. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, steep slopes, and seismic hazard areas, which are defined as follows in DMC 25.105.030 (abbreviated to relevant sections):

- Erosion hazard areas are those areas containing soils which, according to the USDA Soil Conservation Service, may experience severe to very severe erosion.
- Landslide hazard areas are those areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors, including historic slope failures.
- Steep slopes are slopes steeper than 15%; hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and areas with springs or ground water seepage.
- Seismic hazard areas are those areas subject to severe risk of damage because of seismic-induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting.

DMC 25.105.050(3)(b)(i) provides standards for proposals located within or adjacent to landslide hazard areas. DMC 25.105.050(3)(b)(i)(A)(III) states that trails may be allowed in landslide hazard areas if the applicant demonstrates that no other feasible alternative exists, including through the provisions of Chapter 8.24 RCW. If such access through critical areas is granted, exceptions or deviations from technical standards for width or other dimensions and specific construction standards to minimize impacts, including drainage and drainage maintenance plans, may be required.

When a proposal is within 300-feet of an *active* landslide hazard area then the geotechnical report shall address DMC 25.105.050(3)(b)(i)(B) standards. Additionally, DMC 25.105.050(3)(c)(i) states that the size of the landslide setback shall be based on findings of a qualified professional within the geotechnical report.

*Staff Analysis and Conclusion: The property contains steep slopes along the southern and western perimeters that have been evaluated for their potential as an erosion or landslide*

*hazard area. The applicant submitted a Geotechnical Report and four Addendums. Per the Geotechnical Report Addendum 3, prepared by GeoEngineers dated October 20, 2023 (Attachment J.1(y)), the property contains both landslide hazard areas and erosion hazard areas and both are recommended to provide a 50-foot buffer from the top of the slope. There is no active landslide hazard area within the property boundaries. The top of the slope and the 50-foot buffer are depicted on the Civil Plans (Attachment J.1(oo)). All of the proposed improvements, with the exception of a portion of the new trail segment, are located outside of these geologic hazard areas and their buffers.*

*The relocated Sequalitchew Creek trail will be partially located within the 50-foot landslide hazard area buffer. The applicant has demonstrated through their various site plan iterations and revisions that the present location for the relocated trail is the most feasible and staff concurs. The location also offers the opportunity for adequate screening of the trail from the proposed building and site improvements. The Geotechnical Report Addendum 4 dated March 22, 2024 (Attachment J.1(jj)) demonstrates that the geotechnical engineer has evaluated the trail relocation plans in the area of the landslide hazard area buffer and determined that the trail within the buffer poses low risk to slope stability. With the recommendations of the geotechnical engineer, the proposal is in compliance with DMC 25.105.050.(3)(b)(i)(B). (Condition No. 5)*

- c. DMC 25.105.050(4) Aquifer Recharge Areas describes two aquifers in the City that are used as drinking water sources for the city of DuPont. DMC 25.105.050(4)(b) describes the following types of development are to be regulated by the chapter:

- Hazardous substance processing or handling;
- Hazardous waste treatment and storage facilities;
- Underground storage of petroleum products;
- Landfills, junkyards, auto wrecking yards;
- Golf courses; and
- Large scale agriculture; or
- Other land use of a similar nature

*Staff Analysis and Conclusion: The City does not have an official map of aquifer recharge areas; however, it is suspected that the aquifer is located in the vicinity of the project. DMC 25.105.050(4)(b) states that only certain types of development/uses are regulated for the protection of aquifer recharge areas, none of which are proposed or allowed in the MRP Zoning District.*

- d. DMC 25.105.070(2) Exceptions provides that construction of new transportation corridors, such as roads, sidewalks and trails; utilities; recreation facilities such as viewing platforms; etc. may be allowed within a critical area when it can be demonstrated that no feasible alternative exists and that there is no net loss in a critical area's functional value. An alternative site for the proposed activity shall be considered feasible if it is available and the proposed activity can be carried out after taking into consideration costs, technology, infrastructure and logistics in light of overall project purposes.

*Staff Analysis and Conclusion: The relocated Sequalitchew Creek Trail will be located within a geologic hazard area buffer and meets the definition of Exception. It is not entirely clear, however if the Exception provisions apply given that DMC 25.105.050(3)(b)(i) (see Section C.6(b), above) provides standards for proposals located within or adjacent to landslide hazard areas. DMC 25.105.050(3)(b)(i)(A)(III) states that trails may be allowed if*

*the applicant demonstrates that no other feasible alternative exists. As described above, the Geotechnical Report Addendum 4 dated March 22, 2024 demonstrated that the geotechnical engineer has evaluated the trail relocation plans in the area of the landslide hazard area buffer and determined that the trail within the buffer poses low risk to slope stability. With the recommendations of the geotechnical engineer, the proposal is in compliance.*

- e. DMC 25.105.080 requires any development proposal within a critical area or its buffer shall require a critical area permit, unless it qualifies for an exemption or exception under DMC 25.105.070 (see above).

*Staff Analysis and Conclusion:* *The only aspect of the proposal that is within a critical area or its buffer is a small segment of the relocated Sequatchew Creek Trail, which qualifies as an Exception. The proposal is not required to apply for a critical area permit.*

- f. DMC 25.105.100 requires that the owner of any property containing critical areas or buffers on which a development project is submitted shall file for record with Pierce County a notice approved in form by the city. Such notice shall provide notice in the public record of the presence of any critical areas or buffers. The owner shall submit proof to the city that the notice has been filed for record within 30 days after the approval of a development permit. The subject property has critical areas and associated buffers located on the property.

*Staff Analysis and Conclusion:* *Proof of filing a critical area notice with Pierce County will be required within 30 days after approval of site development permit. (Condition No. 9)*

## **7. Chapter 25.110 Setbacks – Street Corners**

DMC 25.110 requires projects on corner lots have no building, structure, sign, berm, or planting between three to eight feet above street surface within the vision clearance triangle. DMC defines that vision clearance triangle as “the area enclosed on two sides by the intersecting public right-of-way lines and on the third by an imaginary line connecting those points on said right-of-way lines that are 30 feet from their point of intersection.”

*Staff Analysis and Conclusion:* *The proposal is not located on a street corner, therefore DMC Section 25.110 is not applicable.*

## **8. Chapter 25.115 Transportation Concurrency Review**

Transportation Concurrency Review requires a concurrency test for site plan and design review projects. A development permit issue shall not be issued until a concurrency test has been conducted (per DMC 25.115.020(2)). Per DMC 25.115.040, the finding of concurrency may occur at the building permit application phase.

*Staff Analysis and Conclusion:* *The applicant requested a Transportation Concurrency Certificate on March 31, 2023 and a Certificate was provided by the City on April 17, 2024 (Attachment J.2(c)).*

## **9. Chapter 25.116 Sign Code**

DMC 25.116 requires an application for sign permit.

*Staff Analysis and Conclusion: A sign permit application was not submitted with the Land Use Application but is required for any proposed building or other monument signage in accordance with the requirements of DMC 25.116. (Condition No. 3) Interpretive signage to be located along Sequalitchew Creek Trail (see Attachment J.2(d)) is exempt from sign permit requirements.*

## **10. Chapter 25.120 Tree Retention**

Chapter 25.120 applies to all new development projects that require site plan approval. The City regulates trees based on types, size and the zoning district they are located in. Trees are defined as either Landmark Tree or Specimen Tree as defined in DMC 25.10.120L and DMC 25.10.190S.

- a. DMC 25.120.030(2) states that all landmark Oregon White oak trees shall be retained as well as any native understory protection zone that is one and one-half times the radius of the tree's canopy, unless the landmark oaks are within the proposed street right of way which is integral to the neighborhood and cannot reasonably be moved. In such cases, up to 30 percent of the landmark oak trees may be removed, when consistent with the standards in the table of DMC 25.120.040(1).

*Staff Analysis and Conclusion: The submitted Tree Retention Plan prepared by WFC dated March 20, 2024 (Attachment J.1(ii)), includes an evaluation of onsite trees. It identifies that there are a total of six (6) healthy landmark Oregon white oak trees on site (tree numbers 9, 12, 22, 65, 80 and 81).*

*One (1) Oregon white oak to be removed is located within the Sequalitchew Drive right-of-way (tree #9). The tree is located well inside the road right of way and cannot be adjusted to save the tree while providing the required curve radius and design requirements per city road design standards. The removal of landmark Oregon white oak tree #9 is, therefore, permitted as long as it comprises no more than 30 percent of the landmark oak trees to be removed. The report indicates in the table provided that there are a total of six healthy landmark oak trees onsite. Removal of tree #9 represents 16.6% percent of the total, therefore, removal is allowed. No other landmark Oregon white oak trees are proposed to be removed.*

- b. Per DMC 25.120.030(2), in the manufacturing research park district, landmark trees in the building footprint, parking lot, or storm retention area may be removed if tree retention is achieved along street boundaries and when abutting a residential district.

*Staff Analysis and Conclusion: The project site is not abutting a residential district. Tree retention is proposed along the western boundaries of the future Sequalitchew Drive right-of-way. The trees within the building footprint, parking lot, and storm retention area are proposed to be removed as allowed. The proposal is compliant.*

- c. Chapter 25.120.030(3): Chapter 25.120(3) requires that one and one-half trees per acre be retained.

*Staff Analysis and Conclusion: The property comprises 19.65 acres and requires 29 trees be retained. The Tree Retention Plan prepared by Washington Forest Consultants, Inc. dated March 20, 2024 states that 211 trees will be retained, exceeding the requirement by 182 trees. The proposal is compliant.*

- d. Chapter 25.120.030(4): Chapter 25.120(4) allows trees retained in the oak management mapping units to be counted toward the total trees per acre requirement set forth in DMC 25.120.030(3).

*Staff Analysis and Conclusion:* Staff has reviewed the City's Oak Management Mapping Units map. Although parcel lines are not provided on the Oak Management Map, it appears as though the southeastern portion of the site is located within oak management mapping unit MO-13, see a portion of the map in Figure 2, below. This unit is associated with the riparian corridor of Sequelitchew Creek. The oak trees in this area will either be retained, or they must be removed for the new Sequelitchew Drive right-of-way. The retained trees are counted toward the total trees per acre requirement in DMC 25.120.030(3)(a). The proposal is compliant.

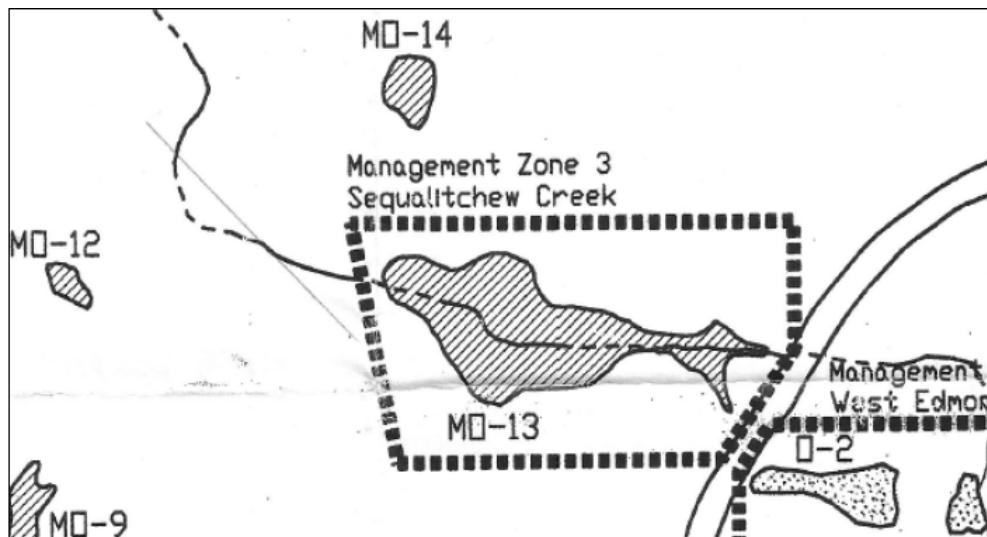


Figure 2- Oak Woodland Management Zone Map

- e. DMC 25.120.030(5) requires no clearing, grading, trenching, cutting, impervious surfacing, or other construction within the drip line of any tree to be retained, or within one and one-half times the radius of the canopy in the case of oak trees to be retained, nor shall grades be lowered or raised so near as to jeopardize said trees; unless there is no other alternative and the intrusion is the minimum possible as determined by the administrator. Temporary barriers shall be installed around trees requiring protection during construction.

*Staff Analysis and Conclusion:* The tree protection measures, temporary barriers, and drip line radius are provided on the landscape plans. Civil Sheet C-6 depicts grading proposed in the drip line of several non-oak trees the applicant intends to retain adjacent to the proposed trail extension segment. The SEPA Determination includes mitigation measures for tree protection and ongoing monitoring of the trees that have drip lines that will be impacted during construction, as outlined in DMC 25.120.030 and as provided in the WFC Tree Protection Plan. These trees are not otherwise required to be retained; therefore the proposal is compliant with DMC 25.120.030(5).

- f. DMC 25.120.030(6) requires all landscape plans include the location, size, and species of all landmark, historic, and specimen trees; which trees are to be retained; and how retained trees will be protected during development.



*Staff Analysis and Conclusion: The Landscape Plans (Attachment J.1(nn)) provide the location, size, tree species, and protection measures for retained trees. The WFC Tree Protection Plan provides more detail on the size, species and recommended protection measures. The SEPA Determination includes mitigation measures for tree protection as outlined in DMC 25.120.030 and as provided in the WFC Tree Protection Plan.*

- g. DMC 25.120.030(7) requires that all trees that are to be retained remain protected for their life, except as noted in subsection (8) of this section. The code stipulates that the “plat or site plan” on which the tree is located shall contain the following note: “This plat is also subject to an approved tree retention plan which requires that certain trees be preserved. That plan, which is binding on all owners, is on file with the City Planning Department.” To further inform future lot owners, a copy of the approved tree retention plan shall be provided each owner at closing on each lot.

*Staff Analysis and Conclusion: It appears this requirement applies to both plats and site plans. This note is on the Landscape and Irrigation Plans dated March 27, 2024. The proposal is compliant.*

- h. DMC 25.120.030(8) requires that retained trees not be removed unless the administrator determines in writing that they have become hazardous or diseased or threaten to damage public or private property. Whoever removes a street tree or required tree shall replace it with a tree approved by the city.

*Staff Analysis and Conclusion: The proposal exceeds the minimum requirements of retained trees by 182 trees, therefore no tree replacement is required. The proposal is compliant.*

- i. DMC 25.120.040 provides regulations for the various Oak Management Mapping Units in the City. Mapping Unit MO-13 appears to be located adjacent to Sequelitchew Creek and a portion may fall on the southeastern portion of the subject property. The DMC requires 80% of the trees in MO-13 be retained in “one contiguous block including the entire western portion thereof”.

*Staff Analysis and Conclusion: The Oak Management Map is vague in the boundaries of the oak management mapping units; it appears that the Sequelitchew Creek riparian corridor adjacent to the south of the subject property is within mapping unit MO-13 and some of this unit may extend to the southeastern portion of the property. See Figure 2, above. Some of the area appears to be within the future road right-of-way for Sequelitchew Drive and some appears to be south of the development footprint. The WFC Tree Protection Plan characterizes the type of trees in the vicinity of Unit MO-13 as containing a mix of deciduous and conifer trees including Douglas fir, western hemlock, western red cedar, Pacific yew, Pacific madrone, bigleaf Maple and Oregon white oak. It is not possible to calculate the actual boundaries of the unit and therefore it is not possible to calculate if the 80% requirement will be met. Staff interprets the proposed tree retention that is planned for the southern portion of the property as meeting the intent of DMC 25.120.040, therefore the proposal is compliant.*

- j. DMC 25.120.040(3) – (10) also provides several tree protection measures such as fencing during construction, and no cuts, fills, or trenching shall occur in oak preserves. Grading near oak preserves shall utilize natural contours when possible to avoid creating pedestals or bodies where oaks are growing. Oaks in preserves shall not be irrigated unless an arborist

experienced with oaks determines that, due to drought, they need deep watering around the drip line.

*Staff Analysis and Conclusion: The Landscape Plans include the tree protection requirements of DMC 25.120.030 on Sheet L-1. It is not clear that the proposed onsite trees are within an oak preserve. Staff interpretation is that the protection measures provided on the landscape plans and the additional measures required by the SEPA Determination will protect the trees to be retained.*

- k. DMC 25.120.050 provides that anyone with an ownership interest in land may request a modification from the provisions of the tree retention chapter based on special circumstances pertaining to that land or the trees on it. Such requests shall be addressed, in writing, with full documentation and justification, to the administrator, who shall grant or deny based on DMC 25.120.010. Such request shall be processed with a Type III procedure per DMC 25.175.010(4).

*Staff Analysis and Conclusion: The proposal includes the removal of one landmark Oregon White Oak which is located in the proposed right-of-way, which is allowed to be removed per DMC 25.120.030(2). The proposal does not require a Type III Tree Modification request.*

- 11. **Chapter 25.125 Wireless Communications Facilities-** Chapter 25.125 provides standards for wireless communication facilities.

*Staff Analysis and Conclusion: The application does not include a request for a wireless communication facility. Therefore, Chapter 25.125 is not applicable.*

#### **D. ENGINEERING DEPARTMENT REVIEW**

The City's engineering consultant has reviewed the application and provided comments and conditions. The final comment letter is dated June 10, 2024. The letter has been incorporated in the Summary of Record (Attachment J.6(a)) and recommendations made conditions of approval, where warranted.

#### **E. FIRE DEPARTMENT REVIEW**

The City Fire Marshal has reviewed the application and provided comments and condition in the memorandum dated January 16, 2024; which have been incorporated in the summary of record and made conditions of approval, where warranted. (Attachment J.6(b))

#### **F. BUILDING DEPARTMENT REVIEW**

The City Building Official has reviewed the application and provided comments in the email dated January 4, 2024, which have been incorporated in the summary of record and made conditions of approval, where warranted. (Attachment J.6(c))

#### **G. TRAFFIC REVIEW**

The City's Traffic Engineering Consultant, Gerilyn Reinhart, has reviewed the Traffic Impact Analysis submitted with the application and provided comments dated April 26, 2024, which have been incorporated in the summary of record and made conditions of approval or SEPA mitigation measures, where warranted. (Attachment J.6(d))

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## H. CONCLUSION

The proposal has been reviewed and found compliant with the Site Plan Review criteria in DMC 25.150 and should be approved subject to the recommended conditions of approval. In accordance with DMC 25.175.040, subject to the recommended conditions below, the Site Plan is consistent with the DMC and existing ordinances concerning public utilities, traffic, facilities, and services, and provides access, landscaping, screening, building placement, parking lot layout, and protection of sensitive areas.

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## I. RECOMMENDATION

Based on the findings and conclusions in this report, City staff recommends approval of the following application: Type III Site Plan Approval, subject to the following conditions:

1. The SEPA Mitigated Determination of Nonsignificance Findings and Mitigation Measures dated August 29, 2024 is incorporated herein by reference and all SEPA Mitigation Measures included in the MDNS are hereby adopted in full and included as Conditions of Approval for the project.
2. Per DMC 24.150.040, 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.
3. A sign permit will be required for all building and site signage, not including interpretive signage or trail directional signage.
4. The project is subject to the Geographic Information System (GIS) requirements as stated in the City of DuPont Municipal Code, Chapter 24.10, and Ordinance No. 97-559.
5. The design and construction of the proposal shall adhere to the recommendations provided in the 2011 Geotechnical Report and Addendums as well as any future updates.
6. The application is specific to Lots 1 and 2 of the recorded Short Plat. No work, grading or stockpiling of any kind is allowed on or within Lot 3.
7. A maintenance and monitoring bond will be required to be held by the city for all onsite and offsite landscaping for a period of five years to ensure satisfactory survival.
8. A copy of the Construction Stormwater General Permit (CSWGP) will be required prior to site development permit approval.
9. The applicant shall file for record with Pierce County a notice in form approved by the City providing notice of the presence of any critical area or buffer. The owner shall submit proof to the city that the notice has been filed for record within 30 days after the approval of a development permit.

10. Trucks and vehicles are prohibited from parking on all public rights of way while waiting to access the property unless temporary approval is granted by the City.

#### BUILDING USE REQUIREMENTS

11. Each building permit application will be reviewed to confirm that the proposed use/tenant will not create significant noise, risk of explosion or radioactive release, or air or water pollution, as required per DMC 25.45.020.
12. Each building permit application will be reviewed to confirm that the proposed use/tenant complies with the performance standards of DMC 25.45.030, including:
  - a. Building permit applications shall be assessed for compliance with the provisions for screening of, and noise emitted from (per DMC 9.09), mechanical equipment per DMC 25.45.030(8).
  - b. Building permit applications shall be assessed for compliance with the provisions for size and screening of outdoor storage per DMC 25.45.030(9), if provided.
  - c. 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. Each user will be assessed at the time of building permit for compliance with this requirement.
  - d. Building permit applications shall be assessed for compliance with DMC 25.45.030(16) to ensure that no more than 20,000 pounds of hazardous substances or wastes produced or used for onsite operations are stored onsite.
13. The Land Use Application and SEPA checklist state that approximately 90-120 persons would be employed. If the final number of employees is greater than 100 persons, then Chapter 25.75, Commute Trip Reduction, will be applicable. Final employee numbers shall be finalized prior to issuance of tenant building permits.

#### HANDLING OF SOILS

14. The site contains shallow soil contaminated with arsenic and lead from aerial deposition associated with the regional ASARCO release. 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 their successors. Previous site 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.
15. The Department of Ecology requested the following conditions of approval in their comment letter dated September 11, 2024:
  - a. Develop soil remediation plan and enter into the Voluntary Cleanup Program with Ecology. For more information on the Voluntary Cleanup Program, visit Ecology website at: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanupprocess/Cleanup-options/Voluntary-cleanup-program>.

- b. Obtain an opinion letter from stating that the proposed soil remediation plan will likely result in no further action under MTCA. The applicant shall provide to the local land use permitting agency the opinion letter from Ecology.
- c. Prior to finalizing site development permits, provide to the local land use permitting agency “No Further Action” determination from Ecology indicating that the remediation plans were successfully implemented under MTCA.
- d. 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 regulation (Chapter 173-350 WAC). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.

## SITE DESIGN REQUIREMENTS

- 16. The design requirements for trash enclosures will be reviewed at the time of site development and building permit application for compliance with DMC 25.100.
- 17. If 90 employees are the number of workers at maximum shift, the code required parking range is between a minimum of 30 and maximum of 90 parking spaces, which is less than the proposed 138 spaces. If 120 employees are the number of workers at maximum shift, the code required parking range is between a minimum of 40 and maximum of 120 parking spaces, which is still less than the proposed 141 spaces. Each tenant/user shall provide an employee maximum shift count at the time of building permit to confirm the code-required parking range. The quantity of parking spaces may need to be adjusted to meet City code, or a variance may be required. Any removed parking spaces shall be planted as determined by the Director.
- 18. Parking aisle and stall dimensions shall be reviewed for compliance with the dimensional requirements of DMC 25.95.050 at the time of site development permit application.
- 19. High-occupancy vehicle spaces shall be reserved at the ratio provided in DMC 25.95.060. The civil site plans shall be reviewed for compliance with the high-occupancy vehicle requirements at the time of site development permit.
- 20. Parking for electric vehicles shall be provided in accordance with the requirements of the current city-adopted Washington State building code. Electric Vehicle (EV) parking stalls shall be posted with identification signage indicating the space is only for electric vehicle charging purposes.
- 21. The project provides loading docks along the south elevation, however dimensions are not provided. Loading areas will be reviewed at the time of site development and building permit application for compliance with the City requirements for loading areas (DMC 25.95.070).

## ROADWAY IMPROVEMENTS

- 22. The functional classification for the proposed Sequalitchew Drive extension is an arterial. The road cross-section shall meet City Public Works Standards and should match the existing road cross-section.

23. There appears to be an approximate 20-foot offset from the existing westbound lane at the existing temporary cul-de-sac to the new pavement section serving the site. There needs to be an appropriate transition between these two cross-sections with appropriate channelization (centerline and edge line) and possibly additional pavement to safely guide westbound motorists between the two sections.
24. In accordance with Section 2.21 Street Frontage Improvements, all commercial developments shall install frontage improvements at the time of construction as required by the City. Such improvements include curb and gutter, sidewalk, street, storm drainage, street lighting systems, utility relocations, landscaping and irrigation (2.21.1) and all front improvements shall be made across the full frontage of the property from centerline to right-of-way line (2.21.2).
25. The Sequalitchew Drive right-of-way pavement markings and signage shall be included in the Channelization plans during civil construction review, which includes any revisions to Sequalitchew Drive and Center Drive.
26. Signage shall be added to Sequalitchew Drive at the intersection with Center Drive restricting exiting trucks to left turns only.
27. The completed/constructed Sequalitchew Drive road section shall be dedicated to the City prior to Certificate of Occupancy.

#### UTILITIES

28. The City's Stormwater System Development Charge (SDC) will apply to this project based on the rates in effect at the time of permit issuance.
29. Documentation of Pierce County Public Works and Utilities approval of the Sanitary Sewer Plans for this project will be required prior to issuance of a construction permit.

#### FIRE PROTECTION / EMERGENCY SERVICES

30. All applicable Fire Impact fees assessed for the proposed development will be required to be paid prior to the issuance of building permits associated with the project.
31. Per DMC 13.05.100, Emergency Vehicle Access Standards Section I. (Gates) Number one thru six shall be followed if gates are installed.
32. Prior to Fire Department approval for occupancy, an underground fire line shall be installed. The system shall comply with NFPA 24 Standard for Installation of Private Fire Service Mains. Three (3) sets of plans, 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. The FDC shall be a minimum of 50 feet or 1&1/2 times the height of the structure away from the building. The FDC shall be within 50 feet of a hydrant and be 5 inch with a locking cap. (Fire Department approval for location) A separate permit is required.

33. Per DMC 13.05.100, Emergency Vehicle Access Standards Section H. (Dead End Road Access)  
An approved area for turning around fire apparatus shall be required at the end of Sequalitchew Dr.
34. An automatic fire sprinkler system shall be installed. The system shall comply with NFPA 13 Standard for Automatic Fire Sprinkler System. Three (3) 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.
35. If a fire pump is required, the system shall comply with NFPA 20. Three (3) 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.
36. An automatic fire alarm system shall be installed. The system shall comply with NFPA 72 Standard for Fire Alarm System. Three (3) sets of plans, material specifications sheet 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.
37. 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.
38. 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.
39. The applicable requirements of Chapter 33 of the applicable International Fire Code (Fire safety during construction and demolition) shall be met.
40. All new buildings shall have approved emergency responder radio coverage per section 510 of the 2018 International Fire Code. A separate permit is required.

## **J. SUMMARY OF RECORD**

1. The following plans and documents were submitted for City review between November 21, 2022 and June 3, 2024. If a plan was later revised, earlier versions are not included in the Summary of Record (i.e., only the final version is included):
  - a. Archaeological Survey, Testing and Monitoring Report prepared by Parus Consulting, Inc. dated April 14, 2011
  - b. Geotechnical Report prepared by GeoEngineers dated October 10, 2011
  - c. Geotechnical Report Addendum prepared by GeoEngineers dated May 11, 2018

- d. Allowable Use letter from Washington State Attorney General dated October 17, 2018
- e. Cultural Resources Addendum Memo prepared by Natural Investigations Company dated October 17, 2022
- f. Authorization to Act as Agent signed October 25, 2022
- g. Geotechnical Report Addendum prepared by GeoEngineers dated Nov. 8, 2022
- h. Building Elevations prepared by Innova Architects dated Nov. 14, 2022
- i. Land Use Application Form signed Nov. 18, 2022
- j. Cover Letter prepared by Barghausen Consulting Engineers, Inc. dated November 18, 2022
- k. Vicinity Map dated November 18, 2022
- l. SEPA Transportation Concurrency Review Payment Plan dated January 26, 2023
- m. Title Commitment dated March 3, 2023
- n. Pierce County Sewer Availability Letter dated March 10, 2023 together with Sewer Asbuilts for Creekside Village and Sewer topo map
- o. Comment Response Letter prepared by Barghausen Consulting Engineers, Inc. dated March 31, 2023
- p. Cultural Resources Addendum Memo dated July 2023
- q. Bat Habitat Technical Memo prepared by Soundview Consultants dated July 19, 2023
- r. Geotechnical Report Addendum 2 prepared by GeoEngineers dated August 1, 2023
- s. Site Specific Sewer Information Letter to Pierce County undated, received July 31, 2023
- t. Land Use Application dated August 4, 2023
- u. Visual Analysis – Line of sight exhibit prepared by Barghausen Consulting Engineers, Inc. dated August 6, 2023
- v. Comment Response Letter prepared by Barghausen Consulting Engineers, Inc. dated August 8, 2023
- w. Traffic Impact Analysis prepared by Heath & Associates dated October 9, 2023
- x. Geotechnical Report Addendum 3 prepared by GeoEngineers dated October 20, 2023



- y. Cultural Resources Addendum Memo prepared by Natural Investigations Company dated October 2023.
- z. LeMay dumpster location approval October 30, 2023
- aa. Photometrics Plan prepared by Range Electric Company dated November 2, 2023
- bb. Stormwater Site Plan Report prepared by Barghausen Consulting Engineers, Inc. dated November 6, 2023
- cc. SEPA checklist revised November 9, 2023
- dd. Response to Comment Letter prepared by Barghausen Consulting Engineers, Inc. dated November 10, 2023
- ee. Architecture SEPA Site Plan prepared by Innova Architects dated May 10, 2024
- ff. Water Availability Form undated, received on December 8, 2022
- gg. Technical Memorandum Response to City Comments – OHWM Verification prepared by Soundview Consultants dated March 19, 2024
- hh. Tree Retention Plan prepared by Washington Forestry Consultants, Inc. dated March 20, 2024
- ii. Geotechnical Report Addendum 4, prepared by GeoEngineers dated March 22, 2024
- jj. Response to Comment Letter prepared by Barghausen Consulting Engineers, Inc. dated March 29, 2024
- kk. Noise Study Comment Response Letter prepared by JGL Acoustics dated March 1, 2024
- ll. Updated Noise Study prepared by JGL Acoustics, Inc. dated May 20, 2024
- mm. Landscape Plans, Irrigation Plans and Tree Retention Plans prepared by Barghausen Consulting Engineers, Inc. dated May 29, 2024
- nn. Civil Plans prepared by Barghausen Consulting Engineers, Inc. dated May 30, 2024
- oo. Response to Comment Letter prepared by Barghausen Consulting Engineers, Inc. dated May 31, 2024

2. The following Notices and Approvals were issued by the City during application review:

- a. Notice of Complete Application dated February 17, 2023.
- b. Notice of Application dated February 23, 2023 with noticing affidavits.
- c. Traffic Concurrency approval dated April 17, 2024.

- d. Withdrawal and new SEPA Mitigated Determination of Nonsignificance dated August 29, 2024, including publication and posting affidavits.
  - e. Notice of Public Hearing dated September 27, 2024, including publication, mailing and posting affidavits.
3. The following public comments were received during the Notice of Application comment period:
- a. Rebecca Chapman email dated March 4, 2023, commented on environmental concerns associated with “excessive industry”.
  - b. Bridget King email dated March 6, 2023, commented in opposition of proposed tree removal and requested compliance with access to historic sites and pedestrian safety.
  - c. Kate Burch email dated March 8, 2023, commented in opposition of any new warehouse development in the City.
  - d. Bryan and Leslie Bright email dated March 8, 2023, commented in opposition of the development due to its incompliance with policies set forth in the city code and Comprehensive Plan.
  - e. Beth Elliott email dated March 6, 2023, commented in opposition of the development due to its incompliance with policies set forth in the city code and Comprehensive Plan, proposed tree removal, and impact on the natural environment.
  - f. Tanya Klippert email dated March 4, 2023, commented on the proposed developments potential impacts on Sequalitchew Creek, Sequalitchew Trail, animal habitats, aesthetics, safety, and traffic.
  - g. Judy Norris email dated March 6, 2023, commented on the proposed development’s incompliance with policies set forth in the city code and Comprehensive Plan.
  - h. John and Bertha Reed email dated March 4, 2023, commented in opposition of the proposal due to its proximity to a historical marker and protected areas for sensitive flora species.
  - i. Tim Mills email dated March 4, 2023, commented in opposition of the development of any warehousing in the City.
  - j. Cary Harlow email dated March 8, 2023, commented in opposition of the development of additional warehouses because of their impact on the natural environment and misalignment with the Comprehensive Plan.
  - k. Krista Novak email dated March 6, 2023, commented in opposition of the development due to its intensity and potential environmental impacts.
  - l. Kate Walsh email dated March 5, 2023, had a question on the hours of operation of the warehouse.

- m. Marcella Velazquez dated March 4, 2023, commented in opposition of the proposed development due to safety concerns, misalignment with the city codes, and potential impacts on the City's natural beauty.
4. The following public comments were received during the SEPA MDNS comment period:
- a. Brad Beach of the Nisqually Tribe commented that the mitigation measures were appropriate and expressed interest in participating in the preparation of the Sequelitchew Creek signage.
  - b. The Dept. of Ecology commented that only clean fill shall be utilized and that removed debris must be disposed of at an approved site. Ecology also confirmed the findings and mitigation measures related to Environmental Health. Ecology recommended specific conditions of approval that are included herein (Condition No. 15 (a) – (d))
  - c. Christopher Fletcher commented on September 11, 2024 in opposition to the warehouse/light manufacturing use in the proposed location.
  - d. Beth Elliott commented on September 11, 2024 that the City's Comprehensive Plan and code prohibit the type of project in the Business Technology Park area. The property is located in the Manufacturing Research Park area and prohibit the warehouse use adjacent to a main street. The comments also state that heavy industrial uses are not allowed in this area. Per DMC 25.10.080.030, the proposed warehouse is not defined as a heavy industrial use.
  - e. Washington Department of Natural Resources commented that the proposal may require a Class IV-General Forest Practices Application/Notification.
  - f. Judy Norris commented on September 8, 2024 that the City's Comprehensive Plan and code prohibit the type of project in the Business Technology Park area and prohibit the warehouse use adjacent to a main street and that the short plat is undermines the intent of the Comprehensive Plan. The property is located in the Manufacturing Research Park area. The comments also state that the property is habitat for the Western Gray Squirrel, which is listed as an endangered species. The WDFW Priority Habitats and Species on the Web map does not list the Western Gray Squirrel as being in the area of the proposal.
  - g. Kaleigh Kinsella commented on September 7, 2024 expressing alarm for the large-scale project that contributes little to the character of DuPont. Other concerns related to the impacts to Western Gray Squirrel habitat and semi-truck traffic.
  - h. Robin Barrow commented on September 6, 2024 with concerns for the loss of Western Gray Squirrel habitat. The WDFW Priority Habitats and Species on the Web map does not list the Western Gray Squirrel in the area of the proposal.
  - i. Amanda Childers commented on September 6, 2024 expressing opposition to anymore warehouses in DuPont.
5. The following applicable historical information is provided to supplement the record. Other historical documents are included within the applicant's submittal items.

- a. Declaration of Restrictive Covenant dated October 26, 1999, recording no. 9910290750, regarding remedial action under the Washington Model Toxics Control Act.
- b. Declaration of Restrictive Covenant - Open Spaces dated July 24, 2006 (recording no. 200607251019) regarding areas that can be used for Open Space purposes.
- c. Declaration of Restrictive Covenant – Industrial dated July 24, 2006, recording no. 200607251020, regarding remedial action under the Washington Model Toxics Control Act.
- d. SEPA Mitigated Determination of Nonsignificance dated February 14, 2019 (PLNG2018-008, -009, -047).
- e. DuPont Industrial Park Final Decision dated June 17, 2019 (PLNG2018-008, -009, -047).
- f. DuPont Industrial Park Court of Appeals Unpublished Opinion filed March 29, 2022.

6. The following comments were provided by City staff and consultants:

- a. Engineering comments provided by Gray & Osbourne, Inc., Engineering Consultants dated June 10, 2024
- b. Fire comments provided by Mike Turner dated January 16, 2024
- c. Building comments provided by Ray Shipman, Building official dated January 4, 2024
- d. Traffic comments provided by Gerilyn Reinhart, Traffic Engineering Consultant dated December 21, 2023 and April 26, 2024
- e. Noise Study Peer Review prepared by Landau Associates dated June 14, 2024

## K. PARTIES OF RECORD

1. Ben Varin, Avenue 55
  2. Dan Balmelli, Barghausen Consulting Engineers
  3. Betsy Dyer, Barghausen Consulting Engineers
  4. Marcella Velazquez; tuangelmjv2@yahoo.com
  5. Kate Walsh; 3mcwals@gmail.com
  6. Krista Novak; kristamnovak@yahoo.com
  7. Cary Harlow; cebchar@gmail.com
  8. Tim Mills; timmillsdw@comcast.net
  9. John and Bertha Reed; denise.reed@outlook.com
  10. Tanya Klippert; strykerm6@yahoo.com
  11. Bryan and Leslie Bright; lbbright@comcast.net
  12. Karen Burch; burchtrees1\_@hotmail.com
  13. Rebecca Chapman; rebecca\_hawaii@live.com
  14. Bridget King; bkking3@hotmail.com
  15. Brad Beach, Nisqually Tribe; [beach.brad@nisqually-nsn.gov](mailto:beach.brad@nisqually-nsn.gov)
  16. Department of Ecology, Diana Ison; [diana.ison@ecy.wa.gov](mailto:diana.ison@ecy.wa.gov)
  17. Christopher Fletcher; [fletcher4hwang@yahoo.com](mailto:fletcher4hwang@yahoo.com)
  18. Beth Elliott; [bethelliott1953@gmail.com](mailto:bethelliott1953@gmail.com)
  19. Department of Natural Resources; [southpuget.forestpractices@dnr.wa.gov](mailto:southpuget.forestpractices@dnr.wa.gov)
  20. Judy Norris; [piebaldsatil@gmail.com](mailto:piebaldsatil@gmail.com)
  21. Kaleigh Kinsella; [kaleighkinsella@yahoo.com](mailto:kaleighkinsella@yahoo.com)
  22. Robin Barrow; barpow1@msn.com
  23. Amanda Childers; Amanda.y.childers@gmail.com
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cc: File No. PLNG2022-031 (Type III Site Plan Review) and PLNG2022-032 (SEPA)  
Applicant: Ben Varin, Avenue 55  
Dan Balmelli/Betsy Dyer, Barghausen Consulting Engineers  
Lisa Klein, AHBL, Inc., Land Use Consultant to the City