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MAY 25 2018 @ 3:47 PM
CITY OF DUPONT

NOTICE OF APPEAL

1. **Appellant:** Save Our City, c/o Judy Norris-Handy, 1485 Kittson, Dupont, WA. 253-370-6246.
2. **Standing:** Save Our City is a citizen organization dedicated to protecting the quality of life in Dupont and assuring compliance with the city's comprehensive plan and development regulations. The challenged code interpretation would allow development that is authorized by the comp plan and development regulations and would allow development that was expressly banned by the City Council because of its adverse impacts on the city. Save Our City members own property, live, work and play in the city and will suffer from the adverse impacts that the City Council sought to prohibit if the code interpretation is allowed to stand.
3. **Identification of the decision being appealed:** Code Interpretation 2018-001.
4. **Grounds for appeal and facts upon which the appeal is based:** The City Council has banned warehouse and distribution uses in the MUV zone. Consistent with that ban, the Director issued Interpretation 2017-001 construing the code to preclude fulfillment centers and "parcel hubs" in the MUV zone. But portions of the challenged interpretation would allow uses that meet the definition of "warehouse/distribution" use. The interpretation is inconsistent with the code and should be vacated or modified accordingly.

   Paragraph 1 of the Analysis addresses uses that include warehousing in conjunction with "direct sales, indirect sales, digital sales or a combination of any of the above . . ." None of those terms is defined. The extent to which the space is used for warehousing as opposed to "indirect" or "digital" sales is not described. The ban on warehousing is not expressed in terms such that warehousing is allowed if it is combined with another allowed use, particularly a use as ambiguous as "indirect sales" or a use as amorphous as "digital" sales.

   Likewise, Paragraph 8 of the Analysis construes the code to allow a building used to "process, store and distribute food products . . ." Again, the relative significance of the storage and distribution uses are not specified. Worse, the storage and distribution functions are not tied to the same products that are processed on site. As such, the interpretation would allow a use that is predominantly warehousing and/or a use that stores and distributes products that are not processed on site.

   Both of these interpretations are inconsistent with the Council's code amendment banning warehousing/distribution in the MUV zone.

5. **Relief Sought:** The code interpretation should be vacated or modified to assure that warehouse and distribution uses prohibited by the code are also prohibited by this code interpretation.

The appellant has read this appeal and believes the contents to be true.

Judy Norris Handy 25 May

JUDY NORRIS-HANDY

BEFORE THE HEARING EXAMINER
FOR THE CITY OF DUPONT

RE: SAVE OUR CITY	NO. PLNG2018-34
INTERPRETATION APPEAL	DECLARATION OF SERVICE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, PEGGY S. CAHILL, under penalty of perjury under the laws of the State of Washington, declare as follows:

I am the legal assistant for Bricklin & Newman, LLP, attorneys for appellants herein. On the date indicated below, I caused Appellant's Witness and Exhibit List and Appellant's Exhibits to be served on:

Hearing Examiner: olbrechtslaw@gmail.com

City of Dupont: GKarg@dupontwa.gov; JWilson@dupontwa.gov

Appellant: piebaldsatil@gmail.com

Property Owner/Contract Purchaser: BLynn@gth-law.com; williams.bill@principal.com; w.reisenauer@comcast.net; gary.danklefsen@cushwake.com; Tom.Abbott@colliers.com; klarson@larsonlawfirmllc.com

Bricklin & Newman, LLP
Attorneys at Law
1424 Fourth Avenue, Suite 500
Seattle WA 98101
Tel. (206) 264-8600
Fax. (206) 264-9300

DATED this 2nd day of July, 2018, at Seattle, Washington.

Peggy S. Cahill

PEGGY S. CAHILL

Bricklin & Newman, LLP
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BEFORE THE HEARING EXAMINER
FOR THE CITY OF DUPONT

RE: SAVE OUR CITY	NO. PLNG2018-34
INTERPRETATION APPEAL	APPELLANT'S WITNESS AND EXHIBIT LIST

Appellant Save Our City hereby respectfully, in accordance with the prehearing order, submits its witness and exhibit lists for the above-captioned appeal.

I. WITNESS LIST

Appellant may call the following witnesses to testify at the appeal hearing. Appellants provide this list without waiving their position that most or all testimony presented by all parties may be irrelevant to the legal issues presented. The general subject matter of their expected testimony is noted below.

1. Dennis Clarke, City Planner. Mr. Clarke may address all issues that arise in this appeal. Approximate length of testimony: 30 minutes.

2. Mike Brown. Mr. Brown may address all issues that arise in this appeal. Approximate length of testimony: 30 minutes.

Appellant reserves the right to call any witness identified by any other party, to call additional rebuttal witnesses, to call additional witnesses to the extent that it is allowed by the City of Dupont

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Hearing Examiner Rules, to call substitute witnesses if any of the witnesses identified above become unavailable, and to introduce witnesses based upon information gained from the city in response to a pending Public Records Act request.

II. EXHIBIT LIST

Appellant identifies the following exhibits it may use at the hearing in this matter:

1. City of DuPont Planning Commission Complete Packet, Apr. 9, 2018.
2. City of DuPont Planning Commission Complete PC Packet, Jun. 11, 2018.
3. City of DuPont Planning Commission Minutes, Oct. 9, 2017.
4. City of DuPont Regular City Council Meeting Minutes, Nov. 28, 2017.
5. Letter from David Bricklin to DuPont City Council, Feb. 26, 2018.
6. Code interpretation appeal of Save Our City, signed copy, May 25, 2018.
7. Code Interpretation Decision, File No. 2018- 001, May 11, 2018.
8. City Council Workshop Minutes, Feb. 20, 2018.
9. City of DuPont Regular City Council Meeting Minutes-2, Mar. 13, 2018.
10. City of DuPont Regular Council Meeting Minutes, Mar. 27, 2018.
11. Matt Helder Facebook FB message to the members of SOC dated Nov. 15, 2017.
12. City of DuPont Regular Council Meeting Agenda, Nov. 28, 2017.
13. City of DuPont City Council Special Workshop Meeting Minutes, Nov. 7, 2017.
14. City of DuPont Regular City Council Meeting Minutes, Nov. 14, 2017.
15. Community Open House Meeting Summary, Aug. 7, 2017.
16. Screenshot: only 1 vote for warehouses and 1 vote for manufacturing further in the document was gathered in the feedback process.
17. 2017 Comprehensive Plan Final Updates, Nov. 28, 2017.

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18. Any development regulation or applicable comprehensive plan of the City of DuPont.

19. Any document produced by the City of DuPont to pending public records requests.

20. Transcript excerpts of public meetings and hearings (currently being transcribed).

In addition to the exhibits identified above, appellant reserves the right to introduce exhibits identified by any other party, to introduce additional exhibits as allowed by the City of Dupont Hearing Examiner Rules, to introduce documents provided by the city in response to a pending Public Records Act request, and to introduce additional exhibits during cross-examination or rebuttal.

Dated this 2nd day of July, 2018.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

By: _____

David A. Bricklin, WSBA No. 7583
Attorney for Appellant

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Interim Chair Kevin Ballard (Position 7)

Beth Elliott (Position 1)
Jeremy Warner(Position 4)
Vacant (Alternate)

Corey Wright (Position 2)
Vacant (Position 5)

Renee Buck (Position 3)
Dustin Marlett-(Position 6)

MEETING AGENDA
Monday, April 9, 2018
6:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENT AND APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

A. March 12, 2018

5. AUDIENCE COMMENTS (Items not on the Agenda – Limited to 3 minutes per individual)

6. PUBLIC HEARINGS

A. N/A

7. UNFINISHED BUSINESS

A. N/A

8. NEW BUSINESS

A. PLNG2018-019 & 020. Proposed draft definitions to be added and proposed amendments to existing definitions within DMC Chapter 25.10 (Definitions)

9. ADMINISTRATIVE REPORTS

A. Update on Council actions regarding code amendments
B. Extended Agenda
C. Other

10. AUDIENCE COMMENTS (Limited to 3 minutes per individual)

11. PLANNING COMMISSION MEMBER COMMENTS

12. ADJOURNMENT

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CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
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MEETING MINUTES

Monday, March 12, 2018

Commissioners: Chair, Todd Tatum, Vice-Chair, Kevin Ballard, Commissioners Beth Elliott, Corey Wright, Renee Buck, Jeremy Warner, Dustin Marlett

Staff in Attendance: City Administrator, Ted Danek, Community Development Director, Jeff Wilson, Administrative Support, Janet Howald

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1. CALL TO ORDER
Chair Tatum called the meeting to order at 6:00pm.

2. ROLL CALL
Present: Chair Tatum, Vice-Chair Ballard, and all Commissioners were present.

3. ANNOUNCEMENT AND APPROVAL OF AGENDA
A motion was made and seconded to approve the Agenda as presented; (Buck/Warner) 7/0 motion carried.

4. APPROVAL OF MINUTES
A motion was made and seconded to approve the February 12, 2018 Minutes as presented; (Elliott/Wright) 7/0 motion carried.

5. AUDIENCE COMMENTS
Council Member Penny Coffey announced that she is the liaison for the Planning Commission to Council.

6. PUBLIC HEARINGS
N/A

7. UNFINISHED BUSINESS
N/A

8. NEW BUSINESS
Director Wilson discussed the memo in the packet stating that the mayor has given direction to work on corrections and update to terms used in the DMC Title 25, specifically Chapter 25.10 Definitions sections. The other item will be to review the individual chapters under Title 25 to refine and streamline the definitions.

9. ADMINISTRATIVE REPORTS
Director Wilson discussed current opportunities to attend a "Short Course in Local Planning". The actual list of dates and locations will be provided via email to the Commissioners.

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Mr. Wilson provided a brief overview of the Extended Agenda which currently goes through March 26, 2018 for continued discussion of the DMC Chapter 25.10-Definitions.
He further explained that the Shoreline Master Program has to be reviewed and completed by June 2019 and so will build discussion into the schedule. The other items to be reviewed include the Transportation element of the Comprehensive Plan.

City Administrator Ted Danek appealed and addressed the Planning Commission to maintain civility and respect towards each other and stand up against improper allegations towards Staff. He reiterated to address any concerns or questions and feel free to discuss with him. He discussed the role of the Planning Commission role is to provide advice to the Mayor and Council but serve the community which includes citizens, businesses, land owners, schools, churches, etc, and reminded them they should feel a sense of service to the community, not representing a specific group and if there is conflict it may be best to be an advocate in some other capacity. He continued that they are to treat the community fairly across the board, such as meaning land owners have rights and are a part of the community and should treat things fairly. There are new rules for City to come up with policies and procedures for every board and agency to understand the expectations structure and reduce confusion in the future. Discussion with the Planning Commissioners continued with the definition of working for the Community vs working for the City. Mr. Danek clarified that agency members do not represent the community as the elected officials do but should feel a sense of service to the community while respecting the conflicting interests. Further discussion included clarity in process, opinions and interpretations to ensure accuracy in motions and process in a respectful manner.
Mr. Danek offered his thanks and appreciation to the Planning Commissioners as the work is important and has been difficult and looks forward to opportunities in 2018.

10. AUDIENCE COMMENTS
N/A

11. PLANNING COMMISSION MEMBER COMMENTS
Commissioner Elliott offered thanks to Mr. Danek for his comments and thanked Commissioner Wright for his comments. She stated for the record that her approval of what appeared in previous packet materials was not her intent.

Commissioner Wright offered thanks for all the comments and to Janet for all the work on discussions and minutes.

Commissioner Buck also offered thanks to Janet for the minutes processed. She also inquired if there has been an applicant for the alternate position. Director Wilson stated there has not been. She also offered that from her 2014 Environmental Policy class she did assessment of the Shoreline Management plan and is willing to share her information and provide understanding of the background of the plan and community.

Commissioner Warner offered thanks for a good discussion.

Commissioner Marlett also offered thanks for a good discussion.

Commissioner Ballard thanked Council Member Coffey for attending the meeting and as the new liaison to Council. He appreciated comments from Staff and offered his observation on the divisions and allegations that have been occurring towards Staff and actions of the Planning Commission on social media and asked if the communications director will monitor and be in communications with these various groups. Mr. Danek explained there is a Staff member assigned but the policy will be focused on the official sites and monitor the responses of the citizens.

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12. ADJOURNMENT

Chair Tatum closed the meeting at 6:43pm.

_____

Interim Chair, Kevin Ballard Date

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CITY OF DUPONT

Department of Community Development
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
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MEMORANDUM

To: Planning Commission Interim Chair Ballard & Planning Commissioners

From: Jeffrey S Wilson, AICP
Director

Date: April 6, 2018

Subject: **Discussion of Proposed Amendments to DMC 25.10 – Definitions**

The following is the current draft list of terms we will be working on for this set of amendments. It is possible that additional terms may be added or that some of these may be dropped as the final list is prepared for public hearing.

- **Light Manufacturing**: An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited. (adopted by City Council for MUV Zone)
- **Dwelling Unit** – existing definition to be revised
- **Retail trade** – new definition
- **Service Business** – new definition
- **Restaurant** – new definition (could have two: fast food and sit down)
- **Short-term rental** – new definition (e.g. AirBnB)
- **Place of Worship** - more generic definition for "Church"
- **Front lot line** – new term
- **Side lot line** – new term
- **Rear lot line** – new term
- **Height** – new definition for measuring heights of structures.
- **Buffer** – clarification of definition

- **Site Plan Amendment, Minor** – clarify definition
- **Neighborhood Park** – new term
- **Community Park -** new term

cc: File No. PLNG2018-019
Janet Howald, Comm. Dev. Admin Support Specialist

Attachments:
1.

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Interim Chair / Vice Chair Kevin Ballard (Position 7)

Beth Elliott (Position 1)
Jeremy Warner(Position 4)
Vacant (Alternate)

Corey Wright (Position 2)
Vacant (Position 5)

Renee Buck (Position 3)
Dustin Marlett (Position 6)

EXTENDED AGENDA
April 2, 2018

April 23rd

Public Hearings:

1. N/A

Unfinished Business:

1. PLNG2018-019 & 020: Continued review of proposed draft definitions to be added and proposed amendments to existing definitions within DMC Chapter 25.10 (Definitions)

New Business:

1. N/A

May 14th

Public Hearings:

1. **TENTATIVE -** PLNG2018-019 & 020: Proposed draft definitions to be added and proposed amendments to existing definitions within DMC Chapter 25.10 (Definitions)

Unfinished Business:

1. ??

New Business:

1. ??

May 28th – Canceled for Memorial Day Holiday

June 11th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

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1. ??

June 25th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

July 9th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

July 23rd

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

August 13th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

August 27th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

September 10th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

September 24th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

October 8th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

October 22nd

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

November 12th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

November 26th (Monday after Thanksgiving)

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

December 10th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

December 24th (Christmas Eve)

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

2019

January 14th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

January 28th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

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Chair Kevin Ballard (Position 7)

Beth Elliott (Position 1)
Vacant (Position 4)
Vacant (Alternate)

Corey Wright (Position 2)
Vacant (Position 5)

Renee Buck (Position 3)
Dustin Marlett (Position 6)

MEETING AGENDA
June 11, 2018
6:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENT AND APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

A. May 14, 2018

5. AUDIENCE COMMENTS (Items not on the Agenda – Limited to 3 minutes per individual)

6. PUBLIC HEARINGS

A. N/A

7. UNFINISHED BUSINESS

A. PLNG2018-019&020: Continued review of proposed draft definitions to be added and proposed amendments to existing definitions within DMC Chapter 25.10 (Definitions

8. NEW BUSINESS

A. Planning Commission election of Vice-Chair.

9. ADMINISTRATIVE REPORTS

A. Extended Agenda
B. Other

10. AUDIENCE COMMENTS (Limited to 3 minutes per individual)

11. PLANNING COMMISSION MEMBER COMMENTS

12. ADJOURNMENT

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MEETING MINUTES

May 14, 2018

Commissioners: Chair, Kevin Ballard, Commissioners Beth Elliott, Corey Wright, Renee Buck, Jeremy Warner, Dustin Marlett

Staff in Attendance: Community Development Director, Jeff Wilson, Administrative Specialist, Janet Howald

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1. CALL TO ORDER
Chair Ballard called the meeting to order at 5:59pm.

2. ROLL CALL
Present: Chair Ballard, Commissioners Elliott, Wright, Buck and Warner.
Excused: Commissioner Marlett.
A motion was made to excuse Commissioner Marlett, (Wright/Warner); 5/0 motion carried.

3. ANNOUNCEMENT AND APPROVAL OF AGENDA
A motion was made and seconded to approve the Agenda as Presented (Elliott/Buck); 5/0 motion carried.

4. APPROVAL OF MINUTES
April 9, 2018-a motion was made to approve the April 9, 2018 Minutes as presented (Warner/Elliott); 4/0 motion carried. (Commissioner Wright was not present at the April 9, 2018 meeting.)

5. AUDIENCE COMMENTS (Items not on the Agenda)
None

6. PUBLIC HEARINGS
N/A

7. UNFINISHED BUSINESS
None

8. NEW BUSINESS
Director Wilson began discussion on the draft changes to the definition section of the DMC Chapter 25.10. He indicated there will be another workshop for clarification or identification of additional terms and will that he meet with the City Attorney to review. A format change was incorporated for ease in identification and reference purposes. He discussed a partial list of definitions for review at this time. Mr. Wilson knows this definition section will continuously be amended for new regulations or new zoning designations to meet the needs of the City.
He reiterated the intent is to bring the limited list of definitions for further discussion at the meeting in June and then a public hearing will be scheduled. Discussion continued regarding other phrases,

DRAFT

definitions and implied policies. Mr. Wilson agreed there are definitions remaining to be reviewed and new terms to considered, but this review is beginning with a few definitions.

9. ADMINISTRATIVE REPORTS

Director Wilson informed that the Mayor has appointed Commissioner Ballard to serve as Chair of the Planning Commission for the remainder of this term. A new Vice-Chair will need to be elected by the Commission members. He also informed that Commissioner Warner has given his resignation to be effective at the end of May, as he will be relocating outside the City of DuPont.

Mr. Wilson discussed the Extended Agenda in that one activity will include two rezones to be processed for implementation of the Comp Plan to ensure the zoning designations of the properties is consistent with the Comprehensive Plan designations that have been adopted for the areas.

He is working on the grant application to DOE for funding for the update to the Shoreline Master Program which is due by the end of June.

Mr. Wilson has been working with the Public Works Director, Mr. Gus Lim for an update to the transportation element in the Comp Plan. The anticipated adoption will be at the end of 2019.

10. AUDIENCE COMMENTS(Items not on the Agenda)

None

11. PLANNING COMMISSION MEMBER COMMENTS

Commissioner Elliott discussed the draft policies and Procedures she sent via email to the Commissioners for Planning Commissions, Parks Agency and Board. She feels the current policy is too restrictive and welcomes comments.

Commissioner Buck commented also that June 25th may be early for a public hearing with the scope of what is remaining to be done. She also thanked the Staff.

Commissioner Warner did confirm that this is his last meeting and thanked all the Commissioners and Director Wilson for being able to serve on the Commission.

Commissioner Wright wanted to offer a belated thank you to former Chair Tatum for his role and gave thanks to Commissioner Warner for volunteering as they joined at the same time. He will review Commissioner Elliot's letter. He had questions regarding filling the vacancies on the Planning Commission. Mr. Wright also had questions regarding the definition process and proposed public hearing on June 25, 2018.

Chair Ballard also expressed his gratitude to Commissioner Warner for his service to the Commission.

12. ADJOURNMENT

Chair Ballard adjourned the meeting at 6:58pm.

_____

Chair, Kevin Ballard Date

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CITY OF DUPONT
Department of Community Development
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MEMORANDUM

To: Planning Commission Chair Ballard & Planning Commissioners

From: Jeffrey S Wilson, AICP
Director

Date: June 8, 2018

Subject: Draft Amendments to DMC 25.10

Attached is the current draft of proposed amendments to DMC Chapter 25.10 (Definitions) for discussion. The draft definitions are also being reviewed by (Gray & Osborne and AHBL) which may result in some minor changes prior to the public hearing, which is tentatively scheduled for July 9th.

Besides structures/format changes to the chapter, the proposed amendments cover the following new and revised terms:

1. Adult family home (question)
2. Adult motel (revision)
3. Adult retirement community (revision)
4. Adult assisted living facility (new)
5. Adult congregate care facility (new)
6. Adult continuing care facility (new)
7. Affordable housing (revision)
8. Affordable dwelling unit (new)
9. Airport (revision)
10. Airfield (new)
11. Alley (new)
12. Commercial (revision)
13. Commons (question)
14. Community park (new)
15. Development activity (new)
16. Development permit (new)
17. Dwelling Unit (revision)
18. Floor area ratio (new)
19. Freestanding WCF (revision)
20. Front yard (revision)
21. Frontage street (revision)
22. Geotechnical engineer (revision)
23. Heliport (revision)
24. Independent senior housing (new)

25. Linear park (new)
26. Light manufacturing (new)
27. Lot line (revision)
28. Mini park (revision)
29. Neighborhood park (new)
30. Pocket park (revision)
31. Primary use (new)
32. Property line (new)
33. Public open space (revision)
34. Rear yard setback (revision)
35. Retail establishment (new)
36. Restaurant (new)
37. Right-of-way (new)
38. Side yard (revision)
39. Site plan amendment, major (revision)
40. Site plan amendment, minor (revision)
41. Solid waste (revision)
42. Street (new)
43. Tavern (new)
44. Temporary wireless communications facility (revision)
45. Vehicular access easement or tract (new)
46. Wastes (new)

cc: File Nos. PLNG2018-019 & 020
Janet Howald, Community Development Administrative Specialist
Gordon Karg, City Attorney

Attachments:

1. June 8, 2018 Draft Amendments to DMC 25.10

Chapter 25.10
DEFINITIONS

Sections:

25.10.000 Definitions – General
25.10.010 "A" ~~definitions.~~Terms
25.10.020 "B" ~~definitions.~~Terms
25.10.030 "C" ~~definitions.~~Terms
25.10.040 "D" ~~definitions.~~Terms
25.10.050 "E" ~~definitions.~~Terms
25.10.060 "F" ~~definitions.~~Terms
25.10.070 "G" ~~definitions.~~Terms
25.10.080 "H" ~~definitions.~~Terms
25.10.090 "I" ~~definitions.~~Terms
25.10.100 "J" ~~definitions.~~Terms
25.10.110 "K" ~~definitions.~~Terms
25.10.120 "L" ~~definitions.~~Terms
25.10.130 "M" ~~definitions.~~Terms
25.10.140 "N" ~~definitions.~~Terms
25.10.150 "O" ~~definitions~~Terms.
25.10.160 "P" ~~definitions.~~Terms
25.10.170 "Q" ~~definitions.~~Terms
25.10.180 "R" ~~definitions.~~Terms
25.10.190 "S" ~~definitions.~~Terms
25.10.200 "T" ~~definitions.~~Terms
25.10.210 "U" ~~definitions~~Terms.
25.10.220 "V" ~~definitions.~~Terms
25.10.230 "W" ~~definitions.~~Terms
25.10.240 "X" ~~definitions.~~Terms
25.10.250 "Y" ~~definitions.~~Terms
25.10.260 "Z" ~~definitions.~~Terms

DRAFT

25.10.000 DEFINITIONS – GENERAL

A. Normal Meaning. For the purpose of the community development code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.

B. Rules.

1. Words used in the present tense include the future.
2. The plural includes the singular, and vice versa.
3. The words "shall" and "may not" and "no – may" are mandatory.
4. The word "may" indicates that discretion is allowed.
5. The word "used" includes "designed, intended or arranged" to be used.
6. The masculine gender includes the feminine and vice versa.
7. Distances shall measures horizontally unless otherwise specified.
8. The "building" includes a portion of a building or lot.

C. Adopted Codes. Where a code or codes have been adopted by reference or incorporation which may contain a definition or definitions conflicting with those set forth in this chapter, for the purpose of that particular reference or incorporated code, and only that code, the definition therein shall prevail.

D. Cross References. Sections which make only cross-reference to another term are not intended to be synonymous with the other term, but are only intended to serve as a finding aid to the other term unless specifically stated to mean the same.

25.10.010 -"A" ~~definitions~~TERMS~~.~~

Sections:

25.10.010.005 Abut
25.10.010.010 Accessory
25.10.010.015 Accessory living quarters
25.10.010.020 Accessory residence
25.10.010.025 Active recreation
25.10.010.030 Adjacent
25.10.010.035 Administrator
25.10.010.040 ADT
25.10.010.045 Adult arcade
25.10.010.050 Adult bookstore
25.10.010.055 Adult cabaret
25.10.010.060 Adult family home

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25.10.010.065 Adult motel
25.10.010.070 Adult motion picture theater
25.10.010.075 Adult retire community
25.10.010.080 Adult assisted living facility
25.10.010.085 Adult congregate care facility
25.10.010.090 Adult continuing care facility
25.10.010.095 Adult theater
25.10.010.100 Affected employee
25.10.010.105 Affected employer
25.10.010.110 Affordable housing
25.10.010.115 Aged person
25.10.010.120 Airport
25.10.010.125 Air field
25.10.010.130 Alley
25.10.010.135 Alteration
25.10.010.140 Alternate work schedules
25.10.010.145 Alternative mode
25.10.010.150 Amendment
25.10.010.155 Antenna
25.10.010.160 Apartment
25.10.010.165 As-graded
25.10.010.170 Attached wireless communication facility (WCF)
25.10.010.175 Automobile service station
25.10.010.180 Automobile wrecking
25.10.010.185 Average finish grade

25.10.010.005 About.

"Abut" means to be contiguous with or touching property lines or right-of-way.

25.10.010.010 Accessory.

"Accessory" means a use, a building or structure, or part of a building or structure, which is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot, including a private garage. If an accessory building is attached to the main building by a common wall or roof, such an accessory building shall be considered a part of the main building.

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25.10.010.015 Accessory living quarters.

"Accessory living quarters" means living quarters within an accessory building for the sole use of the family or of persons employed on the premises, or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit.

25.10.010.020 Accessory residence.

"Accessory residence" means a single-family residence which:

1. Is on the same lot as another single-family residence (either detached or attached);
2. Has no more than one-half the square feet of floor area of the primary residence; and
3. Meets the setback requirements for residences.

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25.10.010.025 Active recreation.

"Active recreation" means recreational activities which require buildings, impervious surfaces, or special purpose playing fields. Examples of facilities for active recreation include swimming pools, recreation halls, tennis courts, playground equipment, and picnic shelters.

25.10.010.030 Adjacent.

"Adjacent" means close, near, or directly across a street, but not abutting.

25.10.010.035 Administrator.

"Administrator" means the community development director, or designee.

25.10.010.040 ADT.

"ADT," is an abbreviation for average daily trips, means the number of vehicle trips generated by a project, calculated by multiplying the project's density unit (i.e., dwelling units, employees, square footage, as the case may be) by the applicable vehicle trip generation rate which may be derived from national and local transportation data.

25.10.010.045 Adult arcade.

"Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic or computer generated reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

25.10.010.050 Adult bookstore.

"Adult bookstore" means a bookstore, novelty store, or video store, a significant portion of the stock-in-trade, revenues, interior business, or advertising of which relates to the sale or rental of books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations depicting or describing "specified sexual activities" or "specified anatomical areas." Video stores that sell or rent only video tapes or other photographic or computer-generated reproductions and associated

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equipment shall come within this definition if 20 percent or more of its stock-in-trade or revenues comes from the rental or sale of video tapes or other photographic reproductions or associated equipment which depict or describe specified sexual activities or specified anatomical areas.

25.10.010.055 Adult cabaret.

"Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features:

1. Persons who appear nude or semi-nude;
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

25.10.010.060 Adult family home.

"Adult family home" means a regular family abode in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the service, as defined by RCW 70.128.010(1). Adult family homes shall be a permitted use in all areas zoned for residential and commercial purposes including those areas zoned for single-family dwellings, as required by RCW 70.128.175(2).

25.10.010.065 Adult motel.

"Adult motel" means a hotel, motel, or similar commercial establishment which has the primary function of:

1. Offering accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video ~~casettes~~cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and
2. Offering a sleeping room for rent for a period of time that is less than 20 hours; or
3. Allowing a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 20 hours.

25.10.010.070 Adult motion picture theater.

"Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities" are regularly shown for any form of consideration.

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25.10.010.075 Adult retirement community.

"Adult retirement community," "adult assisted living facility," "adult congregate care," "adult continuing care," or "independent senior housing" means a planned multifamily development designed for persons, who at least one is more than 62 years old and emphasizes social and recreational activities, and may also provide personal services, limited health facilities and transportation.

25.10.010.080 Adult assisted living facility.

"Adult assisted living facility" see 25.10.010.075 "Adult retirement community."

25.10.010.085 Adult congregate care facility.

"Adult congregate care facility" see 25.10.010.075 "Adult retirement community."

25.10.010.090 Adult continuing care facility.

"Adult continuing care facility" see 25.10.010.075 "Adult retirement community."

25.10.010.095 Adult theater.

"Adult theater" means any theater which is providing entertainment through the showing of motion picture films or live performances predominantly distinguished or characterized by their emphasis on matter explicitly depicting sexual activities, or a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

25.10.010.100 Affected employee.

"Affected employee" means a full-time employee who begins his or her regular workday at a single worksite between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. Seasonal agriculture employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees. Construction workers who work at a construction site with an expected duration of less than two years are excluded from the count of affected employees.

25.10.010.105 Affected employer.

"Affected employer" means an employer that employs 100 or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition.

25.10.010.110 Affordable housing.

"Affordable housing" or "affordable dwelling unit" (formerly "HUD-defined affordable housing") means a dwelling unit for use as primary residence by a household in any of the income groups described as "low," "moderate," or "middle" which may be rented or purchased (including utilities other than telephone and cable TV) without spending more than 30 percent of monthly household income. Income level eligibility threshold levels shall be set using HUD levels for the Seattle-Tacoma-Bellevue metropolitan statistical area.

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25.10.010.115 Affordable dwelling unit.

"Affordable dwelling unit" see 25.10.010.110 "Affordable housing."

25.10.010.120 Aged person.

"Aged person" means a person of the age 65 years or more, or a person of less than 65 years who by reason of infirmity requires domiciliary care, as defined by RCW 18.20.020(1).

25.10.010.125 Airport.

"Airport~~," "heliport" or "air field"~~ means any runway, landing area or other facility, whether publicly or privately owned and operated, which is designed, used, or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces, but not including manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith.

25.10.010.130 Airfield.

"Airfield" see 25.10.010.125 "Airport."

25.10.010.135 Alley.

"Alley" is a publicly dedicated right-of-way which provides a secondary means of access; the definition of street shall include an alley; provided, however, that an alley shall not be considered a street for the purpose of calculating the setback and front yard requirements. No lot fronting on a street and an alley shall be considered either a corner lot or a lot having two street frontages.

25.10.010.140 Alteration.

"Alteration" means any change, addition or modification in construction or occupancy or any change, addition or modification to a site, building or occupancy. For critical areas alteration shall mean, any human-induced action which adversely impacts the functions and value of a sensitive area or buffer. Alterations include but are not limited to grading, filling, dredging, draining, channelizing, cutting of trees, clearing, paving, construction, dumping, and demolition.

25.10.010.145 Alternate work schedules.

"Alternate work schedules" mean programs such as compressed work weeks that eliminate work trips for affected employees.

25.10.010.150 Alternative mode.

"Alternative mode" refers to any means of commuting other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed work weeks if they result in reducing commute trips.

25.10.010.155 Amendment.

"Amendment" means a change in the wording, context or substance of this zoning code, or a change in the zone boundaries on the zoning map.

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25.10.010.160 Antenna.

"Antenna" means any exterior apparatus designed for sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services.

25.10.010.165 Apartment.

"Apartment" means a building or a portion of a building arranged or designed to be occupied by five or more families living independently of each other.

25.10.010.170 As-graded.

"As-graded" means the extent of surface conditions on completion of grading.

25.10.010.175 Attached Wireless Communication Facility.

"Attached Wireless Communication Facility (WCF)." See 25.10.230.045 "Wireless communication facility (WCF), attached."

25.10.010.180 Automobile service station.

"Automobile service station" means a use which provides for the servicing of passenger automobiles and trucks not exceeding one and one-half tons capacity and operations incidental thereto, but not including body repair, painting, or automobile wrecking.

25.10.010.185 Automobile wrecking.

"Automobile wrecking" means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

25.10.010.190 Average finish grade.

"Average finish grade" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished grade slopes away from the exterior walls, average finish grade shall be established by the lowest points within three feet of the building foundation. Where the finish grade does not slope uniformly along the length of an exterior wall, average finish grade shall be established by averaging the corner elevation of each exterior wall, then averaging the four subtotals. (Ord. 17-1017 §2 (Exh. B); Ord. 12-937 §1; Ord. 07-854 §1; Ord. 02-707 §1)

25.10.020 "B" ~~definitions~~TERMS~~.~~

Sections:

25.10.020.005 Base year

25.10.020.010 Basement

25.10.020.015 Battery charging station

25.10.020.020 Battery exchange station

25.10.020.025 Bench

25.10.020.030 Berm

25.10.020.035 BEV

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25.10.020.040 Bluff
25.10.020.045 Bluff tract
25.10.020.050 Boarding house
25.10.020.055 Borrow
25.10.020.060 Buffer
25.10.020.065 Building
25.10.020.070 Building, enclosed
25.10.020.075 Building site
25.10.020.080 Bulk
25.10.020.085 Business

25.10.020.005 Base year.

"Base year" means the period on which goals for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle (SOV) trips shall be based.

25.10.020.010 Basement.

"Basement" means that portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.

25.10.020.015 Battery charging station.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and are consistent with rules adopted under RCW 19.27.540.

25.10.020.020 Battery exchange station.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

25.10.020.025 Battery exchange station.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

25.10.020.030 Berm.

"Berm" means a narrow ledge or shelf of land. As used in this zoning code, a berm is intended to serve as a buffer between adjoining uses. It generally consists of earth material and may be natural or artificial.

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25.10.020.035 BEV.

"BEV" means a battery electric vehicle. A battery electric vehicle, or BEV, is a type of electric vehicle (EV) that uses chemical energy stored in rechargeable battery packs. As with other electric vehicles, BEVs use electric motors and motor controllers instead of internal combustion engines (ICEs) for propulsion. Generally, all-electric vehicles are referred to as BEVs (although a plug-in hybrid vehicle is also a battery electric vehicle).

25.10.020.040 Bluff.

"Bluff" means the landform generally having a slope in excess of 30 percent from the 180-foot contour line down to Puget Sound.

25.10.020.045 Bluff tract.

"Bluff tract" means a tract of land containing a bluff.

25.10.020.050 Boarding house.

"Boarding house" means any home or other institution, however, named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or portion thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such homes, institutions or portion thereof, as defined by RCW 18.20.020. Boarding houses shall not include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development.

25.10.020.055 Borrow.

"Borrow" means earth material acquired from an off-site location for use in grading on a site.

25.10.020.060 Buffer.

"Buffer" means a strip of trees, shrubs, and ground cover of sufficient height, width, and density to screen, within three years of planting, an unsightly or nuisance-generating land use from a more sensitive land use, even in the winter months. The minimum visual screening is 100 percent for full buffers, 50 percent for moderate buffers, and 25 percent for light buffers. Berms, grade separations, walls, and fences may be incorporated to achieve up to 50 percent of the minimum screening. For critical areas "buffer" shall mean a designated area adjacent to a part of a stream or wetland that is an integral part of the stream or wetland ecosystem; or a designated area adjacent to steep slopes which protects slope stability, attenuation of surface water flow, and landslide and erosion hazards reasonably necessary to minimize risk.

25.10.020.065 Building.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

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25.10.020.070 Building, enclosed.

"Building, enclosed" means a building enclosed on all sides with wall and roof and having no openings other than closable, glazed windows and doors and vents.

25.10.020.075 Building site.

"Building site" means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this zoning code. A "building site" may be comprised of one lot, a combination of lots, or a combination of lots and fractions of lots.

25.10.020.080 Bulk.

"Bulk" means the size and location of buildings and structures in relation to the lot. Bulk regulations generally include height of building, lot area, front, side and rear yards, and lot coverage.

25.10.020.085 Business.

"Business" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management, occupancy, or maintenance of recreational or amusement enterprises, office buildings, offices, structures or premises by professions and trades or persons rendering services. (Ord. 11-919 §1; Ord. 07-854 §1; Ord. 02-707 §1)

25.10.030 -"C" TERMS~~definitions.~~

Sections:

25.10.030.005 Carpool
25.10.030.010 Cellar
25.10.030.015 Cellular
25.10.030.020 Charging levels
25.10.030.025 Child day care center
25.10.030.030 Church
25.10.030.035 City
25.10.030.040 Civil Engineer
25.10.030.045 Civil engineering
25.10.030.050 Clearing
25.10.030.055 Clinic
25.10.030.060 Closed record appeal
25.10.030.065 Collocation
25.10.030.070 Commercial
25.10.030.075 Commercial message

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25.10.030.080 Commons
25.10.030.085 Community park
25.10.030.090 Commute trip
25.10.030.095 Commute trip reduction (CTR)
25.10.030.100 Commute trip reduction (CTR) zone
25.10.030.105 Commuter matching service
25.10.030.110 Compaction
25.10.030.115 Composed material
25.10.030.120 Compressed work week
25.10.030.125 Computation of time
25.10.030.130 Concurrency test
25.10.030.135 Conditional use
25.10.030.140 Condominium
25.10.030.145 Country club
25.10.030.150 Coverage
25.10.030.155 CTR
25.10.030.160 CTR program
25.10.030.165 Custom bus/buspool

25.10.030.005 Carpool.

"Carpool" means a motor vehicle occupied by two to six people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.

25.10.030.010 Cellar.

"Cellar." See "Basement."

25.10.030.015 Cellular.

"Cellular" means a wireless communication system that divides a geographical area into cells and assigns the same frequencies to multiple, nonadjacent cells.

25.10.030.020 Charging Levels.

"Charging levels" means the electrical current, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

1. ~~(1)~~ Level 1 is considered slow charging. It requires a 15- or 20-amp circuit-breaker on a 120-volt AC circuit and standard outlet. This level of charging can fully recharge a BEV between eight and 32 hours and a PHEV between three and 15 hours.

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2. ~~(2)~~ Level 2 is considered medium charging. It requires a 40-amp to 100-amp circuit-breaker on a 240-volt AC circuit. This level of charging can fully recharge a BEV between four and six hours and a PHEV between one and two hours.

3. ~~(3)~~ Level 3 is considered fast charging. It requires a 60-amp or higher dedicated circuit-breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery. Charging time ranges from 25 to 40 minutes for BEVs and less than 20 minutes for PHEVs.

25.10.030.025 Child day care center.

"Child day care center" means an agency which regularly provides care for a group of children for periods of less than 24 hours as defined by RCW 74.15.020(2). Subsets of this definition, per WAC 338-73-020, include: (1) "mini day care program," a day care facility for the care of 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervisions the children are placed; and (2) "day treatment program," an agency providing care, supervision, and appropriate therapeutic and education services during part of the 24-hour day for a group of persons under 18 years of age and the persons are unable to adjust to full-time regular or special school programs or full-time family living.

25.10.030.030 Church.

"Church" means an establishment which is principally devoted to religious worship, which may include accessory uses such as Sunday School rooms, religious education classrooms, assembly rooms, a library, and residences on-site for clergy.

25.10.030.035 City.

"City" means the city of DuPont, Washington.

25.10.030.040 Civil engineer.

"Civil engineer" means a professional engineer registered in the state to practice in the field of civil works.

25.10.030.045 Civil engineering.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

25.10.030.050 Clearing.

"Clearing" means the cutting or removal of vegetation or other organic material by physical, mechanical, chemical, or other means.

25.10.030.055 Clinic.

"Clinic" means a building or portion of a building containing offices for providing medical, dental, psychiatric or chiropractic services for out-patients only, but not including the sale of drugs or medical supplies.

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25.10.030.060 Closed record appeal.

"Closed record appeal" means an administrative appeal on the record to the city council, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

25.10.030.065 Collocation.

"Collocation" means the use of a single support structure, including but not limited to a building, monopole, lattice tower, or water tank, by more than one licensed personal wireless communication service provider.

25.10.030.070 Commercial.

"Commercial." See 25.10.020.085 "Business."

25.10.030.075 Commercial message.

"Commercial message" means a sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

25.10.030.080 Commons.

"Commons" ~~or "plaza"~~ means a continuous uncovered area which is accessible to the public at all times. To qualify for a bonus under this zoning code, a commons must be at least 10 feet in depth extending along a street, with a minimum area of 300 square feet.

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25.10.030.085 Community park.

"Community park" means a public recreation facility primarily designed and located to provide active and structured recreation opportunities for young people and adults in the immediate community. The service area is at least a one- to two-mile radius. In general, community park facilities are designed for organized activities and sports, although individual and family activities are also encouraged. Community parks may provide indoor facilities to meet a wider range of recreation interests. Community parks serve a larger area than neighborhood parks and offer more facilities such as parking, restrooms, covered play areas, etc. Community parks usually exceed 20 acres in size and often have sports fields, water bodies, gardens, nature trails or similar facilities as the central focus of the park.

25.10.030.090 Commute trip.

"Commute trip" means a trip that is made from a worker's home to a worksite with a regularly scheduled arrival time of 6:00 a.m. to 9:00 a.m. (inclusive) on weekdays.

25.10.030.095 Commute trip reduction (CTR).

"Commute trip reduction (CTR) plan" means a city's plan and ordinance to regulate and administer the CTR programs of affected employees within its jurisdiction.

25.10.030.100 Commute trip reduction (CTR) zone.

"Commute trip reduction (CTR) zone" means an area, such as a census tract or combination of census tracts, within the city characterized by similar employment density,

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population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of SOV commuting.

25.10.030.105 Commuter matching service.

"Commuter matching service" means a system that assists in matching commuters for the purpose of commuting together.

25.10.030.110 Compaction.

"Compaction" means the densification of a fill by mechanical means.

25.10.030.115 Composed material.

"Composed materials" means organic solid waste that has been subjected to controlled aerobic degradation in an appropriately designed and maintained composting facility. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

25.10.030.120 Compressed work week.

"Compressed work week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours the remaining days, resulting in fewer commute trips. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements.

25.10.030.125 Computation of time.

"Computation of Time." For the purposes of computing the time for processing land use development applications, the day the application is filed shall not be counted. If the last day of the calculated time period includes Saturday, Sunday, or holiday designated by RCW 1.16.050 or by a city ordinance, then the time period shall end on the conclusion of the next business day.

25.10.030.130 Concurrency test.

"Concurrency test" means the comparison of the traffic generated by a proposed development with the unused or uncommitted capacity of existing and planned transportation facilities, in order to assess the impact of the proposed development on the transportation level of service.

25.10.030.135 Conditional use.

"Conditional use" means a use permitted in one or more zones as defined by this title, but which, because of characteristics peculiar to each such use, or because of size, technological processes or equipment, or because or the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree or control to make such uses consistent and compatible with other existing or permissible uses in the same zone or zones.

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25.10.030.140 Condominium.

"Condominium" means the division of a building or land pursuant to the Horizontal Property Regimes Act, Chapter 64.32 RCW.

25.10.030.145 Country club.

"Country club" means an incorporated or unincorporated association of persons organized for social and recreational purposes, such as golf clubs, tennis clubs, etc.

25.10.030.150 Coverage.

"Coverage" means the percentage of a lot or site covered by buildings or roofed areas, including covered porches and accessory buildings, measured at the building foundation.

25.10.030.155 CTR.

"CTR" means commute trip reduction.

25.10.030.160 CTR program.

"CTR program" means an employer's strategies to reduce affected employees' SOV use and VMT per employee.

25.10.030.165 Custom bus/buspool.

"Custom bus/buspool" means a commuter bus service arranged specifically to transport employees to work. (Ord. 17-1017 §2 (Exh. B); Ord. 11-919 §2; Ord. 02-707 §1)

25.10.040 -"D" TERMS~~definitions.~~

Sections:

25.10.040.005 Day
25.10.040.010 Dedication
25.10.040.015 Density, average
25.10.040.020 Density, gross
25.10.040.025 Density, net
25.10.040.030 Development
25.10.040.035 Development activity
25.10.040.040 Development permit
25.10.040.045 Development project
25.10.040.050 Director
25.10.040.055 District
25.10.040.060 DMC
25.10.040.065 Drainage facility
25.10.040.070 Drip line
25.10.040.075 Drive thru

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25.10.040.080 Duplex
25.10.040.085 Dwelling
25.10.040.090 Dwelling, multiple-family
25.10.040.095 Dwelling, single-family
25.10.040.100 Dwelling, unit

25.10.040.005 Day.

"Day" means calendar day.

25.10.040.010 Dedication.

"Dedication" means the transfer of property interests from private to public ownership for a public purpose. The transfer may be a fee-simple interest or of a less than fee interest, including an easement.

25.10.040.015 Density, Average.

"Density, average" means the average number of dwelling units per acre of land. Fractional numbers less than 0.49 shall be rounded down to the nearest whole number. Fractional numbers greater than 0.50 shall be rounded up to the nearest whole number.

25.10.040.020 Density, gross.

"Density, gross" means the number of dwelling units per acre computed by using all land within the project boundaries.

25.10.040.025 Density, net.

"Density, net" means all land within the project boundaries minus environmentally constrained areas, public roads and other land uses not intended for construction of dwellings as stated on the plat maps or development drawings.

25.10.040.030 Development.

"Development" means the construction or reconstruction of a structure or other modifications of the natural landscape above and below ground or water on a particular site.

25.10.040.035 Development activity.

"Development activity" means any permit or approval which requires a permit or approval under this code or DMC Title 12, Building and Construction.

25.10.040.040 Development permit.

"Development permit" means any permit or approval which requires a permit or approval under this code or DMC Title 12, Building and Construction, that must be issued before initiating a use or development activity.

25.10.040.045 Development project.

"Development project" means divisions of land into two or more parcels; construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure;

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any mining, excavation, landfill, or land disturbance; and any use or extension of the use of the land.

25.10.040.050 Director.

"Director" means the community development director, or designee.

25.10.040.055 District.

"District" means an area of the city of DuPont designated by a single land use classification with uniform use regulations. A district may be either a primary district or an overlay district. All property within the city is included within a primary land use district. An overlay district is any additional district established by the land use code that may be more or less restrictive than the primary land use district. Where a property is located within an overlay district, it is subject to the provisions of both the primary land use district and the overlay district. Where the provisions are in conflict, the overlay district governs.

25.10.040.060 DMC.

"DMC" means the DuPont Municipal Code.

25.10.040.065 Drainage facility.

"Drainage facility" means the system of collecting, conveying, and storing surface and storm runoff. Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and containment facilities including streams, pipelines, channels, ditches, infiltration facilities, retention/detention facilities, and other drainage structures and appurtenances, both natural and manmade.

25.10.040.070 Drip line.

"Drip line" means the imaginary line around a tree aligning with the outer edge of the tree's canopy.

25.10.040.075 Drive thru.

"Drive thru" means a building element that allows a customer to obtain goods and services through a building opening, other than a door, while seated in an automobile.

25.10.040.080 Duplex.

"Duplex" means a detached building containing two dwelling units.

25.10.040.085 Dwelling.

"Dwelling" means any building or portion thereof which is designed or used for residential purposes.

25.10.040.090 Dwelling, multiple-family.

"Dwelling, multiple-family" means a building or portion thereof containing two or more dwelling units.

25.10.040.095 Dwelling, single-family.

"Dwelling, single-family" means a detached building containing one dwelling unit.

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25.10.040.100 Dwelling, unit.

"Dwelling unit" means ~~a room or rooms located within a building designed, arranged, occupied or intended to be occupied by not more than one family as living accommodations independent of any other family. The existence of a food preparation area within such room or rooms shall be evidence of the existence of a dwelling unit.~~one (1) or more rooms or structures providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, cooking and sanitation. Dwelling unit does not include recreation vehicles or mobile homes. This definition shall not include rooms normally associated with state licensed nursing homes facilities, assisted living facilities, or similar uses. (Ord. 07-854 §1; Ord. 02-707 §1)

Commented [JW3]: Definition modified to reflect issues raised with the development regulations adopted for Patriots Landing "Complete Community Overlay"

25.10.050 -"E" TERMS~~definitions.~~

Sections:

25.10.050.005 Earth material
25.10.050.010 Easement
25.10.050.015 Electric vehicle
25.10.050.020 Electric vehicle charging station
25.10.050.025 Electric vehicle infrastructure
25.10.050.030 Electric vehicle parking
25.10.050.035 Emergency amendment
25.10.050.040 Employee
25.10.050.045 Employee transportation coordinator
25.10.050.050 Employer
25.10.050.055 Enclosed structure
25.10.050.060 Engineering geologist
25.10.050.065 Engineering geology
25.10.050.070 Entertainer
25.10.050.075 Erosion
25.10.050.080 Escort
25.10.050.085 Escort agency
25.10.050.090 Establishment
25.10.050.095 Excavation
25.10.050.100 Exemption
25.10.050.000 Expansion

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25.10.050.005 Earth material.

"Earth material" means any rock, natural soil or fill or any combination thereof.

25.10.050.010 Easement.

"Easement" means the authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

25.10.050.015 Electric vehicle.

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; (4) medium-speed electric vehicle; and (5) electric motorcycles.

25.10.050.020 Electric vehicle charging station.

"Electric vehicle charging station" means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

25.10.050.025 Electric vehicle infrastructure.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

25.10.050.030 Electric vehicle parking space.

"Electric vehicle parking space" means any marked parking space that identifies the use to be exclusively for an electric vehicle.

25.10.050.035 Emergency amendment.

"Emergency amendment" means a proposed change or revision to the comprehensive plan that arises from a situation that necessitates the immediate preservation of the public peace, health, or safety or support of the city government and its existing institutions.

25.10.050.040 Employee.

"Employee" means any and all persons, including managers, entertainers, and independent contractors who work at or render any services directly related to the operation of any sexually oriented business, whether for compensation or not.

25.10.050.045 Employee transportation coordinator.

"Employee transportation coordinator" means a designated person who is responsible for administering the employer's commute trip reduction program.

25.10.050.050 Employer.

"Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit, or private, that employs workers.

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25.10.050.055 Enclosed structure.

"Enclosed Structure." See "Building, enclosed."

25.10.050.060 Engineering geologist.

"Engineering geologist" means a geologist experienced and knowledgeable in engineering geology.

25.10.050.065 Engineering geology.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

25.10.050.070 Entertainer.

"Entertainer" means any person who provides sexually oriented entertainment in an adult cabaret whether or not an employee of the operator and whether or not a fee is charged or accepted for such entertainment.

25.10.050.075 Erosion.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

25.10.050.080 Escort.

"Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease.

25.10.050.085 Escort agency.

"Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

25.10.050.090 Establishment.

"Establishment" means the opening of a new sexually oriented business, the conversion of an existing business to a sexually oriented business, the addition of a sexually oriented business to any existing sexually oriented business, or the relocation of a sexually oriented business.

25.10.050.095 Excavation.

"Excavation" means the removal of earth material by other than natural means.

25.10.050.100 Exemption.

"Exemption" means a waiver from any or all CTR program requirements granted to an employer by the city of DuPont based on unique conditions that apply to the employer or employment site.

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25.10.050.105 Expansion.

"Expansion" means enlargement of building floor area or parking area of a permitted land use. (Ord. 17-1017 §2 (Exh. B); Ord. 11-919 §3; Ord. 02-707 §1)

25.10.060 -"F" TERMS~~definitions.~~

Sections:

25.10.060.005 Family
25.10.060.010 Family day care
25.10.060.015 Fast food restaurant
25.10.060.020 Fence
25.10.060.025 Fill
25.10.060.030 Financial commitment
25.10.060.035 Finding of concurrency
25.10.060.040 Finish grade
25.10.060.045 Flex-time
25.10.060.050 Floor area ratio (FAR)
25.10.060.055 Foster-family home
25.10.060.060 Fourplex
25.10.060.065 Fraternal club
25.10.060.070 Freestanding sign
25.10.060.075 Freestanding WCF
25.10.060.080 Front yard
25.10.060.085 Frontage street
25.10.060.090 Full-time employee

25.10.060.005 Family.

"Family" means one or more related persons living together, or one or more disabled persons protected by the Fair Housing Amendments Act (42 U.S.C. Section 3601 et seq.) living together. Except for disabled persons as described above, in no case shall a family include more than six persons who are not related by genetics, adoption or marriage.

25.10.060.010 Family day care.

"Family day care" means a child day care provider who regularly provides child day care for not more than 12 children in the provider's home in the family living quarters, as defined by RCW 74.15.020(1)(e).

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25.10.060.015 Fast food restaurant.

"Fast food restaurant" means an establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: food and/or beverages usually served in edible containers or on paper, plastic or other disposable containers.

25.10.060.020 Fence.

"Fence" means a linear structure or linear plant growth which encloses, divides, or screens.

25.10.060.025 Fill.

"Fill" means the depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

25.10.060.030 Financial commitment.

"Financial commitment" means revenue sources forecast to be available and designated for transportation facilities or strategies in the comprehensive plan or in the transportation element of the comprehensive plan, other unanticipated revenue from federal or state grants, or other sources for which the city has received a notice of commitment, and/or revenue that is assured by an applicant in a form approved by the city.

25.10.060.035 Finding of concurrency.

"Finding of concurrency" means the finding that is a part of the building permit or residential preliminary plat approval issued by the city indicating that the transportation system has adequate unused or uncommitted capacity, or will have adequate capacity, to accommodate traffic generated by the proposed development, without causing the level of service standards to decline below the adopted standards, at the time of development.

25.10.060.040 Finish grade.

"Finish grade" means the final grade of the site which conforms to the approved plan.

25.10.060.045 Flex-time.

"Flex-time" is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

25.10.060.050 Floor area ratio (FAR).

"Floor area ratio (FAR)" means the floor area of the building or buildings on any lot divided by the area of the lot or parcel exclusive of critical areas and associated buffers.

Commented [JW4]: Based on the "MUV" development regulations adopted by the Council.

25.10.060.055 Foster-family home.

"Foster-family home" means an agency which regularly provides care on a 24-hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed, as defined by RCW 74.15.020(1).

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25.10.060.060 Fourplex.

"Fourplex" means a detached building containing four dwelling units.

25.10.060.065 Fraternal club.

"Fraternal club" means an incorporated or unincorporated association of persons organized for a social purpose.

25.10.060.070 Freestanding sign.

"Freestanding sign" means a sign mounted in or on the ground, independent from buildings.

25.10.060.075 Freestanding WCF.

"Freestanding WCF." See 25.10.230.050 "Wireless communication facility (WCF), freestanding."

25.10.060.080 Front yard.

"Front Yard." See 25.10.250.015 "Yard, front."

25.10.060.085 Frontage street.

"Frontage, Street." See 25.10.190.150 "Street frontage."

25.10.060.090 Full-time employee.

"Full-time employee" means a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week. (Ord. 17-1017 §2 (Exh. B); Ord. 12-937 §1; Ord. 02-707 §1)

25.10.070 -"G" TERMS~~definitions.~~

Sections:

25.10.070.005 Garage, private
25.10.070.010 Garage, public
25.10.070.015 Geotechnical Engineer
25.10.070.020 Good faith effort
25.10.070.025 Grade
25.10.070.030 Grading
25.10.070.035 Grading administrator
25.10.070.040 Gross acre
25.10.070.045 Gross floor area ratio
25.10.070.050 Group-care facility

25.10.070.005 Garage, private.

"Garage, private" means a sheltered or enclosed space designed and used for the storage of motor vehicles or boats of the residents of the premises.

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25.10.070.010 Garage, public.

"Garage, public" means a building or portion thereof designed and used for storage, repair or servicing or motor vehicles or boats as a business.

25.10.070.015 Geotechnical Engineer.

"Geotechnical Engineer." See 25.10.190.075 "Soils engineer."

25.10.070.020 Good faith effort.

"Good faith effort" means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the city of DuPont to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

25.10.070.025 Grade.

"Grade" means the vertical location of the ground surface.

25.10.070.030 Grading.

"Grading" means any excavation, filling, removal of topsoil, or any combination thereof.

25.10.070.035 Grading administrator.

"Grading administrator" means whomever the mayor designates to administer this chapter.

25.10.070.040 Gross acre.

"Gross acre" means land designated for residential purposes in the comprehensive plan, inclusive of related streets and neighborhood parks. On-street parking aisles within the subject area is excluded from the calculation.

25.10.070.045 Gross floor area ratio.

"Gross floor area ratio" means the gross floor area of all structures, excluding parking and mechanical areas, divided by the total site area.

25.10.070.050 Group-care facility.

"Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a 24-hour basis as defined by RCW 74.15.020(1). (Ord. 02-707 §1)

25.10.080 -"H" TERMS~~definitions.~~

Sections:

25.10.080.005 Hazardous substance

25.10.080.010 Hazardous waste

25.10.080.015 Hazardous waste generator

25.10.080.020 Hazardous waste storage

25.10.080.025 Hazardous waste treatment

25.10.080.030 Heavy industrial
25.10.080.035 Height
25.10.080.040 Heliport
25.10.080.045 High-intensity sales and service
25.10.080.050 High-occupancy vehicle
25.10.080.055 Historic
25.10.080.060 Home occupation
25.10.080.065 Homeowners' association
25.10.080.070 Hospital
25.10.080.075 Hotel

25.10.080.005 Hazardous substance.

"Hazardous substance" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described by Chapter 70.105 RCW, WAC 173-303-090 or 173-303-100.

25.10.080.010 Hazardous waste.

"Hazardous waste" means any dangerous and extremely hazardous waste, as those terms are defined by RCW 70.105.010(5) and (6), respectively, including substances composed of radioactive and hazardous components. A moderate risk waste as described by RCW 70.105.010(17) is not a hazardous waste.

25.10.080.015 Hazardous waste generator.

"Hazardous waste generator" means any person or site whose act first causes a dangerous waste to become subject to regulation under the Dangerous Waste Regulations, Chapter 173-303 WAC.

25.10.080.020 Hazardous waste storage.

"Hazardous waste storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

25.10.080.025 Hazardous waste treatment.

"Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

25.10.080.030 Heavy industrial.

"Heavy industrial" means an industrial land use such as chemical processing or machinery manufacturing which has environmental impacts which may require regulation (i.e., heavy truck traffic, noise, vibration, light, glare, and odors).

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25.10.080.035 Height.

"Height" (of a structure) means the vertical distance between the average finished grade within three feet of the building foundation and the highest point of the structure's roof, walls, or other principle elements, excluding such accessory building elements as skylights, flagpoles, chimneys, church steeples, and roof structures housing building equipment.

25.10.080.040 Heliport.

"Heliport." See 25.10.010.125 "Airport."

25.10.080.045 High-intensity sales and service.

"High-intensity sales and service" means businesses that typically generate high levels of traffic per square foot of floor area, such as those offering the following goods and services:

1. Food;
2. Clothing;
3. Hardware;
4. Household goods;
5. Pharmaceuticals;
6. Arts and crafts;
7. Auto parts;
8. Sporting goods;
9. Office equipment;
10. Books;
11. Plants;
12. Jewelry;
13. Liquor;
14. Musical instruments;
15. Barber and beauty shops;
16. Laundromats.

25.10.080.050 High-occupancy vehicle.

"High-occupancy vehicle" means a carpool, vanpool, or transit vehicle.

25.10.080.055 Historic.

"Historic" means associated with local historical events, such as the works of the first European settlers.

25.10.080.060 Home occupation.

"Home occupation" means any land use that meets the criteria stated in Chapter 25.140 DMC.

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25.10.080.065 Homeowners' association.

"Homeowners' association" means a group of persons organized as an association, corporation or other entity which represents homeowners residing in a subdivision or other development entity. A homeowners' association need not have any official status as a separate legal entity under the laws of the state of Washington.

25.10.080.070 Hospital.

"Hospital" means an institution, whether a building or group of buildings, designed and used for the medical and surgical diagnosis and treatment (temporary and emergency services included) and housing of persons under the care of doctors and nurses providing general medical care, as distinguished from treatment of mental and nervous disorders and alcoholics, and specifically excluding rest homes, nursing homes, and convalescent homes.

25.10.080.075 Hotel.

"Hotel" means a building or portion thereof designed or used for the lodging with or without meals of six or more persons for compensation. A central kitchen and dining facility and accessory shops and services catering to the general public may be provided. Institutions housing persons under legal restraint or requiring medical attention or care shall not be considered hotels. (Ord. 07-854 §1; Ord. 02-707 §1)

25.10.090 -"I" TERMS~~definitions.~~

Sections:

25.10.090.005 Impervious surfaces

25.10.090.010 Implementation

25.10.090.015 Incidental sign

25.10.090.020 Independent senior housing

25.10.090.025 Infrastructure

25.10.090.030 Interior lot line

25.10.090.005 Impervious surfaces.

"Impervious surfaces" means a surface which does not absorb water, including buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

25.10.090.010 Implementation.

"Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.551 and this chapter as evident by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to its approved CTR program and schedules.

25.10.090.015 Incidental sign.

"Incidental sign" means a sign which:

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1. Is incidental to the use of the premises on which it is located, such as "no parking," "entrance," "loading only," "telephone," "Building A," address signs, and similar directives; and

2. Conveys no commercial message legible from off the premises.

25.10.090.020 Independent senior housing.

"Independent senor housing." See 25.10.010.075 "Adult retirement community."

25.10.090.025 Infrastructure.

"Infrastructure" includes only water, sewer, road, storm sewer and street lighting systems.

25.10.090.030 Interior lot line.

"Interior lot line" means the boundary line of a lot which separates one lot from another. (Ord. 02-707 §1)

25.10.100 -"J" TERMS~~definitions.~~

Reserved. (Ord. 02-707 §1)

25.10.110 -"K" TERMS~~definitions.~~

Sections:

25.10.110.005 Key

25.10.110.005 Key.

"Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope. (Ord. 02-707 §1)

25.10.120 -"L" TERMS~~definitions.~~

Sections:

25.10.120.005 Landmark tree
25.10.120.010 Landscape area
25.10.120.015 Landscape administrator
25.10.120.020 Lead-in sign
25.10.120.025 Level of service standard
25.10.120.030 Linear park
25.10.120.035 Light manufacturing
25.10.120.040 Lodge
25.10.120.045 Long-term commercial significance
25.10.120.050 Lot
25.10.120.055 Lot area

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25.10.120.060 Lot coverage
25.10.120.065 Lot line
25.10.120.070 Lot width
25.10.120.075 Low impact manufacturing

25.10.120.005 Landmark tree.

"Landmark tree" means an existing healthy, well-formed tree which poses no safety hazard due to potential collapse and that is of the following species, trunk type, and minimum diameter measured at breast height:

	Species	
Trunk-type	**Oregon white oak, pacific yew, or madrona**	**Douglas fir, western red cedar, western hemlock, or big leaf maple**
Single-trunk	24 inches	30 inches
Multi-trunk (sum of diameters)	30 inches	45 inches

25.10.120.010 Landscape area.

"Landscape area" means land with permeable soils covered with plantings, grasses, or vegetation native to the area.

25.10.120.015 Landscape administrator.

"Landscape administrator" means the community development director, or designee.

25.10.120.020 Lead-in sign.

"Lead-in sign" means a private directional sign that leads prospective buyers to an area being developed from raw land.

25.10.120.025 Level of service standard.

"Level of service standard" means a measurement of the quality of service provided by a facility, including traffic conditions along a given roadway or at a particular intersection, and of transit service. Roadway and intersection level of service standards are commonly denoted by a letter ranking from "A," the highest level of service, to "F," the lowest level of service.

25.10.120.030 Linear park.

"Linear park" means a developed, landscaped area that follows corridors such as abandoned railroad rights-of-way, streets, canals, power lines, or other linear, elongated features. This type of park usually includes trails, viewpoints, seating and landscaping.

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25.10.120.035 Light manufacturing.

"Light Manufacturing" means an indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited.

Commented [JW5]: Definition adopted by council when they adopted the development regulations for the Mixed Use Village

25.10.120.040 Lodge.

"Lodge." See "Fraternal club."

25.10.120.045 Long-term commercial significance.

"Long-term commercial significance" means the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land.

25.10.120.050 Lot.

"Lot" means a platted or unplatted parcel of land unoccupied, occupied or to be occupied by a principal use or building and accessory buildings, together with such yards and open spaces as are required by the zoning code, which has direct legal access to a street or has access to a street over an easement approved by the city.

25.10.120.055 Lot area.

"Lot area" means the area within the boundary lines of a lot.

25.10.120.060 Lot coverage.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings, including all structures greater than three feet in height.

25.10.120.065 Lot line.

"Lot line" means the boundary lines of a lot. (See also, Property line.)

25.10.120.070 Lot width.

"Lot width" means width of the lot at the building setback line.

25.10.120.075 Low impact manufacturing.

"Low impact manufacturing" uses include, but are not limited to: (1) electrical component assembly, including assembly of computer products, systems, and related components; (2) printing; and (3) manufacture of handcrafted products. (Ord. 17-1017 §2 (Exh. B); Ord. 07-854 §1; Ord. 02-707 §1)

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25.10.130 -"M" TERMS~~definitions.~~

Sections:

25.10.130.005 Manager
25.10.130.010 Marquee
25.10.130.015 Microcell
25.10.130.020 Mineral extraction
25.10.130.025 Mineral resource lands
25.10.130.030 Minerals
25.10.130.035 Mini park
25.10.130.040 Mixed use occupancy (or structure)
25.10.130.045 Mobile home
25.10.130.050 Mobile home park
25.10.130.055 Mode
25.10.130.060 Motel
25.10.130.065 Multifamily project
25.10.130.070 Multifamily residence
25.10.130.075 Multiple use project

25.10.130.005 Manager.

"Manager" means any person who manages, directs, or administers a sexually oriented business.

25.10.130.010 Marquee.

"Marquee" means a permanent roof-like structure projecting from a building, intended to shelter pedestrians.

25.10.130.015 Microcell.

"Microcell" means a wireless communication facility consisting of an antenna that is either four feet in height and with an area of not more than 580 square inches or a tubular antenna no more than four inches in diameter and no more than six feet in length.

25.10.130.020 Mineral extraction.

"Mineral extraction" means all mine-related activities, including:

1. ~~(1)~~ The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;
2. ~~(2)~~ On-site mineral processing including sorting, washing, crushing and loading, concrete batching, concrete recycling, and other aggregate recycling;
3. ~~(3)~~ Equipment maintenance;

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4. ~~(4)~~ Transporting minerals to and from the mine, on-site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

25.10.130.025 Mineral resource lands.

"Mineral resource lands" means lands containing mineral deposits, both active and inactive, that has a known or potential long-term significance for the extraction of minerals and which are in close, economic proximity to locations where the deposits are likely to be used.

25.10.130.030 Minerals.

"Minerals" means clay, coal, gravel, industrial minerals, valuable metallic substances, peat, sand, stone, topsoil, and any other similar solid materials or substances to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

25.10.130.035 Mini park.

"Mini ~~or pocket~~ park" means a small tract of land usually about the same size as a building lot. These parks may be improved with children's play equipment. They are intended to serve the needs of a portion of a village in which it is located. They are not intended for city ownership due to higher maintenance costs associated with these parks when compared to public parks of equal size and the fact that they may not be equally accessible to all segments of the community. These facilities are owned by the homeowners' association.

25.10.130.040 Mixed use occupancy (or structure).

"Mixed use occupancy (or structure)" means a building designed or intended to be used for more than one type of principal use, i.e., retail and office uses.

25.10.130.045 Mobile home.

"Mobile home" means a factory-assembled structure with necessary service connections, made to be readily movable on city streets and designed to be used as a dwelling unit.

25.10.130.050 Mobile home park.

"Mobile home park" means a parcel of land designed and improved to accommodate two or more mobile homes on a permanent basis.

25.10.130.055 Mode.

"Mode" means the means of transportation used by employees, such as single occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and telecommuting.

25.10.130.060 Motel.

"Motel" means a group of attached or detached buildings containing individual sleeping units, a majority of such units open individually and directly to the outside, including tourist courts, motor courts, and motor lodges.

25.10.130.065 Multifamily project.

"Multifamily project" means multifamily residences built as a single project, in one or more buildings.

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25.10.130.070 Multifamily residence.

"Multifamily residence" means a residence located in a building which contains more than one residence, such as a duplex unit, condominium, apartment, or a residence designed to be attached to other residences, such as a townhouse.

25.10.130.075 Multiple use project.

"Multiple-use project" means a development containing two or more principal uses located in one or more structures. (Ord. 16-1011 §2 (Exh. 1) (Att. B); Ord. 07-854 §1; Ord. 02-707 §1)

25.10.140 -"N" TERMS~~definitions.~~

Sections:

25.10.140.005 Neighborhood park

25.10.140.010 NEV

25.10.140.015 Nonconforming

25.10.140.020 Non-electric vehicle

25.10.140.025 Nude or nudity

25.10.140.030 Nude or semi-nude model studio

25.10.140.035 Nursery or garden center

25.10.140.040 Nursing home

25.10.140.005 Neighborhood park.

"Neighborhood park" means public recreation facilities consisting of a combination playground and park designed primarily for non-supervised, non-organized recreation activities. In addition to their recreation value, they also provide a source of open space and aesthetic quality in the neighborhood. Neighborhood parks are generally small in size (three to 10 acres) and serve an area of approximately one-half-mile radius. Neighborhood parks are located within walking and bicycling distance of most users and are frequently located adjacent to or upon school property. Neighborhood parks sometimes provide space for organized community events. The facilities generally located in a neighborhood park include: children's playground, picnic facilities, trails, open space and nature areas, tennis courts, outdoor basketball court, and multi-use open field for soccer youth baseball, etc.

25.10.140.010 NEV.

"NEV" means a neighborhood electric vehicle. This is an electric vehicle that is capable of traveling at a maximum speed of 25 mph. They generally are equipped with safety features such as headlights, turn signals and seat belts. They may also be referred to as low speed vehicles or LSVs.

25.10.140.015 Nonconforming.

A "nonconforming" building or use is one which was lawfully established but no longer conforms to the regulations for the zone where it is located.

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25.10.140.020 Non-electric vehicle.

"Non-electric vehicle" means any motor vehicle that does not meet the definition of "electric vehicle."

25.10.140.025 Nude or nudity.

"Nude" or "nudity" means the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast.

25.10.000.030 Nude or semi-nude model studio.

"Nude or semi-nude model studio" means any place where a person, who appears nude or semi-nude or displays "specified anatomical areas," is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

25.10.000.035 Nursery or garden center.

"Nursery" or "garden center" means an enterprise which conducts the retail and wholesale sale of plants generally grown on-site, as well as accessory items (excluding farm equipment) directly related to plant care and maintenance.

25.10.000.040 Nursing home.

"Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable properly to care for themselves, as defined by RCW 18.51.010(1). (Ord. 11-919 §4; Ord. 02-707 §1)

25.10.150 -"O" TERMS~~definitions.~~

Sections:

25.10.150.005 Odor threshold
25.10.150.010 Off-site hazardous waste treatment and storage
25.10.150.015 Office building
25.10.150.020 Office use
25.10.150.025 On-site hazardous waste treatment and storage
25.10.150.030 Open-air vending
25.10.150.035 Open record hearing
25.10.150.040 Open space
25.10.150.045 Open space, common
25.10.150.050 Open space, dedicated
25.10.150.055 Open space, parcel
25.10.150.060 Open space, private
25.10.150.065 Operator

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25.10.150.070 Outdoor storage
25.10.150.075 Overlay district

25.10.150.005 Odor threshold.

"Odor threshold" means the amount of odorous material in one cubic foot of air that can be detected by 50 percent of a group of human observers.

25.10.150.010 Off-site hazardous waste treatment and storage.

"Off-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located.

25.10.150.015 Office building.

"Office building" means a building primarily designed for office uses.

25.10.150.020 Office use.

"Office use" generally refers to a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are generally professional, educational, administrative, financial or governmental in nature.

25.10.150.025 On-site hazardous waste treatment and storage.

"On-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store wastes generated on the same lot.

25.10.150.030 Open-air vending.

"Open-air vending" means any commercial activity which is conducted without the shelter of a building on the premises.

25.10.150.035 Open record hearing.

"Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the city to conduct such hearings that creates the city's record through testimony and submission of evidence and information, under procedures prescribed by the city by ordinance or resolution. An open record hearing may be held prior to the city's decision on a project permit, to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

25.10.150.040 Open space.

"Open space" means generally a portion of the area of a site, other than required yards, which is required by this zoning code to be maintained free of impervious surfaces, although it may include features for public use such as community buildings, swimming pools, trails, tennis courts, and parking (when specifically provided for public users of the open space).

25.10.150.045 Open space, common.

"Open space, common" means that area permanently owned in common or held for use by more than one individual property owner or resident for recreational use, landscape

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buffering, preservation of sensitive areas or other publicly beneficial uses. "Common open space" is largely free of impervious surfaces although it may include features for communal use such as community buildings, swimming pools, trails, and tennis courts. "Common open space" does not include the uncovered portions within any road right-of-way.

25.10.150.050 Open space, dedicated.

"Open space, dedicated" means that area permanently dedicated to the city and held for public use or interest as part of the city's comprehensive open space system. Dedicated open space is largely free of impervious surfaces, although it may include features for public use such as community buildings, swimming pools, trails, tennis courts, and parking (when specifically provided for public users of the dedicated open space).

25.10.150.055 Open space, parcel.

"Open space, parcel" means the sum of the common and private open spaces within a given development parcel.

25.10.150.060 Open space, private.

"Open space, private" means that open space within a privately owned lot which is not covered by buildings, paving, or other impervious surfaces.

25.10.150.065 Operator.

"Operator" means the owner, permit holder, custodian, manager, operator, or person in charge of any sexually oriented business.

25.10.150.070 Outdoor storage.

"Outdoor storage" means 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.

25.10.150.075 Overlay district.

"Overlay district" means a classification contained in this title that combines with the underlying district classification and adds specific restrictions to properties located within the district. The combination of district, for the purpose of this definition and title, shall be considered as separately zoned area and shall not be construed as applying different standards to properties within the same district. An example of an overlay district would be the mineral resource overlay designation. (Ord. 07-854 §1; Ord. 02-707 §1)

25.10.160 -"P" TERMS~~definitions.~~

Sections:

25.10.160.005 Park administrator

25.10.160.010 Passive recreation

25.10.160.015 Peak period

25.10.160.020 Peak period trip

25.10.160.025 Permitted uses

25.10.160.030 Permittee
25.10.160.035 Person
25.10.160.040 Personal communication services (PCS)
25.10.160.045 PHEV
25.10.160.050 Places of Assembly
25.10.160.055 Plat
25.10.160.060 Plaza
25.10.160.065 Pocket park
25.10.160.070 Political sign
25.10.160.075 Prehistoric
25.10.160.080 Premises
25.10.160.085 Primary use
25.10.160.090 Priority habitat
25.10.160.095 Priority species
25.10.160.100 Private yard
25.10.160.105 Professional inspection
25.10.160.110 Property line
25.10.160.115 Project permit
25.10.160.120 Provider
25.10.160.125 Public open space
25.10.160.130 Public uses
25.10.160.135 Public utility

25.10.160.005 Park administrator.

"Parking administrator" means the community development director or designee.

25.10.160.010 Passive recreation.

"Passive recreation" means recreational activities other than organized, competitive sports, which require little or no covering of the soil with buildings or impervious surfaces. Examples of facilities for passive recreation include paved and unpaved trails, lawns, pedestrian piers, tables, benches, signs, and waste receptacles.

25.10.160.015 Peak period.

"Peak period" means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

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25.10.160.020 Peak period trip.

"Peak period trip" means any employee trip that delivers the employee to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

25.10.160.025 Permitted uses.

"Permitted uses" are those so stated in each zone, plus accessory uses, that is, uses or structures incidental to a permitted use or building on the same premises. Examples include a garage on a residential lot, an administrative office associated with an industrial plant, and an on-site employee cafeteria.

25.10.160.030 Permittee.

"Permittee" means a person in whose name a sexually oriented business permit has been applied for or issued.

25.10.160.035 Person.

"Person" means any individual, firm, joint venture, co-partnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver or any other group or combination acting as a unit.

25.10.160.040 Personal communication services (PCS).

"Personal communication services (PCS)" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

25.10.160.045 PHEV.

"PHEV" means a plug-in hybrid electric vehicle, also known as a plug-in hybrid. It is a hybrid vehicle with rechargeable batteries that can be restored to full charge by connecting a plug to an external electric power source. A PHEV shares the characteristics of both a conventional hybrid electric vehicle, having an electric motor and an internal combustion engine; and of an all-electric vehicle, also having a plug to connect to the electrical grid. Most PHEVs on the road today are passenger cars, but there are also PHEV versions of commercial vehicles and vans, utility trucks, buses, trains, motorcycles, scooters, and military vehicles.

25.10.160.050 Places of assembly.

"Places of assembly" means facilities for gatherings, such as churches, funeral homes, halls, and stadiums.

25.10.160.055 Plat.

"Plat" means the map or representation of a subdivision.

25.10.160.060 Plaza.

"Plaza" means a continuous and unoccupied space, other than a street or alley, which is readily accessible to the public at all times.

25.10.160.065 Pocket park.

"Pocket park" see 25.10.130.135 "Mini park."

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25.10.160.070 Political sign.

"Political sign" means a sign advertising a candidate(s) or issue appearing on the ballot at the next scheduled election.

25.10.160.075 Prehistoric.

"Prehistoric" means relating to or existing in times predating written history. This term generally refers to those North American cultures in existence prior to AD 1540.

25.10.160.080 Premises.

"Premises" means the premises of a sexually oriented business.

25.10.160.085 Primary use..

"Primary use" means the principal use of a property. (See also, Use.)

25.10.160.090 Priority habitat.

"Priority habitat" means a habitat type with unique or significant value to one or more species as defined by WAC 173-26-020.

25.10.160.095 Priority species.

"Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as defined by WAC 173-26-020(25).

25.10.160.100 Private yard.

"Private yard" means that area within a privately owned lot which is required by this zoning code to remain uncovered by structures.

25.10.160.105 Professional inspection.

"Professional inspection" means the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include those performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

25.10.160.110 Property line.

"Property line" means those lines enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:

1. Front property line is any property line that is adjacent to a street or vehicular access easement or tract more than 21 feet in width, except when said vehicular access easement or tract:
   a. Is located entirely on an adjacent lot or lots and does not serve the subject property; or
   b. Encompasses a hammerhead turnaround required by the Fire Department, whether or not is located on or serves the subject property.
2. Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two (2) or more front

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property lines; or any property line that is adjacent to a street, alley or vehicular access easement or tract 21 feet or less in width, except when said vehicular access easement or tract serves only one (1) lot, or is located entirely on an adjacent lot or lots and does not serve the subject property; or any property line that is adjacent to a vehicular access easement or tract which encompasses a hammerhead turnaround required by the Fire Department.

3. Side property line is any property line other than a front property line or a rear property line.

25.10.160.115 Project permit.

"Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, land use application, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

25.10.160.120 Provider.

"Provider" means any corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity, and/or individual licensed to provide personal wireless service or personal wireless communication facilities.

25.10.160.125 Public open space.

"Public Open Space." See 25.10.150.050 "Open space, dedicated."

25.10.160.130 Public uses.

"Public uses" shall mean civic buildings, including City Hall, police department, fire department, community center, library, transit center and museum.

25.10.160.135 Public utility.

"Public utility" means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof, including water supply, electrical power, gas and transportation, telephone, and other transmission services. (Ord. 11-919 §5; Ord. 07-854 §1; Ord. 02-707 §1)

25.10.170 -"Q" TERMS~~definitions.~~

Sections:

25.10.170.005 Quasi-public use

25.10.170.005 Quasi-public use.

"Quasi-public use" means a use which serves nonprofit social or religious ends, such as churches, club houses, private schools, and community/social service organizations such as Rotary Club, Chamber of Commerce, Girl Scouts, etc. (Ord. 02-707 §1)

25.10.180 -"R" TERMS~~definitions.~~

Sections:

25.10.180.005 Rapid charging station
25.10.180.010 Ravine
25.10.180.015 Ravine sidewall
25.10.180.020 RCW
25.10.180.025 Rear yard setback
25.10.180.030 Reclamation
25.10.180.035 Recreation, indoor
25.10.180.040 Recreation, outdoor
25.10.180.045 Recyclable material
25.10.180.050 Recycling
25.10.180.050 Residence
25.10.180.055 Residential care facility
25.10.180.060 Residential use
25.10.180.065 Retail establishment
25.10.180.070 Restaurant
25.10.180.075 Retain
25.10.180.080 Right-of-way
25.10.180.095 Rough grade

25.10.180.005 Rapid charging station.

"Rapid charging station" means an industrial grade electrical outlet that allows for faster re-charging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

25.10.180.010 Ravine.

"Ravine" means a valley with sharply sloping walls created by the action of stream waters.

25.10.180.015 Ravine sidewall.

"Ravine sidewall" means the sharply sloping walls of a ravine.

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25.10.180.020 RCW.

"RCW" means the Revised Code of Washington.

25.10.180.025 Rear yard setback.

"Rear Yard Setback." See 25.10.250.020 "Yard, rear."

25.10.180.030 Reclamation.

"Reclamation" means rehabilitation for the appropriate future use of disturbed areas resulting from surface mining including areas under associated mineral processing equipment and areas under stockpiled materials. Although the need for reclamation will control the type and degree of reclamation in any specific surface mine, the basic objective is to reestablish on a perpetual basis the vegetative cover, soil stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation.

25.10.180.035 Recreation, indoor.

"Recreation, indoor" means an establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment relate to the enclosed uses. Included in this definition include bowling, roller-skating or ice-skating, pool, and related amusement.

25.10.180.040 Recreation, outdoor.

"Recreation, outdoor" means an area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

25.10.180.045 Recyclable material.

"Recyclable material" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass that are identified as recyclable material by the Pierce County solid waste plan.

25.10.180.050 Recycling.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable material for use other than land fill disposal or incineration.

25.10.180.050 Residence.

"Residence" means a permanently installed building or portion thereof providing complete housekeeping facilities for only one household, including manufactured homes constructed after June 15, 1976, in accordance with U.S. Department of Housing and Urban Development requirements.

25.10.180.055 Residential care facility.

"Residential care facility" means a facility that cares for at least five but not more than 15 functionally disabled persons that is not licensed pursuant to Chapter 70.128 RCW, Adult Family Home.

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25.10.180.060 Residential use.

"Residential use" means a type of or intended use of a building or structure designed to provide a place of abode for human beings, but not including hotels or motels.

25.10.180.065 Retail establishment.

"Retail establishment" means a commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services are traditionally not permitted within an office use. The sale and consumption of food are included if: (a) the seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use, and (b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

25.10.180.070 Restaurant.

"Restaurant" means a building where food is sold to the public for on premises consumption or to go. It may include alcoholic beverage service only if under a class C, D, or H sate liquor license.

25.10.180.075 Retain.

"Retain~~,~~" when applied to trees, means to neither cut down, top, nor otherwise damage. Maintenance and pruning not in conflict with the preceding are not prohibited.

25.10.180.080 Right-of-way.

"Right-of-way" means land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and other publicly owned devices.

25.10.180.085 Rough grade.

"Rough grade" means the stage at which the grade approximately conforms to the approved plan. (Ord. 11-919 §6; Ord. 07-854 §1; Ord. 02-707 §1)

25.10.190 -"S" TERMS~~definitions.~~

Sections:

25.10.190.005 Semi-nude

25.10.190.010 Sensitive area

25.10.190.015 Setback

25.10.190.020 Sexually oriented business

25.10.190.025 Sexually oriented entertainment

25.10.190.030 Side yard

25.10.190.035 Sign

25.10.190.040 Sign administrator

25.10.190.045 Sign, community-wide event

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25.10.190.050 Single-occupant vehicle
25.10.190.055 Single worksite
25.10.190.060 Site area
25.10.190.065 Site plan amendment, major
25.10.190.070 Site plan amendment, minor
25.10.190.075 Soils engineer
25.10.190.080 Soils engineer (geotechnical engineer)
25.10.190.085 Solid waste
25.10.190.090 SOV rate
25.10.190.095 SOV trips
25.10.190.100 Specified anatomical areas
25.10.190.105 Specified criminal acts
25.10.190.110 Specified sexual activities
25.10.190.115 Specimen tree
25.10.190.120 Square feet
25.10.190.125 State siting criterial
25.10.190.130 Storage, indoor
25.10.190.135 Storage, mini-
25.10.190.140 Story
25.10.190.145 Stream
25.10.190.150 Street
25.10.190.155 Street frontage
25.10.190.160 Street tree
25.10.190.165 Structure
25.10.190.170 Subdivision

25.10.190.005 Semi-nude.

"Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

25.10.190.010 Sensitive areas.

"Sensitive areas" means, for the purposes of this chapter, those areas defined and established as critical areas under the provisions of the Washington State Growth Management Act and identified in this chapter.

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25.10.190.015 Setback.

"Setback" means the shortest distance between a lot line and any structure for which a building permit is required; provided, that eaves, noncombustible chimneys and fireplaces, and similar protrusions may extend up to an additional 24 inches from the vertical wall of the building.

25.10.190.020 Sexually oriented business.

"Sexually oriented business" means an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude or semi-nude model studio.

25.10.190.025 Sexually oriented entertainment.

"Sexually oriented entertainment" means a live performance at an adult cabaret which is characterized by the performer's exposure of "specified anatomical areas."

25.10.190.030 Side yard.

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"Side Yard." Ssee 25.10.250.025 "Yard, side."

25.10.190.035 Sign.

"Sign" means any device, structure, fixture, or placard that uses colors, words, letters, numbers, symbols, logos or trademarks for the purpose of providing information or directions, or identifying or advertising any place, establishment, product, good, or service and includes all supports, braces, guywires and anchors associated with such signs.

25.10.190.040 Sign Administrator.

"Sign administrator" means community development director, or designee.

25.10.190.045 Sign, community-wide event.

"Sign, community-wide event" means a temporary nonilluminated sign advertising a general public and/or community-wide event within the city that is sponsored by an organization within the city.

25.10.190.050 Single-occupant vehicle.

"Single-occupant vehicle" means motor vehicle occupied by one employee for commute purposes, including a motorcycle.

25.10.190.055 Single worksite.

"Single worksite" means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by roads or rights-of-way occupied by one or more affected employers.

25.10.190.060 Site area.

"Site area" means that area of land associated with a certain development application.

25.10.190.065 Site plan amendment, major.

"Site plan amendment, major" means an amendment to an approved and valid site plan that substantially changes the character, basicsite design, increases density by more than 5

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percent or increases building area by greater than 10 percent, reduces ~~,~~ open space or landscape area by more than 10%, requires a modification to a condition of approval or other requirements and conditions of the approved and ~~valid~~ site plan, or includes new requests to deviate from the standards of the applicable district.

25.10.190.070 Site plan amendment, minor.

"Site plan amendment, minor" means an amendment to an approved ~~and valid~~ site plan ~~that affects~~ for modifications to ~~only~~ the ~~precise~~ dimensions or ~~siting~~ footprint location of a building(s) ~~(i.e., lot coverage, height, setbacks)~~ but does not ~~affect~~ substantially modify the ~~basic character or~~ arrangement ~~and~~ or increase the number of buildings approved in the plan~~,~~. Increases to density shall be less than 5% and building size/area shall be less than 10%. ~~the density of the development or the~~ The amount and quality of ~~open space and~~ landscaping may be increased but may not be reduced by more than 10%, provided it complies with the minimum landscaping requirements of the zone in with the property is located. Proposed ~~dimensional~~ amendments shall not ~~vary more than~~deviate from ~~10 percent from the original, but shall not exceed the~~ standards of the applicable district.

25.10.190.075 Soils engineer.

"Soils engineer (geotechnical engineer)" means an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).

25.10.190.080 Soils engineering (geotechnical engineering).

"Soils engineering (geotechnical engineering)" means the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

25.10.190.085 Solid Waste.

"Solid waste" ~~or "wastes"~~ means all putrescible and nonputrescible solid and semi-solid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

25.10.190.090 SOV rate.

"SOV rate" means the number of commute trips over a set period made by affected employees in SOVs divided by the number of affected employees working during that period.

25.10.190.095 SOV trips.

"SOV trips" means commute trips made by affected employees in SOVs.

25.10.190.100 Specified anatomical areas.

"Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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25.10.190.105 Specified criminal acts.

"Specified criminal acts" means any conviction or acts which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity or material harmful to minors, prostitution or pandering.

25.10.190.110 Specified sexual activities.

"Specified sexual activities" means:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions as part of or in connection with any of the above.

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25.10.190.115 Specimen tree.

"Specimen tree" means an existing healthy tree which poses no safety hazard due to potential collapse and is of the following species and minimum diameter measured at breast height; provided, that the measure of multi-trunk trees shall be the sum of the diameters:

1. Douglas fir, western red cedar, western hemlock, or big leaf maple: 15 inches;
2. Oregon white oak, Pacific yew, or madrona: 12 inches;
3. Historic fruit trees: no size limit.

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25.10.190.120 Square feet.

"Square feet" means square feet of the combined horizontal area of all floors of a building measured from the exterior faces of the exterior walls, excluding spaces lacking standing head room.

25.10.190.125 State siting criteria.

"State siting criteria" means criteria for the siting of hazardous waste treatment and storage facilities contained in WAC 173-303-285.

25.10.190.130 Storage, indoor.

"Storage, indoor" means a structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for the storage of goods such as furniture, files, or other unused or seldom used items. The definition excludes hazardous material storage, outdoor storage, warehousing and distribution, and vehicle or recreational vehicle storage. The access to the storage units is from building interiors.

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25.10.190.135 Storage, mini-.

"Storage, mini-" means a structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for dead storage only. Storage of boats, trailers, and recreational vehicles is permitted. Auctions except auctions authorized by legal action, commercial wholesale or retail businesses, garage sales, repair of motorized equipment and/or vehicles, operation of power tools, and storage of flammable or hazardous materials and explosives is prohibited.

25.10.190.140 Story.

"Story" means the portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams for finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

25.10.190.145 Stream.

"Stream" means an area where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed need not contain water year-round. This definition is not meant to include storm or surface runoff devices or other entirely artificial watercourses unless they were constructed within or in association with a naturally occurring stream or drainage course.

25.10.190.150 Street.

"Street" means a public right-of-way.

25.10.190.155 Street frontage.

"Street frontage" means the boundary of a lot separating such lot from an abutting street. For multi-tenant buildings, street frontage shall be the width of the front of the suite. The front of the suite is defined as the wall plane which the suite address is assigned and contains the main customer entrance.

25.10.190.160 Street tree.

"Street tree" means a tree planted or retained in a public right-of-way or parking strip.

25.10.190.165 Structure.

"Structure" means 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.

25.10.190.170 Subdivision.

"Subdivision" means the division of land into two or more lots, parcels or sites for the purpose of sale or lease. (Note: For purposes of this development code, the term "subdivision" includes the short subdivision of land.) See Chapter 58.17 RCW. (Ord. 16-1011 §2 (Exh. 1) (Att. B); Ord. 07-854 §1; Ord. 02-707 §1)

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25.10.200 -"T" TERMS~~definitions.~~

Sections:

25.10.200.005 Tavern
25.10.200.010 Telecommuting
25.10.200.015 Temporary wireless communication facility
25.10.200.020 Threshold date
25.10.200.025 Townhouse
25.10.200.030 Traffic study
25.10.200.035 Transient guest facilities
25.10.200.040 Transit
25.10.200.045 Transportation demand management
25.10.200.050 Transportation facilities
25.10.200.055 Transportation facility capacity
25.10.200.060 Transportation strategies
25.10.200.065 Triplex

25.10.200.005 Tavern.

"Restaurant or Tavern" means a commercial use which sells prepared food or beverages and where the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

25.10.200.010 Telecommuting.

"Telecommuting" means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

25.10.200.015 Temporary wireless communications facility.

"Temporary Wireless Communication Facility." See 25.10.230.060 "Wireless communication facility (WCF), temporary."

25.10.200.020 Threshold date.

"Threshold date" means the first May 1st that falls after the date when an employer becomes an affected employer, whether by passage of the ordinance codified in this chapter, moving into the city of DuPont, or by growing in employment.

25.10.200.025 Townhouse.

"Townhouse" means a building designed exclusively for occupancy by one family and containing one dwelling unit, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common walls which may be located on lot lines.

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25.10.200.030 Traffic study.

"Traffic study" means a specialized study of the impacts that a certain type and size of development in a specific location will have on the surrounding transportation system. The scope of work for the study will be determined by the city.

25.10.200.035 Transient guest facilities.

"Transient guest facilities" means temporary commercial accommodations such as hotels, motels, and bed and breakfasts.

25.10.200.040 Transit.

"Transit" means a multiple-occupant vehicle operated on a shared-ride basis, including bus, ferry, rail, shared-ride taxi, and shuttle bus.

25.10.200.045 Transportation demand management.

"Transportation demand management" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

25.10.200.050 Transportation facilities.

"Transportation facilities" means arterials and transit routes owned, operated, or administered by the state of Washington and its political subdivisions, such as the city of DuPont.

1. ~~(1)~~ "Existing transportation facilities" means those transportation facilities in place at the time a concurrency test is applied; and
2. ~~(2)~~ "Planned transportation facilities" means those transportation facilities scheduled to be completed no later than the sixth year of the capital facilities plan and/or transportation element in effect at the time the city approves the development.

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25.10.200.055 Transportation facility capacity.

"Transportation facility capacity" means the maximum number of vehicles that can be accommodated during a specified travel period at a specified level of service. Capacity will be calculated according to the methodology used in the most current highway capacity manual. An alternative methodology may be used only if it is preapproved by the director of public works or his/her designee.

25.10.200.060 Transportation strategies.

"Transportation strategies" means transportation demand management plans, schemes, techniques, programs, and methodologies for minimizing transportation facility demand, such as improved transit service, off-peak travel, and ride-sharing programs.

25.10.200.065 Triplex.

"Triplex" means a detached building containing three dwelling units. (Ord. 17-1017 §2 (Exh. B); Ord. 12-937 §1; Ord. 02-707 §1)

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25.10.210 -"U" TERMS~~definitions.~~

Sections:

25.10.210.005 Unlicensed wireless services

25.10.210.010 Unlisted words and phrases

25.10.210.015 Use

25.10.210.020 Use, temporary

25.10.210.005 Unlicensed wireless services.

"Unlicensed wireless services" are defined as the offering of telecommunication services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition.

25.10.210.010 Unlisted words and phrases.

Unlisted Words and Phrases. The definition of any word or phrase not listed in this chapter which is in question when administering this regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

1. ~~(1)~~ City development regulations;
2. ~~(2)~~ Any city resolution, ordinance, code or regulation;
3. ~~(3)~~ Any statute or regulation of the state of Washington (i.e., the most applicable);
4. ~~(4)~~ Legal definitions from case law or a law dictionary;
5. ~~(5)~~ Webster's Third New International Dictionary of the English Language, Unabridged.

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25.10.210.015 Use.

"Use" means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

25.10.201.020 Use, temporary.

"Use, temporary" means a use needed for a limited duration of time with the intent to discontinue the use upon the expiration of the time period, not to exceed one year. Temporary uses do not involve the construction or alteration of any permanent building or structure, although the authorization of the temporary use does not necessarily preclude such construction. (Ord. 07-854 §1; Ord. 02-707 §1)

25.10.220 -"V" TERMS~~definitions.~~

Sections:

25.10.220.005 Vanpool

25.10.220.010 Variance

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25.10.220.015 Vehicle miles traveled (VMT) per employee
25.10.220.020 Vehicular access easement or tract
25.10.220.025 Village

25.10.220.005 Vanpool.

"Vanpool" means a vehicle occupied by from seven to 15 people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

25.10.220.010 Variance.

"Variance" means relaxation of the requirements of this title with respect to building, lot or other restriction (but not with respect to use) because of special circumstances applicable to the building, lot or property which deprive it of privileges commonly enjoyed by other properties in the same vicinity and district.

25.10.220.015 Vehicles miles traveled (VMT) per employee.

"Vehicle miles traveled (VMT) per employee" means the sum of the individual vehicle commute trip lengths in miles made by affected employers over a set period divided by the number of affected employees during that period.

25.10.220.020 Vehicular access easement or tract.

"Vehicular access easement or tract" means a privately owned right-of-way, but not including a driveway easement.

25.10.220.025 Village.

"Village" means any one of several areas of the city of DuPont characterized by similar or compatible land uses. A village may contain one or more land use districts. A village is identified by a place name and has boundaries composed of major streets, natural or manmade barriers, or abrupt changes in land use. (Ord. 07-854 §1; Ord. 02-707 §1)

25.10.230 -"W" TERMS~~definitions.~~

Sections:

25.10.230.050 WAC
25.10.230.010 Warehouse/distribution
25.10.230.015 Wastes
25.10.230.020 Waste reduction
25.10.230.025 Week
25.10.230.030 Weekday
25.10.230.035 Wetland
25.10.230.040 Wireless communication facility (WCF)
25.10.230.045 Wireless communication facility (WCF), attached

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25.10.230.050 Wireless communication facility (WCF), freestanding
25.10.230.055 Wireless communication facility (WCF), public
25.10.230.060 Wireless communication facility (WCF), temporary
25.10.230.065 Written

25.10.230.005 WAC.

"WAC" means the Washington Administrative Code.

25.10.230.010 Warehouse/distribution.

"Warehouse/distribution" means a building or land use in which goods, merchandise or equipment are stored for eventual distribution.

25.10.230.015 Wastes.

"Wastes" see 25.10.190.085 "Solid Waste."

25.10.230.020 Waste reduction.

"Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

25.10.230.025 Week.

"Week" means a seven-day period, starting Monday and ending Sunday.

25.10.230.030 Weekday.

"Weekday" means Monday, Tuesday, Wednesday, Thursday, or Friday.

25.10.230.035 Wetland.

"Wetland" means an area that is inundated or saturated by surface water or ground water at a frequency or duration sufficient to support, and under normal circumstances does support, a prevalence of plant life adapted for life in saturated soils condition. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities. However, wetlands may include artificially created wetlands that are established as part of a natural or built drainage course. Wetlands shall be delineated based on procedures contained in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (1987 Manual).

1. ~~(1)~~ Class I Wetland – These are wetlands that are very valuable for a particular rare species or represent a high quality example of a rare wetland type or are rare within the region or provide irreplaceable functions and values, i.e., they are impossible to replace within a human lifetime, if at all.

2. ~~(2)~~ Class II Wetland – These are wetlands that provide habitat for very sensitive or important wildlife or plants or are difficult to replace or provide very high functions and values, particularly for wildlife habitat and/or their association with ground water and aquifers. These wetlands occur more commonly than Class I wetlands and need a high level of protection.

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25.10.230.040 Wireless communication facility (WCF).

"Wireless communication facility (WCF)" means facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, specialized mobile radio, paging, and any other services licensed by the FCC and unlicensed wireless services including but not limited to associated equipment shelters, support towers, and antenna arrays, other than the exempt facilities listed under DMC 25.125.020.

25.10.230.045 Wireless communication facility (WCF), attached.

"Wireless communication facility (WCF), attached" means a WCF in which the antenna is attached, as an incidental use, to a pre-existing structure such as a building, water tank, or utility pole, without an additional support structure, and is either an omni-directional whip antenna no more than seven inches in diameter and no more than 16 feet in length, or a panel antenna or panel antenna array no more than 16 square feet in total area or no larger than 32 square feet when attached to and not extending above the vertical wall of a structure.

25.10.230.050 Wireless communication facility (WCF), freestanding.

"Wireless communication facility (WCF), freestanding" means a WCF in which the antenna is supported by a structure designed for that purpose including ancillary equipment.

25.10.230.055 Wireless communication facility (WCF), public.

"Wireless communication facility (WCF), public" means a freestanding or attached wireless communication facility (WCF) that is planned, built, operated and maintained by a public entity to provide local or regional essential communication services to enhance or maintain public health and safety.

25.10.230.060 Wireless communication facility (WCF), temporary.

"Wireless communication facility (WCF), temporary" means a mobile telecommunications facility which is transported by a motor vehicle for temporary use. Temporary wireless communication facilities do not have a permanent foundation.

25.10.230.065 Written.

"Written" means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery. (Ord. 12-937 §1; Ord. 07-854 §1; Ord. 02-707 §1)

25.10.240 -"X" TERMS~~definitions.~~

Sections:

25.10.240.000

Reserved. (Ord. 02-707 §1)

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25.10.250 -"Y" ~~definitions.~~TERMS

Sections:

25.10.250.005 Yard
25.10.250.010 Yard, required
25.10.250.015 Yard, front
25.10.250.020 Yard, rear
25.10.250.025 Yard, side

25.10.250.005 Yard.

"Yard" means an open space that lies between the principal building or buildings and the nearest property line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this code.

25.10.250.010 Yard, required.

"Yard, required" means an open space between a property line and a structure within which no structure shall be located except as allowed by this code.

25.10.250.015 Yard, front.

"Yard, front" means a space extending the full width of the lot between any building and the front property line and measured perpendicular from the front property line to the closest point of any building.

25.10.250.020 Yard, rear.

"Yard, rear" means a space extending the full width of the lot between the principal building and the rear property line and measured perpendicular from the rear property line to the closest point of the principal building.

25.10.250.025 Yard, side.

"Yard, side" means a space extending from the front yard to the rear yard between the principal building and the side property line and measured perpendicular from the side property line to the closest point of the principal building. (Ord. 07-854 §1; Ord. 02-707 §1)

25.10.260 -"Z" ~~definitions.~~TERMS

Sections:

25.10.260.005 Zero lot line

25.10.260.005 Zero lot line.

"Zero lot line" means the location of a building on a lot in such a manner that one of the building's sides rests directly abutting a lot line. (Ord. 02-707 §1)

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Unique History … Vibrant Future

CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

Interim Chair / Vice Chair Kevin Ballard (Position 7)

Beth Elliott (Position 1)
Jeremy Warner(Position 4)
Vacant (Alternate)

Corey Wright (Position 2)
Vacant (Position 5)

Renee Buck (Position 3)
Dustin Marlett (Position 6)

EXTENDED AGENDA
June 4, 2018

June 25th

Public Hearings:

1. N/A

Unfinished Business:

1. PLNG2018-019: Proposed draft definitions to be added and proposed amendments to existing definitions within DMC Chapter 25.10 (Definitions)

New Business:

1. Review of proposed rezones to implement the 2017 Comprehensive Plan update. File Nos. PLNG2018-036 (Center Drive & DuPont-Steilacoom Road) and PLNG2018-038 (Old Fort Lake subarea)

July 9th

Public Hearings:

1. **(TENTATIVE)** PLNG2018-019: Proposed draft definitions to be added and proposed amendments to existing definitions within DMC Chapter 25.10 (Definitions)

Unfinished Business:

1. ??

New Business:

1. ??

July 23rd

Public Hearings:

1. **(TENTATIVE)** Proposed rezone of the property at Center Drive and DuPont-Steilacoom Road from IND and MRP to Community Business District.
2. **(TENTATIVE)** Proposed rezone of the property within the Old Fort Lake subarea from BTP to MUV.

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Unfinished Business:

1. ??

New Business:

1. ??

August 13th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

August 27th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

September 10th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

September 24th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

October 8th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

October 22nd

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

November 12th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

November 26th (Monday after Thanksgiving)

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

December 10th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

December 24th (Christmas Eve)

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

2019

January 14th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

January 28th

Public Hearings:

1. ??

Unfinished Business:

1. ??

New Business:

1. ??

Unique History … Vibrant Future

CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
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MEETING MINUTES

Monday, October 9, 2017

Commissioners: Chair Chris Barnes, Commissioners Beth Elliott, Corey Wright, Renee Buck, Todd Tatum, Dustin Marlett, Kevin Ballard, Jeremy Warner(Alt)

Supporting Staff: Planning Director, Jeff Wilson and Admin Support, Janet Howald

1. CALL TO ORDER

Chair Barnes called the meeting to order at 6:20pm.

2. ROLL CALL

All members were present.

3. ANNOUNCEMENT AND APPROVAL OF AGENDA

A motion was made and seconded to approve the Agenda, (Buck/Tatum); 7/0, motion passed.

4. APPROVAL OF MINUTES

A motion was made and seconded to approve the September 18th 2017 Minutes with amendment to the header to list the Commissioners. Those Commissioners not present will be reflected under the Roll Call section. (Buck/Wright); 7/0, motion passed.

5. AUDIENCE COMMENTS

None

6. PUBLIC HEARINGS

Chair Barnes opened the public hearing at 6:25pm for the Proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood / Business & Technology Park (BTP) zone. (File Nos. COMP-16-04 & TEXT-16-06)

Director Wilson began with an explanation of the exhibit documentation and attachments. Mr. Wilson informed that Mr. Ryan Givens of AHBL, Consultant to the City and Ms. Geri Reinart, Traffic Consultant to the City were present to provide overview and respond to questions. He then provided a brief overview of the process to updating the Comprehensive Plan including the various meetings and preparation that had transpired to prepare the final recommendations. The history of the property was provided including the constraints of the Consent Decree by the Department of Ecology and by the prior property owner who placed restrictive covenants on the property.

Mr. Givens presented the proposed amendments in a PowerPoint presentation beginning with further background of the project, the specific requests and breakdown into the Comprehensive plan changes, Subarea Plan and the text amendment.

Director Wilson informed the Planning Commission that City staff had been working with the Nisqually Tribe and the Washington State Department of Archeology and Historic Preservation to address cultural resource questions. Additionally he described this effort as a method to entice other

compatible uses to allow to go into different directions than currently limited by restrictive covenants.
Phil Ambrose, 1849 McDonald Ave, expressed opposition to warehouses, free standing warehouses and concern of the traffic impact and zoning code should exclude warehouses.
Lisa Merkle, 1471 Grant Ave, expressed opposition to warehouses and free standing warehouses and provided documentation which were entered as exhibits.
Lawrence Genova, 2889 Hyland, expressed opposition against free standing warehouses and questioned motive of City and the developer. He also discussed protecting the cultural aspect of the property.
Dennis Clarke, 2237 Anderson, stated he is a Land Use Planner and was the Principal author of the first Comprehensive Plan adopted in 1990 and gave a brief history. He expressed concern in allowing the proposed industrial uses. His documentation was submitted as an exhibit.
Nancy Levcovich, 1860 Miller Dr., works in DuPont and expressed appreciation for the hard work going into the plan but opposes the free standing warehouses.
Tami Swart, 2918 Martin St, does not support free standing warehouses and expressed concern regarding traffic on the loop road.
Tom Duguay, 2956 Martin Pl, expressed concerns regarding free standing warehouses and zoning plans, sound remediation and if there is possible remediation for contaminated soil. His letter was entered as an exhibit
Brian Bauter, 2060 Hammond St, worked in trucking industry and currently with a global insurance company as fleet risk engineer. He made comments regarding a new trucking law which goes into effect in December. Large trucks could be parked for required rest period and which means trucks would be looking for a safe spot to park but this could lead to idling of the trucks and especially refrigerated ones. He questions the concern for safety by the trucking companies.
Susan Livingston, 1513 Bobs Hollow Ln, expressed agreement with previous comments and opposes free standing warehouses.
Mary Matthews Brownell, 2806 Martin St., expressed concern regarding cultural resources and communication with the Nisqually Tribe and opposes free standing warehouses.
Jeff Brownell, 2806 Martin St., discussed the cleanup of the area around his home and the contamination levels in the Old Fort Lake. He discussed exploring additional road options.
Joe Cushman, Planning Director for the Nisqually Indian Tribe, expressed concerns regarding protection for the cultural resources. He referenced a letter prepared by Mr. McCloud, Chair of the Tribal Council, desiring a comprehensive cultural resources protection and management plan to protect native and non-native resources and to work with DAHP. The Tribal is not opposed to the Comprehensive Plan amendments but is requesting amendments to protect what is in the ground.
Adam Root, 1374 Hudson St, expressed using the word prohibit to free standing warehouses from the documentation.
Courtney Blankenhorn, 1304 Hudson St, expressed opposition to distribution warehouses, noise and traffic. She also expressed safety concerns especially when trucks cut through their neighborhood. She hopes citizens voices are being heard that distribution warehouse is not doing better.
Cary Harlow, 2648 Arnold St, expressed appreciation to those who attended the meeting. He expressed there is no market for retail or office buildings and opposes free standing warehouses. He appreciated opportunity to speak.
Lawrence Kurtz, 1797 Cadborough Ln, expressed opposition to free standing warehouses and zoning change as will affect the quality of life and safety for children.
Steve Schenk, 1713 Kittson, feels there is much potential for the area and is not for free standing warehouses or distribution center. He maintains zoning to retain the small town feel of city and if the plan was passed the bonds, infrastructure, roads and utilities would be paid by the citizens. He stated that semi-trucks should not be allowed next to the civic center and put children at risk with freight traffic next to school and Powderworks Park.
James Watson, 1346 Hudson St., explained he enjoys quiet and peaceful community and so opposes increased truck traffic. He expressed the need for a developer that is willing to put the right

thing there for the community He thinks the plan is amazing that will face the sound and bring in community but not trucks.
Lt. Jonathan Burnett, 3059 Shannon St., he appreciates the City looking for opportunities to bring in more business to DuPont and continue to make it a sustainable community but is opposed to rezoning changes to allow for free standing distribution type warehouses. He believes the owner should comply with the current zoning laws to make DuPont a safe and family friendly community without having negative influences. The City should be in favor of more sustainable and ecological friendly development with focus on historical and cultural heritage and protect the masterplan community.
Kathy Preston, 1907 Braget St., she likes many of the ideas being presented around the golf course but opposes free standing warehouses and distribution centers and she doesn't want it in the center of city, near the school. Also the size limitations seem large.
Anna Burnett, 3059 Shannon St., wants to keep the City safe, clean, kid and family friendly. She thinks warehouses would hurt the environment and would like growth but should environmentally sustainable and not endanger safety so opposes rezoning for free standing warehouses. She would rather see city work together with the Nisqually nation to create a cultural center and to restore wildlife. Comments were submitted as exhibits.
Ming Choo, 2812 Martin St, expressed opposition the changing of the zoning but would the zoning for hi-tech, light industry and research as it would be appropriate for higher salary based employment.
Robert Waters, 1811 Fisher Ave, expressed appreciation to the commissioners for their service to the community. He disagrees with the free standing warehouses facilities and believes it will bring in an increase in crime.
Marjorie Sebesta, 502 DuPont Ave, opposes additional truck traffic.
Bridget King, 1473 Kittson St, referenced a meeting that was held on October 3, 2017 in which she learned that they could be making their own subarea plan as referenced in the amendment process that was begin in 2015 Comprehensive Plan which would restrict the warehouse size and accessory to a business.. But now considering the Copper Leaf plan she appealed to the Commissioners to take more time and insert protective language against free standing warehouses and distribution. She cited LU 9.2 and extract from Intel site plan Hearing Examiner report extract which includes traffic concerns and safety. Comments were submitted as exhibits.
Judy Norris, 1485 Kittson St, she had worked on the original Comprehensive Plan. She alluded there is an element of secrecy in this process and speculates this is the public perception so appreciates the social media.
Edward Eldridge, 1424 Richmond Ct, he said one of the main components behind the Comprehensive Plan was to have a balanced economic sector which split between retail, office and industrial and warehouses and believes that this proposal threatens the balance. He would like to see diversity in the economic base. And questioned more warehouses. He explained the gravel pit will be finished and believes that area could then be warehouses.
Denny Glenn, 2399 McDonald Ave, has seen the truck traffic increase and inappropriately going down Center Drive and is concerned about warehouse growth. He would to see something else besides warehouses and look at something that will benefit the community.
Christopher Elfrank, 1812 Cadborough Ln, opposes an increase in truck traffic as increase emissions ruin quality of life and safety is an issue as kids run into the street. He opposes free standing warehouses.
Cara Mitchell, 2221 McDonald Ave, expressed opposition to changes in the zoning code which would allow free standing warehouses. She wants the golf course to be protected. Safety, noise and quality of life are at issue. She cited an issue with a lost truck. She implored listening to the citizens.
Mike Brown, 1480 Heath Ct, expressed opposition to warehouses and an increase in truck traffic.
James Smith, 1425 Rooklidge St, expressed thanks to the Planning Committee. He once served on the Planning Agency. He asked that a long term strategic approach be used that would obtain tax revenues while preserving a quality of life and also consider the impact that each type of business would have on the quality of life.

Jamie Carbaugh 1322 Rowan Ct., discussed the quality of life in DuPont and opposes free standing warehouses.
David Farah, 2219 Palisades Blvd, discussed the issue with some of the problem with trucks and the safety issues. He discussed income/money and tax trail from having warehouses. He opposes warehouses and deterring from the lake. He expressed concern of visitors coming to the recognized golf course with warehouses present. The decisions should be based on what the community needs.
Jessica Fester, 504 DuPont Ave, discussed how DuPont is a small community city with a sense of community and safety for kids and family and so opposes warehouses and increased traffic.
Guy Claudy, 3070 O'Brien St, discussed that people live here as the city offers a unique small town community feel. He opposes the warehouses and truck traffic which will increase noise. He wants an updated Comprehensive Plan and to allow better business opportunities that the citizens desire.
Jan Baker, 2812 Martin St, expressed his opposition to the warehouses as most people have expressed about not wanting warehouses and he wants trust between people so it is a place generations can continue to live.
Pam Fisher, 1738 McCloud Circle, expressed the beauty of DuPont. She had questions regarding the aquifer and at the limit of water that it can't support more residential. She also opposes the warehouses.
Maria Gudaitis, 507 Louviers, believes the Comprehensive Plan serves as a guide and quoted from it and maintains that it states approving stand alone warehousing violates the plan. She expressed a second point of over capacity in DuPont already with traffic. She met with a WSDOT Capital program manager and he reported that traffic volumes are higher than in 2011. And specifically regarding truck traffic. Documents were submitted as exhibits.
Lee Chase, 309 Barksdale, he expressed his concern over the transportation plan including burms and the school and concerned over who pays for repairs to roads.
Krista Novak, 1449 Kittson St, expressed concern over the noise of traffic and truck traffic and concerned with safety of children school and fields. She opposes free standing warehouses. She brought up Elwood Illinois and repercussions of growth.
Hailey Lorati, 1547 Palisade Blvd, expressed concern over children's safety and schools and expressed opposition to warehouses and truck traffic.

Director Wilson confirmed the comments received just before and during the public hearing were entered as exhibits.

Chair Barnes closed the public testimony at 8:54pm.

Chair Barnes called a 5 minute recesses.

Chair Barnes reconvened the meeting at 9:05pm and began the deliberation process of the Public Hearing.

Discussion began with the Comprehensive Plan. Commissioner Marlett and Commissioner Buck both discussed the removal of free standing warehouses from the plans.

A motion was made and seconded to strike the language that would permit free standing warehouses from the Comprehensive Plan and the Subarea Plan (Marlett/Ballard).

Discussion began on The Old Fort Lake subarea Plan with the following recommendations:
Page 31 to remove the sentence under Business/Industry Uses, "Warehouse distribution is limited to sub-blocks E.1, F.1, and F.2 to ensure the area is not dominated by this single use".
Page 41, under Old Fort Lake 2, there is to be removal of the sentence "In limited area, warehousing distribution will be allowed in this district".
Page 44, the language is to be removed from Table 4.2. and is to include the footnote #4.
Page 45, LU-3.1 "Restrict warehouse distribution to the interior blocks in the subarea" is to be removed.

Page 68 under Future Community Character Plan in the last sentence the words to be moved are "and warehouse distribution".
Page 70 under Community Character Goals and Policies, remove under CC-1.2 section the words" and warehouse distribution land uses".
Director Wilson suggested to further review the original document and identify any other changes and consult with Chair Barnes to confirm all changes have been addressed.
Further discussion took place including that the citizens voices have been heard and so the conclusion was reached that this area is not conducive to warehouse distribution.

Chair Barnes called for a vote; 7/0, motion passed.

Discussion continued to add the word "light" to manufacturing throughout the document.

A motion was made and seconded to include the word "light" in front of every reference of manufacturing in the Comprehensive Plan and the Subarea Plan (Elliott/Marlett).

Director Wilson clarified that is no definition of light manufacturing and manufacturing in the municipal code. Reference was made to the 2013 Comprehensive Plan, in which the Land Use designations described the Business Technology Park and for Manufacturing/Research was referred to light Manufacturing/Research and light Manufacturing and High Technology which has been expressed by the citizens in this process. Conversation continued on why the language may have been changed from light manufacturing to manufacturing.

Chair Barnes called for a vote: 7/0, motion passed.

Discussion continued regarding the letter received from Mr. McCloud, the Nisqually Tribe Chairman and when compared to The Future Cultural Resources and Plan, it was suggested to insert under the goal specific language to include a comprehensive cultural resources management plan. Per Director Wilson, there is already adequate language in the existing Comprehensive Plan, the Development Regulations and requirement by state law, in place, to comply. The letter implied to not move forward until the sites are fully analyzed. This is not the usual procedure as it is performed when projects arise and must go through the normal development process with proper research; and comply with specific agencies. Mr. Cushman's comments in his testimony seems favorable with the coordination between the City and the Tribe in regard to the subarea plan but the language in the letter seems definitive on their level of participation moving forward. Director Wilson explained that earlier this year, the City invested in site plan analysis and was in consultation and co-ordination with the Tribe and DAHP. Any questions would be addressed with the Tribe during the development review process.

Discussion moved onto the Current Parks, Open Spaces and Trails Map (2017) regarding it shows a trail and a crossing on south side of the Sequalitchew creek canyon but it does not exist. Mr. Wilson explained this was a plan but doesn't mean it actually exists today, just guidance from the comprehensive part plan. The proposed plan identifies where trails may go as a part of entire trail system and future linkages. The Parks and Rec Agency may wish to review and update the plan.

Chair Barnes moved to approve for recommendation to the City Council, Attachment 1 and Attachment 2 as proposed with the amendments pending final approval by the Chair and The Director.

A motion was made to approve Attachment 1 and Attachment 2 as amended to the City Council with the caveat pending that the copy be forwarded to Chair Barnes for his final approval.(Tatum/Ballard) 7/0; motion passed.

Chair Barnes then began discussion of the Development Regulations. This included going through changes.
In Chapter 25.41.010, subparagraph 5, line 33, it was recommended to insert a period after the word development and drop the remaining sentence "and limited warehouse distribution".

Chapter 25.41.060 subparagraph 3, line 31 and 34, remove the reference to warehouse.

Table 25.41.020(a), remove Warehouse distribution out of the chart.

#43Under Table 25.41.020, paragraph 2, page 14, add a new subparagraph (g) Distribution Warehouse.

Chapter 25.41.060, subparagraph (3), (e) page 18, remove entire line.

Chapter 25.41.50, subparagraph (6), (b), page 16, remove distribution.

A motion was made to adopt the changes as referenced to identifying areas in the code to strike out warehouse distribution but still retaining warehouse. (Elliott/Buck); 7/0, motion passed.

Ms. Reinart, Traffic Consultant responded to a question regarding limiting the number of axels or address types of trucks. The City has truck route ordinance based on gross vehicle weight. She explained there are many sizes and classifications so difficult to answer as many variables and without knowing a specific goal. The discussion pointed out that present in the community, the roads are incompatible with types of truck. So development should be reviewed so as to not attract this type of traffic. Director Wilson explained if restrictions are placed it will limit what can be allowed for industrial uses. Truck traffic regulation would go into the municipal code and is an issue that the Council would address. The discussion also included that restricting the number of truck bays can become a performance related issue. This lead into discussion of the orientation of bay doors and numbers. Mr. Wilson explained that there are protections built in the design regulations on buffering and orientation. There would be development review to address the specifics..

A motion was made to add under Land Use Code, on page 14 of Attachment 3, subparagraph 2, item "G" "Providing a prohibition on free standing warehouse distribution". (Ballard/Marlett); 7/0, motion passed.

A motion was made to incorporate a portion of the language from the BTP 25.40.010 Purpose "This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited" and insert into 25.41.010 Mixed Use Village, Purpose, after the first sentence.(Wright/Elliott).
Discussion commenced on the word excessive as it is difficult to measure. It was decided to move the fore mentioned as written.

Chair Barnes called for a vote, 7/0, motion passed.

A motion was made to insert the word "light" in front of manufacturing in Attachment 3, Development Regulations. (Elliott/Buck).
Discussion ensued as there is currently no definition of "light' manufacturing as it is not defined in the municipal code. This will be addressed at a future date. Also discussed was the definition of distribution warehouse and industry and whether this may impede a future person coming in.

Director Wilson explained there is a broad definition existing now. Clarification of terms does need further defining.

Chair Barnes called for a vote, 7/0, motion passed.

Discussion then commenced on the square footage that has been purposed for manufacturing. Any building over 4,000 square feet has to go through an environmental review process. This further included discussion of the sizes of buildings in relation to the parcel size.

A motion was made that on Table 25.41.020 Land Use, (a) Manufacturing page 13 of 19, the first Permitted instance be amended to read up to 200,000 square foot and the second instance, which is Conditional to be amended to read over 200,000 square foot. (Buck/Wright)

Discussion clarified that this is a process and threshold on size of a structure. The initial 400,000 square foot was created as a threshold that a parcel could accommodate for a structure and encourage larger building on the interior of the property. This lead into a Site Plan Review, Type II and the Conditional Use Permit process.

Chair Barnes called for a vote, 6/1. (Those in favor, Barnes, Elliott, Wright, Buck, Marlett, Ballard). Opposed, (Tatum). Motion passed.

Discussion took regarding the language of place the Floor Area Ratio intensity bonus and how that mechanism will work within the MUV district. Discussion continued regarding the Design Review, 25.41.070 and Site Plan Approval, 25.41.080 and the applicable definitions.

A motion was made to the recommend the adoption of Attachment 3 to the City Council with the approved changes and further review of the language changes by Chair Barnes. (Wright/Marlett); 7/0. Motion passed.

A motion was made to approve the Future Zoning Map & Exhibit, Attachment 4 for recommendation for the City Council approval. (Buck/Tatum). There was no discussion.

Chair Barnes called for a vote, 7/0, Motion passed.

7. UNFINISHED BUSINESS
None

8. NEW BUSINESS
None

9. ADMINISTRATIVE REPORTS
Director Wilson recommended cancelling the meeting on October 23, 2017. However, if a meeting is required, it will be held with an option to have a meeting cancelled in November.

Director Wilson discussed the upcoming workshops and public hearings with the City Council.

10. AUDIENCE COMMENTS(Items not on the Agenda)
Maria Gudalitis, 507 Louviers, expressed thanks for all who attended the meeting and the time taken to hold this meeting.

11. PLANNING COMMISSION MEMBER COMMENTS
Commissioner Elliott expressed thanks to all who attended and to the Commissioners for listening to the citizens.

Commissioner Wright also thanked the audience for their participation and to the Commissioners for the hard work.
Commissioner Buck also expressed the same thanks.
Commissioner Tatum expressed thanks to everyone one who attended.
Commissioner Marlett expressed thanks to all who attended the meeting and those who may have watched on social media.
Commissioner Ballard expressed that he is proud to be a member of the commission and whom served the community correctly and appropriately and thanked all the participation and a lot of work was done.
Commissioner Warner gave thanks for all who attended hopes to see continued community involvement.
Chair Barnes expressed thank you to the public that attended. Also a big thank you to Mr. Givens, for all time and to Director Wilson and to Ms. Howald for all the work put into this process. He also expressed thanks and great job done, to the Commissioner members.
Director Wilson also expressed thanks to Mr. Givens to all he has done and to Ms. Reinart for all her dedicated work and the hours and time they have provided. He also thanked Ms. Howald for all her work to keep the process flowing smoothly and ensuring the Planning Commission received all the materials.

12. ADJOURNMENT

Chair Barnes adjourned the meeting at 11:07pm.

Nov 27 2017

Chair, Chris Barnes Date

City of DuPont
1700 Civic Drive
DuPont, Washington 98327

Regular City Council Meeting Minutes
Tuesday, November 28, 2017

Call to Order: Mayor Courts called the Regular City Council meeting to order at 7:00 pm.

Roll Call: Mayor Michael Courts; Deputy Mayor Roger Westman; and Councilmembers Penny Coffey, Eric Corp, Andy Estep, Shawna Gasak, Michael Gorski and Matt Helder.

Staff present were: City Administrator Danek, City Attorney Karg, Finance Director Oaksmith, Police Chief Holt, Fire Chief Creekmore, Public Works Director Lim, Planning Director Wilson, Events and Recreation Coordinator Walker, City Clerk Muir and Deputy City Clerk Ongoco.

Pledge of Allegiance: Mayor Courts led the flag salute.

Approval of the Agenda:

A motion was made and seconded to approve the agenda (Coffey/Gasak); 7/0 motion carried.

Approval of Consent Agenda Items:

- Regular Council Meeting Minutes – November 14, 2017
- Claim Vouchers List for the period of 11/8/17 – 11/17/17, and Payroll

A motion was made and seconded to approve the Consent Agenda (Helder/Coffey); 7/0 motion carried.

Mayor's Report:

Mayor Courts reported on the following:

- Tree Lighting Ceremony at Ross Plaza on December 2nd;
- Amtrak trains will begin running through the City in mid-December; continued WSDOT meetings to discuss citizens safety concerns at the intersection on Exit 119;
- Sabrina Kearney will return to be the Human Resources Director.

City Administrator's Report:

City Administrator Danek reported on the following:

- Future Council Agenda Items Discussion: on December 12th - Legislative Priorities, a recognition, a proclamation; on December 19th outgoing Councilmembers reception; and on January 9, 2018, Councilmember Swearing-in and State of the City.

Council Reports:

Councilmember Corp commented on the Pierce County Lodging Tax Advisory Committee meeting on November 30th to continue discussion regarding future tourism related funding process. He also reported on the Planning Commission meeting he attended and congratulated Councilmember-Elect Chris Barnes, who is its current Chair but would soon need to be filled.

Department Reports:

Councilmember Coffey sought clarification on a pre-application meeting for a conditional use permit to locate a church on a vacant space at the building on the corner of DuPont-Steilacoom Boulevard/Center Drive. She then thanked City staff for their work.

Councilmember Helder asked about the status of a potential permit activity for the gas station on DuPont-Steilacoom Boulevard /Barksdale Avenue after the pre-application permit process. He also asked for the result staff's meeting with the WA State Department of Ecology which was very positive in providing guidance and clear path forward.

Councilmember Corp inquired about the building permits at Center Plaza Building Lots 5 & 6 (Sheet Metal Workers' Union building) and a facility for the Carpenters' Union training institute, and a coffee shop. He then asked the relationship between calls during the week/times and staffing (goals to have 3 minimum staffing 24/7). He then extended his congratulations to Police Officer Chung for the only individual out 10 riders from various county agencies that passed the motorcycle course.

City Administrator Danek noted that the City's project status matrix list is available online since May.

Councilmember Gasak commended Events and Recreation Coordinator Walker for a successful bone hunt and the haunted house event that the teens have put together and for restarting planned activities intended for young adults.

Deputy Mayor Westman asked Events and Recreation Coordinator Walker for DuPont's tourism plan for the future of which she replied that she is working with a consultant for a tourism plan which would be presented to the City Council in February.

Unfinished Business:

Ordinance No. 17-1028 Regarding the adoption of the 2018 Budget– Second Reading

After discussion by the City Council, City Administrator Danek presented a "Budget Follow Up 2018" PowerPoint and explained the top priority "projects" to utilize the Shaw House Proceeds (includes rate stabilization and contingency reserve) and Glacier Settlement Fund; overview of the 2018 Estimated Fund Balances and initiatives (including additional personnel); Real Estate Excise Tax (REET) 1 & 2 Revenue and payments.

* * * * * * * * *

A motion was made and seconded to amend Ordinance No. 17-1028 and commit Glacier NW Settlement Fund of $30,000 for the Sequalitchew Creek Culvert replacement design, $15,000 for the Sequalitchew Creek Salmon restoration test; and $10,000 for the Sequalitchew trail relocation (Westman/Gasak); 7/0 motion carried.

* * * * * * * * *

A motion was made and seconded to approve Ordinance No. 17-1028, as amended (Gasak/Helder); 6/1 motion carried, with Councilmember Gorski opposed.

Ordinance No. 17-1029 Regarding Land Use and Zoning, and the Adoption of the 2017 Comprehensive Plan Update – Second Reading

A motion was made and seconded to approve Ordinance No. 17-1029, as presented (Helder/Gasak); 4/3 motion carried with Deputy Mayor Westman and Councilmembers Gorski and Coffey opposed.

New Business:

Resolution No. 17-532 Approving a Memorandum of Agreement with Pierce County for Transportation Demand Management

Councilmember Corp inquired what type of support is provided to the City of which Planning Director Wilson responded that Pierce County provides financial support as well as informational materials to encourage trip reduction.

A motion was made and seconded to approve Resolution No. 17-532, as presented (Corp/Coffey); 7/0 motion carried.

Resolution No. 17-533 Awarding the Palisade Village Tree Removal Contract Phase B

After Public Works Director Lim provided an update to the first phase of tree removal project, he explained the plans for project's second phase. Discussion ensued on why the current contractor did not submit a bid, appreciation for Public Work Director Lim's attention to detail and said project management; and possible revenue that could be generated from the available big tree trunks for purchase.

* * * * * * * * *

A motion was made and seconded to approve Resolution No. 17-533, as presented (Gorski/Coffey); 7/0 motion carried.

Resolution No. 17-534 Awarding the Hoffman Hill Reservoir Interior Coating Repair Project

Public Works Director Lim briefly explained the need for said reservoir repair and how efforts were made for to avoid costly corrosion protection and spot repairs, and repair maintenance.

* * * * * * * * *

A motion was made and seconded to approve Resolution No. 17-534, as presented (Corp/Estep); 7/0 motion carried.

Ordinance regarding the 4th Quarter 2017 Budget Amendment – First Reading

Finance Director Oaksmith summarized the three miscellaneous adjustments accounts.

* * * * * * * * *

A motion was made and seconded to move Ordinance regarding the Fourth Quarter 2017 Budget Amendment to its Second Reading (Corp/Estep); 7/0 motion carried.

* * * * * * * * *

A motion was made and seconded to adopt this Ordinance regarding the Fourth Quarter 2017 Budget Amendment, as presented (Estep/Gasak); 7/0 motion carried.

Public Comment:

Judy Norris, 1485 Kittson Street, thanked the City Council for listening to the citizens and taking questions and try to find answers.

Maria Gudaitis, 507 Louviers Avenue, commented on a stellar Mayor's Thanksgiving letter written. She thanked the City Council for their advocacy and pursuit of the City's best interest; and also thanked the outgoing Councilmembers and citizens' reliance on the City Council and City's vision for 2018. She then thanked Councilmember Gorski for meeting with her regarding *what DuPont is all about.*

Council Comment:

Councilmember Helder thanked the citizens for their involvement with budget and increased and continued public engagement on the subarea plan as a first step. He also thanked staff, Planning Commission, for passing a good budget and thanked the work of outgoing Councilmembers.

CM Coffey thanked citizens for their involvement and providing input. She also thanked staff for their support.

Councilmember Gorski asked to be excused at the next Council meeting. He also thanked citizens for their involvement. He then commented on the developer who left right after the approval of the Comprehensive Plan and about a sense of community.

Councilmember Corp concurred with some of the Councilmembers comments about the budget and the Comprehensive Plan process. He spoke of the City staff's process on reviewing budget priorities for positions for the City to best serve the community. He commented on Deputy Mayor Westman's input on the Comprehensive Plan challenges as a good starting point, and what the citizens want.

Councilmember Gasak thanked outgoing Councilmembers and that they will be missed.

Mayor Courts thanked the citizens who came out to participate in meetings. He also commented on continuing improvements with the budget process to help with the City's AA+ rating. He also expressed his special thanks to the Planning Commission for extensive work and dedication and other future work. He also thanked staff for their professional work and support.

Adjournment:

Mayor Courts adjourned the meeting at 9:05 pm.

The next regular Council meeting will be held on Tuesday, December 12, 2017, at 7:00 pm. Please note that the minutes from the Council Meetings are not verbatim. A recording of the meeting may be purchased in the DuPont City Clerk's Office.

City of DuPont:

Michael P. Courts, Mayor

Attest:

Karri Muir, CMC, City Clerk

BRICKLIN & NEWMAN LLP
lawyers working for the environment

Reply to: Seattle Office

February 26, 2018

VIA E-MAIL

Dupont City Council
1700 Civic Drive
DuPont, WA 98327

Re: Freestanding Warehouses in the Business Tech Park Zoning District

Dear Council Members:

I am writing on behalf of Save Our City – Dupont, Washington.

I understand that there may be some confusion as to whether free standing warehouses and distribution facilities are permitted or conditionally allowed use in the Business Tech Park District zone. There should be no confusion. Your code could not be clearer that these facilities are not a permitted use nor a conditionally allowed use.

Your zoning code lists the "Permitted Uses" in this district in DMC 25.40.020. That section identifies permitted uses in the Business Tech Park district by referring to the use permitted in three other districts: the Commercial district, the Office district, and the Manufacturing/Research Park district. This incorporation by reference appears in the first sentence of this section:

> 25.40.020 Permitted Uses [Business Tech Park district]
>
> (1) All uses that are permitted in the commercial, office and manufacturing/research park districts, . . .

Thus, to determine if a freestanding warehouse or a distribution facility is a "permitted use" in the Business Tech Park district, reference must be made to the following code sections:

Commercial District Permitted Uses: DMC 25.25.020.
Office District Permitted Uses: DMC 25.30.020.
Manufacturing Park/Research District: DMC 25.45.020 (1).

Freestanding warehouses are not listed as a permitted use in the Commercial District (DMC 25.25.020) nor in the Office District. DMC 25.30.020. However, the permitted uses in the

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Manufacturing Park/Research District includes "warehousing/distribution." DMC 25.45.020 (1)(a).

Thus, to this point in the analysis, it appears that by cross-referencing the permitted uses in the Manufacturing Park/Research District, the DMC 25.40.020 list of permitted uses in the Business Tech Park district includes warehousing and distribution facilities. But there is more.

Above, I did not quote DMC 25.40.020 in its entirely. That section goes on to exclude two groups of uses that would be allowed in the Business Tech Park district if reference is made only to the list of permitted uses in the three cross-referenced sections. The two groups of uses that are not permitted in the Business Tech Park district even if they appear as a permitted use in the cross-referenced sections are (1) freestanding warehouses/distribution facilities and (2) all uses listed in DMC 25.40.040. The exclusion of these uses from the list of permitted uses could not be clearer:

> 25.40.020 Permitted Uses [Business Tech Park district]
>
> (2) All uses that are permitted in the commercial, office and manufacturing/research park districts, **except freestanding warehouses/distribution facilities and those listed in DMC 25.40.040.**

(Emphasis supplied.)

Given the express listing of "freestanding warehouses" and "distribution facilities" as uses that are not included in the list of permitted uses, it is difficult to understand how anyone can really be confused about this issue.

The asserted confusion, which appears contrived, stems from the absence of freestanding warehouses and distribution facilities from the list of prohibited facilities in DMC 25.40.040. But it was not necessary for the code-writers to include freestanding warehouses and distribution facilities in the list of prohibited uses in that section because they are called out separately as a not permitted use in DMC 25.40.020. Note that the "except" clause in that section lists two categories of uses that are not permitted and those two categories are connected by the word "and" -- "except freestanding warehouses/distribution facilities **and** those listed in DMC 25.40.040." (Emphasis supplied.) Thus, it was not necessary for the code-writers to include freestanding warehouses and distribution facilities in the list of prohibited uses in the DMC 25.40.040 because those uses were already excluded from the list of permitted uses by the "except" clause in DMC 25.40.020. Once was enough.

Freestanding warehouses and distributions facilities are not allowed in the Business Tech Park district as conditional uses either, but the code analysis is a little bit different. Conditional uses in the Business Tech Park zone are identified in DMC 25.40.030. Again, the code-writers created the list by cross-referencing conditional uses in other zoning districts, but this time, they included four additional uses by calling them out expressly:

25.40.030 Conditional Uses [Business Tech Park district]

> (1) All conditional uses in the commercial, office and manufacturing/research park districts, except those listed in DMC 25.40.040.
>
> (2) In addition to the conditional uses in the commercial, office and manufacturing/research park districts, the conditional uses in this district include but are not limited to:
>
> (a) School (limited to technical or adult educational facilities);
> (b) Freestanding wireless communication facility;
> (c) Golf course;
> (d) Similar land use.

Freestanding warehouses and distribution facilities are not included in the list of four expressly authorized conditional uses in subsection 2 of this section. So, the issue is whether freestanding warehouses or distribution facilities are listed as conditional uses in any of the three cross-referenced sections listed in subsection 1. The answer to that question is "no."

The three cross-referenced sections are the sections identifying conditional uses in the Commercial district, the Office district, and the Manufacturing/Research Park district. None of those referenced sections authorize freestanding warehouses or distribution centers as conditional uses in those districts. *See* DMC 25.25.040 (Commercial district conditional uses limited to certain utility structures); DMC 25.30.030 (Office district conditional uses limited to certain utility structures, certain retail uses, non-office public uses, and certain other uses, but not warehouses or distribution facilities of any kind); DMC 25.45.020 (3) (Manufacturing Park/Research district conditional uses limited to schools, churches, senior housing and certain other uses, but not warehousing or distribution facilities of any kind).

Because warehousing (including freestanding warehouses) and distribution facilities are not listed as a conditional use in any of the three districts that are cross-referenced in DMC 25.40.030, warehousing and distribution facilities are not allowed as a conditional use in the Business Tech Park district. (This also explains why it was not necessary for the code-writers to include freestanding warehouses or distribution facilities in the "except" clause in that section. Because those uses were not listed as a conditional use in any of the cross-referenced sections, it was not necessary to exclude them by listing them in the "except" clause.)

In sum, there is no ambiguity in your code. It could not be clearer. Neither freestanding warehouses nor distribution facilities are a permitted use in the Business Tech Park district and neither is identified as a conditional use in that district either.

Thank you for your work on this issue and your consideration of these comments.

Very truly yours,

BRICKLIN & NEWMAN, LLP

David A. Bricklin

DAB:psc

cc: City Clerk
Planning Director
Planning Commission
Client

RECEIVED
MAY 25 2018 @ 3:47 PM
CITY OF DUPONT

NOTICE OF APPEAL

1. **Appellant:** Save Our City, c/o Judy Norris-Handy, 1485 Kittson, Dupont, WA. 253-370-6246.
2. **Standing:** Save Our City is a citizen organization dedicated to protecting the quality of life in Dupont and assuring compliance with the city's comprehensive plan and development regulations. The challenged code interpretation would allow development that is authorized by the comp plan and development regulations and would allow development that was expressly banned by the City Council because of its adverse impacts on the city. Save Our City members own property, live, work and play in the city and will suffer from the adverse impacts that the City Council sought to prohibit if the code interpretation is allowed to stand.
3. **Identification of the decision being appealed:** Code Interpretation 2018-001.
4. **Grounds for appeal and facts upon which the appeal is based:** The City Council has banned warehouse and distribution uses in the MUV zone. Consistent with that ban, the Director issued Interpretation 2017-001 construing the code to preclude fulfillment centers and "parcel hubs" in the MUV zone. But portions of the challenged interpretation would allow uses that meet the definition of "warehouse/distribution" use. The interpretation is inconsistent with the code and should be vacated or modified accordingly.

   Paragraph 1 of the Analysis addresses uses that include warehousing in conjunction with "direct sales, indirect sales, digital sales or a combination of any of the above . . ." None of those terms is defined. The extent to which the space is used for warehousing as opposed to "indirect" or "digital" sales is not described. The ban on warehousing is not expressed in terms such that warehousing is allowed if it is combined with another allowed use, particularly a use as ambiguous as "indirect sales" or a use as amorphous as "digital" sales.

   Likewise, Paragraph 8 of the Analysis construes the code to allow a building used to "process, store and distribute food products . . ." Again, the relative significance of the storage and distribution uses are not specified. Worse, the storage and distribution functions are not tied to the same products that are processed on site. As such, the interpretation would allow a use that is predominantly warehousing and/or a use that stores and distributes products that are not processed on site.

   Both of these interpretations are inconsistent with the Council's code amendment banning warehousing/distribution in the MUV zone.

5. **Relief Sought:** The code interpretation should be vacated or modified to assure that warehouse and distribution uses prohibited by the code are also prohibited by this code interpretation.

The appellant has read this appeal and believes the contents to be true.

Judy Norris Handy 25 May 18

JUDY NORRIS-HANDY

Unique History … Vibrant Future

CITY OF DUPONT

Department of Community Development
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

Code Interpretation Determination

File No. PLNG2018-023

Date:	**May 11, 2018**
To:	**Interpretations File No. 2018-001**
From:	Jeffrey S. Wilson, AICP Director
Subject:	**Request for Interpretation by Copper Leaf LLC regarding Uses Allowed within the Mixed Use Village Zone (MUV)**
Date Issued/Posted:	***May 11, 2018***
Effective Date:	**May 26, 2018 (unless appealed in a timely manner)**

Issue Outline:

On April 25, 2018,the Department of Community Development received a letter from Copper Leaf, LLC requesting a formal code interpretation "Request for Interpretation of Uses Allowed for Mixed Use Village zone" (see Attachment 1).

A summary of the request is as follows:

> *"Specifically, would a commercial use, even with substantial storage area that included a distribution function, be permitted." (see paragraph # 3 of Attachment 1).*

To provide context to the quest for interpretation, Copper Leaf provided examples of uses related to the interpretation request cited above (see bullet point examples on page 1 & 2 of Attachment 1), and quoted below.

1. *Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. Selling and marketing includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.*
2. *Light Manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.*
3. *Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.*
4. *A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.*

5. *Local, Regional National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.*
6. *Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.*
7. *Commercial kitchen operations that store and cook food for nearby restraint or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis-McChord.*
8. *Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.*

The purpose of this interpretation analysis will be to evaluate the examples cited above to determine if they are consistent/inconsistent with the intent of the adopted regulatory language in the recently adopted amendments to the DuPont Municipal Code (DMC), specifically DMC Chapter 25.41 (Mixed Use Village – MUV).

Relevant Code Sections and Definitions:

A. 25.05.040 Rules of Interpretation

(1) Regulations, conditions, or procedural requirements specific to an individual land use permit shall supersede regulations, conditions, or procedural requirements of general application.

(2) The zoning code shall be consistent with and implement the city's comprehensive plan.

(3) When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.

(4) When the provisions of this title impose greater restrictions than are imposed by other applicable city, county, regional, state and federal regulations, the provisions of this title shall control.

(5) Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section.

(6) In the case of any ambiguity or differences of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title and the zone classification use tables in the appendix to this title shall control.

(7) The words "shall" and "should" are mandatory and the word "may" is discretionary.

(8) Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense; all words and terms used in this title shall have their defined or customary meanings.

(9) The community development director or his/her designee are hereby authorized to make code interpretations. Where these rules do not clarify a boundary, definition, use standard, or procedure, the director shall make the determination. The director's determination in these instances may be appealed pursuant to DMC 25.175, Administration of Development Regulations.

B. Section 1.2 – Subarea Plant Intent (Old Fort Lake Subarea Plan)

The Old Fort Lake subarea contains tremendous opportunity to provide future employment, commerce, recreation, and housing to accommodate current and future populations. The intent of the subarea plan is to examine the area to better understand its strengths, opportunities, and constraints, and to plan for its growth. Based on analysis and engagement, the subarea plan articulates the future vision and outlines its implementation strategy. This vision will be implemented through the City's Comprehensive Plan, land use controls, capital improvement plans, and economic development initiatives.

C. 25.41.010 – Purpose (Mixed Use Village)

The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described as follows:

(1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and development.

(2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

(3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research and development.

(4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale limitations to ensure compatibility with the nearby residential and school properties.

(5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light manufacturing, and research and development.

(6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

(7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

(8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

(9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as commercial/restaurant, administrative office, and hotels.

D. 25.40.010 Purpose (Business Tech Park District)

1. The business tech park district is intended to provide location for a range of business park uses, including office, commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited.

E. 25.41.015 – Definitions

1. The definitions in this section only apply to Chapter 25.41 of the DMC.

   a. *Light Manufacturing:* An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited.

F. 25.10.020 B definitions

1. "Business" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management, occupancy, or maintenance of recreational or amusement enterprises, office buildings, offices, structures or premises by professions and trades or persons rendering services.

G. 25.10.030 C definitions

1. Commercial. See "Business."

H. 25.10.150 O definitions

1. "Office use" generally refers to a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are generally professional, educational, administrative, financial or governmental in nature.

I. 25.10.230 W Definitions

1. "Warehouse/distribution" means a building or land use in which goods, merchandise or equipment are stored for eventual distribution.

J. "Process" (Merriam - Webster, 2018)

1. a: progress, advance - in the process of time

   b: something going on: proceeding

2. a (1): a natural phenomenon marked by gradual changes that lead toward a particular result ♦ the process of growth (2): a continuing natural or biological activity or function ♦ such life processes as breathing

b: a series of actions or operations conducing to an end; especially: a continuous operation or treatment especially in manufacture

K. "Retail" (Merriam - Webster, 2018)

1. : to sell in small quantities directly to the ultimate consumer

L. "Merchandise" (Merriam - Webster, 2018)

1. : the commodities or goods that are bought and sold in business

M. "Data Center" (Wikipedia)

1. A data center is a facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant [clarification needed] or backup power supplies, redundant data communications connections, environmental controls (e.g. air conditioning, fire suppression) and various security devices. A large data center is an industrial-scale operation using as much electricity as a small town.

Analysis:

The MUV is a new zoning classification recently adopted into DuPont Municipal Code (DMC) on March 27, 2018 under Ordinance 18-1034. The new zoning designation was created to implement the adopted Comprehensive Plan Subarea Plan for the Fort Lake Business and Technology Park, creating the new Old Fort Lake subarea. The former "Business Tech Park District" (BTP) zoning in place for the Fort Lake Business and Technology Park comprehensive plan was replaced with the new MUV zoning designation.

The intent of the adoption of the new MUV regulations was to expand the permitted uses in the zoning regulations for this new zoning designation while fundamentally retaining the majority of land uses permitted within the Business Tech Park District (BTP) designation.

Therefore the review of the request for interpretation of permitted uses within the new MUV land use regulations must be taken in context stated purpose of the MUV (25.41.010) and the purpose of the former BTP (25.40.010) zoning designation.

The requested interpretation cites eight (8) examples of uses for determination of consistency with the new MUV regulations. The following is a restatement of these 8 uses with an analysis of each use example for consistency with the stated regulation and purpose of DMC 25.41.

1. *Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. Selling and marketing includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.*

   a. Analysis: Based on the description, the primary uses include a retail/commercial component within a building which also provides warehouse space to store goods which are being sold on site. Pursuant to DMC Table 25.41.020(a), "retail trade" is listed as either a "permitted" or an "accessory" use throughout the entire MUV zoning district. Merriam – Webster defines "retail" as "to sell in small quantities directly to the ultimate consumer." The uses example provided in this instance qualifies as a "retail trade."

2. *Light Manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.*

   a. Analysis: The activity described provides for a manufacturing activity which is consistent with the adopted definition of "Light Manufacturing" pursuant to

25.41.015(1)(a) (see above) and is consistent with the permitted uses allowed within the MUV district.

3. *Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.*

   a. Analysis: Based on the description, the primary uses of provides a showroom or display area for merchandise for the purpose of sales to customers. This is another form of "retail trade" which is a permitted use within the MUV zoning district. Additionally, the proposed use as described includes office space to support the retail trade aspect of the use. "Office" use is also a permitted use within the MUV zoning district.

4. *A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.*

   a. Analysis: The activity described would be a land use activity in which goods, merchandise or equipment are stored for eventual distribution. This activity would fit within the definition of "warehouse/distribution" in DMC 25.10.230 (see above) and ***therefore would be a prohibited*** use pursuant to DMC 25.41.020(2)(g).

5. *Local, Regional National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.*

   a. Analysis: Based on the brief activity described it would appear that the use described would be considered an "office use" activity defined pursuant to DMC 25.10.150 (see above), and as such would be permitted within the MUV zoning district.

6. *Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.*

   a. Analysis: The use described in this example appears to be consistent with the "service business" use permitted within the MUV zoning district. "Service business" is not currently a defined term in the DMC. However as stated at the beginning of the Analysis section of this document, the intent of the adoption of the new MUV zoning district to implement the new Old Fort Lake subarea plan was to create a plan and companion zoning regulations which expanded land use opportunities while still restricting uses which were not deemed compatible with the subarea and the surrounding land uses (i.e. "Warehouse/Distribution")' as well as retaining the uses which were previously permitted. Therefore, to determine the types of uses which would qualify under "Service business" we look to the examples provided within DMC25.40.020(1) which provides a list of permitted uses within the BTP zoning district as well as other companion zoning districts which are referenced. A "data center" by definition (see above) is consistent with the types of permitted uses within the BTP zoning district (DMC 25.40.020(1)) and therefore is consistent with the intent of the development of the MUV and use district to retain existing permitted in the BTP zone.

7. *Commercial kitchen operations that store and cook food for nearby restraint or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis-McChord.*

   a. Analysis: As describe, the proposed use is at a minimum consistent with "light manufacturing" activities permitted within the MUV zoning district. The proposed use described provide of the operations of a commercial kitchen which processes raw ingredients into a finish food product which is then distributed.

8. *Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.*

   a. Analysis: The use defined describes activities which take a raw food product and takes steps to "process" that raw food product into a finished product which is then stored and distributed to local markets. In the food processing environment, this is very similar and consistent with the intent of the "light manufacturing" which is allowed within the MUV land use district pursuant DMC 25341.015 and 020; provided that the activity does not include the specifically prohibited under DMC 25.41.020(2)(c) of "Fish processing and other animal rendering operations."

Finally, all use proposals, site plan applications and similar are assessed on a case-by-case basis. This interpretation is not a substitute for nor can it stand in lieu of a formal use proposal, site plan application, permit application, variance application or any other land use process.

THEREFORE, THE FOLLOWING INTERPRETATION IS HEREBY ISSUED:

BASED ON THE ANALYSIS ABOVE, THE FOLLOWING USES/ACTIVITIES ARE DEEMED TO BE PERMITTED ACTIVITIES WITHIN THE MIXED USE VILLAGE ZONING DISTRICT SUBJECT TO THE PERFOMANCE STANDARDS AND USE REQUIREMENTS UNDER DMC 25.41.

1. **WAREHOUSE SPACE THAT SUPPORTS RETAIL OR OFFICE SPACE ENGAGED IN THE SELLING/MARKETING OF THE COMPANY'S PRODUCTS FROM THE WAREHOUSE. SELLING AND MARKETING INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: DIRECT SALES, INDIRECT SALES, DIGITAL SALES OR A COMBINATION OF ANY OF THE ABOVE WITH A WAREHOUSE THAT SUPPORTS THOSE SALES. EXAMPLES: RALEIGH BIKES, FASTENAL COMPANY, GRANGER INDUSTRIAL SUPPLY.**
2. **LIGHT MANUFACTURING AND WAREHOUSING OF GOODS THAT CONTAINS OFFICE SPACE WITH ACCOUNTING AND ADMINISTRATIVE SUPPORT STAFFING. EXAMPLE: SERTA MATTRESS COMPANY.**
3. **WAREHOUSE SPACE THAT ADJOINS A SHOW ROOM DISPLAYING PRODUCTS, DISPLAY AREAS FOR MERCHANDISE AS WELL AS GENERAL OFFICE SUPPORT. EXAMPLE: BARGREEN ELLINGSON.**
4. **LOCAL, REGIONAL NATIONAL OR INTERNATIONAL HQ BUILDING THAT HAS OFFICE SUPPORT SYSTEMS LOCATED IN THE BUILDING TO SUPPORT THE COMPANY'S BUSINESS EFFORTS. EXAMPLES: INTEL AND BOEING.**
5. **DATA CENTERS WHOSE PRIMARY FUNCTION IS TO STORE AND SERVICE SERVERS ON A COMPANY'S SYSTEMS. EXAMPLES: MICROSOFT, FACEBOOK.**
6. **COMMERCIAL KITCHEN OPERATIONS THAT STORE AND COOK FOOD FOR NEARBY RESTRAINT OR COMPANY OPERATIONS INCLUDING SPACE FOR FOOD COMMISSARY OPERATIONS. EXAMPLES: ALASKA AIRLINES, LEWIS-MCCHORD.**
7. **FREEZER/COOLER BUILDINGS THAT PROCESS, STORE AND DISTRIBUTE FOOD PRODUCTS TO THE LOCAL MARKET. EXAMPLES: SEATTLE COLD STORAGE, COLD LOCKER.**

Appeal Procedures:

Pursuant to Dupont Municipal Code (DMC) Section 25.175.010(3), the director of community development, or designee, may issue written interpretation for any section of DMC Titles 23, Environment, 24, Subdivisions. Or 25, Land Use Code, at any such time as the code is silent regarding an issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be appealed to the hearing examiner pursuant to DMC Section 25.175.060.(4).

Should anyone wish to appeal this interpretation, a written appeal, accompanied by the required appeal fee (see City of DuPont fee handout) must be submitted within 14 after the date of the final decision (days of the date of issuance/posting of this interpretation).

The deadline for filing an appeal of this interpretation is: 5:00 p.m. on MAY 25, 2018.

A written appeal must contain the following:

1. The appellant's name, address and phone number;
2. A statement describing the appellant's standing to appeal;
3. Identification of the application that is the subject of the appeal;
4. The appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
5. The specific relief sought;
6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

CC: Interpretations File No. 2018-001

Attachments:

1. Request for Interpretation of Uses Allowed for Mixed Use Village zone, submitted by Copper Leaf, LLC, dated April 23, 2018

Notice:
1) Posted at DuPont City Hall
2) Published on the City of DuPont Department of Community Development webpage

Copper Leaf, LLC
17837 First Avenue South
Normandy Park, Washington 98148

RECEIVED
APR 25 2018
Initial: _____

April 23, 2018

Jeffrey S. Wilson
Community Planning Director
City of DuPont
1700 Civic Drive
DuPont Washington

Re: Request for Interpretation of Uses Allowed for Mixed Use Village zone

Dear Mr. Wilson:

Thank you for your help in working with the Planning Commission and City Council regarding the Comprehensive Plan and re-zoning of the property. Questions have arisen during our participation in this process and we have questions regarding pure warehouse/distribution uses under the newly adopted Land Use Code Chapter 25.41 for Mixed Use Village.

A large number of Pierce County businesses have large storage areas that are used to support their on-going business operations, including warehouse/distribution. Whether those uses are allowed or prohibited is unclear to us. Therefore, we are respectfully requesting a formal interpretation as to permitted and non-permitted uses.

Specifically, would a commercial use, even with substantial storage area that includes a distribution function, be permitted?

Below are examples of companies doing business in the Puget Sound region that have large storage areas that support their on-going business operations. We would like to know if these uses would be allowed in the City of Dupont based upon Land Use Code Chapter 25.41 for Mixed Use Village and other appropriate statutes, ordinances and regulations:

- Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. "Selling and marketing" includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.
- Light manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.

Attachment 1

- Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.
- A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.
- Local, Regional, National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.
- Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.
- Commercial kitchen operations that store and cook food for nearby restaurant or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis McChord.
- Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.

Based on Gary Danklefsen's meeting with you on April 11, 2018, it is my understanding that you agreed to process this request upon receipt of the $1,500 process fee. Enclosed please find the enclosed check for $1,500.

Please let me know if you have any questions or need anything else from Copper Leaf, LLC. We look forward to your interpretation.

Sincerely,

Kristofer Larson
Copper Leaf, LLC
Corporate Counsel
klarson@larsonlawfirmllc.com
206-713-2084

City of DuPont
1700 Civic Drive
DuPont, Washington 98327

City Workshop Minutes
Tuesday, February 20, 2018

Call to Order: Mayor Courts called the meeting to order at 6:00 pm.

Roll Call:
Councilmembers Barnes, Coffey, Corp, Gruba, Bruce and Gasak.

Transportation Model Update
Pablo Para, PH Balance Consultant, went over a presentation regarding a city wide traffic network model. The presentation included a baseline traffic and a forecast of various traffic scenarios.

Council Retreat Update

Mayor Courts let the group know that there is a council retreat planned for April 20-22, 2018. Some of the agenda will include budget, council committees, rules and procedures.

Council Internal Committees

The group discussed which Councilmembers would be the Council Liaison positions for the various DuPont's boards, agencies and commissions. The positions will be voted on the next council meeting.

Development Code Amendments to implement the Comprehensive Plan

Mayor Courts noted that the sub-area plan was voted on in late 2017 and this next process is to codify what was approved in the sub-area update into our development regulations.

Community Development Director Wilson noted we took two tasks to the Planning Commission:

1. Update the Comprehensive Plan element
2. Worked on Development Regulations implement the Comprehensive Plan. These were not brought before the Council in 2017 because of the timing and what needed to be done to pass the Comprehensive Plan.

Ryan Givens, AHBL Consultant, went over the presentation regarding Patriots Landing noting it was initiated by an applicant.

Councilmember Corp asked if the height variance for the five story apartment building is part of the Type three Conditional Use Permit hearing process or is the decision already made.
Mr. Given noted it would go through the Type three Conditional Use process.
There was a discussion on how the height of the apartment building could be lower by the residential area.

Mr. Wilson went over the Mineral Resource Overlay Boundary (MRO) noting that all the property in the Sequalitchew Village is related the CalPortland Mine. When we established the MRO in

the Comp Plan and in the zoning map, it encompassed all of the ownerships. This removes a single parcel, at the southern end, that is adjacent to Sequalitchew Creek from the MRO. This will allow more protection so mining would not occur closer to the creek. It is anticipated in the code that development is going to occur there. This will give greater separation from the creek and allows for more protection in that area.
Councilmember Barnes asked if this was the property that had the Buffalo Soldier Encampment on it.
Mr. Wilson noted there are two features on the property from the historical aspect. One feature is the Mission Site and the other is the Buffalo Solider Encampment.
Councilmember Barnes asked as they sit now with the MRO removed will they be protected as historic sites?
Mr. Wilson noted that removing the MRO will protect the sites from active mining.
Councilmember Corp asked what would happen if someone wanted to build on a historic site.
Mr. Wilson noted it would go through the Hearing Examiner process and the City could appeal the Hearing Examiners decision.

Mr. Givens went over the Long Range Planning projects (Old Fort Lake Sub-area plan) and noted the main sections of the code this would apply to the Business Technology Park (BTP) Ch. 25. 40, Land Use District and Maps Ch. 25.15, Wireless Communication Ch. 25.125' Administration of Regulations Ch. 25.175, Mixed Use Village (MUV) Ch. 25.41, and Definitions Ch. 25.10.
Mr. Givens went over "light manufacturing" and noted that up to 200,000 square feet is a site approval process. If it is going to be a larger type operation that would be a conditional use review. Warehouse is listed but warehouse distribution is listed as a prohibited use, as recommended by the Planning Commission. Another tool is the introduction of a Floor Area Ratio (FAR) which is to control the size of the building in relation the size of the lot.

Councilmember Helder asked what the largest building would be aloud using the FAR.
Mr. Wilson noted it would depend on the type of lot.
Councilmember Helder asked if there are existing setbacks in our current code.
Mr. Wilson noted there are in the BTP zoning designation. This will look at unique features of each area.
Councilmember Bruce asked for a definition of Conditional Use.
Mr. Wilson noted it is a procedure to determine if a use is allowed in an area. We as the City get to choose what things are permitted or things that we want to look at further. Normally a Conditional Use permit would go through a public review process.
Councilmember Corp noted on the chart for land use code amendments, light manufacturing was highlighted up to and above 200,000. Do those buildings include the warehouse portion that could encompass goods coming in to be manufactured and put together?
Mr. Wilson stated this is the size of the complete structure related to that particular use.
Councilmember Corp asked where the code says "warehouse not warehouse distribution is prohibited", and that is a permitted use of a warehouse, is there somewhere else in the code that talks about accessory use? Because this tells him that a warehouse could be built that is not used for distribution and is a freestanding warehouse. Mr. Wilson noted that is correct.
Councilmember Corp asked if freestanding warehouses were prohibited in the current code. Mr. Wilson noted that is not correct. Councilmember Corp noted that in one part if you go back to the language in one chapter it is allowed.
Mr. Wilson read the section out of the City Code regarding BTP zones.
There was a discussion on DMC 25.40.020 and the wording in the code.

Mr. Givens went over the Community Business District which would establish a new zoning district.

Mr. Wilson noted that the four efforts that will be coming before the council will be to implement the Comprehensive Plan that was adopted last year.

There was a discussion on how a moratorium can be used. It was encouraged that discussing a moratorium should be done with legal counsel present.

ADJOURNMENT:

Mayor Courts adjourned the meeting at 8:08 pm.

City of DuPont

Michael P. Courts, Mayor

Attest:

Karri Muir, CMC, City Clerk

City of DuPont
1700 Civic Drive
DuPont, Washington 98327

Regular City Council Meeting Minutes
Tuesday, March 13, 2018

Call To Order: Mayor Courts called the Regular City Council meeting to order at 7:00 pm.

Roll Call: Mayor Michael Courts; Deputy Mayor Eric Corp and Councilmembers Chris Barnes, Rex Bruce, Penny Coffey, Leo Gruba, Shawna Gasak, and Matt Helder.

Staff present were: City Administrator Danek, City Attorney Karg, Finance Director Oaksmith, Police Chief Holt, Public Works Director Lim, Planning Director Wilson, Events and Recreation Coordinator Walker, City Clerk Muir and Deputy City Clerk Ongoco.

Pledge of Allegiance: Mayor Courts led the flag salute.

Approval of the Agenda:

Deputy Mayor Corp made a motion to amend the agenda to move Discussion Item No. 10.2 to Unfinished Business as Item No. 14.4. Seconded by Councilmember Gruba. Motion carried 7/0.

* * * * * * * * *

A motion was made a seconded to approve the agenda, as amended (Corp/Coffey); 7/0 motion carried.

Presentation:

Park and Recreation Agency (Park Agency) recommendation for Ross Plaza

Mayor Courts called on Chair Renee Buck, who together with Kendra Harris and Roy Coffey, presented a PowerPoint regarding the Park Agency's recommendation for a "No Pet Policy" (except Service Dogs as allowed by State law) mainly to avoid pet feces that have been an issue at Ross Plaza which was designated as a war memorial. They also presented some background, environmental concerns, assumptions, and courses of action which led to the Park Agency's recommendation.

Councilmember Gasak asked whether TRAX Building owner have been notified that this matter would be discussed tonight; and what role the Commercial Owners Association has to support vegetation barrier around the Plaza. Ms. Buck indicated that TRAX supports the "no pet" policy.

Appointments:

Re-appointing Larry Ackerman, Carol Estep, and Amy Walker and Appointing Kayla Kuehne and Justin Gravatt to the DuPont Lodging Tax Advisory Committee (LTAC)

A motion was made and seconded to reappoint Larry Ackerman, Carol Estep, and Amy Walker and Appointing Kayla Kuehne and Justin Gravatt to the DuPont Lodging Tax Advisory Committee (LTAC) (Coffey/Gasak); 7/0 motion carried.

Appointing Larry Wilcox to the DuPont Park and Recreation Agency

A motion was made and seconded to appoint Larry Wilcox to the DuPont Park and Recreation Agency (Gasak/Coffey); 7/0 motion carried.

Proclamation:

Proclaiming March 11-May 18, 2018 as Pierce County READS

DuPont Branch Supervisor Susan McBride introduced "March", a civil rights movement trilogy, as the 2018 book selection during Pierce County READS. She encouraged everyone to participate in various book reading events.

Mayor Courts read the proclamation declaring March 11-May 18, 2018 as Pierce County READS and presented the proclamation to Ms. McBride.

Public Comments:

Lee Chase, 309 Barksdale Avenue, commented on quantifying the frequency of certain definitions under DMC Title 25; and clearly define which DMC chapter the proposed provisions for establishing truck staging area to prevent truck idling at streets and residential use area should be included, and not only in the "Mixed Use Village".

L*isa Merkl, 1471 Grant Avenue,* `commented on Nos. 3, 6 and 7 of Rules of Interpretation section of DMC Title 25.05; and zone classification use tables in the Appendix for interpretation relative to warehousing and distribution as an accessory use in the BTP; and follow design and performance standards separate from permitted land uses.

Don Dresser, 1437 Heron Court, commented on the lack of history with past DuPont development fighting the same old battles and who gets the benefit of current development; disagree with the Old Fort Lake rewrite; take a look at the quality of life, and impacts to historic sites.

Jessica Fester, 504 DuPont Avenue, read a written "petition" signed by approximately 50 residents of Historic Village supporting the preservation of its original town character; and how the ARCO station is in violation of the Comprehensive Plan that is larger than Costco; and impacts to the marsh and aquifer.

Andrea Terialles, 406 Barksdale Avenue, commented that she agrees with the "petition" and will sign it.

Maria Gudaitis, 507 Louviers Avenue, commented on what is the roadmap and driving the agenda. She expressed concern with projects that impacts small town character, clean air, safety and walkability, and future vision that does not meet the needs of the constituents; and the definition of warehouse and mostly have a distribution element and ask how to fix its interpretation and asked City Council what they want and who everyone works for.

Pam Fisher, 1738 McCloud Circle, thank City staff for proper flag placement. She then read a City email from Gary Dunkelsen of May 11, 2017 regarding permanent access to the property and industrial uses on the property; and CoStar market analysis queries report within Pierce County and CopperLeaf's comments on its plan for development.

Anna Burnett, 3059 Shannon Street, asked the City Council to not rezone the OFL to allow to freestanding warehouse in that area and not change to industrial and to consider DuPont's children when considering this matter.

Jan Bacon, 2812 Martin Street, indicated that he had provided written comments to City Council. He then commented about the central issue of trust on the City Council to do what is best for the City and

both sides to listen. He believed the City does not have the full plan that City needs relative to warehousing, truck traffic, risks to children, and property value impact and to take time to do it right.

*Ross Thysens, 1434 Richmond Av*enue, commented that, as a real estate appraiser, he explained how appraisal reports to lenders provide information on what impacts the property value of a house, which are also used as comparables between similar sized homes within DuPont.

Guy Claudy, 3070 O'Brien Street, commented on the Mayor's letter water bill insert as it relates to requiring owner and developer of said property to meet its zoning code. He also made reference to a May 5, 2017 email from the developer to City staff on allowing warehouse distribution building on the property and asked the City Council to leave the DMC as it is. He also noted a similar issue which impacted San Bernardino County.

Robert Terialles, commented that the land, home and businesses important to this community should not sell out to businesses that would take away from DuPont small businesses; and asked the City Council to consider how development would impact the entire community as a whole.

Jugal Thakov, 3093 Shead Way, commented that he is not for warehouses and for the City Council to ask themselves if they really want warehouses at the golf course and why citizens are wasting time on this issue - for the safety and good quality of life; and for Council to not rush into this developer.

Elizabeth Munoz, 1649 McDonald Avenue, spoke about the risk to sense of community which needs to be protected for the safety and wellbeing of our children; and negative impacts of truck traffic, noise and air pollution, damage road. She spoke against rezoning change allowing freestanding warehouses and distribution centers and asked to take time to thoroughly review the changes at the Business Tech Park and vote for the citizens.

Monica Shellabarger, 207 Brandywine Avenue, commented why they moved to DuPont. She expressed concern with truck traffic and wanted to see DuPont to stay small enjoying the Northwest forests; and asked City Council to not allow warehousing.

Simone Amadee, 3183 Brown Loop, expressed concern with proposed zoning code changes to accommodate the developer, and have not heard any citizen support this change, acknowledged that there is no benefit for the citizens and asked City Council to represent citizens against warehouses, increased truck traffic, noise/air/light pollution and unsafe conditions near schools. She commented about the Ace hardware and big Arco gas station.

Gus Lee, 1280 O'Neil Court, commented about issues that spark great deal of negative emotion more directly out of fear; and the City Council's ability and competence to reduce fear and develop trust particularly when dealing on the issues of the gas station, truck traffic, and warehouses in the City. He also apologized and regretted his earlier communications and thanked the Council for taking the time with this matter and taking care of the city.

Dennis Bernard, 1525 Jensen Avenue, asked for a show of hands on who is for gas station and more trucks and more warehouses.

Mayor Courts expressed his gratitude for citizens' comments and for being passionate and good spirited.

Approval of Consent Agenda Items:

- Regular Council Meeting Minutes – February 27, 2018
- Claims Vouchers List for the period of 2/2/18 through 3/6/18, and Payroll;

A motion was made and seconded to approve the Consent Agenda (Coffey/Barnes); 7/0 motion carried.

Discussion Items

Park and Recreation Agency recommendation for Ross Plaza

Discussion ensued about working closely with the Trax Building owner to resolve the pet issues at Ross Plaza with their residents; look into any changes that need to be made on the pet ordinance to reflect penalties that may be imposed and enforcement; possibly designate the area as a memorial, concerns with long term care and sight constraints if shrubs are added around a perimeter but find some immediate solution to create some sort of a barrier.

Mayor Courts summarized Council's general consensus to Park Agency's recommendation of a "no pet area" policy and asked staff to provide proposed legislation; and second step is to create appropriate safe barrier and visual effect needed at Ross Plaza; determine its funding sources; and proposed change to name it "Ross Memorial Plaza".

City Administrator's Report:

City Administrator Danek reported on the following:

- Upcoming City Council agenda items regarding "Blue Zone"; possible church siting; water rights and infrastructure; executive session on pending litigation and legislative update.

Council Reports:

Councilmember Gasak announced upcoming events in the City: March 17th Shamrock Walk and 5k/10k; March 31st Bunny Breakfast; and various DuPont Historical Museum events.

Unfinished Business:

Ordinance regarding proposed amendment to the DuPont Municipal Code (DMC) Title 25 to create a new zoning designation of "Community Business District" - First Reading

Mayor Courts stated the sense of urgency on this proposed amendment to expand the "industrial use" area at the vicinity of Center Drive and DuPont-Steilacoom Road to commercial/retail in response to the needs of citizens for more retail options in DuPont.

City Administrator Danek asked the City Council to consider this item into Second Reading tonight and explain the sense of urgency.

Planning Director Wilson explained that there is a site plan review permit application on this property for changes to be made with the design of the property submitted several years ago. He summarized the proposed amendment to create retail opportunity, and housing if retail is developed, at the corner of DuPont-Steilacoom Road and Center Drive, as presented at the February 27th Regular Council meeting.

Discussion ensued on affordable housing DMC 25.85 as applicable for the entire city and how it relates to DMC Section 25.27.040; concerns about allowing residential in an industrial use area; and traffic impacts/mitigation measures (done during actual development proposal).

City Administrator Danek indicated that, if Council intends to make any substantive land use language changes to the original amendment, those changes need to be reviewed further and presented back to the City Council.

* * * * * * * * *

Councilmember Gasak made a motion to move this ordinance regarding proposed amendment to the DuPont Municipal Code (DMC) Title 25 to create a new zoning designation of "Community Business District", as presented, to Second Reading. Seconded by Deputy Mayor Corp. With show of hands, the motion failed with Councilmembers Bruce, Coffey, Helder and Gruba opposed.

* * * * * * * * *

Councilmember Coffey moved to amend proposed ordinance to remove the residential conditional use language. Seconded by Councilmember Gruba. Motion failed 4/3 with Councilmember Barnes, Coffey and Gruba opposed.

Mayor Courts confirmed that presented Ordinance will be on the next Regular Council meeting for its Second Reading.

Ordinance regarding proposed amendment to the DuPont Municipal Code (DMC) Title 25 on a new Complete Community Overlay regulations at Patriots Landing - First Reading

Planning Director Wilson confirmed that the proposed overlay regulations, as stated in the approved Comprehensive Plan, is only allowed in the Yehle Village neighborhood.

Discussion ensued on minimum size limitation of 10 acres (Patriots Landing portion is 44 acres); proposed concept multifamily portion would be at the back of the property near the golf course area with 220 units, and current code of 120 units with buffers in between another structure depending on density requirements; number of stories of proposed building; property elevation; senior housing vs. multifamily housing; building height limit near Eagle's Pride golf course; and what requires master plan review, to name a few. Councilmember Gasak also clarified that this proposed amendment is being recommended by the Planning Commission and held a public hearing and only received questions from citizens about process.

Ordinance regarding proposed amendment to the DuPont Municipal Code (DMC) Title 25 to revise the Mineral Resource Overlay boundary - First Reading

Planning Director Wilson summarized proposed amendment which is to make zoning map revision adopted from the Comprehensive Plan, by excluding the Lot Y property not part of the mining operation.

Discussion ensued on how to protect the historical and cultural aspects of that area from possible development or mining (through site plan review process; and cultural resource on the DMC); existing Methodist Mission site marker and three historic sites to be evaluated; and impacts to wildlife (SEPA non-project action is utilized).

Ordinance regarding a proposed amendment to the DuPont Municipal Code (DMC) Title 25 to revise development regulations for the Business Technology Park (BTP) Zone District

Mayor Courts provide background information on current code regarding the type of facility is allowed in the BTP and what that area is intended to be as reflected on a development agreement in 2010. He acknowledged the complexity of the entire review process and extensive work of the Planning Commission tasked to provide recommendations to the City Council, including capping at 200,000 sq. ft., instead of 493,000 sq. ft. building currently allowed, proposed plan to eliminate commercial traffic going through the middle school, and create visual and sound barriers. He urged the City Council to support action with the understanding on what the City's legal obligation is.

Planning Director Wilson summarized the Council subcommittee's proposed changes to the recommended Ordinance amendment under certain DMC sections, as follows: (1) 25.41.015 – definitions to apply to this chapter of the code - warehousing as an activity; light warehousing; (2) 25.41.020 – uses of warehousing; (3) 25.41.020g – warehouse/distribution as defined on the code; (4) 25.41.025 - Conditional use permit criteria to create additional conditional use permit standards; (5) 25.41.050 – dimensional standards – setbacks requirements to apply to warehouse activity of 500 ft. from residential activity; and Noise level standard C changed level change to standard B; (6) 25.41.060 – warehouse replaced with warehousing; and strike warehouse building and adding warehouse as a use instead of as a structure

Discussion ensued on design standards and structure; eliminate "over 200,000 sq. ft. and add "accessory use up to 200,000 sq."; how to enforce truck staging area prohibited at residential areas; providing more explicitly how to minimize outdoor lighting throw beyond a site or appropriate placement of loading docks; possibly reduce the amount of hazardous substance or waste that can be stored in the BTP; definition of warehouse/distribution; additional changes to the land use table (e.g. accessory use on the MUV and how used within the BTP); and the fact that manufacturing encompasses a certain degree of warehousing (raw and finished products).

Deputy Mayor Corp moved to extend tonight's Council meeting through no later than 10:30 pm. Seconded by Councilmember Barnes. Motion carried 6/1 with Councilmember Gasak voting "Nay."

Further discussion included definition of warehousing as it relates to frequency of truck traffic; truck routing plan during construction and road improvements. It was the determined to maintain the same Council subcommittee members and to send additional questions to Mr. Wilson with a copy to Deputy Mayor Corp.

Public Comment:

Mike Brown, 1480 Heath Court, thanked the Council for their work. He also announced about *Wear Blue Run to remember* Goldstar youth mentorship program he is involved in and will run from March 31st through Memorial Day and how it builds a lasting relationship between a military adult and child.

Diane Elliott-Lee, 1280 O'Neil Court, commented on some confusion on whether warehousing is allowed in each Mixed Use Village (MUV), as shown on a Table of Land Uses, but not specified in each of the MUV under DMC Section DMC 25.41.010.

Jeff Mitchell, 2221 McDonald Avenue, indicated that when he was a Planning Agency member in 2007-2011, warehousing distribution activity were broadly prohibited and recommended that the proposed language that would allow major warehousing activity be eliminated entirely.

Council Comment:

Councilmember Corp spoke about how he understood the plight of the citizens and that the Council would do the right thing to be as restrictive, but, in general, not restrict any developer to be successful. He added that the City goes through a process to amend the municipal code to match what has been adopted on the Comprehensive Plan; review all citizens' comments and do everything possible to meet the intent of citizens and what the City is legally bound to do.

Adjournment:

Mayor Courts adjourned the meeting at 10:15 pm.

A City Council workshop will be held on Tuesday, March 20, 2018, at 6:00 pm. Please note that the minutes from the Council Meetings are not verbatim. A recording of the meeting may be purchased in the DuPont City Clerk's Office.

City of DuPont:

Michael P. Courts, Mayor

Attest:

Karri Muir, CMC, City Clerk

City of DuPont
1700 Civic Drive
DuPont, Washington 98327

Regular City Council Meeting Minutes
Tuesday, March 27, 2018

Call to Order: Mayor Courts called the Regular City Council meeting to order at 7:01 pm.

Roll Call: Mayor Michael Courts; Deputy Mayor Corp and Councilmembers Barnes, Bruce, Coffey, Gruba, Gasak, and Helder.

Staff present were: City Administrator Danek, City Attorney Karg, Finance Director Oaksmith, Police Chief Holt, Fire Chief Creekmore, Planning Director Wilson, Events and Recreation Coordinator Walker, City Clerk Muir and Deputy City Clerk Ongoco.

Pledge of Allegiance: Mayor Courts led the flag salute.

Approval of the Agenda:

Deputy Mayor Corp moved to suspend the Council Rules and made a motion to move Item No. 12.4 "Ordinance regarding proposed amendment to the DuPont Municipal Code (DMC) Title 25 relative to the development regulations for the Business Technology Park Zone District" moved under Presentation portion of the agenda. Seconded by Councilmember Helder. Motion carried 7/0.

A motion was made and seconded to approve the agenda, as amended (Barnes/Corp); 7/0 motion carried.

Presentation:

Ordinance regarding the Proposed amendment to the DuPont Municipal Code Title 25 to revise development regulations for the Business Technology Park (BTP) Zone District

Planning Director Wilson noted that the Council Subcommittee assigned to review the proposed amendments to clarify certain proposed amendments, met on March 23, 2018. He then presented the summary of recommended changes/summary of text changes from the Planning Commission version on certain sections of DMC Chapter 25.41, copies of which were provided to the City Council.

Council Subcommittee members commented as follows:

1) Deputy Mayor Corp clarified that the existing DMC 25.40-Business Tech Park District will be repealed once the Old Fort Lake property is rezoned and spoke about proposed changes made included definitions, truck routing plan to address issues, sound levels, building size and hazardous materials are not specified but would make reference to applicable Washington Administrative Code (WAC).
2) Councilmember Barnes commented City Council's desire to listen to citizens, about mitigation of truck impacts, and hopes that such commercial area is provide positive growth for the city.

3) Councilmember Coffey provided background of same prohibition of warehouse distribution since 2006, her vision of a keeping the DuPont a beautiful town and the importance of working together with citizens.

Deputy Mayor Corp made a motion to consider the "Ordinance regarding proposed amendment to the DuPont Municipal Code (DMC) Title 25 relative to the development regulations for the Business Technology Park Zone District" under Unfinished Business as a Second Reading. Seconded by Councilmember Coffey. Motion carried 6/1 with Councilmember Gasak opposed.

Public Comments:

Roger Westman, 2249 Palisade Blvd, thanked City Council in moving this presentation in order for the citizens to have the opportunity to speak during the Public Comments prior to the City Council taking a vote on the proposed BTP ordinance.

Beth Elliott, 1485 Kittson Street, thanked the Council Subcommittee for their due diligent and showed how they honored citizens' input.

Rev. Dr. James Lewis, Chair for Commission and Archive History for the United Methodist Church, 1517 7th St. Place SE, Puyallup, WA, commented on the jewels in DuPont (Nisqually Tribe and other historical sites related to Chloe Clark and Old Fort Nisqually). He then acknowledged based on the WA State Historical society information indicating that the marker for the Methodist church is the accurate place for the marker. He then expressed concern with warehouses.

Don Dresser, 1437 Heron Court, acknowledged some individuals involved with historic preservation and how a group is being formed to raise money to care for DuPont's crown jewel and the need for everyone's involvement. He then expressed concern with issues that need to be resolved around the gas station, traffic issue, and the gravel mining and its risk.

Lisa Merkl, 1471 Grant Avenue, thanked the Council Subcommittee and Council for listening to their constituents for the benefit of future generations to continue to have a welcoming city.

Gus Lee, 1280 O'Neil Court, thanked the Council Subcommittee and proposed language that would provide possible overview. He then commented about the stakeholders and how the democratic process worked because of the hard work of the citizens.

Judy Norris, 1485 Kittson Street, commented on Save DuPont citizen group's work spending hundreds of hours on research on rezoning proposal of Old Fort Lake. She then thanked the Council Subcommittee for listening to citizens and not corporate financial interest; and the research on the prohibition of warehouses since 2006.

Maria Gudaitis, 507 Louviers Avenue, thanked the Council and staff for their response for information, and asked for City Council to not consider voting tonight to allow more time for review of the recommended changes (e.g. sound levels proposed change). She asked to put an exemption at Historic Village for any future commercial overlay.

Lee Chase, 3961 Shaw Street/309 Barksdale Avenue, commented on Item Agenda 12.1 to clearly state that the Complete Community Overlay is only applicable to Yehle Village. H also sought clarification on the term "generally 10 acres."

Guy Claudy, 3070 O'Brien Street, thanked the Council for listening, and for taking the time for review; and asked that they continue to be advocates for the citizen and be their voice.

Matt Reider, 33400 8th Ave South, Suite 205 Federal Way, WA, spoke to address comments made at the last Council meeting relative to concerns on certain aspects of their proposed development and that the apartment building is proposed to be at the rear of the property adjacent to the JBLM golf course with 20 ft. elevation fall and other site plan review to mitigate visual impact for its Complete Community Overlay for Careage upon the approval of the proposed code change.

Approval of Consent Agenda Items:

- Regular Council Meeting Minutes – March 13, 2018
- Claim Vouchers List for the period of 3/7/18 through 3/19/18 and Payroll

A motion was made and seconded to approve the Consent Agenda (Corp/Coffey); 7/0 motion carried.

Mayor's Report:

Mayor Courts reported that a community meeting to seek public input will be held tomorrow, March 28th, at 6:30 pm, to discuss the future use of the facility.

City Administrator's Report:

City Administrator Danek reported on the following:

- Land Use 101 training is scheduled on April 11·2018

Council Reports:

Councilmember Gasak announced that the Bunny Breakfast will be held on March 31st at the Home Course; the Teen Adventure on April 3rd; and the April 21st Parks Appreciation Day and need of volunteers.

Department Reports:

Deputy Mayor Corp sought clarification on the $7,000 difference of Reimbursable Services that have yet to be collected where Finance Director Oaksmith indicated has no issue, billed by law. He asked about Police active shooter training and K-9 Officer handler who left, of which Lt. Holt replied that it was a success, partnering with other agencies; and that with the departure of Officer Goss, K-9 Oliver would be turned over to its new handler, Officer. Chung after a required separation time from/to handlers and training set in October.

Councilmember Helder sought clarification on Fire medical calls and number of transports done by City's Fire Department, and the high percentage of ALS service not available of which Fire Chief Creekmore explained the rise on within Pierce County call volume has collectively increased.

Councilmember Gruba asked for an update on the ongoing citizen academy down in Orting wherein Lt. Holt reported that part of the training involved a simulated active shooter training, and added their plans to organize similar training with the teens.

Unfinished Business:

Ordinance regarding proposed amendment to the DuPont Municipal Code Title 25 to create a new zoning designation of "Community Business District" – Second Reading

A motion was made and seconded to approve the Ordinance regarding proposed amendment to the DuPont Municipal Code Title 25 to create a new zoning designation of "Community Business District", as presented (Corp/Barnes); 7/0 motion carried.

Ordinance regarding proposed amendment to the DuPont Municipal Code Title 25 on a new Complete Community Overlay regulations at Patriots Landing – Second Reading

A motion was made and seconded to approve the Ordinance regarding proposed amendment to the DuPont Municipal Code Title 25 on a new Complete Community Overlay regulations at Patriots Landing, as presented (Coffey/Gasak); 6/1 motion carried with Councilmember Helder opposed.

Ordinance regarding proposed amendment to the DuPont Municipal Code Title 25 to revise the Mineral Resource Overlay boundary – Second Reading

A motion was made and seconded to approve the Ordinance regarding proposed amendment to the DuPont Municipal Code Title 25 to revise the Mineral Resource Overlay boundary, as presented (Corp/Gasak); 7/0 motion carried.

Ordinance regarding proposed amendment to the DuPont Municipal Code Title 25 to revise development regulations for the Business Technology Park (BTP) Zone District – Second Reading

A motion was made and seconded to approve the regarding proposed amendment to the DuPont Municipal Code Title 25 to revise development regulations for the Business Technology Park (BTP) Zone District (Gasak/Barnes); 7/0 motion carried.

Public Comment:

Roger Westman, 2249 Palisade Blvd, spoke about how he remembered, as a former Councilmember, the prohibition of warehouse dating back 2006, as mentioned by Councilmember Coffey. He thanked the citizens and hoped the 2006 restriction is kept in the future. He also commented about the City's community vision, the Comprehensive Plan and Council's due diligence.

Jackie Jones-Hook, PO Box 846, Wauna, WA 98395, representing Buffalo Soldiers museum which, she indicated, is part of Lot Y and part of the historic preservation efforts by a coalition of the Nisqually Tribe, the Mission and the Buffalo Soldiers and spoke of some history, its importance, nature preservation, and providing a good quality of life for everyone.

Gus Lee, 1280 O'Neil Court, thanked Councilmember Coffey for reminding everyone of the current law since 2006 and thanked the Council for holding an open discussion.

Council Comment:

Councilmember Gasak commented on how she best responds to citizen input if they are not in a form letter; her longstanding opposition to truck traffic and warehouses has not changed, and importance of property value of homes, and about trust.

Councilmember Bruce thanked everyone's comments especially the children that participated.

Councilmember Gruba thanked the Council subcommittee for their work and going through the democratic process. He encouraged continued citizens' participation for city matters and commented about the Council's role.

Councilmember Barnes thanked public involvement and City staff directly involved with the (land use) process.

Deputy Mayor Corp expressed his appreciation of City staff for their work given the limited staffing. He also thanked citizen's positive response to tonight's action and that he is looking forward for the City to work closely with the Careage of Patriots Landing to develop something that the town deserves.

Mayor Courts commented on the intensive BTP process that began in 2015 and thanked City staff, particularly City Administrator Danek, Director Wilson and City Attorney Karg, as well as AHBL Planner Ryan Givens, producing product from Council input within legal limits. He also made special mention of his dad, Phil Courts, who was actively involved as a DuPont citizen and currently battling cancer. There was a brief moment of silence.

Adjournment:

Mayor Courts adjourned the meeting at 8:42 pm.

A regular Council meeting will be held on Tuesday, April 10, 2018, at 7:00 pm. Please note that the minutes from the Council Meetings are not verbatim. A recording of the meeting may be purchased in the DuPont City Clerk's Office.

City of DuPont:

Michael P. Courts, Mayor

Attest:

Karri Muir, CMC, City Clerk

Matt Helder

November 15, 2017

About last night…

First I want to start by saying I appreciate the input and comments I've received from several of you. I've met with several people at Forza, Farelli's, McNamara's and points in between to discuss what is going on in our city. Since being elected I've asked for feedback, and continually given out my email and personal cell. I appreciate those of you that have taken advantage of that by reaching out to me.

I'm not going to comment on how CM Gorski chose to express his frustration last night, but I do want to comment that sending anonymous packages to our homes and publishing fliers with our personal cell phones is too far. As I said above, I've given out my cell phone on numerous occasions, but that was my choice. Increased civic engagement is good. Reaching out to your CMs is good. But we have to strike a balance, and I appreciate those of you that have done so.

Moving on to the actual content of the meeting, I urge all of you to watch the portion of the meeting that related to the Comp Plan Update, and if you have clarifying questions to please let me know (mhelder@dupontwa.gov). In response to some of the questions I've seen here, I do want to take some of them in turn.

-Definitions matter. The comp plan is part of the process, not the end of the process. When we include words like "light manufacturing" in the comp plan, we need a definition behind it. That definition, and others like it, will come when we amend the municipal code. The comp plan is not the medium for doing that. Large companies and developers may have armies of lawyers, but that does not mean the city council, as representatives of DuPont residents, should not seek as much clarity as possible to implement our vision for the BTP property. Like I said last night, the Sub Area Plan is a 35,000 foot view, and the code update is where we get to be more specific (this is what Mr. Wilson and I discussed with respect to avoiding being 'too prescriptive' in the Comp Plan). I believe the direction we are heading with the Sub Area Plan is positive, a vast improvement over what is currently in place, and that the Planning Commission is to be commended for forwarding us a thorough and forward thinking product. ***We are on a path to have a plan update and an updated code that puts us on track to have the property around the golf course developed with something other than warehouse type buildings or light manufacturing. What we have now is vague, and leaves us with mostly unattractive development options in an improving economy.***

-What's up with that affordable housing? The Growth Management Act requires that cities meet certain requirements in expanding opportunities for different income groups. Typically, "affordability" is defined as a family unit not spending more than 30% of their income on housing costs. "Low income" is typically defined as making 80% or less of the median income where the housing is built. The area being discussed when this was brought up last night was the Manufacturing & Research Park (MRP), the property on the corner of Center and DuPont-Steilacoom Rd.

-Lastly, I know I only addressed a couple issues here. I'm sure there were other comments and concerns about the meeting last night, but it is impossible to monitor facebook 24/7 or to see everything that is posted here and elsewhere. Often times, that is taken as CMs "not listening" to your concerns. Sometimes, facebook is great. Sometimes, it's about as effective as standing on your front porch and screaming into the wind. The best way to get a hold of us is to email us, grab us before/after council meetings, or take advantage of other ways individual CMs choose to make themselves available. Personally, I don't spend much time on facebook, but I am trying to engage people here as best I can. The best way to get a hold of me is my email (mhelder@dupontwa.gov) or text me on my cell (360-790-0921).

16 Comments

City of DuPont
1700 Civic Drive
DuPont, WA 98327

Regular Council Meeting
Tuesday, November 28, 2017
7:00 PM

AGENDA

Page

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **PUBLIC COMMENTS**
6. **APPROVAL OF THE CONSENT AGENDA ITEMS**

   6.1. Regular Council Meeting Minutes - November 14, 2017 — 3 - 6
   2017-11-14 Council Meeting Minutes FINAL

   6.2. Claims Vouchers List for the period of 11-8-17 - 11-17-17, and Payroll — 7 - 19
   FN PR & AP Claims Reports FINAL

7. **DISCUSSION ITEMS**
8. **MAYOR'S REPORT**
9. **CITY ADMINISTRATOR'S REPORT**
10. **COUNCIL REPORTS**
11. **DEPARTMENT REPORTS**

    11.1. Updates for Building, Community Development, Public Works, Parks/Recreation and Tourism, Finance, Police, Fire, and City Clerk Departments. — 20 - 57
    CD Comm. Dev. Monthly Report FINAL
    CL Clerk Monthly Report FINAL
    FD Fire Monthly Report FINAL
    FN Finance Monthly Report FINAL
    PD Police Monthly Report FINAL
    PR Parks Rec Monthly Report FINAL
    PW Public Works Monthly Report FINAL

12. **UNFINISHED BUSINESS**

    12.1. Ordinance No. 17-1028 Regarding the adoption of the 2018 Budget - Second — 58 - 60

Reading (C. Oaksmith).

FN 2018 Budget 2nd Reading

PRESENTED 2018 Budget Final

12.2. Ordinance No. 17-1029 Regarding Land Use and Zoning and the adoption the 2017 Comprehensive Plan Update - Second Reading (J. Wilson). 61 - 180

CD 2017 Comp Plan Update FINAL

13. **NEW BUSINESS**

13.1. Resolution No. 17-532 Approving a Memorandum of Agreement with Pierce County for Transportation Demand Management (J. Wilson). 181 - 196

CD Pierce County MOA FINAL

13.2. Resolution No. 17-533 Awarding the Palisade Village Tree Removal Contract Phase B (G. Lim). 197 - 200

PW Tree Removal Ph B FINAL

13.3. Resolution No. 17-534 Awarding the Hoffman Hill Reservoir Interior Coating Repair Project (G. Lim). 201 - 203

PW HH Reservoir Interior Coating Repair FINAL

13.4. Ordinance regarding the 4th Quarter 2017 Budget Amendment - First Reading (C. Oaksmith). 204 - 209

FN 4th Qtr Budget Amendment 2017 FINAL

14. **PUBLIC COMMENTS**

15. **COUNCIL COMMENTS**

16. **ADJOURNMENT**

DuPont City Council meets the 2nd and 4th Tuesday of the month

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www.dupontwa.gov

City of DuPont
1700 Civic Drive
DuPont, Washington 98327

Regular City Council Meeting Minutes
Tuesday, November 14, 2017

Call to Order: Mayor Courts called the Regular City Council meeting to order at 7:00 pm.

Roll Call: Mayor Michael Courts; Deputy Mayor Roger Westman; and Councilmembers Penny Coffey, Eric Corp, Andy Estep, Shawna Gasak, Michael Gorski and Matt Helder.

Staff present were: City Administrator Danek, City Attorney Karg, Finance Director Oaksmith, Assistant Police Chief Jackson, Public Works Director Lim, Planning Director Wilson, Events and Recreation Coordinator Walker, City Clerk Muir and Deputy City Clerk Ongoco.

Pledge of Allegiance: Mayor Courts led the flag salute.

Approval of the Agenda:

A motion was made and seconded to approve the agenda (Estep/Gasak); 7/0 motion carried.

Presentations:

Bus Shelter Replacement in Historic Village, an Eagle Scout Project

Scout Master Michael Forbes presented a PowerPoint regarding the bus shelter replacement project in Historic Village where work began in August with other volunteer scouts, from the demolition of the old shelter to roofing and painting of the new shelter to serve the community.

Councilmember Coffey thanked Scout Forbes for his initiative on the project; and acknowledged resident James Bagglio who helped pushed this project forward.

Council presented Scout Forbes with a plaque of appreciation and a Mayor's coin.

LeMay Waste Connections Alternate Trash Pick Up Schedule

Mr. Larry Meany, LeMay Manager, presented a map of the alternate trash pick-up schedule/new service days by schedule; how said change aimed to improve customer service, alternating weeks for Recycle and Yard Waste; adjustment period during transition; notification sent out 14 days prior to the change which is tentatively scheduled the second week of January. He continued to show which neighborhood areas will be served on which days (no Friday service).

Councilmember Corp asked whether the LeMay mobile app would also be updated and show notifications based on the changes (Yes).

Councilmember Gasak thanked LeMay for the extra services they provided early this year during the storm. It was indicated that clean up days would not be impacted.

Mayor expressed his appreciation for LeMay's responsiveness.

Point Defiance Bypass Project Completion

Mr. Jason Briggs, WSDOT Operations Manager, presented a PowerPoint regarding the trains scheduled to be rerouted beginning on December 18th; number, speed, and types of trains passing through DuPont with a total of 14 passenger trains daily; train stops from either north or south; and testing schedules. He also spoke of the synchronized signals and safety measures implemented.

Ms. Janet Matkin, Communications Manager, then talked about safety messaging and outreach on various media, and mailings; and the December 15th ribbon cutting of the new Tacoma station.

Public Hearing:

Proposed 2018 Budget

Mayor Courts stated the public hearing process and opened the public hearing at 7:24 pm.

Finance Director Oaksmith then presented the budget overview with the total 2018 proposed budget of $15.5MM; Citywide operating expenditures by department; General Fund Operations and Revenues and Revenue Projections; tax revenue breakdown; General Fund expenditure projections by department; and 2018 ending fund balance projections.

There were no speakers who provided testimony on the Proposed 2018 Budget and the hearing was declared closed at 7:30 pm.

* * * * * * * * *

Mayor's Report:

Mayor Courts reported on the following:

- Thanked everyone for the Emergency Medical Services (EMS) vote showing public support for public safety;
- Congratulated those on newly elected and reelected Councilmembers and individuals who ran for election;
- Special meeting on November 21st at 6:00 pm regarding the EMS levy.

* * * * * * * * *

Approval of Consent Agenda Items:

- Regular Council Meeting Minutes – October 24, 2017
- Claim Vouchers List for the period of 10/17/17-11/7/17, and Payroll

A motion was made and seconded to approve the Consent Agenda (Gasak/Helder); 7/0 motion carried.

City Administrator's Report:

City Administrator Danek reported on the following:

- Upcoming Council agendas include public hearing and setting of the EMS levy rate at a special meeting on November 21st; Second Reading on the Proposed 2018 Budget and Comprehensive Plan update on November 28th; legislative priorities and budget amendments on December 12th and outgoing Councilmembers reception on December 19th.
- Requested Gus Lim to provide an update regarding the SWM project Center Drive/McNeil near Thompson/Haskell streets for the biofiltration swale maintenance; before and after landscaping (removing the juniper plants and some cedar trees and use of wood chips from the Palisade area tree removal), utilizing crews provided by the WA Conservation Corps.

Council Reports:

Councilmember Corp indicated that the Pierce County Lodging Tax Advisory Committee meeting will be held on November 16th regarding a plan roll out for how future funding applications process. He

also announced that he would be attending the Pierce County Regional Council meeting that same evening. He then thanked everyone who helped with the EMS election's success.

Councilmember Gasak announced dates for the Santa breakfast, annual Christmas tree lighting and the Letters to Santa events.

Councilmember Coffey reminded everyone of the November 18th holiday bazaar; and also the Steilacoom Historical School District board meeting she attended highlighted by school choir performance.

Unfinished Business:

Ordinance No. 17-1026 Setting the proposed 2018 Property Tax Levy Rate – Second Reading

A motion was made and seconded to approve Ordinance No. 17-1026, as presented; (Coffey/Gasak); 7/0 motion carried.

New Business:

Ordinance regarding the proposed 2018 Budget – First Reading

Finance Director Oaksmith presented the proposed 2018 budget.

Discussion ensued on how the City would transition its vehicle fleet to fuel efficient vehicles to follow State law; and to coordinate with its State legislators.

Ordinance regarding the 2017 Comprehensive Plan Updates – First Reading

Planning Director Wilson summarized the amendments being proposed to the four main Comprehensive Plan elements regarding to the Yehle Village area text and map; Sequalitchew Village to exclude one parcel of the Mineral Resource Outlay (MRO) boundary; sub-area plan at the Old Fort Lake area; and the Community/Commercial opportunity at DuPont Steilacoom Road. He noted feedback at previous discussion regarding changes to the maps as a policy document on switchback trails location/access and address issues around the cultural portions of the map (Wilkes Observatory and 1833 sites) and address issues with Nisqually/tribal sites to locate crystallizing locations; and providing more residential along the perimeter at the Old Fort Lake area and create a balance between other types of uses, buffering and concerns with traffic.

Discussion ensued on how the owner at the Yehle Village is marketing the multi-family housing, and density and parking issues; number of calls at Yehle Village and future impacts; timeline of the process from text amendments to Development regulations to keep new Councilmembers up to speed; how Old Fort Lake should be called for what is was envisioned to be which is a "Business and Technology Park and call for consistency throughout the Comprehensive Plan; and that the intent of the Yehle/Patriots Landing developer is a mixed use development, as indicated by Mr. Ryan Givens of AHBL.

Mayor Courts then asked Mr. Ken Farmer. CEO of Careage, to provide a statement. Mr. Farmer confirmed staff's accurate explanation and that Patriots Landing intends to build out the 24 acres into a campus to complement the surrounding area with plans for free-standing memory care living, additional cottages for independent living, and multi-family/high-end apartment building (younger/retires) at the back of the property to fill the void; retail/medical office, and walkable paths; with underground parking mainly for the residents and employees.

Mayor Courts then clarified that the MRO boundary recommendation by the Planning Commission is to take off the designation of that property to protect that are from being mined.

Relative to the Old Fort Lake BTP sub-area plan, discussion ensued on the guiding principles relative to manufacturing/research (not warehouse distribution) and job creation; whether a plan for a freight mobility study (to also include inter-intra modal transportation) in conjunction with the traffic study would occur (within seven years); working on priorities every year; clarification on the land use focus

component relative to free-standing manufacturing warehouse and distribution; defining light manufacturing as type of activity (not by size) but would be specific on what is the allowable size in the development regulation during the permitting process; and serious concern expressed about the reality of the manufacturing industry which goes hand in hand with warehousing/distribution and that municipal code should not be prescripted so as not to limit the City with business opportunities.

Further discussion ensued relative to the crystallizer cache to identify the only existing DuPont actual manufacturing area as an interpretative/historic site; adjustment made to add a trailhead and what uses are excluded from uses (parks) and how to clean up that area to allow such activity related to children by working with the State Department of Ecology and Weyerhauser relative to the Consent Decree; staff's feedback from public hearing comments regarding traffic impacts to quality of life (staff looked at types of transportation frequency data from residential/office versus those generated by a warehouse building and find ways to diminish traffic by finding an acceptable balanced approach; some corrections pertaining to the historical aspect, and the need to have a document that the Home Course is in agreement to the amendments being made.

It was also noted the importance of looking at future changes to the municipal code relative to the buffers, setbacks and low-income housing discussed by the Planning Commission following the amendments proposed on the Community/Commercial Opportunity at the Center Drive/DuPont-Steilacoom Road

Public Comment:

Maria Gudaitis, 507 Louviers Avenue, commented on the last Council workshop relative to the traffic study and accuracy relative to the Hearing Examiner's statement in May that our traffic study was inaccurate. She then commented on WSDOT study in 2010 relative to the regional traffic data is accurate, which DuPont also participated in. She also commented why definitions and clarity are important; and spoke of an email from the developer.

Council Comment:

Councilmember Gorski commented on the extensive discussion regarding development, online and at meetings. He expressed that the City needs real solutions and that if citizens want to address him on any concerns, he is available, but preferred not to be inundated by mail sent to his residence.

Adjournment:

Mayor Courts adjourned the meeting at 9:37 pm.

A Special Council meeting, followed by the regular Council workshop will be held on Tuesday, November 21, 2017, at 6:00 pm. Please note that the minutes from the Council Meetings are not verbatim. A recording of the meeting may be purchased in the DuPont City Clerk's Office.

City of DuPont:

_____
Michael P. Courts, Mayor

Attest:

_____
Karri Muir, CMC, City Clerk

MEETING DATE: November 28, 2017

- [x] Consent Agenda
- [ ] Discussion Item
- [ ] Unfinished Business
- [ ] New Business
- [ ] Other_____

TITLE:

Approval of Payroll for period 11/1/2017-11/15/2017, approval of Claim Voucher Lists for 11/8/2017-11/17/2017.

Department:	Finance	Date of First Reading:	
Originator:	Staff	Date of Second Reading:	
Assigned to:	Carma Oaksmith, Finance Dire	Date of Public Hearing:	

BUDGET IMPACT: Yes ☐ **No** ☑ **FUND:**

Amount Budgeted	$697,298.57	Various
Additional Required		

DETAILED SUMMARY STATEMENT:

Payroll:

Pay period of November 1-15, 2017 $493,072.45

Claims Nos 36125 - 36175 $204,226.12

RECOMMENDATION:

The Finance Director recommends approval of the Claim Voucher Lists through the approval of the consent agenda items.

Payroll

Pay Type Register

City of DuPont
1700 Civic Drive
DuPont, WA 98327
(253) 964-8121

User:	coaksmith
Printed:	11/21/2017 - 11:49AM
Check Date Range:	All
Period Date Range:	11/01/2017 to 11/15/2017
Batch Info:	All
Pay Types:	AD, AOC, BC, BF, BS, BV, C, CA, CC, CF, CM, CR, CS, CU, CV, DO, DR, DT, EI, FA, FC, FF, FH, FL, FM, FMLA, FO, FP, FS, FS2, FT, FV, H, HF, HO, HSACO, JD, K9, KC, KD, KF, L2, L3, L4, L5, LD, LG, LGFix, MC, MD, MI, OC, OCB, OF, OFM, OHF, OLT, OMD, OO, OO70, OOC, OS, OSC, OSE, OSV, OT, OTR, OTW, PA, PD, PI, R, RD, RF, RS, RT,

Pay Type	Description	Hours	Amount
AOC	Acting Out of Class	0.00	166.96
BC	BANK COMP TIME	12.50	0.00
BV	Bereavement	24.00	686.64
C	Comp Time Used	52.50	1,828.55
CC	Comp Cash Out	57.87	1,462.37
CM	Community Resource Off 2%	0.00	173.84
CR	Crime Response Unit 2%	0.00	118.25
CV	Commercial Vehicle 2%	0.00	37.27
DT	Detective 5%	0.00	145.83
EI	Education Incentive	0.00	459.14
FA	Firearms Instructor 2%	0.00	220.15
FH	Floating Holiday	106.75	3,862.76
FS	Firefighter EMT Specialty Pa	0.00	874.14
FS2	Firefighter 2 Specialty Pay	0.00	769.81
FT	Field Training Officer 3%	0.00	658.94
H	Holiday	297.60	9,635.41
HO	Holiday Pay	72.00	2,986.92
K9	K-9 Officer 2%	0.00	59.92
KD	Kelly Day	128.00	686.64
LG	Longevity Pay	0.00	2,616.41
MC	Metro Collision Team 1% or 2	0.00	74.55
OC	On Call / Out of Class	0.00	1,050.00
OCB	OT for Call Back	193.50	8,486.40
OO	Opt Out of Medical Ins	0.00	1,452.52
OO70	Opt Out Med 70%	0.00	313.14
OOC	OT for PW On-Call	6.00	257.22
OSC	OT for Shift Coverage	59.50	3,061.70
OT	Overtime	23.25	1,079.94
OTR	OT for Training/Training Cov	15.00	792.52
R	Regular	4,561.47	140,401.49
S	Sick	242.00	8,010.63
U	Unpaid Hours	32.00	0.00
V	Vacation	181.25	5,766.87
VC	Vacation Cash Out - automati	23.83	741.83
VO	Vacation Cash Out - Manual	44.00	1,367.52
	Report Total	6,133.02	200,306.28

Payroll

Deduction Register - Totals Only

City of DuPont
1700 Civic Drive
DuPont, WA 98327
(253) 964-8121

User:	coaksmith
Printed:	11/21/2017 - 11:55 AM
Check Date Range:	All
Period End Range:	11/01/2017 to 11/15/2017
Batch Info:	All
Deductions:	ACU, ACUF, ACUHSA, ACU-P, AFLACA, AFLACC, AFLACP, ANCHOR, APD, AUS10%, AWCEP, AWCER%, B Flat, BB, BBT, BECU %, BKOAM, BOAA, BOA-J, BOAS, BOFA, BOFA 1, BOFA2, BOFA3, C/U, CCFCU, CHASE, CH-FL, COPAY, COPAYX, CSB, CSB1, D1, D2corr, D2e, D2r, D2rCor, D2rTx, DCP, DCP%, DCPC, DCPcor, DCPE, DCPGRO, DCPP, DE, DEA 50, DEAcor, DF, DORL2E, DORL2R, DORP1E, DORP1R, DORP2E, DORP2R, DORP3E, DORP3R, DP, EAP, EAP-EE,

	Amount
ACU: DD - America's Credit Union %	9,829.48
ACUF: DD - ACU - Flat	200.00
AFLACA: AFLAC After Taxes	133.98
AFLACC: AFLAC Correction	-48.05
AFLACP: AFLAC Pre-Taxed	516.86
ANCHOR: DD - Anchor Bank	1,374.27
APD: Auction Pledge Donation	162.50
B Flat: DD - BECU Flat Rate	120.00
BECU %: DD - BECU 100%	6,818.46
BOFA2: DD - Bank of America - Flat	4,050.00
BOFA: DD - Bank of America - 100%	11,644.95
CCFCU: DD - Cap Com Federal	2,181.62
CHASE: DD - Chase Bank %	8,684.78
CH-FL: DD - Chase Bank - Flat Rate	50.00
COPAY: Employee Benefit Contribution	1,070.00
CSB: DD - Columbia State Bank- 100%	295.78
D2e: AWC-Dental Plan E (EMPLOYEE)	625.95
D2r: AWC-Dental Plan E (Employer)	4,435.60
DCP%: DCP Deferred Comp %	390.00
DCPC: DCP EMP Contrib %	53.02
DCP: DCP Deferred Compensation Prog	155.00
DCPE: DCP- Employer Match% Salary	88.70
DCPGRO: DCP Employer % of Gross	186.75
DORL2E: DRS - LEOFF 2 - EMPLOYEE	8,293.41
DORL2R: DRS - LEOFF 2 - EMPLOYER	5,146.67
DORP2E: DRS - PERS 2 - EMPLOYEE	6,124.81
DORP2R: DRS - PERS 2 - EMPLOYER	10,540.03
DORP3E: DRS - PERS 3D - Employee	1,077.36
DORP3R: DRS - PERS 3D - EMPLOYER	2,074.13

	Amount
ESD1: ESD - UNEMPLOYMENT	384.95
FED: Federal Income Tax	25,564.12
FICA: FICA Employee Portion	9,030.68
FICAR: FICA Employer Portion	9,030.68
FIDELI: DD - Fidelity Bank %	2,089.99
FRONTI: DD - Frontier Bank %	2,524.65
G13: Michael G Malaier, Trustee	1,338.06
G1: WSSA	984.17
HBR: DD - Harborstone CU - 100%	7,579.15
HS/FL: DD - Harborstone CU - Flat	1,200.00
IAFER1: IAFF- Nationwide 457- % Match	623.45
IAFFE%: IAFF Nationwide 457 - EE%	99.41
IAFFEE: IAFF Nationwide 457 - EE	1,673.72
IAFFER: IAFF Nationwide 457 - ER	2,476.76
ICMA%: ICMA - 457 % deduction	1,704.87
ICMA: ICMA - RET 457	3,006.00
ICMAR1: ICMA Employer 1% matching	787.25
ICMARG: ICMA Empl 2% + 1% Gross	76.01
ICMA-R: ICMA--EMPLOYER %	2,154.02
IMPUTE: Imputed Income Tax	44.17
KB: DD - Key Bank - 100%	7,449.31
KB-FLA: DD - Key Bank HSA Flat	50.00
KITSAP: DD - Kitsap Community CU %	3,208.03
L&I-ER: L&I - Employer	4,887.65
L&I: L&I - Employee	1,140.95
L1: AWC - LIFE	294.00
LIX: AWC Life Ins - Exempt	145.50
LIX-C: AWC Life Ins Exempt Correction	0.30
M4: AWC - Group Health $10 CoPay	9,534.03
M5: AWCHealthFirst HSA	40,242.29
M5-C: AWCHealthFirst HSA Correction	0.34
MEDI: Medicare Employee Portion	2,876.88
MEDIR: Medicare Employer Portion	2,876.88
NFCU: DD - Navy Federal CU %	5,507.74
NOFCU: DD - Nordstrom Federal CU Flat	200.00
OFS: DD - Olympia Federal Savings %	2,444.12
PEN CU: DD - Peninsula Credit Union %	1,310.96

	Amount
QUALST: DD - Qualstar Credit Union %	1,658.80
SECU%: DD - School Employees CU - %	1,981.89
SECU: DD - School Employees CU- Flat	177.50
SUPLIF: Supplemental Life Ins	150.70
T1: AWC - LTD	1,133.60
TAPCO: DD - Tapco Credit Union - 100%	8,433.67
TAPCOF: DD - Tapco Credit Union- Flat	550.00
TAPCOS: DD - Tapco CU Savings - Flat	250.00
TCCU: DD - Twin County C/U - 100%	1,897.70
TWIN: DD - Twin Star Credit Union %	3,391.17
UMP: DD - Umpqua Bank %	2,353.73
USAA: DD - USSA Federal C/U 100%	6,812.96
USB: DD - US Bank - 100%	261.53
V1: AWC - Vision	1,449.63
WDEN: AWC - Willamette Dental	1,016.34
WFBF: DD - Wells Fargo Bank- Flat	500.00
WF: DD - Wells Fargo - 100%	7,668.37
WLM-EE: AWC Willamette Dntl - Employee	294.15
WM: DD - WA Mutual - 100%	3,126.13
WSCFF: WSCFF Employee Benefit Trust	900.00
WSECU: DD - WSECU 100%	7,641.15
WSECUF: DD - WSECU - Flat	300.00
Report Total:	292,766.17

CLAIMS VOUCHER APPROVAL

We hereby certify that the goods and/or services charged on the vouchers listed on the following pages have been furnished to the best of our knowledge. We further certify the following pages of claims to be valid and correct.

City Administrator

Finance Director

We, the undersigned Council members of the DuPont City Council, DuPont, Washington, do hereby certify that the voucher-check numbers 36125 through 36175 are approved for payment in the amount of $204,226.12 this 28th day of November 2017.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

City of DuPont
1700 Civic Drive
DuPont, Washington 98327
253-964-8121 phone
253-964-3554 fax

Accounts Payable

Checks by Date - Detail by Check Number

User: coaksmith
Printed: 11/21/2017 12:01 PM

City of DuPont
1700 Civic Drive
DuPont, WA 98327
(253) 964-8121

Check No	Vendor No / Invoice No	Vendor Name / Description	Check Date / Reference	Check Amount
36125	ASG	Aronson Security Group, Inc.	11/03/2017	
	WSEA22829	Security card reader service/repair - PD		459.06
			Total for Check Number 36125:	459.06
36126	COSTCO	Capital One Commercial	11/03/2017	
	013048	Senior Bingo supplies - P&R		75.03
	037427	Haunted House supplies - P&R		108.36
	057586	Senior Bingo supplies - P&R		86.71
			Total for Check Number 36126:	270.10
36127	QWEST	CenturyLink	11/03/2017	
	2539640153 648B	2539640153 648B PW/Hoffman Hil	2539640153 648B	83.72
	2539640310 809B	2539640310 809B PW Crew Office	2539640310 809B	37.77
	2539640310 809B	2539640310 809B PW Crew Office	2539640310 809B	37.76
	2539640310 809B	2539640310 809B PW Crew Office	2539640310 809B	125.89
	2539640310 809B	2539640310 809B PW Crew Office	2539640310 809B	50.35
	2539642399 061B	2539642399 061B Museum	2539642399 061B	87.79
	2539642855 259B	2539642855 259B PW/Bell Hill	2539642855 259B	198.54
	2539644272 664B	2539644272 664B PW/Barksdale	2539644272 664B	129.41
	2539646822 149B	2539646822 149B City Hall	2539646822 149B	172.72
	2539646885 292B	2539646885 292B 1780 Civic Dr	2539646885 292B	95.74
	2539646885 292B	2539646885 292B 1780 Civic Dr	2539646885 292B	132.21
	2539648225 701B	2539648225 701B PW Shop	2539648225 701B	10.72
	2539648225 701B	2539648225 701B PW Shop	2539648225 701B	35.71
	2539648225 701B	2539648225 701B PW Shop	2539648225 701B	10.71
	2539648225 701B	2539648225 701B PW Shop	2539648225 701B	14.28
			Total for Check Number 36127:	1,223.32
36128	EHC	Emerald Hills Coffees	11/03/2017	
	852440	Coffee Service Supplies - PD	Cust #28020	81.71
			Total for Check Number 36128:	81.71
36129	G&O	Gray & Osborne Inc.	11/03/2017	
	17205.01-9	17205.01 Parks: Iafrati Park Restroom & Picnic	17206.00	1,149.08
	17206.00-4	17206.00 Water Util - Gen Eng	17206.00	425.04
	17208.01-8	17208.01 Storm: 2017 Tree Removal Project		9,965.61
	17237.00-8	17237.00 CM for Bell Hill Booster Station Upgr		3,197.11
	17275.00-3	17275.00 CM for Historic Village Water Main R		17,490.45
	17276.00-2	17276.00 CM for Historic Village Water Facility		7,004.94
	17282.00-1	17282.00 Historic Village Stormwater Managem		2,255.61
			Total for Check Number 36129:	41,487.84
36130	GUSTASON	Wyatt Gustason	11/03/2017	
	REIMB 10/2017	Uniform allowance/Binoculars, boots, etc - PD/C		762.65

Check No	Vendor No / Invoice No	Vendor Name / Description	Check Date / Reference	Check Amount
			Total for Check Number 36130:	762.65
36131	BFH	Brian F. Harvey	11/03/2017	
	17-08	Background checks - PD		1,435.00
			Total for Check Number 36131:	1,435.00
36132	HARWOOD(	Gina Harwood	11/03/2017	
	REFUND 10/2017	Rental deposit refund/Sellers Park - G Harwood		50.00
			Total for Check Number 36132:	50.00
36133	HEMLEY	Hemley's Septic Tank Cleaning, Inc	11/03/2017	
	0047214-IN	Monthly Portable Toilet Rental		330.00
			Total for Check Number 36133:	330.00
36134	HOLTL	Larry Holt	11/03/2017	
	ADVTRV 11/2017	Per diem/WASPC Fall Conference/Chelan - PD/I		95.00
			Total for Check Number 36134:	95.00
36135	HONEY	Honey Bucket	11/03/2017	
	055028004 9	Standard unit service - P&R		145.00
	055030128 5	Standard unit service - P&R		85.00
	055032432 2	Standard unit service - P&R		85.00
	055040208 9	Standard unit service - P&R		87.00
			Total for Check Number 36135:	402.00
36136	HOOFTD	Diana Hooft	11/03/2017	
	REIMB 10/2017	Mileage reimb/Public Records Training/Walla W		310.30
			Total for Check Number 36136:	310.30
36137	LNC	LN Curtis & Sons	11/03/2017	
	INV134628	Uniform allowance/Exterior carrier vest - PD/Cu		382.33
			Total for Check Number 36137:	382.33
36138	PAO	Pacific Office Automation	11/03/2017	
	002328	Public Works Copy charges - Q400	C654E	29.97
			Total for Check Number 36138:	29.97
36139	PCBGT&F	Pierce County Budget & Finance	11/03/2017	
	CI-238243	Construction Engineering Svcs/ Center Dr Pavin		7,649.01
	CI-239211	EMT re-certification - FD		210.00
			Total for Check Number 36139:	7,859.01
36140	BRATWEAR	Sound Uniform Solutions	11/03/2017	
	21918	Uniform replacement/alterations - PD/Holt		92.48
	22384	Uniform allowance/alterations to jumpsuit - PD/I		295.07
			Total for Check Number 36140:	387.55
36141	SS911	South Sound 911	11/03/2017	
	02294	Quarterly Police Support Svcs		36,575.00
			Total for Check Number 36141:	36,575.00

Check No	Vendor No / Invoice No	Vendor Name / Description	Check Date / Reference	Check Amount
36142	VERIZON	Verizon Wireless	11/03/2017	
	9794808648	Building Dept Cell Phones		64.96
	9794808648	Police Dept Cell Phones		703.05
	9794808648	Police Dept Cell Phones		164.07
	9794808648	Public Works Cell Phones		552.27
	9794808648	Public Works Cell Phones		552.27
	9794808648	Parks & Rec Cell Phone		105.31
	9794808648	Fire Dept Cell Phones		258.10
	9794808648	Legal Svcs Cell Phone		58.98
	9794808648	Mayor Cell Phone		58.98
	9794808648	Planning Dept Cell Phones		61.12
	9794808648	Public Works Cell Phone equipment credit		-100.00
	9794808649	Public Works Air Cards		30.04
	9794808649	Fire Dept Air Card		10.02
	9794808649	Parks Air Card		10.02
	9794808649	PW Grant Funded Air Cards		40.08
	9794808649	Legal Svcs Air Card		10.02
	9794808649	Police Air Cards		264.52
			Total for Check Number 36142:	2,843.81
36143	WTRMG	Water Management Lab, Inc.	11/03/2017	
	162458	Water Testing Services		87.00
			Total for Check Number 36143:	87.00
36144	WFFL	Wells Fargo Financial Leasing, Inc.	11/03/2017	
	5004319298	2017 Personal property tax for lanier copier - PD		26.38
			Total for Check Number 36144:	26.38
36145	CB-CARD	Card Services/ Columbia Bank	11/09/2017	
	1311	Pay by phone fee - Finance Dept		5.00
			Total for Check Number 36145:	5.00
36146	DRS	Dept of Retirement Systems	11/09/2017	
	994566 11/2017	DRS/LEOFF Settlement/Hull - Nov 2017 payme		62,078.62
			Total for Check Number 36146:	62,078.62
36147	FIRSTBC	First Bankcard	11/09/2017	
	0269	Uniform boots - Building/Aldridge		197.00
	0269	Teen council supplies - P&R		13.26
	0269	Teen council supplies - P&R		106.96
	0269	Teen council supplies - P&R		111.20
	0269	Haunted House supplies - P&R		122.04
	7596	Travel exp / Monthly Mayor's meetings		17.50
	7596	Lodging/Mayor's Exchange		131.39
	8222	Council meeting/staff training supplies - Council		6.99
	8222	Council meeting/staff training supplies - HR		97.69
	9956	Planning commission meeting supplies		54.30
			Total for Check Number 36147:	858.33
36148	AHBL	AHBL, Inc	11/09/2017	
	103535	2150057.73 R/I Barghausen - DuPont Center Pla		1,235.00
			Total for Check Number 36148:	1,235.00
36149	ARAMARK	Aramark Uniform Services	11/09/2017	

Check No	Vendor No / Invoice No	Vendor Name / Description	Check Date / Reference	Check Amount
	1990422069	Uniform Cleaning		9.47
	1990422069	Uniform Cleaning		9.47
	1990422069	Uniform Cleaning		9.47
	1990422069	Uniform Cleaning		9.47
	1990422069	Uniform Cleaning		9.47
	1990432651	Uniform Cleaning		9.47
	1990432651	Uniform Cleaning		9.47
	1990432651	Uniform Cleaning		9.47
	1990432651	Uniform Cleaning		9.47
	1990432651	Uniform Cleaning		9.47
			Total for Check Number 36149:	94.70
36150	CLINK	CenturyLink Business Services	11/09/2017	
	1423212201	253-912-5102 Long distance	253-912-5102	1.66
	1423212201	253-912-5102 Long distance	253-912-5102	4.16
	1423212201	253-912-5102 Long distance	253-912-5102	1.24
	1423212201	253-912-5102 Long distance	253-912-5102	1.25
	1423212203	253-964-0153 Long Distance	253-964-0153	8.15
	1423212205	253-964-0310 Long Distance	253-964-0310	8.15
	1423212205	253-964-0310 Long Distance	253-964-0310	2.44
	1423212205	253-964-0310 Long Distance	253-964-0310	3.26
	1423212205	253-964-0310 Long Distance	253-964-0310	2.45
	1423212207	253-964-2399 Long Distance	253-964-2399	8.47
	1423212209	253-964-2855 Long distance	253-964-2855	8.15
	1423212211	253-964-4272 Long distance	253-964-4272	8.15
	1423212213	253-964-8225 Long Distance	253-964-8225	4.08
	1423212213	253-964-8225 Long Distance	253-964-8225	1.22
	1423212213	253-964-8225 Long Distance	253-964-8225	1.22
	1423212213	253-964-8225 Long Distance	253-964-8225	1.63
	1423924386	253-964-6934 Long distance	253-964-6934	64.61
			Total for Check Number 36150:	130.29
36151	COOKJE	Jeff Cook	11/09/2017	
	REFUND 11/2017	Rental deposit refund/ cancelled event - J Cook		50.00
			Total for Check Number 36151:	50.00
36152	ETTINGER	Pearle C Ettinger, Jr.	11/09/2017	
	OCTOBER / 2017	Karate instruction		1,000.00
			Total for Check Number 36152:	1,000.00
36153	G&O	Gray & Osborne Inc.	11/09/2017	
	13269.00-42	13269.00 R/I Lexmar Hospitality - Home 2 Suite		480.60
	13269.00-43	13269.00 R/I Lexmar Hospitality - Home 2 Suite		192.24
	14225.00-9	14225.00 R/I Lennar NW - Hoffman Hill Div 5 T		351.79
	14267.00-6	14267.00 R/I NOJACK4 LLC - Hoffman Hill Di		44.92
	15233.00-5	15233.00 R/I NOJACK4 LLC - Hoffman Hill Di		44.92
	17210.00-8	17210.00 Technical Review Committee 2017		759.44
	17229.00-4	17229.00 R/I Industrial Redevelopment LLC - Ir		78.09
	17238.00-5	17238.00 R/I Drew Bowlds - Ace Hardware & S		89.84
	17262.00-1	17262.00 R/I Barghausen - Center Plaza Bldgs		1,553.68
			Total for Check Number 36153:	3,595.52
36154	LEMAY	Harold Lemay Enterprises	11/09/2017	
	9271555	301 Louviers		1,917.39
	9271555	301 Louviers		575.22
	9271555	301 Louviers		766.95

Check No	Vendor No / Invoice No	Vendor Name / Description	Check Date / Reference	Check Amount
	9271555	301 Louviers		575.22
	9271576	2180-678258-001 1700 Civic Dr	2180-678258-001	268.40
	9271605	2180-688334 1775 Bob's Hollow	2180-688334	274.15
	9303168	301 Louviers		18.01
	9303168	301 Louviers		24.01
	9303168	301 Louviers		18.01
	9303168	301 Louviers		60.03
	9304468	2180-678264 1700 Civic Dr	2180-678264	232.56
			Total for Check Number 36154:	4,729.95
36155	SINGLES	Sherri Ingles	11/09/2017	
	REIMB 10/2017	Reimbursement for parks/rec supplies - P&R		19.67
			Total for Check Number 36155:	19.67
36156	LUBINE	Edmond Lubin	11/09/2017	
	REFUND 09/2017	Rental deposit refund/Powderworks Park - E Lut		50.00
			Total for Check Number 36156:	50.00
36157	NSCI	Northern Safety & Industrial	11/09/2017	
	902541230	Safety face shield - PW/Sidewalk Project		10.23
			Total for Check Number 36157:	10.23
36158	PAO	Pacific Office Automation	11/09/2017	
	004902	PD Copy Charges - CB284	C284E	128.82
	005014	PD Copy charges - CB454	C454E	79.30
			Total for Check Number 36158:	208.12
36159	PCBGT&F	Pierce County Budget & Finance	11/09/2017	
	CI-239883	Booking & Jail Housing Fees	99546	1,949.70
	CI-240037	PWU Reimbursable billing to other governments		11,076.79
	CI-240996	3rd Qtr Liquor Profit & Excise Taxes		637.26
			Total for Check Number 36159:	13,663.75
36160	PCSEWER	Pierce County Sewer	11/09/2017	
	01175700	01175700 - 303 Barksdale Ave	01175700	49.58
	01178725	01178725 - 207 Barksdale Ave	01178725	49.58
	01178733	301-303 Louviers		8.07
	01178733	301-303 Louviers		10.76
	01178733	301-303 Louviers		26.91
	01178733	301-303 Louviers		8.07
	01251945	01251945 - 3196 Shaw St	01251945	50.95
	01326899	301-303 Louviers		59.06
	01326899	301-303 Louviers		44.29
	01326899	301-303 Louviers		147.64
	01326899	301-303 Louviers		44.29
	01349465	01349465 - 1775 Bob's Hollw	01349465	36.43
	01387341	01387341 - 1700 Civic Drive	01387341	32.19
	01695975	01695975 - 1301 Palisade Blvd	01695975	23.72
	01710583	01710583 - 1780 Civic Dr	01710583/(01387332)	41.49
	01710583	01710583 - 1780 Civic Dr	01710583/(01387332)	28.83
			Total for Check Number 36160:	661.86
36161	PSEE	Puget Sound Energy	11/09/2017	
	200000813945	301 - 303 Louviers		41.42
	200000813945	301 - 303 Louviers		12.42

Check No	Vendor No / Invoice No	Vendor Name / Description	Check Date / Reference	Check Amount
	200000813945	301 - 303 Louviers		16.57
	200000813945	301 - 303 Louviers		12.42
	200001019534	200001019534 - 303 Barksdale Ave		484.37
	200001019690	200001019690 - 3195 Brown Loop		10.84
	200003761372	200003761372 - 1350 Foreman Rd		1,292.41
	200004197907	200004197907 - Bell Hill Well		2,257.25
	200005882598	301 - 303 Louviers		16.96
	200005882598	301 - 303 Louviers		42.40
	200005882598	301 - 303 Louviers		12.72
	200005882598	301 - 303 Louviers		12.72
	200006136309	200006136309 - Village Park		12.62
	200008001329	200008001329 - Museum		351.94
	200008387082	200008387082 - 1350 Foreman Rd		854.12
	200010681696	200010681696 - 1700 Burnside Well		4,681.27
	200011525884	200011525884 - 1700 Civic Dr Signal		69.51
	200013923426	200013923426 - 1780 Civic Dr		1,928.65
	200013923426	200013923426 - 1780 Civic Dr		1,340.25
	200013923681	200013923681 - 3625 Hoffman Hill Access		10.84
	200013923905	200013923905 - 2100 Center Dr Signal		66.37
	200013924143	200013924143 - 3028 Ridgeview Pump		13.25
	200013924549	200013924549 - 1700 Civic Drive		1,300.86
	200013924754	200013924754 - 1500 Wilmington Dr		53.05
	200013950148	200013950148/200023254622 301-303 Louvie		17.91
	200013950148	200013950148/200023254622 301-303 Louvie		59.69
	200013950148	200013950148/200023254622 301-303 Louvie		17.91
	200013950148	200013950148/200023254622 301-303 Louvie		23.87
	200013950320	200013950320 - 1407 Palisade Blvd		79.97
	200013950544	200013950544 - Wilmington & Center Signa		97.16
	200017266103	200017266103 - 2900 Center Dr Signal		216.18
	200020161606	200020161606 - 151 Davis Pl		1,275.55
	200021763244	200021763244 - Powderworks Park		83.13
	200023254622	200013950148/200023254622 301-303 Louvie		106.88
	200023254622	200013950148/200023254622 301-303 Louvie		32.06
	200023254622	200013950148/200023254622 301-303 Louvie		32.06
	200023254622	200013950148/200023254622 301-303 Louvie		42.76
	200024817773	200024817773 - 2690 Mitchell		14.71
	220013892157	220013892157 - 3196 Shaw St		34.04
	220014506988	220014506988 - 2600 Center Dr		70.43
	300000004741	300000004741 - Street Lights	300000004741	652.67
			Total for Check Number 36161:	17,752.21
36162	REINARTG	Geralyn Reinart, P.E.	11/09/2017	
	022/17	Traffic Engineering Services		720.00
	022/17	Traffic Engineering Services R/I Laura Bartenha		50.00
			Total for Check Number 36162:	770.00
36163	SABOED	Daniel Saboe	11/09/2017	
	REIMB 10/2017	Haunted House supply reimbursment - P&R/D S		13.98
			Total for Check Number 36163:	13.98
36164	SITECRAF	SiteCrafting Inc	11/09/2017	
	30870	Web Host- www.ci.dupont.wa.us		55.00
			Total for Check Number 36164:	55.00
36165	TIAFIT	Tia Smith	11/09/2017	
	3	Cize Live fall session - P&R		49.00

Check No	Vendor No / Invoice No	Vendor Name / Description	Check Date / Reference	Check Amount
			Total for Check Number 36165:	49.00
36166	SHSC	Steilacoom High School Cheerleading	11/09/2017	
	REFUND 11/2017	Rental deposit refund/ Community Center - SHS		215.00
			Total for Check Number 36166:	215.00
36167	SWARNERC	Swarner Communications	11/09/2017	
	74819	LT17-20 Concert in the Park advertising/Finance		7.50
	74819	LT17-20 Concert in the Park advertising - Touris		500.00
			Total for Check Number 36167:	507.50
36168	UULC	Utilities Underground Location Center	11/09/2017	
	7100123	Excavation notifications		23.10
	7100123	Excavation notifications		23.10
			Total for Check Number 36168:	46.20
36169	DOP	WA State Enterprise Svs - Printing	11/09/2017	
	73164110	Catalog size envelopes - Central Services		195.13
			Total for Check Number 36169:	195.13
36170	WAPRO	Washington Association of Public Records	11/09/2017	
	3135	WAPRO Membership - Clerk/Muir		25.00
			Total for Check Number 36170:	25.00
36171	WTRMG	Water Management Lab, Inc.	11/09/2017	
	162611	Water Testing Services		84.00
			Total for Check Number 36171:	84.00
36172	WESMAR	Wesmar Company Inc.	11/09/2017	
	245488	Water treatment chemicals - PW/Water		587.30
			Total for Check Number 36172:	587.30
36173	WILSONJE	Jeffrey Wilson	11/09/2017	
	REIMB 10/2017	Reimb for food for public hearing - Planning De		124.60
			Total for Check Number 36173:	124.60
36174	ZOLL	ZOLL	11/09/2017	
	INV00010923	Fire RMS Service		284.18
			Total for Check Number 36174:	284.18
36175	UB*02211	Carlos and Melissa Rosales	11/15/2017	
		replace check No. 34704		27.95
			Total for Check Number 36175:	27.95
			Report Total (51 checks):	204,226.12

Department of Community Development

Report for November 2017

Planning Commission Work Program - Upcoming:

- Planning Commission:
  - The Planning Commission has completed all of their work on the 2017 Amendments to the Comprehensive Plan. They will meet on November 27th. The December meetings will be canceled.
  - First meeting in January will be training and discussion of the 2018 work plan, selection of Vice-Chair and other housekeeping items.

- **Community Development/Planning:**

- Planning work items:
  - Developing 2018 work plan for the Planning Commission (e.g. Code and Comp Plan amendments, etc.).
  - Work with Department of Ecology on the review of the consent decree limitations for the property surrounding Old Fort Lake. The City Attorney and I had a very productive meeting with the Department of Ecology to define a path forward to reviewing the consent decree. Full efforts will not commence until completion of the 2017 Comp Plan update for Old Fort Lake. This will likely be a 2018 task.
  - Evaluating Permit Tracking software programs for the city – on-going effort.
  - Sensitive/Critical Areas Ordinance update. This item has been postponed to research additional information.
  - Updating processes and procedures for the Department – on-going.
  - Processing land use and development applications for:
    - Ace Hardware/Indoor Storage facility (File Nos. PLNG2017-007 & 008). Civil plans are in for review, awaiting building permit submittal.
    - DuPont Corporate Center (File No. PLNG2017-006) – Awaiting building permit application submittal.
    - Development of Hoffman Hill Tracts I, J & O with duplex units.
      - Tract "J" (File No. PLNG2017-022) – Decision issued on the design review. Site Plan review still outstanding.

Department of Community Development

Report for November 2017

- Tract "I" (File No. SUB-14-02) – Approved by the Hearing Examiner.
- Tract "O" (File No. SUB-15-01) – Approved by the Hearing Examiner.
- Patriots Landing Memory Care Facility (PLNG2017-030 & 031) – Applications have been submitted and under review to determine when the hearing will be scheduled before the Hearing Examiner.

▪ Center Plaza Buildings 5&6 (File No. PLNG2017-023 & 024) – Hearing Examiner approved the two land use permit. We have received civil and building permits for one of the two approved buildings. Anticipate submittal of permits for the 2nd building before the end of the year.

▪ Continuing discussions with the owners of the Intel site regarding their redevelopment plans and timeline. Anticipate demolition activity will begin within the next several months.

▪ Potential permit activity on the vacant parcel at the Northeast corner of DuPont-Steilacoom Rd and Barksdale Ave for a gas station.

o Pre-App Meetings with applicants:

▪ PLNG2017-041. Potential Conditional Use Permit for a church in vacant tenant space in Center Plaza building (southwest corner of Center & DuPont-Steilacoom Rd.).

Building Project Status:

- Barksdale Station: Home 2 Suites (86,945 sf, 140 unit) – Site work and Building construction is complete. Temporary Certificate of Occupancy issued May 25, 2017. Right of Way improvements yet to be completed.
- Barksdale Station: 1100 Station Drive (Dhane Bldg.) siding & trim replacement project completed. Permit for re-roofing the building was issued June 13, 2017 and has been completed.
- Williamson Plat Lot 6 (Intersection of Williamson Place and Center Drive) – Western Washington Sheet Metal Union facility. City has issued Building, Plumbing, Mechanical and Fire Sprinkler Permits to complete the 2nd floor classroom area (Phase 2 Build-out TI). Work in progress.

Department of Community Development

Report for November 2017

- Williamson Plat Lot 8 – Building and Civil construction plans have been submitted for a 30,942 square foot shell building (future TI for proposed carpenter union facility). Plans currently under review for Code compliance.

- Current plan review and/or inspection of interior tenant improvements at various properties.

    - 1525 Wilmington Dr. (DuPont Veterinary Clinic) issued Temporary Certificate of Occupancy (TCO) on August 7, 2017.

    - Issuance of a Permanent Certificate of Occupancy (CO) pending completion of repairs to exterior rear door.

    - 2750 Williamson Pl. (Forward Operating Base Brewery) construction completed. CO issued August 31, 2017.

    - 2750 Williamson Place – Tenant Improvement plans submitted on November 13, 2017 for Northwest Coffee Supply. Plans currently under review for Code compliance.

    - DuPont Corporate Center (Intel facility) issuance of Demolition permit pending City receipt of the required asbestos survey.

    - Pre-Demolition meeting held on October 26th.

    - 211 Barksdale Ave. (Bavarian Village apartment C) remodel completed.

    - Better Business Bureau TI (plan review complete, permit not yet issued).

    - TRAX Bldg. E TI (plan review complete, permit not yet issued).

    - McNeil Station – 1175 Center Dr., T-Mobile Sales office TI is complete, Certificate of Occupancy issued May 22, 2017

    - 1175 Center Dr., Pizza Hut TI (pick-up and delivery only). Permit issued 7/24/17. Construction completed and a Certificate of Occupancy was issued October 17th.

    - 1225 Center Dr., Pioneer Services TI permit issued August 25, 2017. Construction completed and a Certificate of Occupancy issued on October 18th.

- Hoffman Hill Division 5 Tract J Multi-family – The City has received and is reviewing Civil/Grading and site retaining walls permit applications.

Prepared by Jeff Wilson

Department of Community Development

Report for November 2017

- Hoffman Hill Division 5 Tract O Multi-family – The City has received (Oct. 26, 2017) and is reviewing Civil/Grading and site retaining walls permit applications.
- 1231 Hudson St., New SFR to replace fire damaged structure, construction continues.

Building Permit Fees & Inspections – For the Month of October 2017

- $2,643 in revenue from permits / plan review.
- 24 permits were issued (Includes Fire System and Irrigation backflow permits).
- 42 inspections were performed.

Prepared by Jeff Wilson

DuPont Public Disclosure Report

Public Records Requests 2017

PDR #	DATE	NAME	REQUEST	STATUS	Initial Response # Days*	Provided Record/ Install # Days*	Dept.	TOTAL Staff Time # Hours	Notes
16-33	7/8/2016	Dave Bungert	Requesting all correspondance to inlcude emails & letters from 7/1/10 to 7/8/16 from any rep or employee of CalPortland	Open	5	60 days	All	10	Providing installments
16-34	7/8/2016	Dave Bungert	Requesting all correspondence to include emails & letters from 7/1/10 to 7/8/16 from any rep or employee of NWL ROA and NWL COA	Open	5	60 Days	All	10	Providing installments
16-51	9/30/2016	David Bungert	Phone records for City of DuPont cell and land line phones/ Cell phone text messages for the month of Sept. 2016	Closed	4	4	Clerk/all	10	
17-01	1/5/2017	Mona Syrovatka	Information on Ace Hardware	Closed 1-5-17	1	1	Community Dev	0.15	
17-02	1/9/2017	Brian Gontarz	FD report on 2141 Hammond Ave	Closed 1-9-17	1	1	Fire	0.50	
17-03	1/10/2017	Maryam Shaukat	Info on FD report regarding 1805 McNeil Circl	Closed 1-12-17	2	2	Fire	0.50	
17-04	1/10/2017	Maryam Shaukat	Info on FD report regarding 2151 Hammod	Closed 1-12-17	2	2	Fire	0.50	
17-05	1/17/2017	Jessica Anderson	Records regarding 2800 Center Drive	Closed-1-31-17	1	0	Planning & Clerk		Requestor pulled PDR
17-06	1/18/2016	Afzar Nasoordeen	Code violations-Bobs Hollow Lane	Closed- 1-24-17	4	4	Planning & Clerk	1.00	
17-07	1/20/2017	Kevin Hubur	Files and data regarding Bell Hill Lots 1 & 2	Closed	3			1.50	Requestor did not pick up
17-08	2/3/2017	Mike Simpson	Street/Trees Sidewalk Powerpoint	Closed 2-3-17	1	1	City Admin	0.15	
17-09	2/3/2017	David Bungert	Discipline records for FD employee	Closed 2-7-17	2				
17-10	2/3/2017	David Bungert	Videos of all ALS Task Force Meetings	Closed 2-7-17	2				
17-11	2/7/2016	Mindy Roberts	Sequalitchew Creek settlment agreements	Closed 2-7-17	0				
17-12	2/8/2017	Afzar Nasoordeen	Pending code violations- 1625 Palisade Blvd	Closed 2-10-17	1	1	Building/Fire	1.00	
17-13	2/9/2017	Heather Nilson	Records regarding 1609 McNeil St	Closed 3-20-17	1	1	Building/Fire	1.50	
17-14	2/10/2017	Drew Bowlds	Records regarding DuPont Storage Facility	Closed 2-13-17	1	1	Building	2.00	
17-15	2/15/2017	Shawn McCoin	Info on self-storage facilities	Closed 3-9-17	1	14	Building/Clerk	10.00	
17-16	2/15/2017	Mark Markin	Quadrant home plans 2212 "B" sheets structural calculations	Closed 2-21-17	1	2	Building		
17-17	2/15/2017	Michael Simpson	Street/Trees Sidewalk info from 2-14-17 Council Meeting	Closed 2-15-17	0	0	City Admin	0.50	
17-18	2/28/2017	Enviro Assessment PC	Fire Dept Reports related to above ground storage tanks or hazardous waste, fire code violations, and date of last inspection	Closed 3-3-17	3		Fire/Building		
17-19	2/24/2017	Todd Hawes	Sq footage of Fairfield Inn	Closed 2-24-17	0		Building		
17-20	3/1/2017	Sera Mattson-DJC	Bid documents for Bell Hill Booster Station Upgrades	Closed 3-2-17	1		Clerk/PWs		
17-21	2/23/2017	Dustin Lawrence	Shapefiles for DuPont's zoning districts	Closed 3-3-17	5		PW/Clerk		
17-22	3/3/2017	Danick Baron-SmartProcure	Purchasing records from 2015-04-03 to current	Closed 3-16-17	4	8	Finance		
17-23	3/2/2017	UW Center for Human Rights	Info on US Customs and Border patrol	Closed 3/20/2017		9	Police		
17-24	3/7/2017	Thomson Reuters	Thomson Reuters	Closed 3/7/2017	5	5	Finance		
17-25	3/9/2017	David Bungert	City council meeting-7-26-16/2-14-17 & DVD for ALS meetings	Closed 3-15-17	3	4	Clerk		
17-26	3/9/2017	David Bungert	Fire dispatch audio and EMS reports from 3-7-38-17/ FD staff schedules, pay stubs, sick call out, vacation leave and all paid and non paid leave types for the period of 3-6-17	Closed 3-15-17	3	4	Fire/Clerk		
17-27	3/9/2017	Zane Shiras	SEPA Application for the Intel Property	Closed 3-28-17	5	12	CD/Clerk/3rd Party notification		
17-27a	3/27/2017	Thomas Boyd	Building plans for 1473 Thompson St DuPont WA	Closed 4-4-17	1				
17-28	3/27/2017	Kate Martin-TNT	DuPont Corporate Park Application Materials	Closed 3-28-17	1	1	CA/CD/Clerk		
17-29	3/30/2017	Jon Silver	DuPont Corporate Park Application Materials	Closed 3-30-17	1	1	CA/CD/Clerk	0.50	
17-30	4/11/2017	Jay Wilkinson	Traffic incident from 6-9-2001	Closed 4-17-17	5	5.00	Police		
17-31	4/28/2017	Dene Kuzaro	permit plans for Hoffman Hill storm system	Closed 4-28-17	0				
17-32	5/5/2017	Darryl Parker	Info on James Whitaker-police records	Closed					

Public Records Requests 2017

PDR #	DATE	NAME	REQUEST	STATUS	Initial Response # Days*	Provided Record/ Install # Days*	Dept.	TOTAL Staff Time # Hours	Notes
17-33	5/12/2017	Citizen request	site plan	Closed 5-12-17	0.5				
17-34	5/22/2017	RFI EmgCorp	Information on Patriots Landing	Closed 5-25-17	1	2.00	Building/Fire		
17-35	6/2/2017	Amy Kephart	Fire records for parcel on Wharf Road	Closed 6-6-17	1	1.00	Fire		
17-36	6/7/2017	Rose Law Office	Information on Richard Chidester	Closed 6-9-17			Fire		
17-37	6/8/2017	Taylor Roberts	Information regarding parcel at NW Barksdale Ave	Closed 6-21-17	1		Building/Fire		
17-38	6/20/2017	Johanna Jones	signed settlment agreement	Closed 6-22-17	1		Clerk		
17-39	6/20/2017	Ashley Stewart	Communications to Amazon regarding fulfillment center	Open 6-20-17	1		Community Dev		Providing installments
17-40	6/20/2017	Bill McDonald	new account utility addresses	Closed 6-26-17			Finance		
17-41	6/21/2017	Taylor Roberts	Sewer line information on NW Barksdale Ave	Closed 6-21-17	0			Bulding/Planning	
17-42	5/25/2017	Kathy Clarke	MOU with Copper Leaf	Closed	1		Clerk		
17-43	6/28/2017	Stephanie Romero	Info on 1600 Marshall Circle	Closed 7-5-17	1			Building/Fire	
17-44	7/6/2017	Mahogany Latchie	info on fire at 1231 Hudson St	Closed 7-8-16	1			fire	
17-45	7/12/2017	Whitney Meyer	Info regarding lots-Amazon/Intel-Clarification sought	Closed	1		Building, Planning, Fire, PW		
17-46	7/17/2017	Dupont Family Dentistry	photo's & Videos of burst water pipe from 7-13-17	Closed 7-20-17	2			Fire	
17-47	7/21/2017	Erik Randall	2014-2016 Fire Dept. Annual Inspection Reports	Closed 7-24-17	0	1.00	Fire	Fire	
17-48	7/21/2017	Paul Marvy	DuPont Police CBA	Closed 7-24-17	0	0.00	Clerk	Clerk	
17-49	7/25/2017	Drew Mickelson	Traveling wall information	Closed 7-25-17	0				
17-50	7/26/2017	Lee Chase	Staff analysis of CAO	Closed 7-26-17	0	0.25			
17-51	7/27/2017	AEI Consultants	BUILDING Trax at DuPont Station-permits-all, code violations	Closed 7-31-17	2	1.00		Building	
17-52	7/27/2017	AEI Consultants	PLANNING Trax at DuPont Station-Activity use limitations, zoning	Closed 8-15-17	1	21.00		Planning	
17-53	7/27/2017	AEI Consultants	FIRE Trax at DuPont Station-hazardous materials, storage tanks fire inspectio	Closed				Fire	
17-54	8/3/2017	Scott Anderson	McNeil Station sewer and water plan sheet C5 plans	Closed 8-3-17	0				
17-55	8/7/2017	Bruce Thill	permits for 211 Barksdale & Advanced Build NW	Closed 7-10-17	3	3.00		Building	
17-56	8/7/2017	Mary Bickerton	Fire-open code violations for 980 Ross Loop	Closed 8-17-17	3	5.00			
17-57	8/7/2017	Mary Bickerton	Building-Planning-COO and building permits for 980 Ross Loop	Closed 8-18-17	3				
17-58	8/7/2017	NZC	Zoning information, COO, building permits, violations	Closed 8-18-17	3				
17-59	8/14/2017	Ivana Halvorsen	Hearing Ex. Decision and staff report for plat of Parkview	Closed 8-18-17	2	3.00			
17-60	8/11/2017	Lauren Gadzia	permits for 2800-2900 Center Drive	Closed 9-7-17	3			Building, PW, Fire	
17-61	8/17/2016	Randall Olson	Hearing Ex. Decision and staff report for plat of Parkview	Closed 7-18-17	1	0.00	Planning & Clerk		
17-62	8/17/2017	Matt Reider	Clear & grading permits, SEPA, Tac. Smelter Plume report	Open 8-17-17					Waiting on requestor
17-63	8/22/2017	Government Jobs	contracts for:ATS, TMS, LMS, HRIS, ERP	Closed 8-24-17	2	0.50			
17-64	8/7/2016	Kathi Weight-SHSD	NW landing plat approvals, building permits to NW 2008 forward		10				
17-65	9/18/2017	Laura Ertz	City's Zoning GIS Shapefile	Closed 9-20-17					
17-66	9/27/2017	Katherine Zmijewski	Building permit for addition at 1637 McDonald Ave, DuPont, wa	Closed 10-29-17	1	0.50			
17-67	10/5/2017	Tracie Skiles	Receipts for various permits for Pizza Hut	Closed 10-6-17					
17-68	10/12/2017	Mary Brownell	Copy of Copperleaf letter ready by Mayor Courts at 10-10-17 CC meeting	Closed 10-16-17	1				
17-69	10/12/2017	Guy Claudy	Documents, emails, minutes (Council, PC) Copperleaf MOU -Old Fort Lake/Copperleaf. City Council minutes, the MOA between the City and Copper Leaf, all official emails between Copper Leaf and City Officials (elect or employed), and all documents pertaining to the rezoning of the 400 acres known as Old Fort Lake	Closed 11-16-17	1				Installment and working with requestor
17-70	10/12/2017	Chris Barnes	Copy of Copperleaf letter ready by Mayor Courts at 10-10-17 CC meeting	Closed 10-16-17	1				
17-71	10/9/2017	Christine Sloan	DEA Collective Bargaining Agrement	Closed 10-16-17	3				
17-72	10/16/2017	Beth Elliot	PC audio file for 4-10, 4-24 and May 8, 2017 Meetings	Closed 10-16-17	0				
17-73	10/17/2017	Beth Elliot	PC audio file for 43-28-17	Closed 10-17-17	0				
17-74	11/1/2017	Joan Mel	Communications to Amazon regarding fulfillment center	Open	5				
17-75	11/1/2017	Zach Dunham	Fire Department report from 10-27-17 Baselite	Closed 11-7-17	1				
17-76	11/6/2017	Jacob Zerby, WACDL	Records related to Brady lists kept by the City of DuPont	Closed 11-6-17	0			0.50	
17-77	11/8/2017	Cody Carter	Information regarding 1000 Wilmington Drive	Open 11-8-17	1				
17-78	11/8/2017	Kat Gorman	Sign Code search for 1545 Wilmington Dr	Closed 7-8-17	0				
17-79	10/29/2017	Kun Li	Copy of property blueprint for 1846 Bob's Hollow Lane	Closed 10-30-17	1				
17-80	10/8/2007	Dwight Monahon	Police lateral eligibility list	Closed 11-9-17					
17-81	9/17/2017	Laura Sites	Information on fire at Wilmington Village Apt on 9-27-17	Closed 11-20-17	1				

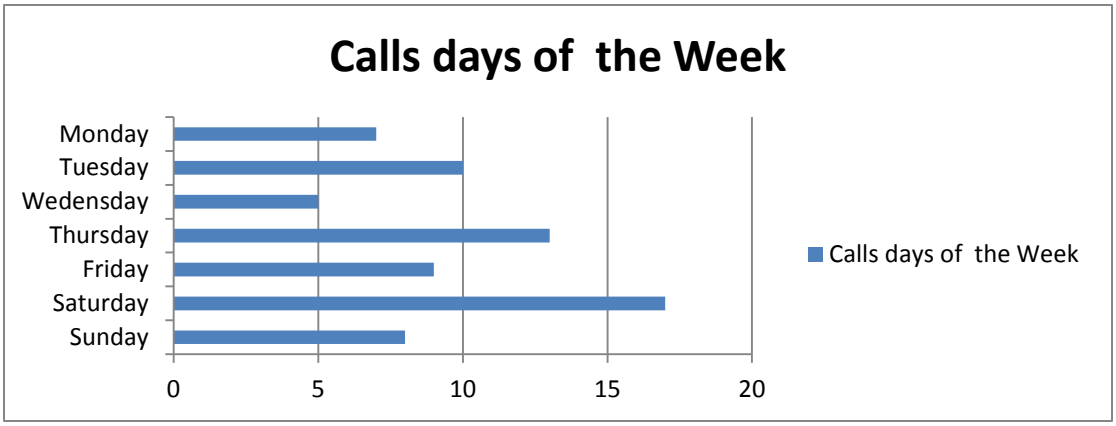
Public Records Requests 2017

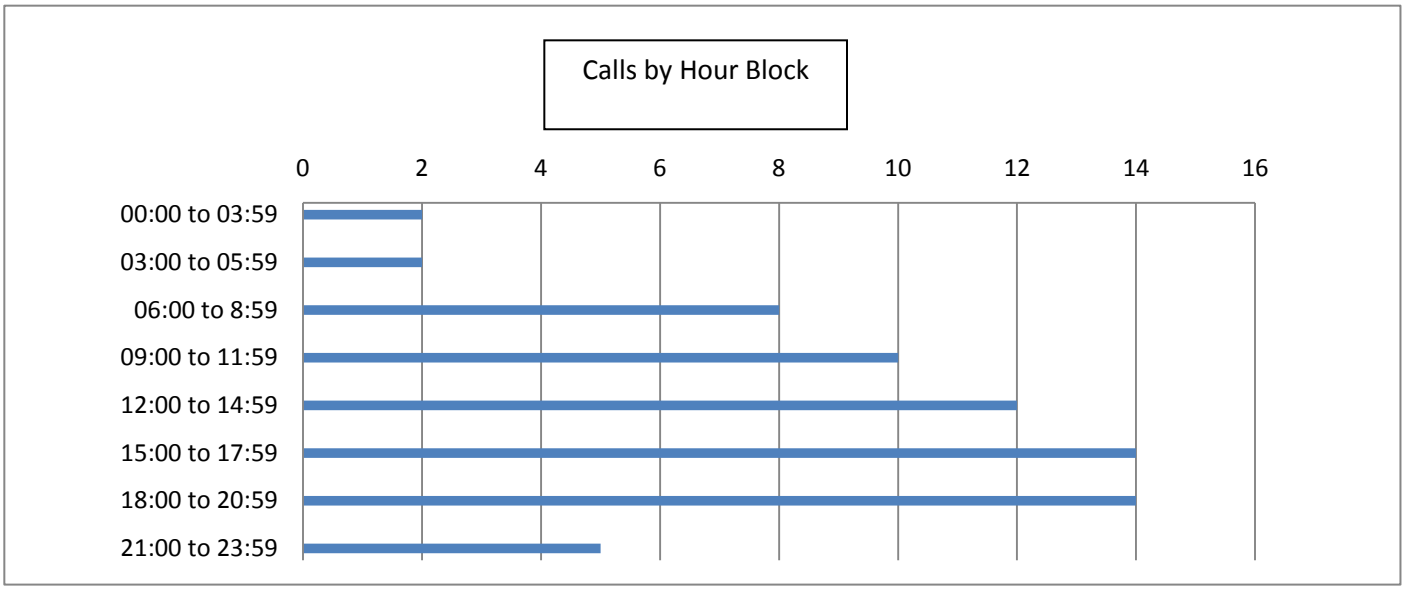
PDR #	DATE	NAME	REQUEST	STATUS	Initial Response # Days*	Provided Record/ Install # Days*	Dept.	TOTAL Staff Time # Hours	Notes
17-82	11/17/2017	Bob Farell	All email correspondence from June 1, 2016, written-by or addressed to or copied to the Mayor, the City Administrator, the City Human Resources Manager, the City Finance Director, and Mr. Larry Creekmore which discusses the proposed establishment of the City Battalion Chief position as proposed in the 2018 City budget.	Open 9-17-17	1				
17-83	11/17/2017	Bob Farell	Any reports of evaluations of the DuPont Fire Department made since January 1, 2012.	Open 9-17-17	1				
				2017 Average Days	1.41	2.31			

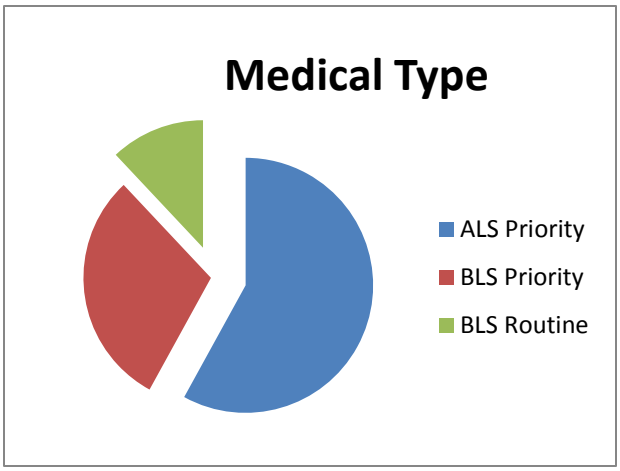
* Number of days is calculated as business days and does not count the day the request was received

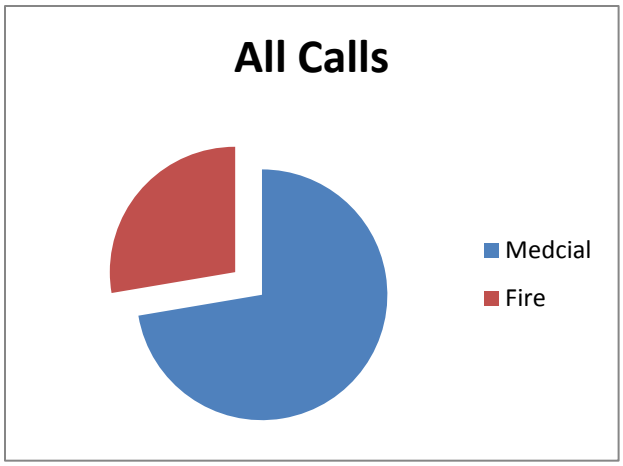
October Monthly Report-2017

Incident type	2016 Responses	2017 Responses	YTD	Estimated Dollar Loss
Fire	3	2	16	$5000.00 (RV Fire)
EMS/Rescue (MVA)	35	50	473	NA
Hazardous Condition	3	1	16	NA
Service Calls	9	6	76	$4000.00
Severe Weather	0	0	1	NA
False Alarm/Good Intent	5	11	94	NA
Total	**55**	**70**	**669**	**NA**
			YTD Total	**$682,850**









District	2017
49-100 (I-5/ Mounts exit) Unincorporated Pierce or (MA)	3
49-801 Historic Village	8
49-802 El Rancho Madrona	1
49-803 Palisade	7
49-804 Edmond Village	4
49-805 DuPont Station	6
49-806 Yehle Village	22 (14-PL)
49-807 Hoffman Hill	10
49-808 Bell Hill	0
49-809 Warehouse District	4
49-810 Glacier Mine	3
49-811 Civic Center	1
49-812 Golf Course	1
49-815 Solo Point	0
Total	**70**

Response Times

City Adopted	Time Standard	Average	Percent	YTD
Dispatch to En-Route	120 seconds	92.62 seconds	64.70%	78%
En-Route to On Scene	360 seconds	197.56 seconds	95%	82.12%
Time from Dispatch to On Scene	480 seconds	304.13 seconds	94.%	86.51%

NFPA-1710 Time	Time Standard	Average	Percent	YTD
Dispatch to En-Route	80 seconds	92.62 seconds	20%	39.11%
En-Route to On Scene	240 seconds	197.56 seconds	78.35%	61.75%
Time from Dispatch to On Scene	340 seconds	304.13 seconds	61%	60.51%

Over all Time -Standard

Call type	City	NFPA
Priority-1 Medical	74%	49%
Priority-2 Medical	71%	50%
Priority-3 Medical	90%	25%
Fire	87%	57%

Monthly Activity Report

Responses/Operations:

- ✓ DuPont Fire Department had 70 calls for service. Paramedic (ALS) arrival times averaged 18.85 minutes (this does not include our dispatch time to when they call en-route) compared to DuPont's average response time of 6:00 minutes, Paramedics units (ALS) were not available 56 % of the time.
- ✓ Other departments handled 7% of our calls, thus significantly increasing response time.
- ✓ We had 50 medical calls of which 3 were Motor Vehicle Accidents (MVA) The finial call type based on protocol were as follows
    - 32-ALS
    - 13-BLS
    - 5-Non patients
- ✓ DuPont Fire transported 21 patients
    - 16-ALS
    - 5-BLS
- ✓ A reserve was on duty 22% of the days in October

Training/Recruitment:

- ✓ 2017 volunteer reserve recruitment is on-going, set to complete December 13th
- ✓ Intel drills are planned for 2 weeks in December

Public Activities/Education:

- ✓ 11-Publice Events/Station Tours

- **Ways to Prevent Slips, Trips, and Falls at Home**
  Falls are the No. 1 cause of injuries at home, and they can happen to anyone at any age.

    - ✓ Keep Emergency Lights Handy
    - ✓ Night-Lights Inside and Out
    - ✓ Add Friction to Slippery Surfaces
    - ✓ Watch for Ice
    - ✓ Install Hardware-Mounted Safety Gates at the Top of Stairs
    - ✓ Ditch the Clutter, Especially on Stairs
    - ✓ Make Windows Safe for Kids
    - ✓ Use a Wall-Mount Soap Dispenser
    - ✓ Use Step Stools Safely

FINANCE DEPARTMENT

ACCOUNTING & BUDGET*CENTRAL SERVICES*INFORMATION SYSTEMS

TO: Mayor Mike Courts, City Council
FROM: Carma Oaksmith, Finance Director
RE: Report for the Month of October 2017
DATE: November 28, 2017

Accounting & Utility Statistics:

- Business License applications: 12 new (5 General, 7 Home Occupation) & 77 licenses processed in total
- Accounts Payable and Receivable:
  1. Bills Paid for All Departments: $1,256,465
  2. Amount Collected for Reimbursable Services, year to date: $82,688

Utilities:

- New Accounts Established: 0 total (0 new construction, 0 new residents)
- Utility Bills:

Utility Bills:	3,095	Shut Off Notices:	0
Final Bills:	133	Adjustments:	0
Past Due Notices:	428	Shut Offs:	0

- Online bill pay by month/year:

	2017						
Month	Total Paid	# Online Pymts	# All Pymts	% On-line	e-Bills Sent	Direct Debit	# Direct Debits
January	$103,245	907	3,026	30.0%		$41,240	404
February	$24,262	230	1,100	20.9%	216		
March	$87,117	839	2,522	33.3%		$43,247	409
April	$23,101	231	1,052	22.0%	226		
May	$94,364	819	2,050	40.0%		$43,269	417
June	$56,833	280	579	48.4%	266		
July	$113,718	864	2,134	40.5%		$47,722	407
August	$61,172	260	459	56.6%	284		
September	$156,503	910	3,159	28.8%		$63,465	389
October	$67,736	255	376	67.8%	309		
Total YTD	$788,051	5,595	16,457	34.0%	1,301	$238,945	2,026

	2016							2015	
Month	Total Paid	# Online Pymts	# All Pymts	% On-line	eBills Sent	Direct Debit	# Direct Debits	Total Paid	# Online Pymts
January	$83,480	726	3,681	19.7%		$47,485	458	$29,101	276
February	$24,980	174	1,250	13.9%	142			$5,854	68
March	$72,470	706	3,341	21.1%		$46,939	456	$49,591	460
April	$24,034	223	1,320	16.9%	156			$15,213	134
May	$83,934	726	3,288	22.1%		$46,262	451	$57,324	545
June	$17,663	171	860	19.9%	165			$19,942	163
July	$111,722	802	3,302	24.3%		$60,297	428	$71,556	594
August	$22,030	175	584	30.0%	172			$17,713	151
September	$137,452	852	2,319	36.7%		$51,577	369	$94,082	653
October	$25,678	189	667	28.3%	192			$31,509	200
November	$111,955	850	2,644	32.1%		$49,014	411	$84,957	672
December	$25,269	217	975	22.3%	204			$21,873	179
Total YTD	$740,667	5,811	24,231	24.0%	1,031	$301,572	2,573	$498,716	4,095

Finance Services Update:

Financial Condition Update

Overall, most revenues received through October of 2017 are on track with those received for the same time period in 2016. There are a few exceptions to note. One-time monies of $70,000 were included in the February 2016 related to back taxes owed to the City from the second and third quarter of 2015. B&O tax and square footage tax would be ahead of revenues collected in 2016 for the same time period; however there is an outstanding 2017 tax payment expected to be received by the end of this year. As for General Fund expenditures, there are a few departments that are above their expected expenses but overall most departments are on track with expected and historical expenditure rates.

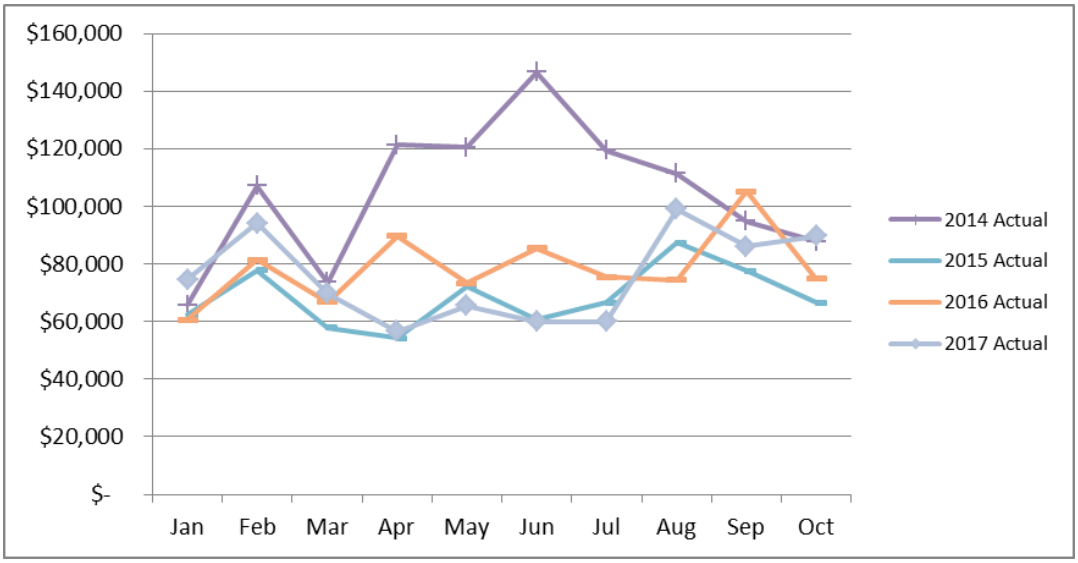
Highlights of General Fund revenues include:

- **Sales Tax** – Sales tax collected through the month of October are coming in below budget expectations by about 3.4%. When compared to the same time last year, sales tax is coming in 4% behind 2016 receipts. This is reflective of the decrease in sales tax revenue related to the construction of the hotels which were much higher in 2016.

  The following tables and graph show monthly sales tax collections for 2016 and 2017 by month through October.

City of DuPont Actual Monthly Sales Tax Receipts

Month	Sales Tax Receipts 2016	Sales Tax Receipts 2017	Dollar Change	Percent Change
Jan	$ 60,589	$ 74,583	$ 13,994	23.1%
Feb	81,451	94,161	$ 12,709	15.6%
Mar	66,683	69,813	$ 3,130	4.7%
Apr	89,777	56,498	$ (33,278)	-37.1%
May	73,423	65,610	$ (7,813)	-10.6%
Jun	85,408	60,075	$ (25,333)	-29.7%
Jul	75,398	59,982	$ (15,416)	-20.4%
Aug	74,374	99,091	$ 24,716	33.2%
Sep	105,154	86,107	$ (19,046)	-18.1%
Oct	74,819	89,631	$ 14,812	19.8%
Total	**$ 787,076**	**$ 755,551**	**$ (31,525)**	**-4.0%**



- **B&O Taxes** – Business and Occupation (B&O) taxes are collected on a gross receipts basis and, for certain types of businesses, a square footage basis as well. With exception to an outstanding 2017 tax payment expected to be received this year, combined revenues from both gross receipts B&O tax and square footage B&O tax are slightly behind in revenues collected at this time in 2016 by $22,225 or 13%.

- **Permit revenues** – Permit revenues collected through October total $101,237. When compared to the same time in 2016, we have collected $20,536 more for the same period in 2017.

- **Lodging Tax** – Although not in the General Fund, lodging tax revenues are important to the general fund. Revenue received through October 2017 is $80,718. This exceeds the revenues collected through October of 2016 by $52,689.

- **REET** – Revenue through October 2017 totaled $488,787 and has come in $368,627 below revenue collected through October 2016 as the result of a large sale from February 2016 impacting April 2016 revenues totaling over $300,000.

Department Update

A number of projects were started or continued to be worked on in last few months of 2017 by the Finance Director and team including:

- 2018 budget process
- Preparing for the November State Auditor's Financial Review
- 4th Quarter Budget Amendment
- Purchasing Policy update
- Reviewing the process of Utility Billing and possibly outsourcing printing and mailing
- Internal audit of L&I premiums paid
- Continue to surplus machinery and equipment as authorized through quarterly inventory surplus resolutions

DuPont Police Department

1780 Civic Drive, Suite 100
DuPont, WA 98327
Office (253) 964-7060 Fax (253) 964-8491

Police Department Monthly Report For October 2017

Crime Trends

Below are the Calls for Service (CFS) totals for the month of October 2017. The number of CFS for both September 2017 and October of 2016 are also listed.

Calls for Service (CFS)	*October 2017*	*September 2017*	*October 2016*
Total CFS	424	471	523
DuPont CFS	401	442	467
Traffic Stops	141	179	156

Total CFS are down by 47 from last month, and DuPont calls are down by 41. The number of traffic stops decreased by 38. The lower numbers are a result of officers attending training or on annual leave.

Response Time Averages for the Month of October

Priority Level	*2016 Average*	*Oct 2017*	
1	2:46	2:45	Average
2	4:32	4:10	Lower than average
3	6:30	5:15	Lower than average

Detective Division: Investigative Information

Cases opened in October: 3
Cases forwarded to Prosecutor for charging/review: 1

Community Policing and Volunteer Updates

Community Connectors Meetings:
- Hoffman Hill Village – 7th
- Coffee with the Connectors – 12th
- Palisade Village – 16th
- Bell Hill Village – 17th
- Community Connector Meeting – 19th

Safety Fair – 28th (Child ID Booth)
Chloe Clark Halloween Costume Parade – 31st
Downtown Trick-or-Treat Event – 31st

Volunteers committed 176 hours of service to the police department and the community for the month of October.

October 2017 Training Update

The department hosted the second of the three-part FBI-LEEDA series entitled "Command Leadership" the week of October 9th. Sergeants Saboe, Nelson and Cummings and Assistant Chief Jackson were in attendance.

Detective Barnes attended Homicide Basic Training at CJTC.

Officer Chung attended and passed the Police Motorcycle Operations Training at Tacoma PD. Officer Chung had the distinction of being the only officer to complete and pass the course in his class.

Diana Hooft and Monica Behm attended Public Disclosure training in Walla Walla.

Department Updates

We are continuing to review and update our policies and procedures manuals to ensure that we maintain the standards of our WASPC accreditation.

The background process for a lateral entry continues.

Upcoming Events

Yehle Village – November 29th

Traffic Violations and Arrests – October 2017

Violation Description	*Infraction Traffic*
TOTAL NUMBER OF TRAFFIC INFRACTION NOTICES (NOIs) ISSUED:	**50**
TOTAL NUMBER OF WARNINGS GIVEN:	**127**

	Misdemeanors (Includes Criminal Citations)	*Felony*	*TOTAL ARRESTS*
TOTAL NUMBER OF ARRESTS:	**5**	**5**	**10**

Monthly Written Report Synopses - October 2017

Occurred On	Incident No.	Description	Reporting District (RD)	Synopsis
10/3/2017 13:13	1727601018	Found Property	811	Found property turned into the police station.
10/3/2017 16:27	1727601483	Suspicious Person / Vehicle / Incident / Information (FIR)	805	Fraud information.
10/3/2017 19:30	1727700541	Traffic - Hit and Run - Non Injury	801	Hit and Run.
10/4/2017 11:23	1727700928	All Other Offenses - Non-Criminal	811	Prescription medication drop off box emptied.
10/4/2017 13:22	1727701179	Traffic - Hit and Run - Non Injury	807	DUI / hit and run.
10/4/2017 14:23	1727701334	All Other Offenses - Non-Criminal	805	Officer responded to a report of a possible suicidal subject.
10/5/2017 13:00	1728001130	Neighborhood / Civil Disputes	807	Officer responded to a neighbor dispute.
10/5/2017 15:40	1727801533	Suspicious Person / Vehicle / Incident / Information (FIR)	808	Information
10/5/2017 16:20	1727801643	Suspicious Person / Vehicle / Incident / Information (FIR)	804	Involuntary commit.
10/5/2017 22:59	1727802466	Criminal Arrest Warrant	801	Officer arrested a subject for felony DOC escape warrant and DWLS/R 3rd. Vehicle was impounded.

Monthly Written Report Synopses - October 2017

Occurred On	Incident No.	Description	Reporting District (RD)	Synopsis
10/6/2017 2:42	1727900181	Traffic - Driving Suspended / Revoked / DWLS / DWLR	801	Officer stopped a vehicle and the driver was cited/released for DWLS/R 3rd and the vehicle impounded.
10/6/2017 11:49	1727900884	Traffic - Driving Suspended / Revoked / DWLS / DWLR	801	Driver was stopped and issued a citation.
10/6/2017 16:30	1728000749	Theft - From Motor Vehicle - Vehicle Prowl	807	victim reported a car prowl.
10/6/2017 17:00	1728101465	Suspicious Person / Vehicle / Incident / Information (FIR)	806	Information report for public works. Possible vandalism.
10/6/2017 17:20	1729700485	Telephone - Harassment	809	Victim reported telephone harassment.
10/6/2017 19:00	1728201626	Theft - From Motor Vehicle - Vehicle Prowl	803	Officer took a vehicle prowl report.
10/6/2017 19:31	1727901965	Traffic - DUI / Driving Under the Influence - Liquor	805	Officer arrested a subject for DUI.
10/6/2017 20:00	1728000451	Theft - From Motor Vehicle - Vehicle Prowl	807	Victim reported a car prowl.
10/6/2017 21:30	1728000793	Theft - From Motor Vehicle - Vehicle Prowl	807	Victim reported a car prowl.
10/6/2017 22:40	1728000548	Theft - From Motor Vehicle - Vehicle Prowl	807	Victim reported a car prowl.
10/7/2017 7:00	1728200602	Destruction / Damage / Vandalism of Property - Private	808	Theft/ vandalism.
10/7/2017 20:09	1728001746	Assist Other Jurisdiction / Agency	933	Officer assisted WSP with a DUI.

Monthly Written Report Synopses - October 2017

Occurred On	Incident No.	Description	Reporting District (RD)	Synopsis
10/8/2017 1:52	1728100140	Traffic - DUI / Driving Under the Influence - Liquor	803	Officer arrested a subject for DUI
10/8/2017 20:00	1728200441	Vehicle Prowl / No Theft / Trespass	803	vandalism/ vehicle prowl.
10/8/2017 20:00	1728200523	Theft - From Motor Vehicle - Vehicle Prowl	803	Vehicle prowl.
10/8/2017 20:00	1728200580	Theft - From Motor Vehicle - Vehicle Prowl	806	Vehicle prowl
10/8/2017 23:00	1728200360	Theft - From Motor Vehicle - Vehicle Prowl	803	Vehicle prowl.
10/8/2017 23:00	1728200373	Vehicle Prowl / No Theft / Trespass	806	Vehicle prowl
10/8/2017 23:00	1728200662	Destruction / Damage / Vandalism of Property - Private	801	Vandalism
10/8/2017 23:00	1728200860	Theft - From Motor Vehicle - Vehicle Prowl	806	Vehicle prowl
10/8/2017 23:00	1728201081	Theft - From Motor Vehicle - Vehicle Prowl	803	Vehicle prowl
10/9/2017 12:30	1728200971	Found Property	805	Found Property
10/9/2017 15:50	1728201375	Assault - Aggravated - Family - Gun	803	Assault 1
10/9/2017 19:14	1728201942	Theft - Motor Vehicle Parts or Accessories - Veh Part	803	Officer took a report of a stolen license plate.
10/9/2017 23:00	1728300641	Theft - From Motor Vehicle - Vehicle Prowl	806	Vehicle prowl

Monthly Written Report Synopses - October 2017

Occurred On	Incident No.	Description	Reporting District (RD)	Synopsis
10/10/2017 0:30	1728300125	Runaway	807	Officer took a runaway report.
10/10/2017 6:38	1728300330	Suspicious Person / Vehicle / Incident / Information (FIR)	807	Run away.
10/10/2017 7:30	1728300552	Theft - Motor Vehicle (MVTR)	807	Motor vehicle theft
10/10/2017 14:19	1728301190	Weapon - Discharge / Display / Aiming / Pointing	807	Officer responded to a call from a local citizen referencing a accidental discharge of a weapon.
10/10/2017 16:55	1728301521	Fraud - Identity Theft	807	Citizen walked into the police station to report a possible attempted fraud.
10/10/2017 20:30	1728301941	Suspicious Person / Vehicle / Incident / Information (FIR)	805	FIR.
10/11/2017 6:22	1728400294	Criminal Arrest Warrant	805	Warrant arrest.
10/13/2017 11:30	1728600832	Assault - Nonaggravated (Simple) Family	807	Officers responded to an attempted suicide.
10/13/2017 16:57	1728601470	Criminal Arrest Warrant	801	Subject was arrested for warrants.
10/14/2017 0:30	1728700041	Traffic - Driving Suspended / Revoked / DWLS / DWLR	805	Officer stopped a vehicle and the driver was cited/released for DWLS/R 3rd.
10/14/2017 0:41	1728700417	Telephone - Harassment	802	Victim received harassing phone calls.
10/14/2017 20:39	1728701674	Traffic - DUI / Driving Under the Influence - Drugs	805	Officer stopped a speeding vehicle and the driver was arrested for DUI.

Monthly Written Report Synopses - October 2017

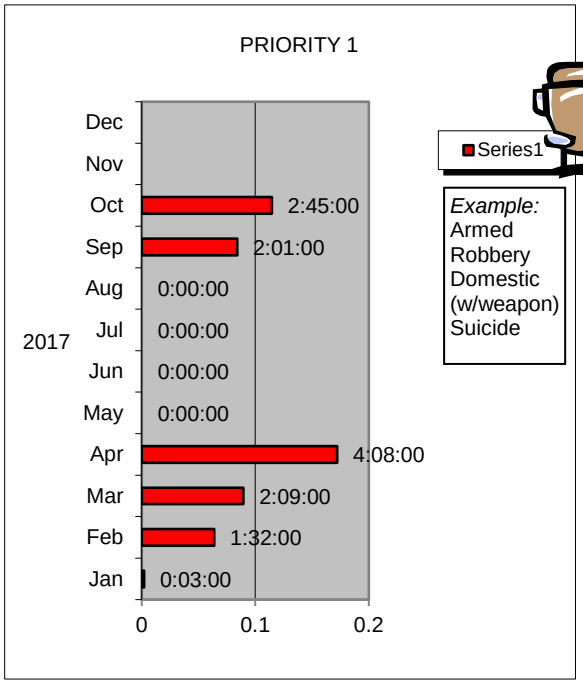
Occurred On	Incident No.	Description	Reporting District (RD)	Synopsis
10/19/2017 12:00	1729302180	Theft - From Motor Vehicle - Vehicle Prowl	804	Local resident reported someone stole his pistol out of his unlocked vehicle. The weapon was listed as stolen in NCIC.
10/19/2017 18:00	1729701706	Theft - From Motor Vehicle - Vehicle Prowl	806	Police received a report of a vehicle prowl. No suspect information.
10/20/2017 7:18	1729300376	Theft - All Other Theft/Larceny	811	Theft of vehicle tabs
10/20/2017 12:00	1729301754	Burglary - Forced Entry - Residence	803	Local resident reported unknown person(s) forced entry into his garage man door causing damage to the door frame.
10/22/2017 3:00	1729600572	Intimidation / Stalking includes Cyber / Computer etc.	806	Victim reported computer harassment.
10/22/2017 13:47	1729600618	Fraud - Credit Card / Automatic Teller Machine	811	Victim reported fraud.
10/22/2017 14:00	1729601001	Fraud - Credit Card / Automatic Teller Machine	805	Victim reported credit card fraud.
10/23/2017 2:18	1729600162	Suspicious Person / Vehicle / Incident / Information (FIR)	805	FIR
10/24/2017 12:30	1729901429	Theft - All Other Theft/Larceny	805	Theft of services.
10/24/2017 15:00	1729701979	Sex Crime - Pornography - Possess - Display	802	Officer took a lewd conduct report. Forward case to detective for follow-up.
10/24/2017 16:00	1729701567	Found Property	806	A citizen turned in found property.
10/25/2017 7:00	1729800445	Theft - From Motor Vehicle - Vehicle Prowl	807	Vehicle prowl.

Monthly Written Report Synopses - October 2017

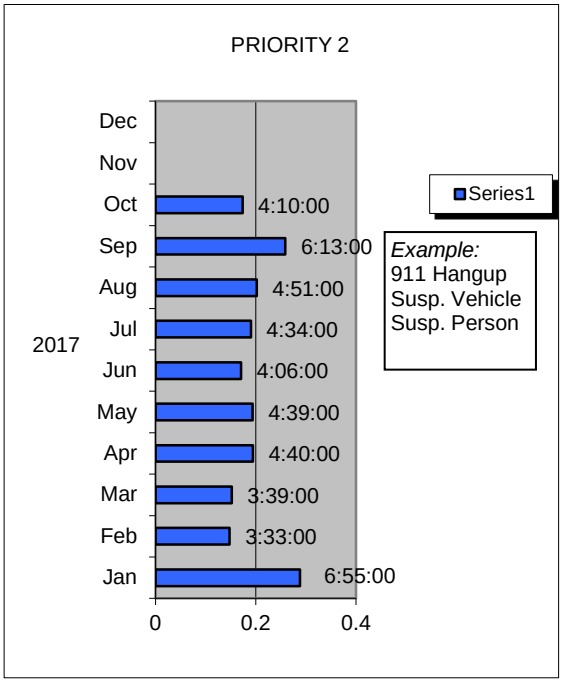
Occurred On	Incident No.	Description	Reporting District (RD)	Synopsis
10/25/2017 12:00	1729800903	Theft - From Motor Vehicle - Vehicle Prowl	806	vehicle prowl
10/25/2017 14:23	1729801224	Drug - Paraphernalia	805	Officer responded to a local business for a report of a possible shoplifter in the store.
10/26/2017 11:24	1729900887	Found Property	811	Found property.
10/27/2017 9:56	1730000635	Found Property	807	Found property
10/27/2017 13:02	1730000989	Criminal Arrest Warrant	933	Warrant Arrest
10/28/2017 12:30	1730100835	Sex Crime - Pornography - Possess - Display	806	Child Porn.
10/29/2017 23:09	1730201859	Trespass of Real Property / Criminal Trespass	801	Police arrested a person for criminal trespass and resisting arrest at a local gas station
10/30/2017 18:41	1730301757	Violation of Court Order - Civil / Harassment	801	Police received information of a civil nature. No crime.
10/30/2017 23:00	1730400802	Destruction / Damage / Vandalism of Property	808	Officer responded to a local residence for a report of a possible vehicle prowl.
10/31/2017 12:00	1730501032	Extortion (Blackmail) - Threat to Injure Reputation	804	Telephone threats
10/31/2017 17:10	1730401575	Destruction / Damage / Vandalism of Property - Private	805	Police received a vehicle prowl report at a local business parking lot. Suspect vehicle description is available.

Response Times:

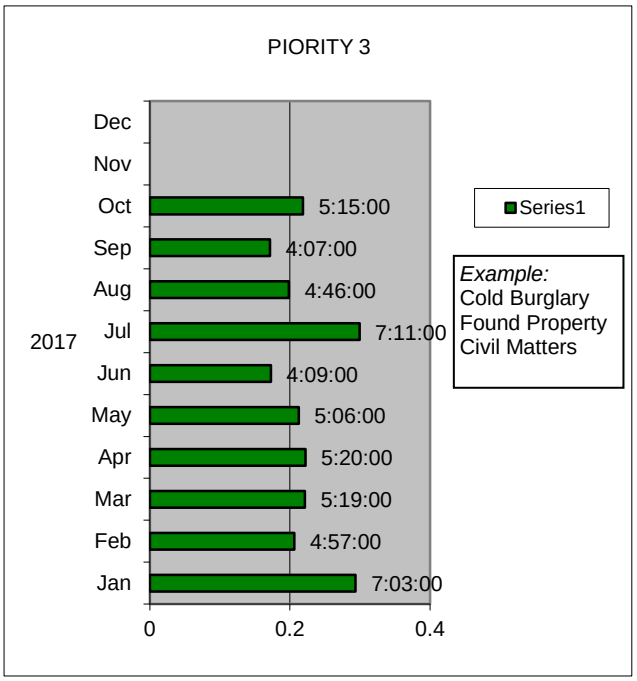
The response time to calls for service is a critical component of our service delivery. We have three categories of calls for service: priority one, two and three. Priority one calls are emergency calls where there is a potential for serious injury or loss of life. Priority two calls are those that are less serious but require immediate attention. A priority three call is one that does not need immediate attention and is usually handled when officers have time available. Response times can vary greatly due to the number of officers working, ongoing higher priority activity or drive time. The chart below compares our 2017 monthly response times with the 2016 average. This information is used to review manpower, officer availability and activity levels. *Our response time is measured from the time the officer receives the call until the time he arrives.*



2016 Average 2:46



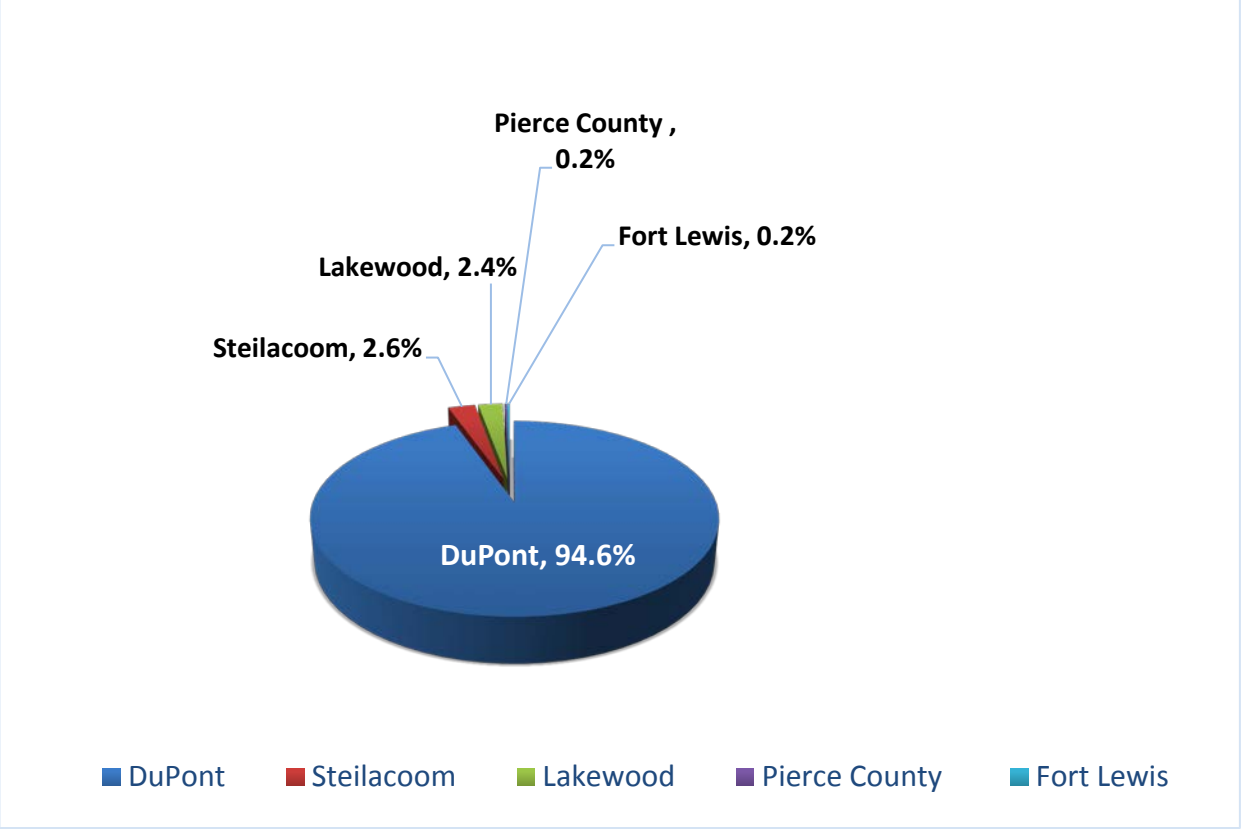
2016 Average 4:32



2016 Average 6:30

DPD JURISDICTION TOTALS - OCTOBER 2017

Jurisdiction	Count	Percentage
DuPont	401	94.6%
Steilacoom	11	2.6%
Lakewood	10	2.4%
Pierce County	1	0.2%
Fort Lewis	1	0.2%
TOTAL	**424**	**100.0%**



Calls for Service (CFS) by Reporting District (RD) October 2017

Call Type	Reporting District (RD												
	801	802	803	804	805	806	807	808	809	810	811	812	Grand Total
911 HANG-UP/OPEN LINE					2		5	1	1				9
ABANDONED VEHICLE			1										1
AGENCY ASSIST	8		1									1	10
ALARM OTHER					1	1							2
ANIMAL COMPLAINT (GENERAL			1										1
ANIMAL COMPLAINT (GENERAL)	1		1		1								3
ATTEMPT SUICIDE										1			1
BURGLARY ALARM - COMMERCIAL			1		2			3	1		1		8
BURGLARY ALARM - RESIDENTIAL		1				2							3
CHECK/CREDIT CARD FRAUD				1	1								2
CITIZEN ASSIST			1		3	1	1				2		8
CITIZEN FLAG DOWN							1						1
CIVIL ISSUE	2				1		1		2				6
DISABLED VEHICLE IN ROADWAY	1				1		1	2			1		6
DISORDERLY - FIGHT			1		1								2
DISORDERLY - NEIGHBOR DISPUTE	1						1						2
DISORDERLY - VERBAL ALTERCATION			1		1								2
DUI	2				1	1							4
DV - WITH WEAPON			1										1
DVV - VERBAL DOMESTIC						1				1			2
FOLLOW UP	1		1		2	2	2						8
FOUND BIKE							1						1
FOUND PROPERTY			1		1	1					2		5
FRAUD/FORGERY					1								1
HARASSMENT	1	1				1							3
HAZARD - MISCELLANEOUS	1					1	1						3
HAZARD - SIGN/SIGNAL					1								1
HAZARD - TRAFFIC	2		2		1								5
INCORRIGIBLE JUVENILE				1			1						2
INFORMATION FOR POLICE	2		1				2			1	6		12

Calls for Service (CFS) by Reporting District (RD) October 2017

Call Type	Reporting District (RD												
	801	802	803	804	805	806	807	808	809	810	811	812	Grand Total
JUVENILE PROBLEM (GENERAL)							2	1					3
LITTERING				1									1
MEDICAL AID (CALL TRANSFERRED TO FIRE PSAP)			1		1	4							6
MISCELLANEOUS			1										1
MOTOR VEHICLE THEFT							1						1
MVC - HIT & RUN	1		1		1		1						4
MVC - INJURY OR UNK INJURY							1		1				2
MVC - NON INJURY					1		1						2
NARCOTICS ACTIVITY						1					1		2
NOISE COMPLAINT			1		1								2
PANIC ALARM - RESIDENTIAL							1						1
PARKING PROBLEM	1					2	1		1				5
PARTY - ADULT							1			1			2
PERSON DOWN								1					1
PHONE MESSAGE FOR OFFICER						1					5		6
PORNOGRAPHY						1							1
RAPE											1		1
RESIDENTIAL BURGLARY			1			1	1						3
RUNAWAY							1						1
SECURITY CHECK	3					6	2	1		1			13
SHOPLIFT					1								1
SPECIAL EMPHASIS	1		1								2		4
SUBJECT STOP			2	1	2								5
SUBJECT STOP - SUBJECT IN VEHICLE	1			1	2	1							5
SUICIDE THREAT					1	1	1						3
SUSPICIOUS - PERSON	1		1	1	4	6							13
SUSPICIOUS - VEHICLE	1			2	4	1	2		1		1		12
THEFT					1			1					2
THEFT - FROM VEHICLE			4	2	1	7	5	1					20
THREATS	3								1				4
TRAFFIC STOP	14		19	20	38	7	2	3	7		31		141
TRANSPORT	1												1
TRESPASS	1			1							1		3
UNWANTED PERSON					1								1
VANDALISM	1												1

Calls for Service (CFS) by Reporting District (RD) October 2017

Reporting District (RD													
Call Type	801	802	803	804	805	806	807	808	809	810	811	812	Grand Total
VIOLATION OF COURT ORDER	1												1
WELFARE CHECK	3		1	2	1	2	1	1					11
Grand Total	**55**	**2**	**47**	**33**	**81**	**52**	**41**	**15**	**15**	**5**	**54**	**1**	**401**

Please refer to the *Jurisdiction Summary* for total calls including outside jurisdictional

REPORTING DISTRICT (RD)

DuPont

801	Historic Village	807	Hoffman Hill
802	El Rancho Madrona	808	Bell Hill
803	Palisade	809	Warehouse District
804	Edmond Village	810	Glacier Mine
805	DuPont Station	811	Civic Center
806	Yehle Village	812	Golf Course

Parks & Recreation
Tourism and Museum
October 2017

1700 Civic Drive
DuPont, WA 98327
Ph 253.912.5245 Fax 253.964.1455

Teen Council

The Teen Council hosted its first Haunted House October 27th-28th. The event was held at the Community Center in Historic DuPont. Materials for the structure of the Haunted House were donated by Intel. Over $5000 worth of materials were loaned to the Youth Council by Council Member Gasak. Other donors include Councilmember Estep, Park Agency Chair Renee Buck, Lee Chase, Mike Turner and Bill Anderson. The DuPont Lions and other volunteers were on site to assist in prepping the facility, which was completed beyond our expectations.

The Youth Council also coordinated a Bone Hunt at Robinson Park that occurred during the Haunted House for younger kids ages, 2-10. The line to get in went around the block at Barksdale! A Bone Hunt is similar to an Egg Hunt, but occurs at night with flashlights and the kids hunt for bones in a festively decorated graveyard.

Overall Profit from Event	$270.00
Canned Goods Donated to local Food Bank	114
Haunted House Attendees	340
Bone Hunt Attendees	575
Overall Volunteer Hours	275

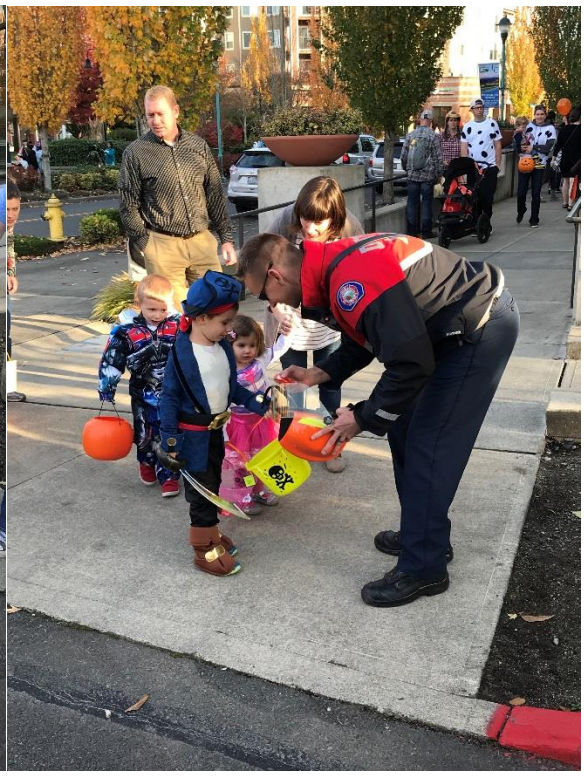
Staff is meeting with the Youth Council monthly to establish projects, community service goals and to discuss issues that may be occurring in the community. The teens have decided to host a Teen Giving Tree during the holidays and help sponsor families with holiday meals. Participants from the Youth Council will host a booth at the Holiday Bazaar to help raise funds for their determined projects.

Citizens throughout DuPont have fallen in love with the Youth Council. Their projects are enthusiastically supported by all. The overall support of the entire community has been overwhelmingly positive and kids who are participating are flourishing.

Downtown Trick or Treating

This year's Downtown Trick or Treating event produced record numbers in our business district. Local businesses have reported over 1500 Trick or Treaters and parents through their businesses during a two hour period. Parks & Recreation, Police and Fire were all represented at the event. The community continues to support this event, as our number of participants increases annually.

Staff is also working with the Police Department and Public Works to increase security for next year's event- Specifically, barricading areas to block off intersections to keep vehicles and large trucks from entering the event.



Senior Activities

The senior community enjoyed a day at the EOC playing Bingo, enjoying lunch and listening to a safety talk by the DuPont Fire Department. Chief Creekmore and staff called the Bingo numbers, which was a hit for the seniors. Staff had brainstorming discussions with the seniors on events and programs they would like to participate in throughout 2018. Transportation is still the top concern amongst our seniors.

Nisqually Tribe Grants

City staff and the DuPont Historical Society have applied for the following grants through the Nisqually Tribe. We expect to hear the results of our efforts in early December:

1) Sequalitchew Creek Trail Restroom, Kiosk, & Salmon Incubation - $175,000
2) Parks & Recreation Recreational Van - $40,000
3) Digital Readerboards - $40,000
4) Community Center Survey - $15,000
5) Museum Staffing $15,000 (Historical Society)

Communications Policy

Staff is developing three distinct comprehensive communication policies that encompass Social Media, Wireless Communication, and the 2018 City of DuPont Communication Policy Development Plan. Each of these policies will be the framework from which we operate and will provide a clear reference for employees, elected officials and committees.

Recreation Guide

The City of DuPont's first recreation guide is on schedule to arrive in mailboxes the second week of January. We are hosting a photo contest for the cover of the guide and have received some amazing photos of our city throughout the seasons. The guide will promote events and programs for all ages that occur between the months of January thru April.

DuPont Museum

The DuPont Museum has announced two exciting lectures for 2018:

Camp Lewis and its role in WWI	**Washington's Secret Navy**
February 18th 2PM	**March 18th 2PM**

Both lectures will occur at the DuPont Community Presbyterian Church

The Museum's Gift Shop will be open for holiday shopping during its regular operating hours.

Upcoming Events & Meetings

December 2	Santa Breakfast & Tree Lighting
December 2	Letters To Santa, DuPont Museum
December 4	Park Agency Meeting
December 7	Teen Council Meeting
December 14	Teen Council Meeting
December 21	Historical Society Meeting & Holiday Gathering

Public Works Department

Water, Stormwater, Streets, Parks, Rec., Facilities

1700 Civic Drive
DuPont, WA 98327
Ph 253.912.5381 Fax 253.964.1455

Monthly Activity Report for October 2017

Operational Highlights

- Fall Clean Up 10/7/17. Curbside pick up started at 8 am and finished after 10:30 am. The Bulky Waste Site by City Hall operated from 8 am to 4 pm. Goodwill Industries: 2 trailers of donations from 99 Donors at the bulky waste site. LeMay: a) 7 trash trucks covered the City for curbside pick up. b) Over 10 dumpsters (40-cubic yard sized) were filled at the bulky waste site by City Hall. These dumpsters were general, metals, and yard waste.
- Historic Village Alley Maintenance 10/3/17 – 10/6/17. Staff applied crushed rock on pot holes and turning ruts in the alleys.
- The Sidewalk Team continues to work on McDonald AVE between Kincaid ST and Kittison ST, and following the path from the tree removal service. The project team posts photos and status on the following site: https://www.facebook.com/DuPontSidewalkTeam/.
- Our sweeper has been busy logging in 660 miles of streets, accumulating about 228 cubic yards of debris.
- Washington Conservation Corps (WCC) provided stormwater maintenance support in October. Staff prepared for their arrival in September in the purchase of pond plants and plant layout for the future replanting at the Sinclair Stormwater Facility, located near Chief Leschi Park. The 2nd phase of work is to provide maintenance of the Thompsons Stormwater Facility. This work removed 3 cedar trees, multiple juniper plants, and thorny bushes that was hindering the performance of the stormwater swale. The swale received improvements to the inlet as it was deteriorating, replacement of soil, grass seed, erosion protection carpet, and wood chips for side erosion stabilization. Additionally weir dams were installed to slow flow and force more infiltration in the swale. The 3rd and last phase is maintenance work at the Regional Stormwater Facility located at Jensen AVE / Wallace ST / Ogden AVE. This 3rd phase was a significant amount of pioneering work that removed opportunity trees and plants that have grown over the past year, and clearance/access of one of the inlets. 4 Staff supported this effort in each phase in using construction equipment and hauling of debris.
- A Stormwater Education table and outreach was conducted at the Fire Department's Safety Fair / Pumpkin Patch on Saturday 10/28/17. Over 100 educational material / handouts was provided.
- Improvements to stormwater swales on Center DR and Cosper ST in Edmonds Village was completed by staff on 10/10/17 - 10/12/17. The rip rap dams were built with an impermeable barrier and slightly higher to allow the stormwater to stand inside the swale and allow for direct infiltration vice overflowing out.
- Great Shake Out. Staff participated in the earthquake drill by conducting personnel reporting, and conducting damage assessment of city water facilities. Follow on lessons learned meeting occurred afterwards on shut off response, and emergency generator assessment.
- Street Tree Maintenance on Rooklidge ST. During recent high winds in October, a tree was uprooted and multiple major branches had broken off on this street. This species (redspire pear) was assessed as it had grown over 20 ft tall along this street and the branches are growing too heavy. With the assistance of the Police Department, Rooklidge ST was scheduled for no parking on Thursday 10/26/17, so that staff could remove 5 trees and conduct significant limbing on the existing trees.

Contracting Highlights

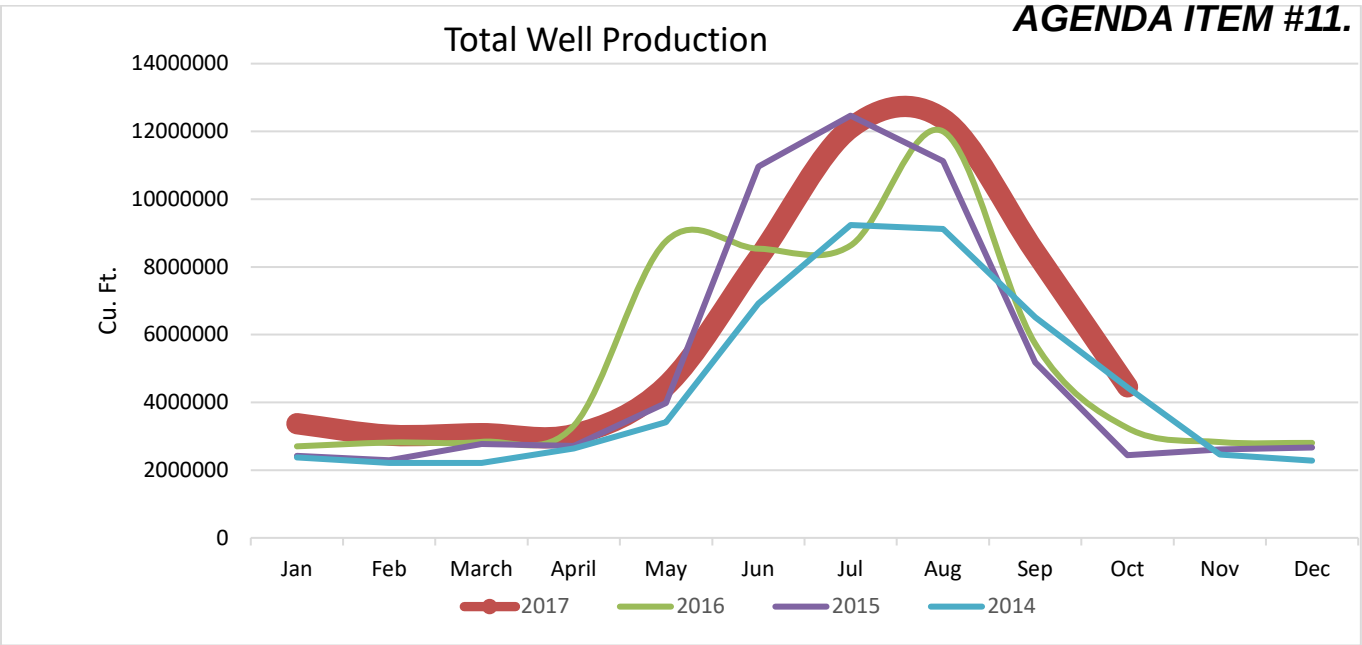
- Repair of sinking stormwater drains at McNeil ST near Center DR (5 locations) and DuPont Steilacoom RD near Station DR (1 location). Correction of sinking potholes as part of this past Summer utility connection for railroad was also completed on Wilmington DR.
- Tree Removal contract. Tree completes end of October. The new contract to be awarded for performance in the Winter 2017 / 2018. This removes trees without leaves.
- Center DR grind and repave between International PL and Hamilton AVE. The majority of the asphalt removal and paving, street striping, and traffic control loops were completed in September. Pending items are the installation of the new pedestrian controls.
- Historic Village Water Facilities Demolition. This project will demolish an out of service pump station, reservoir, and water well near Penniman ST and Barksdale AVE in the Historic Village. Access to Sellers Park will remain open. The structures have been removed, and pending is the decommissioning of the on-site water well.
- Historic Village Water Main Replacement. The project will be replacing the water line along Barksdale AVE by

Iafrati Park, retail buildings, and Wilmington Apartments. New waterlines were installed in September, with pending installation of the sewer line service to Iafrati Park is pending in October.

- Citywide Traffic Model. The project started in August and completes the end of December. This project will create a baseline traffic model city-wide and I-5 Exits 116, 118, and 119. The model will then forecast 8 different scenarios changes to the baseline model. The baseline model was completed in September and the 8 "what if" scenarios will then be applied to the baseline model.
- Iafrati Park. The city received the prefabricated restroom. The picnic shelter and installation of the tourism kiosk is pending installation. The whole project will be completed before the end of the year.
- Bell Hill Booster Pumps, Controls, and Telemetry. Improvements to Bell Hill water station starts the end of September to coincide with the reduction in summer water demand. This work will be completed in November.

Water Production

Winter Consumption starts to climb as irrigation consumption continues. October production was 33.3 M gallons or 4.5 M cubic feet. This is consistent with past historical with Fall weather and temperatures have dramatically reducing water consumption.



	previous reading	Current reading	total well production	
Bell Hill Well #1	741,771,000	744,742,000	2,971,000	
Bell Hill Well #2	85,578,800	85,587,600	8,800	
Bell Hill Well #3	186,738,800	193,627,700	6,888,900	
Hoffman Hill Well #1	228,402,800	228,552,300	149,500	
Hoffman Hill Well #2	1,552,550,000	1,575,877,000	23,327,000	
		Oct. 2017	**total production all sources gallons**	**33,345,200**
			total production all sources Cu.Ft..	4,457,914

Water Analyses Tally October 2017

We sampled in accordance the DOH Monitoring schedule

Chlorine Residual	60+ assessments
Bacteriological Analysis	10 locations
Nitrate Samples	3 locations

All samples results are posted to the Washington State Department of Health's Web Site several weeks after the test date

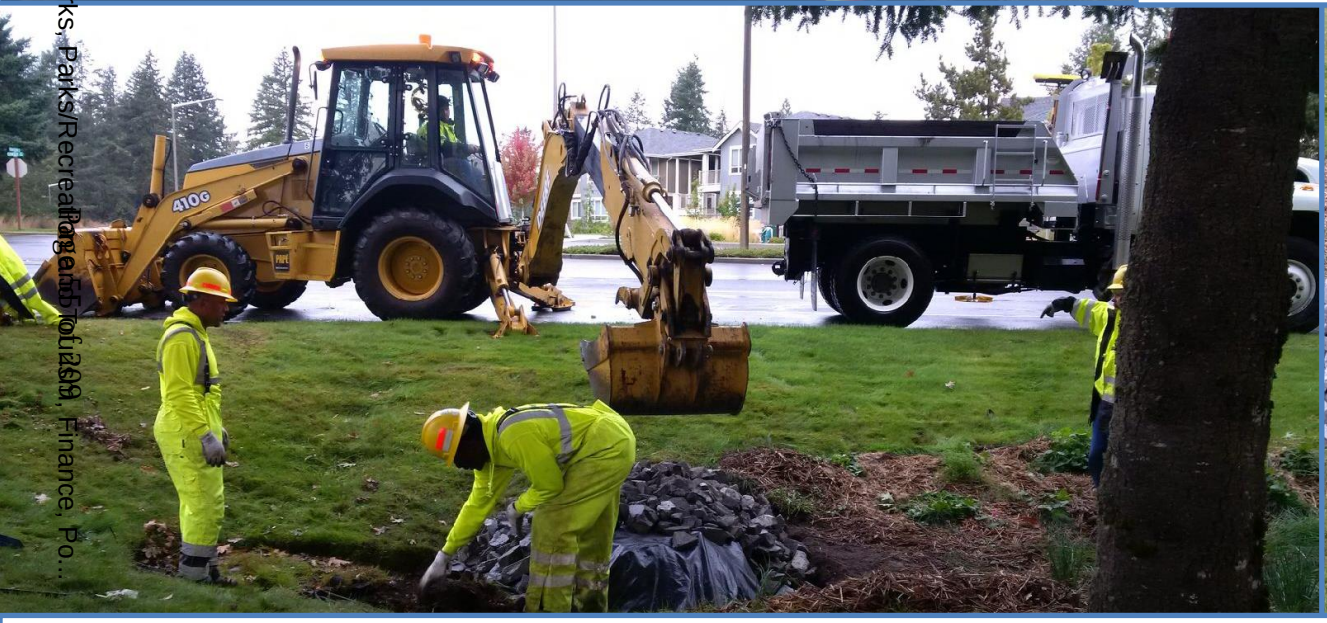
https://fortress.wa.gov/doh/eh/portal/odw/si/Intro.aspx

Start → Accept → Enter Water system ID 20500 → Submit → look under the "samples tab"

Public Works Photos

Monthly Activity Report for October 2017

Fall Clean Up Bulky Waste Site



Center DR Stormwater Swale Improvement, Impermeable Dam for Increased Infiltration

Stormwater Education at FD Pumpkin Patch

Work with WCC: (Left) New Plants at Sinclair ST Pond; (Right) Plant and Tree Removal Regional Stormwater Facility located at Jensen AVE / Wallace ST / Ogden AVE

Completion Photos at Thompson ST Swale Improvements with WCC

MEETING DATE: November 28, 2017

- ☐ Consent Agenda
- ☐ Discussion Item
- ☑ Unfinished Business
- ☐ New Business
- ☐ Other_____

TITLE:

Ordinance Adopting the Annual Budget for the City of DuPont for the Fiscal Year Ending December 31, 2018 - Second Reading.

Department:	Finance	Discussion Date:	
Originator:	Staff	First Reading Date:	11/14/17
Assigned to:	Carma Oaksmith,Finance Direc	Public Hearing Date:	

BUDGET IMPACT: Yes ☑ **No** ☐ **FUND:**

Amount Budgeted		
Additional Required	$15,416,560.00	All Funds

DETAILED SUMMARY STATEMENT:

2018 budget workshops have been held throughout September, October and November 2017. In addition, presentations on the six-year financial plan, revenue projections and public hearings have been presented from September into November.

The expenses and revenues have been adjusted in both the Street Fund and Street Depreciation Fund from the first reading by $77,000, as we did not receive an anticipated Transportation Board Grant.

Overall, the ending Fund Balances will be $10,716,076.

RECOMMENDATION:

Move to adopt the 2018 Budget Ordinance.

CITY OF DuPONT
WASHINGTON

ORDINANCE NO._____

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF DuPONT FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DuPONT:

Section 1. The annual budget of the City of DuPont for the year 2018 is hereby adopted in its final form and content as set forth below.

Section 2. Estimated resources for each separate fund of the City of DuPont for the year 2018 are set forth in summary form below and are hereby appropriated as follows.

Fund	Revenues	Expenditures	Est. Ending Fund Balance
General Fund	$ 8,673,389	$ 8,504,786	$ 1,146,003
Revenue Stabilization Fund	100,600	-	511,479
Contingency Fund	40,300	-	248,376
Street Fund	563,375	573,482	58,128
Street Depreciation Fund	2,200	20,000	407,564
Hotel/Motel Tax Fund	243,688	242,395	122,869
Public Safety Mitigation Fund	119,255	181,635	80,123
Glacier NW Settlement Fund	2,000	-	627,539
Donations Fund	25	-	3,156
Drug Enforcement Fund	40	-	9,487
GO Bond Debt Service Fund	769,530	769,530	-
Capital Projects Fund	565,750	619,270	392,486
Water Utility Fund	2,511,594	2,358,576	3,760,507
Stormwater Utility Fund	1,350,640	1,877,977	1,536,364
Equipment Rental & Replacement Fund	446,291	167,084	1,785,436
Transportation Benefit District Fund	93,100	101,825	26,558
	$ 15,481,778	**$ 15,416,560**	**$ 10,716,076**
Cash Reduced from Fund Balances	-	65,218	
Total Revenues & Expenditures	**$ 15,481,778**	**$ 15,481,778**	

Section 3. The City Clerk is directed to transmit a certified copy of the budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

Section 4. This Ordinance shall be in force and take effect January 1, 2018, after its publication according to law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28th DAY OF NOVEMBER, 2017.

CITY OF DUPONT

_____
Michael P. Courts, Mayor

ATTEST/AUTHENTICATED:

_____
Karri Muir, CMC, City Clerk

APPROVED AS TO FORM:

_____
Gordon P. Karg, City Attorney

Ordinance No.:
Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date:

MEETING DATE: November 28, 2017

- ☐ Consent Agenda
- ☐ Discussion Item
- ☑ Unfinished Business
- ☐ New Business
- ☐ Other_____

TITLE:

2017 Comprehensive Plan Updates

Department:	Community Development	Discussion Date:	10/17/17
Originator:	Staff	First Reading Date:	11/14/17
Assigned to:	Jeff Wilson, Director	Public Hearing Date:	10/24/17

BUDGET IMPACT: Yes ☐ **No** ☑ **FUND:**

Amount Budgeted		
Additional Required		

DETAILED SUMMARY STATEMENT:

On October 10th and October 24th the Council held public hearings on 4 proposed amendments to the City's Comprehensive Plan (COMP-16-02, COMP-16-03, COMP-16-04 & COMP-16-05). The four amendments are generally described as: an amendment to the Comprehensive Plan Map for Sequalitchew Village to revise the boundary of the Mineral Resource Overlay boundary; an amendment to the Manufacturing/Research Park and Industrial Area to provide for commercial opportunities at Center and DuPont-Steilacoom Rd; and amendment to Yehle Village related to properties known as Patriots Landing; and a new sub-area plan for the Old Fort Lake Business and Technology Park.

The proposed ordinance provides for the adoption of the proposed Comprehensive Plan Amendments as recommended by the Planning Commission and with changes recommended by the Council from their November 7th workshop and November 14th council meeting.

RECOMMENDATION:

Adopt the attached Ordinance approving the 2017 Amendments to the City of DuPont Comprehensive Plan.

EXHIBITS LIST

2017 COMP Plan Amendment Ordinance

November 20, 2017

A. August 28, 2017 approved Planning Commission Meeting Minutes (COMP-16-02)
B. Proposed Comprehensive Plan Amendments for Yehle Park Village in underline/strikeout format (COMP-16-02)
C. June 26, 2017 approved Planning Commission Meeting Minutes (COMP-16-03)
D. Proposed Mineral Resource Overlay Boundary revision to the Sequalitchew Village Comprehensive Plan Map (COMP-16-03)
E. Draft October 9, 2017 Planning Commission Meeting Minutes (COMP-16-04)
F. Proposed Comprehensive Plan Amendments for the Old Fort Lake Business and Technology Park in underline/strikeout format (COMP-16-04)
G. Proposed Sub-Area Plan for Old Fort Lake to be included into the Comprehensive Plan (COMP-16-04)
H. July 24, 2017 approved Planning Commission Meeting Minutes (COMP-16-05)
I. August 14, 2017 approved Planning Commission Meeting Minutes (COMP-16-05)
J. Proposed Comprehensive Plan Amendments for the Manufacturing/Research Park and Industrial Area in underline/strikeout format (COMP-16-05)

CITY OF DuPONT
WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUPONT, WASHINGTON, RELATING TO LAND USE AND ZONING; ADOPTING THE 2017 COMPREHENSIVE PLAN UPDATE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on October 27, 2015, the City adopted its updated Comprehensive Plan, Ordinance No 15-990 ("Comprehensive Plan"), as required by the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the City of DuPont has established a procedure for amending the Comprehensive Plan in Title 25.170 of the DuPont Municipal Code (DMC), which requires amendments to the Comprehensive Plan to be consistent with applicable State, Federal, and local rules and regulations; and

WHEREAS, these amendments are consistent with the County Wide Planning Policies, the State Growth Management Act, and other applicable regulations and ordinances; and

WHEREAS, the adopted 2015 Comprehensive Plan directed the City through Land Use Implementation Action (LUA-5) to "Review and updated the Fort Lake Business and Technology Park Land use designation through a Sub-Area Planning effort where a range of land use designations, transportation options, and community enhancements can be more fully evaluated consistent with the community's vision for design, character, and scale"; and

WHEREAS, the amendments considered by this ordinance includes an updated Sub-Area Plan for the Fort Lake Business and Technology Park, fulfilling Land Use Implementation Action item LUA-5; and

WHEREAS, in accordance with Washington Administrative Code Section 365- 196-630 on June 23, 2017 (COMP-16-03); August 23, 2017 (COMP-16-05); August 25, 2017 (COMP-16-02); and September 14, 2017 (COMP-16-04) notices of intent to adopt the proposed Comprehensive Plan amendments were sent to the State of Washington Department of Commerce and to other State Agencies with acknowledgement of the Department on June 26, 2017 (COMP-16-03); August 23, 2017 (COMP-16-05); August 30, 2017 (COMP-16-02); and, September 14, 2017 (COMP-16-04), to allow for 60-day review and comment period; and

WHEREAS, the public process for the proposed amendments has provided for early and continuous public participation opportunities including Planning Commission workshops and public meetings, questions and answer sessions, public informational letters, and public presentations from June 2017 - October 2017; and

WHEREAS, on June 26, 2017 (COMP-16-03); July 24, 2017 (COMP-16-05); August 28, 2017 (COMP-16-02) and October 9, 2017 (COMP-16-04) the Planning Commission conducted public hearings on the amendments to the Comprehensive Plan at City Hall, and

WHEREAS, on June 26, 2017 (COMP-16-03); August 14, 2017 (COMP-16-05); August 28, 2017 (COMP-16-02) and October 9, 2017 (COMP-16-04), the Planning Commission after considering the public comment received and other information presented at the public hearings and public meetings, including the documents voted at their regular meetings, after its hearing to recommend to the City Council adoption of the proposed amendments to the Comprehensive Plan; and

WHEREAS, and environmental review of the proposed Comprehensive Plan amendments has been conducted in accordance with the State Environmental Policy Act ("SEPA"), and a SEPA threshold determination of non-significance were issued on June 22, 2017 (COMP-16-03); August 25, 2017 (COMP-16-05); August 25, 2017 (COMP-16-02); October 23, 2017 (COMP-16-04); and

WHEREAS, on October 10, 2017 (COMP-16-02, COMP-16-03 & COMP-16-05) and October 24, 2071 (COMP-16-04) the City Council conducted a public hearing to take public testimony regarding the proposed amendments and review the draft Comprehensive Plan Update; and

WHEREAS, having considered among other things, public testimony, the recommendation of the Planning Commission, and both the preliminary and final staff reports, the City Council has determined that adoption of the amendments to the Comprehensive Plan are consistent with and would serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act, are in the public interest and protect the public health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DuPONT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The recitals set forth above are adopted and incorporated as if set forth fully herein.

Section 2. Findings, Conclusions, and Recommendations Adopted. The Findings, Conclusions and Recommendations from the Planning Commission as reflected in their meeting minutes dated June 26, 2017 (COMP-16-03); July 24, 2017 (COMP-16-05); August 14, 2017 (COMP-16-05); August 28, 2017 (COMP-16-

02) and October 9, 2017 (COMP-16-04) attached hereto as Exhibits A thru J are adopted and incorporated as if set forth fully herein.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF NOVEMBER, 2017.

CITY OF DuPONT

_____
Michael Courts, Mayor

ATTEST/AUTHENTICATED:

_____
Karri Muir, City Clerk

Approved as to form:

_____
Gordon P. Karg, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date:

Unique History ... Vibrant Future

CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

Monday, August 28, 2017

Commissioners in Attendance: Chair Chris Barnes, Commissioners Beth Elliott, Corey Wright, Renee Buck, Todd Tatum, Kevin Ballard, Jeremy Warner(Alt)
Excused: Commissioner Dustin Marlett
Absent:
Staff in Attendance: Planning Director, Jeff Wilson, Administrative Support, Janet Howald

1. **CALL TO ORDER**
Chair Barnes called the meeting to order at 5:58 PM.

2. **ROLL CALL**
Present: Chair Barnes, and Planning Commissioners Elliott, Wright, Buck, Tatum, Ballard, Warner(Alt).
A motion was made and seconded to excuse Commissioner Marlett (Wright/Buck); 7/0 motion carried.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
A motion was made and seconded to approve the agenda (Tatum/Warner); 7/0 motion carried.

4. **APPROVAL OF MINUTES**
A motion was made and seconded to approve the July 24, 2017 Minutes, (Buck/Elliott); 4/0 motion carried (Quorum of those present and qualified to vote at the meeting).
A motion was made and seconded to approve the August 14, 2017 Minutes, (Tatum/Buck); 5/0 motion carried (Quorum of those present at the meeting).
A motion was made and seconded to approve the August 16, 2017 Minutes, (Wright/Tatum); 6/0 motion carried (Quorum of those present at the meeting).
A motion was made and seconded to approve the August 21, 2017 Minutes, (Elliott/Ballard); 6/0 motion carried (Quorum of those present at the meeting).

5. **AUDIENCE COMMENTS**
None

6. **PUBLIC HEARINGS**
Chair Barnes announced the Public Hearing for the Proposed Comp Plan amendments and Development Regulation amendments for the Yehle Village/Patriots Landing Neighborhood. (File Nos. COMP-16-02 & TEXT-16-03). Director Wilson began with an opening statement regarding the overall purpose of the amendments to the plan and text amendments.

Mr. Ryan Givens, of AHBL, Consultant to the City provided a Power Point presentation with the applicant goals, the planning concepts relating to senior housing, existing conditions and the applicant requests. He presented the applicants request to amend the Comprehensive Plan Text and to amend the Land Use Code Text and the proposed changes to the texts.

Chair Barnes opened up the Hearing to Public Comment.

Matt Reider, of ESM, Representing Careage, had no overview as he relayed that Mr.Givens had given explanatory presentation on their proposals and provided public comments received up to June 26, 2017. These were entered into the record.

Lee Chase, 309 Barksdale, made comment of concern regarding the number of actual people to provide fire services, but he agrees with the concept of having a complete community while maintaining concerns over public services. He also made comment if apartments are high density it would require a greater level of fire service.

Chair Barnes closed the public comment period and deliberation transpired.

After deliberation, Chair Barnes asked for motions.

A motion was made and seconded to accept the proposed amendments on the Yehle Village Park Comprehensive Plan update language as reflected to the 2015 DuPont Comprehensive Plan. (Buck/Elliott); 7/0 motion carried.

A motion was made and seconded to change the Land Use Code page 12 of 17, line 12 of Chapter 25.20.060 Residential Residents, Complete Community Overlay (CCO) district to read "multifamily projects in the CCO district shall not exceed 150 units per single building".(Ballard/Buck); (Those voting in favor were Chair Barnes, Commissioners Buck, Tatum, Ballard, Warner), (Commissioners Elliott, Wright opposed) 5/2 motion carried.

A motion was made and seconded to amend page 13 of 17, line 1 of Chapter 25.20.060 Complete Community Overlay (CCO) to change the front setback to read "The minimum front setback shall be 15' for multifamily projects". (Buck/Elliott; (Those voting in favor were Chair Barnes, Commissioner Buck, Elliott, Ballard Warner, Wright) (Commissioner Tatum opposed); 6/1 motion carried.

A motion was made and seconded to change the language on page 14 of 17, line 2 of Chapter 25.20.060 Complete Community Overlay (CCO) to state "acceptable forms of street interruption may include intersecting streets, open space tracts, and/or pedestrian pathways that provide access to other area of the CCO district". (Ballard/Buck);7/0 motion carried.

A motion was made and seconded to approve the attachment 5, Chapter 25.20 Residential Districts, in its entirety with the proposed amendments.(Buck/Wright); 7/0 motion carried.

Chair Barnes closed the Public Hearing.

7. UNFINISHED BUSINESS

File No's COMP-16-04 & TEXT-16-06 Continued workshop on proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood / Business & Technology Park (BTP) zone. Mr. Givens discussed focused land use area based on the input that has been provided. A working group met the previous week comprised of the proposed developers and landowners as a round table discussion on how to look at the areas with community and commission input and road development.

Mr. Wilson informed regarding the property owned by the Nisqually Tribe, that the Tribe has been following the progress via emails and hopefully will attend the August 30th meeting. He had an opportunity to discuss directly with a representative from the Tribe after a prior meeting last week.

8. NEW BUSINESS
None

9. ADMINISTRATIVE REPORTS
Director Wilson discussed the Extended Agenda and the addition of a special meeting that is scheduled on August 30th to allow further discussion on the Comp Plan amendments on the Old Fort Lake neighborhood with a possible additional Special Meeting on September 13th to allow additional discussion. Continued discussion will be included at the Planning Commission Meeting on September 11, 2017.

A Public Hearing is scheduled for September 25, 2017 on the proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood/Business Park (BTP) zone. (File No's COMP-16-04 & TEXT-16-06).

Mr. Wilson distributed a list of the Short Courses in Local Government and encouraged the newest members of the Planning Commission to attend.

10. AUDIENCE COMMENTS
None

11. PLANNING COMMISSION MEMBER COMMENTS
Commissioner Buck expressed thanks to Director Wilson and Mr. Givens for providing all the information. She suggested October 9th, Columbus Day, be observed as a Planning Commission holiday.

Chair Barnes expressed thanks to Staff and public for attending the meeting.

12. ADJOURNMENT
Chair Barnes adjourned the meeting at 8:06 PM.

Sep 25 2017

Chair, Chris Barnes Date

Minutes prepared by Janet Howald, Admin Support

Yehle Park Village

Yehle Park Village was named to honor an area pioneer family who homesteaded and farmed in the Village area from the early through late 1900's. Strickland Lake, Grant Lake, and many of the City's wetlands are contained within this Village. It is located between the south boundary of the Ft. Lake Business and Technology Park and the JBLM Golf Course. The Village extends west from Center Drive to Hoffman Hill Village. It has been expanded to include the area north of Strickland Lake known locally for its significant stand of Oregon White Oak trees.

Within this village, McNeil Street and the adjacent trail provide a central circulation spine for automobiles, bicycles, and pedestrians that connects Center Drive to Yehle Park Village. Both the road and the pedestrian trail connection continue west through the village to Hoffman Hill Village. While the McNeil Street corridor is attractively designed, the entirety of the Hoffman Hill neighborhood relies on this corridor for access. This creates high peak-hour flows on McNeil Street, with a steady stream of cars – more than what would be expected in a residential area. An alternate vehicular route is planned to link Hoffman Hill Village through the Ft. Lake Business and Tech Park area to bypass Yehle Park Village, and a potential link to the existing Mounts Road freeway access ramps may further reduce McNeil Street traffic.

Most of the Village was contained in a preliminary plat that was approved in 1997 and amended in 1999. Traditional design principles like grid streets, alleys and neighborhood greens were used, but they were modified somewhat to fit the topography and bend around wetlands. The plat was completed in 2007 with a total of 555 single family units and 438 multiple family dwelling units. Areas have a mix of lot sizes and house sizes to encourage variety, a mix of densities, and a range of affordability. Larger lot sizes and building setbacks were implemented for those properties abutting sensitive areas and their buffers.

Included in the village is Patriot's Landing, ~~a 21-acre continuing care and retirement complex. Originally planned at 44 acres, Patriot's Landing was downsized with the remaining 23 acres available for residential development that may include a 10 acre elementary school site.~~ a planned 44 acre Village Center located at the southwest intersection of Bob's Hollow Lane and McNeil Street. The Village Center is envisioned to be a complete residential-based community node that includes a 21 acre continuing care/retirement complex and 23 acres of mixed development including neighborhood-scaled retail/services, medical offices, and multi-family housing. Patriot's Landing is planned as a complete, walkable community district with a full range of housing that is designed particularly to attract and serve the needs of seniors and retirees. It is a long-term City goal to provide a variety of housing options for seniors, retirees, and those who are close to retirement that are affordable, walkable, and celebrate an active community lifestyle. The Patriot's Landing Village Center should be developed to include a mix of housing types, neighborhood-oriented retail/services and recreational amenities that serve the residents in the larger Yehle Park Village; the intended scale is pedestrian-oriented and compatible with the surrounding residential neighborhoods in terms of bulk, height, and architectural design. The Patriot's Landing Village Center provides opportunity to address the City's goal to provide diversified housing options. As an incentive to provide for additional senior housing and a mixed-use village center; the City of DuPont Land Use Code may provide for density bonuses and limited mixed-use options within the residential districts for this type of urban form.

In the area north of Strickland Lake, a community park, DuPont Powderworks Park, has been located to preserve the character of the existing open prairie and oak trees and to provide space for active

recreation areas. The intention is to retain as many trees as possible since oak savannah tree communities are rare in Washington State and there are only a limited number remaining in the region. To accomplish tree retention, sports fields and passive activity areas have been fit among the oaks. Another community feature in this village is a~~n~~ 15 acre Pioneer Middle School site.

With the expansion of Yehle Park Village in the remainder of the area expanded since the adoption of the 1995 Plan, a mix of single-family and multifamily housing have subsequently been built. To continue the opportunities for smaller multifamily areas as provided in the approved portion of the Yehle Village Park plat, the multifamily units have been divided into several groups mixed among single-family blocks in the area referred to as "The Oaks".

Table 18: Yehle Park Village Land Use Categories

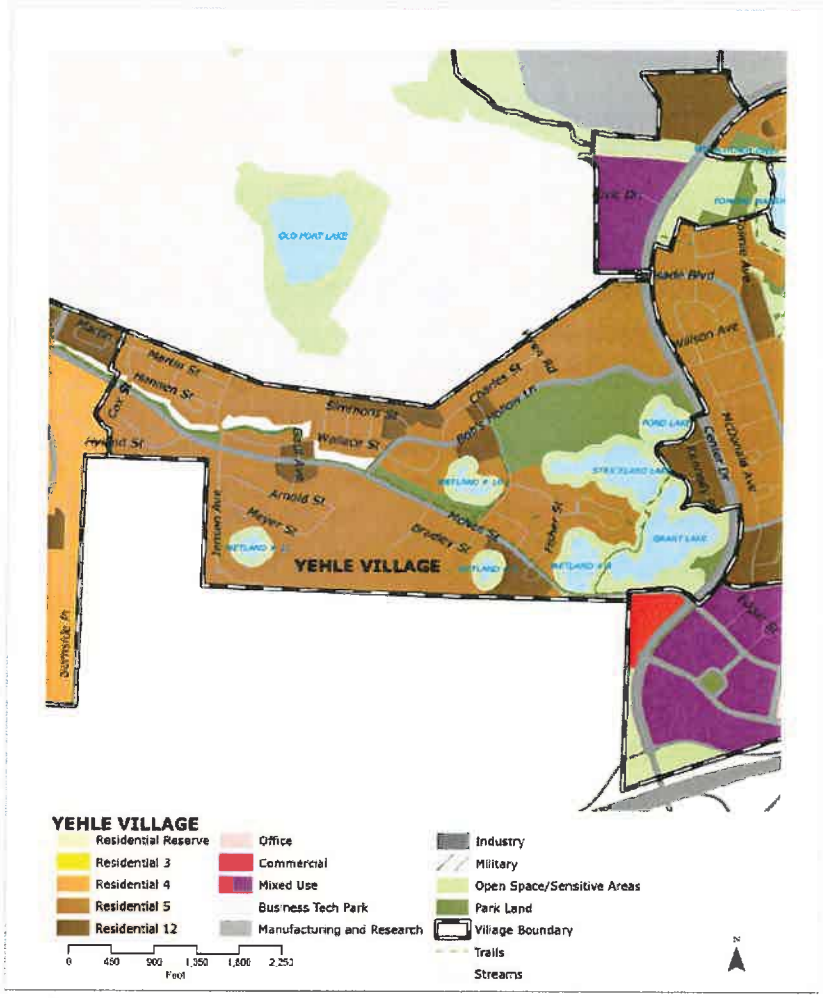
	Square feet	Acres	% of total
Reserve Residential			
Residential 3			
Residential 4			
Residential 5	8,794,588	201.90	62.83%
Residential 12	787,139	18.07	5.62%
Mixed Use			
Office			
Commercial			
Business Technology Park			
Manufacturing and Research			
Industry			
Military			
Neighborhood Park	486,091	11.16	3.47%
Community Park	1,212,744	27.84	8.66%
Open Space	2,715,827	62.35	19.40%
Total	13,996,389	321	100.00%

The character and amount of housing within Yehle Park Village are not expected to change over the planning horizon of this plan. The table below identifies the housing units existing and projected for Yehle Park Village.

Table 19: Yehle Park Village Existing and Projected Housing Units

Housing Units	Build Out Total	Built/ Used Through 2014	Density Bonus Options	Remaining
Single family	670	555	-	115
Multiple family	438	438	110	110
Total	**1,108**	**993**	**110**	**225***

*Total assumes 25% density bonus applied to multi-family build-out totals



1 Figure 5: Yehle Village Future Land Use Map

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CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

June 26, 2017

Commissioners in Attendance: Chair Chris Barnes, Commissioner Beth Elliott, Commissioner Renee Buck, Commissioner Todd Tatum, Commissioner Dustin Marlett
Excused:
Absent:
Staff in Attendance: Planning Director, Jeff Wilson, City Attorney, Gordon Karg and Administrative Support, Janet Howald

1. **CALL TO ORDER**
Chair Barnes called the meeting to order at 6:00 pm.

2. **ROLL CALL**
Present: Chair Barnes; and Planning Commissioners Beth Elliott, Renee Buck, Todd Tatum and Dustin Marlett.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
A motion was made and seconded to approve the agenda (Elliott/Tatum); 5/0 motion carried.

4. **EXECUTIVE SESSION**
The Commissioners went into a 30 minute Executive Session at 6:04 pm to discuss potential litigation. The Session ended at 6:32 pm and the Planning Commission Meeting reconvened.

5. **APPROVAL OF MINUTES**
A motion was made and seconded to approve the June 12, 2017 minutes (Buck/Marlett); 5/0 motion carried.

6. **AUDIENCE COMMENTS**
None

7. **PUBLIC HEARINGS**
Director Wilson introduced himself and the intention of the public hearing. The proposed amendment to the City of DuPont Comprehensive Plan Map and Official Zoning Map, as defined in DuPont Municipal Code (DMC) section 25.15.030 to revise the Mineral Resource Overlay (MRO) boundary on the southern side, north of the Sequalitchew Creek. The proposed amendment would remove the property identified as tax parcel #0119262019, approximately 25.29 acres from the city's defined MRO. The parcel immediately west of and adjacent to the Creekside Apartments from within the MRO boundaries. Mr. Wilson distributed a letter from the Department of Commerce acknowledging that the materials had been received and procedural requirements have been met and is currently in the 60 day review process.

Chair Barnes opened for public comment.

Don Dresser, 1437 Heron Ct, expressed his concern regarding the historical significance of the mission site.

Deliberation proceeded with a question and answer period. A motion was made to remove the Mineral Resource Overlay from the property identified as tax parcel #01192620. (Elliott/Marlett); 5/0 motion carried.

8. **UNFINISHED BUSINESS**
N/A

9. **NEW BUSINESS**
Director Wilson gave a broad overview of several areas for discussion with the understanding there will be continued public input and discussion. He began with a power point presentation which would make amendments to the Comprehensive Plan, the first involving the sub area planning process reviewing the Old Fort Lake area, identified as Business and Technology Park under zoning designation. There will also be a concurrent request to amend the text and Comprehensive Plan.

Mr. Wilson also presented an overview of the DuPont-Steilacoom Road and Center Drive property. It is a multi-zoned area and is in review on to expand the potential retail, commercial use of the property.

Mr. Wilson introduced Mr. Ryan Givens, from AHBL a consulting firm who is assisting the City and the proponent to understand the vision and long range projects of the Old Fort Lake area and the City. Mr. Wilson also introduced Mr. Gary Danklefsen who represents the potential purchasers of the property, and is present with some of his members of the team, to listen to the comments and concerns from the Commissioners to understand their vision of the area.

Mr. Givens began broad overview of the the Old Fort Lake area and the objectives preparing a master plan of the property for potential jobs and employment. The Sub area plan will determine location of the road network and residential areas along with other uses and determine how it will work with adjacent neighborhoods. There will be a working group developed and neighborhood workshop for feedback and comments. A comprehensive plan and zoning code amendments will be proposed.

Mr. Wilson directed the Commissioners attention to a letter the Mayor had written regarding the vision of the process and a map reflecting the available properties. These materials were distributed to the Commissioners.

Mr. Givens then addressed the other area of discussion on Center and DuPont-Steilacoom Roads and provided a broad overview with potential retail/commercial larger scale services and uses. He explained there would be a working group and community workshop. A comprehensive plan and land use code amendments will be proposed this year.

A question and answer session followed for discussion of the various areas and potential visions and concerns.

Mr. Danklefsen introduced himself as a principal with Copper Leaf that is trying to acquire the property around the golf course. He explained ESM, the civil engineering firm is working on a plan for the golf course discussed some of the road design plan.

10. ADMINISTRATIVE REPORT

Director Wilson informed several applications have been received for the vacant seats on the Planning Commission. A tentative date for the interview process was set contingent on the applicants' schedule

Mr. Wilson provided an overview of upcoming items and dates for discussions on the Extended Agenda, with the goal of completion by the end of October.

11. AUDIENCE COMMENTS

Gary Danklefsen introduced the team and their desire to listen and understand the needs, vision and goals of the Planning Commission and City.
Bruce McKean, principal, of Helix Design Group introduced himself and Rita Lomas, Director of Graphic and Environmental Design Program. He provided a brief working history with ESM Engineers in designing the goals of the City.
Mark Conway, Venture Construction introduced himself and will be working with Dr. Danklefsen in cost engineering.
Gordon Ahalt, Cushman & Wakefield Commerce, is a business partner of Mr. Danklefsen and has had extensive master planning experience.

12. PLANNING COMMISSION MEMBER COMMENTS

Commissioner Elliott offered her comments on her vision of the old Fort Lake being a mixture of residential, hotel and retail and small manufacturing.

Commissioner Buck thanked Mr. Givens, Mr. Danklefsen and associates for their introductions.

Commissioner Marlett he expressed thanks for everyone who attended the meeting. He shares Commissioners Elliott's vison and would like to see higher income jobs to support the community.

Chair Barnes

13. ADJOURNMENT

Chair Barnes adjourned the meeting at 8:20 pm.

7/10/17

Chair, Chris Barnes Date

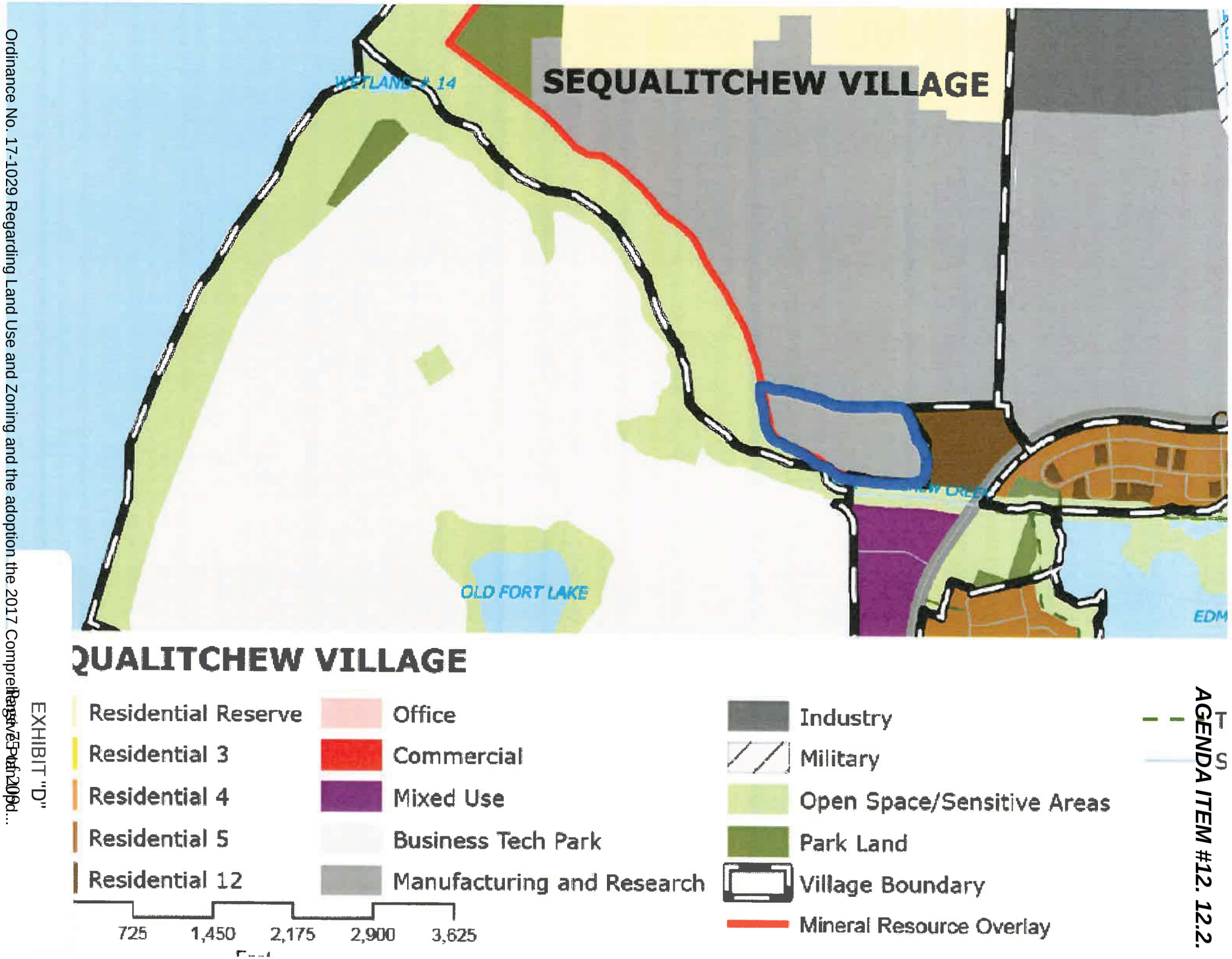

SEQUALITCHEW VILLAGE
WETLAND # 14
OLD FORT LAKE
EDM
QUALITCHEW VILLAGE
Residential Reserve
Residential 3
Residential 4
Residential 5
Residential 12
Office
Commercial
Mixed Use
Business Tech Park
Manufacturing and Research
Industry
Military
Open Space/Sensitive Areas
Park Land
Village Boundary
Mineral Resource Overlay
725
1,450
2,175
2,900
3,625

EXHIBIT "D"

Unique History ... Vibrant Future

CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

Monday, October 9, 2017

Commissioners: Chair Chris Barnes, Commissioners Beth Elliott, Corey Wright, Renee Buck, Todd Tatum, Dustin Marlett, Kevin Ballard, Jeremy Warner(Alt)

Supporting Staff: Planning Director, Jeff Wilson and Admin Support, Janet Howald

1. **CALL TO ORDER**
   Chair Barnes called the meeting to order at 6:20pm.

2. **ROLL CALL**
   All members were present.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
   A motion was made and seconded to approve the Agenda, (Buck/Tatum); 7/0, motion passed.

4. **APPROVAL OF MINUTES**
   A motion was made and seconded to approve the September 18th 2017 Minutes with amendment to the header to list the Commissioners. Those Commissioners not present will be reflected under the Roll Call section. (Buck/Wright); 7/0, motion passed.

5. **AUDIENCE COMMENTS**
   None

6. **PUBLIC HEARINGS**
   Chair Barnes opened the public hearing at 6:25pm for the Proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood / Business & Technology Park (BTP) zone. (File Nos. COMP-16-04 & TEXT-16-06)

   Director Wilson began with an explanation of the exhibit documentation and attachments. Mr. Wilson informed that Mr. Ryan Givens of AHBL, Consultant to the City and Ms. Geri Reinart, Traffic Consultant to the City were present to provide overview and respond to questions. He then provided a brief overview of the process to updating the Comprehensive Plan including the various meetings and preparation that had transpired to prepare the final recommendations. The history of the property was provided including the constraints of the Consent Decree by the Department of Ecology and by the prior property owner who placed restrictive covenants on the property.

   #5-12 Mr. Givens presented the proposed amendments with a PowerPoint presentation beginning with further background of the project, the specific requests and breakdown into the Comprehensive plan changes, Subarea Plan and the text amendment.

   #12Director Wilson informed the Planning Commission that City staff had been working with Tribes, DAHP to address cultural resource questions. Additionally he described this effort as a method to entice other uses and plans to allow to go into different direction as currently limited by restrictive covenants.

Testimony #14
Phil Ambrose, 1849 McDonald Ave, expressed opposition to warehouses, free standing warehouses and concern of the traffic impact and zoning code should exclude warehouses.
Lisa Merkle, 1471 Grant Ave, expressed opposition to warehouses and free standing warehouses and provided documentation which were entered as exhibits.
Lawrence Genova, 2889 Hyland, expressed opposition against free standing warehouses and questioned motive of City and the developer. He also discussed protecting the cultural aspect of the property.
#16 Dennis Clarke, 2237 Anderson, stated he is a Land Use Planner and was the Principal author of the first Comprehensive Plan adopted in 1990 and gave a brief history. He expressed concern in allowing the proposed industrial uses. His documentation was submitted as an exhibit.
Nancy Levcovich, 1860 Miller Dr., works in DuPont and expressed appreciation for the hard work going into the plan but opposes the free standing warehouses.
Tami Swart, 2918 Martin St, does not support free standing warehouses and expressed concern regarding traffic on the loop road.
#17Tom Duguay, 2956 Martin Pl, expressed concerns regarding free standing warehouses and zoning plans, sound remediation and if there is possible remediation for contaminated soil. His letter was entered as an exhibit
#17-18Brian Bauter, 2060 Hammond St, worked in trucking industry and currently with a global insurance company as fleet risk engineer. He made comments regarding a new trucking law which goes into effect in December. Large trucks could be parked for required rest period and which means trucks would be looking for a safe spot to park but this could lead to idling of the trucks and especially refrigerated ones. He questions the concern for safety by the trucking companies.
Susan Livingston, 1513 Bobs Hollow Ln, expressed agreement with previous comments and opposes free standing warehouses.
Mary Matthews Brownell, 2806 Martin St., expressed concern regarding cultural resources and communication with the Nisqually Tribe and opposes free standing warehouses.
Jeff Brownell, 2806 Martin St., discussed the cleanup of the area around his home and the contamination levels in the Old Fort Lake. He discussed exploring additional road options.
#19Joe Cushman, Planning Director for the Nisqually Indian Tribe, expressed concerns regarding protection for the cultural resources. He referenced a letter prepared by Mr. McCloud, Chair of the Tribal Council, desiring a comprehensive cultural resources protection and management plan to protect native and non-native resources and to work with DAHP. The Tribal is not opposed to the Comprehensive Plan amendments but is requesting amendments to protect what is in the ground.
Adam Root, 1374 Hudson St, expressed using the word prohibit to free standing warehouses from the documentation.
Courtney Blankenhorn, 1304 Hudson St, expressed opposition to distribution warehouses, noise and traffic. She also expressed safety concerns especially when trucks cut through their neighborhood. She hopes citizens voices are being heard that distribution warehouse is not doing better.
Cary Harlow, 2648 Arnold St, expressed appreciation to those who attended the meeting. He expressed there is no market for retail or office buildings and opposes free standing warehouses. He appreciated opportunity to speak.
Lawrence Kurtz, 1797 Cadborough Ln, expressed opposition to free standing warehouses and zoning change as will affect the quality of life and safety for children.
#21Steve Schenk, 1713 Kittson, feels there is much potential for the area and is not for free standing warehouses or distribution center. He maintains zoning to retain the small town feel of city and if the plan was passed the bonds, infrastructure, roads and utilities would be paid by the citizens. He stated to never put semi-trucks next to the civic center and put children at risk with freight traffic next to school and Powderworks Park.
#21James Watson, 1346 Hudson St., explained he enjoys quiet and peaceful community and so opposes increased truck traffic. He expressed the need for a developer that is willing to put the right thing there for the community He thinks the plan is amazing that will face the sound and bring in community but not trucks.

Lt. Jonathan Burnett, 3059 Shannon St., he appreciates the City looking for opportunities to bring in more business to DuPont and continue to make it a sustainable community but is opposed to rezoning changes to allow for free standing distribution type warehouses. He believes the owner should comply with the current zoning laws to make DuPont a safe and family friendly community without having negative influences. The City should be in favor of more sustainable and ecological friendly development with focus on historical and cultural heritage and protect the masterplan community.
Kathy Preston, 1907 Braget St., she likes many of the ideas being presented around the golf course but opposes free standing warehouses and distribution centers and she doesn't want it in the center of city, near the school. Also the size limitations seem large.
Anna Burnett, 3059 Shannon St., wants to keep the City safe, clean, kid and family friendly. She thinks warehouses would hurt the environment and would like growth but should environmentally sustainable and not endanger safety so opposes rezoning for free standing warehouses. She would rather see city work together with the Nisqually nation to create a cultural center and to restore wildlife. Comments were submitted as exhibits.
#23Ming Choo, 2812 Martin St, expressed opposition the changing of the zoning but would the zoning for hi-tech, light industry and research as it would be appropriate for higher salary based employment.
Robert Waters, 1811 Fisher Ave, expressed appreciation to the commissioners for their service to the community. He disagrees with the free standing warehouses facilities and believes it will bring in an increase in crime.
Marjorie Sebesta, 502 DuPont Ave, opposes additional truck traffic.
Bridget King, 1473 Kittson St, referenced a meeting that was held on October 3, 2017 in which she learned that they could be making their own subarea plan as referenced in the amendment process that was begin in 2015 Comprehensive Plan which would restrict the warehouse size and accessory to a business.. But now considering the Copper Leaf plan she appealed to the Commissioners to take more time and insert protective language against free standing warehouses and distribution. She cited LU 9.2 and extract from Intel site plan Hearing Examiner report extract which includes traffic concerns and safety. Comments were submitted as exhibits.
Judy Norris, 1485 Kittson St, she had worked on the original Comprehensive Plan. She alluded there is an element of secrecy in this process and speculates this is the public perception so appreciates the social media.
Edward Eldridge, 1424 Richmond Ct, he said one of the main components behind the Comprehensive Plan was to have a balanced economic sector which split between retail, office and industrial and warehouses and believes that this proposal threatens the balance. He would like to see diversity in the economic base. And questioned more warehouses. He explained the gravel pit will be finished and believes that area could then be warehouses.
Denny Glenn, 2399 McDonald Ave, has seen the truck traffic increase and inappropriately going down Center Drive and is concerned about warehouse growth. He would to see something else besides warehouses and look at something that will benefit the community.
#26Christopher Elfrank, 1812 Cadborough Ln, opposes an increase in truck traffic as increase emissions ruin quality of life and safety is an issue as kids run into the street. He opposes free standing warehouses.
Cara Mitchell, 2221 McDonald Ave, expressed opposition to changes in the zoning code which would allow free standing warehouses. She wants the golf course to be protected. Safety, noise and quality of life are at issue. She cited an issue with a lost truck. She implored listening to the citizens.
#27Mike Brown, 1480 Heath Ct, expressed opposition to warehouses and an increase in truck traffic.
James Smith, 1425 Rooklidge St, expressed thanks to the Planning Committee. He once served on the Planning Agency. He asked that a long term strategic approach be used that would obtain tax revenues while preserving a quality of life and also consider the impact that each type of business would have on the quality of life.

Jamie Carbaugh 1322 Rowan Ct., discussed the quality of life in DuPont and opposes free standing warehouses.
#28David Farah, 2219 Palisades Blvd, discussed the issue with some of the problem with trucks and the safety issues. He discussed income/money and tax trail from having warehouses. He opposes warehouses and deterring from the lake. He expressed concern of visitors coming to the recognized golf course with warehouses present. The decisions should be based on what the community needs.
#29Jessica Fester, 504 DuPont Ave, discussed how DuPont is a small community city with a sense of community and safety for kids and family and so opposes warehouses and increased traffic.
Guy Claudy, 3070 O'Brien St, discussed that people live here as the city offers a unique small town community feel. He opposes the warehouses and truck traffic which will increase noise. He wants an updated Comprehensive Plan and to allow better business opportunities that the citizens desire.
Jan Baker, 2812 Martin St, expressed his opposition to the warehouses as most people have expressed about not wanting warehouses and he wants trust between people so it is a place generations can continue to live.
Pam Fisher, 1738 McCloud Circle, expressed the beauty of DuPont. She had questions regarding the aquifer and at the limit of water that it can't support more residential. She also opposes the warehouses.
#31Maria Gudaitis, 507 Louviers, believes the Comprehensive Plan serves as a guide and quoted from it and maintains that it states approving stand alone warehousing violates the plan. Also limit truck traffic to industrial areas. She expressed a second point of over capacity in DuPont already with traffic. She met with a WSDOT Capital program manager and he reported that at 1000% or higher from 2011. And specifically regarding truck traffic. She expresses the proposed plan. Documents were submitted as exhibits.
Lee Chase, 309 Barksdale, he expressed his concern over the transportation plan including burms and the school and concerned over who pays for repairs to roads.
Krista Novak, 1449 Kittson St, expressed concern over the noise of traffic and truck traffic and concerned with safety of children school and fields. She opposes free standing warehouses. She brought up Elwood Illinois and repercussions of growth.
Hailey Lorati, 1547 Palisade Blvd, expressed concern over children's safety and schools and expressed opposition to warehouses and truck traffic.

Director Wilson confirmed the comments received just before and during the public hearing were entered as exhibits.

Chair Barnes closed the public testimony at 8:54pm.

Chair Barnes called a 5 minute recesses.

#33Chair Barnes reconvened the meeting at 9:05pm and began the deliberation process of the Public Hearing.

Discussion began with the Comprehensive Plan. Commissioner Marlett and Commissioner Buck both discussed the removal of free standing warehouses from the plans.

A motion was made and seconded to strike the language that would permit free standing warehouses from the Comprehensive Plan and the Subarea Plan (Marlett/Ballard).

Discussion began on The Old Fort Lake subarea Plan with the following recommendations:
Page 31 to remove the sentence under Business/Industry Uses, "Warehouse distribution is limited to sub-blocks E.1, F.1, and F.2 to ensure the area is not dominated by this single use".
Page 41, under Old Fort Lake 2, there is to be removal of the sentence "In limited area, warehousing distribution will be allowed in this district".
Page 44, the language is to be removed from Table 4.2. and is to include the footnote #4.

Page 45, LU-3.1 "Restrict warehouse distribution to the interior blocks in the subarea" is to be removed.
Page 68 under Future Community Character Plan in the last sentence the words to be moved are "and warehouse distribution".
Page 70 under Community Character Goals and Policies, remove under CC-1.2 section the words" and warehouse distribution land uses".
Director Wilson suggested to further review the original document and identify any other changes and consult with Chair Barnes to confirm all changes have been addressed.
Further discussion took place including that the citizens voices have been heard and so the conclusion was reached that this area is not conducive to warehouse distribution.

#37Chair Barnes called for a vote; 7/0, motion passed.

#38Discussion continued to add the word "light" to manufacturing throughout the document.

A motion was made and seconded to include the word "light" in front of every reference of manufacturing in the Comprehensive Plan and the Subarea Plan (Elliott/Marlett).

Director Wilson clarified that is no definition of light manufacturing and manufacturing in the municipal code. Reference was made to the 2013 Comprehensive Plan, in which the Land Use designations described the Business Technology Park and for Manufacturing/Research was referred to light Manufacturing/Research and light Manufacturing and High Technology which has been expressed by the citizens in this process. Conversation continued on why the language may have been changed from light manufacturing to manufacturing.

Chair Barnes called for a vote: 7/0, motion passed.

#38Discussion continued regarding the letter received from Mr. McCloud, the Nisqually Tribe Chairman and when compared to The Future Cultural Resources and Plan, it was suggested to insert under the goal specific language to include a comprehensive cultural resources management plan. Per Director Wilson, there is already adequate language in the existing Comprehensive Plan, the Development Regulations and requirement by state law, in place, to comply. The letter implied to not move forward until the sites are fully analyzed. This is not the usual procedure as it is performed when projects arise and must go through the normal development process with proper research; and comply with specific agencies. Mr. Cushman's comments in his testimony seems favorable with the coordination between the City and the Tribe in regard to the subarea plan but the language in the letter seems definitive on their level of participation moving forward. Director Wilson explained that earlier this year, the City invested in site plan analysis and was in consultation and co-ordination with the Tribe and DAHP. Any questions would be addressed with the Tribe during the development review process.

Discussion moved onto the Current Parks, Open Spaces and Trails Map (2017) regarding it shows a trail and a crossing on south side of the Sequalitchew creek canyon but it does not exist. Mr. Wilson #40 explained this was a plan but doesn't mean it actually exists today, just guidance from the comprehensive part plan. The proposed plan identifies where trails may go as a part of entire trail system and future linkages. Parks and Rec may review at an update to the plan.

Chair Barnes moved to approve for recommendation to the City Council, Attachment 1 and Attachment 2 as proposed with the amendments pending final approval by the Chair and The Director.

#41A motion was made to approve Attachment 1 and Attachment 2 as amended to the City Council with the caveat pending that the copy be forwarded to Chair Barnes for his final approval.(Tatum/Ballard) 7/0; motion passed.

Chair Barnes then began discussion of the Development Regulations. This included going through changes.
In Chapter 25.41.010, subparagraph 5, line 33, it was recommended to insert a period after the word development and drop the remaining sentence "and limited warehouse distribution".

Chapter 25.41.060 subparagraph 3, line 31 and 34, remove the reference to warehouse.

Table 25.41.020(a), remove Warehouse distribution out of the chart.

#43Under Table 25.41.020, paragraph 2, page 14, add a new subparagraph (g) Distribution Warehouse.

Chapter 25.41.060, subparagraph (3), (e) page 18, remove entire line.

Chapter 25.41.50, subparagraph (6), (b), page 16, remove distribution.

A motion was made to adopt the changes as referenced to identifying areas in the code to strike out warehouse distribution but still retaining warehouse. (Elliott/Buck); 7/0, motion passed.

#45/46Ms. Reinart, Traffic Consultant responded to a question regarding limiting the number of axels or address types of trucks. The City has truck route ordinance based on gross vehicle weight. She explained there are many sizes and classifications so difficult to answer as many variables and without knowing a specific goal. The discussion pointed out that present in the community, the roads are incompatible with types of truck. So development should be reviewed so as to not attract this type of traffic. Director Wilson explained if restrictions are placed it will limit what can be allowed for industrial uses. Truck traffic regulation would go into the municipal code and is an issue that the Council would address. The discussion also included that restricting the number of truck bays can become a performance related issue. This lead into discussion of the orientation of bay doors and numbers. Mr. Wilson explained that there are protections built in the design regulations on buffering and orientation. There would be development review to address the specifics..

A motion was made to add under Land Use Code, on page 14 of Attachment 3, subparagraph 2, item "G" "Providing a prohibition on free standing warehouse distribution". (Ballard/Marlett); 7/0, motion passed.

A motion was made to incorporate a portion of the language from the BTP 25.40.010 Purpose "This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited" and insert into 25.41.010 Mixed Use Village, Purpose, after the first sentence.(Wright/Elliott).
Discussion commenced on the word excessive as it is difficult to measure. It was decided to move the fore mentioned as written.

Chair Barnes called for a vote, 7/0, motion passed.

A motion was made to insert the word "light" in front of manufacturing in Attachment 3, Development Regulations. (Elliott/Buck).
Discussion ensued as there is currently no definition of "light' manufacturing as it is not defined in the municipal code. This will be addressed at a future date. Also discussed was the definition of distribution warehouse and industry and whether this may impede a future person coming in.

Director Wilson explained there is a broad definition existing now. Clarification of terms does need further defining.

Chair Barnes called for a vote, 7/0, motion passed.

#51Discussion then commenced on the square footage that has been purposed for manufacturing. Any building over 4,000 square feet has to go through an environmental review process. This further included discussion of the sizes of buildings in relation to the parcel size.

A motion was made that on Table 25.41.020 Land Use, (a) Manufacturing page 13 of 19, the first Permitted instance be amended to read up to 200,000 square foot and the second instance, which is Conditional to be amended to read over 200,000 square foot. (Buck/Wright)

Discussion clarified that this is a process and threshold on size of a structure. The initial 400,000 square foot was created as a threshold that a parcel could accommodate for a structure and encourage larger building on the interior of the property. This lead into a Site Plan Review, Type II and the Conditional Use Permit process.

Chair Barnes called for a vote, 6/1. (Those in favor, Barnes, Elliott, Wright, Buck, Marlett, Ballard). Opposed, (Tatum). Motion passed.

#53-54Discussion took regarding the language of place the Floor Area Ratio intensity bonus and how that mechanism will work within the MUV district. Discussion continued regarding the Design Review, 25.41.070 and Site Plan Approval, 25.41.080 and the applicable definitions.

A motion was made to the recommend the adoption of Attachment 3 to the City Council with the approved changes and further review of the language changes by Chair Barnes. (Wright/Marlett); 7/0. Motion passed.

A motion was made to approve the Future Zoning Map & Exhibit, Attachment 4 for recommendation for the City Council approval. (Buck/Tatum). There was no discussion.

Chair Barnes called for a vote, 7/0, Motion passed.

7. UNFINISHED BUSINESS
None

8. NEW BUSINESS
None

9. ADMINISTRATIVE REPORTS
Director Wilson recommended cancelling the meeting on October 23, 2017. However, if a meeting is required, it will be held with an option to have a meeting cancelled in November.

Director Wilson discussed the upcoming workshops and public hearings with the City Council.

10. AUDIENCE COMMENTS(Items not on the Agenda)
Maria Gudalitis, 507 Louviers, expressed thanks for all who attended the meeting and the time taken to hold this meeting.

11. PLANNING COMMISSION MEMBER COMMENTS
Commissioner Elliott expressed thanks to all who attended and to the Commissioners for listening to the citizens.

Commissioner Wright also thanked the audience for their participation and to the Commissioners for the hard work.
Commissioner Buck also expressed the same thanks.
Commissioner Tatum expressed thanks to everyone one who attended.
Commissioner Marlett expressed thanks to all who attended the meeting and those who may have watched on social media.
Commissioner Ballard expressed that he is proud to be a member of the commission and whom served the community correctly and appropriately and thanked all the participation and a lot of work was done.
Commissioner Warner gave thanks for all who attended hopes to see continued community involvement.
Chair Barnes expressed thank you to the public that attended. Also a big thank you to Mr. Givens, for all time and to Director Wilson and to Ms. Howald for all the work put into this process. He also expressed thanks and great job done, to the Commissioner members.
Director Wilson also expressed thanks to Mr. Givens to all he has done and to Ms. Reinart for all her dedicated work and the hours and time they have provided.

12. ADJOURNMENT

Chair Barnes adjourned the meeting at 11:07pm.

_____

Chair, Chris Barnes Date

DRAFT

Land Use Designations Described

~~The City of DuPont uses a 1:1 ratio for their Land Use designation to Zoning Districts. In other words, each future land use designation has a corresponding zoning district.~~ The table below shows the City's future land use designation and provides a description of that designation's intent. The Land Use Code and zoning map help implement these designations through development regulations.

Table 10: Future Land Use Designation Descriptions

Designation	Description
R-3	The purpose of the R-3 district is to implement the single-family land uses specifically within the Historic Village, and El Rancho Madrona subdivision, where single-family density averages three units per acre.
R-4	The purpose of the R-4 district is to implement the single-family land uses where single-family density averages four units per gross acre. This district is appropriate for Hoffman Hill Village and Sequalitchew Village.
R-5	The purpose of the R-5 district is to implement the single-family land uses where single-family density averages five units per acre. This district is appropriate for Palisade Village, Yehle Park Village and Edmond Village.
R-12	The purpose of the R-12 district is to implement the multifamily land uses where multifamily density averages 12 units per acre.
Residential Reserve	The purpose of the residential reserve district is to designate property likely not available for the city's 20-year growth projections for the northerly portion of the Sequalitchew Village planning area. The district is intended as an interim measure to provide time for future studies and analysis to be conducted for subsequent comprehensive plan amendments, including a subarea planning process. Specific designations will be adopted after these future studies and may include residential, mixed use, and commercial. For the purposes of 2015 plan, the density for this district is four and a half (4.5) dwelling units per acre. This designation will be reviewed as part of the city's periodic review cycle and may be considered earlier through the city's two-year plan amendment process.
Commercial	The purpose of the commercial district is to allow commercial development. These areas are intended to provide goods and services to the entire community or larger market areas.
Mixed Use	The purpose of this district is to permit uses that are allowed in the commercial district, the office district, and residential zone district. This area is intended to provide office space, goods and services to the entire community or larger market.

EXHIBIT "C"

Designation	Description
Business Tech Park	The business tech park district is intended to provide location for a range of uses including business park uses, including office, commercial, light manufacturing and research, and possibly mixed-use residential. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited.
Old Fort Lake	The purpose of this designation is to implement the vision established in the Old Fort Lake subarea plan (see appendix). This designation is intended to support a mixed-use village character which includes office, manufacturing, research and development, commercial/retail, housing, and cultural facilities. Old Fort Lake is further divided into four sub-groups, to better facilitate a unique character in different areas within the overall subarea.
Manufacturing and Research	This district allows for light manufacturing and high technology industries such as biotechnology, computer technology and communications equipment uses. Land uses with any significant adverse impacts, such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants, are prohibited. This district also provides in limited locations small scale retail
Industry	The purpose of this district is to provide for the location and grouping of industrial uses, and similar uses involving manufacturing, assembly, fabrication, processing, bulk handling, storage, research, and heavy trucking. This purpose is accomplished by permitting a wide range of industrial uses, establishing appropriate development standards.
Open Space (includes park lands)	The purpose of this district is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers and recognize lands for parks, greenbelts, open space and tree preservation areas and regional storm drainage detention areas in addition to open space and landscape areas as mutually agreed to by the property owner and city. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities
Military Land	The purpose of the military lands designation is to recognize the portion of the federal military installation within the DuPont city limits. The autonomy associated with the federal ownership in combination with the unique character of the military operations and support structures is not typical of civilian land uses. Military lands are designated on the land use map but land uses within the installation are not governed by the city.

Villages and Major Land Use Areas

The combination of DuPont's natural and man-made features tends to define distinct individual land areas within the City. These land areas provide a physical basis for establishing the general

boundaries for villages and major land use areas. The map below reflects the overall location of each village and major land use area. The sections and figures on the following pages describe the detail. Within the "Residential" designation single family and multi-family housing are allowed subject to the allocations shown in the table for each village and the arrangement referred to in the text. If the total number of residential units assigned to a village is not reached in the development process, then the number of units remaining may be transferred to the residential area in Sequalitchew Village at the same density and unit type as was provided in the originating village.

Overall Land Use

Table 11: Overall Designated Acres by Village

	Bell Hill	Civic Center	DuPont Station	Edmond	El Rancho Madrona	Old Fort Lake ~~BTP~~	Historic	Hoffman Hill	MRP&1	Palisade	Sequalitchew	Yehle Park	**Total**
Residential 3	0	0	0	0	18	0	53	0	0	0	0	0	**71**
Residential 4	31	0	0	0	0	0	0	241	0	0	248	0	**520**
Residential 5	0	0	0	45	0	0	0	0	0	123	0	202	**370**
Residential 12	0	13	0	6	0	0	3	21	0	26	0	18	**87**
Reserve Residential	0	0	0	0	0	0	0	0	0	0	166	0	**166**
Mixed-Use	0	18	61	0	0	0	0	0	0	0	0	0	**79**
Office	0	0	55	0	0	0	0	0	0	0	0	0	**55**
Commercial	0	0	6	0	0	0	22	0	0	0	0	0	**28**
Business Technology Park	0	0	0	0	0	~~509~~ 0	0	0	0	0	0	0	**~~509~~ 0**
Old Fort Lake	0	0	0	0	0	517	0	0	0	0	0	0	**517**
Manufacturing and Research	3	0	0	0	0	0	0	0	244	0	233	0	**480**
Industry	0	0	0	0	0	0	0	0	182	0	0	0	**182**
Military	0	0	0	0	0	0	0	0	290	0	0	0	**290**
Neighborhood Park	0	0	0	1	0	0	9	9	0	0	0	11	**31**
Community Park	3	3	4	0	0	~~5~~ 4.6	0	0	0	1	20	28	**~~65~~ 64.4**
Open Space*	25	22	10	2	0	~~143~~ 133.1	78	119	186	14	178	62	**~~840~~ 829.1**
	63	**56**	**135**	**54**	**18**	**~~657~~ 654.7**	**166**	**390**	**903**	**164**	**845**	**321**	**~~3,773~~ 3,769.7**

* Area may include parcels within submerged land (e.g shorelines and/or lake bottoms)

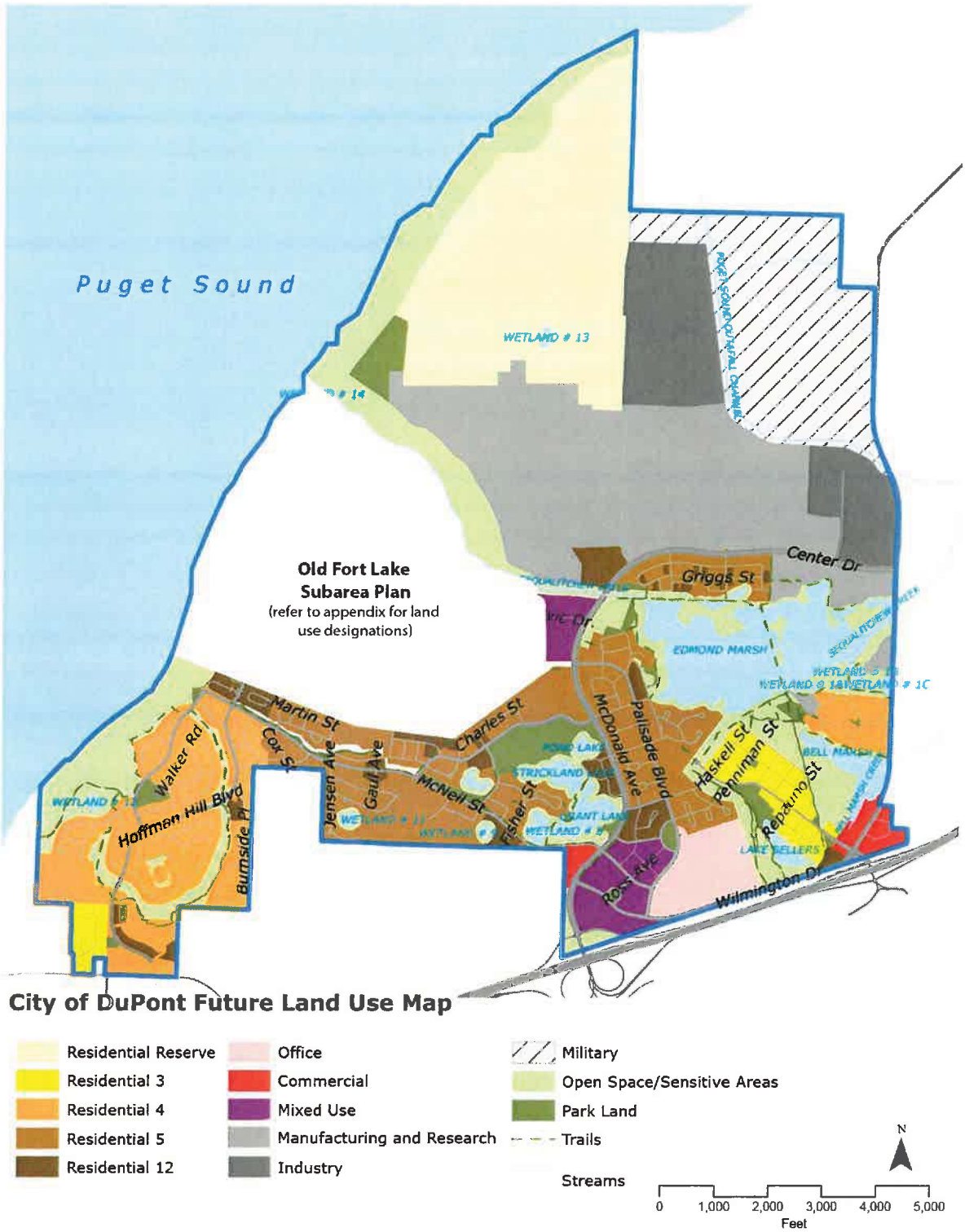


Figure B: Citywide Future Land Use Map

Old Fort Lake ~~Business and Technology Park~~

Old Fort Lake will be a mixed-use village that will have a mix of office, research, light manufacturing, commercial, and housing uses. The area also provides recreational and cultural opportunities alongside a beautiful natural setting. Development in this area will provide for business and emerging technology activities within a campus like setting of natural and manmade landscapes.

This area includes Old Fort Lake and is bound to the north by Sequalitchew Creek and to the west by the Puget Sound Bluff. These features will be maintained in their natural state and protected from development by buffers. A future network of trails has been identified connecting these natural areas and future development.

The "Home Course" golf course accounts for one-third of the area's land use, while the remaining land is largely vacant. Two historic sites exist within its boundaries. Old Fort Lake was historically used as munitions site in the mid-1970's, and extensive clean-up efforts have been conducted to remove contaminated soils. Residences, schools, and parks have been deed restricted by the Weyerhaeuser and the DuPont Corporation by a Consent Decree, however, it is possible that further remediation efforts may relax these restrictions.

Old Fort Lake offers a large amount of vacant developable land. The area has many unique assets, opportunities, and constraints, and therefore a vision for this area has been established through a subarea plan. The Old Fort Lake Subarea Plan is included in the DuPont Comprehensive Plan as an appendix. The subarea area plan establishes the future land use and lists the implementing goals and policies.

~~This low-density business, technology and commercial area will integrate campus-style development with historic features, natural areas, open space and a golf course. The golf course, known as "The Home Course" is the home of the Pacific Northwest Golf Association and the Washington State Golf Association.~~

~~Bounded by Sequalitchew Creek, the Puget Sound bluff, the northern boundary of Hoffman Hill and Yehle Park Villages and the Civic Center, The Business and Tech Park includes Old Fort Lake and the 1833 Fort Nisqually site. Extensive work to clean up the area where the DuPont Company created and assembled explosives until the mid-1970s has been completed. The most contaminated soils have been removed and the remaining contaminated soils have been placed under golf course fairways and greens. The golf course boundary was determined by the location of the most contaminated areas and is reflected in the remediation agreement between the Weyerhaeuser and DuPont Companies and the Washington State Department of Ecology. Residences, schools, and parks have been deed restricted by the Weyerhaeuser and the DuPont Corporation within Consent Decree Area.~~

~~The Old Fort Lake Business and Technology Park will have a mix of office, research, light manufacturing, administrative and commercial activities. Development in this area will provide for business and emerging technology activities within a campus like setting of natural and manmade landscapes.~~

~~Within the Old Fort Lake Business and Technology Park area, Sequalitchew Creek and the Puget~~

~~Sound shoreline and bluff will be maintained in their natural state and protected from development by buffers. A trail location is identified in the buffer along the south side of the Sequalitchew Creek ravine. In addition to pedestrian access along the Puget Sound bluff, views of the sound will be provided from upland portions of the bluff.~~

~~The golf course accounts for one-third of the area's land use. The course provides both an exciting golf experience and a community benefit by maintaining significant trees and natural vegetation. The public will be able to drive along some fairways and parts of the course to experience the open space. A trail corridor within the Old Fort Lake Business and Technology Park will connect Old Fort Lake with the community park and trail system in Yehle Park Village and the trail system along Sequalitchew Creek.~~

~~Another feature of this area is the Wilkes Observatory site in the northern corner of the Business and Technology Park. Three acres of community parkland will be set aside outside the Consent Decree boundary to provide access to the historic site and provide views of Puget Sound and the Olympic Mountain Range in the distance.~~

~~An area that lies within both the Old Fort Lake Business and Technology Park and Sequalitchew Village has been nominated by the Washington State Department of Archeology and Historic Preservation (DAHP) for listing on the National Register of Historic Places. As provided in a multi-party memorandum of agreement (December 2000), Weyerhaeuser Real Estate Company will support the listing of the area once the City of DuPont has granted final development approvals for all remaining portions of the property. The district encompasses approximately 360 acres and represents a convergence of ancient and historic activities and values that are representative of the Pacific Northwest. The north boundary starts at the 1843 Fort Nisqually (DAHP Site No. 45-PI-56) and runs west to the site of a sawmill on the north side of the mouth of Sequalitchew Creek (DAHP Site No. 45-PI-71), then south along Puget Sound to include Sequalitchew Archaeological sites (DAHP No. 45-PI-54) and the Ox Road (no DAHP Site No.), then east to include the 1833 Fort Nisqually site (DAHP Site No. 45-PI-55H), DuPont Company site (DAHP Site No. 45-PI-70) and Hudson's Bay Company Cemetery (no DAHP No.) then north back to the 1843 Fort Nisqually site.~~[4]

~~*Table 32: Old Fort Lake Land Use Categories*~~

	~~Square feet~~	~~Acres~~	~~% of total~~
~~Reserve Residential~~			
~~Residential 3~~			
~~Residential 4~~			
~~Residential 5~~			
~~Residential 12~~			
~~Mixed Use~~			
~~Office~~			
~~Commercial~~			
~~Business Technology Park~~	~~22,189,378~~	~~509.40~~	~~77.59%~~
~~Manufacturing and Research~~			
~~Industry~~			
~~Military~~			
~~Neighborhood Park~~			
~~Community Park~~	~~198,691~~	~~4.56~~	~~0.69%~~
~~Open Space~~	~~6,209,691~~	~~142.55~~	~~21.71%~~
~~**Total**~~	~~28,597,760~~	~~657~~	~~100.00%~~

~~There are no housing units existing or proposed within the Fort Lake Business and Technology Park.~~

~~The City anticipates developing a subarea plan for the development of Fort Lake Business and Technology Park Village. The subarea planning process should pay specific attention to the following community goals:~~

- ~~Include significant emphasis on public access to the shoreline, public trails, trail connectivity within the City and regionally, identify strategic locations for parks, and ensure public amenities are sited in convenient and appropriate locations etc.~~
- ~~Efforts should be taken to ensure development occurs in a way that ensures continuation and expansion of "natural trails" as well as urban pathways. Careful site design to reduce lighting, noise and other urban impacts are important especially adjacent to the Puget Sound and Sequalitchew Creek.~~
- ~~Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.~~
- ~~Evaluate a variety of public and private partnership options related to necessary improvements such as the development of the South portion of "Loop Road".~~

~~[4] See Memorandum of Agreement among 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, December 12, 2000~~

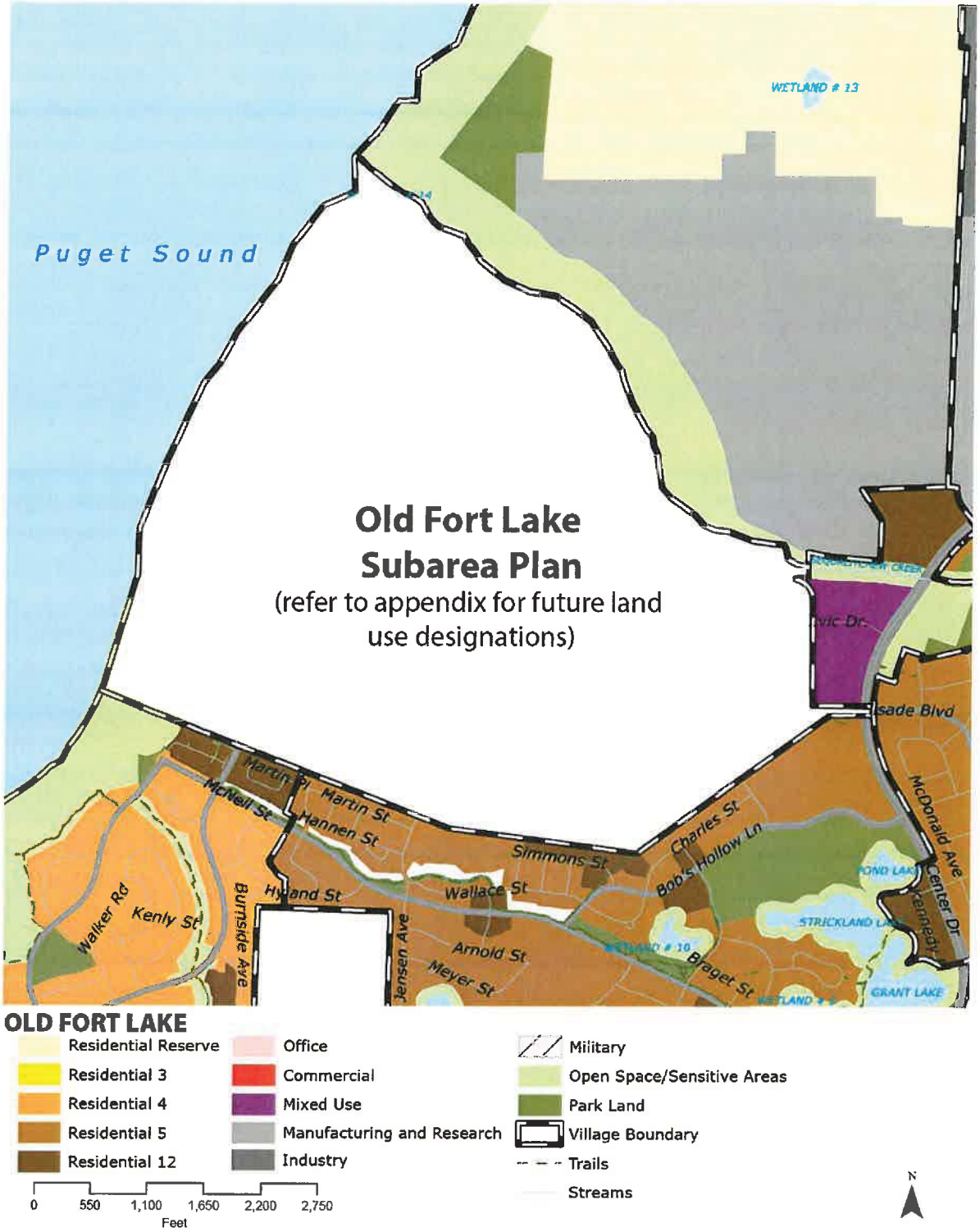


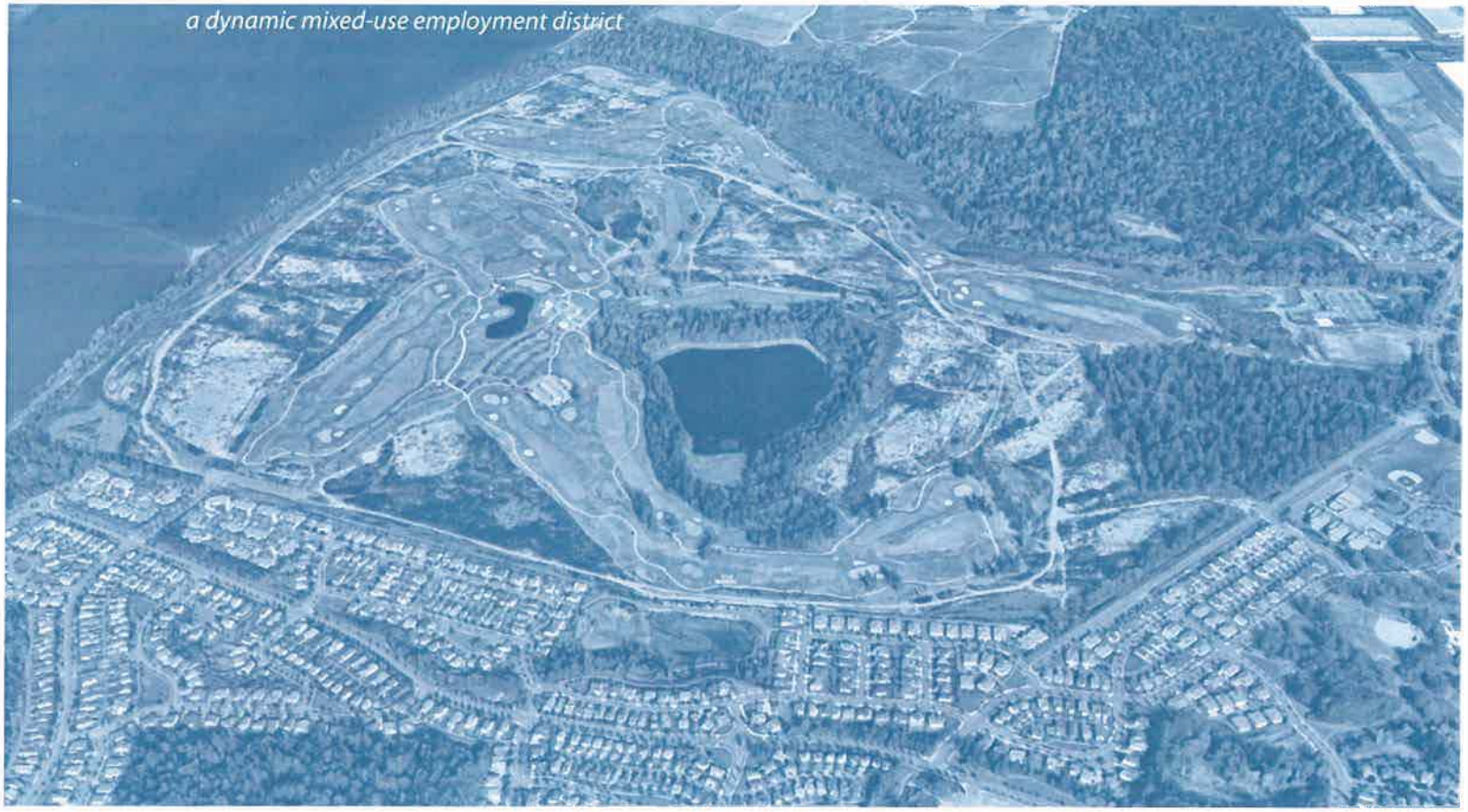
Figure M: Old Fort Lake ~~Business & Technology Park~~ Future Land Use Map

CITY OF DUPONT

OLD FORT LAKE

Subarea Plan

a dynamic mixed-use employment district



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Updated DRAFT (CLEAN VERSION)

EXHIBIT "C"

"The Old Fort Lake Subarea Plan strives to create a dynamic mixed-use district that provides a spectrum of future services, recreation, employment, and living options for the City of DuPont."

ACKNOWLEDGEMENTS

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PART 1

INTRODUCTION AND PROJECT OBJECTIVE

1.1 – Project Summary

The Old Fort Lake Subarea plan was created to establish a long-range vision and development strategy for the +/- 655-acre area bound by Sequalitchew Creek, the Puget Sound bluff, Hoffman Hill and Yehle Park Village neighborhoods and the City of DuPont Civic Center. The *DuPont Comprehensive Plan* includes the goal to conduct this subarea plan to establish future uses, delineate open space areas, plan for the area's transportation network, and to ensure community sentiments are reflected in the plan. The existing Comprehensive Plan and Municipal Code establish natural resource and land use controls but lack detail about future infrastructure, aesthetics, amenities, and compatibility.

This subarea plan represents a year-long process to engage City officials, property owners, and the DuPont residents to define the future vision for the property. This subarea plan establishes the process, the findings, the options, and final strategy to develop Old Fort Lake into a new mixed-use neighborhood.

Top: *Old Fort Lake rests at the top of a bluff overlooking Puget Sound.* ***Middle:*** *The City of DuPont trail system traverses through and around the subarea.* ***Bottom:*** *The subarea is nestled amongst established neighborhoods and natural areas; it is also adjacent to the Civic Center.*

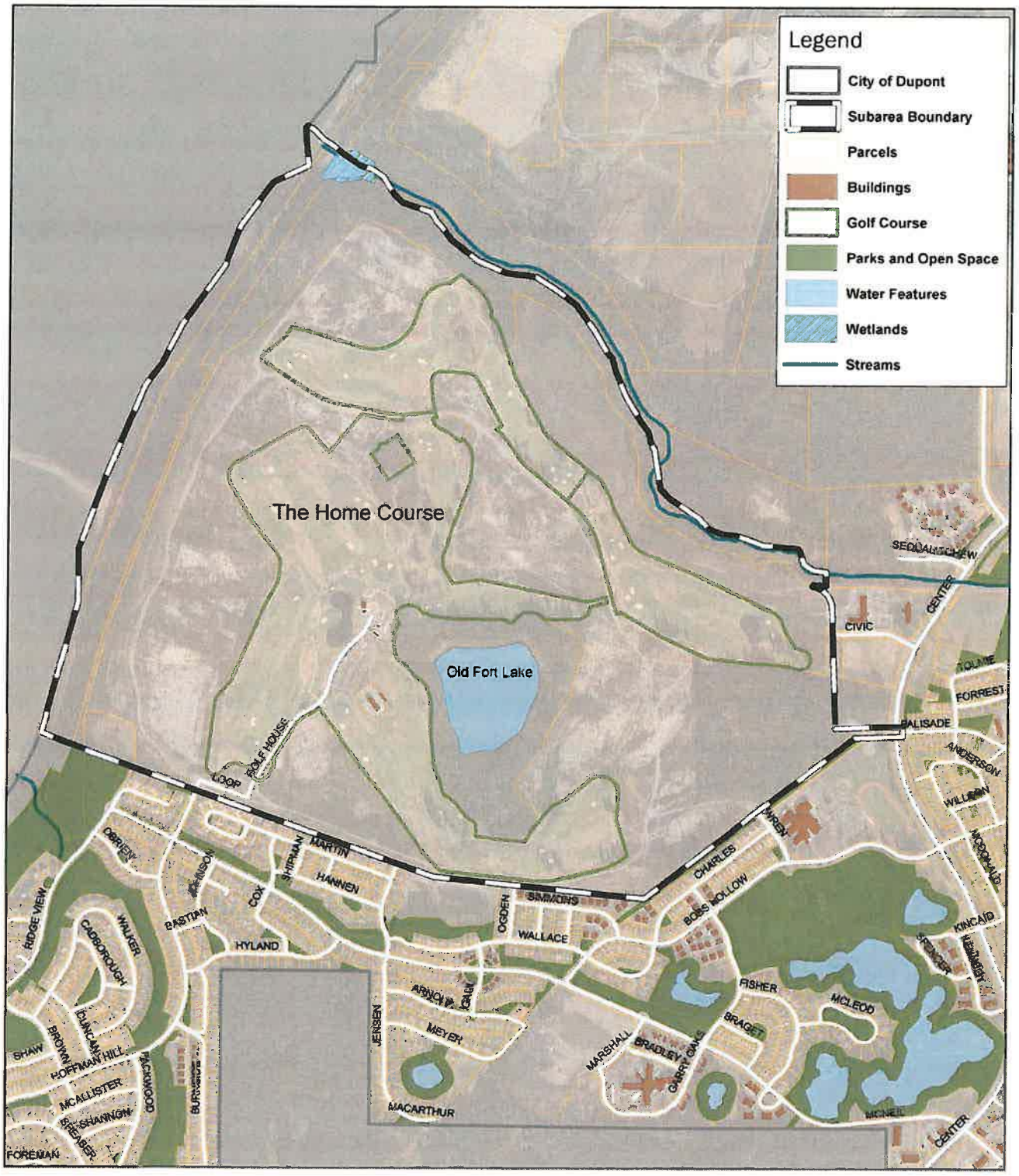


Figure 1 - Existing Conditions Exhibit

1.2 – Subarea Plan Intent

The Old Fort Lake subarea contains tremendous opportunity to provide future employment, commerce, recreation, and housing to accommodate current and future populations. The intent of the subarea plan is to examine the area to better understand its strengths, opportunities, and constraints, and to plan for its growth. Based on analysis and engagement, the subarea plan articulates the future vision and outlines its implementation strategy. This vision will be implemented through the City's Comprehensive Plan, land use controls, capital improvement plans, and economic development initiatives.

Plan Objectives

The subarea plan is a systematic approach to planning for Old Fort Lake's future. The plan's overarching intent is to create a well-designed, highly-connected, and economically-robust district. The subarea plan aims to address the following objectives:

Natural Environment: Preserve and enhance sensitive areas and natural assets that exist on site. Showcase the natural environment as part of site planning and capital investments. Create a strategy to address soil contamination levels through clean-up, engineering controls, and land use planning.

Economic Opportunity: Leverage the opportunity created by the City's largest area of undeveloped commercial/light manufacturing land to create well-paying employment opportunities. Ensure that future uses align with economic development and job creation goals. Establish a neighborhood that is attractive for investment, employers, and employees.

Urban Design: Design a quality district that is rooted in superior urban design that applies to site planning, buildings, amenities, and streetscapes. Create a purposeful vision for development that is coordinated, aesthetically pleasing, connected, and compatible with the surrounding area. Adopt standards to ensure well-designed sites, streets, and buildings.

Connections: Connect future and existing uses with an integrated multi-modal transportation network that accommodates all users (motorists, bicyclists, and pedestrians). Integrate the subarea into surrounding areas while being mindful to protect residential neighborhoods from adverse impacts. Build upon the adopted transportation plans and policies when planning for streets and trails.

Amenities (Natural and Cultural): Protect and integrate existing *open space, critical areas, cultural resources*, and *views*. Plan for future amenities that enhance the neighborhood and stay true to DuPont's community character and quality of life. Focus on creating dynamic streetscapes, landscaping, trails, gathering places, and living/commercial environments.

Housing Opportunity: Explore opportunities to provide additional housing for the City of DuPont and to provide workforce housing to complement future employment uses in Old Fort Lake.

1.3 – Project Scope

The City of DuPont desires to create a long-range vision and implementation strategy for the land that encompasses Old Fort Lake. The project includes a holistic, systematic approach towards plan creation. The following tasks were embarked on as part of the project.

- **Community and Stakeholder Engagement –** The City created opportunities for the general community and stakeholders to provide meaningful input. This was used to shape the subarea design, choose amongst alternatives, and recommend action items that will lead to the plan's implementation. The community was asked to voice its opinions and preferences for land uses, aesthetics, and local connections. Property owners were engaged to communicate their long-term development goals, recommend design options, and provide feedback on implementation plans.
- **Existing Conditions / Site Analysis –**City staff reviewed and documented the area's existing conditions to serve as the basis for planning. City staff reviewed elements including (i) Land Use, (ii) Natural Resource, (iii) Utilities, (iv) Transportation, (v) Open Space and Trails, (vi) Site Contaminants, and (vii) Demographics. City staff used this information to conduct a site-level analysis of opportunity and constraints to guide the project design.
- **Concept Planning** – The project examined future land use scenarios to serve as the basis for vision for the property and function as the foundation for land use planning, infrastructure planning, and development controls. The subarea plan evaluates the impacts associated built-out of the future land use plan as organized in the (i) Land Use and Housing (ii) Transportation, (iii) Capital Facilities and Utilities, and (iv) Open Space elements.
- **Land Use and Policy Plan –** The Old Fort Lake Subarea Plan documents the planning process and articulates the long-term vision for the subarea. The plan was structured to parallel and complement the City's Comprehensive Plan and the State of Washington Growth Management Act land use structure.
- **Development Standards** – The City drafted new development standards (and amendments) that are intended to enact land use controls to ensure that properties develop/redeveloped according to the long-range vision. New zoning districts were created to implement the plan's vision.
- **Plan Adoption –** City staff facilitated the process for the DuPont City Council to formally adopt this subarea plan as an official policy document to guide future development and capital improvements. This process included several work sessions with the DuPont Planning Commission to help develop the plan components and refine the elements therein.

1.4 – Community Engagement Strategy

A Community Engagement Strategy was implemented to ensure that the subarea plan was created through meaningful community/stakeholder input. The engagement process aimed to integrate the input from City staff, property owners, the Planning Commission, and the general community. The following outlines the Community Engagement Strategy that was followed during this planning effort, while Section 3.3 lists the specific community desires.

Community Engagement Participants

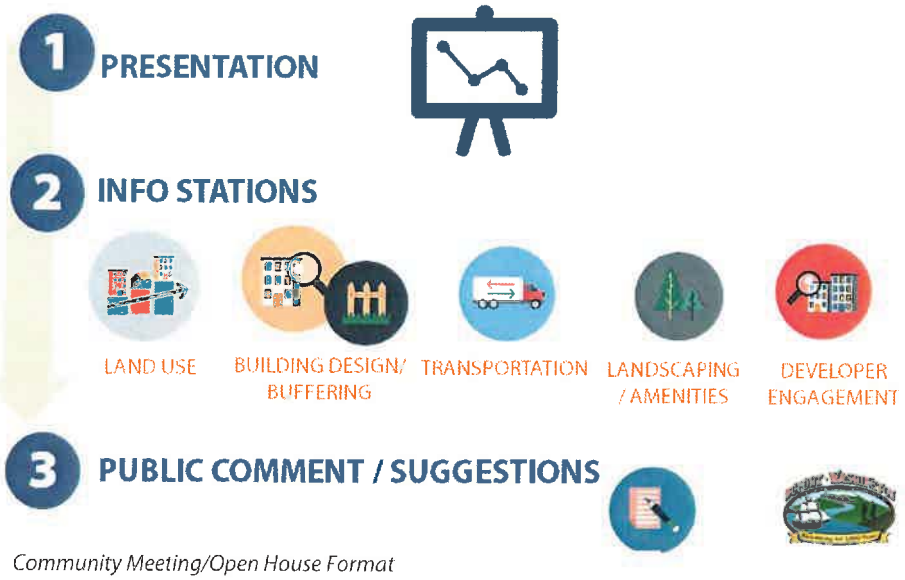
Working Group

A project working group was assembled to provide technical guidance and make recommendations pertaining to the vision and implementation of Old Fort Lake Subarea Plan. The working group consisted of property owners within the subarea, City staff, and its consultant team. The working group met weekly through the plan preparation. The working group focused on the following plan elements: *Land Use and Housing, Transportation, Open Space and Recreation, Cultural Resources, and Utilities & Capital Facilities.*

General Community

The DuPont residents and stakeholders were engaged through a community meeting/open house, written surveys, and continual email correspondence with the City's planning department. This played an important role in the Old Fort Lake Subarea planning process because it (i) welcomed community engagement and provided the opportunity for community participation, (ii) created community excitement for the Old Fort Lake Subarea, and (iii) provided meaningful input that was used to help the Working Group make vital decisions in the subarea plan preparation.

- **Community Meeting Format** – The community meeting was broken into three parts:
  - ***Presentation*** – the presentation was intended to educate attendees on the background and proposed land use amendments.
  - ***Information Stations*** – six informational stations were established that each represented a key aspect of the project (land use, transportation etc.) so that attendees could provide input and vote on elements they prefer.
  - ***Written Comment Station*** – questionnaire sheets were provided to allow attendees to provide written comments about the alternatives.



Community Meeting/Open House Format

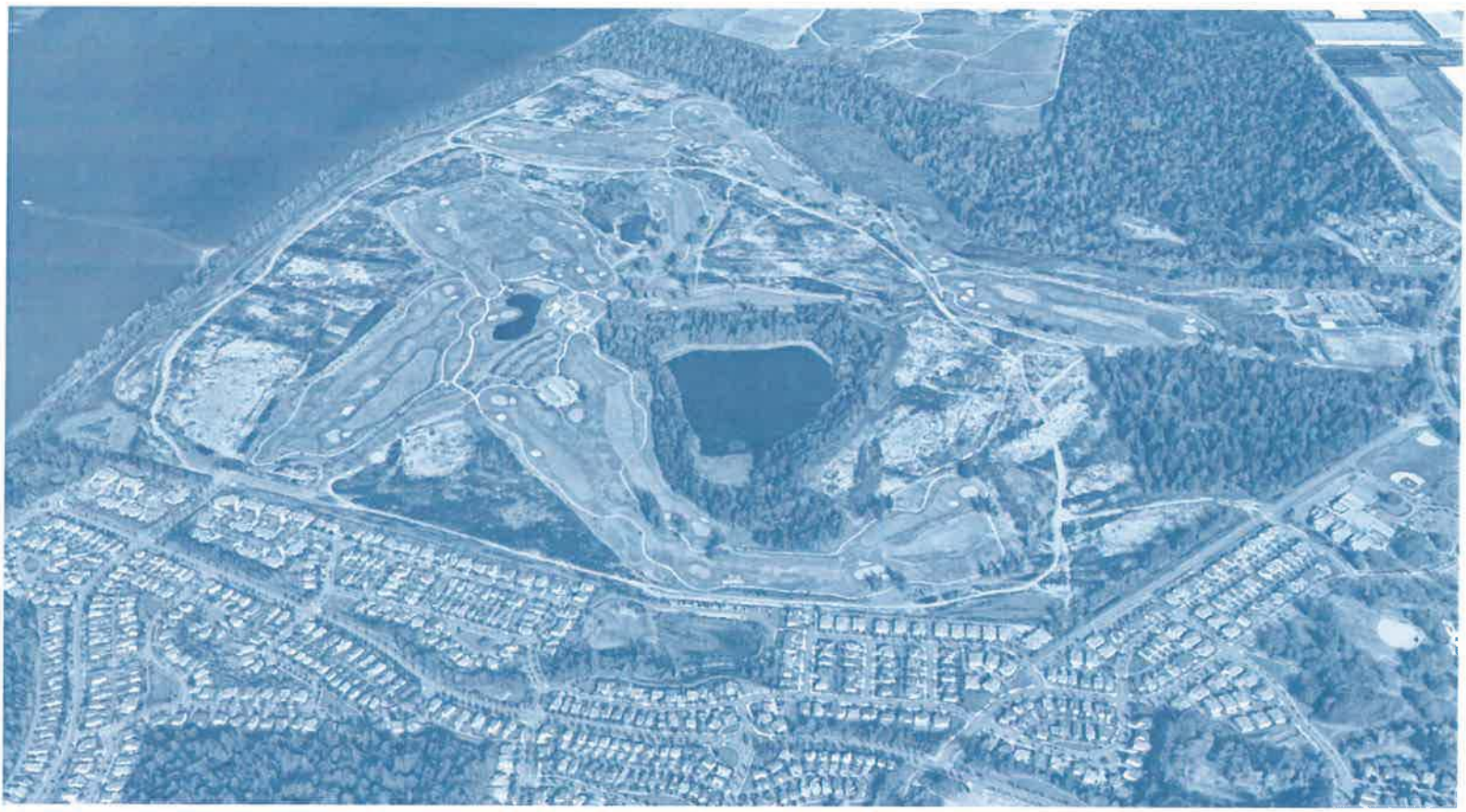
- **Community Engagement Focus** – the community meeting was focused on obtaining public input relating to the following elements of the plans:
  - > ***Land Use*** – participants were asked to identify their desires and concerns related to potential commercial, residential, and employment uses.
  - > ***Building Appearance*** – participants were polled on their desires for building appearance and design. They were also asked to select their preferred building orientation and site design principles.
  - > ***Transportation Options*** – participants were questioned about vehicle, bicycle, and pedestrian mobility transportation options and design. They were asked to identity their preferred street design elements for landscaping, travel lanes, and pedestrian/bicycle facilities. They were also asked to express their overall transportation concerns.
  - > ***Amenity Package*** – participants were asked to provide comment on future public and private space amenities.

Planning Commission

The City of DuPont Planning Commission was engaged through multiple work sessions to provide guidance through the planning process at key project milestones. City planning staff engaged the Planning Commission to provide recommendations to the project approach, the area's opportunities/challenges, the future land use potential, the open space framework, and the main infrastructure network.

PART 2

SITE OVERVIEW & COMMUNITY CONTEXT



2.1 - Site Overview

General Characteristics

The subarea encompasses a +/- 655-acre area bound by Sequalitchew Creek, the Puget Sound bluff, the Hoffman Hill and Yehle Park Village neighborhoods, and the City of DuPont Civic Center. Part 4 –*Goals and Policies* of this subarea plan provides additional existing conditions data organized by plan element. The following is a brief description of the area's general characteristics:

- **Landscape** – The majority of the properties are relatively flat; some areas slope down to water features. The subarea overlooks Puget Sound, with a steep bluff lining the western boundary. Old Fort Lake is located central to the plan area. Sequalitchew Creek flows along the northern boundary. The major tree canopies are clustered along the creek, the lake, along the bluff, and at the southeast corner.
- **Land Usage** – The subarea is mostly vacant and unimproved. The Home Course (golf course) is the primary developed land use and operates within the subarea along with its clubhouse, restaurant, and practice facilities. Other areas are vacant and await (re)development.
- **Cultural Resources** – The subarea includes known cultural sites which include the 1833 Hudson Bay Company Fort Nisqually and the Wilkes Observatory Historical Site. These sites do not have their original structures and only archeologic artifacts remain.
- **Roadways** – There is an existing dirt road that traverses the subarea, however, the only internal paved streets access the golf course. Several roadway stubs terminate at the area's southern and eastern boundaries. An active rail line is below the bluff and runs parallel to the western boundary.
- **Opportunity Areas** – There are several upland sites within the subarea that create opportunity for future development and employment uses. These areas are generally unencumbered by natural resources. Scenario

Opposite Page: *Existing subarea overlooking Puget Sound.* ***Left:*** *Existing multi-use trail along southern boundaries.* ***Center Left:*** *Nearby residential community.* ***Center Right:*** *Existing Home Course.* ***Bottom Left:*** *Adjacent residential community along Hoffman Hills Boulevard.* ***Bottom Right:*** *Undeveloped property within the subarea.*

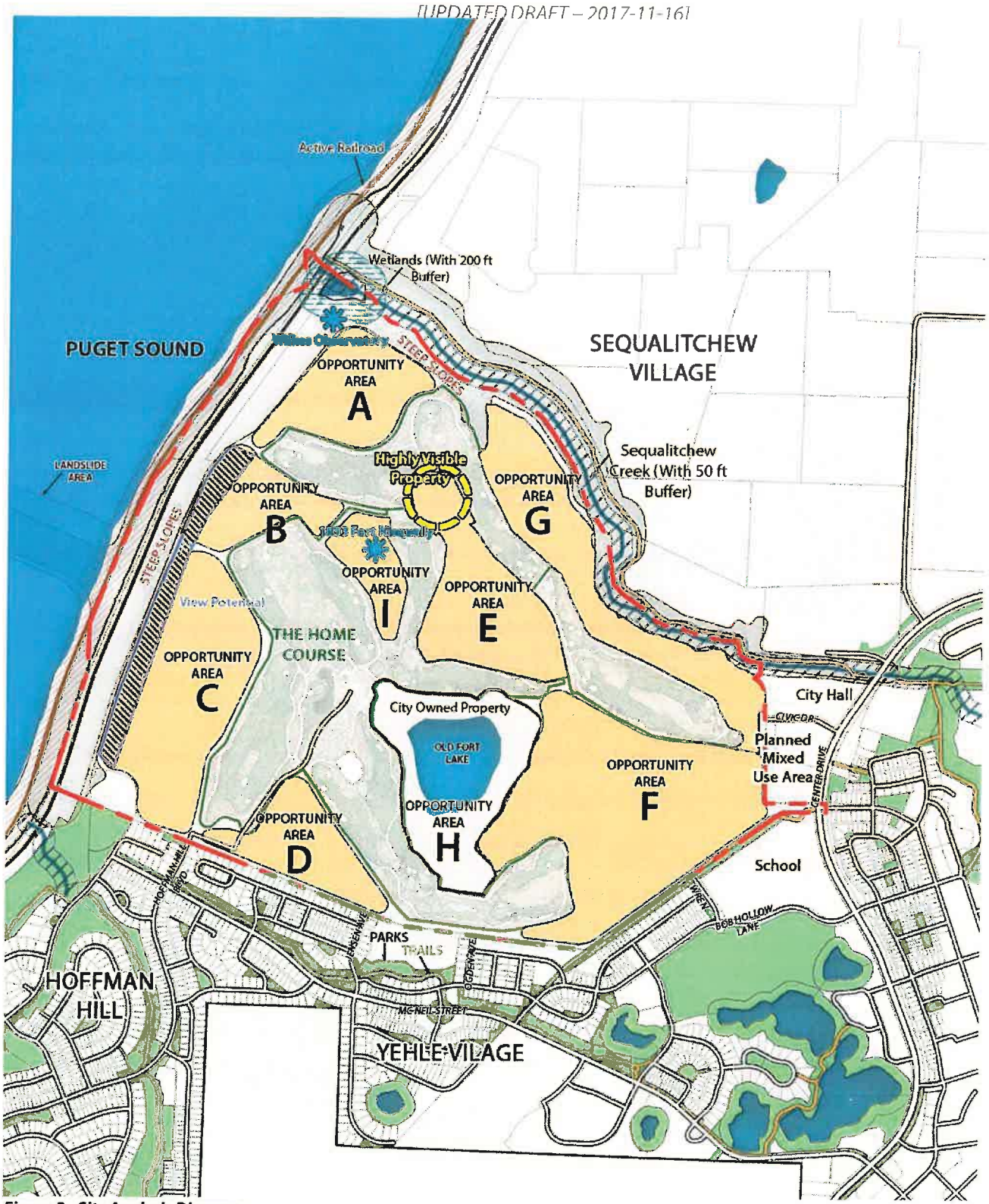


Figure 2 - Site Analysis Diagram

Ownership

When this plan was created, the subarea consisted of a small number of property owners. This limited land ownership provided opportunity for coordinated planning amongst these entities.

- **Golf Course** – The Home Course covers three parcels and is owned by the Washington State Golf Association.
- **The City of DuPont** – The City owns The 1883 Hudson Bay Company Fort Nisqually Site, the Wilks Observatory, the south side of Sequalitchew Creek, and the Old Fort Lake open space area.
- **Nisqually Indian Tribe** – The Nisqually Indian Tribe owns a significant land area paralleling the Sequalitchew Creek, as well as a small parcel in the southwest corner of the site.
- **Private** – A single, private entity owns the residual properties within the subarea.

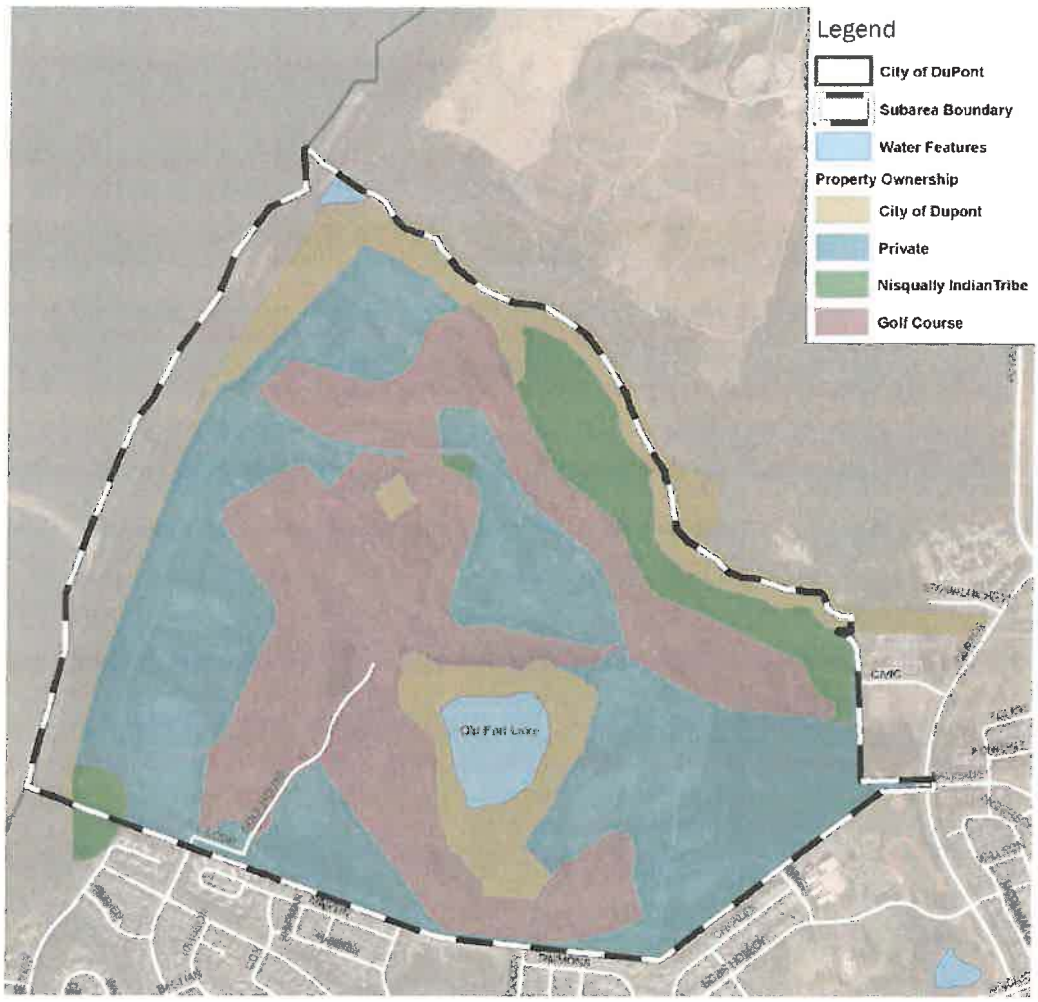


Figure 3 - Old Fort Lake Area Ownership (circ. 2017)

Site Remediation History and Considerations

From 1909 to the 1970's, much of the subarea was used for manufacturing commercial ammunitions. The explosive material manufacturing ceased when the Weyerhaeuser Company purchased the property in 1976. A *Phase 1* environment site assessment prepared in 1986 found significant and wide-spread soil contamination as a result of the previous land use. Future land activity will require provisions for site cleanup, engineering controls, and/or land use restrictions to ensure long-term health and safety.

The subarea has a number of environmental documents associated with the environmental hazards including: the final Environmental Impact Study, a Cleanup Action Plan, Remedial Investigation, and Groundwater Monitoring results.

- **Consent Decree** – A consent decree between the property owner and the Washington State Department of Ecology was filed in 1991. Remedial action and feasibility studies were completed and a new consent decree was entered in 2003. The 2003 decree covered two areas, "parcel 1" and "parcel 2." Parcel 1 is a 636-acre area that covers the current subarea, and parcel 2 is a slightly larger area adjacent to the north. Within parcel 1, copper and lead were found within surface waters. Soil excavation on the site removed high levels of lead and arsenic. The golf course serves as an engineered cap over contaminated soils. The consent decree required certain land use restrictions to guard against human exposure to harmful substances. The Consent Decree specifically stipulates that the site cannot be developed for residential uses, daycares, parks, schools, and related uses.
- **Restrictive Covenant** – A 2006 Restrictive Covenant, that includes areas within the subarea, states that uses on the site are allowed to the extent permitted under the City of DuPont zoning regulations and the Model Toxics Control Act. The 2006 Restrictive Covenant also echoes the Consent Decree. The covenant states that the site cannot be developed for residential uses, daycares, parks, and related uses. This restrictive covenant provides additional restrictions throughout the subarea and will need to be reviewed on a case-by-case basis. Further soil investigation and hazardous contamination remediation in the subarea may result in relaxation of these deed restrictions.
- **Periodic Review Standards** – The contaminated area is subject to 5-year periodic reviews and soil and groundwater testing. The latest review was performed in 2016, which found that while soil contamination has not been completely abated, previous cleanup actions have been sufficient to protect human health and environment for the existing land uses and that the site could be removed from the Washington State Department of Ecology's Hazardous Sites List.

2.2 - Community Context

The subarea is nestled in the western portion of DuPont and adjoins established neighborhoods, future development areas, and natural amenities. The subarea is adjacent to the Hoffman Hill, Yehle Park, Civic Center and the Sequalitchew Village planning areas.

- **The Hoffman Hill and Yehle Village** planning areas are to the south of the subarea and consist primarily of single-family and duplex housing. These neighborhoods have extensive park and trail amenities.
- **The Sequalitchew Village** planning area is to the north of the subarea which includes manufacturing, office, and warehouse uses. Nearly the entire village is within the mineral resource overlay boundary. Gravel extraction is currently underway in this area and is expected to proceed over a long term. Development is not likely to occur within this area within the foreseeable future.
- **The Civic Center** includes City Hall, the Fire Department and the Police Department. In the future a library and museum could also be located on the Civic Center campus. The remainder of the area south of Civic Drive is planned for office, retail sales, and service uses.

Figure 4 - Old Fort Lake – Community Context Aerial (2017)

PART 3

PROJECT PLANNING AND VISION

3.1 – Vision & Guiding Principles

The vision for the Old Fort Lake Subarea is to create a mixed-use district that provides a spectrum of future services, recreation, employment, and living options for the City of DuPont. The City envisions an Old Fort Lake district that provides additional land use options, protects natural resources, and seamlessly integrates into the City as a whole.

Guiding Principles

The subarea plan was pursued by following specific guiding principles to keep the long-range plan true and aligned to the project vision. These principles were applied to plan elements and helped guide decision making for the Subarea Plan.

- **Create opportunities for jobs and employment** – The Old Fort Lake area will be developed as an important employment center. Future businesses will provide quality and diverse job opportunities for the DuPont residents.
- **Explore opportunities/feasibility for housing** – The subarea is a potential location for residential to address future housing needs for the City of DuPont. Housing should be planned within close proximity to future employment uses.
- **Recognize and protect existing property rights** – The subarea plan will acknowledge and retain much of the land use potential established in the 2014 Comprehensive Plan.
- **Protect and enhance natural resources** – The subarea plan will inventory existing natural resources and employ protection measures to ensure conservation and enhancement. The subarea will be responsive to these natural features and will showcase open space areas.
- **Protect and provide access to cultural resources** – The subarea plan will identify known cultural resources and design a community plan that provides conservation and access to these resources. The plan will include protection policies for all cultural resources.
- **Recognize and response to the historical presence of contaminants** – The subarea plan will acknowledge the presence of site contaminants that were created from previous manufacturing activity. The process will also consider the existing Consent Decree and Restrictive Covenants that affect future land uses in the subarea. Some uses are allowed and will develop irrespective of the Restrictive Covenants.
- **Provide for complementary uses** – The subarea plan will identify land uses and amenities that complement future employment uses. Complementing uses could include open space, recreation, and neighborhood commercial.
- **Create an interconnected and safe transportation network** – The subarea will be planned with a multi-modal transportation system that is integrated into the existing network of streets, trails, and other facilities. Facilities will be designed to provide for safe connections within the subarea, adjacent districts, and the region.

- **Protect and buffer existing neighborhoods** – The subarea planning process will be mindful to protect existing neighborhoods. In doing so, the plan will apply land use designations, buffer standards, and other development controls to ensure neighborhood compatibility. The plan should manage transportation impacts onto neighborhoods.
- **Engage property owners and neighborhoods in the planning process** – The planning process will include a community engagement strategy to provide a working partnership with property owners, stakeholders, and the general public.

3.2 - Key Considerations

The City of DuPont embarked on the Old Fort Lake Subarea Plan process by identifying some initial key considerations that would guide the plan development and shape the future potential. These key considerations are identified as Project Opportunities and Challenges.

Project Opportunities

- **Master Planning** – The subarea represents the opportunity to master plan an entire village/district's land use areas, roadway network, trails, open space, and amenities. The master planning process allows for a coordinated effort that involves the property owners, City leaders, and the DuPont community.
- **Transportation Network** – There is an opportunity to establish the future primary roadway network's alignment, connection points, and cross section design. The subarea plan is an opportunity to match transportation infrastructure to future land use, to provide options for pedestrian and bicycle transportation, and to knit surrounding areas together with the subarea.
- **Employment** – The subarea represents the largest area of vacant, non-residential land in the City, and provides an excellent opportunity to add jobs and employment within its boundaries. Providing a long-term planning vision for the area offers predictability for development and improves the feasibility of new employment projects. Furthermore, successful business parks must be dynamic and able to accommodate a variety of business types that require unique site and building components.
- **Commercial Services** – There is opportunity to provide commercial services within specific subarea blocks that serve employees and residents with convenient shopping and dining options. Through the subarea planning process, new commercial services can be planned to reflect neighborhood needs and desires, and can be oriented to create distinct nodes of activity.
- **Housing** – The subarea has the potential to provide areas for additional housing. However, the housing opportunity is limited by the Department of Ecology Consent Decree that presently prohibits residential uses. Additional site clean-up or other engineering controls may be opportunities to amend the Consent Decree.

Project Opportunities (continued)

- **Recreation and Open Space** – Old Fort Lake and the surrounding area is city-owned making it ideal as a centerpiece in the City's park system. The City's 2014 Parks Master Plan identifies projects in the Old Fort Lake subarea. Additionally, the subarea plan can provide trail extensions and connections to open space areas. Currently, parks are prohibited by the Consent Decree and Restrictive Covenant; however, there may be opportunities to employ clean up and engineering controls to amend these restrictions.
- **Cultural Sites** – There is an opportunity to improve the historic Fort Nisqually and Wilkes Observatory properties to become signature cultural destinations. These cultural sites could include permanent structures and informational signage to educate visitors and celebrate the historical significance.
- **Development Regulations Update** – There is an opportunity to update the development code to (i) introduce additional land uses, (ii) address buffer and capability issues, (iii) streamline the land use review processes, and (iv) establish specific roadway standards.
- **Golf Course Zoning** – The current zoning allows the golf course to be redeveloped as industrial uses; the subarea plan provides opportunity to change the zoning over the golf course to better control future uses.

Project Challenges

While the subarea offers large areas of undeveloped industrial land, there are also many constraints. Key constraints include:

- **Site Contaminants** – The subarea was formerly used to manufacture commercial ammunitions, resulting in soil contamination. While much of the contamination has been abated, some contamination remains, resulting in restrictions/challenges for potential uses in the subarea. These conditions create logistical, economic and regulatory challenges.
- **Consent Decree/Restrictive Covenant** – A consent decree was filed with the Washington State Department of Ecology in 1991, which requires remedial action and environmental studies on throughout the subarea. In 2006, a restrictive covenant was recorded that prohibits 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.
- **Neighborhood Compatibility** – Current zoning allows for uses such as office, commercial, and light manufacturing. However, most areas adjacent to the subarea are residential, and areas within the subarea are recreational or cultural. At a community workshop, residents expressed concerns about impacts to adjacent neighborhoods. New development needs to be sensitive to the surrounding context and character.

- **Golf Course Compatibility** – It is a commonly held community goal to protect the Home Course as a beautiful and highly desirable public amenity. New development will need to protect the edges, views, and overall character of the golf course.
- **Transportation Options** – The subarea does not currently have a roadway network to support future development. The subarea currently has one paved roadway, this stems from Hoffman Hill Boulevard and provides access to the golf course. The best points of entry are at Civic Drive and Palisades Boulevard with direct access to Center Drive and south to Interstate 5.
- **Utility Infrastructure** – The subarea is not development-ready as few utility lines exist. Water and sewer lines will need to be planned, enhanced, and extended from adjacent neighborhoods. The only water main and sewer main in the subarea runs from Hoffman Hill Boulevard to the golf course clubhouse. While the golf course has some existing stormwater infrastructure, the subarea will need a comprehensive stormwater management plan.

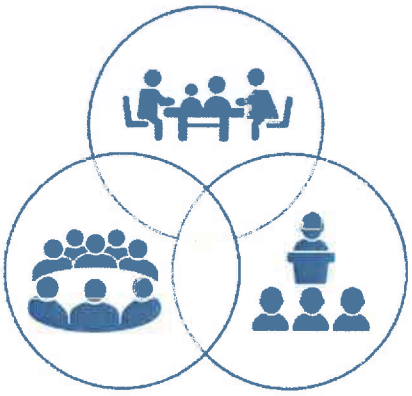
Top: *Residential neighborhoods abut Old Fort Lake to the south.* ***Bottom:*** *The Home Course remains a community gem; vacant parcels surround the golf course.*

3.3 - Community Feedback & Desires

The Old Fort Lake Subarea Plan was shaped and created by responding to the community's comments and desires. The plan's community engagement strategy was applied to obtain recommendations and to understand public preferences. The major theme identified by all parties that chose to participate was to create a successful city district that provides future services while protecting the natural environment and surrounding neighborhoods. The following summarizes the community desires for Old Fort Lake from the working group, the general public, and the Planning Commission.

Land Use Focus

- **Future Land Uses** – The subarea should be a mixed-use area of the City. Specific areas of the subarea should have their own character and land use focus. The subarea should focus on employment while also allowing other complementing land uses such as neighborhood-scaled commercial, lodging, recreation, and housing. Architectural design guidelines shall be applied to address massing, appearance, and compatibility concerns.
- **Industry Focus** – The preferred future industry focus is on research and development, high technology, and offices arranged in a park-like setting. Compatibility and traffic impacts from manufacturing and warehousing/distribution were expressed by some. However, others stakeholders noted that these uses should be a part of a successful employment district and that the traffic generation from these uses is less than office. As a result, these uses should be a secondary focus while employing buffering and aesthetic safeguards.



Multiple points of view: *The community desires were identified through input obtained from the working group, the general community, and the Planning Commission.*

A common sentiment is to retain DuPont's small town charm and showcase its natural setting.

Building and Site Design

- **Design Guidelines** – The subarea should create plans to address building orientation, exterior colors/materials, architectural details, and size/height restrictions to ensure an attractive community character, to enhance neighborhood compatibility, and to protect views and natural areas. Guidelines should also be established to require pedestrian amenities, parking lot screening, reduce light/glare, and buffer residential neighborhoods and the golf course.
- **Community Gathering Spaces** – The subarea should create a variety of quality community gather spaces. There should be trailheads and open space areas to serve the greater community. The subarea should develop with identifiable community nodes with neighborhood-scaled commercial and strong pedestrian amenities.

Transportation and Connections

- **Street Design** – Future roadways within the subarea should possess the same, quality streetscape character found throughout DuPont. Streets should be designed to accommodate a variety of users including motorists, pedestrians, and bicyclists. Streets should be tree-lined and pedestrian/bicyclist facilities should be separated from vehicle traffic.
- **Trails** – The subarea area will include a system of trails that are integrated into the larger, city-wide network. The trail network must be aligned with the adopted trails plan.
- **Traffic Mitigation** – The subarea should be designed to mitigate traffic impacts including (i) traffic noise, (ii) traffic congestion on Center Drive and within residential neighborhoods, (iii) the volume of semi-truck traffic, and (vi) associated safety concerns. The subarea should be designed with thoughtful street systems, multimodal options, and a diverse land use mix.

Amenities and Aesthetics

- **Amenity Types** – The subarea should incorporate natural areas, gathering places, and educational signage. This should include parking facilities to access open space areas.
- **Landscaping Style –** Development within the subarea should resemble native landscaping in terms of plant variety and arrangement.

A common theme is to create beautiful streetscapes and open space areas that complement the natural environment.

3.4 - Concept Planning

The Old Fort Lake subarea is a large property containing unique environmental features, a golf course, and expansive areas for future development. Concept planning was conducted to illustrate how the area could develop by assigning land use areas, a transportation network, and site amenities. Multiple concept plan scenarios were prepared to explore various spatial arrangements so that the City of DuPont could select a master plan that balances the community desires with the physical characteristics. The Old Fort Lake Base Concept Plan is illustrated in this section. The Base Concept Plan depicts future site elements and primary development areas.

Site Elements and Program

The concept planning efforts included site elements that, collectively, address the project vision. The following elements were included in the concept planning.

I. **Blocks:** The subarea is arranged as individual blocks. Each block has its own unique character and development potential. The blocks are intended to be used to regulate future land use activity and development requirements. Some blocks were further divided into sub-blocks to refine site planning options.

II. **Primary Development Areas:** Many of the subarea blocks were identified as primary development areas that are envisioned to contain future buildings and urban land uses.

III. **Open Space Areas:** The open space areas are blocks that are planned to remain as natural areas or developed with recreational uses.

IV. **Primary Roadways:** The primary streets are intended to designate the main roadway network that is needed to interconnect the primary development areas within the subarea and provide connections to the surrounding community. This includes both existing and proposed roadways.

V. **Cultural Sites:** Two City cultural sites are delineated and planned to remain. In the future, it is anticipated that the cultural sites will be enhanced with historical markets and additional site improvements. These include the Wilkes Observatory and Fort Nisqually.

Figure 5 - Old Fort Lake – Base Concept Plan

3.5 - Project Master Plan

The Old Fort Lake Master Plan is intended to establish the long-range, spatial arrangement of land use areas, open spaces, roadways, and other amenities. The master plan is intended to serve as the basis for the Future Land Use Plan within this subarea plan. The master plan was created through an expression of community sentiment, evaluation of future housing demands, and selection amongst alternatives. The master plan represents *'a dynamic mixed-use employment district'* that balances prosperity, environment, and lifestyle. Part 4 –Goals and Policies include individual elements that establish the long-range policies to implement the various parts of the master plan.

Urban Design Summary

The Old Fort Lake Subarea is designed as a harmonious balance of development and open space areas. The master plan is structured to establish specific areas that support businesses, neighborhood services, housing, recreation, and conservation. The design is intended to knit together the Old Fort Lake subarea with the larger DuPont community.

When looking at the master plan, the Home Course remains the center piece of the subarea with adjacent open space. The areas within the bluff and immediately along the creek are planned as open space. The area near the bluff is planned for mixed-use and the interior blocks are planned as a core employment district. The areas are interconnected with a primary roadway loop that provides connections to the greater community.

Key Features:

Development Focus Areas – The future development blocks within Old Fort Lake are designated as a specific focus area: *Mixed-Use Focus, Business/Industry Focus,* or *Work/Live Focus.* Each development focus area is intended to mature with a particular urban character with respect to land use and building types.

Open Space Focus Area – The blocks intended for conservation, recreation, and cultural use are designated as the Open Space Focus Area. This includes the golf course and long-term natural areas.

Roadway Framework – The primary roadways are delineated on the master plan to illustrate the intended alignment and connections to existing street network.

Cultural Resources – The City's cultural resource sites are depicted on the master plan to show location and context. These areas are situated within the Open Space Focus Areas.

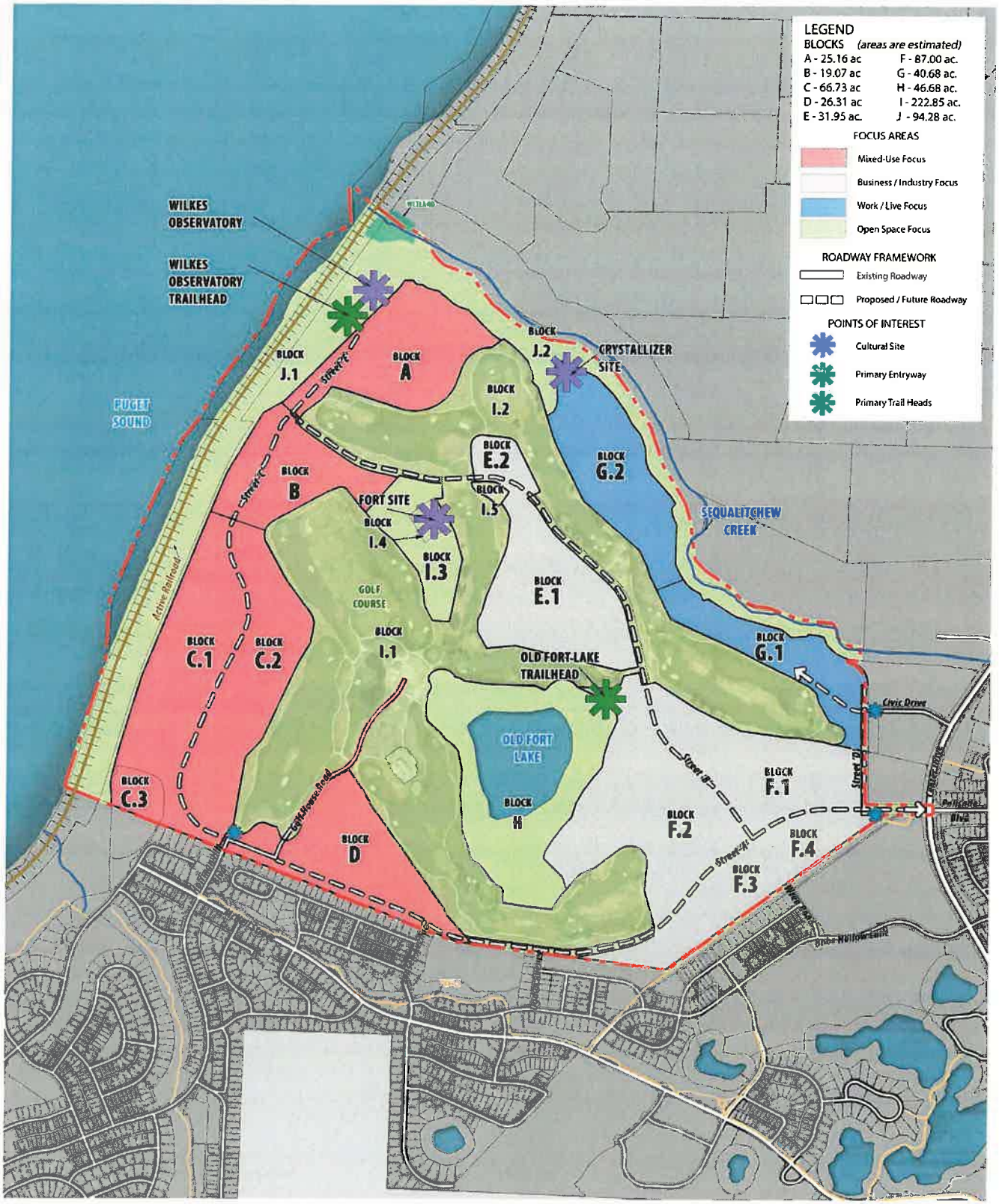
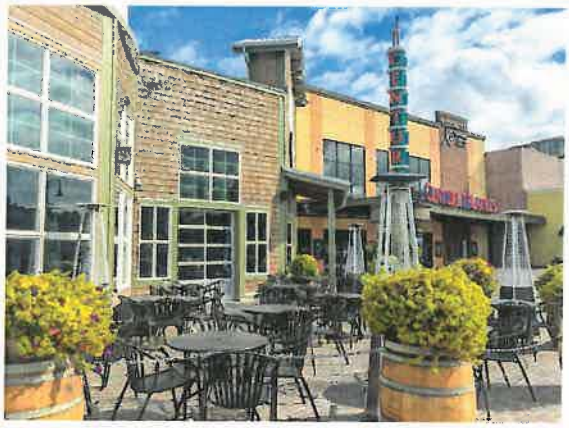


Figure 6 - Old Fort Lake - Project Master Plan

Mixed-Use Focus Area

The development blocks near the bluff are envisioned as a Mixed-Use Focus Area to provide uses complementary to the golf course, the bluff, and adjacent neighborhoods. The Mixed-Use Focus Area is planned to support a variety of commercial, business, residential, and community uses. The area will develop with a community character and building design style that are sensitive to views around the golf course and the bluff. The desire is for a portion of the Mixed-Use Focus Area to develop as a walkable neighborhood center with a cluster of retail stores, dining, employment, service, and multi-family uses. Other portions of the area may develop as independent employment campuses and modestly-sized residential neighborhoods. The Mixed-Use Focus Area provides access to the open space areas lining the bluff.



- **Commercial Uses** – Commercial uses are planned to be small-scale and serve those working and living in DuPont. Retail, service, restaurant, drinking establishments, and hotels are appropriate commercial uses for the Mixed-Use Focus Area. Large-format retailers, drive-thru facilities, and auto-oriented services are not envisioned for this area. Access, entry placement, and outdoor gathering spaces will be established by requiring the orientation of commercial buildings to streets. Blocks B, C, and D are envisioned to be the ideal locations for a neighborhood center containing commercial uses.

- **Business / Industry Uses** – Business and industry uses are planned to be visually and operationally compatible with the surrounding areas including the golf course, the bluff, and the residential neighborhoods. Office, light manufacturing, and research and development are appropriate business uses within the Mixed-Use Focus Area. Light manufacturing operations shall be indoors and freight activity shall be thoughtfully integrated into the site design to minimize adverse visual impacts on neighboring properties. Accessory commercial uses are permitted with all light manufacturing businesses (e.g., a tap room as part of a brewery / a sales shop as part of a furniture manufacturer). All blocks are envisioned to support business/industry uses.

- **Residential Uses** – Residential uses are envisioned as a potential future component within the Mixed-Use Focus Area. The Mixed Use Focus Area has the potential to provide additional housing options for the City of DuPont and those working within the subarea. Housing options could include single-family neighborhoods and multi-family residential development as part of a mixed-use center or as a stand-alone use. However, residential development is contingent on future actions pertaining to the Department of Ecology Consent Decree, the site's Restrictive Covenants, and site contaminate levels. Multi-family is deemed appropriate in blocks A, B, C, and D; whereas single-family neighborhoods are identified as appropriate for blocks A – C.

- **Community Facilities** – Community facilities are planned to complement other uses within the Mixed-Use Focus Area and the nearby neighborhoods. A convention center, cultural/community center, and other public facilities are desired additions to complete the commercial and business uses in Old Fort Lake. Community facilities should be clustered near commercial uses to strengthen the concept of a neighborhood center and to promote a walkable district character.

Opposite Page: *Mixed-Use commercial areas.*
Top: *Business and office uses.*
Center: *Multi-family residential community.*
Bottom: *Community facilities.*

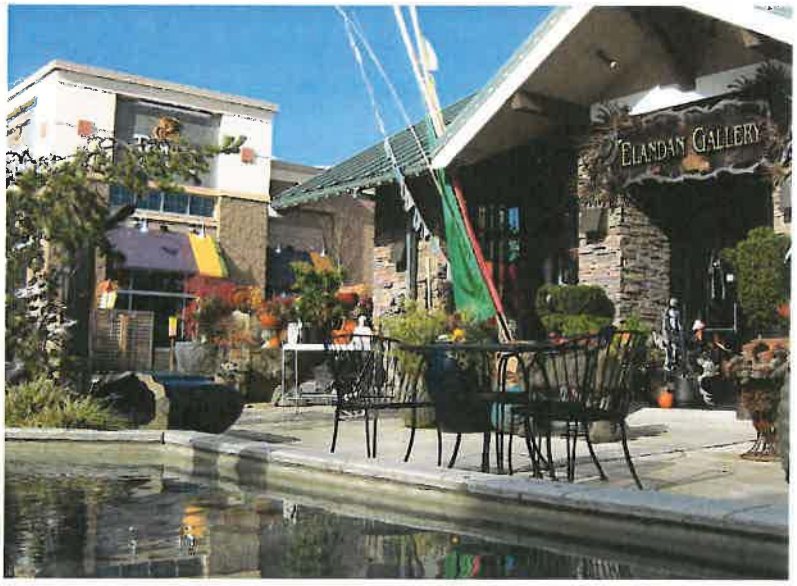
Business / Industry Focus Area

The development blocks located central to the Old Fort Lake Subarea are envisioned as the Business/Industry Focus Area given its transportation access and buffering potential from surrounding neighborhoods. The Business/Industry Focus Area is planned to support a variety of employment uses. The area will develop as a business park setting with planted landscape buffering and well-designed buildings with street-facing facades. The Business/Industry Focus Area provides access to the open space areas surrounding Old Fort Lake.

Top Two: *Corporate offices*
Bottom: *Light Manufacturing and technology*
Right: *Commercial services*

Business / Industry Uses – In keeping with the spirit of the subarea, business and industry uses are planned to be compatible with the surrounding areas including the golf course, Old Fort Lake, and the residential neighborhoods. Office, light manufacturing, and research and development are appropriate uses within the Business/Industry Focus Area. Accessory commercial is allowed with all light manufacturing (e.g., a tap room as part of a brewery, a sales shop as part of a furniture manufacturer). Non-office sites will provide generous buffering along the golf course and freight/service bays will be oriented away from primary streets.

Commercial Uses – Commercial uses are generally planned to provide district-oriented services within the subarea. Retail, services, and restaurants are allowed on blocks F.3 and F.4 to create district node and to act as a transition to the adjacent neighborhood. Specialty retail and restaurant establishments are contemplated for block E.2 given its panoramic views to the golf course.



Work/Live Focus Area

The development blocks located parallel to Sequalitchew Creek are envisioned as the Work/Live Focus Area. This focus area is planned to support future employment uses, cultural facilities, and complementary workforce housing for the subarea. The Work/Live Focus Area is adjacent to the Civic Center and a future mixed-use district. Some commercial uses may complement and act as an extension to these adjacent areas. The Work/Live Focus Area provides access to the open space areas lining the creek.

- **Business / Industry Uses** – Like other parts of the subarea, business and industry uses are planned to be compatible with the surrounding areas including the golf course and the creek. Office, light manufacturing, and research and development are appropriate business uses within this focus area. Accessory commercial is allowed with all light manufacturing uses and will be subject to performance standards to ensure attractive, functional sites. Non-office sites will provide generous buffering along the golf course.
- **Residential Uses** – Multi-family residential uses are envisioned as a potential component of the Work/Live Focus Area. Block G.2 could be developed as a multi-family community considering its views and access to the golf course and the creek corridor. As with the entire subarea, residential development is contingent on future actions pertaining to the Department of Ecology Consent Decree, the site's Restrictive Covenants, and site contaminate levels.

Top: *Office and service uses*
Center: *Office and public facility uses*
Bottom: *Residential development*
Left: *Light Manufacturing and technology*

Open Space Focus Area

The golf course and several conservation blocks are envisioned to comprise the Open Space Focus Area. These areas are envisioned to remain as unimproved open spaces or recreational assets. The areas along the bluff, along Sequalitchew Creek, and around Old Fort Lake will remain passive open space. The golf course and related properties are designated as the recreational centerpiece for the subarea. The Open Space Focus Area anticipates that the City's cultural sites, the Wilkes Observatory and Fort Nisqually, may be enhanced with historical markets, shelters, and/or informational centers to showcase their significance to DuPont's heritage and culture.

Roadway Network

The subarea is planned with a Roadway Network that identifies primary streets will be needed to access the development blocks and to provide community connections.

- **Subarea Loop Roads –** The Roadway Network is designed with three primary streets that create a loop through the subarea. Street 'A' originates from Center Drive at Palisades and follows a southern alignment and terminating at Hoffman Hill Boulevard. Street 'B' takes a northern alignment and terminates at the bluff. Street 'C' parallels the bluff and completes the subarea loop with connections to streets A and B. The loop roads provide connections to the Mixed-Use and Business/Industry Focus Areas.
- **Civic Center Road Access –** Civic Drive provides a secondary entrance in to the subarea and direct connections to the Work/Live Focus Area. Street 'D' is planned as a north-south internal connection between Civic Drive and larger portions of the subarea.
- **Local Connections –** The Roadway Network identifies some local connections to the adjacent neighborhoods and future connections to individual development blocks within the subarea. Street 'A' will provide connections between Jensen Avenue and Ogden Avenue where existing roadways stub at the subarea boundary; there local connections are intended to facilitate neighborhood access to the subarea. Street 'E' will provide local access to block A. All other internal local access roads will be reviewed at the time of site development.

PART 4

GOALS AND POLICIES

4.1 – Goals and Policies Overview

These sections contain goals and policies that are designed to guide future development in the Old Fort Lake subarea, as well as, facilitate actions pertaining to future land use plans, zoning, environmental regulations, and capital plans for the area. These sections are structured to align with the City's Comprehensive Plan and the Washington State Growth Management Act.

4.2 – Land Use Element

Current Land Use Characteristics

In the City's existing policies and development regulations, the Old Fort Lake area is meant to integrate campus-style development with historic features, natural areas, open spaces, and the existing golf course. The golf course, known as "The Home Course" is the home of the Pacific Northwest Golf Association and the Washington State Golf Association. The golf course accounts for one-third of the subarea's land use.

The subarea is bounded by Sequalitchew Creek, the Puget Sound bluff, the northern boundary of Hoffman Hill and Yehle Park Villages and the Civic Center, The subarea also includes Old Fort Lake and the 1833 Fort Nisqually site. Extensive work to clean up the area where the DuPont Company created and assembled explosives until the mid-1970s has been completed. The most contaminated soils have been removed and the remaining contaminated soils have been placed under golf course fairways and greens. The golf course boundary was determined by the location of the most contaminated areas and is reflected in the remediation agreement between the Weyerhaeuser and DuPont Companies and the Washington State Department of Ecology. Residences, schools, and parks are prohibited in deed restrictions under the Consent Decree.

Pursuant to land use designations, Sequalitchew Creek and the Puget Sound shoreline and bluff should be maintained in their natural state and protected from development. A trail location is identified along the south side of the Sequalitchew Creek ravine. In addition to pedestrian access along the Puget Sound bluff, views of Puget Sound should be planned from upland portions of the bluff. Another feature of the subarea is the Wilkes Observatory site in the northern corner.

Comprehensive Plan – The City of DuPont plans at the neighborhood level. The subarea represents the Old Fort Lake Planning Area. The Plan states that the City anticipates developing a subarea plan for the development of Fort Lake Business and Technology Park Village. The current plan further states that the subarea planning process should pay specific attention to the following community goals:

- Include significant emphasis on public access to the shoreline, public trails, trail connectivity within the City and regionally, identify strategic locations for parks, and ensure public amenities are sited in convenient and appropriate locations etc.
- Efforts should be taken to ensure development occurs in a way that ensures continuation and expansion of "natural trails" as well as urban pathways. Careful site

design to reduce lighting, noise and other urban impacts are important especially adjacent to the Puget Sound and Sequalitchew Creek.

- Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.
- Evaluate a variety of public and private partnership options related to necessary improvements such as the development of the South portion of "Loop Road".

Comprehensive Plan / Land Use Designation –The planning area is comprised of three future land use designations: *Business Technology Park, Open Space/Sensitive Areas,* and *Community Park*.

- **Business Technology Park (BTP)** – This designation includes all vacant commercial land and comprises 77% of the subarea. The purpose of this designation is to provide a mix of office, research, light manufacturing, and possibly mixed-use residential activities. The BTP is intended to provide for an area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The BTP is designated over the golf course.
- **Open Space/Sensitive Areas** – This designation includes the areas surrounding Old Fort Lake, Sequalitchew Creek, and the bluff overlooking Puget Sound. The Home Course and the Fort Nisqually Historical Site are also designated as Open Space/Sensitive Area. The purpose of this district is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers. The designation also recognizes lands for parks, greenbelts, open space and tree preservation areas. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities
- **Community Park** – This land use designation includes the Wilkes Observatory site in the northwestern corner of the subarea. This area is outside of the boundary of the Department of Ecology Consent Decree. The City's Comprehensive Plan includes Community Park lands in the description for Open Space/Sensitive Areas. Generally, these areas support active recreational activities in addition to open space conservation.

Zoning – The lands within the subarea currently contain three zoning districts. The majority of the subarea is zoned as *Business Technology Park*, which allows a range of uses including commercial, office, manufacturing, and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. The remaining areas are zoned *Open Space/Sensitive Areas* and *Community Park.* None of these zoning districts support residential development. Zoning is designed to implement the Comprehensive Plan. Within the subarea, zoning categories are identical to the Comprehensive Plan land use designations.

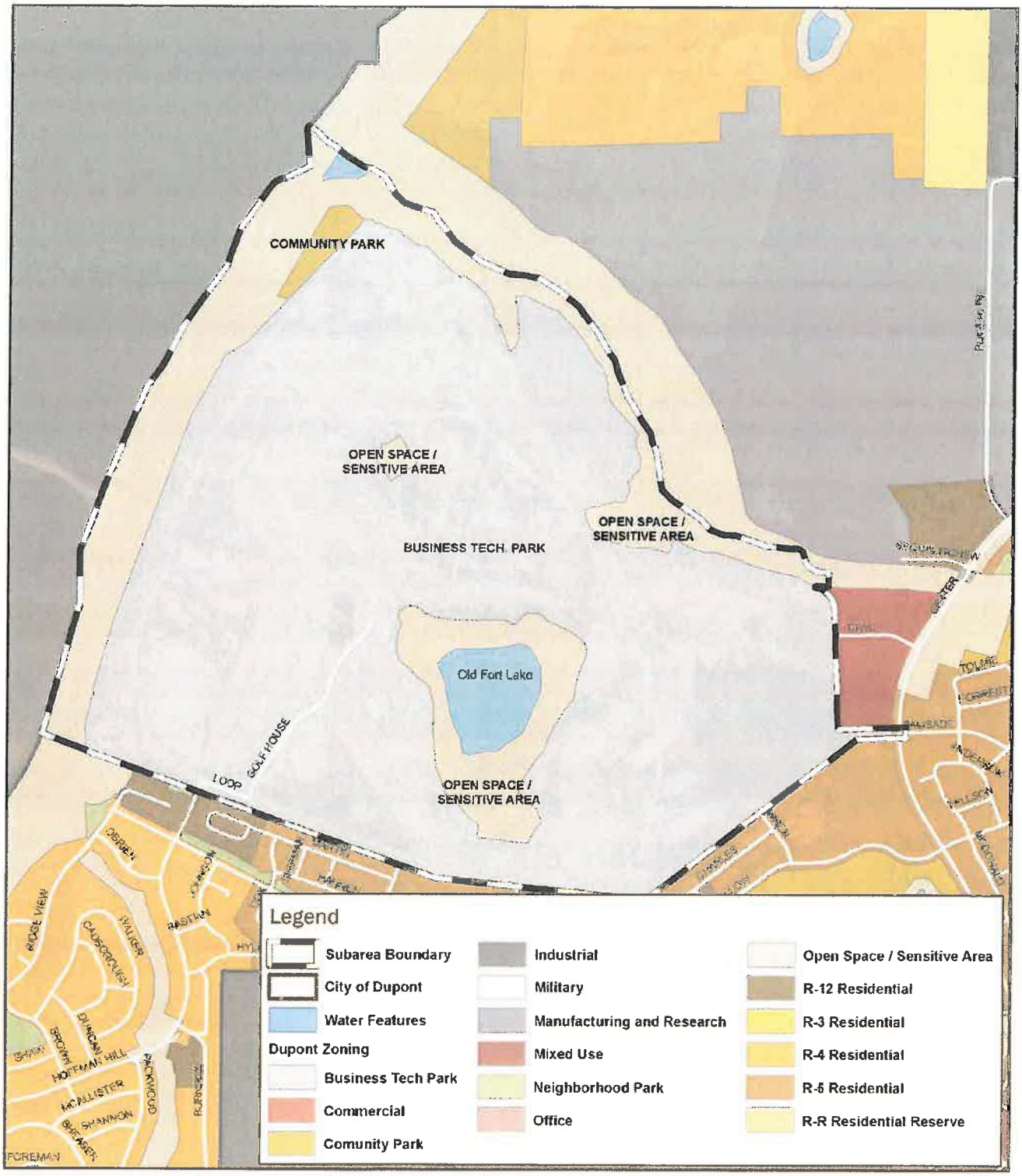


Figure 7 - Current Zoning Map (2017)

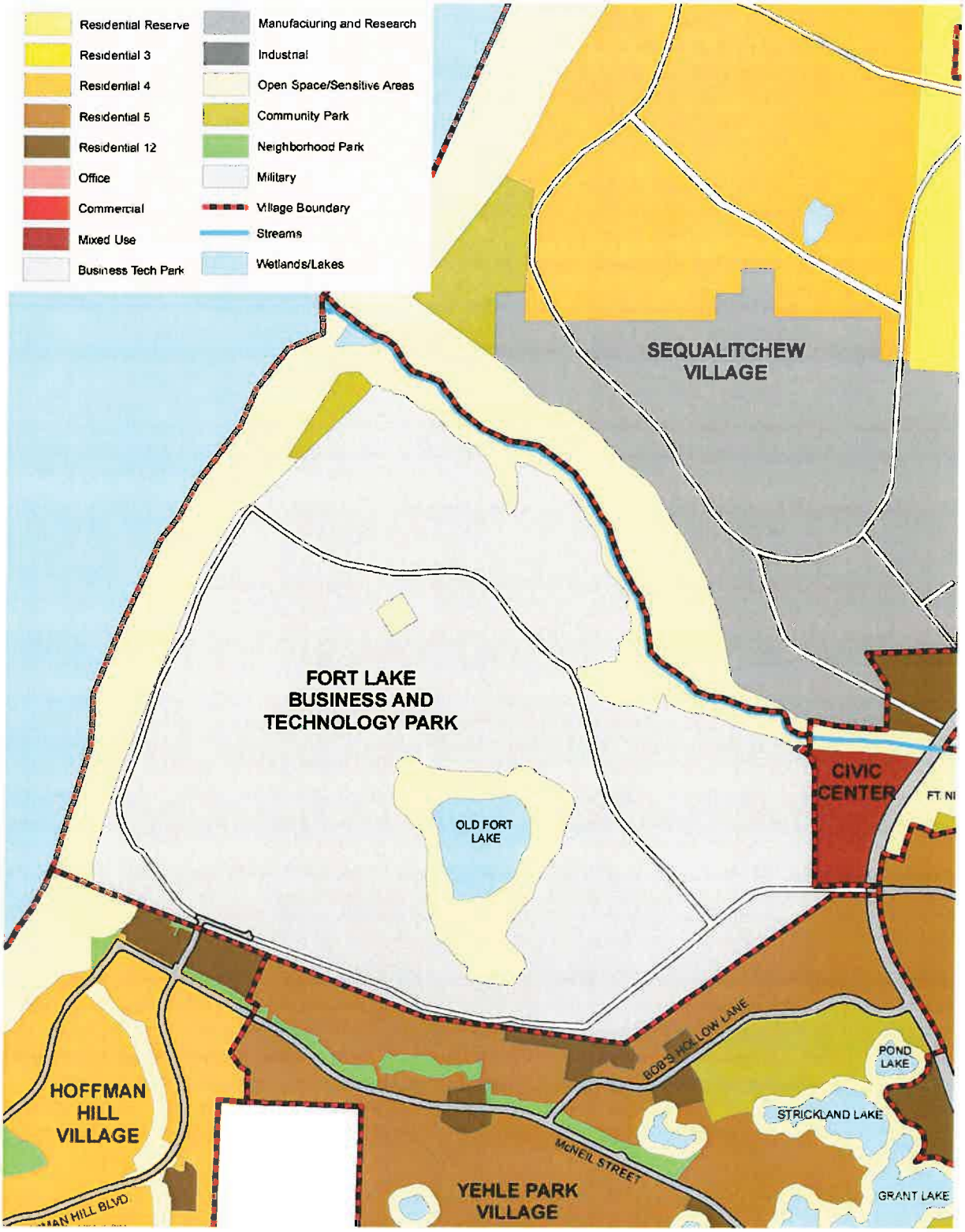


Figure 8 - Current Comprehensive Plan Land Use Map (2017)

Demographic & Economic Summary

Population Summary and Characteristics – The City's 2014 Comprehensive Plan assumes that the population of DuPont will be 12,100 at full buildout based on population projections and its future land use designations. In 1995, the City of DuPont had a population of 588. That number has quickly grown reaching 9,175 in 2014. Population increased rapidly in the late 1990s, but growth has steadied in recent years to 2-5% annually. The median age is 32 years old, with 35% of residents under the age of 20. Families make up 75% of all households. The median household income is $83,021, much greater than the Pierce County average of $59,204.

Housing Summary – In 2014, 80% of the overall housing stock (detached and attached) was made up of single-family units. The average household size in the City is 2.6 people. Most of the housing stock is relatively new, which limits redevelopment possibilities in the City, and means that new housing in the near future will likely come through new construction. The majority of housing capacity in the City is within low-density neighborhood areas. Over the next 20 years, the Comprehensive Plan calls for an additional 2,296 housing units. Despite this, the Plan states that there is a deficiency in housing capacity, primarily due to constraints on undeveloped land.

Market Position and Advantages – DuPont is in a strong economic position due to its proximity to I-5, Tacoma, Olympia, and sweeping vistas of Puget Sound. As the City's largest area of undeveloped non-residential land, the subarea is one of the foremost opportunities for future development and employment. To facilitate development activity, the area will require additional policy planning and infrastructure investment. According to the 2014 Comprehensive Plan, the subarea has 4,250,000 square feet of employment capacity based on current land use designations.

Employment Characteristics – The City acknowledges a continual need and opportunity for a diversified employment base with the City of DuPont. There is also opportunity to create employment centers within DuPont to lessen commuting outside of the City. Of those who are in the labor force, 29.4% are in the armed forces, 66.7% are employed in non-military positions, and the residual are unemployed. Joint Base Lewis McCord is the largest employer in the City, followed by local Public Schools, Multicare Health System, and the State of Washington. DuPont is also home to large commercial enterprises, such as the DuPont Corporate Campus, and the 1.4 million square-foot Amazon fulfillment center.

Employment Status

Employment Status	Estimate	Percent
Population 16 years and over	5,957	
Not in labor force	1,869	31.4% of population 16 years and over
In labor force	4,088	68.6% of population 16 years and over
Employed in civilian labor force (not in armed forces)	2,734	66.87% of labor force
Employed in the Armed Forces	1,203	29.42% of labor force
Unemployed	151	3.69% of labor force

Source: City of DuPont Comprehensive Plan / US Census, American Community Survey, 2003-2013)

Future Land Use Plan

The purpose of the Future Land Use Plan is to designate desired future land uses throughout the subarea that implement the Master Plan. The Comprehensive Plan calls for allowing a wider range of uses throughout the subarea, and therefore the Business Technology Park (BTP) future land use designation will be replaced with a new Old Fort Lake (OFL) designation. This is recommended to better implement the vision of the subarea. In turn, the Comprehensive Plan will need to be amended to be internally consistent with this document.

Land Use Designations - Pursuant to the Old Fort Lake Master Plan, four distinct focus areas have been identified to guide future development and land conservation. These areas have their own intended character, and therefore the OFL future land use category has been further divided into sub-categories: OFL-1, OFL-2, OFL-3, and OFL-4. These categories are meant to be broad, and will need to be matched with development controls. The areas that are currently designated as Open Space/Sensitive Areas and Community Park will remain unchanged, and some additional land has been identified as open space. The purpose of each of these future land use categories is described below.

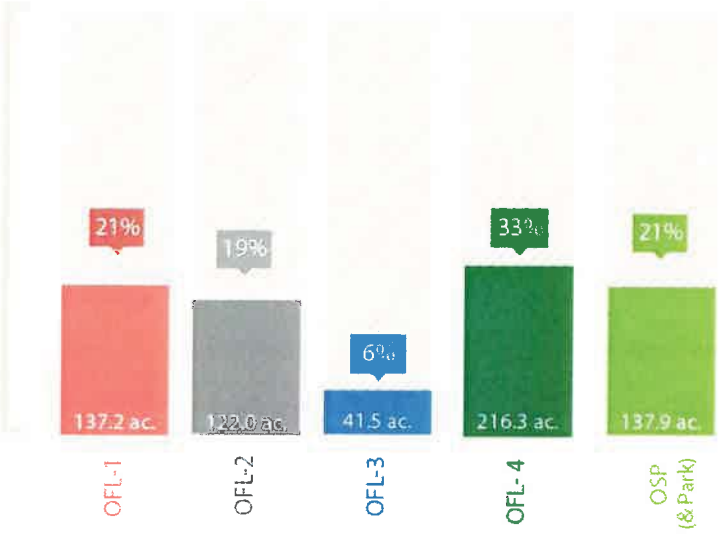
The master plan shown in Figure 6 (Section 3.5) illustrates various blocks, which refine the concepts established by the future land use categories. To avoid any one use dominating an area and to ensure neighborhood compatibility, Table 4.2(c) has been created which specifies the allowed uses at the block and sub-block level. A new zoning category will be created that will reflect this future land use plan concept.

Table 4.2(a): Old Fort Lake Future Land Use Designation and Area

DESIGNATION	AREA
Old Fort Lake 1 (OFL-1)	137.2 acres
Old Fort Lake 2 (OFL-2)	122.0 acres
Old Fort Lake 3 (OFL-3)	41.5 acres
Old Fort Lake 4 (OFL-4)	216.3 acres
Open Space / Sensitive Areas (includes park lands / *Community Park* designation)	137.9 (including 4.8 ac. *Community Park*)

Table 4.2(b): Old Fort Lake Future Land Use Designation Descriptions

DESIGNATION	DESCRIPTION
Old Fort Lake 1 (OFL-1)	The Old Fort Lake 1 land use designation is intended to implement the *Mixed-Use Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to allow the widest spectrum of uses within the Old Fort Lake subarea. New development in the OFL-1 category should be sensitive to views around the golf course and the bluff, and compatible with neighboring residential neighborhoods. A variety of land uses are allowed, including commercial, hotel, office, research and development, light manufacturing, public facilities, and cultural facilities. Depending on soil cleanup efforts, both multifamily and single-family residential uses would be appropriate for this designation.
Old Fort Lake 2 (OFL-2)	The Old Fort Lake 2 land use designation is intended to implement the *Business/Industry Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to allow for a variety of employment-generating uses, such as office, light manufacturing, and research and development. Secondary uses include commercial, public facilities, and cultural facilities. Development should be in a well-landscaped business park setting. This designation should be heavily buffered from residential, the golf course, and public/cultural uses.
Old Fort Lake 3 (OFL-3)	The Old Fort Lake 3 land use designation is intended to implement the *Work/Live Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to support future employment uses and complementary multifamily work-force housing for the entire Old Fort Lake Subarea. This designation allows for employment-related uses such as retail, restaurant, office, light manufacturing, and research and development. Some commercial uses that complement adjacent mixed-use areas are also envisioned for this designation.
Old Fort Lake 4 (OFL-4)	The Old Fort Lake 4 land use designation is intended to guide future development and expansions of the golf course and selected open space-oriented properties within the subarea. This designation also support accessory uses that are associated with these properties.
Open Space / Sensitive Areas (includes park lands / *Community Park* designation)	The purpose of this designation is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers and recognize lands for parks, greenbelts, open space and tree preservation areas and regional storm drainage detention areas in addition to open space and landscape areas as mutually agreed to by the property owner and city. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities.



Old Fort Lake – Future land use designations percentage of subarea

Housing

There is opportunity to introduce additional housing in the subarea to complement the future employment uses that will occupy the site. The Old Fort Lake subarea, could be an attractive location for live/work; this could include workforce housing and residential neighborhoods. It is acknowledged that the subarea is presently limited by a consent decree and restrictive covenants.

The consent decree requires and the restrictive covenants enforce a prohibition on residential, school and parks development in the subarea. The City envisions future discussions to applicable parties to relax these restrictions as potential site contaminants are addressed. The City will continue to have discussions with Washington State Department of Ecology over lifting some of the restrictions on the Old Fort Lake subarea. Lifting some restrictions would make it possible to include housing and parks in the subarea making the area more consistent with the rest of the city's development patterns. Those development patterns include many connections via urban trails and frequent small neighborhood parks that cannot be developed because of the restrictive covenants.

The City's goal is to add multifamily single-family units. To ensure the subarea develops into a mixed use district, the City will establish a residential unit cap as part of its zoning regulations. The City will also establish separate density limits for multi-family and single-family as part of new land development regulations.

[UPDATED DRAFT – 2017-11-16]

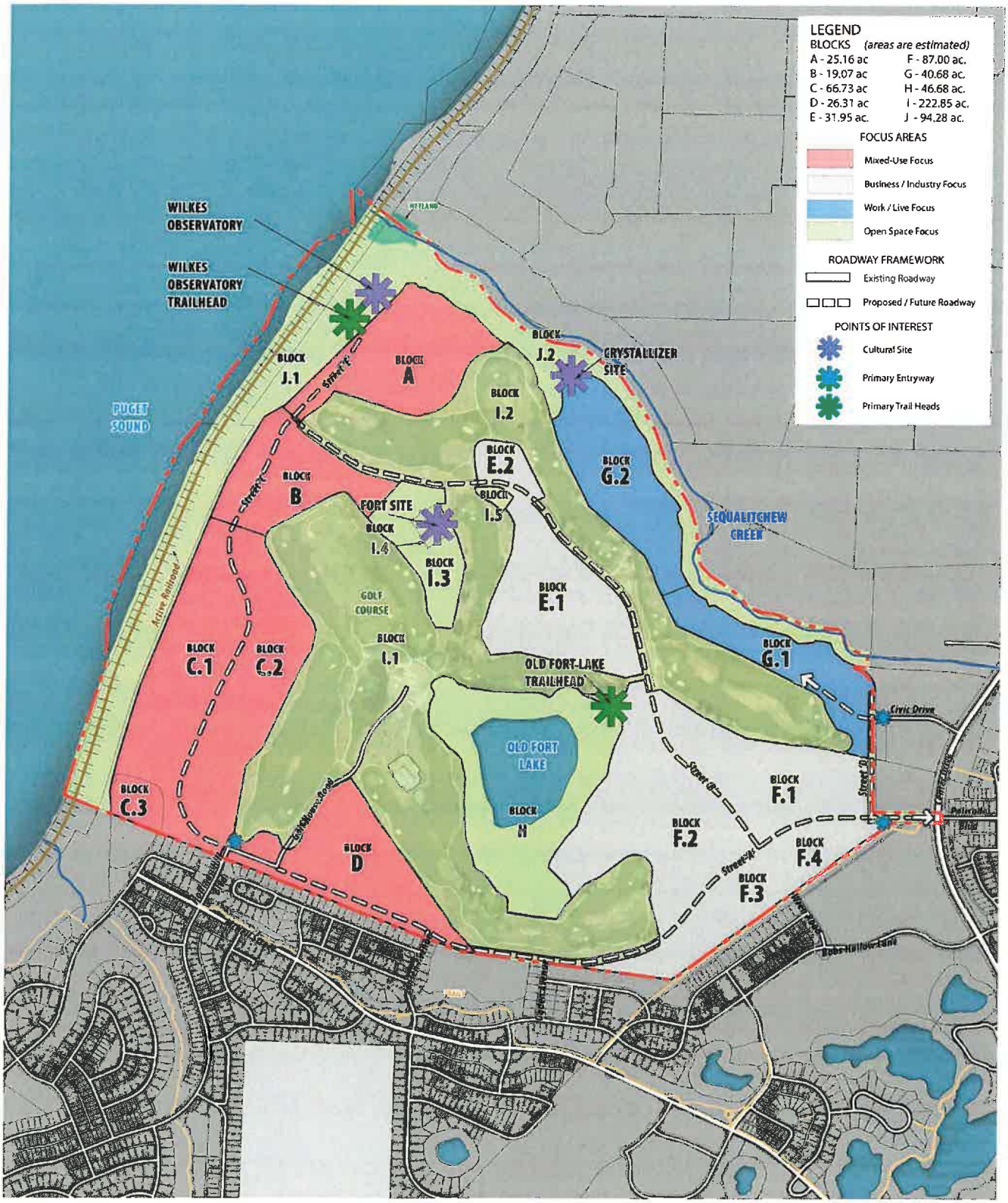


Figure 9 - Old Fort Lake - Future Land Use Plan

Table 4.2(c): Old Fort Lake Future Permitted Land Uses

Future Land Use Designation	OFL-1						OFL-2						OFL-3		OFL-4
LAND USE GROUPS *Blocks*	A	B	C			D	E		F				G		I
LAND USE GROUPS *Sub-Blocks*	A	B	C.1	C.2	C.3	D	E.1	E.2	F.1	F.2	F.3	F.4	G.1	G.2	I.1 – I.5
Open Space / Recreation (primary use)															X
Commercial/Retail	X	X	X	X		X		X			X	X	X		X
Restaurant/ Drinking	X	X	X	X		X		X			X	X	X		X
Accessory Commercial**	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Hotel	X	X	X	X											X
Multifamily	X	X	X	X		X								X	
Single-Family Detached	X	X	X	X											
Convention Center	X	X				X									X
Cultural/ Community Center	X	X				X					X	X	X	X	X
Public Facilities	X	X				X					X	X			X
Office	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Light Manufacturing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Research & Development	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

1) An 'X' indicates that the use is allowed in future land use designation and block
2) The individual blocks are illustrated on the Old Fort Lake Future Land Use Map; boundaries may be adjusted slightly as part of the site plan review and platting processes to respond to critical areas and/or cultural resources.
3) Each land use group is intended to be general in nature; the City of DuPont Land Use Code will further implement the land use intend with a larger list of uses.
4) Warehouses shall not be allowed within 500-ft of a residential zoning district.

**Commercial, service, and office activities in conjunction with another primary use (e.g. a tap room as part of a brewery / a sales area as part of a furniture manufacturer / a restaurant as part of a golf course)

Land Use Goals and Policies

The following goals and policies should guide future development and decision-making. These were created to assist in the implementation of the Master Plan.

LAND USE PLAN Old Fort Lake: **Goals and Policies**

Goal LU-1	**Strategically plan for growth so that as Old Fort Lake develops, it continues the small town character of the city by protecting and enhancing development patterns.**
LU 1.1	Encourage development that balances sound economic development while maintaining the small town character.
LU 1.2	Efforts should be taken to ensure development occurs in a way that continues and expands the use of "natural trails" as well as urban pathways.
LU 1.3	Site design should minimize lighting, noise and other urban impacts adjacent to Puget Sound and Sequalitchew Creek.
LU 1.4	Development regulations should ensure a balanced mix of businesses that provide support services necessary for current and future demands.
Goal LU-2 (OFL-1)	**Plan for a wide variety of mixed uses while preserving access and views of the bluffs, Puget Sound, and natural areas.**
LU 2.1	Emphasize public access to the shoreline via public trails and trail connectivity within the mixed use district.
LU 2.2	Encourage a variety of housing types to serve a range of household sizes, incomes, and consumer preference.
LU 2.3	Promote mixed uses such as office, commercial, hotel, research and development, light industrial and cultural facilities.
LU 2.4	Restrict intensive manufacturing to the more central blocks within the subarea.
LU 2.5	Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.
LU 2.6	Encourage a mix of commercial land uses to provide goods and services to meet the needs of residents, businesses and visitors while providing an attractive commercial setting.
LU 2.7	Provide for a variety of professional employment uses to achieved a diversify economy.
LU 2.8	Promote the development of a convention center, cultural/community center, or other public facilities that are desired additions to the commercial and business uses in Old Fort Lake.
LU 2.9	Preserve views of Puget Sound and Sequalitchew Creek for all to appreciate; retain the Open Space designation along critical areas to limit development encroachment.
Goal LU-3 (OFL-2)	**Provide family wage employment by promoting industrial facilities in the subarea.**
LU 3.1	Encourage the development of sustainable, clean industries.
LU 3. 2	Provide flexibility in the administration of design standards to allow for

	innovative products and effective solutions to site challenges.
LU 3.3	Encourage commercial, small-scale manufacturing, flexible space, and institutional uses in order to create family-wage jobs, provide goods and services attractive to the local population, support entrepreneurship and new business development, and provide opportunities for workforce training.
LU 3.4	Provide buffers, incorporating features such as existing vegetation, berms, fences, and landscaping, between non-residential and neighboring residential areas.
LU 3.5	Allow for accessory commercial for companies to sell products created as part of the light manufacturing operations.
Goal LU-4 (OFL-3)	**Provide future employment uses and housing for the Old Fort Lake subarea.**
LU 4.1	Encourage a mix of commercial land uses to provide goods and services to meet the needs of residents, businesses, the golf course and visitors while providing an attractive commercial setting.
LU 4.2	Live/work units should be encouraged in commercial designations to facilitate the potential for viable mixed use projects.
LU 4.3	Encourage multi-family residential development consistent with the City's existing character.
LU 4.4	Encourage mixed-use development, where appropriate, to meet the City's housing needs and to foster a compact and diverse community.
Goal LU-5	**Establish/amend land development standards to implement the vision for Old Fort Lake.**
LU 5.1	Adopt density standards for both multifamily and single-family residential that are unique to the subarea.
LU 5.2	Adopt a maximum residential unit limit for Old Fort Lake so that the area develops with a range of uses and recognizing the environmental limitations as applicable to the Department of Ecology Consent Decree.
LU 5.3	Establish Floor Area Ratio (FAR) standards in the City's land use code that limit the scale of non-residential development within the subarea.
LU 5.4	Apply the City's design regulations and guidelines to future development within the subarea so that buildings are attractive and carry forward the community character that is established in DuPont.
LU 5.5	Adopt special buffering standards to protect natural areas and the golf course from impacts from industrial uses.

4.3 - Open Space & Recreation Element

Current Open Space/Recreation Characteristics

The subarea has several sensitive natural resource features including streams, wetlands, and steep topography. Many of these features are protected from development pursuant to the City's critical area standards. In some cases this requires preservation and/or conservation buffers. The subarea's natural features create an attractive and unique setting for future development.

Old Fort Lake – Located in the center of the subarea, Old Fort Lake is one of the major natural resources. The lake is located in a recessed area with vegetated areas preserved around its shoreline. The golf course encircles much of the lake beyond its treed buffer; the other areas are vacant employment land.

Sequalitchew Creek – A second predominate natural resource is Sequalitchew Creek. Sequalitchew Creek is a Type F stream that runs along the north boundary of the subarea and flows toward Puget Sound. The Sensitive Areas Ordinance (DMC 25.105) requires 100-foot stream buffers from the ordinary high water mark.

Northwest Wetland – Sequalitchew Creek connects to a wetland at the north tip of the subarea boundary. The Sensitive Areas Ordinance (DMC 25.105) requires wetlands to have buffers of varying width up to a maximum of 200 feet from the edge of the wetland.

Steep Slopes – The subarea is connected to Puget Sound on its western boundary and has associated shorelines and bluffs. This includes having steep slopes along the subarea western boundary and northern boundary. These bluffs and slopes greater than 40% would require an undisturbed 50 foot buffer from the top, toe and sides of the bluff.

Forested Areas – Overall the site is a patchwork of forest land, highly disturbed shrub land, and a maintained golf course. The three major forested areas in the subarea include the area surrounding Old Fort Lake, a wooded lot at the eastern tip of the subarea, the open space along the western bluff and the along Sequalitchew Creek.

Area Parks – There are several parks in and around the subarea. Specifically, Powderworks Park, located less than ¼-mile to the southeast of the subarea boundary, is 23.8 acres in size and the largest park in the city. A one-acre, unnamed park exists near the southwest boundary of the subarea which supports passive recreation, a paved looping path, and a sloped turf area. Approximately 600 feet to the south of the subarea is Garry Oaks Park, which is a 12-acre neighborhood green space and multi-modal trail that parallels McNeil Street. This connects to the only existing road that accesses the subarea plan.

Trail System – A comprehensive and well-used trail system interconnects the neighborhoods/villages in the City of DuPont, and provides opportunities for integrating with future land use development in the subarea providing additional options for recreation and non-motorized transportation. Some proposed trails are identified in the 2014 Parks Master Plan. Despite the lack of trails, people sometimes walk on the dirt paths that surround the golf course. An existing multimodal path goes though Garry Oaks Park to the south of the subarea. Another unnamed trail borders the entirety of the eastern border of the subarea, leading to DuPont City Hall.

- **The Puget Sound Bluff Trail** is an unpaved trail that goes from south-to-north and connects residential neighborhoods to the southwest of the subarea to Wilkes Observatory and Sequalitchew Trail in the north.
- **The Sequalitchew Creek Trail** is a paved and unpaved 1.4-mile trail that accesses the creek from Center Drive, eventually leading to Puget Sound. The 2014 Parks Master Plan states that Sequalitchew Creek holds "environmental and historical significance as a connection to Puget Sound." Plans for improvements to Sequalitchew Creek Trail include securing public access to Puget Sound, developing additional trail corridor, and enhancing natural habitat.

Planned Parks and Facilities – The City of DuPont 2014 Parks Master Plan identifies four proposed parks in and around the subarea. Parks P19 and P20 (as labeled on following page) are proposed along the mouth of Sequalitchew Creek, which would connect to the existing Sequalitchew Creek Trail. These parks would add recreational options in the north portion of the subarea, and would facilitate multi-modal access to the water and to the Sequalitchew Creek Trail.

A trail is proposed to extend from Garry Oaks Park to the south and loop Old Fort Lake, eventually connecting the southern side of Sequalitchew Creek. Another trail is proposed to meander through the golf course toward Puget Sound where it would connect to a proposed trail paralleling the water, above the bluff.

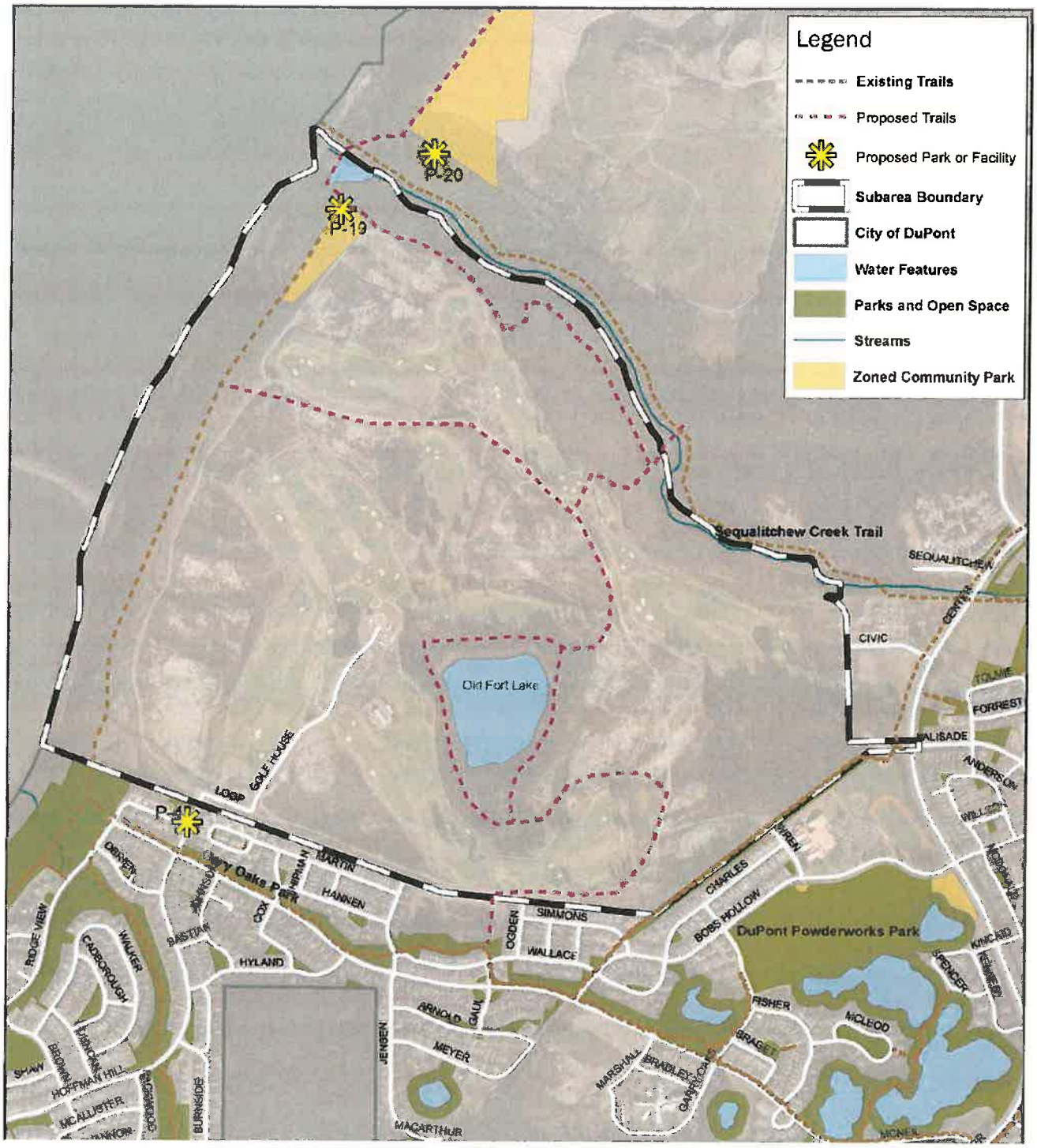


Figure 10 - Current Parks, Open Space, and Trails Map (2017)

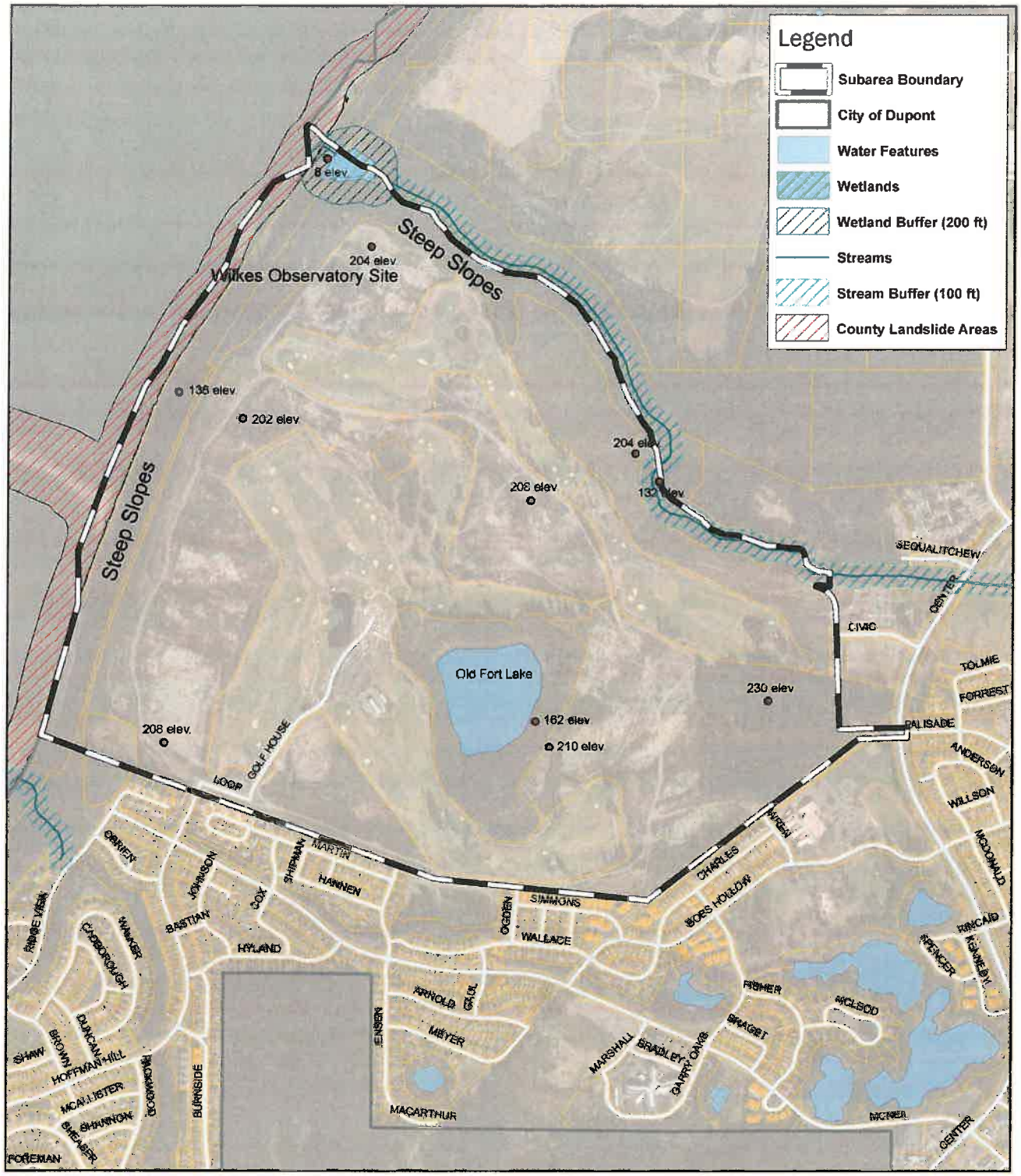


Figure 11 - Current Natural Features Map (2017)

Future Open Space & Recreation Plan

The purpose of the Future Open Space & Recreation Plan is to identify new trails, paths, open space and recreational facilities that are consistent with the master plan. It is also an opportunity to integrate those that have already been identified by the adopted 2014 Parks Master Plan. Existing goals and policies should continually be updated to reflect the objectives of this subarea plan.

Trail System – At a community workshop, participants favored trails as the amenity they would most like to see in the subarea. The subarea should add and expand trails in order to integrate the surrounding trail system with natural amenities, cultural sites, and other facilities. These trails will provide recreational opportunities for residents as well as provide connectivity within the subarea. Future trails improvements include:

- Trail T-5 and T-6: Trails along the south of the Sequalitchew Creek Corridor that connect with the existing Sequalitchew Trail.
- Trail T-6: A loop trail around Old Fort Lake that secures public access to the Old Fort Lake natural area and integrates it as an amenity.
- Trail T-2: A south-north trail along the Puget Sound bluff that provides sweeping views to the west. This is an existing trail but future improvements and local connections are envisioned.
- Future Trail: A future trail connection on the south side of the creek that provides a link to the Civic Center.

Trailheads – Two trailheads are envisioned in the subarea. The first is located at the Wilkes Observatory, which was identified in the 2014 Parks Master Plan. The other is located at the northeast corner of Old Fort Lake. These trailheads are planned to provide formal trail access, and would provide additional parking, informational signage, and facilities such as restrooms and trash receptacles.

Open Space Areas – Several open space areas are envisioned for the subarea. Areas that are currently designated as Open Space/Recreation by the Comprehensive Plan will remain unchanged. These areas are denoted as block J.1, J.2 and block H and include land adjacent to Puget Sound, Sequalitchew Creek and Old Fort Lake. Additionally, Blocks I.3, I.4 and I.5, which surround the Fort Nisqually cultural site, are envisioned to have an open space focus.

***The consent decree requires and the restrictive covenants enforce a prohibition on parks and playgrounds in the subarea. The City envisions future discussions to applicable parties to relax these restrictions as potential site contaminants are addressed.

Multi-use Paths – Multi-use paths should be integrated with the future transportation system in order to provide safe and attractive linkages and recreation opportunities for pedestrians and cyclists. During community workshops, multi-use paths were identified as a priority. The specifications of the paths may vary, but they should generally be approximately 12-feet wide, and should be separated from roads by a landscape buffer. Two multi-use paths are planned along Road A which skirts the south and west of the subarea (labeled as MUP A), and along Road B which is an east-west linkage through the subarea (labeled as MUP B). Multi-use paths are envisioned to be paved, ADA-compliant, and be designed to support pedestrian and bicyclists.

Wayfinding and Educational Signage – To support efforts to expand the trail system and to incorporate the natural assets on site, wayfinding and education signage should be included. These types of signage orient users to trail crossings and other points of interest.

Top Left: *Sequalitchew Trail* ***Top Right:*** *Trail route and informational signage.* ***Bottom:*** *Multi-use trail along Bob's Hollow Lane; similar future facilities are planned for the subarea.*

Figure 12 - Old Fort Lake – Future Open Space and Recreation Plan

Future Open Space & Recreation Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan.

FUTURE OPEN SPACE & RECREATION Old Fort Lake: **Goals and Policies**

Goal OSR-1	**Evolve Old Fort Lake into a centerpiece of the Old Fort Lake subarea and a premier recreational opportunity for DuPont residents.**
OSR 1.1	Secure public access to the lake and provide an informational trailhead.
OSR 1.2	Integrate a looped trail around the lake that connects with surrounding trails and provides views of the lake.
OSR 1.3	Enhance natural habitat around the lake.
OSR 1.4	Manage native trees and vegetation around the lake.
Goal OSR-2	**Create a high quality, attractive, and well connected trail system that is highly accessible to the DuPont community.**
OSR 2.1	Incorporate wayfinding, educational, and orientation signage.
OSR 2.2	Provide formal trailhead facilities at major trail intersections and entrances.
OSR 2.3	Orient and align trails to maximize viewpoints and connections to Puget Sound, Sequalitchew Creek, and historic and cultural sites.
OSR 2.4	Provide safe multi-use trails along primary vehicular thoroughfares.
OSR 2.5	Use open space and recreation areas to effectively buffer the Home Course and adjacent neighborhoods from new commercial and industrial uses. Coordinate with the Home Course to effectively locate facilities.
OSR 2.6	Integrate goals and policies of Comprehensive Plan and Parks Master Plan in Old Fort Lake subarea planning process. Update Comprehensive Plan and Parks Master Plan as needed to reflect subarea plan.
Goal OSR-3	**Preserve and enhance open space areas.**
OSR 3.1	Protect open space areas adjacent to view corridors and sensitive areas and identify new open space areas.
OSR 3.2	Apply open space zoning category and land use designation for areas that should be preserved.
OSR 3.3	Plan for active and passive recreational opportunities within open space areas.
OSR 3.4	Connect open space corridors and trails to create a comprehensive network.
OSR 3.5	Search for opportunities to acquire high-quality critical areas to retain in conservation.
OSR 3.6	Partner with other government entities and non-profit organizations to manage natural areas.

4.4 - Cultural Resources Element

Current Cultural Resource Characteristics

The subarea has several designated cultural sites. The DuPont Historical Society completed a *DuPont Heritage Plan* in 2014 stating known cultural resources, site locations, and conservation and tourism recommendations. The subarea has significant cultural resources within its boundaries, these include:

- **The 1833 Hudson Bay Company Fort Nisqually Site:** The 1833 site played a historical importance to early Euro-American activity in the Pacific Northwest. Fort Nisqually became known for its fur trading and agricultural products. The original Fort Nisqually site had proved to be too small and the fort was relocated in 1843. This site is owned by the City of DuPont but is surrounded by The Home Course with limited public access. This site is located near the center of the subarea, north of The Home Course Club House.
- **The Wilkes Observatory Site:** Lt. Charles Wilkes used this site for the placement of maritime instruments and clocks used as part of the Wilkes Exploring Expedition and Fort Nisqually. The DuPont Company placed a historical marker at the site that still stands today. The site is located on the bluff south of the mouth of Sequalitchew Creek near the north tip of the subarea boundary.
- **Crystallizer Site:** The crystallizer site is reminiscent of the key location of the previous manufacturing use on the Old Fort Lake property. The crystallizer site has a relic with left behind building foundation and part of the wall structure.
- **Native Tribes:** The property may have supported native tribes. Though specific tracts have not been formally designated; the property may have supported migration, hunting, and gathering by Native Americans. Artifacts may be present.

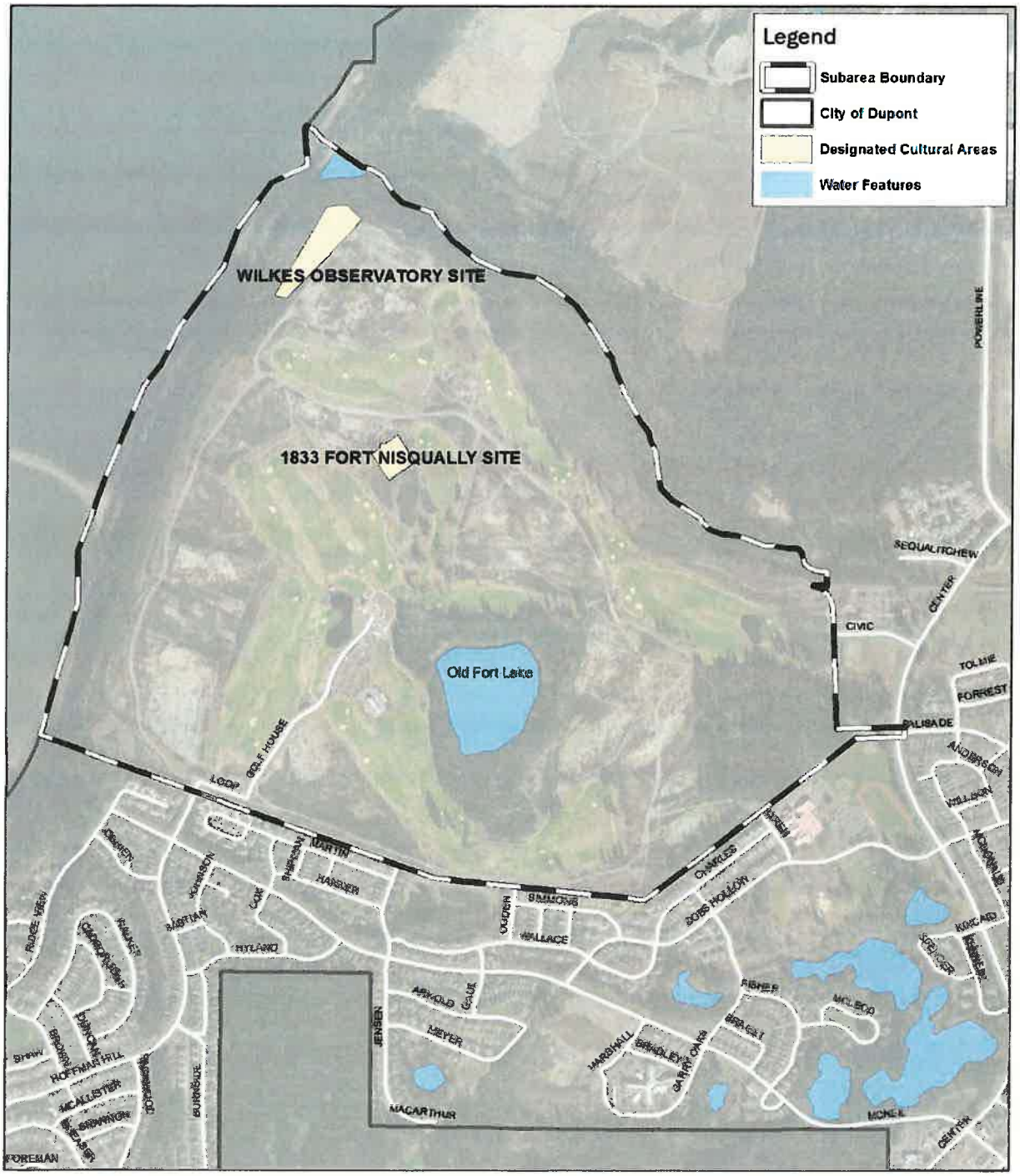


Figure 13 - Current Cultural Resources Map

Note: This map illustrates currently designated cultural sites.

Future Cultural Resources Plan

The City of DuPont includes a Cultural Resources and Historic Preservation Element in its Comprehensive Plan. This element recognizes how DuPont's cultural and historic resources make DuPont a distinct, culturally rich location with assets that can provide enhanced tourism opportunities. The Old Fort Lake Subarea Plan will continue to recognize and protect these cultural sites; they have been weaved into the subarea master plan. The goals and policies below are consistent with the Comprehensive Plan element.

Future Cultural Resources Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan.

FUTURE CULTURAL RESOURCES Old Fort Lake: **Goals and Policies**

Goal CR-1	**Protect cultural resources by implementing regulations that insure cultural resources will not be destroyed, damaged, or disregarded during the development process.**
CR 1.1	Work with federal and state agencies and the tribe to utilize historic preservation planning.
CR 1.2	Work with the Home Course to provide access to the Old Fort site.
CR 1.3	Develop an active preservation program that emphasizes community outreach and involvement including other local governments and agencies.
CR 1.4	Seek ways to capitalize on DuPont's unique cultural and historic resources to enhance tourism and local education opportunities.
C.R 1.5	Partner with the Nisqually Tribe to identify cultural sites that have tribal heritage and possess native artifacts.
C.R 1.6	Apply the City's cultural resources policies and regulations to all future development within the subarea.

4.5 - Transportation Element

Current Transportation Characteristics

The subarea presently has limited access. Existing access into the subarea is from Hoffman Hill Boulevard, a major collector. Hoffman Hill Boulevard turns into Golf House Road, a local access road, which services The Home Course golf course and clubhouse. There is one unnamed dirt road that creates a large loop through the subarea. This dirt road connects to Wren Road, Palisade Boulevard, and Ogden Avenue. The current transportation characteristics are summarized below:

- **City-Wide Connections** – Civic Drive and Palisade Boulevard are higher classified roads that terminate at the subarea boundary and that can provide access for future uses. Both Civic Drive and Palisade Boulevard provide direct access to Center Drive. Center Drive is a four-lane, divided, principal arterial roadway.
- **Local Connections** – There are three existing roads that presently terminate at the subarea boundary and can provide future local access for local residents. These include Hoffman Hill Boulevard, Jensen Avenue, and Ogden Avenue.
- **Transit** – There is no local transit that serves the subarea. There are no Pierce Transit local bus routes that service/circulate the City of DuPont. However, there is express bus service to Olympia and Tacoma/Seattle. The DuPont transit center is located approximately 1.1 miles (a 22-minute walk / 7-minute bicycle ride) from the subarea entry point near the intersection of Palisades Blvd & Center Drive.
- **Trails** – The subarea has an existing trail that aligns along the bluff (T-2 in the Parks Master Plan); another trail is aligned along the southeast boundary (T-7). There are numerous trails surrounding the subarea that can be tied into in the future. Trails are discussed in further detail Section 4.3 (*Open Space and Recreation*).
- **Rail Lines** – There is one line of active railroad track that runs near the western edge of the subarea boundary. The tracks are located between the shoreline and the associated bluffs. The tracks support rail freight. Amtrak passenger rail service is planned to be transferred from this rail segment; no stations are located along this segment.

Figure 14 - Current Vicinity Roadway Network (2017)

Future Transportation Plan

The purpose of the Future Transportation Plan is to envision a new network of roads and paths that serve the subarea. The new network will provide internal circulation between various development areas and will connect to the existing road network.

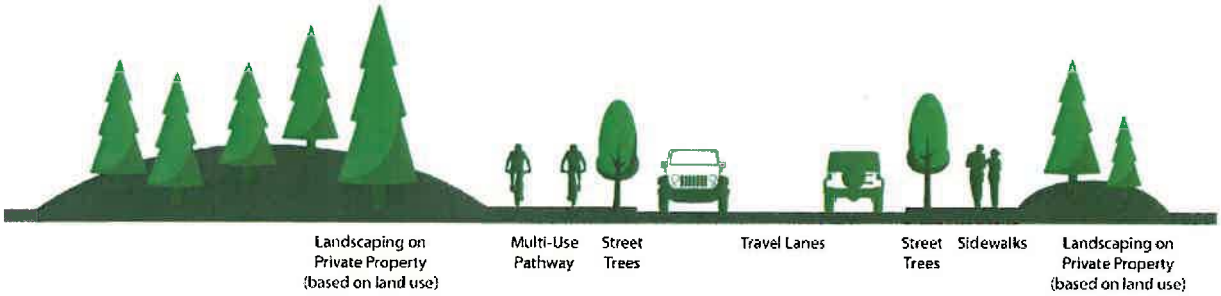
Road Classification – All roads in the City of DuPont fall under one of four classifications: *Principal Arterial, Minor Arterial, Major Collector,* and *Local Access*. The classifications are inventoried in the Comprehensive Plan and specifications are detailed in the Public Works Standards.

- **Principal Arterials** provide access between large subareas of an urban region, including access to the Interstate system.
- **Minor Arterials** connect principal arterials to smaller collector roadways, and distribute travel to small geographic areas and communities.
- **Major Collectors** distribute trips from principal and minor arterials to destinations, or collect traffic from local roads and channel it to the arterial network.
- **Local Access** roadways provide circulation and access to residential neighborhoods

Primary automobile circulation is proposed as a loop road through the property as illustrated on the Old Fort Lake Master Plan. New roads in the subarea will align with these designations. The vision for the subarea will include three new streets (Streets, A, B and C) that are minor arterials. Civic Drive and Street B will be extended into the subarea and are planned a minor collectors. Street E is planned as a local access road that connects to the Old Fort Wilkes cultural site and future trailhead.

Street Design – Streets in the subarea will be designed to create an attractive streetscape that provides for efficient vehicle circulation while creating separate facilities for bicyclists/pedestrians. Specifically, the subarea primary streets will carry forward streetscape elements that are enjoyed in other areas of DuPont such as landscaping, street trees, and strong pedestrian amenities. It is anticipated the City's Public Work standards will adopt additional cross sections for the subarea so that the subarea is developed with distinctive street designs.

Non-motorized Transportation – DuPont provides a strong pedestrian and bicyclist environment; this is contributed to its network of sidewalks and multi-use trails. The subarea will connect to the existing pedestrian network and provide new non-motorized facilities. At a community workshop, residents heavily favored multi-use trails over on-street facilities for non-motorized transportation. Multi-use trails are envisioned to be incorporated along Road A and Road B within the subarea. These trails should increase safety for pedestrians and bicyclists by sufficiently separating these users from vehicular traffic by a green buffer.



Old Fort Lake – Conceptual Arterial Cross Section

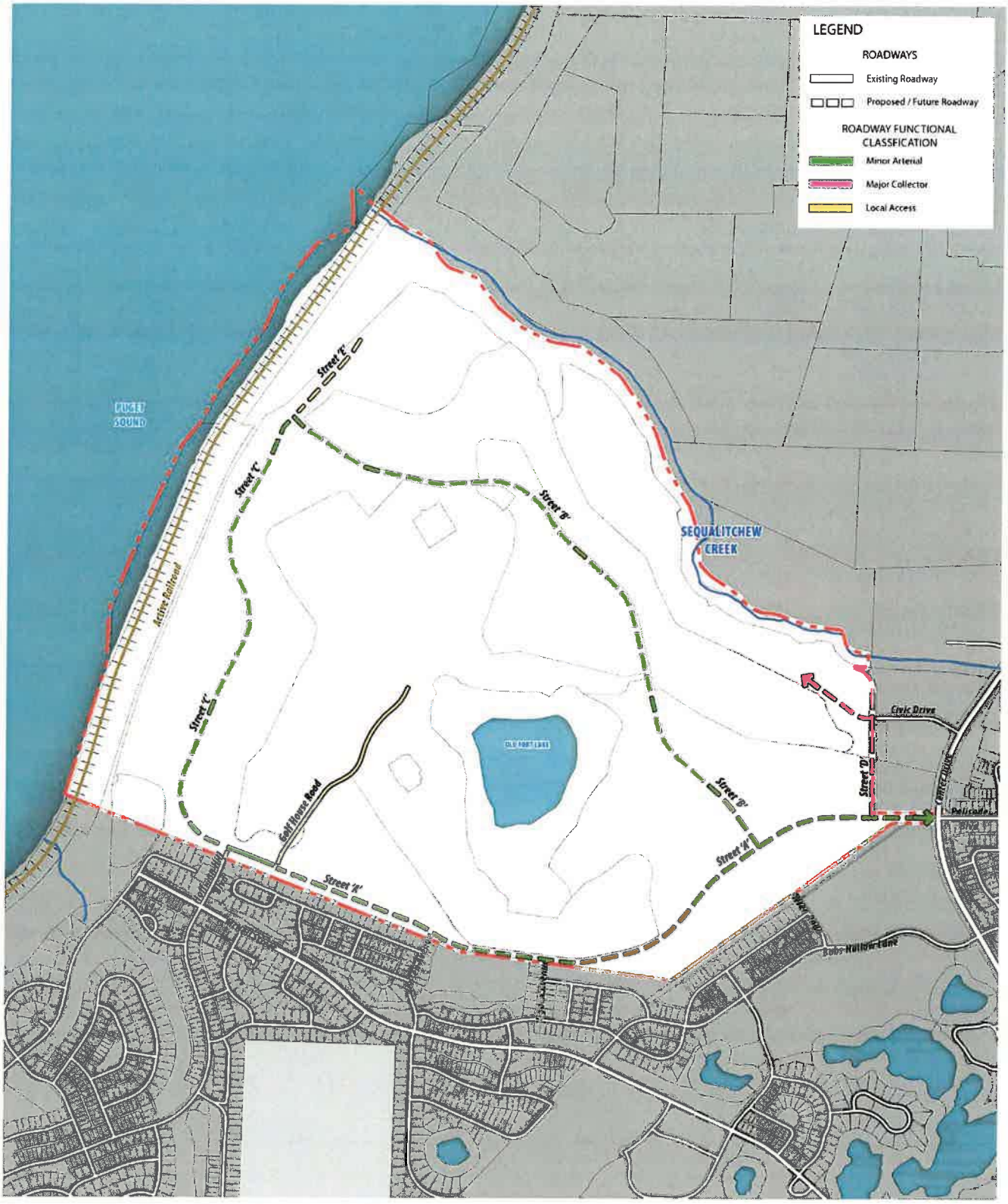


Figure 15 - Old Fort Lake - Future Transportation Plan

Future Transportation Goals and Policies

The following goals and policies should guide future development and decision-making pertaining to transportation within the subarea. These goals and policies were created to assist in the implementation of the Master Plan.

FUTURE TRANSPORTATION Old Fort Lake: **Goals**

Goal T-1	**Provide a robust multi-modal transportation network that serves as variety of users.**
T 1.1	Reduce speeds of automobiles through aesthetically-pleasing traffic calming measures and street design.
T 1.2	Plan for pedestrian/bicyclist facilities to allow for safe and convenient access to future transit and rideshare services.
T 1.3	Plan for trails and multi-use paths to serve both a recreational and transportation function; provide adequate separation between non-motorized facilities and major thoroughfares.
T 1.4	Connect and enhance adjacent paths and trails with new facilities within the subarea.
Goal T-2	**Provide excellent street design that complements desired future land uses and reflects community values.**
T 2.1	Design and adopt street cross sections for primary roadways within the subarea.
T 2.2	Ensure future transportation is consistent with Comprehensive Plan, Capital Improvement Plan, and Public Works Standards, and update these documents as necessary to reflect subarea goals and policies.
T 2.3	Plan a transportation network that reflects the future land use goals.
T 2.4	Construct streets with trees and vegetation; ensure roadways carry forward the streetscape themes found in other parts of the City.
Goal T-3	**Plan a well-connected and efficient road network.**
T 3.1	Plan a street pattern that integrates different development blocks and provides multiple travel route options within the subarea; focus subarea traffic to the internal primary roadways.
T 3.2	Conduct an update Trip Generation Estimate that assumes the desired future land use of the subarea.
T 3.3	Provide linkages to existing infrastructure and major roads.
T 3.4	Plan internal street network that provides adequate service while minimizing future maintenance burdens.
T 3.5	Route freight traffic to Center Drive so not to direct truck traffic through residential neighborhoods that surround the subarea.
T 3.6	Maintain and enforce the City's concurrency standards for all new development within the subarea; require developers to provide transportation improvements where expected levels of services fall below the adopted standards.
T 3.7	Restrict vehicular access connections to Wren Road from within the subarea; plan for emergency access and non-motorized connections to Wren Road.

4.6 – Capital Facilities and Utilities Element

Current Utility Characteristics

The subarea has limited onsite utilities but existing infrastructure is located in abutting neighborhoods. The existing water and sewer lines were developed and serve the golf course. Future development in the subarea will require additional utility infrastructure that is sized, developed, and managed to serve the future users. Developers are required to demonstrate that utility capacity is available to serve proposed projects during the land use review/permitting process. Developers are also responsible to extend lines and build the supporting infrastructure to serve future projects. Roads and multimodal facilities are discussed in Section 4.5 of this plan.

Water – The subarea is serviced by DuPont Water. The main water line runs from Hoffman Hill Boulevard to Golf House Road; there are no other water connections in the subarea. The subarea could be serviced with additional water mains by connecting to the nearby water mains that are located at roadway connections along the southern and eastern boundary.

Sewer – The City does not own or maintain any sanitary sewer system components. Sanitary sewer services are provided by Pierce County Sewer Public Works and Utilities. The City has interlocal agreements for the provision of sewer service with the utility. The subarea has one main sewer line that extends from Hoffman Hill Boulevard to Golf House Road; there are no other sewer connections in the subarea. The subarea could be serviced by additional sewer mains by connecting to the nearby mains that are located at roadway connections along the southern and eastern boundary.

Stormwater Management – The subarea does not have a stormwater master plan. The subarea has some stormwater facilities that serve the golf course. This includes stormwater lines along the Loop Road, Golf House Road, and at The Home Course golf course. Additionally, there is a stormwater pond adjacent to the southern boundary of the subarea that has a service line connecting to the subarea. Like water and sewer, there are multiple locations of potential tie-ins to the surrounding areas stormwater system.

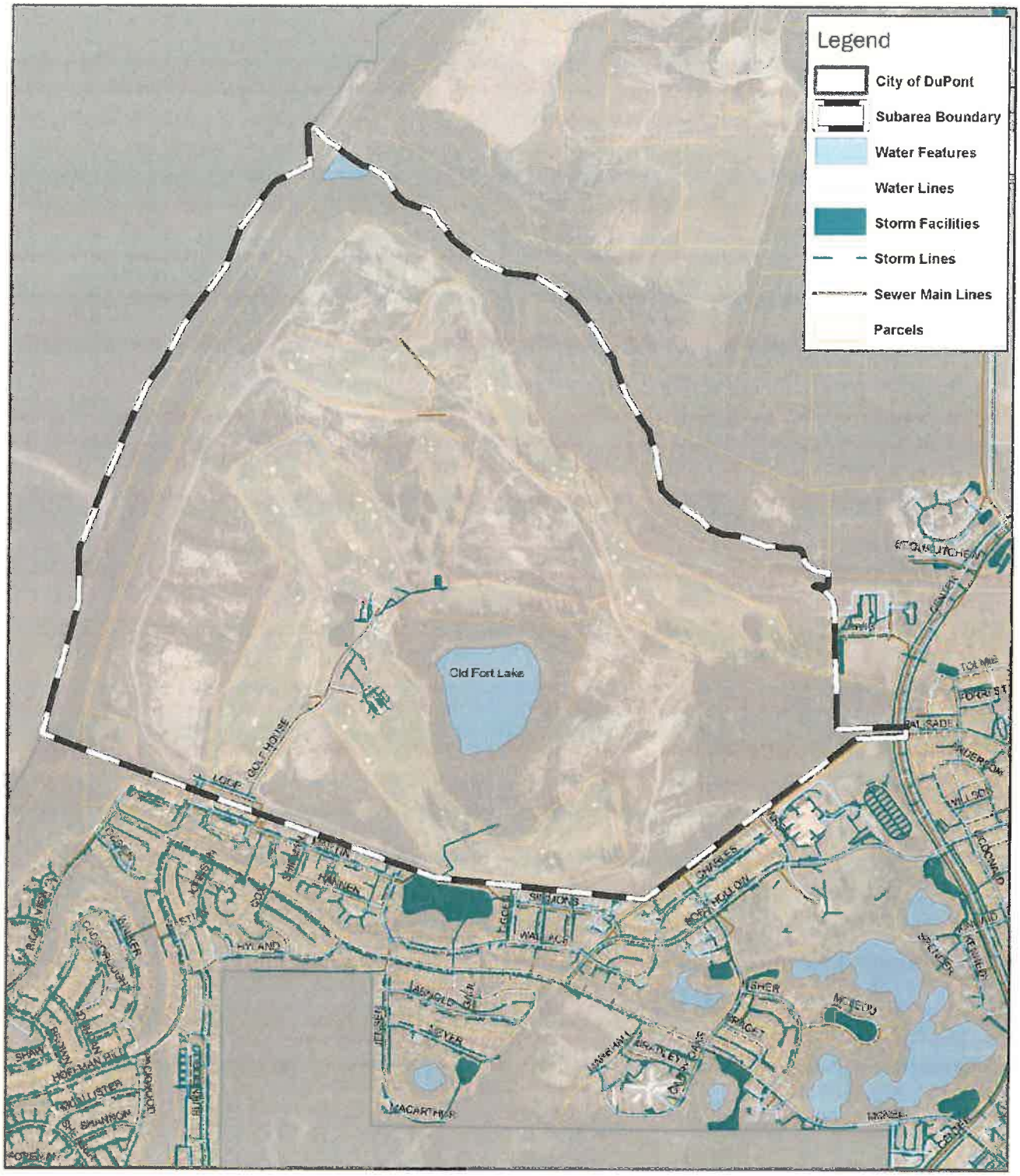


Figure 16 - Current Utilities Map

Future Capital Facilities and Utilities Plan

The City of DuPont Comprehensive Plan includes a Capital Facilities & Utilities Element. This element established adopted levels of service for infrastructure and services including, but not limited to roadways, parks, fire protection, law enforcement and utilities. The City's levels of service do not change with this subarea plan. Future development shall be consistent with the Comprehensive Plan. Individual projects will be reviewed for consistency with these levels of services at the time of permitting. Future development within the subarea must demonstrate that adequate facilities/utilities are in placed at the time of permitting and construction. Furthermore, future development will be required to plan and construct the supporting infrastructure to serve the future uses/buildings. This will include new water, sewer, electrical and stormwater facilities. The supporting infrastructure will be planned/sized based on the specific uses and building sizes; specific infrastructure planning will occur as part of the land use/permit review processes.

Capital Facilities and Utilities Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan. These goals and policies assist the City, utility/service providers, and development entities plan for future development in the subarea.

CAPITAL FACILITIES AND UTILITIES Old Fort Lake: **Goals and Policies**

	CAPITAL FACILITIES (CF)
CF-Goal 1	**Plan for the provision and development of roads, water system, wastewater and storm drainage systems, parks, civic facilities and police and fire protection that are adequate to meet the needs of the Subarea at full development.**
CF-1.1	Require that individual development projects are constructed consistent with the Subarea Plan in terms of infrastructure, open space, and land usage.
CF-1.2	Require developers to plan their utility infrastructure to allow for future blocks to develop within the subarea.
CF-1.3	Require developers to construction roadway access to their properties within the subarea; ensure that all development proposals are designed in a way to accommodate the future roadway and trail networks as illustrated on the Old Fort Lake Master Plan.
CF-1.4	Remain "grant-ready," by maintaining partnerships with service providers to enhance "in-kind" and regional participation, keeping capital facilities plans current, and ensuring that local plans are consistent.
CF-1.5	Obtain rights-of-way and easements to ensure that future access and utilities can be provided to all development properties within the subarea.

CF-Goal 2	**Ensure that public facilities necessary to support new development are available and adequate concurrent with the development.**
CF-2.1	Apply the levels of service standards as adopted in the Comprehensive Plan for all development within the Old Fort Lake subarea.
CF-2.2	Require developers to construct and/or fund capital facilities that are needed to meet City concurrency standards.
CF-2.3	Explore additional funding sources and strategies to ensure long–term infrastructure maintenance within the subarea.
CF-2.4	Work with the school district to coordinate the development of new schools to coincide with anticipated residential development.
CF-Goal 3	**Celebrate the subareas's cultural sites through enhancement and education.**
CF-3.1	Create funding plans for the preservation and enhancement of the Wilkes Observatory, the1833 site, Old Fort Lake, and other cultural and historic features.
CF-3.2	Create development plans for cultural sites that include public access, informational signage, viewing areas, and visitor structures.
	UTILITIES (U)
U-Goal 1	**Ensure utilities are available for development.**
U-1.1	Coordinate with utility providers at early stages in project planning and the development review process.
U-1.2	Design and install utilities with sufficient capacity to meet anticipated land use intensity.
U-1.3	Plan for an accessible utility infrastructure system that provides for practical connections; to the greatest extent practical, require that water, wastewater and storm drainage lines are developed within public rights-of- way.
U-1.4	Review the utilities capacity on an annual basis to ensure there is long-term capacity to support future uses within the subarea; identify any potential service deficiencies and work with service provides to adequately plan for future demand.
U-1.5	Seek funding sources for infrastructure to support development within the subarea.

U-Goal 2	**Provide adequate sanitary sewer system concurrent with development**
U-2.1	Coordinate with Pierce County to provide sanitary sewerage service to the residents and businesses of the subarea.
U-2.2	Require all new development (excluding remote open space buildings) to connect to a public sanitary sewer system.
U-2.3	Design new sanitary sewer systems to service the future demand that is anticipated from the Old Fort Lake Future Land Use Plan.
U-Goal 3	**Provide potable water to the subarea**
U-3.1	Provide an efficient and adequate water supply to the residents and businesses of the subarea.
U-3.2	Require all new development (excluding remote open space buildings) to connect to a public water system.
U-3.3	Design new potable water systems to service the future demand that is anticipated from the Old Fort Lake Future Land Use Plan.
U-3.4	Explore opportunities to reduce potable water use including low-flow appliances/fixtures/toilets, water reuse and rainwater harvesting, and drought tolerant landscaping.
U-Goal 4	**Minimize erosion by enforcing stormwater management from start of development through completion of development**
U-4.1	Require that future development comply with the City's adopted stormwater management program.
U-4.2	Determine applicable low impact development (LID) best management practices (BMPs) during in the planning stages for new projects as required by the City's stormwater management program.
U-4.3	Design landscaping and planting areas as key components of a site's water quality stormwater strategy; create landscaping plans that reduce and/or eliminate the need for fertilizers and chemicals.
U-4.4	Encourage development to conduct rainwater harvesting for irrigation and reuse purposes.
U-4.5	Conduct timely updates to the City's stormwater management program to compile with periodic amendments to the Department of Ecology Stormwater Management Manual for Western Washington.

4.7 – Community Character Element

Future Community Character Plan

The City of DuPont Comprehensive Plan and this subarea plan strives to create a quality community character that complements existing neighborhoods, creates distinctive future districts, preserves native vegetation and critical areas, and creates attractive streetscapes. The Old Fort Lake Master Plan establishes the vision for the subarea. The preceding elements institute long-term goals for various aspects of the area. The following subsections establish additional long-range goals relating to buildings, landscaping, and wayfinding.

BUILDING DESIGN

The subarea is envisioned to have future buildings that are attractive and provide quality architecture. In doing so, the City will apply its design regulations and guidelines for all new multifamily, commercial, and mixed use buildings. These buildings will follow the standards that are applied to other areas within the City in order to maintain the same level of architectural quality that the community has grown to expect. This includes building facades with clearly articulated entrances, window coverage, and material variety. Furthermore, buildings will be oriented to the nearby streets create an attractive street presence and contribute to strong pedestrian environments.

The subarea vision also includes goals for attractive industrial buildings. There is a common community sentiment to avoid large spans of blank walls, to minimize large parking expanses, and to screen service/loading areas. Moving forward, the City will be tasked with expanding its design regulations and guidelines to address industrial buildings including light manufacturing and warehouse.

BUFFERING

A buffering strategy must be implemented across Old Fort Lake to address any perceived incompatibilities. Specifically, there is a wide-spread community goal to protect visual appearance of the golf course and to ensure that future adjacent uses do not degrade this asset. Furthermore, this sentiment applies to natural areas, streets, and neighborhoods so that Old Fort Lake supports a variety of users while creating a community character that is attractive, safe, and welcoming. The City's land development regulations should be updated to implement the subarea's buffering goals.

- **Multifamily, Commercial, and Office Uses** – buffers will be provided along rights-of-way and the golf course to provide subtle screening and to add vegetation. It is acknowledged that these uses may want views to the golf course while providing some degree of visual separation. Additional buffer treatments will be provided where these uses abut single-family neighborhoods; this could include lush landscaping, trees, and fencing to provide an effective transition to low density housing.
- **Industrial Uses** – buffers for industrial uses will be provided along streets to provide some screening and add vegetation to the streetscape. Full buffers and screening will be provided along the golf course, open space areas, and residential districts to ensure the visual impacts are effectively mitigated.

TREES AND LANDSCAPING

The subarea will develop with new lush landscaping and expansive tree canopies. This vegetation will occur on individual development sites, along rights-of-way and within the open space areas. Landscaped areas are envisioned to mimic a more natural arrangement with native plant varieties. Landscape designs should focus on trees, shrubs, and ground cover while avoiding large spans of turf (except for golf courses and play areas). The City will adopt policies and standards to ensure that the subarea develops with trees and landscaping that aligns with the overall vision for Old Fort Lake.

Development Sites – Individual sites will provide a minimum landscaping coverage that is established in the Land Use Code. Planting areas will be located along the site's perimeter, along building foundations, and peppered through parking areas to soften their appearance against the natural setting.

Streets – Roadways will be developed with street trees and ground cover to create a comfortable and attractive streetscape. It is envisioned that the City will design and adopt special cross sections for the subarea to ensure that future streets area distinctive and carry forward the vision for the area.

Opens Space – Open space areas will follow the same landscaping goals with a focus on quality design. DuPont's public parks have superior design and maintenance; this shall carry forward in the Old Fort Lake subarea.

SIGNAGE AND WAYFINDING

The provision of signage, landmarks, and wayfinding will be thoughtfully integrated into the subarea to orient people to destinations and access routes.

Entry Signs – Entry monuments should be provided at key entry locations into the subarea and their design should be coordinated in terms of shape and materials.

Trail Signs – The City's trail signage will be applied to future trail sections within the subarea to orient users to the larger network.

Info Signs – Informational signage will be provided to highlight natural and cultural assets.

Private Signs –Private site and building signs shall be subject to the same City regulations as applied in other portions of the City; no additional signage allowances will be applied within the subarea.

Top Two: *Tree-lined streets and landscaped entryways*
Center: *Monument signage* ***Bottom:*** *Informational placards*

Community Character Goals and Policies

The following goals and policies shall guide the City and its actions to ensure that the subarea plan develops in way to create a strong community character that balances function, aesthetics, and compatibility. This character should complement the established city form and the surrounding neighborhoods. These goals and policies establish future actions that the City and developers shall make to ensure the subarea is well-designed and followed sound urban design principles.

COMMUNITY CHARACTER	Old Fort Lake: **Goals and Policies**
CC-Goal 1	**Develop buildings that are attractive and project a welcoming appearance to pedestrians, customers, and the residents of DuPont.**
CC-1.1	Apply the City's *Multifamily Design Regulations and Guidelines* and *Commercial and Mixed Use Design Regulations and Guidelines* to future development within the Old Fort Lake subarea.
CC-1.2	Develop and adopt design regulations and guidelines for light manufacturing and warehouse land uses within the Old Fort lake subarea.
CC-1.3	Create and adopt pedestrian access standards so the subarea develops as a walkable district within the City.
CC-1.4	Establish development requirements that require sites to downplay and screen parking lots, service areas, loading docks, and semi-truck parking from off-site view.
CC-1.5	Adopt new zoning and land use standards with appropriate setbacks and other dimensions standards to result in attractive site/building designs that implement the subarea vision.
CC-1.6	Work with developers to explore private design standards or restrictive covenants that exceed City standards and provide an additional means of enforcement.
CC-1.7	Revise City lighting standards to reduce light glare and to follow 'dark sky' principles.
CC-Goal 2	**Create attractive streetscapes that accommodate a variety of users including motorists, bicyclists, and pedestrians.**
CC-2.1	Develop and adopt street cross section standards for the subarea that includes landscaping, shade trees, vehicle travel lanes, and multi-use pathways.
CC-2.2	Continue to require landscaping buffers along rights-of-way to provide vegetation, shade, aesthetics, and screening.
CC-2.3	Review the City's landscaping and buffering standards for opportunities to add additional requirements to strengthen the Old Fort Lake Subarea Plan vision.
CC-2.4	Require development projects to demonstrate that new roadways and site plans will provide landscaping that meets or exceeds City standards.
CC-2.5	Explore opportunities to provide decorative/enhanced paving at key intersections to calm traffic and to emphasize pedestrian/bicyclist crossings.
CC-2.6	Identify a long-term funding source and/or partnership opportunity to maintain streets and vegetation.

CC-Goal 3	**Create signage and wayfinding with the subarea that has a coordinated, thematic design that provide helpful and effective orientation to site amenities and destinations.**
CC-3.1	Expand City trail signage and informational placards across the subarea to provide direction and guidance for all trail users.
CC-3.2	Develop the design and locations for entry monuments into the subarea; ensure the entry signs are coordinated in terms of materials and design.
CC-3.3	Apply the City's sign regulations to all development sites/buildings within the subarea.
CC-3.4	Develop standards to ensure that lighted signs are not excessively illuminated and do not cast harsh light onto surrounding properties.
CC-3.5	Explore an informational sign program to highlight cultural sites and areas of historical heritage.

APPENDIX 1: COMMUNITY ENGAGEMENT RESULTS

Community Meeting / Open House Overview

At a workshop held at DuPont City Hall, the community was provided the opportunity to voice their preferences relating to the land uses, transportation and connections, and the amenities and aesthetics within the subarea. Each topic had its own station, and participants were prompted to vote on a series of questions. The community preferences are summarized below.

Land Use

The purpose of this station was to (a) provide information pertaining to current Comprehensive Plan and Zoning designations on the properties, and (b) obtain attendee comment/preferences pertaining to land uses on the properties. Questions were as follows:

- **Which of these uses should be included in the subarea? (In addition to industry uses that are already allowed?)** – Options included deli/café, convenience store, gas station/automotive, medical office, grocery store, residential/apartments, mixed use and hotel. The community showed a clear preference for deli/café land uses, and moderately supported mixed-use and medical offices. Convenience stores and gas stations were the least favored potential land uses.
- **What is your preferred shopping environment?** – The following shopping environment categories were provided: stand-alone, shopping center, and mixed Use/neighborhood center. When viewing the concentration of votes on the boards, participants showed a preference toward the mixed use/neighborhood center environment.
- **What type of industry should be the focus in the subarea [within the subarea]?** – The following categories were provided: warehousing/distribution, manufacturing, research and development, high technology, offices/corporate offices. Participants showed preference for research and development, high technology, and offices, while warehousing/distribution and manufacturing only received one vote each.

Building and Site Design

At this station, participants rated the importance of certain building and site design elements on a sliding scale of "not important" to "very important." The intent of this station was to inform possible design guidelines and standards that the community might like to see applied to future development. Participants voted on the various priorities, including: building orientation, exterior colors/materials, architectural details, size/height restrictions near residential, pedestrian amenities, parking lot screening, reducing light/glare, and buffing residential neighborhoods/golf courses. Generally, all of these categories were viewed as highly important by participants. Buffering residential neighborhoods/golf course and size/height restrictions near residences stood out as the highest priorities.

Transportation and Connections

Participants were asked to vote on three transportation-related questions to inform the design of streets and non-motorized facilities. In addition, participants were asked an open-ended question where they could post comments on a sticky note. The purpose of the exercise was to identify specific concerns regarding traffic impacts from development in the area.

- **What kinds of non-motorized facilities should be provided in the subarea?** – Participants demonstrated a preference for off-street facilities (multi-use trails) over on-street facilities (bikes lanes/sidewalks).
- **How should sidewalks be designed in the subarea?** – Participants demonstrated a preference for sidewalks that are separated from travel lanes with a planter strip and trees. There were respondents that preferred curb-tight sidewalks.
- **Should streets accommodate on-street parking?** – Participants demonstrated a preference for off-street parking over on-street parking arrangements.
- **What are your concerns or ideas about transportation in the subarea?** – This was an open-ended question which received various individual responses, however, a couple of clear themes could be deciphered from these comments:
    - **Concern for Adverse Traffic Impacts** – The majority of the transportation comments revolve around potential traffic increases from any development in the Old Fort Lake Subarea. This includes (i) traffic noise, (ii) traffic congestion on Center Drive and residential neighborhoods, (iii) the volume of semi-truck traffic, and (vi) associated safety concerns.
    - **Request for Multimodal Transportation Facilities** – Many responses suggest a community a desire for pedestrian, bicyclist, and transit facility expansion in the area to handle the additional demand.

Amenities and Aesthetics

At this station, participants were given the opportunity to vote on preferred landscaping and amenities in the subarea. In contrast to higher-level questions regarding zoning and land use, these questions prompted responses on details that affect the public realm in the subarea, as well as its look and feel.

- **What kinds of amenities would you like to see in the subarea?** – The following options were provided: trails, natural areas, wayfinding (themed/decorative), educational signage, gathering places/cultural sites, street furniture/shelters, exercise equipment. Of these options, participants showed a high preference for trails. There were also positive responses for natural areas, gathering places, and educational signage.
- **What landscaping style would you like to see in the subarea?** – Participants showed a preference for native landscaping over ornamental plantings. However, many participants stated that native landscaping should still be well maintained and should not be confused with unkempt areas or plantings that may become a nuisance.

General Comments

A final station was available at the workshop, which provided the community the opportunity to share additional concerns and ideas, based on a prompt of four open ended questions. Many individual comments were received and there were a few clear takeaways, including:

- **Potential Impacts** – Participants were invited to share their concerns about potential project impacts. The major themes of these comments were focused around traffic, environmental, and zoning impacts.
    - **Traffic** – Participants showed concern for an increase in heavy trucks, traffic noise, and traffic spill over into the neighborhoods, increased congestion, and the associated safety concerns.
    - **Environmental** – Participants demonstrated concerns about losing access to any of the nearby trails and open space within the subarea, the potential impacts to the local wildlife and wildlife habitat, and impacts to property values and quality of life in the area. It was also stated by participants that the Old Fort Lake Subarea has some of the best public views in the City and should be preserved.
    - **Zoning** – A few participants stated that they do not want to see warehouses, shopping retail, and offices in the subarea. Some specifically mentioned hotels as an undesirable use.
- **Opportunities –** Participants identified numerous opportunities for items to be included in the Old Fort Lake Subarea Plan. Comments were general and varied, but opportunities identified included items such as open space and recreation, cultural amenities, employment, education, and retail. Individual responses were reviewed and informed the subarea concept alternatives.

Unique History … Vibrant Future

CITY OF DUPONT
Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES
July 24, 2017

Commissioners in Attendance: Chair Chris Barnes, Commissioner Beth Elliott Commissioner Renee Buck, Commissioner Dustin Marlett
Excused: Commissioner Todd Tatum
Absent:
Staff in Attendance: Planning Director, Jeff Wilson and Administrative Support, Janet Howald

1. **CALL TO ORDER**
Chair Barnes called the meeting to order at 6:00 pm. He informed that Commissioner Tatum previously notified him that he would not be present at this meeting. A motion was made and seconded to approve his absence (Buck/Marlett); 4/0 motion carried.

2. **ROLL CALL**
Present: Chair Barnes; and Planning Commissioners Beth Elliott, Renee Buck, and Dustin Marlett.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
A motion was made and seconded to approve the agenda (Buck/Marlett); 4/0 motion carried.

4. **APPROVAL OF MINUTES**
A motion was made and seconded to approve the July 10, 2017 Minutes (Elliott/Buck); 4/0 motion carried.

5. **AUDIENCE COMMENTS** (Items not on the Agenda)
None

6. **PUBLIC HEARINGS**
Chair Barnes announced the public hearing for proposed Comp Plan amendments and Development Regulation amendments for the Manufacturing/Research Park & Industrial Area/Manufacturing Research/Park (MRP) zone and Industrial (IND) in the vicinity of Center Drive and DuPont-Steilacoom Road. (File Nos. COMP-16-05 & TEXT-16-07).
Director Wilson informed additional materials and comments arrived after the packet was assembled. Copies were distributed to the Commissioners and were made available for the public. Mr. Wilson gave an informational brief and background on the proposed amendment. He then introduced Mr. Ryan Givens of AHBL, consultant to the City.

Mr. Givens gave a power point presentation along with discussion of the other materials provided for the public hearing commercial opportunity area. The intent is to create commercial opportunity and retain industrial and jobs potential. It is zoned and has future land use designation for employment uses but looking at additional land use designation zoning and classification that would allow the commercial element. This involves an amendment to the

comprehensive plan that would create a new land use designation called Community Commercial Opportunity Area, CCOA Overlay which would lay over any other future land use designation and land use map. It is intended for non-residential land use classification and involve an amendment to the village text.

Chair Barnes opened the meeting for public comment.

Steve Schenk 1473 Kittson St, DuPont, Director of Steilacoom School Board, recommended coordination between the city and the school district pointing out that there has been loss of revenue for the school district and schools in the past due to lack of mitigation. He added the correction to the Community Commercial Opportunity Area in that the bus barn acre site is not a surplus property and added there are 14. 7 acres in Manchester Place designated as future elementary school site.

There was no further public comment.

Discussion and comment commenced between the Commissioners and Staff. Mr. Wilson addressed the concerns in Mr. Schenk comment letter. He encouraged Mr. Schenk to write a letter from the School district letter of intent with the property to have available when amending the text.

Chair Barnes closed the public hearing.

A motion was made and seconded to table this issue until the next meeting for an opportunity for further review (Buck/Marlett); 2/0, (Barnes/Elliott)opposed ;2/0. Motion did not pass.

Chair Barnes felt best to continue with the discussion to find resolution and come to a consensus.

A motion was made and seconded to change the front setbacks to a minimum of 15 feet along arterials (Buck/Elliott); 4/0 motion carried.

A motion was made and seconded to remove the multi family housing option from the proposed comprehensive plan text amendment and from the proposed community business zoning district. (Elliott/Marlett)2/0, (Barnes/Buck) opposed , 2/0. Motion did not pass.

A motion was made to forward the amendment to Council retaining the multi-family option with the proposed language (Buck/Barnes) 2/0, (Elliott/Marlett) opposed 2/0. Motion did not pass.

A motion was made to remove the sentence "Based on the school district's current plans this site may be surplus property and become available for industrial development", lines 30 & 31 of the Proposed Comprehensive Plan Amendment (Buck/ no second was made) motion did not pass.

A motion was made and seconded to continue deliberation to the next meeting on August 14, 2017 (Buck/Elliott); 4/0 motion carried.

7. UNFINISHED BUSINESS

Mr. Givens continued the discussion from the previous meeting regarding the Comprehensive Plan amendments and Development Regulation amendments for the Yehle Village/Patriots Landing Neighborhood (File Nos. COMP-16-02 & TEXT-16-03) He gave a Power Point presentation of area and the applicant's long-term goals. The applicant is requesting amendment to the

Comprehensive Plan Text and the Land Use Code Text. Discussion commenced with a question and answer session.

Mr. Givens continued discussion from the previous meeting regarding the Comprehensive Plan amendments for the Old Fort Lake neighborhood/Business & Technology Park zone (File Nos. COMP-16-04 & TEXT-16-06) The area is designated as industrial/technology types of uses. The current comp plan is a sub-plan that requires the City to plan for consistency for future uses. He explained the necessary processes to make the amendments to the Comp Plan and Text

A community meeting is to be planned. There will be a presentation followed by information stations staffed with facilitators to encourage conversations and address questions. Director Wilson informed that August 7th may be the date but the location is yet to be determined. A city wide residential mailing will go out.

8. NEW BUSINESS

None

9. ADMINISTRATIVE REPORTS

Director Wilson discussed the Extended Agenda and the possibility of special meetings to allow for further discussions and potential dates for public hearings to meet the goal of concluding discussions in September. He asked for input on special meetings and possible dates

On July 25th the three new Planning Commission applicants will go before the Council for consideration and appointment by the Mayor.

July 25th, Continued and final discussion will take place at the Council Meeting/Workshop regarding the Critical Areas Regulations.

10. AUDIENCE COMMENTS

Lawrence Genova 1876 Hoffman, DuPont, inquired as to who the developers will be and what types of businesses will be around the golf course.

11. PLANNING COMMISSION MEMBER COMMENTS

Commissioner Buck expressed appreciation to Director Wilson, Staff and the Consultant for all the hard work to put together the materials and meeting. She also expressed appreciation for inviting the applicants to attend the meeting so they could hear the concerns and comments.

Chair Barnes also expressed his appreciation to Staff and Consultants for their hard work and the public for attending the meeting.

12. ADJOURNMENT

Chair Barnes adjourned the meeting at 8:42 pm.

Aug 28 2017

Chair, Chris Barnes Date

Minutes prepared by Janet Howald, Administrative Support

Unique History … Vibrant Future

CITY OF DUPONT
Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES
Monday, August 14, 2017

Commissioners in Attendance: Chair Chris Barnes, Commissioners Renee Buck, Todd Tatum, Kevin Ballard, Jeremy Warner(Alt)
Excused: Commissioner Beth Elliott, Corey Wright, Dustin Marlett
Absent:
Staff in Attendance: Planning Director, Jeff Wilson, Administrative Support, Janet Howald

1. **CALL TO ORDER**
   Chair Barnes called the meeting to order at 6:00 PM.

2. **ROLL CALL**
   Present: Chair Barnes, and Planning Commissioners Buck, Tatum, Ballard, Warner(Alt).
   A motion was made and seconded to excuse Commissioner Elliott (Tatum/Buck); 5/0 motion carried.
   A motion was made and seconded to excuse Commissioner Wright (Buck/Tatum); 5/0 motion carried.
   A motion was made and seconded to excuse Commissioner Marlett (Ballard/Warner); 5/0 motion carried.

   Chair Barnes welcomed Commissioner Ballard and Commissioner Warner to the Planning Commission.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
   A motion was made and seconded to approve the agenda (Buck/Tatum); 5/0 motion carried.

4. **APPROVAL OF MINUTES**
   A motion to Approve the Minutes from the, July 24, 2017, was not made as a quorum of the commissioners attending the July 24th meeting were not present. Approval of the Minutes will brought forth to the next Planning Commission meeting.

5. **AUDIENCE COMMENTS**
   None

6. **PUBLIC HEARINGS**
   N/A

7. **UNFINISHED BUSINESS**
   File No's COMP-16-05 & TEXT -16-07: Discussion and deliberation commenced regarding the proposed Comp Plan amendments and Development Regulation amendments for the Manufacturing/Research Park & Industrial Area/Manufacturing/Research Park (MRP) zone and

EXHIBIT "1"

Industrial (IND) in the vicinity of Center Drive and DuPont-Steilacoom Road. Commissioners Ballard, Tatum and Warner stated they had reviewed the materials and recorded testimony provided to them from the last meeting, 7/24/17, and were prepared to participate in the meeting.

A motion was made and seconded to remove the sentence on lines 30 and 31 of the Proposed Comprehensive Plan Amendment, "Based on the school district's current plans this site may be surplus property and become available for industrial development" (Buck/Tatum); 4/0 (Warner opposed) motion carried.

A motion was made and seconded to approve the language update for recommendation to the City Council. (Warner/Ballard); 5/0 motion carried.

A motion was made and seconded to approve the proposed comprehensive plan future land use map as proposed to go along with the text update. (Buck/Tatum); 5/0 motion carried.

A motion was made and seconded to approve Chapter 25.27, Community Business (CB) District of the Proposed Land Use code as presented. (Buck/Warner);5/0 motion carried.

A motion was made a seconded to approve the update to the Chapter 25.70 Commercial and Mixed Use Design Regulations (Buck/Tatum); 5/0 motion carried.

File No's COMP-16-02 & TEXT-16-03:Continued workshop and discussion on proposed Comp Plan Amendments and Development Regulation amendments for the Yehle Village/Patriots Landing Neighborhood. Mr. Ryan Givens of AHBL, Consultant to the City, began the discussion with a Power Point presentation.

Ken Farmer CEO of Careage and owner of the property spoke and also expressed the concern over the esthetics of the projects with the intent of maintaining the park like space through the property.

Director Wilson informed that a public hearing has been scheduled for August 28th, 2017 to ensure getting it scheduled but if need be, discussion could continue.

File No's COMP-16-04 & TEXT-16-06: Mr. Givens provided a summary of Open House on proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood/Business & Technology Park (BTP) zone. Director Wilson reminded there are some restrictions and constraints on how the land/property may be used due to the Consent Decree. Discussion then included a question and answer period. Mr. Wilson also reminded that there are four ownerships of the properties and that there has been outreach to keep all parties informed and engaged in this process. Communication will continue to work between proponents/applicants for compatibility with the owners to ensure it will all fit into the community.

8. NEW BUSINESS

None

9. ADMINISTRATIVE REPORTS

Director Wilson discussed the Extended Agenda and the additional of special meetings that are scheduled on August 16t, 21st and 30th to allow further discussion on the Comp Plan amendments.

On August 28th, a public hearing for the Yehle Village area will be held along with the Planning Commission Meeting. September 11th, 2017 has tentively been scheduled for a public hearing for the Old Fort Lake Area (File No.s COMP-16-04 & TEXT-16-06) All four Comp plan amendments have to be put together as one action to the City Council before the end of the year. Chair Barnes acquired the Commissioners consent for these additional meetings.

Mr. Wilson informed of the public hearing that took place on August 11th, 2017, on Tracts I & O and expects a decision from the Hearing Examiner In approximately 3 weeks. The owner of Tract J is wanting to move forward with permits.

A Public Hearing is scheduled for September 11th, for buildings on Lots 5&6 on Center and DuPont-Steilacoom Roads.

Mr. Wilson met with the representatives from the Intel property with discussion of the redevelopment of the site.

The Council approved the Development Agreement on the Ace property. The building permits should be arriving in the next few weeks with ground breaking beginning the next few months.

10. AUDIENCE COMMENTS

None

11. PLANNING COMMISSION MEMBER COMMENTS

Commissioner Buck expressed thanks to Staff and Mr. Givens for providing all the information.

Commissioner Warner expressed thanks for the Commission and Staff for allowing him to serve and help the City move forward with the important decisions coming up.

Chair Barnes thanked Commissioner Ballard and Commissioner Warner for joining the Planning Commission.

12. ADJOURNMENT

Chair Barnes adjourned the meeting at 7:47 PM.

Aug 28 2017

Chair, Chris Barnes Date

Minutes prepared by Janet Howald, Admin Support

PROPOSED COMPREHENSIVE PLAN AMENDMENT

Table 10: Future Land Use Designation Description

Designation: Community Commercial Opportunity Area Overlay

Description: The purpose of this designation is to allow for commercial services as a development option at strategic locations within the City. The Community Commercial Opportunity Area (CCOA) is an overlay designation; the underlying future land use designation(s) shall remain applicable to the properties. In addition to the allowable uses for the underlying future land use designation(s), the CCOA allows for retail trade, service businesses and similar uses. Multifamily may be allowed when ground level commercial uses are provided; densities shall be limited to 12 dwelling units per acre. The Community Business (CB) District is the primary implementing zone for the CCOA and may be applied to all or portions of the CCOA. Other consistent zoning districts may be assigned to implement CCOA in terms of allowable uses, urban design, and neighborhood compatibility.

Manufacturing/ Research Park and Industrial Area

The area of the City between Sequalitchew Village, the DuPont Steilacoom Road, the northern city limits and the eastern edge of the Palisade and Historical Villages is identified as Manufacturing/ Research and Industrial Area and provides land for industrial activity, manufacturing, office and some nonmanufacturing activities such as wholesaling and distribution. The boundaries of this area have been reduced from the 1995 Plan on the west and from the 2001 Plan on the southeast to create a portion of Sequalitchew Village and the entirety of Bell Hill Village respectively. Access is provided by Center Drive, an east/west route intended for truck traffic along the JBLM Land Fill site and the DuPont-Steilacoom Road.

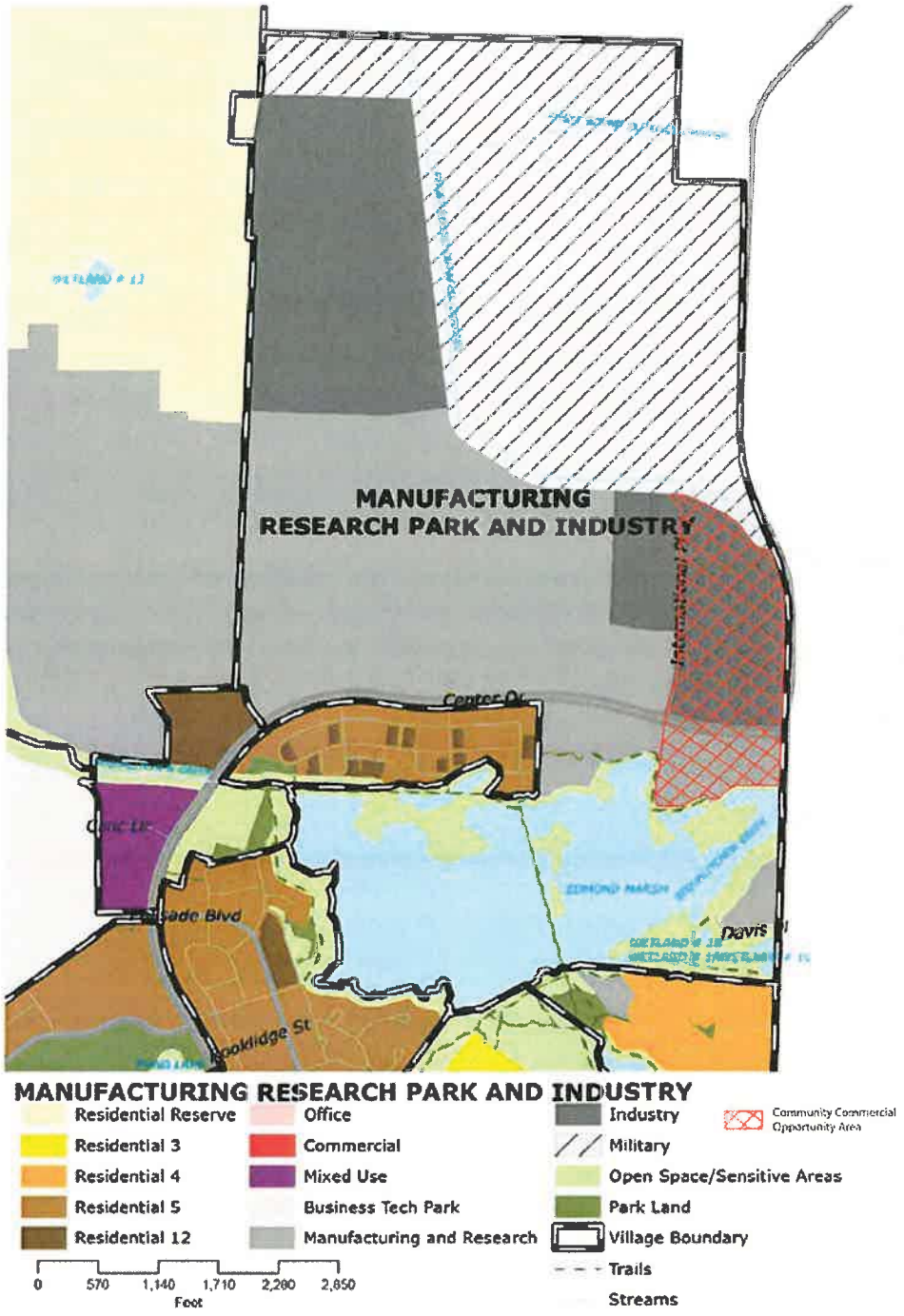
This area has two primary land use designations, Manufacturing/Research Park and Industrial. The Manufacturing and Research Park designation is located adjacent to Center Drive and includes office uses and less intense, generally smaller scale industrial uses. Larger scale, somewhat more intense industrial uses are located in the industrial designation to both the north and east. Current businesses in this village include Intel Corporation in the Manufacturing/Research Park area and Westblock Pacific and Glacier Northwest in the Industrial area.

The industrial area on the east side, along DuPont Steilacoom Road, has been in place since the 1995 plan and was developed in order to compensate for the proposed elimination of industrial uses from the then, newly created Sequalitchew Village. Included in the industrial classification at the intersection of Center Drive and DuPont-Steilacoom Road is a 5-acre site intended for a bus barn. Based on the school district's current plans this site may be surplus property and become available for industrial development.

Contained within this area is Edmond Marsh and its associated buffer. This land area provides a major passive recreation opportunity for the community and nearby business users. A trail system through wetland buffers connects various sites within neighboring villages. A trail within the landscape buffer along Center Drive connects to DuPont-Steilacoom Road and the Civic Center.

Another property owner in this area is the U.S. Army. JBLM is phasing out its old landfill and intends to convert the land to open space. The JBLM Real Property Master Plan projects this area to "be set aside for training, recreation and preservation of aesthetics of the post." The City will pursue the opportunity for joint use with JBLM.

The Manufacturing/ Research Park and Industrial Area also supports future commercial service at the corner of Center Drive and DuPont-Steilacoom Road to provide retail trade, service businesses, and/or office uses to support the larger DuPont community. Complementing multifamily is also permitted where ground level commercial is provided. The intersection is designated with the Community Commercial Opportunity Area (CCOA) land use overlay. Furthermore, a street and pedestrian network shall be developed to interconnect roadways and land uses. The land use code shall establish the development controls to further define the allowable uses, ensure quality urban design, and promote an interconnected transportation network.



Proposed Comprehensive Plan Future Land Use Map

MEETING DATE: November 28, 2017

- ☐ Consent Agenda
- ☐ Discussion Item
- ☐ Unfinished Business
- ☑ New Business
- ☐ Other_____

TITLE:

Pierce County MOA for Transportation Demand Management

Department:	Community Development	Discussion Date:	11/28/17
Originator:	Staff	First Reading Date:	
Assigned to:	Jeff Wilson, Director	Public Hearing Date:	

BUDGET IMPACT: Yes ☐ **No** ☐ **FUND:**

Amount Budgeted		
Additional Required		

DETAILED SUMMARY STATEMENT:

Pierce County and the City of DuPont wish to enter into a Memorandum of Agreement regarding Transportation Demand Management to fulfill the City requirements under the Commute Trip Reduction Efficiency Act pursuant to RCW 70.94.527 for the period of July 1, 2017 through June 30, 2019.

Pierce County and the City of DuPont were under a similar agreement from July 1, 2015 through June 30, 2017. The proposed Memorandum of Agreement would extend our current relationship with Pierce for an additional 2 years.

RECOMMENDATION:

Authorize the Mayor to sign the attached Memorandum of Agreement with Pierce County for Transportation Demand Management.

CITY OF DuPONT
WASHINGTON

RESOLUTION NO. 17-_____

A RESOLUTION OF THE CITY OF DUPONT, WASHINGTON, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH PIERCE COUNTY, WASHINGTON FOR TRANSPORTATION DEMAND MANAGEMENT PURSUANT TO RCW 70.94.527

WHEREAS, Pierce County and the City of DuPont wish to enter into a Memorandum of Agreement regarding Transportation Demand Management to fulfill the City requirements under the Commute Trip Reduction Efficiency Act pursuant to RCW 70.94.527 for the period of July 1, 2017 through June 30, 2019; and

WHEREAS, Pierce County and the City of DuPont were under a similar agreement from July 1, 2015 through June 30, 2017; and

NOW THEREFORE, BE IT RESOLVED by the City of DuPont:

Section 1. The Mayor is hereby authorized to execute the agreement with Pierce County, in the form attached hereto as "Exhibit A."

ADOPTED BY THE DUPONT CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2017.

CITY OF DuPONT

_____
Michael P. Courts,
Mayor

ATTEST/AUTHENTICATED:

_____
Karri Muir, CMC
City Clerk

Approved as to Form:

_____
Gordon Karg
City Attorney

Filed with the City Clerk:_____

Passed by the City Council:_____

Resolution No.:_____

MEMORANDUM OF AGREEMENT
BETWEEN PIERCE COUNTY AND THE CITY OF DUPONT
REGARDING
TRANSPORTATION DEMAND MANAGEMENT

THIS MEMORANDUM OF AGREEMENT is entered into this day by and between **PIERCE COUNTY**, a political subdivision of the State of Washington (herein referred to as "COUNTY") and **the CITY OF DUPONT**, a municipal corporation of the State of Washington (herein referred to as "CITY").

WITNESSETH

WHEREAS, RCW 70.94.527, (Commute Trip Reduction Efficiency Act "ACT") requires counties containing urban growth areas and cities and towns with "major employers," that are located within urban growth areas with a state highway segment exceeding the threshold of one hundred person hours of delay or jurisdictions that are located in contiguous urban growth areas, or are within an urban growth area with a population greater than seventy thousand people that adopted an ordinance before the year 2000 or jurisdictions that are located in contiguous urban growth areas, or contain a major employment installation in an affected county to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use, and

WHEREAS, RCW 70.94.541 (2) Washington State Department of Transportation (WSDOT) shall provide for technical assistance to counties, cities, and towns in developing and implementing Commute Trip Reduction ("CTR") plans and programs, and

WHEREAS, RCW 70.94.521 through RCW 70.94.555 establishes the State's leadership role, and the requirements and parameters to reduce traffic congestion, fuel use, and air pollution through the Commute Trip Reduction programs, including the Growth and Transportation Efficiency Centers in Washington State; and

WHEREAS, RCW 47.06.050 requires that when planning capacity and operational improvements, the State's first priority is to assess strategies to enhance the operational efficiency of the existing system, and states that strategies to enhance the operational efficiencies include, but are not limited to, access management, transportation system management, and demand management ("Strategies"); and

WHEREAS, RCW 47.01.078 directs the State to develop strategies to reduce the per capita vehicle miles traveled, to consider efficiency tools including commute trip reduction and other demand management tools, and to promote the integration of

multimodal planning in support of the transportation system policy goals described in RCW 47.04.280; and

WHEREAS, the Legislature has directed the State to increase the integration of public transportation and the highway system, to facilitate coordination of transit services and planning, and to maximize opportunities to use public transportation to improve the efficiency of transportation corridors (RCW 47.01.330); and

WHEREAS, RCW 47.80.010 encourages the State and local jurisdictions to identify opportunities for cooperation to achieve statewide and local transportation goals; and

WHEREAS, the State of Washington in its Sessions Laws of 2017, Chapter 313, Section 220 (6) and (7), authorizes funding for Public Transportation and Commute Trip Reduction programs and other special proviso funding through the multi-modal transportation account as identified in the budget through its 2017-2019 biennial appropriations to WSDOT; and

WHEREAS the WSDOT Public Transportation Division is responsible for administering funds on behalf of the Washington State Legislature;

WHEREAS, the COUNTY and CITY have agreed upon a Statement of Work for the City and the County as set forth in "Attachment B," attached hereto and incorporated herein by this reference; and

NOW, THEREFORE, in consideration of covenants, conditions, performances, and promises hereinafter contained, the parties hereto agree as follows:

SECTION 1.0 PURPOSE

The purposes of this AGREEMENT are: (1) to continue a cooperative approach among the CITY, the COUNTY, Pierce Transit and other jurisdictions in Pierce County required to plan and administer programs under the ACT in order to address interjurisdictional issues and to meet the statutory requirements of coordination and consistency among the jurisdictions' respective CTR plans, (2) the COUNTY to act on the CITY'S behalf to complete tasks outlined in the Transportation Demand Management Implementation Agreement (GCB2757) between WSDOT and Pierce County, and (3) allocate to the COUNTY the CITY'S proportionate share of State funds for implementing and administrating a CTR plan.

SECTION 2.0 FUNDING

The sole funding source for this AGREEMENT is funds obtained by Pierce County from WSDOT. The CITY'S allocation amount shall be based on the methodology set forth in "Attachment A," Fund Allocation Methodology for Washington State Department of Transportation Commute Trip Reduction Funds, attached hereto and incorporated

herein by this reference. Funding under this AGREEMENT is dependent upon the COUNTY'S receipt of funds from WSDOT in accordance with the provisions of Agreement Number GCB2757.

SECTION 3.0 SERVICE PROVISIONS
The funds shall be used solely for the activities described in Attachment B," Statement of Work for the City and County," which, by this reference, is made a part of this AGREEMENT.

SECTION 4.0 AGREEMENT PERIOD
Regardless of the execution date, the effective date of this AGREEMENT shall be July 1, 2017. The expiration date shall be June 30, 2019.

SECTION 5.0 REIMBURSEMENT PROVISION
The COUNTY is responsible for requesting payment from WSDOT for work completed by the COUNTY on behalf of the CITY.

The COUNTY will retain all of the CITY'S funds as set forth in Attachment A. In exchange, the COUNTY in cooperation with Pierce Transit shall complete the CITY'S responsibilities as defined in Attachment B, "Statement of Work for the City and County," hereto attached shall be performed by the COUNTY for all CTR-affected employer worksites doing business in the CITY.

SECTION 6.0 PLAN/PROGRAM FOR CITY EMPLOYEES
The COUNTY shall not be responsible for providing, assisting in the development of, record keeping, or otherwise participating in the CITY'S required Commute Trip Reduction Program or Plan for its own employees.

SECTION 7.0 PROGRESS REPORTS
The COUNTY shall submit to WSDOT quarterly progress reports so that the CITY and WSDOT may adequately and accurately assess the progress made under the terms of this AGREEMENT. The progress reports shall be prepared and submitted as prescribed by WSDOT on the forms provided in Attachment C, "Project Progress Report" and/or as provided and modified by WSDOT staff.

SECTION 8.0 AUDITS, INSPECTIONS AND RECORDS RETENTION

a) The CITY shall cooperate with and freely participate in any monitoring or evaluation activities conducted by WSDOT, the State Auditor's Office, or the County that are pertinent to the intent of this AGREEMENT.

b) WSDOT, the State Auditor, the County and any of their representatives shall have full access to and the right to examine during normal business hours and as often as they deem necessary, all the CITY'S records with respect to all matters covered in

this AGREEMENT. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records and audits of all contracts, invoices, materials, payrolls, and other matters covered by this AGREEMENT. In order to facilitate any audits and inspections, all documents, papers, accounting records, and other materials pertaining to this AGREEMENT shall be retained by the CITY for six (6) years from the date of completion of the project or the project final payment date; or, in case of litigation, the CITY must retain all records until litigation is completed. The CITY shall be responsible to assure that it, WSDOT, the State Auditor, the County and any of their representatives, retain comparable audit rights with respect to subcontractors to the CITY within the scope of this Agreement.

SECTION 9.0 STATEMENT OF WORK

The COUNTY shall complete the tasks set forth in "Attachment B," County Statement of Work, attached hereto and incorporated herein by this reference.

The CITY shall complete the tasks set forth in "Attachment B," City of Statement of Work, attached hereto and incorporated herein by this reference.

SECTION 10.0 SUBCONTRACTING

As allowed under RCW 70.94.521-551, the CITY may elect to enter into a contract with a third party as a means of meeting the requirements of ACT. A separate agreement/contract shall be adopted by affected parties. This action does not release the jurisdiction from meeting requirements of RCW 70.94.521-551.

Any subcontract entered into must identify the work being provided by the subcontractor and must contain an agreement to comply with all of the conditions and requirements associated with RCW 70.94.521-551. Each subcontract must also include a statement of indemnification that indemnifies Washington State, WSDOT, and the COUNTY.

Any party to this AGREEMENT may enter into agreements through the interlocal cooperation act or by resolution or ordinance, as appropriate, with other jurisdictions, local transit agencies, or regional transportation-planning organizations to coordinate the development and implementation of CTR plans. Parties entering into such agreements must provide notice to the COUNTY.

SECTION 11.0 COMPLIANCE WITH LAWS AND REGULATIONS

In carrying out the terms of this agreement, the CITY agrees to abide by all applicable state and federal laws and regulations, including but not limited to those concerning employment, equal opportunity employment, nondiscrimination assurances, project record keeping necessary to evidence agreement compliance, and retention of all such records. In carrying out the terms of this agreement, the CITY will adhere to all of the

nondiscrimination provisions in Chapter 49.60 RCW and will also comply with the Americans with Disabilities Act, Public Law 101-336, which provides comprehensive civil rights protections to individuals with disabilities in the areas of employment public accommodations, state and local government services and telecommunication. In carrying out the terms of this agreement, the CITY will adhere to RCW 73.16.010 which provides employment preference in every public department and upon all public works of the state for certain veterans.

SECTION 12.0 AGREEMENT MODIFICATIONS

Either party may request changes to this agreement, including changes in the Statement of Work. Such changes which are mutually agreed upon shall be incorporated as written amendments to the AGREEMENT. No variation or alteration of the terms of this AGREEMENT shall be valid unless made in writing and signed by authorized representatives of the parties hereto.

SECTION 13.0 TERMINATION OF AGREEMENT

This AGREEMENT may be terminated immediately upon provision of written notice by one party in the event the other fails to perform its obligations as described in this AGREEMENT.

Any party may also terminate this AGREEMENT for convenience and without cause by providing the other party with written notice not less the sixty (60) days in advance.

This AGREEMENT may be terminated upon provision of written notice not less than (14) fourteen days prior to the effective date of termination, if the requisite state funding is reduced or becomes unavailable through failure of appropriation or otherwise.

This AGREEMENT may be terminated immediately upon provision of written notice should WSDOT determine that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds.

If this AGREEMENT is terminated prior to fulfillment of the terms stated herein, the COUNTY shall be reimbursed a daily prorated amount of the CITY'S allocation amount based on the termination date.

SECTION 14.0 SPECIAL PROVISION

The COUNTY'S or CITY'S failure to insist upon the strict performance of any provision of this AGREEMENT, or to exercise any right based upon breach thereof, or the acceptance of any performance during such breach, shall not constitute a waiver of any right under this AGREEMENT.

SECTION 15.0 DEFENSE AND INDEMNITY

The CITY agrees to defend, indemnify and save harmless the County, its appointed and elected officers and employees, from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting there from, sustained by any person or persons and for damages to property including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the CITY, his/her Subcontractors, its successor or assigns, or its or their agent, servants, or employees, the County, its appointed or elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County, its appointed or elected officials or employees.

The preceding paragraph is valid and enforceable only to the extent of the CITY's negligence where the damages arise out of services or work in connection with or collateral to, a contract or agreement relative to construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, a contract or agreement for architectural, landscape architectural, engineering, or land surveying services, or a motor carrier transportation contract and where the damages are caused by or result from the concurrent negligence of (i) the County or its agents or employees, and (ii) the CITY or the CITY's agents or employees

With respect to the performance of this Agreement and as to claims against the County, its officers, agents and employees, the CITY expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless provided in this Agreement extend to any claim brought by or on behalf of any employee of the CITY. This waiver is mutually negotiated by the parties to this Agreement.

SECTION 16.0 GOVERNING LAW AND VENUE

This AGREEMENT shall be construed and enforced in accordance with and the validity and performance thereof shall be governed by the laws of the State of Washington. Venue of any suit between the parties arising out of this AGREEMENT shall be the Superior Court of Pierce County, Washington.

SECTION 17.0 SEVERABILITY

In the event that any term or condition of this AGREEMENT or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms or conditions of this AGREEMENT which can be given effect without the invalid term or condition. To this end the terms and conditions of this AGREEMENT are declared severable.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT as of the date and year written above.

PIERCE COUNTY

_____
DENNIS E. HANBERG
Planning and Public Works Director

_____
Date

APPROVED AS TO FORM:

_____
Deputy Prosecuting Attorney

_____
Date

_____
Budget and Finance

_____
Date

CITY OF DUPONT

_____
MICHAEL P. COURTS
Mayor

_____
Date

APPROVED AS TO FORM:

_____
City Attorney

_____
Date

Attachment A

FUND ALLOCATION METHODOLOGY FOR WASHINGTON STATE DEPARTMENT OF TRANSPORTATION COMMUTE TRIP REDUCTION (CTR) FUNDS

Funding allocated by WSDOT for local implementation of CTR activities is based on the following formula:

1. Fifty percent of the WSDOT allocation to Pierce County shall be allocated to Pierce Transit.
2. The remaining state funding for local CTR implementation will be allocated to the affected jurisdictions based on the number of affected worksites in each jurisdiction.
3. At the end of the final quarter any unclaimed state funds shall be allocated to the entities which have reported expenses beyond their allocations. The allocation of unclaimed amounts shall follow steps 1 and 2 as stated above. Unclaimed state funds and over expenditures will be determined by the amounts reported in the final progress report.

July 1, 2017 – June 30, 2019 Allocation
Based on numbers as of April 15, 2017

	Number of Worksites	Total Allocation
Pierce Transit	n/a	$64,437
Pierce County	10	$18,411
City of DuPont	3	$5,523
City of Fife	3	$5,523
City of Gig Harbor	2	$3,682
City of Lakewood	8	$14,728
City of Puyallup	4	$7,364
City of Sumner	3	$5,523
City of University Place	2	$3,682
TOTAL	**35**	**$128,873**

ATTACHMENT B

STATEMENT OF WORK FOR THE CITY AND THE COUNTY

COUNTY Statement of Work

The COUNTY shall perform the following tasks:

1. **Administrative Work Plan**
   The COUNTY agrees to submit to WSDOT an administrative work plan by the end of the first quarter of this agreement or when the COUNTY submits its first invoice, whichever is sooner.
   A. The work plan shall identify the deliverables, schedule, expected outcomes, performance measures and the budget specific to strategies associated with this AGREEMENT and other strategies as defined in approved and locally adopted CTR or GTEC plans. These may include, but are not limited to, recruiting new employer worksites, reviewing employer programs, administering surveys, reviewing program exemption requests, providing employer training, providing incentives, performing promotion and marketing, and providing emergency ride home and other commuter services.
   B. The administrative work plan budget shall identify how the COUNTY will use the state funds provided in this AGREEMENT for each task. The work plan shall also provide an estimate of the other financial resources not provided in this AGREEMENT will be used to complete each task.
   C. The administrative work plan must be approved in writing by the WSDOT Project Manager. The work plan may be amended based on mutual written agreement between the WSDOT Project Manager and the COUNTY.
2. **Quarterly Progress Reports**
   The COUNTY agrees to submit to WSDOT complete quarterly progress reports, as specified by WSDOT in Section 7 – Progress Reports of the AGREEMENT, in Exhibit 2, "Project Progress Report", and as integrated with the deliverables identified in the administrative work plan, along with all invoices in accordance with Section 5 – Reimbursement and Payment of the AGREEMENT. All invoices shall be complete and accurately reflect actual State funded expenditures. Only those activities identified in the COUNTY'S approved administrative work plan will be reimbursed by WSDOT.
3. **Final Progress Report**
   The COUNTY agrees to submit to WSDOT a final progress report, a template of which is attached hereto as Exhibit 4, "Final Project Progress Report," to replace the last quarterly progress report in the period of the AGREEMENT. The final progress report shall provide an estimate of any other financial resources not provided in this

AGREEMENT that were used to complete each task and shall provide a list of the funds provided in this AGREEMENT that were disbursed by the COUNTY to its eligible contracting partner(s).

4. **Use of State Funds for Incentives**
   The COUNTY agrees to use State funds provided as part of this AGREEMENT in accordance with incentives guidance to be provided by WSDOT.
5. **Survey Coordination**
   The COUNTY agrees to coordinate with WSDOT and its contracting partners for commute trip reduction employer surveys.
6. **Database Updates**
   The COUNTY agrees to provide WSDOT, the CITY and Pierce Transit with updated lists of affected or participating worksites, employee transportation coordinators, and jurisdiction contacts, as requested.
7. **Coordination with Local CTR Efforts**
   On the CITY'S behalf, the COUNTY agrees to be an active member of the Pierce County TDM/CTR Technical Work Group, State CTR Board Technical Work Group, and the Puget Sound Regional Council's (PSRC) TDM Committee.

CITY Statement of Work

The CITY shall perform the following tasks:

1. **Ordinance Compliance**
   A. The CITY shall maintain a Commute Trip Reduction (CTR) ordinance in compliance with RCW 70.94.521-.555.
   B. The CITY agrees to implement a CTR program based on the approved administrative work plan and the draft or adopted local CTR plan and to comply with all provisions of the CITY ordinance.
8. **Appeals, Exemptions, and Modifications**
   The CITY shall maintain an appeals process consistent with this AGREEMENT and applicable ordinances, and procedures contained in the Commute Trip Reduction Guidelines which may be obtained from WSDOT or found at http://www.wsdot.wa.gov/transit/ctr/law.htm.
9. **Planning Data**
   The CITY agrees to provide WSDOT, PSRC and the COUNTY with the CTR program goals established for newly affected worksites when they are established by the local jurisdiction. The CITY agrees to provide WSDOT, PSRC, and the COUNTY with updated program goals for affected worksites and jurisdictions as requested. These updates shall be submitted electronically in a format specified by WSDOT.
10. **Coordination with Regional Transportation Planning Organization**
    The CITY shall coordinate the development and implementation of its CTR plan and programs with the applicable regional transportation planning organization (RTPO). The CITY agrees to notify the RTPO of any substantial changes to its plans and

programs that could impact the success of the regional CTR plan. The CITY agrees to provide information about the progress of its CTR plan and programs to the RTPO upon request.

ATTACHMENT C
Project Progress Report

Commute Trip Reduction (CTR) Quarterly Project Report

Reporting quarter:		**Date:**	
Organization:		**Agreement number:**	GCB 2757
Biennial targets	Estimate of drive-alone trips to reduce to meet goal:		
Key deliverables: *(from work plan)*	•		
Completed activities this quarter			
•			
Planned activities for next quarter			
•			
Describe issues, risks or challenges and resolutions			
•			
Estimated expenditures of state funds for this quarter			
•			

ATTACHMENT D
Final Project Progress Report

Commute Trip Reduction (CTR) Final Project Report

Biennium:	2017-2019	**Date:**	
Organization:		**Agreement number:**	GCB 2757
Biennial targets	Estimate of drive-alone trips to reduce to meet goal: •		
Deliverables: *(from work plan)*	•		
Describe your progress on each of your deliverables this biennium.			
•			
Did you meet your targets for this biennium? Why or why not?			
What were your major successes this biennium? How did they help you make progress toward the goals in your jurisdiction's CTR plan(s)?			
•			
What were your major challenges this biennium? How did they hinder your progress toward the goals in your jurisdiction's CTR plan(s)?			
•			
How do you measure the performance of your strategies?			
•			
What did you learn this biennium?			
•			
What would help you be more successful in the future? Please be specific (If it's more resources, how much and what would they be for, etc.).			
•			

For each of the strategies in your administrative work plan, describe your expected outcomes, whether you met those outcomes, and why or why not.

Strategy	Expected outcomes	Performance measures	Outcomes met?	Why or why not?

If your organization used other financial resources besides state CTR funds to implement the activities in your administrative work plan for this agreement, please provide the information below.

Source of local funds	Total spent this agreement	How the funds were used
Total local funds:		

If your organization disbursed any state CTR funds to other organizations to implement the activities in your administrative work plan for this agreement, please list the total amount disbursed for the biennium below.

Organization	Total disbursed this agreement	Purpose of disbursal
Total disbursement:		

MEETING DATE: November 28, 2017

- ☐ Consent Agenda
- ☐ Discussion Item
- ☐ Unfinished Business
- ☑ New Business
- ☐ Other_____

TITLE:

Phase B, Street Tree Removal Contract

Department:	Public Works	Date of First Reading:	
Originator:	Staff	Date of Second Reading:	
Assigned to:	Gus Lim, Public Works Director	Date of Public Hearing:	

BUDGET IMPACT: Yes ☐ **No** ☑ **FUND:**

Amount Budgeted	$397,440.00	Stormwater
Additional Required		

DETAILED SUMMARY STATEMENT:

Background: The Street Tree and Sidewalk Program is to remove trees in the Palisade Village and DuPont Station. The Palisade Village and DuPont Station area removes 227 trees that will not survive root pruning and another 223 trees surveyed that were too close to street lights (<15 ft.) or water meter (<5 ft.), for a total of 450. There is a total of 1,727 existing trees within the Palisade Village and DuPont Station.

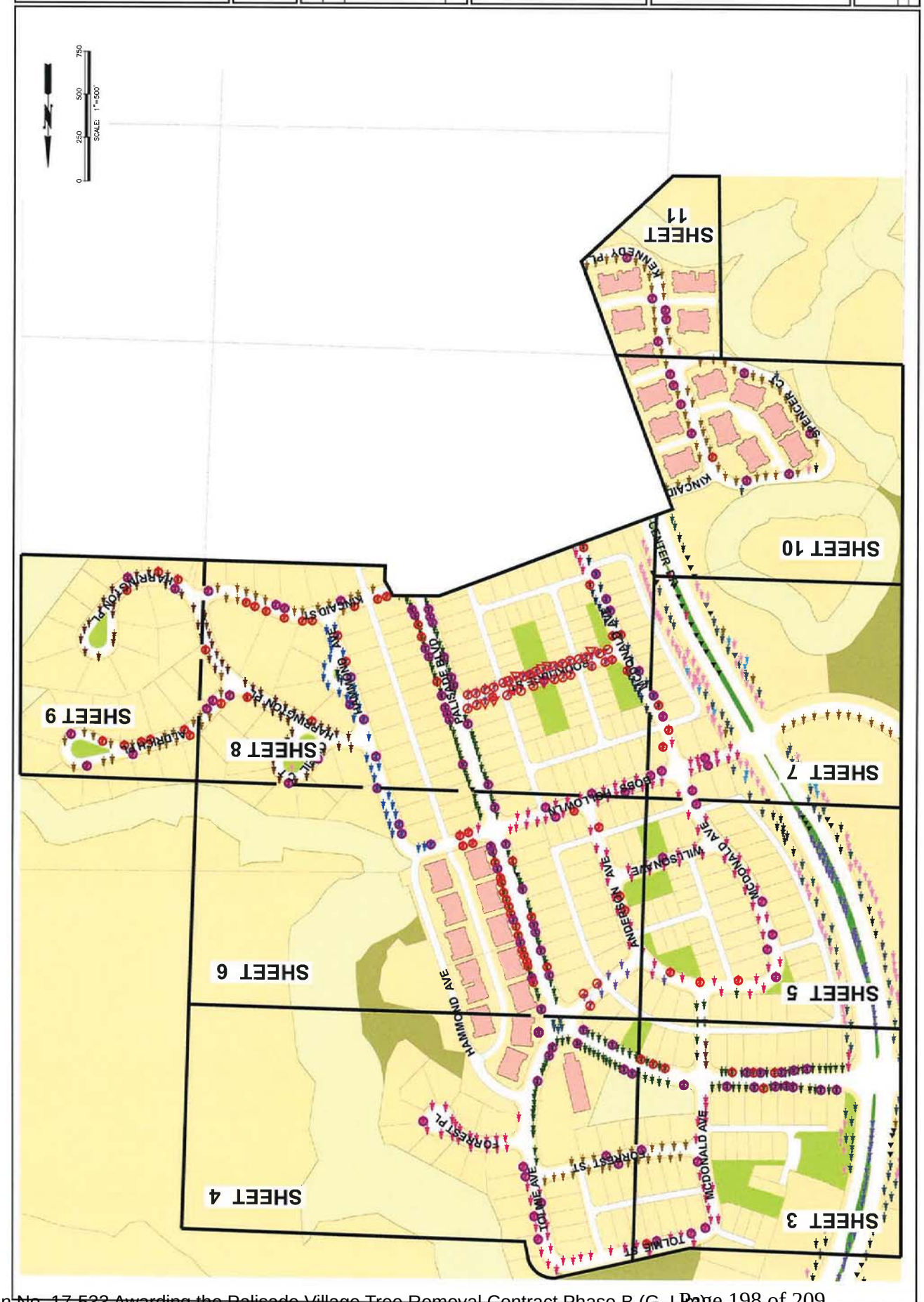
Phase A: Completed. $170,412 final contract value.
Southern Half of Palisade Village along Kincaid ST.

Phase B: Pending Award. $176,153
Northern Half of Palisade Village along Kincaid ST. See attached map for work area.

Phase B was solicited via Small Works Roster. 5 bids were received ranging from $176K - $242K (see attached). Engineer's Estimate was $203K.

RECOMMENDATION:

Staff recommends awarding the bid to the lowest responsive, responsible bidder; Axum General Construction (Maple Valley) for $176,153.



CITY OF DUPONT
PALISADE NEIGHBORHOOD
TREE REMOVAL PROJECT
SCHEDULE B
PIERCE COUNTY WASHINGTON
ENLARGED LOCATION MAP

SHEET: 2
OF: 14
JOB NO.: 17208.01
DWG/VIC MAP

No.	REVISION	DATE	APPD

DATE: NOV 2017
SCALE: NOTED
DRAWN: JPW
CHECKED: DJM
APPROVED: DJM

Gray & Osborne, Inc.
CONSULTING ENGINEERS
2702 CHAMBER DRIVE SW BLDG. 1
OLYMPIA, WA 98502 • (360) 292-7481

NO.	ITEM	QUANTITY		ENGINEER'S ESTIMATE UNIT PRICE	ENGINEER'S ESTIMATE AMOUNT	AXUM GENERAL CONSTRUCTION, INC. UNIT PRICE	AXUM GENERAL CONSTRUCTION, INC. AMOUNT	SAM'S LAWN TREE AND LANDSCAPING LLC UNIT PRICE	SAM'S LAWN TREE AND LANDSCAPING LLC AMOUNT	RON'S STUMP REMOVAL & TREE SERVICE LLC UNIT PRICE	RON'S STUMP REMOVAL & TREE SERVICE LLC AMOUNT	CAPITAL CITY LANDSCAPE MAINTENANCE UNIT PRICE	CAPITAL CITY LANDSCAPE MAINTENANCE AMOUNT	NOVA CONTRACTING, INC. UNIT PRICE	NOVA CONTRACTING, INC. AMOUNT
	BIDDER					AXUM GENERAL CONSTRUCTION, INC.		SAM'S LAWN TREE AND LANDSCAPING LLC		RON'S STUMP REMOVAL & TREE SERVICE LLC		CAPITAL CITY LANDSCAPE MAINTENANCE		NOVA CONTRACTING, INC.	
	BIDDER ADDRESS					27474 210th Avenue SE Maple Valley, WA 98038		12402 N. Division, #290 Spokane, WA 99218		P.O. Box 595 Tenino, WA 98589		P.O. Box 11272 Olympia, WA 98508		10615 Delphi Road SW Olympia, WA 98512	
	WASHINGTON STATE WORKMAN'S COMP. ACCT. NO.					918,682-03		009,296-01		931,220-01		524,303-00		206,913-00	
	WASHINGTON STATE CONTRACTOR'S REG. NUMBER					AXUMGGC859Q5		SAMSTTS857BG		RONSSSR952BO		CAPITCL852OB		NOVACI*991N3	
	BID BOND OR OTHER GOOD FAITH TOKEN					5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND	
1	Mobilization and Demobilization	1	LS	$18,000.00	$18,000.00	$31,658.02	$31,658.02	$5,000.00	$5,000.00	$2,000.00	$2,000.00	$3,570.00	$3,570.00	$42,000.00	$42,000.00
2	Unexpected Site Changes	1	CALC	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00
3	Project Temporary Traffic Control	1	LS	$11,000.00	$11,000.00	$26,010.40	$26,010.40	$10,000.00	$10,000.00	$500.00	$500.00	$6,000.00	$6,000.00	$32,000.00	$32,000.00
4	Erosion/Water Pollution Control	1	LS	$2,000.00	$2,000.00	$393.41	$393.41	$1,500.00	$1,500.00	$500.00	$500.00	$3,000.00	$3,000.00	$1,700.00	$1,700.00
5	Cut and Remove Tree - Small	63	EA	$250.00	$15,750.00	$97.50	$6,142.50	$400.00	$25,200.00	$225.00	$14,175.00	$540.00	$34,020.00	$250.00	$15,750.00
6	Cut and Remove Tree - Medium	152	EA	$300.00	$45,600.00	$136.50	$20,748.00	$500.00	$76,000.00	$400.00	$60,800.00	$675.00	$102,600.00	$300.00	$45,600.00
7	Cut and Remove Tree - Large	11	EA	$450.00	$4,950.00	$227.50	$2,502.50	$900.00	$9,900.00	$800.00	$8,800.00	$810.00	$8,910.00	$900.00	$9,900.00
8	Stump Grinding	226	EA	$170.00	$38,420.00	$65.00	$14,690.00	$50.00	$11,300.00	$175.00	$39,550.00	$90.00	$20,340.00	$125.00	$28,250.00
9	Basic Tree Root Removal	226	EA	$75.00	$16,950.00	$113.00	$25,538.00	$50.00	$11,300.00	$80.00	$18,080.00	$45.00	$10,170.00	$50.00	$11,300.00
10	Additional Tree Root Removal	12	EA	$100.00	$1,200.00	$57.00	$684.00	$25.00	$300.00	$100.00	$1,200.00	$45.00	$540.00	$50.00	$600.00
11	Tree Site Restoration and Rehabilitation	226	EA	$120.00	$27,120.00	$123.00	$27,798.00	$50.00	$11,300.00	$80.00	$18,080.00	$105.00	$23,730.00	$130.00	$29,380.00
	Subtotal:				$185,990.00		$161,164.83		$166,800.00		$168,685.00		$217,880.00		$221,480.00
	Sales Tax @ 9.3%				$17,297.07		$14,988.33		$15,512.40		$15,687.71		$20,262.84		$20,597.64
	TOTAL CONSTRUCTION COST				$203,287.07		$176,153.16		$182,312.40		$184,372.71		$238,142.84		$242,077.64

Sealed bids were opened at the City of DuPont, 1700 Civic Drive, DuPont, Washington 98327 on Friday, November 17, 2017, at 10:00 a.m. (local time).

I hereby certify that, to the best of my knowledge, the above tabulations are true and correct transcriptions of the unit prices and total amounts bid.

STEPHEN C. STEWART, P.E.

DENOTES MATHEMATICAL OR ROUNDING ERROR

DATE: 11/2017
DRAWN: SC
CHECKED: SCS
APPROVED: SCS

CITY OF DUPONT, WASHINGTON
PALISADE NEIGHBORHOOD TREE REMOVAL PROJECT, SCHEDULE B
GRAY & OSBORNE #17208.01

GRAY & OSBORNE, INC.
CONSULTING ENGINEERS

CITY OF DuPONT
WASHINGTON
RESOLUTION NO. _____

A Resolution of DuPont, Washington
Authorizing the Mayor or City Administrator
to Award a Tree Removal Contract with Axum General Construction.

WHEREAS, the City of DuPont is repairing the conflict between street trees and sidewalks by root pruning underneath sidewalk panels; and

WHEREAS, trees that will not survive root pruning or are too close to utilities, such as street lights and water meters, will need to be removed; and

WHEREAS, the City solicited contractors via Small Works Roster to remove 226 trees in the northern portion of Palisade Village for winter 2017 / 2018; and

WHEREAS, the City received 5 bids and after bid analysis, the lowest responsive, responsible bidder was Axum General Construction, Maple Valley, WA for $161,165, plus sales tax; and

NOW, THEREFORE, BE IT RESOLVED:

1) The City of DuPont does hereby agree to authorize the Mayor or City Administrator to award a tree removal contract with Axum General Construction.

2) The Mayor or City Administrator is authorized to monitor, change or otherwise modify the contract within the limits of their spending authority.

ADOPTED by the governing body of the City of DuPont Washington on this 28th day of November, 2017.

_____
Michael P. Courts, Mayor

Attest:

_____
Karri Muir, CMC, City Clerk

Approved as to Form:

_____
Gordon P. Karg, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Resolution No.: _____

MEETING DATE: November 28, 2017

- ☐ Consent Agenda
- ☐ Discussion Item
- ☐ Unfinished Business
- ☑ New Business
- ☐ Other_____

TITLE:

Hoffman Hill Reservoir Interior Coating Repair

Department:	Public Works	Date of First Reading:	
Originator:	Staff	Date of Second Reading:	
Assigned to:	Gus Lim, Public Works Director	Date of Public Hearing:	

BUDGET IMPACT: Yes ☐ **No** ☑ **FUND:**

Amount Budgeted	$100,000.00	Water
Additional Required		

DETAILED SUMMARY STATEMENT:

Background: November 2015 the City had divers clean and inspect the reservoir at Hoffman Hill. The good news was that only limited corrosion repair was needed vice the entire reservoir. The reservoir will need to be emptied for this work and therefore must occur during the low water demand periods of the winter months.

The paint/coating product that is specified is meant to minimize the time that the reservoir will be out of service. It is a 100% solids product called SherPlate PW by Sherwin-Williams. The product doesn't have solvents, which eliminates the need for Volatile organic compounds (VOC) testing prior to putting the reservoir back in service. Volatile organic compounds are organic chemicals that have a high vapor pressure at ordinary room temperature. The product requires a specialized application and qualifications.

The City advertised direct to 7 qualified coatings contractors.

The City receive 5 bids ranging from $43K - $62K (see attached). Engineer's Estimate was $50K.

RECOMMENDATION:

Staff recommends awarding the bid to the lowest responsive, responsible bidder; HCI Industrial and Marine Coatings (Brush Prairie) for $43,453.

BIDDER			ENGINEER'S ESTIMATE		HCI INDUSTRIAL & MARINE COATINGS, INC.		COATINGS UNLIMITED, INC.		PURCELL PAINTING & COATINGS		LONG PAINTING COMPANY		COASTAL SERVICES, INC.	
BIDDER ADDRESS					P.O. Box 1573		18420 68th Avenue S, Ste. 110		6456 South 144th Street		21414 68th Avenue South		P.O. Box 31642	
					Brush Prairie, WA 98606		Kent, WA 98032		Tukwila, WA 98168		Kent, WA 98032		Bellingham, WA 98228	
WASHINGTON STATE WORKMAN'S COMP. ACCT. NO.					078,147-00		594,672-01		074,815-00		706,150-00		633,674-00	
WASHINGTON STATE CONTRACTOR'S REG. NUMBER					HCIINIC956CZ		COATIUI097KA		PURCEPC967QQ		LONGP**230MA		COASTSI840PE	
BID BOND OR OTHER GOOD FAITH TOKEN					5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND	
O. ITEM	QUANTITY		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Mobilization and Demobilization	1	LS	$4,500.00	$4,500.00	$2,975.00	$2,975.00	$5,000.00	$5,000.00	$2,000.00	$2,000.00	$5,550.00	$5,550.00	$10,400.00	$10,400.00
Unexpected Site Changes	1	CALC	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00
Environmental Controls	1	LS	$15,000.00	$15,000.00	$2,000.00	$2,000.00	$5,000.00	$5,000.00	$2,000.00	$2,000.00	$5,385.00	$5,385.00	$17,500.00	$17,500.00
Mill Scale Removal	100	SF	$3.00	$300.00	$10.00	$1,000.00	$3.00	$300.00	$160.00	$16,000.00	$3.00	$300.00	$20.00	$2,000.00
Reservoir Interior Coating Repair	300	SF	$45.00	$13,500.00	$74.27	$22,281.00	$65.00	$19,500.00	$55.00	$16,500.00	$69.33	$20,799.00	$30.00	$9,000.00
Reservoir Disinfection and Testing	1	LS	$2,000.00	$2,000.00	$1,500.00	$1,500.00	$3,000.00	$3,000.00	$2,000.00	$2,000.00	$13,960.00	$13,960.00	$7,500.00	$7,500.00
Subtotal:				$45,300.00		$39,756.00		$42,800.00		$48,500.00		$55,994.00		$56,400.00
Sales Tax @ 9.3%				$4,212.90		$3,697.31		$3,980.40		$4,510.50		$5,207.44		$5,245.20
TOTAL CONSTRUCTION COST				$49,512.90		$43,453.31		$46,780.40		$53,010.50		$61,201.44		$61,645.20

Sealed bids were opened at the City of DuPont, 1700 Civic Drive, DuPont, Washington 98327 on Friday, November 17, 2017, at 10:00 a.m. (local time).

I hereby certify that, to the best of my knowledge, the above tabulations are true and correct transcriptions of the unit prices and total amounts bid.

DENOTES MATHEMATICAL OR ROUNDING ERROR

JOSEPH PLAHUTA, P.E.

CITY OF DUPONT, WASHINGTON
HOFFMAN HILL RESERVOIR INTERIOR COATING REPAIR
GRAY & OSBORNE #17206.04

DATE: 11/2017
DRAWN: SC
CHECKED: JP
APPROVED: JP

Page 1 of 1

GRAY & OSBORNE, INC.
CONSULTING ENGINEERS

CITY OF DuPONT
WASHINGTON
RESOLUTION NO. _____

A Resolution of DuPont, Washington
Authorizing the Mayor or City Administrator
to Award a Specialized Coating Contract with HCI Industrial and Marine Coatings.

WHEREAS, the City of DuPont is conducting spot corrosion protection inside the Hoffman Hill water Reservoir; and

WHEREAS, the coating being applied requires specialized contractor qualifications; and

WHEREAS, the City solicited directly to 7 qualified contractors; and

WHEREAS, the City received 5 bids and after bid analysis, the lowest responsive, responsible bidder was HCI Industrial and Marine Coatings, Brush Prairie, WA for $39,756, plus sales tax; and

NOW, THEREFORE, BE IT RESOLVED:

1) The City of DuPont does hereby agree to authorize the Mayor or City Administrator to award a specialized painting contract with was HCI Industrial and Marine Coatings.

2) The Mayor or City Administrator is authorized to monitor, change or otherwise modify the contract within the limits of their spending authority.

ADOPTED by the governing body of the City of DuPont Washington on this 28th day of November, 2017.

_____
Michael P. Courts, Mayor

Attest:

_____
Karri Muir, CMC, City Clerk

Approved as to Form:

_____
Gordon P. Karg, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Resolution No.: _____

MEETING DATE: November 28, 2017

- ☐ Consent Agenda
- ☐ Discussion Item
- ☐ Unfinished Business
- ☑ New Business
- ☐ Other_____

TITLE:

Fourth Quarter 2017 Budget Amendment - 1st Reading

Department:	Finance	Discussion Date:	
Originator:	Staff	First Reading Date:	11/28/17
Assigned to:	Carma Oaksmith,Finance Direc	Public Hearing Date:	

BUDGET IMPACT: Yes ☑ **No** ☐ **FUND:**

Amount Budgeted	$15,471,702.00	All Funds
Additional Required	$140,200.00	Various Funds

DETAILED SUMMARY STATEMENT:

The Council adopted the 2017 Budget at the November 22, 2016 City Council meeting. This fourth quarter 2017 budget amendment contains one type of adjustment: miscellaneous.

Miscellaneous adjustments account for unanticipated expenditure items and revenue adjustments, recognizing revenues and expenditures due to grants, insurance recoveries, settlements, and donations.

Please see the attachments for further details on this budget amendment.

RECOMMENDATION:

Move ordinance adjusting the 2017 Budget to second reading and adoption at the December 12, 2017 City Council Meeting.

DATE: November 28, 2017

TITLE: Fourth Quarter 2017 Budget Amendment – 1st Reading

DEPARTMENT: Finance

ORIGINATOR: Carma Oaksmith, Finance Director

The Council adopted the 2017 Budget at the November 22, 2016 City Council meeting. The 1st quarter budget amendment was approved by Council on May 9, 2017.

This budget amendment consists of miscellaneous adjustments. The miscellaneous adjustments account for unanticipated expenditure items and revenue adjustments including those related to potential 2017B Grant allocations as recommended from LTAC. It also includes unanticipated expenses in the Planning Department. Due to staff turnover, reimbursable billings were not sent out in a timely manner. We need to account for the expenses that will be offset by the billings but revenue not received until 2018. We also will be purchasing storage containers for Emergency Management to align with our goal for public safety in the event of an emergency. These containers will hold items that will help the citizens in the event of a catastrophic disaster.

The following items are being recommended for adjustment:

Revenue Adjustments:

- *General Fund:* Recognize 2017B Lodging Tax Grant reimbursement revenue of $9,000.

Expenditure Adjustments:

- *General Fund:*
  - Add appropriations for projects/events recommended by LTAC to be funded with Lodging Tax revenue ($9,000):
    - Moonlight Walk ($1,500)
    - Concerts in the Park Advertising ($1,500)
    - North American Gold Conference ($2,000)
    - Heirloom Orchard ($4,000)
  - Planning Department. Add appropriation for professional services. ($85,000)
  - Emergency Management, add appropriation for three storage containers. ($12,000)

- *Hotel/Motel Tax Fund:*
  - Increase appropriations resulting from 2017B Grants:
    - Pacific Lutheran University for Collegiate Open Golf Tournament ($14,700)
    - Washington State Gold Association for the expenses for the Women's Amateur Championship. ($6,000)
    - The Lions Club for expenses to support the Centennial Celebration ($3,000)
    - The Historical Society for the Museum Website and interpretative signage. ($1,550)
    - Transfer out to the General Fund for the projects listed above ($9,000).

BACKGROUND: It is a prudent financial practice to periodically adjust an adopted budget to reflect major revenue or expenditure items that occur during the year and were unanticipated during the budget process. Quarterly budget amendments are needed to address these issues and ensure that we adjust revenues or appropriations as necessary to keep us within authorized budget limits. The State Auditor expects such adjustments to occur.

CITY OF DuPONT
WASHINGTON

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF DuPONT, WASHINGTON, RELATING TO BUDGETS AND FINANCE, REVISING THE 2017 ANNUAL BUDGET AMENDING SECTION 2 OF ORDINANCE NO. 16-1012.

WHEREAS, the DuPont City Council adopted the 2017 budget pursuant to Ordinance No. 16-1012; and

WHEREAS, the City is prohibited from over expending its appropriated budget as set forth in Ordinance No. 16-1012; and

WHEREAS, certain revisions to the 2017 budget are now necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DuPONT:

Section 1. The 2017 budget, as adopted in Ordinance No. 16-1012, is hereby amended as set forth in Exhibit "A".

Section 2. The explanations of the amendments are listed in Exhibit "B".

Section 3. This Ordinance shall be in force and take effect following passage, approval, and publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28th DAY OF November, 2017.

CITY OF DUPONT

_____
Michael P. Courts, Mayor

ATTEST/AUTHENTICATED:

_____
Karri Muir, CMC, City Clerk

APPROVED AS TO FORM:

_____
Gordon P. Karg, City Attorney
Ordinance No.:

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date:

CITY OF DuPONT
2017 Budget Appropriation Adjustment
Exhibit "A"

FUND	REVENUES AND OTHER SOURCES			EXPENDITURES AND OTHER USES			ENDING
	Current Budget	Adjustment	Revised Budget	Current Budget	Adjustment	Revised Budget	BALANCE
General Government Operating Funds							
General Fund							
001 General	$ 9,044,819	$ 9,000	$ 9,053,819	$ 8,130,801	$ 106,000	$ 8,236,801	$ 817,018
002 Revenue Stabilization	408,948	-	408,948	-		-	408,948
003 Contingency Reserve	207,224	-	207,224	-		-	207,224
004 Operating Reserve Fund	-	-	-	-		-	-
Subtotal General Fund & Reserves	**9,660,991**	**9,000**	**9,669,991**	**8,130,801**	**106,000**	**8,236,801**	**1,433,190**
Special Revenue Funds							
101 Street Operating	1,158,518	-	1,158,518	1,135,642	-	1,135,642	22,876
102 Street Depreciation	505,062	-	505,062	107,360	-	107,360	397,702
103 Hotel/Motel Tax	349,473	-	349,473	177,108	34,200	211,308	138,165
Subtotal Special Revenue Funds	**2,013,053**	**-**	**2,013,053**	**1,420,110**	**34,200**	**1,454,310**	**558,743**
Internal Service Funds							
501 Equipment Repair & Replacement	1,802,027	-	1,802,027	355,162	-	355,162	1,446,865
Subtotal Internal Service Fund	**1,802,027**	**-**	**1,802,027**	**355,162**	**-**	**355,162**	**1,446,865**
Total General Government Operating Funds	**13,476,071**	**9,000**	**13,485,071**	**9,906,073**	**140,200**	**10,046,273**	**3,438,798**
General Government Non-Operating Funds							
Special Revenue Funds							
104 Public Safety Mitigation	318,202	-	318,202	124,835	-	124,835	193,367
107 Glacier NW Settlement	621,839	-	621,839	-	-	-	621,839
150 Donations Fund	3,112	-	3,112	-	-	-	3,112
160 Drug Enforcement Fund	9,408	-	9,408	-	-	-	9,408
Subtotal Special Revenue Funds	**952,561**	**-**	**952,561**	**124,835**	**-**	**124,835**	**827,726**
Debt Service Funds							
202 General Obligation Bonds	771,130	-	771,130	771,130	-	771,130	-
Subtotal Debt Service Funds	**771,130**	**-**	**771,130**	**771,130**	**-**	**771,130**	**-**
Capital Improvement Funds							
301 Capital Projects	1,423,984	-	1,423,984	798,169	-	798,169	625,815
Subtotal Capital Improvement Fund	**1,423,984**	**-**	**1,423,984**	**798,169**	**-**	**798,169**	**625,815**
Fiduciary Funds							
631 Transportation Benefit District	126,682	-	126,682	91,779	-	91,779	34,903
Subtotal Fiduciary Fund	**126,682**	**-**	**126,682**	**91,779**	**-**	**91,779**	**34,903**
Total General Govt Non-Operating Funds	**3,274,357**	**-**	**3,274,357**	**1,785,913**	**-**	**1,785,913**	**1,488,444**
Enterprise Funds							
401 Water Utility	6,358,709	-	6,358,709	2,743,109	-	2,743,109	3,615,600
403 Stormwater Utility	3,679,087	-	3,679,087	1,944,631	-	1,944,631	1,734,456
Subtotal Enterprise Funds	**10,037,796**	**-**	**10,037,796**	**4,687,740**	**-**	**4,687,740**	**5,350,056**
Total Enterprise Funds	**10,037,796**	**-**	**10,037,796**	**4,687,740**	**-**	**4,687,740**	**5,350,056**
Total Budget	**$ 26,788,224**	**$ 9,000**	**$ 26,797,224**	**$ 16,379,726**	**$ 140,200**	**$ 16,519,926**	**$ 10,277,298**

CITY OF DuPONT
2017 Budget Appropriation Adjustment
Exhibit "B"

REVENUES & OTHER SOURCES		EXPENDITURES & OTHER USES	
Description	**Amount**	**Description**	**Amount**
General Fund (001)		**General Fund (001)**	
Transfer in from Hotel Motel Tax 2017B Grants	9,000	North American Golf Conference- Reimbursed by the 2017B Grant	$ 2,000
		Concerts in the Park Advertising- Reimbursed by the 2017B Grant	1,500
		Moon Walk- Reimbursed by the 2017B Grant	1,500
		Heirloom Orchard- Reimbursed by the 2017B Grant	4,000
		Professional Services- Planning	85,000
		Emergency Management- Storage Containers	12,000
Total General Fund Adjustment	**$ 9,000**	**Total General Fund Adjustment**	**$ 106,000**
Hotel/Motel Tax Fund (103)		**Hotel/Motel Tax Fund (103)**	
		2017B Grants Reimbursements	$ 25,200
		Transfer Out to General Fund- 2017B Grant Reimbursements	$ 9,000
Total Hotel/Motel Tax Fund Adjustment	**$ -**	**Total Hotel/Motel Tax Fund Adjustment**	**$ 34,200**
GRAND TOTAL - REVENUE ADJUSTMENTS	**$ 9,000**	**GRAND TOTAL - EXPENDITURE ADJUSTMENTS**	**$ 140,200**

City of DuPont
1700 Civic Drive
DuPont, Washington 98327

City Council Special Workshop Meeting Minutes
Tuesday, November 7, 2017

Call to Order: Mayor Courts called the City Council Workshop to order at 6:00 pm.

Present: Mayor Courts, Councilmembers Estep, Corp, Gasak, Coffey, and Helder

Mayor Courts thanked the Council for attending the meeting. He let citizens know that this is a workshop and no questions will be addressed.

2017 Comprehensive Plan Update on Sub-Area Plan for the Old Fort Lake Business and Technology Park

Mayor Courts presented the following to Council (presentation may found in the November 7, 2017 Agenda Packet):

Purpose/Action
Agenda
History and background
Purposed uses before and after
Council inquires

Gordon Karg, City Attorney addressed **Why not convert to all or mostly residential?**

The City has the authority to restrict land use, but must do so for a legitimate objective, and demonstrable purposes.

Councilmember Helder asked for an example of an agency parochial conceived issue.

Mr. Karg noted the definition is narrow and subject to a specific place and time. Local concern would be people do not like the fact that a company does not have enough flowers, this is a parochial concern. It is not substantive enough to make the company plant flowers.

Does the Final Environmental Impact Statement (FEIS) prevent building on top of the golf course?

Mr. Karg noted it does not prevent building on top of the golf course. The FEIS comes out of the SEPA process, which is not an enforcement statute.

Councilmember Coffey stated that previously Mr. Karg said to have residential housing it would be cost prohibitive because the property has only been cleaned up to commercial standards and not residential standards. The golf course is the cap to the original clean up. She does not

understand why residential use was put in the plan because this is where the contaminated soil was, under the golf course. Changing the function of the golf course seems to be more extensive. She noted the feasibility of this discussion is so far out there, she does not know why this is in the proposal

Mr. Karg noted we are only speaking to the FEIS and is responding to a question that was asked by a councilmember.

There was discussion on what new zoning may occur around the golf course. All of the documents have been sent to the golf course landowners and they are looking forward to some of the development aspects around the golf course.

Councilmember Coffey asked what is the definition of Open Space, and does it mean no commercial activity?

Mr. Wilson went over the DuPont Municipal Code 25.10 on open space definition. It is meant to be used for public use and not commercial. As the plan is being developed, it supports the current use as a golf course.

Can we establish a moratorium?

Mr. Karg went over the slide and noted that moratorium restricts all land use for up to six month period of time. The case law to put in place a moratorium is to maintain the status quo while the city responds to a new or changing circumstance not addressed in current law. Not in current law is the important part of this statement. For example, while we are going through the Comprehensive Plan situation and we are trying to figure out all the things Planning Commission has brought forward. We are almost at the end and if the Comprehensive plan were passed, there would be no reason for the moratorium. If this plan were sent back to the Planning Commission, it would have to be justified as something that cannot be addressed by the current law. We have this zoning for a BTP in place since 2002. We are not dealing with a new situation.

Councilmember Corp asked how the traffic exceeding 2030 estimates play into this.

Mr. Karg noted that if the City used the justification that we are trying to figure out the traffic situation it might be defensible. However, we do not know if any building is going to take place in the next six months.

Councilmember Corp noted we know the traffic is supposedly past our 2030 estimates. He also brought up the traffic study for the old Intel site and the studies were not accurate.

Mr. Wilson noted there was public testimony during the public hearing on the site plan review for the Intel property. We had a site plan that identified the size of a building and particular use of the property. We had a traffic report that came in and was analyzed by our traffic engineer. We are not exceeding any of our traffic levels.

Councilmember Corp noted we won't know what traffic will look like until there is a plan on the table as to what Old Fort Lake could look like to determine how much more traffic that may generate. His concern is that if we go through everything knowing there is going to be more traffic, regardless of what is built there, at that point it may not be mitigated enough, especially with Exit 119 not being done. Are we going to say Exit 119 is going to be completed and that will help us out with traffic? Will there be a point where we can say we cannot afford more traffic.

Mr. Wilson stated if we are going to say we are doing a moratorium because of traffic, it would apply to all development in the City. It would say we could not handle any more traffic in the City. We have in the past; there is the ability when it comes to traffic, done a statement of "overriding consideration". Where you say yes there is an impact, but there are overriding considerations to allow you to say we are going to allow it to occur. Some of those decisions have been made, with respect to development occurring near the Exit 119 Interchange, because it is on the books, paid for and the funding is there, those improvements will be done. However, to tell an applicant no you cannot do anything because you need to wait for someone else to do something is not a feasible way to go. That is why you could use a statement of overriding consideration. We are saying it will have a short-term impact, but the improvements necessary to support all the activity are on the books, funded, and are planned to be completed.

Councilmember Corp noted this is one of his major concerns.

Councilmember Coffey asked if there was concern from the Pierce County Traffic Department that the estimates were not correct. They were concerned about the impact at Wharf Road and Steilacoom DuPont Road.

Mr. Wilson noted they commented on the intersection of Wharf and DuPont Steilacoom Road. We have analyzed those particular elements. Pierce County has not adopted a Level of Service, and without this adoption, they cannot say the level of service is diminished. We do not know the impacts until the proposals around Old Fort Lake are submitted.

Councilmember Coffey stated there is push back from the public around the business park traffic.

Mr. Wilson noted in the BTP there was a preliminary plat approved and we had to analyses the traffic. This project generated about 25,000 trips per day; this was approved by the City. Any new projects would have to have a new study.

Geraldine Reinart, Traffic Engineer stated when the City approved the plan for the BTP around 10 years ago an extensive traffic analysis was completed. The analysis showed about 25,000 trips per day. There was extensive mitigation that would need to be completed to develop the property to the full capacity.

Councilmember Helder asked when measuring the impact of the BTP was that only considering internal factors and circulation or did it also account for external factors such as rapid population growth, congestion on I-5?

Ms. Reinart noted when the study was conducted 10 years the base line data would have been different. The impacts to the BTP would have been looked at as part of the environmental review process through Pierce County or the State.

Mr. Wilson noted that any new projects coming in would look at conditions that exist today and any other projects that are coming down the pipeline so those numbers can be added into the traffic report.

Councilmember Helder stated basically if we are measuring the impact of the BTP as it was originally agreed to in 2010; we are only measuring that traffic itself within DuPont and not external traffic.

Mr. Danek stated a landowner is responsible for their impact to the system.

Councilmember Estep asked where the 25,000 traffic counts were coming from.

Councilmember Estep asked how truck traffic was accounted for in the analysis.

Ms. Reinhart stated that depending on the type of development, she has asked them to separate truck traffic from vehicle traffic. We analyzed the peak hours for traffic counts.

Councilmember Estep asked what the impact to cross-connecting streets on the southern side? What was the predictions on impacts to those citizens who currently have houses in those areas?

Ms. Reinhart noted a bigger concern was Hoffman Hill and using McNeil Street. At the time, we discussed potential neighborhood traffic control to lessen the impacts to those streets. We will have to look at this once we get more site specific.

What would happen to the process if this element were pulled out of the current Comprehensive Plan amendments for adoption in 2017?

Mr. Wilson noted we could only make changes to the Comprehensive Plan once a year. If this element is pulled out, we can and we can deal with it next year. He went over the various items that will need to be dealt with in 2018.

What are MUVs and why are they being proposed?

Whole purpose of the Mixed Use Village (MUV) was to create something site specific on how we deal with the entire area.

Mr. Wilson responded to a question that was raised regarding the definition of "light manufacturing". We do not have a definition in our code. We will do a clear and concise definition once we amend our development recommendations.

Councilmember Corp asked if this does not pass does this have to go back to the Planning Commission.

Mr. Wilson noted it does not have to go back to the Planning Commission and the Council can handle the changes to the Comprehensive Plan.

Mr. Karg stated the Council could vote to remand back to the Planning Commission and give them clear direction on what the Council wants them to do. It can be tabled; there should be a reason, for doing this. The direction from the Council previously was to have this done by 2017.

Councilmember Corp stated you hear this is a developer and not a city initiative. What guidance from the mayor and the developer went into this plan? Looking back at the 2010 plan was a starting point. Is this a city project?

Mr. Wilson stated it is a City initiated project. The work product was done by the City. We looked at things brought up during the MOU discussion. We looked at what is best for the city in the long term. We reached out to all the major property owners, let them know what we were doing, and asked them for their input.

Councilmember Corp stated he trusts this is the City's product. He stated that one of the slides in the presentation stated that warehouses are currently allowed with caveat No. 1- new

restrictions above 200k requires a conditional use permit and looking at the charts it is listed at 400k and above.

Mr. Wilson noted it was a recommendation that came out the Planning Commission to reduce them to 400k threshold. After hearing the testimony, the Planning Commission recommended 200k threshold.

Councilmember Estep stated it might be wise to join the trail around Old Fort Lake to the golf course. He feels the switchback trail should be on the maps. He also did not see the tribal interests on the maps and feels they should also be added to them.

Mr. Wilson noted that some of the tribal information is confidential and cannot be put on these maps.

Councilmember Estep feels the Crystallizer site should be added to the maps also. It is the only place where people can see remnants of the old plant.

There was a discussion if the developing the land for residential use and who would pay for that.

Mr. Danek what someone wants and what the city does are different. It goes back to the Consent Decree and it says no residential housing. If the current and potential landowner does not want housing it is up to the city to work with them on this.

Mr. Wilson noted we have to ask these questions of the State. We would have to ask the State if we wanted a park also.

Mayor Courts noted we are past the time listed for the meeting. He also stated if there were additional questions to send them to staff.

Adjournment:

Mayor Courts adjourned the meeting at 7:33 pm.

A regular Council Meeting will be held on Tuesday, November 14, 2017, at 7:00 pm. Please note that the minutes from the Council Meetings are not verbatim. A recording of the meeting may be purchased in the DuPont City Clerk's Office.

City of DuPont:

Michael P. Courts, Mayor

Attest:

Karri Muir, CMC, City Clerk

City of DuPont
1700 Civic Drive
DuPont, Washington 98327

Regular City Council Meeting Minutes
Tuesday, November 14, 2017

Call to Order: Mayor Courts called the Regular City Council meeting to order at 7:00 pm.

Roll Call: Mayor Michael Courts; Deputy Mayor Roger Westman; and Councilmembers Penny Coffey, Eric Corp, Andy Estep, Shawna Gasak, Michael Gorski and Matt Helder.

Staff present were: City Administrator Danek, City Attorney Karg, Finance Director Oaksmith, Assistant Police Chief Jackson, Public Works Director Lim, Planning Director Wilson, Events and Recreation Coordinator Walker, City Clerk Muir and Deputy City Clerk Ongoco.

Pledge of Allegiance: Mayor Courts led the flag salute.

Approval of the Agenda:

A motion was made and seconded to approve the agenda (Estep/Gasak); 7/0 motion carried.

Presentations:

Bus Shelter Replacement in Historic Village, an Eagle Scout Project

Scout Master Michael Forbes presented a PowerPoint regarding the bus shelter replacement project in Historic Village where work began in August with other volunteer scouts, from the demolition of the old shelter to roofing and painting of the new shelter to serve the community.

Councilmember Coffey thanked Scout Forbes for his initiative on the project; and acknowledged resident James Bagglio who helped pushed this project forward.

Council presented Scout Forbes with a plaque of appreciation and a Mayor's coin.

LeMay Waste Connections Alternate Trash Pick Up Schedule

Mr. Larry Meany, LeMay Manager, presented a map of the alternate trash pick-up schedule/new service days by schedule; how said change aimed to improve customer service, alternating weeks for Recycle and Yard Waste; adjustment period during transition; notification sent out 14 days prior to the change which is tentatively scheduled the second week of January. He continued to show which neighborhood areas will be served on which days (no Friday service).

Councilmember Corp asked whether the LeMay mobile app would also be updated and show notifications based on the changes (Yes).

Councilmember Gasak thanked LeMay for the extra services they provided early this year during the storm. It was indicated that clean up days would not be impacted.

Mayor expressed his appreciation for LeMay's responsiveness.

Point Defiance Bypass Project Completion

Mr. Jason Briggs, WSDOT Operations Manager, presented a PowerPoint regarding the trains scheduled to be rerouted beginning on December 18th; number, speed, and types of trains passing through DuPont with a total of 14 passenger trains daily; train stops from either north or south; and testing schedules. He also spoke of the synchronized signals and safety measures implemented.

Ms. Janet Matkin, Communications Manager, then talked about safety messaging and outreach on various media, and mailings; and the December 15th ribbon cutting of the new Tacoma station.

Public Hearing:

Proposed 2018 Budget

Mayor Courts stated the public hearing process and opened the public hearing at 7:24 pm.

Finance Director Oaksmith then presented the budget overview with the total 2018 proposed budget of $15.5MM; Citywide operating expenditures by department; General Fund Operations and Revenues and Revenue Projections; tax revenue breakdown; General Fund expenditure projections by department; and 2018 ending fund balance projections.

There were no speakers who provided testimony on the Proposed 2018 Budget and the hearing was declared closed at 7:30 pm.

* * * * * * * * *

Mayor's Report:

Mayor Courts reported on the following:

- Thanked everyone for the Emergency Medical Services (EMS) vote showing public support for public safety;
- Congratulated those on newly elected and reelected Councilmembers and individuals who ran for election;
- Special meeting on November 21st at 6:00 pm regarding the EMS levy.

* * * * * * * * *

Approval of Consent Agenda Items:

- Regular Council Meeting Minutes – October 24, 2017
- Claim Vouchers List for the period of 10/17/17-11/7/17, and Payroll

A motion was made and seconded to approve the Consent Agenda (Gasak/Helder); 7/0 motion carried.

City Administrator's Report:

City Administrator Danek reported on the following:

- Upcoming Council agendas include public hearing and setting of the EMS levy rate at a special meeting on November 21st; Second Reading on the Proposed 2018 Budget and Comprehensive Plan update on November 28th; legislative priorities and budget amendments on December 12th and outgoing Councilmembers reception on December 19th.
- Requested Gus Lim to provide an update regarding the SWM project Center Drive/McNeil near Thompson/Haskell streets for the biofiltration swale maintenance; before and after landscaping (removing the juniper plants and some cedar trees and use of wood chips from the Palisade area tree removal), utilizing crews provided by the WA Conservation Corps.

Council Reports:

Councilmember Corp indicated that the Pierce County Lodging Tax Advisory Committee meeting will be held on November 16th regarding a plan roll out for how future funding applications process. He

also announced that he would be attending the Pierce County Regional Council meeting that same evening. He then thanked everyone who helped with the EMS election's success.

Councilmember Gasak announced dates for the Santa breakfast, annual Christmas tree lighting and the Letters to Santa events.

Councilmember Coffey reminded everyone of the November 18th holiday bazaar; and also the Steilacoom Historical School District board meeting she attended highlighted by school choir performance.

Unfinished Business:

Ordinance No. 17-1026 Setting the proposed 2018 Property Tax Levy Rate – Second Reading

A motion was made and seconded to approve Ordinance No. 17-1026, as presented; (Coffey/Gasak); 7/0 motion carried.

New Business:

Ordinance regarding the proposed 2018 Budget – First Reading

Finance Director Oaksmith presented the proposed 2018 budget.

Discussion ensued on how the City would transition its vehicle fleet to fuel efficient vehicles to follow State law; and to coordinate with its State legislators.

Ordinance regarding the 2017 Comprehensive Plan Updates – First Reading

Planning Director Wilson summarized the amendments being proposed to the four main Comprehensive Plan elements regarding to the Yehle Village area text and map; Sequalitchew Village to exclude one parcel of the Mineral Resource Outlay (MRO) boundary; sub-area plan at the Old Fort Lake area; and the Community/Commercial opportunity at DuPont Steilacoom Road. He noted feedback at previous discussion regarding changes to the maps as a policy document on switchback trails location/access and address issues around the cultural portions of the map (Wilkes Observatory and 1833 sites) and address issues with Nisqually/tribal sites to locate crystallizing locations; and providing more residential along the perimeter at the Old Fort Lake area and create a balance between other types of uses, buffering and concerns with traffic.

Discussion ensued on how the owner at the Yehle Village is marketing the multi-family housing, and density and parking issues; number of calls at Yehle Village and future impacts; timeline of the process from text amendments to Development regulations to keep new Councilmembers up to speed; how Old Fort Lake should be called for what is was envisioned to be which is a "Business and Technology Park and call for consistency throughout the Comprehensive Plan; and that the intent of the Yehle/Patriots Landing developer is a mixed use development, as indicated by Mr. Ryan Givens of AHBL.

Mayor Courts then asked Mr. Ken Farmer. CEO of Careage, to provide a statement. Mr. Farmer confirmed staff's accurate explanation and that Patriots Landing intends to build out the 24 acres into a campus to complement the surrounding area with plans for free-standing memory care living, additional cottages for independent living, and multi-family/high-end apartment building (younger/retires) at the back of the property to fill the void; retail/medical office, and walkable paths; with underground parking mainly for the residents and employees.

Mayor Courts then clarified that the MRO boundary recommendation by the Planning Commission is to take off the designation of that property to protect that are from being mined.

Relative to the Old Fort Lake BTP sub-area plan, discussion ensued on the guiding principles relative to manufacturing/research (not warehouse distribution) and job creation; whether a plan for a freight mobility study (to also include inter-intra modal transportation) in conjunction with the traffic study would occur (within seven years); working on priorities every year; clarification on the land use focus

component relative to free-standing manufacturing warehouse and distribution; defining light manufacturing as type of activity (not by size) but would be specific on what is the allowable size in the development regulation during the permitting process; and serious concern expressed about the reality of the manufacturing industry which goes hand in hand with warehousing/distribution and that municipal code should not be prescripted so as not to limit the City with business opportunities.

Further discussion ensued relative to the crystallizer cache to identify the only existing DuPont actual manufacturing area as an interpretative/historic site; adjustment made to add a trailhead and what uses are excluded from uses (parks) and how to clean up that area to allow such activity related to children by working with the State Department of Ecology and Weyerhauser relative to the Consent Decree; staff's feedback from public hearing comments regarding traffic impacts to quality of life (staff looked at types of transportation frequency data from residential/office versus those generated by a warehouse building and find ways to diminish traffic by finding an acceptable balanced approach; some corrections pertaining to the historical aspect, and the need to have a document that the Home Course is in agreement to the amendments being made.

It was also noted the importance of looking at future changes to the municipal code relative to the buffers, setbacks and low-income housing discussed by the Planning Commission following the amendments proposed on the Community/Commercial Opportunity at the Center Drive/DuPont-Steilacoom Road

Public Comment:

Maria Gudaitis, 507 Louviers Avenue, commented on the last Council workshop relative to the traffic study and accuracy relative to the Hearing Examiner's statement in May that our traffic study was inaccurate. She then commented on WSDOT study in 2010 relative to the regional traffic data is accurate, which DuPont also participated in. She also commented why definitions and clarity are important; and spoke of an email from the developer.

Council Comment:

Councilmember Gorski commented on the extensive discussion regarding development, online and at meetings. He expressed that the City needs real solutions and that if citizens want to address him on any concerns, he is available, but preferred not to be inundated by mail sent to his residence.

Adjournment:

Mayor Courts adjourned the meeting at 9:37 pm.

A Special Council meeting, followed by the regular Council workshop will be held on Tuesday, November 21, 2017, at 6:00 pm. Please note that the minutes from the Council Meetings are not verbatim. A recording of the meeting may be purchased in the DuPont City Clerk's Office.

City of DuPont:

Michael P. Courts, Mayor

Attest:

Karri Muir, CMC, City Clerk

Meeting Summary DRAFT

MEETING DATE:	August 7, 2017 5:30pm – 7:30pm	**PROJECT NAME:**	Old Fort Lake Subarea Plan & Commercial Area at Center Dr. and DuPont Steilacoom Rd.
LOCATION:	DuPont City Hall 1700 Civic Dr. DuPont, WA 98327	**PREPARED BY:**	Ryan Givens, AHBL – Project Manager / Urban Planner Colin Poff, AHBL – Project Planner Josh Kubitza, AHBL – Project Planner

The purpose of this memorandum is to summarize the community open house event for two City-initiated long-range projects; (a) the proposed Old Fort Lake Subarea Plan and (b) the Community Commercial Opportunity Area designation proposed for the properties at Center Dr. and DuPont-Steilacoom Rd.

Open House Time/Date: The open house was held on August 7, 2017 at DuPont City Hall from 5:30pm to 7:30pm.

Open House Format – The open house was planned and conducted with three (3) specific components; (i) a presentation, (ii) a series of information stations, and (iii) a written comment station.

- **Presentation** – the presentation was intended to educate attendees on the background and requested land use amendments for the two projects.
- **Information Stations** – six individual stations were established that each represented a key aspects of the projects (ie land use, transportation etc.) so that attendees could provide input and vote on elements they prefer.
- **Written Comment Station** – questionnaire sheets were provided to allow attendees to provide written comments pertaining to the projects.

Open House Facilitators - The open house included a group of designated facilitators that were tasked with providing attendees with project information and obtaining feedback. The City provided specific facilitators to provide information pertaining to city policy, drafting the Subarea Plan document, and the land use process; the City facilities included staff and its consultants. A developer team was in attendance to provide information and obtain feedback pertaining to their future land holdings within the subarea.

Open House Facilitators	
City Representatives	***Developer Representatives***
• Jeff Wilson, Community Development Director • Geralyne Reinart, Traffic Engineer (city consultant • Ryan Givens, Planner (AHBL / city consultant) • Colin Poff, Planner (AHBL / city consultant) • Josh Kubitza, Planner (AHBL / city consultant)	• Laura Bartenhagen, ESM • Rita Lomas, Helix Design Group • Bruce McKean, Helix Design Group • Gary Danklefsen, CRE

Presentation - The open house began with an introduction from Jeff Wilson AICP, Community Development Director, followed by a brief presentation by Ryan Givens AICP of AHBL, Inc (the City's planning consultant). The presentation was focused (i) existing conditions, (ii) City objectives, (iii) the opportunities/constraints, (iv) the associated land use process / applications, and (v) how the open house public engagement portions are structured. The presenters entertained brief questions/answers focused on clarification and explaining the applications.

Information Stations - Following the presentation, attendees dispersed across the room to various stations, where they could ask questions, and "vote" on various project details. Participants were asked to place a "dot" on choices to indicate a positive response; placement of a dot indicated that the choice would be acceptable to that participant. The majority of the stations were based around the Old Fort Lake Subarea Plan, although some questions prompted response for the Commercial Area at Center Dr. and DuPont Steilacoom Rd Project. A station in the middle was also available where participants could fill out comment cards. Stations included:

- Station C - Existing Conditions (information only)
- Station D – Zoning and Land Use
- Station E – Building And Site Design
- Station F – Transportation
- Station G – Landscaping and Amenities
- Station H – Developer Engagement
- Station I – Questionnaire/Comment Cards

The following provides a generally summary of the results from each station. **Information gathered at each station is included as an attachment to the memorandum.

Station C – Existing Conditions

The purpose of this station was to list existing conditions associated with the Old Fort Lake Subarea. A facilitator was present to provide clarification and entertain participant questions. No specific question was asked as part of this station, this was intended to be informational only.

Station D – Zoning and Land Use

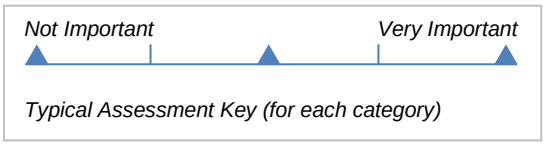
The purpose of this station was to (a) provide information pertaining to current Comprehensive Plan and Zoning designations on the properties, and (b) obtain attendee comment/preferences pertaining to land uses on the properties.

> **Which of these uses should be included in the subarea? (In addition to industry uses that are already allowed?)** – The purpose of this question was to obtain community sentiments whether certain land uses should be included in each location. At the open house, the facilitator modified this information board to obtain separate comments for (i) the Old Fort Lake Subarea Plan land and (b) the lands within the proposed commercial at Center and DuPont-Steilacoom Road (a line was drawn down the middle of the page). Also the Bulk Item category was crossed out and replaced with Grocery Store. For the land uses/choices provide the following major themes were identified
>
> - **Old Fort Lake** – there were many responses for Deli/Café and some for office, apartments, mixed-use and hotel. There were a write it categories for a YMCA and Senior Center; participants indicated some preference to these uses.
> - **Commercial Area at Center Dr. and DuPont Steilacoom Rd**. – Most categories received a positive response; however, multifamily and hotel uses received a low vote.

> **What is your preferred shopping environment? –** The following shopping environment categories were provided: *stand-alone, shopping center,* and *mixed Use/neighborhood center.* When viewing the concentration of votes on the boards, participants showed a preference toward the mixed use/neighborhood center environment.

> **What type of industry should be the focus in the subarea [within the subarea]? –** The facilitator added a notation that this question was intended for the Old Fork Lake Subarea properties. The following categories were provided: *warehousing/distribution, manufacturing, research and development, high technology, offices/corporate offices*. The research and development, high technology, and offices categories were all preferred among participants, while warehousing/distribution and manufacturing only received one vote each.

Station E – Building and Site Design



At this station, participants rated the importance of certain building and site design elements on a sliding scale. The intent of this station was to inform possible design guidelines and standards that the community might like to see applied to future development. Participants voted on the various priorities, including: *Building orientation, exterior colors/materials, architectural details, size/height restrictions near residential, pedestrian amenities, parking lot screening, reducing light/glare, and buffing residential neighborhoods/golf courses.* Generally, all of these categories were viewed as highly important by participants. Buffering residential neighborhoods/golf course, and size/height restrictions near residences stood out as the highest priorities.

Station F – Transportation

Participants were asked to vote on three transportation-related questions to inform the design of streets and non-motorized facilities. In addition, participants were asked an open-ended question where they could post comments on a sticky note. The purpose of the exercise was to identify specific concerns regarding traffic impacts from development in the area.

- **What kinds of non-motorized facilities should be provided in the subarea? –** Participants demonstrated a preference for off-street facilities (multi-use trails) over on-street facilities (bikes lanes/sidewalks).
- **How should sidewalks be designed in the subarea? –** Participants demonstrated a preference for sidewalks that are separated from travel lanes with a planter strip and trees; there were respondents that preferred curb-tight sidewalks.
- **Should streets accommodate on-street parking? –** Participants demonstrated a preference for off-street parking over on-street parking arrangements.
- **What are your concerns or ideas about transportation in the subarea? –** This was an open-ended question, which invited participants to write individual responses. However, a couple of clear themes could be deciphered from these comments:
    - **Concern for Adverse Traffic Impacts** - The majority of the transportation comments revolve around potentially traffic increases from any development in the Old Fort Lake Subarea. This includes (i) traffic noise, (ii) traffic congestion on Center Drive and residential neighborhoods, (iii) the amount of semi-trucks, and (vi) associated safety concerns.
    - **Request for Multimodal Transportation Facilities** – Many responses suggest a community a desire for pedestrian, bicyclist, and transit facility expansion in the area to handle the additional traffic.

Station G – Landscaping and Amenities

At this station, participants were given the opportunity to vote on preferred landscaping and amenities in the subarea. In contrast to higher-level questions regarding zoning and land use, these questions prompted responses on details that affect the public realm in the subarea, as well as its look and feel.

- **What kinds of amenities would you like to see in the subarea? –** The following amenities were provided: *trails, natural areas, wayfinding (themed/decorative), educational signage, gathering places/cultural sites, street furniture/shelters, exercise equipment*. Of these options, participants showed a high preference for trails; there were positive responses for natural areas, gathering places, and educational signage.

- **What landscaping style would you like to see in the subarea? –** Participants showed a preference for natural style landscaping over manicured designs. However, many participants stated that "natural" should still be well maintained and should not be confused with unkempt areas or plantings that may become a nuisance.

Station H: Developer Engagement

A developer team that is associated with the Old Fort Lake Subarea facilitated a station to speak with attendees on their private development plans. This was a non-City sponsored information station and was provided to give the development team the opportunity to speak directly with the community. The developer team provided two exhibits; one showing buffering options and the other showing typical building styles. No City staff facilitated this station. The developer team intends to share with the City the comments that they received at the meeting.

Station I: Questionnaire/Comment Card Station

At this station, participants were given the opportunity to provide additional comments, based on a prompt of four open ended questions. Many comments were received, and can be summarized as followed.

> **Question 1: What other Cities/neighborhoods should be looked to for inspiration for Old Fort Lake Subarea?** Respondents listed a variety of communities, these are compiled below.

Washington State:	**Out-of-State:**	
• Sammamish and Issaquah Highlands • Palisades Village and Downtown DuPont • Langley, WA	Estrella, Sun City Arizona Heathrow, Central Florida, Oakbrook, Lakewood Washington,	San Diego Boardwalk, California Galleria, Rosville CA Yosemite National Park Westgate, Glendale AZ

> **Question 2: What potential Project Impacts are you concerned about regarding (a) Old Fort Lake Subarea Plan and/or (b) the Commercial Area at Center & DuPont-Steilacoom Rd.?**

Participants had various concerns regarding the potential impacts due to the development associated to both projects. In a lot of the responses, the concerns were grouped together; in some responses, people expressed specific concerns specific to each project. It is recommended the individual responses be read for a comprehensive understanding of responses. In generally, there were common themes concerns perceived impacts; these were grouped into three major area: *Traffic, Environmental,* and *Zoning.*

- **Traffic Impacts:** These concerns that include an increase in heavy trucks, traffic noise, and traffic spill over into the neighborhoods, increase congestion, and the associated safety concerns. These concerns included perceived impacts on local streets, arterials, and freeway access.

- **Environmental**: These concerns include losing access to any of the nearby trails and open space within the subarea, the potential impacts to the local wildlife and wildlife habitat, and impacts to the views of the area. It was stated by participants that the Old Fort Lake Subarea has some of the best public views of the whole city. Some residents voiced that losing these views would have impact on property values and personal quality of life.

- **Zoning:** A few participants stated that they do not want to see warehouses, shopping retail, and offices in the subareas. There were responses with a negative tone towards hotels.

> **Question 3: What are some major opportunities that you see as part of these projects?**

The community provided numerous opportunities that they would like to see in both the Old Fort Lake Subarea and the Commercial Area at Center & DuPont-Steilacoom Road. Many responses were general in nature and were not directed to either of the projects. Other respondents were specific to a particular property/project. The attached scanned comment sheets provide each recommendation. Below is a summary of responses that were directed to the individual projects:

Major Themes - Question 3: What are some major opportunities that you see as part of these projects?		
General Comments:	• Provide additional shopping for families, • provide employment, • provide medical, • provide independent stores (non chains), • Provide recreational area / multi-use pool,	• provide high-end health club, • provide cultural center / partnership with the tribe, • provide revenue for the City, • provide higher-education, • provide a theater, • open the areas to the public and views • learn from past mistakes
Comments for the Commercial Area at Center & DuPont-Steilacoom Road:	• Entice a grocery store to the area	• provide sit-down restaurant (Crackle Barrel)
Comments for the Old Fort Lake Subarea:	The community identified multiple opportunities for the Old Fort Lake Subarea that fell into recreation, cultural, employment and education, retail, and utilization of existing amenities major themes. The comments provided weren't a consensus throughout the community. Numerous respondents voiced that they saw an opportunity to use the open space as recreational facilities. These recreation facilities can be parks and trails, sports complex, or a Community Recreation Center. ***It is recommended to review the attached individual responses.*	

> **Question 4: Is there anything else you'd like to recommend as the City pursues these two planning endeavors?** The completed questionnaires received a variety of responses to this question. ***It is recommended to review the attached individual responses.* Some key responses are listed below:

- The community expressed appreciation for the opportunity to voice their concerns at this Community Workshop.
- The community would like additional public involvement for these projects as they further develop and on other city projects, including involving the Nisqually Tribe.
- A few of the participants brought up traffic concerns covered by earlier questions and asked the City to be mindful of their decisions and impacts to the adjacent residents, the larger community, and what makes the city "DuPont."

Attachment A: Workshop Results

The following information and respondent tallies that were obtained from the community open house.

Station D – Zoning and Land Use

Question 1: Which of these uses should be included in the subarea? (In addition to industry uses that are already allowed?) *Select multiple*

	Old Fort Lake Subarea Plan	Commercial at Center and DuPont-Steilacoom Road
Deli/Café	29	29
Convenience Store	0	10
Gas Station/Automotive	0	8
Medical Office	7	17
Bulk Item Retail (Grocery Store)	2	49
Residential/Apartments	6	12
Mixed Use	9	3
Hotel (Boutique Hotel)	7	1
The numbers represent the quantity of 'dots' that were placed under each category.		

Question 2: What is your preferred shopping environment? *Choose One*

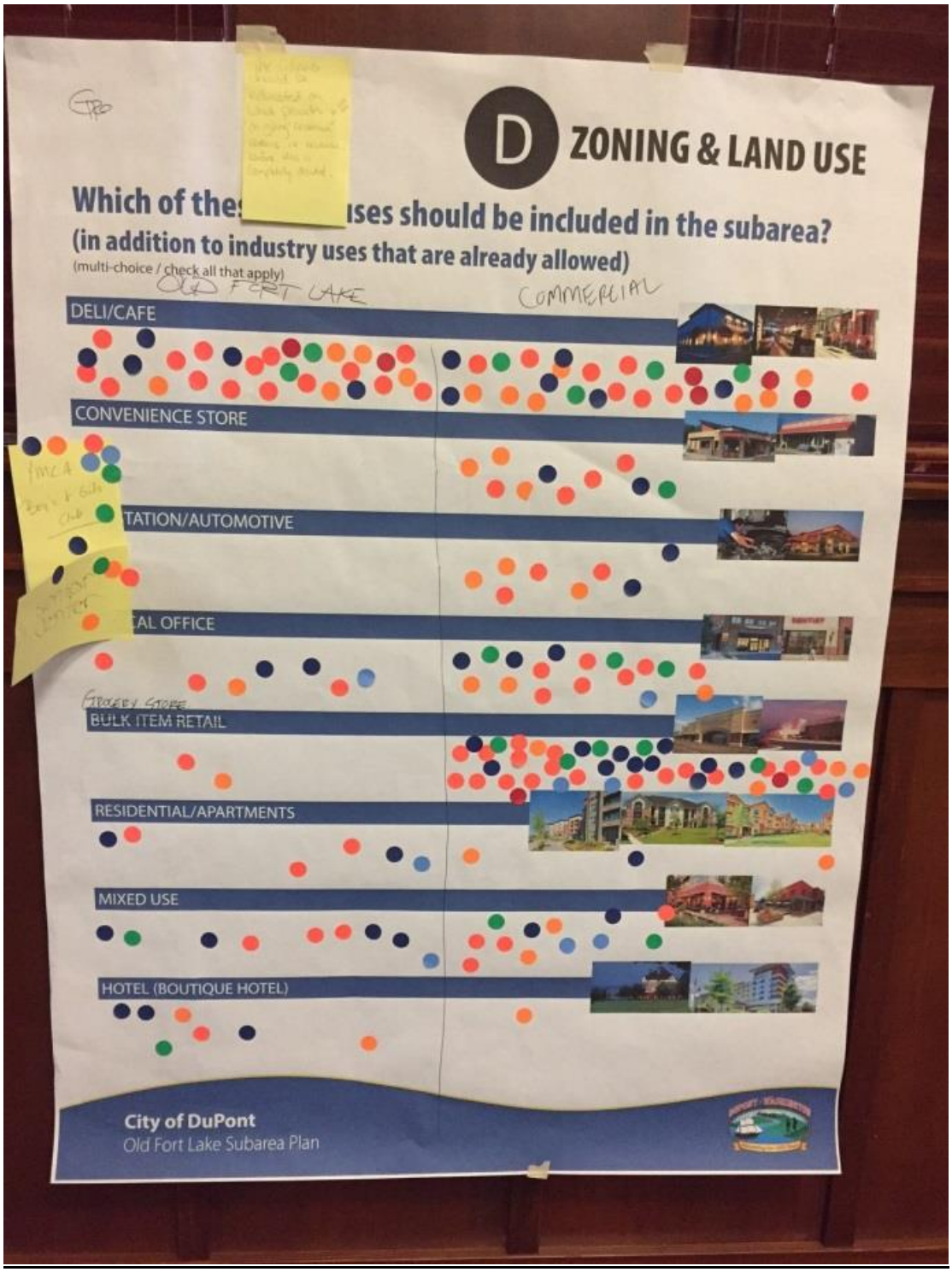
Stand-Alone	8
Shopping Center	15
Mixed Use/Neighborhood Center	26
The numbers represent the quantity of 'dots' that were placed under each category.	

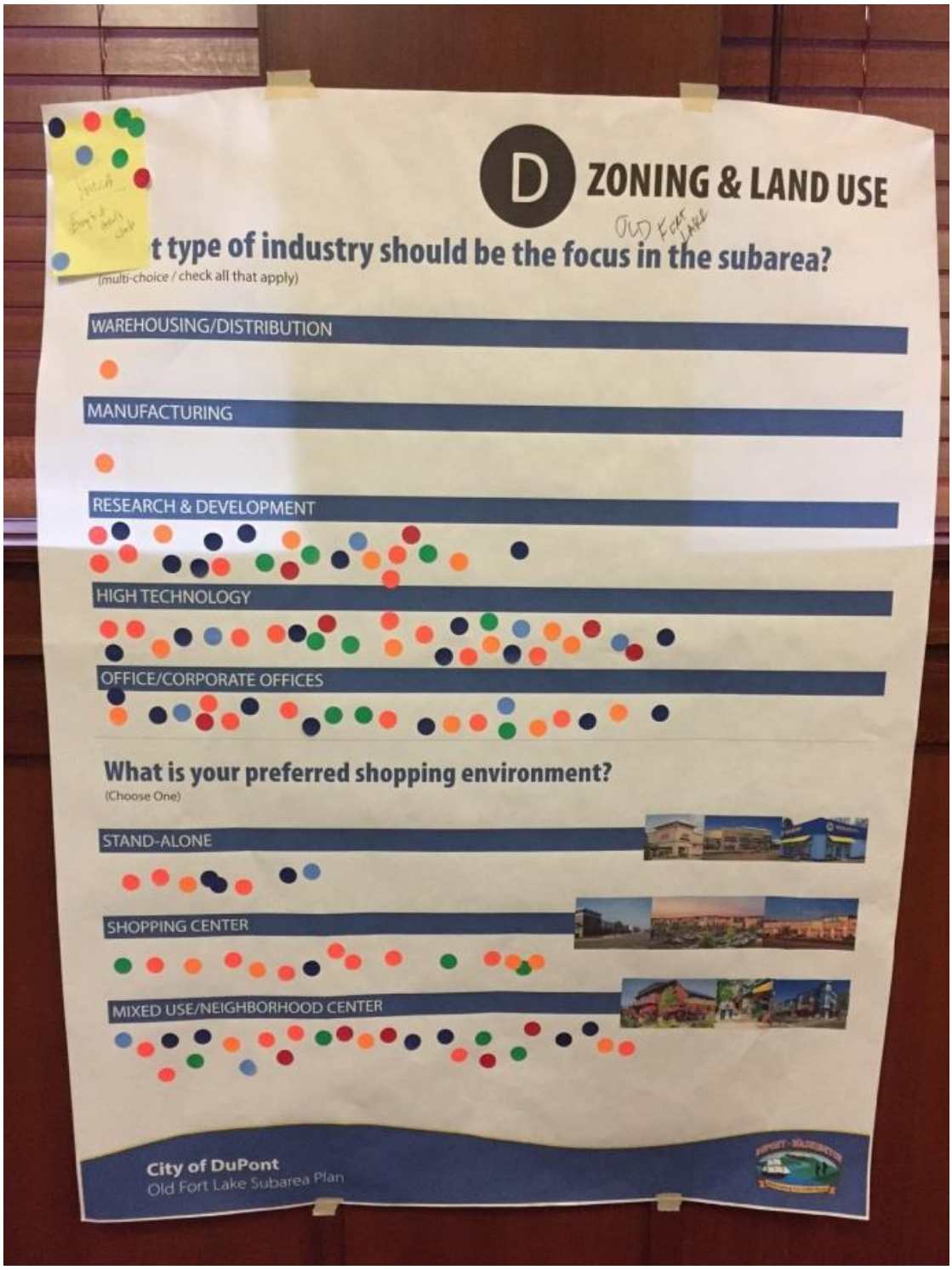
Question 3: What type of industry should be the focus in the subarea? *Choose Multiple*

Warehousing/Distribution	1
Manufacturing	1
Research and Development	23
High Technology	29
Offices/Corporate Offices	23
c	

Other responses included:

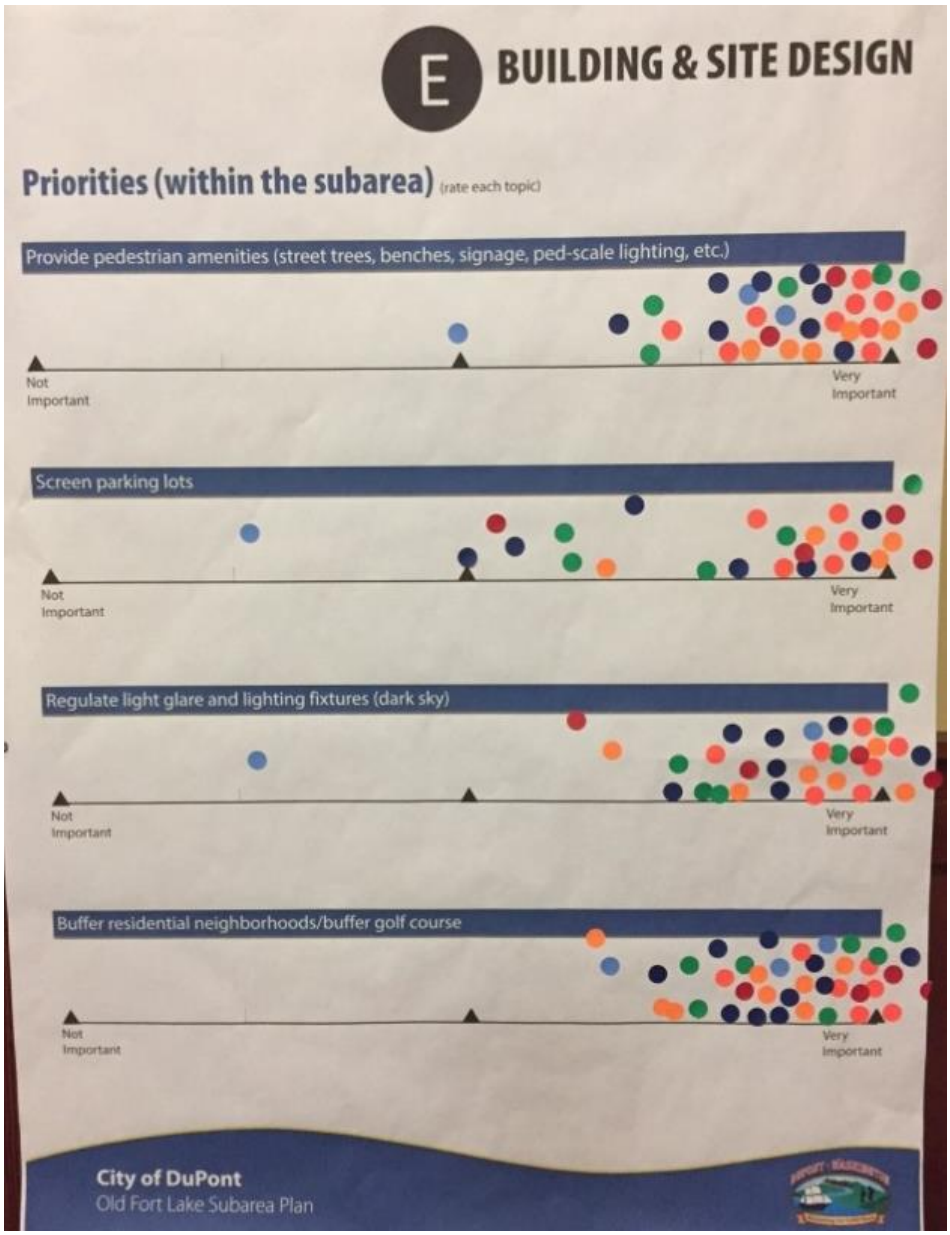
- YMCA/Boys and Girls Club (8 votes)
- Senior Center (5 votes)
- Citizens should be educated on what provides "on-going revenue".

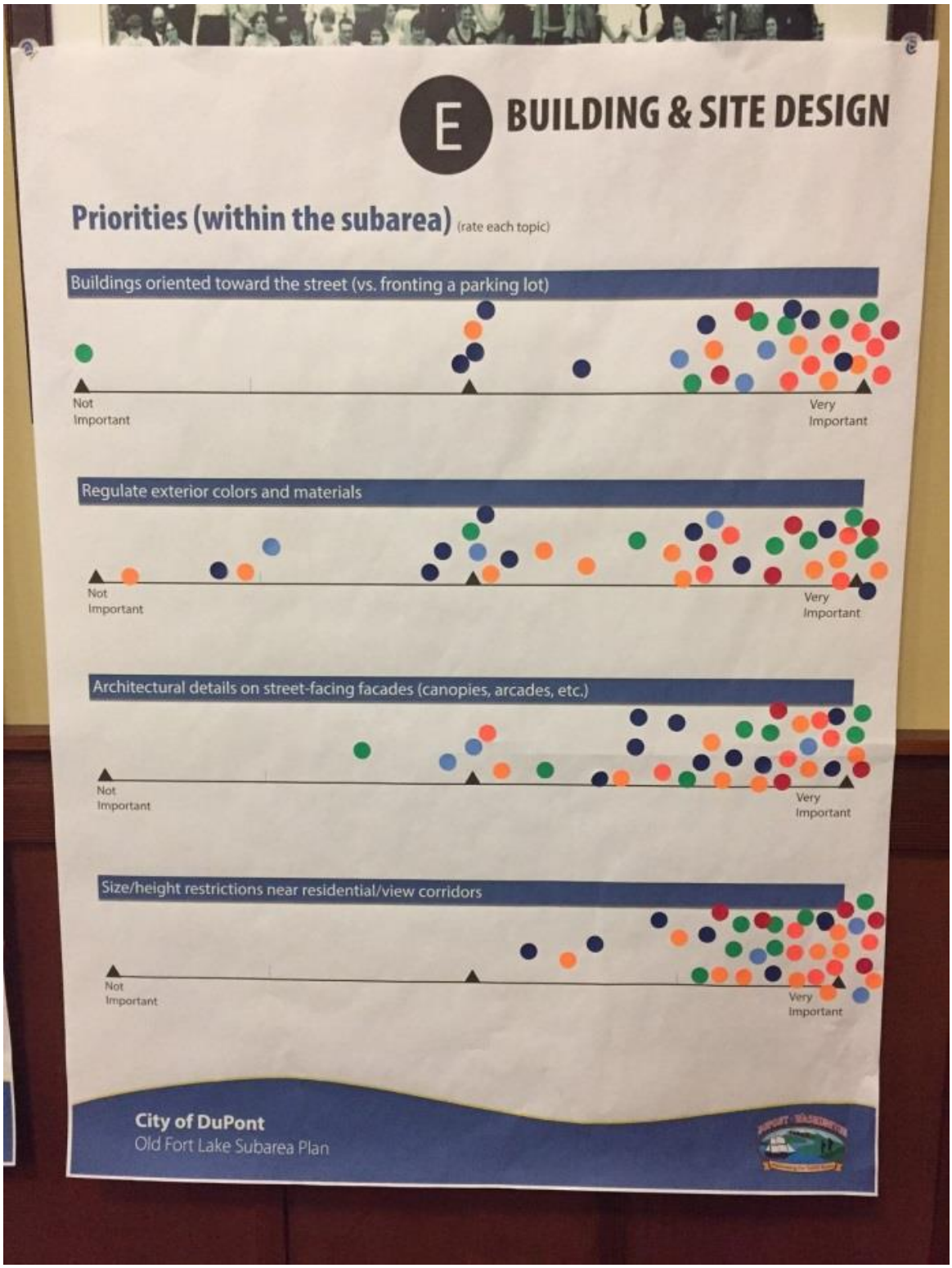

D ZONING & LAND USE
Which of the uses should be included in the subarea?
(in addition to industry uses that are already allowed)
(multi-choice / check all that apply)
OLD FORT LAKE
COMMERCIAL
DELI/CAFE
CONVENIENCE STORE
TATION/AUTOMOTIVE
AL OFFICE
GROCERY STORE
BULK ITEM RETAIL
RESIDENTIAL/APARTMENTS
MIXED USE
HOTEL (BOUTIQUE HOTEL)
City of DuPont
Old Fort Lake Subarea Plan


D
ZONING & LAND USE
t type of industry should be the focus in the subarea?
(multi-choice / check all that apply)
WAREHOUSING/DISTRIBUTION
MANUFACTURING
RESEARCH & DEVELOPMENT
HIGH TECHNOLOGY
OFFICE/CORPORATE OFFICES
What is your preferred shopping environment?
(Choose One)
STAND-ALONE
SHOPPING CENTER
MIXED USE/NEIGHBORHOOD CENTER
City of DuPont
Old Fort Lake Subarea Plan

Station E – Building and Site Design

Priority	"Not Important" range	Middle range	"Very Important" range
Buildings oriented toward the street	1	5	25
Regulate exterior colors and materials	4	10	23
Architectural details on street-facing facades	0	12	23
Size/height restrictions near residential views	0	3	33
Provide pedestrian amenities	0	5	30
Screen parking lots	1	7	18
Provide light glare and lighting fixtures	1	4	27
Buffer residential neighborhoods/golf course	0	5	34
The numbers represent the quantity of 'dots' that were placed under each category.			




E
BUILDING & SITE DESIGN
Priorities (within the subarea) (rate each topic)
Buildings oriented toward the street (vs. fronting a parking lot)
Not Important
Very Important
Regulate exterior colors and materials
Not Important
Very Important
Architectural details on street-facing facades (canopies, arcades, etc.)
Not Important
Very Important
Size/height restrictions near residential/view corridors
Not Important
Very Important
City of DuPont
Old Fort Lake Subarea Plan

Station F – Transportation

Question 1: What kinds of non-motorized facilities should be provided in the subarea? *Choose One*

On-Street Facilities (Bike Lanes/Sidewalks)	14
Off-Street Facilities (Multi-Use Trails)	44
The numbers represent the quantity of 'dots' that were placed under each category.	

Question 2: How should sidewalks be designed in the subarea? *Choose One*

Curb-Tight Sidewalks	3
Tree and Lawn Sidewalks	35
The numbers represent the quantity of 'dots' that were placed under each category.	

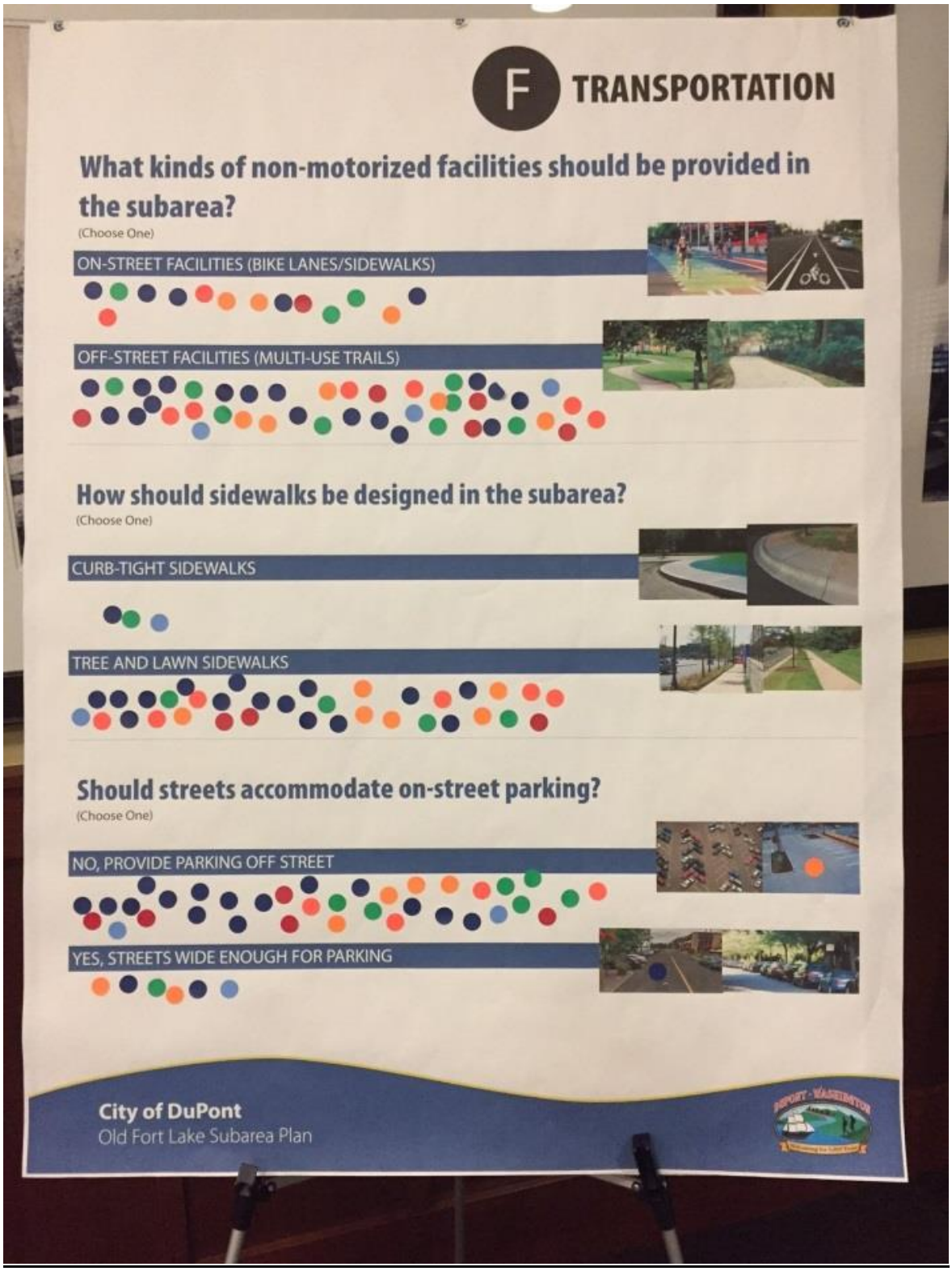
Question 3: Should streets accommodate on-street parking? *Choose One*

No, Provide Parking Off Street	36
Yes, Streets Wide Enough for Parking	6
The numbers represent the quantity of 'dots' that were placed under each category.	

Question 4: What are your concerns or ideas about transportation in the subarea? *Provide Comments*

Public Comment	**Additional Comment Votes**
Our traffic is already over-capacity. The environmental impact of truck traffic is imperative to address on our already congested streets	12
Add more lanes to DuPont / Steilacoom Road	0
Need a light on Bell Hill / DuPont Road. Also need to widen DuPont / Steilacoom Road.	2
No office buildings or warehouses for the back yards of Charles St & Martin	0
Comprehensive transit for non-drivers	1
Exit 119: You need signs that read Do Not Block Intersection on DuPont Steilacoom Road Bridge before entering DuPont. It happens all the time.	1
Non Sappy Trees	6
No truck traffic on Center. Too many pedestrians and backyards adjoining road	1
Transit / Warehouses pose other hazards to quality of life: Noise	0
DuPont needs to interface with WSDOT to address the metered lights on the I-5 North Bound Ramp	3
I am concerned about spill-over traffic onto side streets along gold course. Parking areas with walk-in trails/sidewalks should be considered	3
You have two interchanges on I-5 at Capacity and a 2-lane road as the only access points in and out of DuPont. How does the city think it can add more to this problem? No More Trucks! No trucks on Center road!	2
How do new streets serve The Home Course?	0
The charts shown don't address traffic flow. How will ne streets connect to center drive? What capacity?	0
What is the traffic plan to connect Hoffman Hill Dr.? As included in the traffic plan (see 1995	2

Public Comment	Additional Comment Votes
comprehensive plan) the city specifically did not want all traffic on McNeil.	
It is irresponsible for this city to put more trucks onto a saturated transit corridor (I-5) even if DuPont -Steilacoom road can supposedly handle more.	3
McNeil Street needs relief. Center has landscape buffers to mitigate extra traffic from the Old Fort Lake Plan.	2
Will vendors and business traffic find it worth it to travel from I-5 @ DuPont/Steilacoom to Center then through a new road to the BTP area behind the Home Course? The avenues of approach impede on those who have homes between Home Course and McNeil and Center.	0
Traffic for the BTP area at Old Fort Lake will be heavier. The Traffic for FED EX and Amazon is already heavy. DuPont and Steilacoom road between I-5 is heavy. DuPont / Steilacoom Road intersection is too narrow. More BTP increase traffic. How will Bell Hill feel about it?	2
Commercial transportation needs to be coordinated with existing traffic challenges posed by base traffic re-routing	0
Volume, bike lanes, pedestrians, speed limit and load limit concerns.	0
The City answer to non-stop trucks? Send them down center drive through our established neighborhoods. Just stop allowing more traffic-oriented development. We don't need the revenue that bad.	1
Have the streets widen enough so that two cars on the road. A fire truck will have a hard time to get through.	1
Any chance of using golf carts as transportation on certain roads?	0
Make parking buffer stupid wide enough to place a trees but be careful what trees get planted	0
Public restroom at trailheads	0
Concerned about more traffic on our poorly planned exit and streets into Old DuPont, and more traffic from semis	2
If warehouses are built, we are doomed regarding traffic! From which direction would you choose for semi-trucks to through? From Steilacoom where Amazon is already jamming the roads down center from the main part of DuPont?	0
Concerned about traffic spilling into residential area. Cars using area for short cuts and speeding near schools. No big trucks on small roads.	0


F
TRANSPORTATION
What kinds of non-motorized facilities should be provided in the subarea?
(Choose One)
ON-STREET FACILITIES (BIKE LANES/SIDEWALKS)
OFF-STREET FACILITIES (MULTI-USE TRAILS)
How should sidewalks be designed in the subarea?
(Choose One)
CURB-TIGHT SIDEWALKS
TREE AND LAWN SIDEWALKS
Should streets accommodate on-street parking?
(Choose One)
NO, PROVIDE PARKING OFF STREET
YES, STREETS WIDE ENOUGH FOR PARKING
City of DuPont
Old Fort Lake Subarea Plan

F TRANSPORTATION
What are your concerns or ideas about transportation in the subarea?
Our traffic is already over-capacity. The environmental impact of truck traffic is imperative to address on our already congested streets.
Post Comment Here
Non Sappl'l Trees
Commercial transportation needs to be coordinated with existing traffic challenges posed by local traffic as routine
City of DuPont
Old Fort Lake Subarea Plan

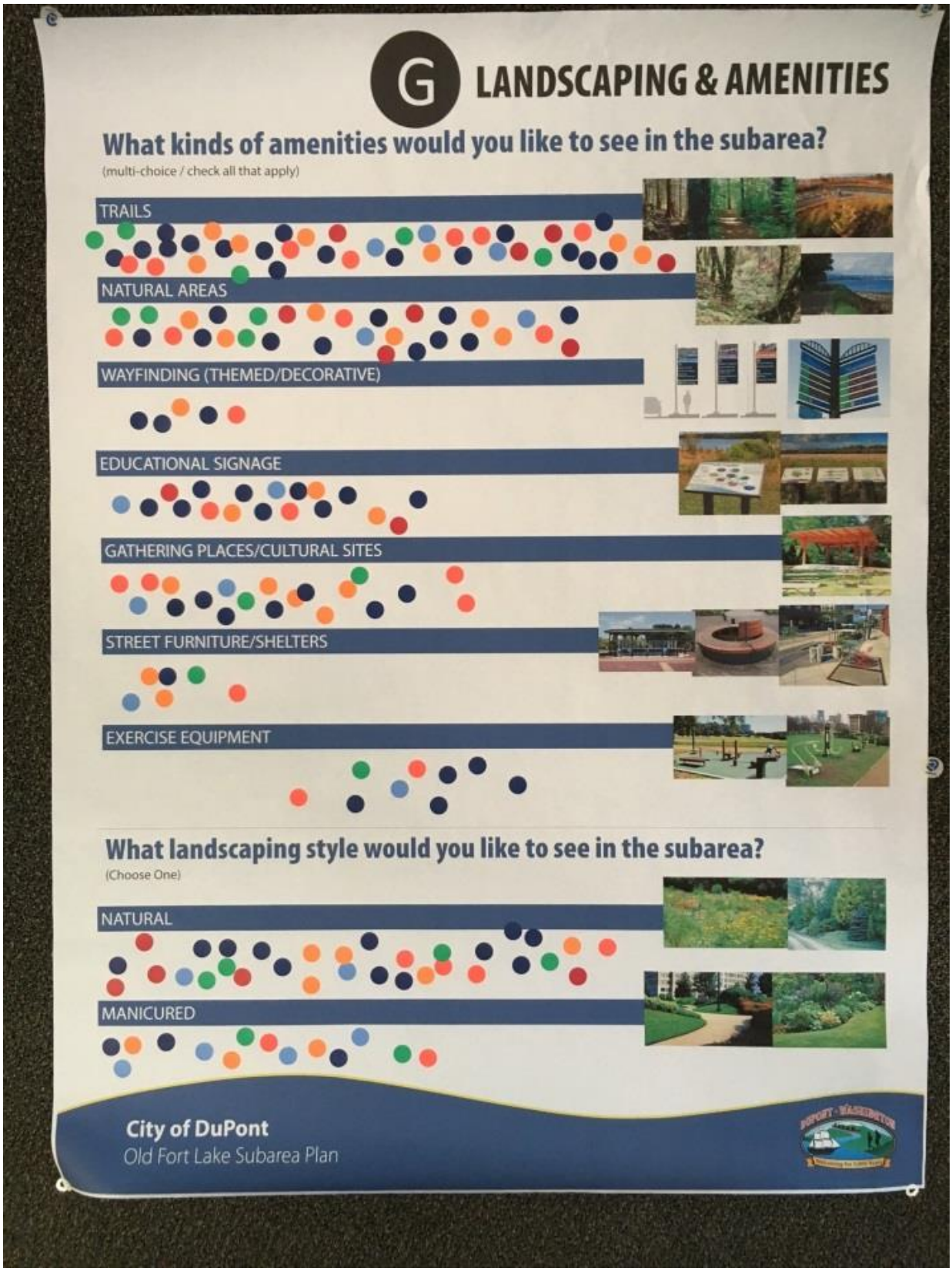
Station G- Landscaping and Amenities

Question 1: What kinds of amenities would you like to see in the subarea? *Choose Multiple*

Trails	43
Natural Areas	31
Wayfinding (Themed/Decorative)	5
Educational Signage	18
Gathering Places/Cultural Sites	20
Street Furniture/Shelters	6
Exercise Equipment	9
The numbers represent the quantity of 'dots' that were placed under each category.	

Question 2: What landscaping style would you like to see in the subarea? *Choose One*

Natural	32
Manicured	14
The numbers represent the quantity of 'dots' that were placed under each category.	


G
LANDSCAPING & AMENITIES
What kinds of amenities would you like to see in the subarea?
(multi-choice / check all that apply)
TRAILS
NATURAL AREAS
WAYFINDING (THEMED/DECORATIVE)
EDUCATIONAL SIGNAGE
GATHERING PLACES/CULTURAL SITES
STREET FURNITURE/SHELTERS
EXERCISE EQUIPMENT
What landscaping style would you like to see in the subarea?
(Choose One)
NATURAL
MANICURED
City of DuPont
Old Fort Lake Subarea Plan

Attachments B: Supplemental Items

I. Attendee Sign-In Sheets (completed)

II. Presentation Slides

III. Questionnaires (completed

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MEETING DATE: November 28, 2017

- [ ] Consent Agenda
- [ ] Discussion Item
- [x] Unfinished Business
- [ ] New Business
- [ ] Other_____

TITLE:

2017 Comprehensive Plan Updates

Department:	Community Development	Discussion Date:	10/17/17
Originator:	Staff	First Reading Date:	11/14/17
Assigned to:	Jeff Wilson, Director	Public Hearing Date:	10/24/17

BUDGET IMPACT: Yes ☐ **No** ☑ **FUND:**

Amount Budgeted		
Additional Required		

DETAILED SUMMARY STATEMENT:

On October 10th and October 24th the Council held public hearings on 4 proposed amendments to the City's Comprehensive Plan (COMP-16-02, COMP-16-03, COMP-16-04 & COMP-16-05). The four amendments are generally described as: an amendment to the Comprehensive Plan Map for Sequalitchew Village to revise the boundary of the Mineral Resource Overlay boundary; an amendment to the Manufacturing/Research Park and Industrial Area to provide for commercial opportunities at Center and DuPont-Steilacoom Rd; and amendment to Yehle Village related to properties known as Patriots Landing; and a new sub-area plan for the Old Fort Lake Business and Technology Park.

The proposed ordinance provides for the adoption of the proposed Comprehensive Plan Amendments as recommended by the Planning Commission and with changes recommended by the Council from their November 7th workshop and November 14th council meeting.

RECOMMENDATION:

Adopt the attached Ordinance approving the 2017 Amendments to the City of DuPont Comprehensive Plan.

EXHIBITS LIST

2017 COMP Plan Amendment Ordinance

November 20, 2017

A. August 28, 2017 approved Planning Commission Meeting Minutes (COMP-16-02)
B. Proposed Comprehensive Plan Amendments for Yehle Park Village in underline/strikeout format (COMP-16-02)
C. June 26, 2017 approved Planning Commission Meeting Minutes (COMP-16-03)
D. Proposed Mineral Resource Overlay Boundary revision to the Sequalitchew Village Comprehensive Plan Map (COMP-16-03)
E. Draft October 9, 2017 Planning Commission Meeting Minutes (COMP-16-04)
F. Proposed Comprehensive Plan Amendments for the Old Fort Lake Business and Technology Park in underline/strikeout format (COMP-16-04)
G. Proposed Sub-Area Plan for Old Fort Lake to be included into the Comprehensive Plan (COMP-16-04)
H. July 24, 2017 approved Planning Commission Meeting Minutes (COMP-16-05)
I. August 14, 2017 approved Planning Commission Meeting Minutes (COMP-16-05)
J. Proposed Comprehensive Plan Amendments for the Manufacturing/Research Park and Industrial Area in underline/strikeout format (COMP-16-05)

CITY OF DuPONT
WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUPONT, WASHINGTON, RELATING TO LAND USE AND ZONING; ADOPTING THE 2017 COMPREHENSIVE PLAN UPDATE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on October 27, 2015, the City adopted its updated Comprehensive Plan, Ordinance No 15-990 ("Comprehensive Plan"), as required by the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the City of DuPont has established a procedure for amending the Comprehensive Plan in Title 25.170 of the DuPont Municipal Code (DMC), which requires amendments to the Comprehensive Plan to be consistent with applicable State, Federal, and local rules and regulations; and

WHEREAS, these amendments are consistent with the County Wide Planning Policies, the State Growth Management Act, and other applicable regulations and ordinances; and

WHEREAS, the adopted 2015 Comprehensive Plan directed the City through Land Use Implementation Action (LUA-5) to "Review and updated the Fort Lake Business and Technology Park Land use designation through a Sub-Area Planning effort where a range of land use designations, transportation options, and community enhancements can be more fully evaluated consistent with the community's vision for design, character, and scale"; and

WHEREAS, the amendments considered by this ordinance includes an updated Sub-Area Plan for the Fort Lake Business and Technology Park, fulfilling Land Use Implementation Action item LUA-5; and

WHEREAS, in accordance with Washington Administrative Code Section 365- 196-630 on June 23, 2017 (COMP-16-03); August 23, 2017 (COMP-16-05); August 25, 2017 (COMP-16-02); and September 14, 2017 (COMP-16-04) notices of intent to adopt the proposed Comprehensive Plan amendments were sent to the State of Washington Department of Commerce and to other State Agencies with acknowledgement of the Department on June 26, 2017 (COMP-16-03); August 23, 2017 (COMP-16-05); August 30, 2017 (COMP-16-02); and, September 14, 2017 (COMP-16-04), to allow for 60-day review and comment period; and

WHEREAS, the public process for the proposed amendments has provided for early and continuous public participation opportunities including Planning Commission workshops and public meetings, questions and answer sessions, public informational letters, and public presentations from June 2017 - October 2017; and

WHEREAS, on June 26, 2017 (COMP-16-03); July 24, 2017 (COMP-16-05); August 28, 2017 (COMP-16-02) and October 9, 2017 (COMP-16-04) the Planning Commission conducted public hearings on the amendments to the Comprehensive Plan at City Hall, and

WHEREAS, on June 26, 2017 (COMP-16-03); August 14, 2017 (COMP-16-05); August 28, 2017 (COMP-16-02) and October 9, 2017 (COMP-16-04), the Planning Commission after considering the public comment received and other information presented at the public hearings and public meetings, including the documents voted at their regular meetings, after its hearing to recommend to the City Council adoption of the proposed amendments to the Comprehensive Plan; and

WHEREAS, and environmental review of the proposed Comprehensive Plan amendments has been conducted in accordance with the State Environmental Policy Act ("SEPA"), and a SEPA threshold determination of non-significance were issued on June 22, 2017 (COMP-16-03); August 25, 2017 (COMP-16-05); August 25, 2017 (COMP-16-02); October 23, 2017 (COMP-16-04); and

WHEREAS, on October 10, 2017 (COMP-16-02, COMP-16-03 & COMP-16-05) and October 24, 2071 (COMP-16-04) the City Council conducted a public hearing to take public testimony regarding the proposed amendments and review the draft Comprehensive Plan Update; and

WHEREAS, having considered among other things, public testimony, the recommendation of the Planning Commission, and both the preliminary and final staff reports, the City Council has determined that adoption of the amendments to the Comprehensive Plan are consistent with and would serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act, are in the public interest and protect the public health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DuPONT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The recitals set forth above are adopted and incorporated as if set forth fully herein.

Section 2. Findings, Conclusions, and Recommendations Adopted. The Findings, Conclusions and Recommendations from the Planning Commission as reflected in their meeting minutes dated June 26, 2017 (COMP-16-03); July 24, 2017 (COMP-16-05); August 14, 2017 (COMP-16-05); August 28, 2017 (COMP-16-

02) and October 9, 2017 (COMP-16-04) attached hereto as Exhibits A thru J are adopted and incorporated as if set forth fully herein.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF NOVEMBER, 2017.

CITY OF DuPONT

_____
Michael Courts, Mayor

ATTEST/AUTHENTICATED:

_____
Karri Muir, City Clerk

Approved as to form:

_____
Gordon P. Karg, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date:

Unique History ... Vibrant Future

CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

Monday, August 28, 2017

Commissioners in Attendance: Chair Chris Barnes, Commissioners Beth Elliott, Corey Wright, Renee Buck, Todd Tatum, Kevin Ballard, Jeremy Warner(Alt)
Excused: Commissioner Dustin Marlett
Absent:
Staff in Attendance: Planning Director, Jeff Wilson, Administrative Support, Janet Howald

1. CALL TO ORDER

Chair Barnes called the meeting to order at 5:58 PM.

2. ROLL CALL

Present: Chair Barnes, and Planning Commissioners Elliott, Wright, Buck, Tatum, Ballard, Warner(Alt).
A motion was made and seconded to excuse Commissioner Marlett (Wright/Buck); 7/0 motion carried.

3. ANNOUNCEMENT AND APPROVAL OF AGENDA

A motion was made and seconded to approve the agenda (Tatum/Warner); 7/0 motion carried.

4. APPROVAL OF MINUTES

A motion was made and seconded to approve the July 24, 2017 Minutes, (Buck/Elliott); 4/0 motion carried (Quorum of those present and qualified to vote at the meeting).
A motion was made and seconded to approve the August 14, 2017 Minutes, (Tatum/Buck); 5/0 motion carried (Quorum of those present at the meeting).
A motion was made and seconded to approve the August 16, 2017 Minutes, (Wright/Tatum); 6/0 motion carried (Quorum of those present at the meeting).
A motion was made and seconded to approve the August 21, 2017 Minutes, (Elliott/Ballard); 6/0 motion carried (Quorum of those present at the meeting).

5. AUDIENCE COMMENTS

None

6. PUBLIC HEARINGS

Chair Barnes announced the Public Hearing for the Proposed Comp Plan amendments and Development Regulation amendments for the Yehle Village/Patriots Landing Neighborhood. (File Nos. COMP-16-02 & TEXT-16-03). Director Wilson began with an opening statement regarding the overall purpose of the amendments to the plan and text amendments.

Mr. Ryan Givens, of AHBL, Consultant to the City provided a Power Point presentation with the applicant goals, the planning concepts relating to senior housing, existing conditions and the applicant requests. He presented the applicants request to amend the Comprehensive Plan Text and to amend the Land Use Code Text and the proposed changes to the texts.

Chair Barnes opened up the Hearing to Public Comment.

Matt Reider, of ESM, Representing Careage, had no overview as he relayed that Mr.Givens had given explanatory presentation on their proposals and provided public comments received up to June 26, 2017. These were entered into the record.

Lee Chase, 309 Barksdale, made comment of concern regarding the number of actual people to provide fire services, but he agrees with the concept of having a complete community while maintaining concerns over public services. He also made comment if apartments are high density it would require a greater level of fire service.

Chair Barnes closed the public comment period and deliberation transpired.

After deliberation, Chair Barnes asked for motions.

A motion was made and seconded to accept the proposed amendments on the Yehle Village Park Comprehensive Plan update language as reflected to the 2015 DuPont Comprehensive Plan. (Buck/Elliott); 7/0 motion carried.

A motion was made and seconded to change the Land Use Code page 12 of 17, line 12 of Chapter 25.20.060 Residential Residents, Complete Community Overlay (CCO) district to read "multifamily projects in the CCO district shall not exceed 150 units per single building".(Ballard/Buck); (Those voting in favor were Chair Barnes, Commissioners Buck, Tatum, Ballard, Warner), (Commissioners Elliott, Wright opposed) 5/2 motion carried.

A motion was made and seconded to amend page 13 of 17, line 1 of Chapter 25.20.060 Complete Community Overlay (CCO) to change the front setback to read "The minimum front setback shall be 15' for multifamily projects". (Buck/Elliott; (Those voting in favor were Chair Barnes, Commissioner Buck, Elliott, Ballard Warner, Wright) (Commissioner Tatum opposed); 6/1 motion carried.

A motion was made and seconded to change the language on page 14 of 17, line 2 of Chapter 25.20.060 Complete Community Overlay (CCO) to state "acceptable forms of street interruption may include intersecting streets, open space tracts, and/or pedestrian pathways that provide access to other area of the CCO district". (Ballard/Buck);7/0 motion carried.

A motion was made and seconded to approve the attachment 5, Chapter 25.20 Residential Districts, in its entirety with the proposed amendments.(Buck/Wright); 7/0 motion carried.

Chair Barnes closed the Public Hearing.

7. UNFINISHED BUSINESS

File No's COMP-16-04 & TEXT-16-06 Continued workshop on proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood / Business & Technology Park (BTP) zone. Mr. Givens discussed focused land use area based on the input that has been provided. A working group met the previous week comprised of the proposed developers and landowners as a round table discussion on how to look at the areas with community and commission input and road development.

Mr. Wilson informed regarding the property owned by the Nisqually Tribe, that the Tribe has been following the progress via emails and hopefully will attend the August 30th meeting. He had an opportunity to discuss directly with a representative from the Tribe after a prior meeting last week.

8. **NEW BUSINESS**
None

9. **ADMINISTRATIVE REPORTS**
Director Wilson discussed the Extended Agenda and the addition of a special meeting that is scheduled on August 30th to allow further discussion on the Comp Plan amendments on the Old Fort Lake neighborhood with a possible additional Special Meeting on September 13th to allow additional discussion. Continued discussion will be included at the Planning Commission Meeting on September 11, 2017.

A Public Hearing is scheduled for September 25, 2017 on the proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood/Business Park (BTP) zone. (File No's COMP-16-04 & TEXT-16-06).

Mr. Wilson distributed a list of the Short Courses in Local Government and encouraged the newest members of the Planning Commission to attend.

10. **AUDIENCE COMMENTS**
None

11. **PLANNING COMMISSION MEMBER COMMENTS**
Commissioner Buck expressed thanks to Director Wilson and Mr. Givens for providing all the information. She suggested October 9th, Columbus Day, be observed as a Planning Commission holiday.

Chair Barnes expressed thanks to Staff and public for attending the meeting.

12. **ADJOURNMENT**
Chair Barnes adjourned the meeting at 8:06 PM.

Sep 25 2017

Chair, Chris Barnes Date

Minutes prepared by Janet Howald, Admin Support

Yehle Park Village

Yehle Park Village was named to honor an area pioneer family who homesteaded and farmed in the Village area from the early through late 1900's. Strickland Lake, Grant Lake, and many of the City's wetlands are contained within this Village. It is located between the south boundary of the Ft. Lake Business and Technology Park and the JBLM Golf Course. The Village extends west from Center Drive to Hoffman Hill Village. It has been expanded to include the area north of Strickland Lake known locally for its significant stand of Oregon White Oak trees.

Within this village, McNeil Street and the adjacent trail provide a central circulation spine for automobiles, bicycles, and pedestrians that connects Center Drive to Yehle Park Village. Both the road and the pedestrian trail connection continue west through the village to Hoffman Hill Village. While the McNeil Street corridor is attractively designed, the entirety of the Hoffman Hill neighborhood relies on this corridor for access. This creates high peak-hour flows on McNeil Street, with a steady stream of cars – more than what would be expected in a residential area. An alternate vehicular route is planned to link Hoffman Hill Village through the Ft. Lake Business and Tech Park area to bypass Yehle Park Village, and a potential link to the existing Mounts Road freeway access ramps may further reduce McNeil Street traffic.

Most of the Village was contained in a preliminary plat that was approved in 1997 and amended in 1999. Traditional design principles like grid streets, alleys and neighborhood greens were used, but they were modified somewhat to fit the topography and bend around wetlands. The plat was completed in 2007 with a total of 555 single family units and 438 multiple family dwelling units. Areas have a mix of lot sizes and house sizes to encourage variety, a mix of densities, and a range of affordability. Larger lot sizes and building setbacks were implemented for those properties abutting sensitive areas and their buffers.

Included in the village is Patriot's Landing, ~~a 21-acre continuing care and retirement complex. Originally planned at 44 acres, Patriot's Landing was downsized with the remaining 23 acres available for residential development that may include a 10 acre elementary school site.~~ a planned 44 acre Village Center located at the southwest intersection of Bob's Hollow Lane and McNeil Street. The Village Center is envisioned to be a complete residential-based community node that includes a 21 acre continuing care/retirement complex and 23 acres of mixed development including neighborhood-scaled retail/services, medical offices, and multi-family housing. Patriot's Landing is planned as a complete, walkable community district with a full range of housing that is designed particularly to attract and serve the needs of seniors and retirees. It is a long-term City goal to provide a variety of housing options for seniors, retirees, and those who are close to retirement that are affordable, walkable, and celebrate an active community lifestyle. The Patriot's Landing Village Center should be developed to include a mix of housing types, neighborhood-oriented retail/services and recreational amenities that serve the residents in the larger Yehle Park Village; the intended scale is pedestrian-oriented and compatible with the surrounding residential neighborhoods in terms of bulk, height, and architectural design. The Patriot's Landing Village Center provides opportunity to address the City's goal to provide diversified housing options. As an incentive to provide for additional senior housing and a mixed-use village center; the City of DuPont Land Use Code may provide for density bonuses and limited mixed-use options within the residential districts for this type of urban form.

In the area north of Strickland Lake, a community park, DuPont Powderworks Park, has been located to preserve the character of the existing open prairie and oak trees and to provide space for active

EXHIBIT "B"

recreation areas. The intention is to retain as many trees as possible since oak savannah tree communities are rare in Washington State and there are only a limited number remaining in the region. To accomplish tree retention, sports fields and passive activity areas have been fit among the oaks. Another community feature in this village is a~~n~~ 15 acre Pioneer Middle School site.

With the expansion of Yehle Park Village in the remainder of the area expanded since the adoption of the 1995 Plan, a mix of single-family and multifamily housing have subsequently been built. To continue the opportunities for smaller multifamily areas as provided in the approved portion of the Yehle Village Park plat, the multifamily units have been divided into several groups mixed among single-family blocks in the area referred to as "The Oaks".

Table 18: Yehle Park Village Land Use Categories

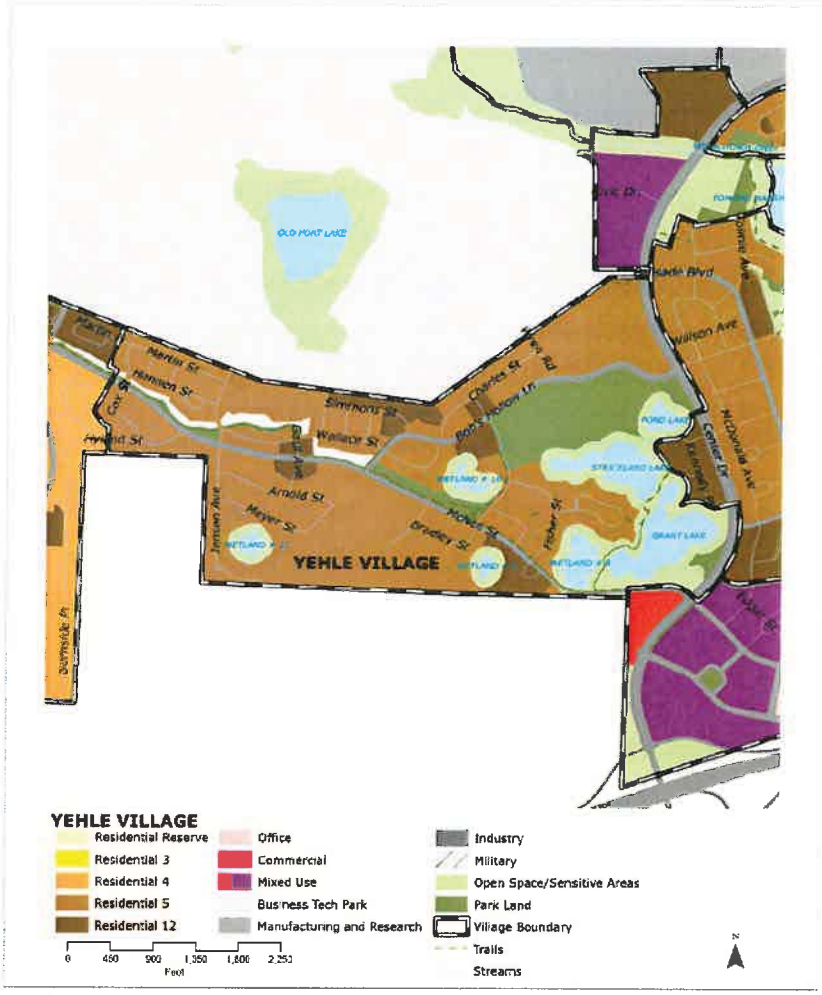
	Square feet	Acres	% of total
Reserve Residential			
Residential 3			
Residential 4			
Residential 5	8,794,588	201.90	62.83%
Residential 12	787,139	18.07	5.62%
Mixed Use			
Office			
Commercial			
Business Technology Park			
Manufacturing and Research			
Industry			
Military			
Neighborhood Park	486,091	11.16	3.47%
Community Park	1,212,744	27.84	8.66%
Open Space	2,715,827	62.35	19.40%
Total	13,996,389	321	100.00%

The character and amount of housing within Yehle Park Village are not expected to change over the planning horizon of this plan. The table below identifies the housing units existing and projected for Yehle Park Village.

Table 19: Yehle Park Village Existing and Projected Housing Units

Housing Units	Build Out Total	Built/ Used Through 2014	Density Bonus Options	Remaining
Single family	670	555	-	115
Multiple family	438	438	110	110
Total	**1,108**	**993**	**110**	**225***

*Total assumes 25% density bonus applied to multi-family build-out totals



1 *Figure 5: Yehle Village Future Land Use Map*

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CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

June 26, 2017

Commissioners in Attendance: Chair Chris Barnes, Commissioner Beth Elliott, Commissioner Renee Buck, Commissioner Todd Tatum, Commissioner Dustin Marlett
Excused:
Absent:
Staff in Attendance: Planning Director, Jeff Wilson, City Attorney, Gordon Karg and Administrative Support, Janet Howald

---

1. **CALL TO ORDER**
   Chair Barnes called the meeting to order at 6:00 pm.

2. **ROLL CALL**
   Present: Chair Barnes; and Planning Commissioners Beth Elliott, Renee Buck, Todd Tatum and Dustin Marlett.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
   A motion was made and seconded to approve the agenda (Elliott/Tatum); 5/0 motion carried.

4. **EXECUTIVE SESSION**
   The Commissioners went into a 30 minute Executive Session at 6:04 pm to discuss potential litigation. The Session ended at 6:32 pm and the Planning Commission Meeting reconvened.

5. **APPROVAL OF MINUTES**
   A motion was made and seconded to approve the June 12, 2017 minutes (Buck/Marlett); 5/0 motion carried.

6. **AUDIENCE COMMENTS**
   None

7. **PUBLIC HEARINGS**
   Director Wilson introduced himself and the intention of the public hearing. The proposed amendment to the City of DuPont Comprehensive Plan Map and Official Zoning Map, as defined in DuPont Municipal Code (DMC) section 25.15.030 to revise the Mineral Resource Overlay (MRO) boundary on the southern side, north of the Sequalitchew Creek. The proposed amendment would remove the property identified as tax parcel #0119262019, approximately 25.29 acres from the city's defined MRO. The parcel immediately west of and adjacent to the Creekside Apartments from within the MRO boundaries. Mr. Wilson distributed a letter from the Department of Commerce acknowledging that the materials had been received and procedural requirements have been met and is currently in the 60 day review process.

EXHIBIT "C"

Chair Barnes opened for public comment.

Don Dresser, 1437 Heron Ct, expressed his concern regarding the historical significance of the mission site.

Deliberation proceeded with a question and answer period. A motion was made to remove the Mineral Resource Overlay from the property identified as tax parcel #01192620. (Elliott/Marlett); 5/0 motion carried.

8. UNFINISHED BUSINESS

N/A

9. NEW BUSINESS

Director Wilson gave a broad overview of several areas for discussion with the understanding there will be continued public input and discussion. He began with a power point presentation which would make amendments to the Comprehensive Plan, the first involving the sub area planning process reviewing the Old Fort Lake area, identified as Business and Technology Park under zoning designation. There will also be a concurrent request to amend the text and Comprehensive Plan.

Mr. Wilson also presented an overview of the DuPont-Steilacoom Road and Center Drive property. It is a multi-zoned area and is in review on to expand the potential retail, commercial use of the property.

Mr. Wilson introduced Mr. Ryan Givens, from AHBL a consulting firm who is assisting the City and the proponent to understand the vision and long range projects of the Old Fort Lake area and the City. Mr. Wilson also introduced Mr. Gary Danklefsen who represents the potential purchasers of the property, and is present with some of his members of the team, to listen to the comments and concerns from the Commissioners to understand their vision of the area.

Mr. Givens began broad overview of the the Old Fort Lake area and the objectives preparing a master plan of the property for potential jobs and employment. The Sub area plan will determine location of the road network and residential areas along with other uses and determine how it will work with adjacent neighborhoods. There will be a working group developed and neighborhood workshop for feedback and comments. A comprehensive plan and zoning code amendments will be proposed.

Mr. Wilson directed the Commissioners attention to a letter the Mayor had written regarding the vision of the process and a map reflecting the available properties. These materials were distributed to the Commissioners.

Mr. Givens then addressed the other area of discussion on Center and DuPont-Steilacoom Roads and provided a broad overview with potential retail/commercial larger scale services and uses. He explained there would be a working group and community workshop. A comprehensive plan and land use code amendments will be proposed this year.

A question and answer session followed for discussion of the various areas and potential visions and concerns.

Mr. Danklefsen introduced himself as a principal with Copper Leaf that is trying to acquire the property around the golf course. He explained ESM, the civil engineering firm is working on a plan for the golf course discussed some of the road design plan.

10. ADMINISTRATIVE REPORT

Director Wilson informed several applications have been received for the vacant seats on the Planning Commission. A tentative date for the interview process was set contingent on the applicants' schedule

Mr. Wilson provided an overview of upcoming items and dates for discussions on the Extended Agenda, with the goal of completion by the end of October.

11. AUDIENCE COMMENTS

Gary Danklefsen introduced the team and their desire to listen and understand the needs, vision and goals of the Planning Commission and City.
Bruce McKean, principal, of Helix Design Group introduced himself and Rita Lomas, Director of Graphic and Environmental Design Program. He provided a brief working history with ESM Engineers in designing the goals of the City.
Mark Conway, Venture Construction introduced himself and will be working with Dr. Danklefsen in cost engineering.
Gordon Ahalt, Cushman & Wakefield Commerce, is a business partner of Mr. Danklefsen and has had extensive master planning experience.

12. PLANNING COMMISSION MEMBER COMMENTS

Commissioner Elliott offered her comments on her vision of the old Fort Lake being a mixture of residential, hotel and retail and small manufacturing.

Commissioner Buck thanked Mr. Givens, Mr. Danklefsen and associates for their introductions.

Commissioner Marlett he expressed thanks for everyone who attended the meeting. He shares Commissioners Elliott's vison and would like to see higher income jobs to support the community.

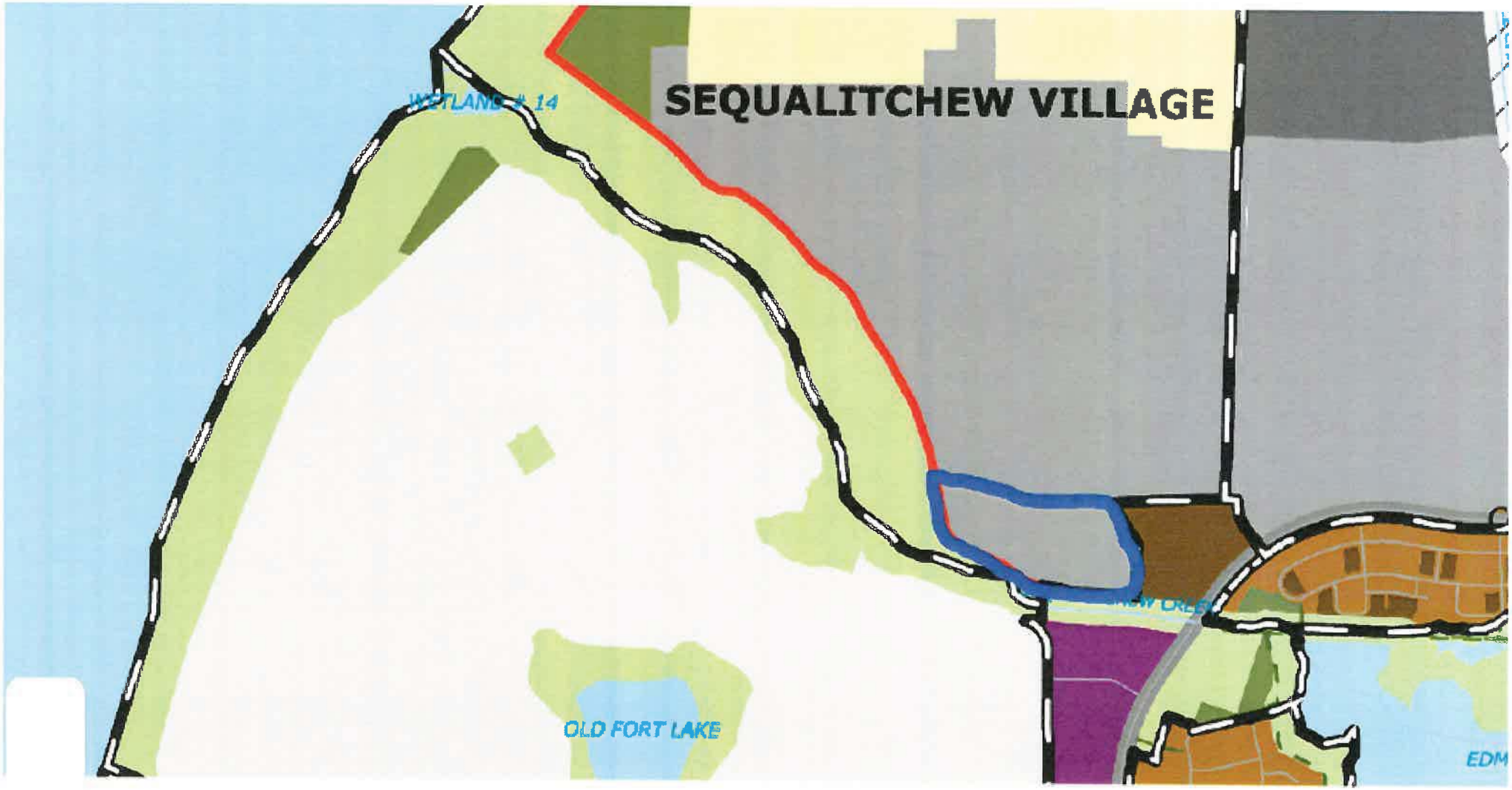
Chair Barnes

13. ADJOURNMENT

Chair Barnes adjourned the meeting at 8:20 pm.

7/10/17

Chair, Chris Barnes Date



QUALITCHEW VILLAGE

- Residential Reserve
- Residential 3
- Residential 4
- Residential 5
- Residential 12
- Office
- Commercial
- Mixed Use
- Business Tech Park
- Manufacturing and Research
- Industry
- Military
- Open Space/Sensitive Areas
- Park Land
- Village Boundary
- Mineral Resource Overlay
- T
- S

725 1,450 2,175 2,900 3,625

EXHIBIT "D"

Unique History ... Vibrant Future

CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

Monday, October 9, 2017

Commissioners: Chair Chris Barnes, Commissioners Beth Elliott, Corey Wright, Renee Buck, Todd Tatum, Dustin Marlett, Kevin Ballard, Jeremy Warner(Alt)

Supporting Staff: Planning Director, Jeff Wilson and Admin Support, Janet Howald

1. **CALL TO ORDER**
   Chair Barnes called the meeting to order at 6:20pm.

2. **ROLL CALL**
   All members were present.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
   A motion was made and seconded to approve the Agenda, (Buck/Tatum); 7/0, motion passed.

4. **APPROVAL OF MINUTES**
   A motion was made and seconded to approve the September 18th 2017 Minutes with amendment to the header to list the Commissioners. Those Commissioners not present will be reflected under the Roll Call section. (Buck/Wright); 7/0, motion passed.

5. **AUDIENCE COMMENTS**
   None

6. **PUBLIC HEARINGS**
   Chair Barnes opened the public hearing at 6:25pm for the Proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood / Business & Technology Park (BTP) zone. (File Nos. COMP-16-04 & TEXT-16-06)

   Director Wilson began with an explanation of the exhibit documentation and attachments. Mr. Wilson informed that Mr. Ryan Givens of AHBL, Consultant to the City and Ms. Geri Reinart, Traffic Consultant to the City were present to provide overview and respond to questions. He then provided a brief overview of the process to updating the Comprehensive Plan including the various meetings and preparation that had transpired to prepare the final recommendations. The history of the property was provided including the constraints of the Consent Decree by the Department of Ecology and by the prior property owner who placed restrictive covenants on the property.

   #5-12 Mr. Givens presented the proposed amendments with a PowerPoint presentation beginning with further background of the project, the specific requests and breakdown into the Comprehensive plan changes, Subarea Plan and the text amendment.

   #12Director Wilson informed the Planning Commission that City staff had been working with Tribes, DAHP to address cultural resource questions. Additionally he described this effort as a method to entice other uses and plans to allow to go into different direction as currently limited by restrictive covenants.

EXHIBIT "E"

Testimony #14
Phil Ambrose, 1849 McDonald Ave, expressed opposition to warehouses, free standing warehouses and concern of the traffic impact and zoning code should exclude warehouses.
Lisa Merkle, 1471 Grant Ave, expressed opposition to warehouses and free standing warehouses and provided documentation which were entered as exhibits.
Lawrence Genova, 2889 Hyland, expressed opposition against free standing warehouses and questioned motive of City and the developer. He also discussed protecting the cultural aspect of the property.
#16 Dennis Clarke, 2237 Anderson, stated he is a Land Use Planner and was the Principal author of the first Comprehensive Plan adopted in 1990 and gave a brief history. He expressed concern in allowing the proposed industrial uses. His documentation was submitted as an exhibit.
Nancy Levcovich, 1860 Miller Dr., works in DuPont and expressed appreciation for the hard work going into the plan but opposes the free standing warehouses.
Tami Swart, 2918 Martin St, does not support free standing warehouses and expressed concern regarding traffic on the loop road.
#17Tom Duguay, 2956 Martin Pl, expressed concerns regarding free standing warehouses and zoning plans, sound remediation and if there is possible remediation for contaminated soil. His letter was entered as an exhibit
#17-18Brian Bauter, 2060 Hammond St, worked in trucking industry and currently with a global insurance company as fleet risk engineer. He made comments regarding a new trucking law which goes into effect in December. Large trucks could be parked for required rest period and which means trucks would be looking for a safe spot to park but this could lead to idling of the trucks and especially refrigerated ones. He questions the concern for safety by the trucking companies.
Susan Livingston, 1513 Bobs Hollow Ln, expressed agreement with previous comments and opposes free standing warehouses.
Mary Matthews Brownell, 2806 Martin St., expressed concern regarding cultural resources and communication with the Nisqually Tribe and opposes free standing warehouses.
Jeff Brownell, 2806 Martin St., discussed the cleanup of the area around his home and the contamination levels in the Old Fort Lake. He discussed exploring additional road options.
#19Joe Cushman, Planning Director for the Nisqually Indian Tribe, expressed concerns regarding protection for the cultural resources. He referenced a letter prepared by Mr. McCloud, Chair of the Tribal Council, desiring a comprehensive cultural resources protection and management plan to protect native and non-native resources and to work with DAHP. The Tribal is not opposed to the Comprehensive Plan amendments but is requesting amendments to protect what is in the ground.
Adam Root, 1374 Hudson St, expressed using the word prohibit to free standing warehouses from the documentation.
Courtney Blankenhorn, 1304 Hudson St, expressed opposition to distribution warehouses, noise and traffic. She also expressed safety concerns especially when trucks cut through their neighborhood. She hopes citizens voices are being heard that distribution warehouse is not doing better.
Cary Harlow, 2648 Arnold St, expressed appreciation to those who attended the meeting. He expressed there is no market for retail or office buildings and opposes free standing warehouses. He appreciated opportunity to speak.
Lawrence Kurtz, 1797 Cadborough Ln, expressed opposition to free standing warehouses and zoning change as will affect the quality of life and safety for children.
#21Steve Schenk, 1713 Kittson, feels there is much potential for the area and is not for free standing warehouses or distribution center. He maintains zoning to retain the small town feel of city and if the plan was passed the bonds, infrastructure, roads and utilities would be paid by the citizens. He stated to never put semi-trucks next to the civic center and put children at risk with freight traffic next to school and Powderworks Park.
#21James Watson, 1346 Hudson St., explained he enjoys quiet and peaceful community and so opposes increased truck traffic. He expressed the need for a developer that is willing to put the right thing there for the community He thinks the plan is amazing that will face the sound and bring in community but not trucks.

Lt. Jonathan Burnett, 3059 Shannon St., he appreciates the City looking for opportunities to bring in more business to DuPont and continue to make it a sustainable community but is opposed to rezoning changes to allow for free standing distribution type warehouses. He believes the owner should comply with the current zoning laws to make DuPont a safe and family friendly community without having negative influences. The City should be in favor of more sustainable and ecological friendly development with focus on historical and cultural heritage and protect the masterplan community.
Kathy Preston, 1907 Braget St., she likes many of the ideas being presented around the golf course but opposes free standing warehouses and distribution centers and she doesn't want it in the center of city, near the school. Also the size limitations seem large.
Anna Burnett, 3059 Shannon St., wants to keep the City safe, clean, kid and family friendly. She thinks warehouses would hurt the environment and would like growth but should environmentally sustainable and not endanger safety so opposes rezoning for free standing warehouses. She would rather see city work together with the Nisqually nation to create a cultural center and to restore wildlife. Comments were submitted as exhibits.
#23Ming Choo, 2812 Martin St, expressed opposition the changing of the zoning but would the zoning for hi-tech, light industry and research as it would be appropriate for higher salary based employment.
Robert Waters, 1811 Fisher Ave, expressed appreciation to the commissioners for their service to the community. He disagrees with the free standing warehouses facilities and believes it will bring in an increase in crime.
Marjorie Sebesta, 502 DuPont Ave, opposes additional truck traffic.
Bridget King, 1473 Kittson St, referenced a meeting that was held on October 3, 2017 in which she learned that they could be making their own subarea plan as referenced in the amendment process that was begin in 2015 Comprehensive Plan which would restrict the warehouse size and accessory to a business.. But now considering the Copper Leaf plan she appealed to the Commissioners to take more time and insert protective language against free standing warehouses and distribution. She cited LU 9.2 and extract from Intel site plan Hearing Examiner report extract which includes traffic concerns and safety. Comments were submitted as exhibits.
Judy Norris, 1485 Kittson St, she had worked on the original Comprehensive Plan. She alluded there is an element of secrecy in this process and speculates this is the public perception so appreciates the social media.
Edward Eldridge, 1424 Richmond Ct, he said one of the main components behind the Comprehensive Plan was to have a balanced economic sector which split between retail, office and industrial and warehouses and believes that this proposal threatens the balance. He would like to see diversity in the economic base. And questioned more warehouses. He explained the gravel pit will be finished and believes that area could then be warehouses.
Denny Glenn, 2399 McDonald Ave, has seen the truck traffic increase and inappropriately going down Center Drive and is concerned about warehouse growth. He would to see something else besides warehouses and look at something that will benefit the community.
#26Christopher Elfrank, 1812 Cadborough Ln, opposes an increase in truck traffic as increase emissions ruin quality of life and safety is an issue as kids run into the street. He opposes free standing warehouses.
Cara Mitchell, 2221 McDonald Ave, expressed opposition to changes in the zoning code which would allow free standing warehouses. She wants the golf course to be protected. Safety, noise and quality of life are at issue. She cited an issue with a lost truck. She implored listening to the citizens.
#27Mike Brown, 1480 Heath Ct, expressed opposition to warehouses and an increase in truck traffic.
James Smith, 1425 Rooklidge St, expressed thanks to the Planning Committee. He once served on the Planning Agency. He asked that a long term strategic approach be used that would obtain tax revenues while preserving a quality of life and also consider the impact that each type of business would have on the quality of life.

Jamie Carbaugh 1322 Rowan Ct., discussed the quality of life in DuPont and opposes free standing warehouses.
#28David Farah, 2219 Palisades Blvd, discussed the issue with some of the problem with trucks and the safety issues. He discussed income/money and tax trail from having warehouses. He opposes warehouses and deterring from the lake. He expressed concern of visitors coming to the recognized golf course with warehouses present. The decisions should be based on what the community needs.
#29Jessica Fester, 504 DuPont Ave, discussed how DuPont is a small community city with a sense of community and safety for kids and family and so opposes warehouses and increased traffic.
Guy Claudy, 3070 O'Brien St, discussed that people live here as the city offers a unique small town community feel. He opposes the warehouses and truck traffic which will increase noise. He wants an updated Comprehensive Plan and to allow better business opportunities that the citizens desire.
Jan Baker, 2812 Martin St, expressed his opposition to the warehouses as most people have expressed about not wanting warehouses and he wants trust between people so it is a place generations can continue to live.
Pam Fisher, 1738 McCloud Circle, expressed the beauty of DuPont. She had questions regarding the aquifer and at the limit of water that it can't support more residential. She also opposes the warehouses.
#31Maria Gudaitis, 507 Louviers, believes the Comprehensive Plan serves as a guide and quoted from it and maintains that it states approving stand alone warehousing violates the plan. Also limit truck traffic to industrial areas. She expressed a second point of over capacity in DuPont already with traffic. She met with a WSDOT Capital program manager and he reported that at 1000% or higher from 2011. And specifically regarding truck traffic. She expresses the proposed plan. Documents were submitted as exhibits.
Lee Chase, 309 Barksdale, he expressed his concern over the transportation plan including burms and the school and concerned over who pays for repairs to roads.
Krista Novak, 1449 Kittson St, expressed concern over the noise of traffic and truck traffic and concerned with safety of children school and fields. She opposes free standing warehouses. She brought up Elwood Illinois and repercussions of growth.
Hailey Lorati, 1547 Palisade Blvd, expressed concern over children's safety and schools and expressed opposition to warehouses and truck traffic.

Director Wilson confirmed the comments received just before and during the public hearing were entered as exhibits.

Chair Barnes closed the public testimony at 8:54pm.

Chair Barnes called a 5 minute recesses.

#33Chair Barnes reconvened the meeting at 9:05pm and began the deliberation process of the Public Hearing.

Discussion began with the Comprehensive Plan. Commissioner Marlett and Commissioner Buck both discussed the removal of free standing warehouses from the plans.

A motion was made and seconded to strike the language that would permit free standing warehouses from the Comprehensive Plan and the Subarea Plan (Marlett/Ballard).

Discussion began on The Old Fort Lake subarea Plan with the following recommendations:
Page 31 to remove the sentence under Business/Industry Uses, "Warehouse distribution is limited to sub-blocks E.1, F.1, and F.2 to ensure the area is not dominated by this single use".
Page 41, under Old Fort Lake 2, there is to be removal of the sentence "In limited area, warehousing distribution will be allowed in this district".
Page 44, the language is to be removed from Table 4.2. and is to include the footnote #4.

Page 45, LU-3.1 "Restrict warehouse distribution to the interior blocks in the subarea" is to be removed.
Page 68 under Future Community Character Plan in the last sentence the words to be moved are "and warehouse distribution".
Page 70 under Community Character Goals and Policies, remove under CC-1.2 section the words" and warehouse distribution land uses".
Director Wilson suggested to further review the original document and identify any other changes and consult with Chair Barnes to confirm all changes have been addressed.
Further discussion took place including that the citizens voices have been heard and so the conclusion was reached that this area is not conducive to warehouse distribution.

#37Chair Barnes called for a vote; 7/0, motion passed.

#38Discussion continued to add the word "light" to manufacturing throughout the document.

A motion was made and seconded to include the word "light" in front of every reference of manufacturing in the Comprehensive Plan and the Subarea Plan (Elliott/Marlett).

Director Wilson clarified that is no definition of light manufacturing and manufacturing in the municipal code. Reference was made to the 2013 Comprehensive Plan, in which the Land Use designations described the Business Technology Park and for Manufacturing/Research was referred to light Manufacturing/Research and light Manufacturing and High Technology which has been expressed by the citizens in this process. Conversation continued on why the language may have been changed from light manufacturing to manufacturing.

Chair Barnes called for a vote: 7/0, motion passed.

#38Discussion continued regarding the letter received from Mr. McCloud, the Nisqually Tribe Chairman and when compared to The Future Cultural Resources and Plan, it was suggested to insert under the goal specific language to include a comprehensive cultural resources management plan. Per Director Wilson, there is already adequate language in the existing Comprehensive Plan, the Development Regulations and requirement by state law, in place, to comply. The letter implied to not move forward until the sites are fully analyzed. This is not the usual procedure as it is performed when projects arise and must go through the normal development process with proper research; and comply with specific agencies. Mr. Cushman's comments in his testimony seems favorable with the coordination between the City and the Tribe in regard to the subarea plan but the language in the letter seems definitive on their level of participation moving forward. Director Wilson explained that earlier this year, the City invested in site plan analysis and was in consultation and co-ordination with the Tribe and DAHP. Any questions would be addressed with the Tribe during the development review process.

Discussion moved onto the Current Parks, Open Spaces and Trails Map (2017) regarding it shows a trail and a crossing on south side of the Sequalitchew creek canyon but it does not exist. Mr. Wilson #40 explained this was a plan but doesn't mean it actually exists today, just guidance from the comprehensive part plan. The proposed plan identifies where trails may go as a part of entire trail system and future linkages. Parks and Rec may review at an update to the plan.

Chair Barnes moved to approve for recommendation to the City Council, Attachment 1 and Attachment 2 as proposed with the amendments pending final approval by the Chair and The Director.

#41A motion was made to approve Attachment 1 and Attachment 2 as amended to the City Council with the caveat pending that the copy be forwarded to Chair Barnes for his final approval.(Tatum/Ballard) 7/0; motion passed.

Chair Barnes then began discussion of the Development Regulations. This included going through changes.
In Chapter 25.41.010, subparagraph 5, line 33, it was recommended to insert a period after the word development and drop the remaining sentence "and limited warehouse distribution".

Chapter 25.41.060 subparagraph 3, line 31 and 34, remove the reference to warehouse.

Table 25.41.020(a), remove Warehouse distribution out of the chart.

#43Under Table 25.41.020, paragraph 2, page 14, add a new subparagraph (g) Distribution Warehouse.

Chapter 25.41.060, subparagraph (3), (e) page 18, remove entire line.

Chapter 25.41.50, subparagraph (6), (b), page 16, remove distribution.

A motion was made to adopt the changes as referenced to identifying areas in the code to strike out warehouse distribution but still retaining warehouse. (Elliott/Buck); 7/0, motion passed.

#45/46Ms. Reinart, Traffic Consultant responded to a question regarding limiting the number of axels or address types of trucks. The City has truck route ordinance based on gross vehicle weight. She explained there are many sizes and classifications so difficult to answer as many variables and without knowing a specific goal. The discussion pointed out that present in the community, the roads are incompatible with types of truck. So development should be reviewed so as to not attract this type of traffic. Director Wilson explained if restrictions are placed it will limit what can be allowed for industrial uses. Truck traffic regulation would go into the municipal code and is an issue that the Council would address. The discussion also included that restricting the number of truck bays can become a performance related issue. This lead into discussion of the orientation of bay doors and numbers. Mr. Wilson explained that there are protections built in the design regulations on buffering and orientation. There would be development review to address the specifics..

A motion was made to add under Land Use Code, on page 14 of Attachment 3, subparagraph 2, item "G" "Providing a prohibition on free standing warehouse distribution". (Ballard/Marlett); 7/0, motion passed.

A motion was made to incorporate a portion of the language from the BTP 25.40.010 Purpose "This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited" and insert into 25.41.010 Mixed Use Village, Purpose, after the first sentence.(Wright/Elliott).
Discussion commenced on the word excessive as it is difficult to measure. It was decided to move the fore mentioned as written.

Chair Barnes called for a vote, 7/0, motion passed.

A motion was made to insert the word "light" in front of manufacturing in Attachment 3, Development Regulations. (Elliott/Buck).
Discussion ensued as there is currently no definition of "light' manufacturing as it is not defined in the municipal code. This will be addressed at a future date. Also discussed was the definition of distribution warehouse and industry and whether this may impede a future person coming in.

Director Wilson explained there is a broad definition existing now. Clarification of terms does need further defining.

Chair Barnes called for a vote, 7/0, motion passed.

#51Discussion then commenced on the square footage that has been purposed for manufacturing. Any building over 4,000 square feet has to go through an environmental review process. This further included discussion of the sizes of buildings in relation to the parcel size.

A motion was made that on Table 25.41.020 Land Use, (a) Manufacturing page 13 of 19, the first Permitted instance be amended to read up to 200,000 square foot and the second instance, which is Conditional to be amended to read over 200,000 square foot. (Buck/Wright)

Discussion clarified that this is a process and threshold on size of a structure. The initial 400,000 square foot was created as a threshold that a parcel could accommodate for a structure and encourage larger building on the interior of the property. This lead into a Site Plan Review, Type II and the Conditional Use Permit process.

Chair Barnes called for a vote, 6/1. (Those in favor, Barnes, Elliott, Wright, Buck, Marlett, Ballard). Opposed, (Tatum). Motion passed.

#53-54Discussion took regarding the language of place the Floor Area Ratio intensity bonus and how that mechanism will work within the MUV district. Discussion continued regarding the Design Review, 25.41.070 and Site Plan Approval, 25.41.080 and the applicable definitions.

A motion was made to the recommend the adoption of Attachment 3 to the City Council with the approved changes and further review of the language changes by Chair Barnes. (Wright/Marlett); 7/0. Motion passed.

A motion was made to approve the Future Zoning Map & Exhibit, Attachment 4 for recommendation for the City Council approval. (Buck/Tatum). There was no discussion.

Chair Barnes called for a vote, 7/0, Motion passed.

7. UNFINISHED BUSINESS
None

8. NEW BUSINESS
None

9. ADMINISTRATIVE REPORTS
Director Wilson recommended cancelling the meeting on October 23, 2017. However, if a meeting is required, it will be held with an option to have a meeting cancelled in November.

Director Wilson discussed the upcoming workshops and public hearings with the City Council.

10. AUDIENCE COMMENTS(Items not on the Agenda)
Maria Gudalitis, 507 Louviers, expressed thanks for all who attended the meeting and the time taken to hold this meeting.

11. PLANNING COMMISSION MEMBER COMMENTS
Commissioner Elliott expressed thanks to all who attended and to the Commissioners for listening to the citizens.

Commissioner Wright also thanked the audience for their participation and to the Commissioners for the hard work.
Commissioner Buck also expressed the same thanks.
Commissioner Tatum expressed thanks to everyone one who attended.
Commissioner Marlett expressed thanks to all who attended the meeting and those who may have watched on social media.
Commissioner Ballard expressed that he is proud to be a member of the commission and whom served the community correctly and appropriately and thanked all the participation and a lot of work was done.
Commissioner Warner gave thanks for all who attended hopes to see continued community involvement.
Chair Barnes expressed thank you to the public that attended. Also a big thank you to Mr. Givens, for all time and to Director Wilson and to Ms. Howald for all the work put into this process. He also expressed thanks and great job done, to the Commissioner members.
Director Wilson also expressed thanks to Mr. Givens to all he has done and to Ms. Reinart for all her dedicated work and the hours and time they have provided.

12. ADJOURNMENT

Chair Barnes adjourned the meeting at 11:07pm.

_____

Chair, Chris Barnes Date

DRAFT

Land Use Designations Described

~~The City of DuPont uses a 1:1 ratio for their Land Use designation to Zoning Districts. In other words, each future land use designation has a corresponding zoning district.~~ The table below shows the City's future land use designation and provides a description of that designation's intent. The Land Use Code and zoning map help implement these designations through development regulations.

Table 10: Future Land Use Designation Descriptions

Designation	Description
R-3	The purpose of the R-3 district is to implement the single-family land uses specifically within the Historic Village, and El Rancho Madrona subdivision, where single-family density averages three units per acre.
R-4	The purpose of the R-4 district is to implement the single-family land uses where single-family density averages four units per gross acre. This district is appropriate for Hoffman Hill Village and Sequalitchew Village.
R-5	The purpose of the R-5 district is to implement the single-family land uses where single-family density averages five units per acre. This district is appropriate for Palisade Village, Yehle Park Village and Edmond Village.
R-12	The purpose of the R-12 district is to implement the multifamily land uses where multifamily density averages 12 units per acre.
Residential Reserve	The purpose of the residential reserve district is to designate property likely not available for the city's 20-year growth projections for the northerly portion of the Sequalitchew Village planning area. The district is intended as an interim measure to provide time for future studies and analysis to be conducted for subsequent comprehensive plan amendments, including a subarea planning process. Specific designations will be adopted after these future studies and may include residential, mixed use, and commercial. For the purposes of 2015 plan, the density for this district is four and a half (4.5) dwelling units per acre. This designation will be reviewed as part of the city's periodic review cycle and may be considered earlier through the city's two-year plan amendment process.
Commercial	The purpose of the commercial district is to allow commercial development. These areas are intended to provide goods and services to the entire community or larger market areas.
Mixed Use	The purpose of this district is to permit uses that are allowed in the commercial district, the office district, and residential zone district. This area is intended to provide office space, goods and services to the entire community or larger market.

EXHIBIT "F"

Designation	Description
Business Tech Park	The business tech park district is intended to provide location for a range of uses including business park uses, including office, commercial, light manufacturing and research, and possibly mixed-use residential. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited.
Old Fort Lake	The purpose of this designation is to implement the vision established in the Old Fort Lake subarea plan (see appendix). This designation is intended to support a mixed-use village character which includes office, manufacturing, research and development, commercial/retail, housing, and cultural facilities. Old Fort Lake is further divided into four sub-groups, to better facilitate a unique character in different areas within the overall subarea.
Manufacturing and Research	This district allows for light manufacturing and high technology industries such as biotechnology, computer technology and communications equipment uses. Land uses with any significant adverse impacts, such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants, are prohibited. This district also provides in limited locations small scale retail
Industry	The purpose of this district is to provide for the location and grouping of industrial uses, and similar uses involving manufacturing, assembly, fabrication, processing, bulk handling, storage, research, and heavy trucking. This purpose is accomplished by permitting a wide range of industrial uses, establishing appropriate development standards.
Open Space (includes park lands)	The purpose of this district is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers and recognize lands for parks, greenbelts, open space and tree preservation areas and regional storm drainage detention areas in addition to open space and landscape areas as mutually agreed to by the property owner and city. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities
Military Land	The purpose of the military lands designation is to recognize the portion of the federal military installation within the DuPont city limits. The autonomy associated with the federal ownership in combination with the unique character of the military operations and support structures is not typical of civilian land uses. Military lands are designated on the land use map but land uses within the installation are not governed by the city.

Villages and Major Land Use Areas

The combination of DuPont's natural and man-made features tends to define distinct individual land areas within the City. These land areas provide a physical basis for establishing the general

boundaries for villages and major land use areas. The map below reflects the overall location of each village and major land use area. The sections and figures on the following pages describe the detail. Within the "Residential" designation single family and multi-family housing are allowed subject to the allocations shown in the table for each village and the arrangement referred to in the text. If the total number of residential units assigned to a village is not reached in the development process, then the number of units remaining may be transferred to the residential area in Sequalitchew Village at the same density and unit type as was provided in the originating village.

Overall Land Use

Table 11: Overall Designated Acres by Village

	Bell Hill	Civic Center	DuPont Station	Edmond	El Rancho Madrona	Old Fort Lake ~~BTP~~	Historic	Hoffman Hill	MRP&1	Palisade	Sequalitchew	Yehle Park	**Total**
Residential 3	0	0	0	0	18	0	53	0	0	0	0	0	**71**
Residential 4	31	0	0	0	0	0	0	241	0	0	248	0	**520**
Residential 5	0	0	0	45	0	0	0	0	0	123	0	202	**370**
Residential 12	0	13	0	6	0	0	3	21	0	26	0	18	**87**
Reserve Residential	0	0	0	0	0	0	0	0	0	0	166	0	**166**
Mixed-Use	0	18	61	0	0	0	0	0	0	0	0	0	**79**
Office	0	0	55	0	0	0	0	0	0	0	0	0	**55**
Commercial	0	0	6	0	0	0	22	0	0	0	0	0	**28**
Business Technology Park	0	0	0	0	0	~~509~~ 0	0	0	0	0	0	0	**~~509~~ 0**
Old Fort Lake	0	0	0	0	0	517	0	0	0	0	0	0	**517**
Manufacturing and Research	3	0	0	0	0	0	0	0	244	0	233	0	**480**
Industry	0	0	0	0	0	0	0	0	182	0	0	0	**182**
Military	0	0	0	0	0	0	0	0	290	0	0	0	**290**
Neighborhood Park	0	0	0	1	0	0	9	9	0	0	0	11	**31**
Community Park	3	3	4	0	0	~~5~~ 4.6	0	0	0	1	20	28	**~~65~~ 64.4**
Open Space*	25	22	10	2	0	~~143~~ 133.1	78	119	186	14	178	62	**~~840~~ 829.1**
	63	**56**	**135**	**54**	**18**	**~~657~~ 654.7**	**166**	**390**	**903**	**164**	**845**	**321**	**~~3,773~~ 3,769.7**

* Area may include parcels within submerged land (e.g shorelines and/or lake bottoms)

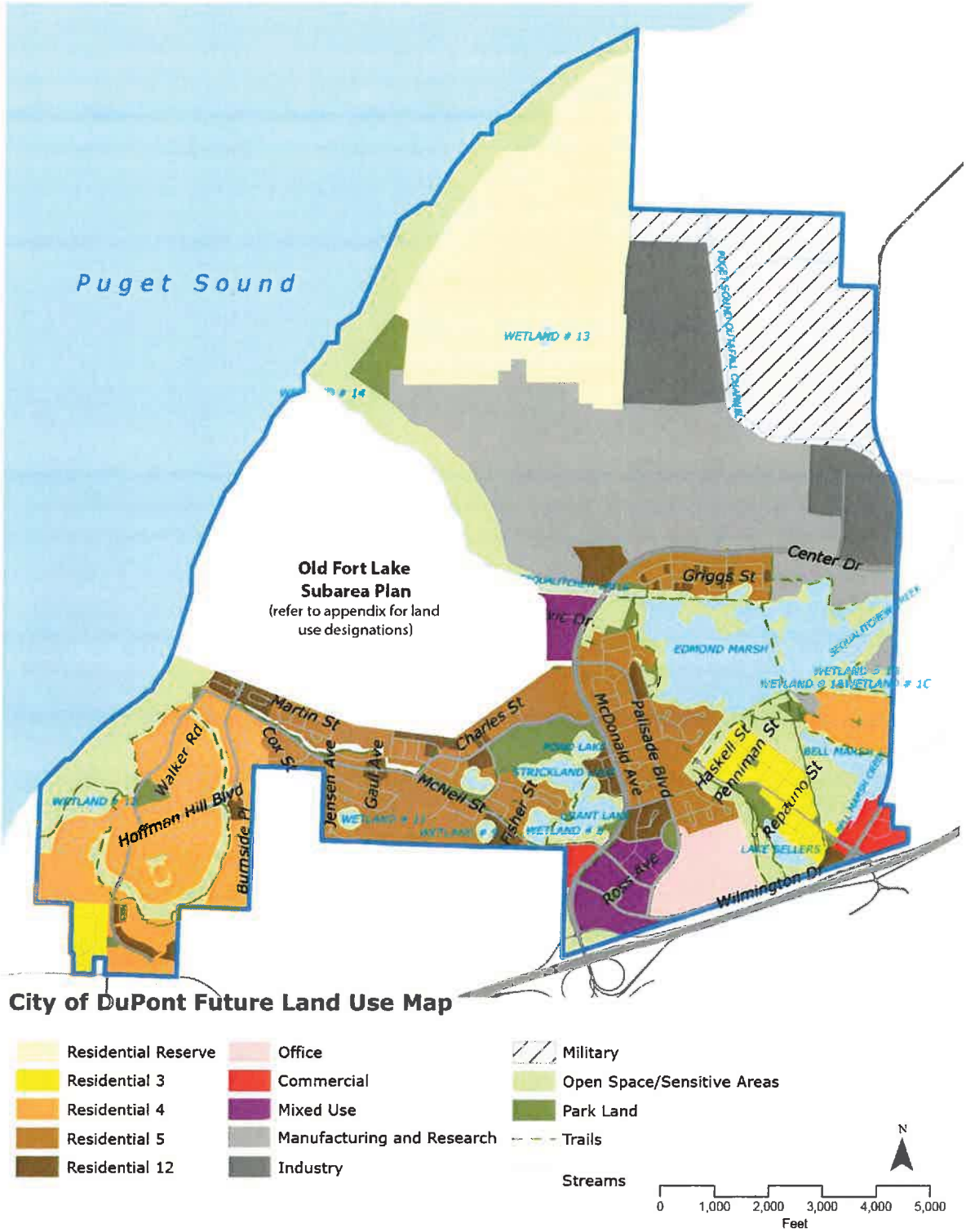


Figure B: Citywide Future Land Use Map

Old Fort Lake ~~Business and Technology Park~~

Old Fort Lake will be a mixed-use village that will have a mix of office, research, light manufacturing, commercial, and housing uses. The area also provides recreational and cultural opportunities alongside a beautiful natural setting. Development in this area will provide for business and emerging technology activities within a campus like setting of natural and manmade landscapes.

This area includes Old Fort Lake and is bound to the north by Sequalitchew Creek and to the west by the Puget Sound Bluff. These features will be maintained in their natural state and protected from development by buffers. A future network of trails has been identified connecting these natural areas and future development.

The "Home Course" golf course accounts for one-third of the area's land use, while the remaining land is largely vacant. Two historic sites exist within its boundaries. Old Fort Lake was historically used as munitions site in the mid-1970's, and extensive clean-up efforts have been conducted to remove contaminated soils. Residences, schools, and parks have been deed restricted by the Weyerhaeuser and the DuPont Corporation by a Consent Decree, however, it is possible that further remediation efforts may relax these restrictions.

Old Fort Lake offers a large amount of vacant developable land. The area has many unique assets, opportunities, and constraints, and therefore a vision for this area has been established through a subarea plan. The Old Fort Lake Subarea Plan is included in the DuPont Comprehensive Plan as an appendix. The subarea area plan establishes the future land use and lists the implementing goals and policies.

~~This low-density business, technology and commercial area will integrate campus-style development with historic features, natural areas, open space and a golf course. The golf course, known as "The Home Course" is the home of the Pacific Northwest Golf Association and the Washington State Golf Association.~~

~~Bounded by Sequalitchew Creek, the Puget Sound bluff, the northern boundary of Hoffman Hill and Yehle Park Villages and the Civic Center, The Business and Tech Park includes Old Fort Lake and the 1833 Fort Nisqually site. Extensive work to clean up the area where the DuPont Company created and assembled explosives until the mid-1970s has been completed. The most contaminated soils have been removed and the remaining contaminated soils have been placed under golf course fairways and greens. The golf course boundary was determined by the location of the most contaminated areas and is reflected in the remediation agreement between the Weyerhaeuser and DuPont Companies and the Washington State Department of Ecology. Residences, schools, and parks have been deed restricted by the Weyerhaeuser and the DuPont Corporation within Consent Decree Area.~~

~~The Old Fort Lake Business and Technology Park will have a mix of office, research, light manufacturing, administrative and commercial activities. Development in this area will provide for business and emerging technology activities within a campus like setting of natural and manmade landscapes.~~

~~Within the Old Fort Lake Business and Technology Park area, Sequalitchew Creek and the Puget~~

~~Sound shoreline and bluff will be maintained in their natural state and protected from development by buffers. A trail location is identified in the buffer along the south side of the Sequalitchew Creek ravine. In addition to pedestrian access along the Puget Sound bluff, views of the sound will be provided from upland portions of the bluff.~~

~~The golf course accounts for one-third of the area's land use. The course provides both an exciting golf experience and a community benefit by maintaining significant trees and natural vegetation. The public will be able to drive along some fairways and parts of the course to experience the open space. A trail corridor within the Old Fort Lake Business and Technology Park will connect Old Fort Lake with the community park and trail system in Yehle Park Village and the trail system along Sequalitchew Creek.~~

~~Another feature of this area is the Wilkes Observatory site in the northern corner of the Business and Technology Park. Three acres of community parkland will be set aside outside the Consent Decree boundary to provide access to the historic site and provide views of Puget Sound and the Olympic Mountain Range in the distance.~~

~~An area that lies within both the Old Fort Lake Business and Technology Park and Sequalitchew Village has been nominated by the Washington State Department of Archeology and Historic Preservation (DAHP) for listing on the National Register of Historic Places. As provided in a multi-party memorandum of agreement (December 2000), Weyerhaeuser Real Estate Company will support the listing of the area once the City of DuPont has granted final development approvals for all remaining portions of the property. The district encompasses approximately 360 acres and represents a convergence of ancient and historic activities and values that are representative of the Pacific Northwest. The north boundary starts at the 1843 Fort Nisqually (DAHP Site No. 45-PI-56) and runs west to the site of a sawmill on the north side of the mouth of Sequalitchew Creek (DAHP Site No. 45-PI-71), then south along Puget Sound to include Sequalitchew Archaeological sites (DAHP No. 45-PI-54) and the Ox Road (no DAHP Site No.), then east to include the 1833 Fort Nisqually site (DAHP Site No. 45-PI-55H), DuPont Company site (DAHP Site No. 45-PI-70) and Hudson's Bay Company Cemetery (no DAHP No.) then north back to the 1843 Fort Nisqually site.~~[4]

~~Table 32: Old Fort Lake Land Use Categories~~

	~~Square feet~~	~~Acres~~	~~% of total~~
~~Reserve Residential~~			
~~Residential 3~~			
~~Residential 4~~			
~~Residential 5~~			
~~Residential 12~~			
~~Mixed Use~~			
~~Office~~			
~~Commercial~~			
~~Business Technology Park~~	~~22,189,378~~	~~509.40~~	~~77.59%~~
~~Manufacturing and Research~~			
~~Industry~~			
~~Military~~			
~~Neighborhood Park~~			
~~Community Park~~	~~198,691~~	~~4.56~~	~~0.69%~~
~~Open Space~~	~~6,209,691~~	~~142.55~~	~~21.71%~~
~~**Total**~~	~~28,597,760~~	~~657~~	~~100.00%~~

~~There are no housing units existing or proposed within the Fort Lake Business and Technology Park.~~

~~The City anticipates developing a subarea plan for the development of Fort Lake Business and Technology Park Village. The subarea planning process should pay specific attention to the following community goals:~~

- ~~Include significant emphasis on public access to the shoreline, public trails, trail connectivity within the City and regionally, identify strategic locations for parks, and ensure public amenities are sited in convenient and appropriate locations etc.~~
- ~~Efforts should be taken to ensure development occurs in a way that ensures continuation and expansion of "natural trails" as well as urban pathways. Careful site design to reduce lighting, noise and other urban impacts are important especially adjacent to the Puget Sound and Sequalitchew Creek.~~
- ~~Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.~~
- ~~Evaluate a variety of public and private partnership options related to necessary improvements such as the development of the South portion of "Loop Road".~~

~~[4] See Memorandum of Agreement among 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, December 12, 2000~~

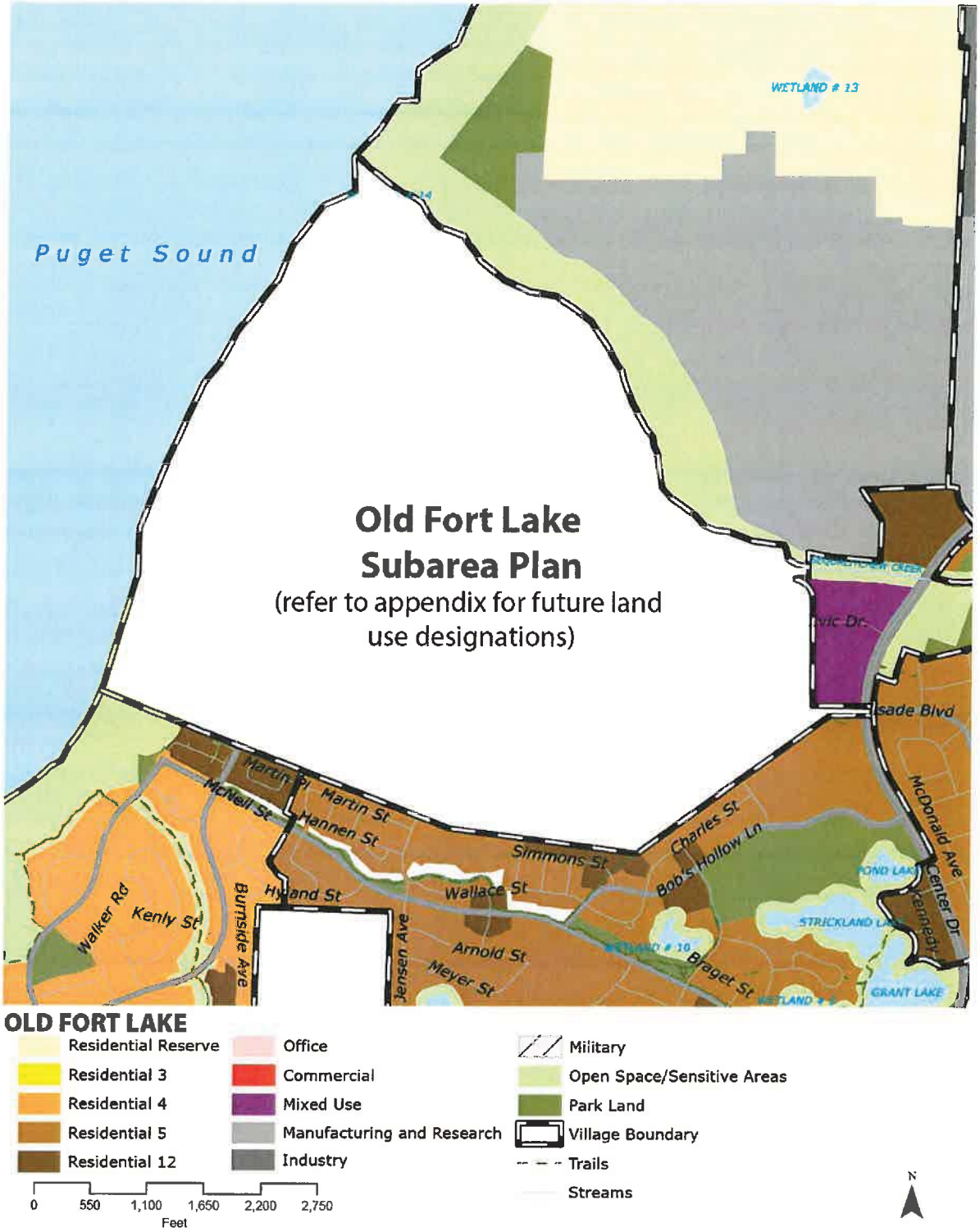


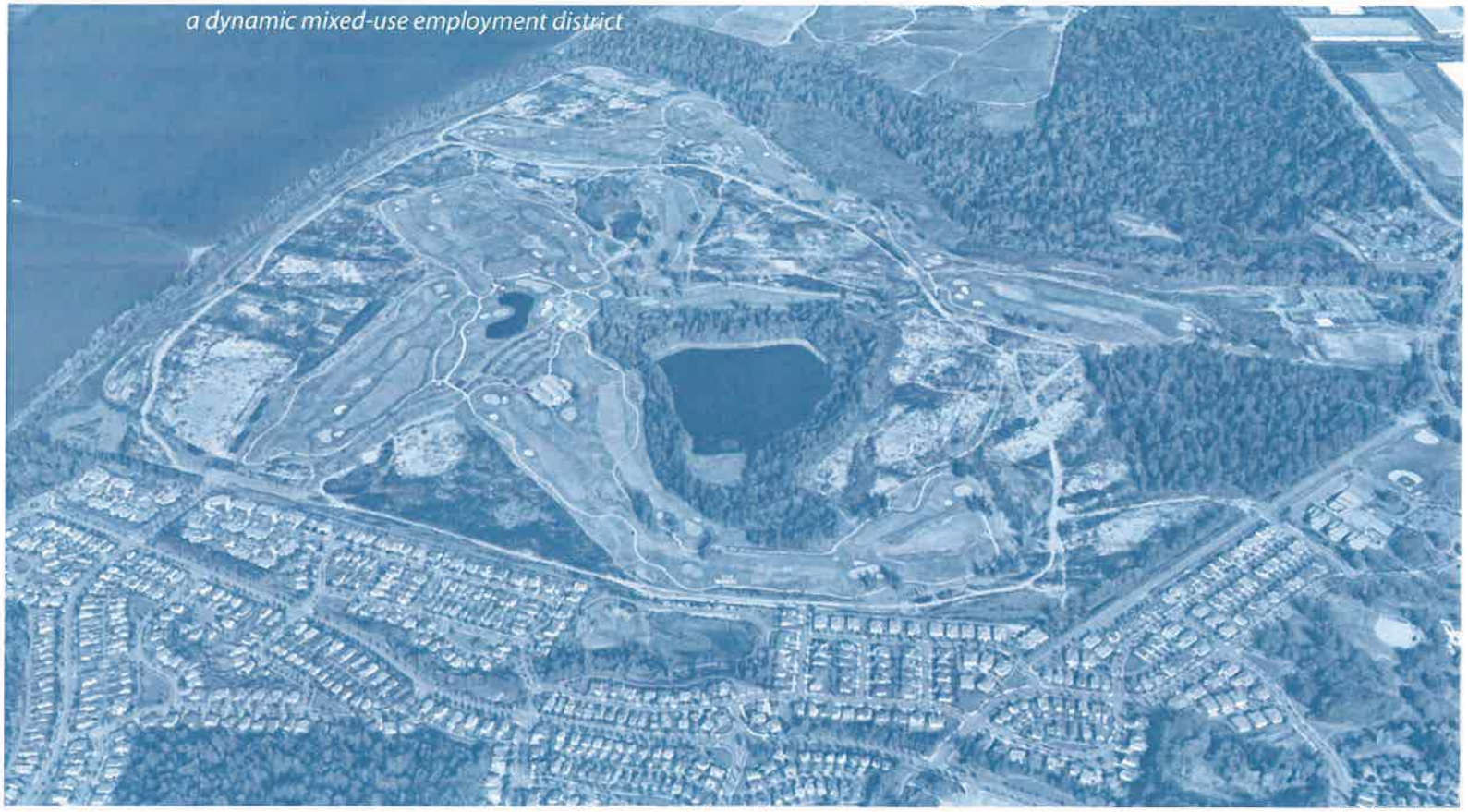
Figure M: Old Fort Lake ~~Business & Technology Park~~ Future Land Use Map

CITY OF DUPONT

OLD FORT LAKE

Subarea Plan

a dynamic mixed-use employment district



Prepared by:
AHBL, Inc.
Seattle / Tacoma, Washington

Prepared for:
City of DuPont

Version: November 20, 2017

Updated DRAFT (CLEAN VERSION)

EXHIBIT "G"

"The Old Fort Lake Subarea Plan strives to create a dynamic mixed-use district that provides a spectrum of future services, recreation, employment, and living options for the City of DuPont."

ACKNOWLEDGEMENTS

CITY COUNCIL

Michael Courts, Mayor

Roger Westman, Deputy Mayor – Position 1

Shawna Gasak, Councilmember – Position 2

Michael Gorski, Councilmember – Position 3

Penny Coffey, Councilmember – Position 4

Matt Helder, Councilmember – Position 5

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CITY OF DUPONT RESIDENTS

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PART 1

INTRODUCTION AND PROJECT OBJECTIVE

1.1 – Project Summary

The Old Fort Lake Subarea plan was created to establish a long-range vision and development strategy for the +/- 655-acre area bound by Sequalitchew Creek, the Puget Sound bluff, Hoffman Hill and Yehle Park Village neighborhoods and the City of DuPont Civic Center. The *DuPont Comprehensive Plan* includes the goal to conduct this subarea plan to establish future uses, delineate open space areas, plan for the area's transportation network, and to ensure community sentiments are reflected in the plan. The existing Comprehensive Plan and Municipal Code establish natural resource and land use controls but lack detail about future infrastructure, aesthetics, amenities, and compatibility.

This subarea plan represents a year-long process to engage City officials, property owners, and the DuPont residents to define the future vision for the property. This subarea plan establishes the process, the findings, the options, and final strategy to develop Old Fort Lake into a new mixed-use neighborhood.

Top: *Old Fort Lake rests at the top of a bluff overlooking Puget Sound.* ***Middle:*** *The City of DuPont trail system traverses through and around the subarea.* ***Bottom:*** *The subarea is nestled amongst established neighborhoods and natural areas; it is also adjacent to the Civic Center.*

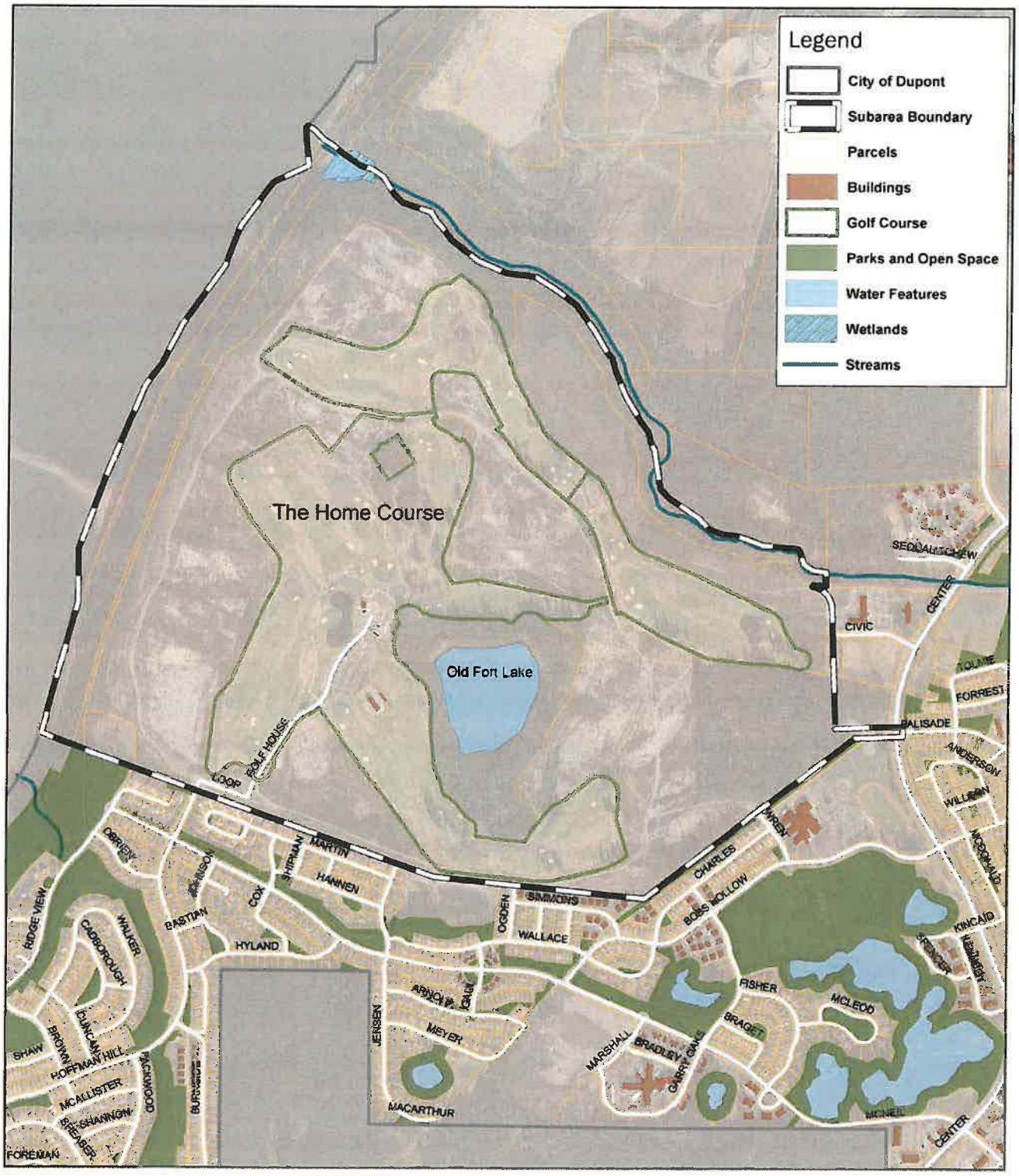


Figure 1 - Existing Conditions Exhibit

1.2 – Subarea Plan Intent

The Old Fort Lake subarea contains tremendous opportunity to provide future employment, commerce, recreation, and housing to accommodate current and future populations. The intent of the subarea plan is to examine the area to better understand its strengths, opportunities, and constraints, and to plan for its growth. Based on analysis and engagement, the subarea plan articulates the future vision and outlines its implementation strategy. This vision will be implemented through the City's Comprehensive Plan, land use controls, capital improvement plans, and economic development initiatives.

Plan Objectives

The subarea plan is a systematic approach to planning for Old Fort Lake's future. The plan's overarching intent is to create a well-designed, highly-connected, and economically-robust district. The subarea plan aims to address the following objectives:

Natural Environment: Preserve and enhance sensitive areas and natural assets that exist on site. Showcase the natural environment as part of site planning and capital investments. Create a strategy to address soil contamination levels through clean-up, engineering controls, and land use planning.

Economic Opportunity: Leverage the opportunity created by the City's largest area of undeveloped commercial/light manufacturing land to create well-paying employment opportunities. Ensure that future uses align with economic development and job creation goals. Establish a neighborhood that is attractive for investment, employers, and employees.

Urban Design: Design a quality district that is rooted in superior urban design that applies to site planning, buildings, amenities, and streetscapes. Create a purposeful vision for development that is coordinated, aesthetically pleasing, connected, and compatible with the surrounding area. Adopt standards to ensure well-designed sites, streets, and buildings.

Connections: Connect future and existing uses with an integrated multi-modal transportation network that accommodates all users (motorists, bicyclists, and pedestrians). Integrate the subarea into surrounding areas while being mindful to protect residential neighborhoods from adverse impacts. Build upon the adopted transportation plans and policies when planning for streets and trails.

Amenities (Natural and Cultural): Protect and integrate existing *open space, critical areas, cultural resources*, and *views*. Plan for future amenities that enhance the neighborhood and stay true to DuPont's community character and quality of life. Focus on creating dynamic streetscapes, landscaping, trails, gathering places, and living/commercial environments.

Housing Opportunity: Explore opportunities to provide additional housing for the City of DuPont and to provide workforce housing to complement future employment uses in Old Fort Lake.

1.3 – Project Scope

The City of DuPont desires to create a long-range vision and implementation strategy for the land that encompasses Old Fort Lake. The project includes a holistic, systematic approach towards plan creation. The following tasks were embarked on as part of the project.

- **Community and Stakeholder Engagement –** The City created opportunities for the general community and stakeholders to provide meaningful input. This was used to shape the subarea design, choose amongst alternatives, and recommend action items that will lead to the plan's implementation. The community was asked to voice its opinions and preferences for land uses, aesthetics, and local connections. Property owners were engaged to communicate their long-term development goals, recommend design options, and provide feedback on implementation plans.
- **Existing Conditions / Site Analysis –**City staff reviewed and documented the area's existing conditions to serve as the basis for planning. City staff reviewed elements including (i) Land Use, (ii) Natural Resource, (iii) Utilities, (iv) Transportation, (v) Open Space and Trails, (vi) Site Contaminants, and (vii) Demographics. City staff used this information to conduct a site-level analysis of opportunity and constraints to guide the project design.
- **Concept Planning** – The project examined future land use scenarios to serve as the basis for vision for the property and function as the foundation for land use planning, infrastructure planning, and development controls. The subarea plan evaluates the impacts associated built-out of the future land use plan as organized in the (i) Land Use and Housing (ii) Transportation, (iii) Capital Facilities and Utilities, and (iv) Open Space elements.
- **Land Use and Policy Plan –** The Old Fort Lake Subarea Plan documents the planning process and articulates the long-term vision for the subarea. The plan was structured to parallel and complement the City's Comprehensive Plan and the State of Washington Growth Management Act land use structure.
- **Development Standards** – The City drafted new development standards (and amendments) that are intended to enact land use controls to ensure that properties develop/redeveloped according to the long-range vision. New zoning districts were created to implement the plan's vision.
- **Plan Adoption –** City staff facilitated the process for the DuPont City Council to formally adopt this subarea plan as an official policy document to guide future development and capital improvements. This process included several work sessions with the DuPont Planning Commission to help develop the plan components and refine the elements therein.

1.4 – Community Engagement Strategy

A Community Engagement Strategy was implemented to ensure that the subarea plan was created through meaningful community/stakeholder input. The engagement process aimed to integrate the input from City staff, property owners, the Planning Commission, and the general community. The following outlines the Community Engagement Strategy that was followed during this planning effort, while Section 3.3 lists the specific community desires.

Community Engagement Participants

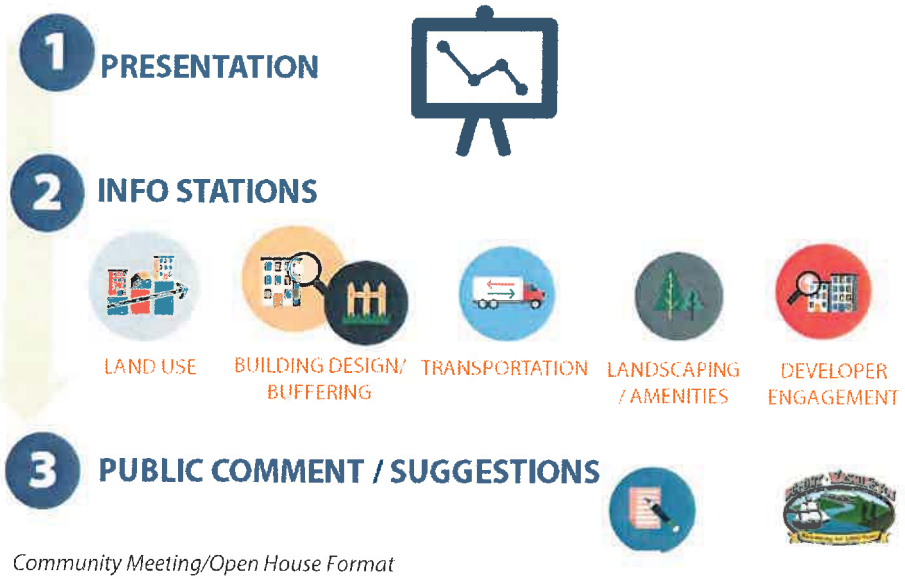
Working Group

A project working group was assembled to provide technical guidance and make recommendations pertaining to the vision and implementation of Old Fort Lake Subarea Plan. The working group consisted of property owners within the subarea, City staff, and its consultant team. The working group met weekly through the plan preparation. The working group focused on the following plan elements: *Land Use and Housing, Transportation, Open Space and Recreation, Cultural Resources, and Utilities & Capital Facilities.*

General Community

The DuPont residents and stakeholders were engaged through a community meeting/open house, written surveys, and continual email correspondence with the City's planning department. This played an important role in the Old Fort Lake Subarea planning process because it (i) welcomed community engagement and provided the opportunity for community participation, (ii) created community excitement for the Old Fort Lake Subarea, and (iii) provided meaningful input that was used to help the Working Group make vital decisions in the subarea plan preparation.

- **Community Meeting Format** – The community meeting was broken into three parts:
  - > ***Presentation*** – the presentation was intended to educate attendees on the background and proposed land use amendments.
  - > ***Information Stations*** – six informational stations were established that each represented a key aspect of the project (land use, transportation etc.) so that attendees could provide input and vote on elements they prefer.
  - > ***Written Comment Station*** – questionnaire sheets were provided to allow attendees to provide written comments about the alternatives.



Community Meeting/Open House Format

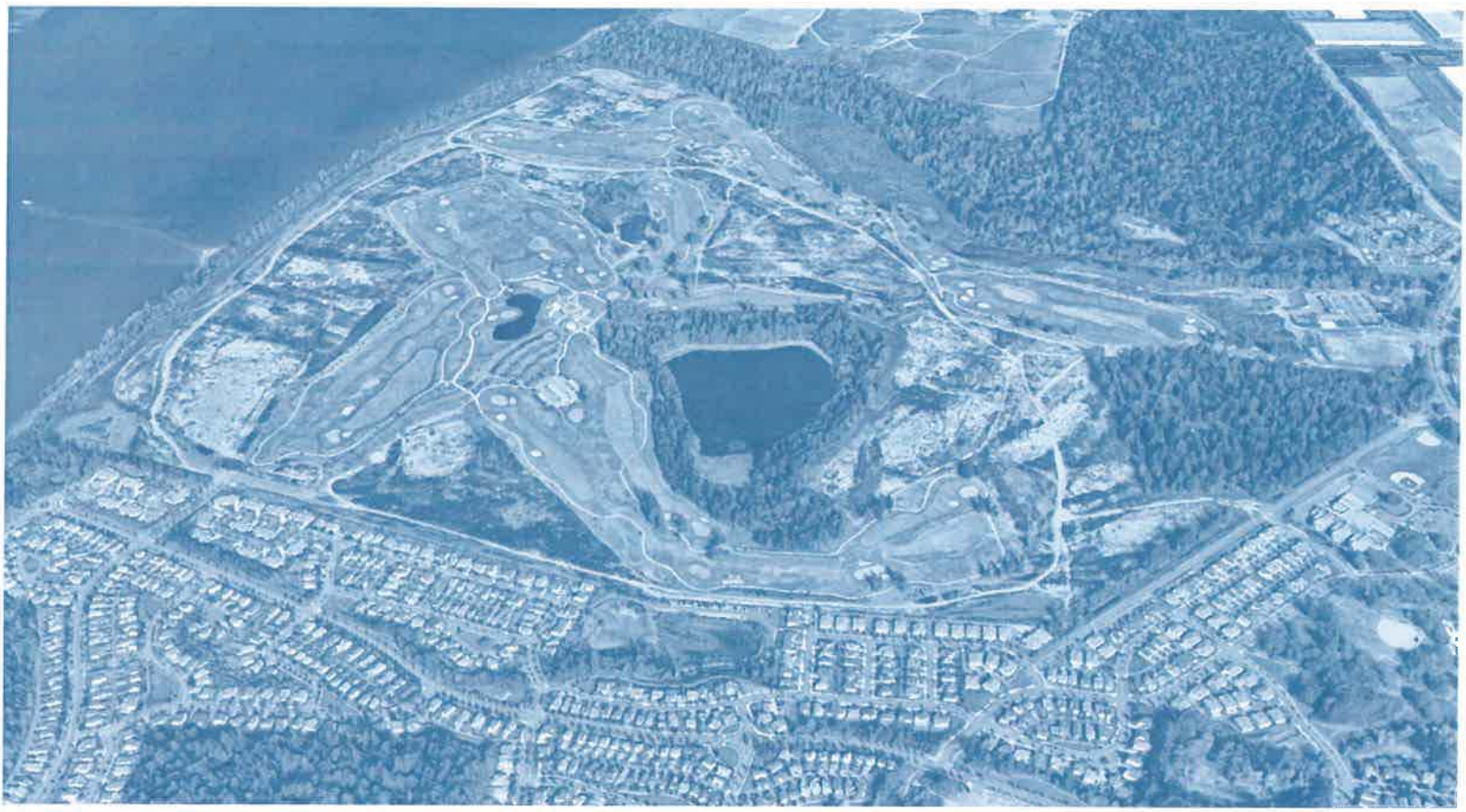
- **Community Engagement Focus** – the community meeting was focused on obtaining public input relating to the following elements of the plans:
  - > ***Land Use*** – participants were asked to identify their desires and concerns related to potential commercial, residential, and employment uses.
  - > ***Building Appearance*** – participants were polled on their desires for building appearance and design. They were also asked to select their preferred building orientation and site design principles.
  - > ***Transportation Options*** – participants were questioned about vehicle, bicycle, and pedestrian mobility transportation options and design. They were asked to identity their preferred street design elements for landscaping, travel lanes, and pedestrian/bicycle facilities. They were also asked to express their overall transportation concerns.
  - > ***Amenity Package*** – participants were asked to provide comment on future public and private space amenities.

Planning Commission

The City of DuPont Planning Commission was engaged through multiple work sessions to provide guidance through the planning process at key project milestones. City planning staff engaged the Planning Commission to provide recommendations to the project approach, the area's opportunities/challenges, the future land use potential, the open space framework, and the main infrastructure network.

PART 2

SITE OVERVIEW & COMMUNITY CONTEXT



2.1 - Site Overview

General Characteristics

The subarea encompasses a +/- 655-acre area bound by Sequalitchew Creek, the Puget Sound bluff, the Hoffman Hill and Yehle Park Village neighborhoods, and the City of DuPont Civic Center. Part 4 –*Goals and Policies* of this subarea plan provides additional existing conditions data organized by plan element. The following is a brief description of the area's general characteristics:

- **Landscape** – The majority of the properties are relatively flat; some areas slope down to water features. The subarea overlooks Puget Sound, with a steep bluff lining the western boundary. Old Fort Lake is located central to the plan area. Sequalitchew Creek flows along the northern boundary. The major tree canopies are clustered along the creek, the lake, along the bluff, and at the southeast corner.
- **Land Usage** – The subarea is mostly vacant and unimproved. The Home Course (golf course) is the primary developed land use and operates within the subarea along with its clubhouse, restaurant, and practice facilities. Other areas are vacant and await (re)development.
- **Cultural Resources** – The subarea includes known cultural sites which include the 1833 Hudson Bay Company Fort Nisqually and the Wilkes Observatory Historical Site. These sites do not have their original structures and only archeologic artifacts remain.
- **Roadways** – There is an existing dirt road that traverses the subarea, however, the only internal paved streets access the golf course. Several roadway stubs terminate at the area's southern and eastern boundaries. An active rail line is below the bluff and runs parallel to the western boundary.
- **Opportunity Areas** – There are several upland sites within the subarea that create opportunity for future development and employment uses. These areas are generally unencumbered by natural resources. Scenario

Opposite Page: *Existing subarea overlooking Puget Sound.* ***Left:*** *Existing multi-use trail along southern boundaries.* ***Center Left:*** *Nearby residential community.* ***Center Right:*** *Existing Home Course.* ***Bottom Left:*** *Adjacent residential community along Hoffman Hills Boulevard.* ***Bottom Right:*** *Undeveloped property within the subarea.*

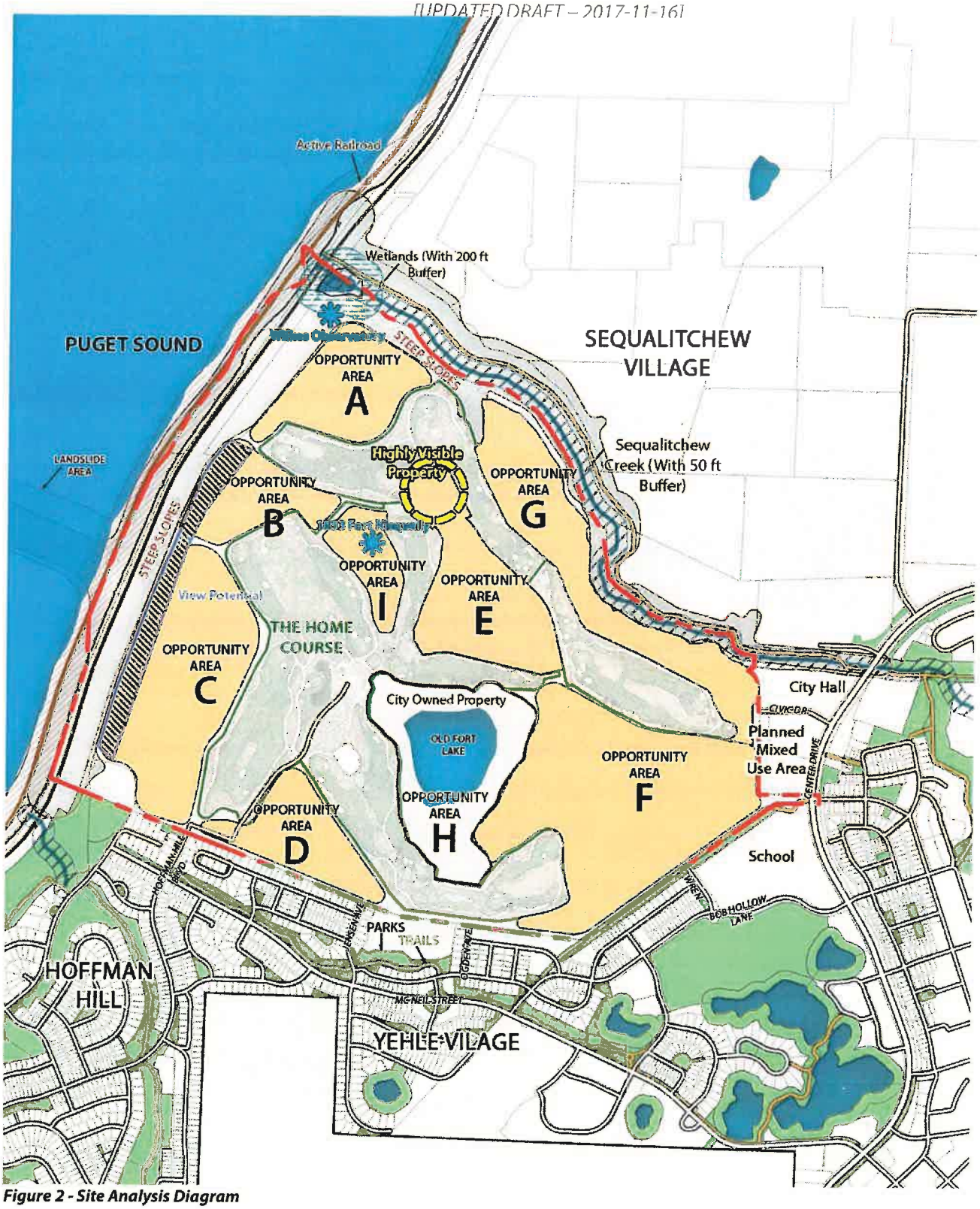


Figure 2 - Site Analysis Diagram

Ownership

When this plan was created, the subarea consisted of a small number of property owners. This limited land ownership provided opportunity for coordinated planning amongst these entities.

- **Golf Course** – The Home Course covers three parcels and is owned by the Washington State Golf Association.
- **The City of DuPont** – The City owns The 1883 Hudson Bay Company Fort Nisqually Site, the Wilks Observatory, the south side of Sequalitchew Creek, and the Old Fort Lake open space area.
- **Nisqually Indian Tribe** – The Nisqually Indian Tribe owns a significant land area paralleling the Sequalitchew Creek, as well as a small parcel in the southwest corner of the site.
- **Private** – A single, private entity owns the residual properties within the subarea.

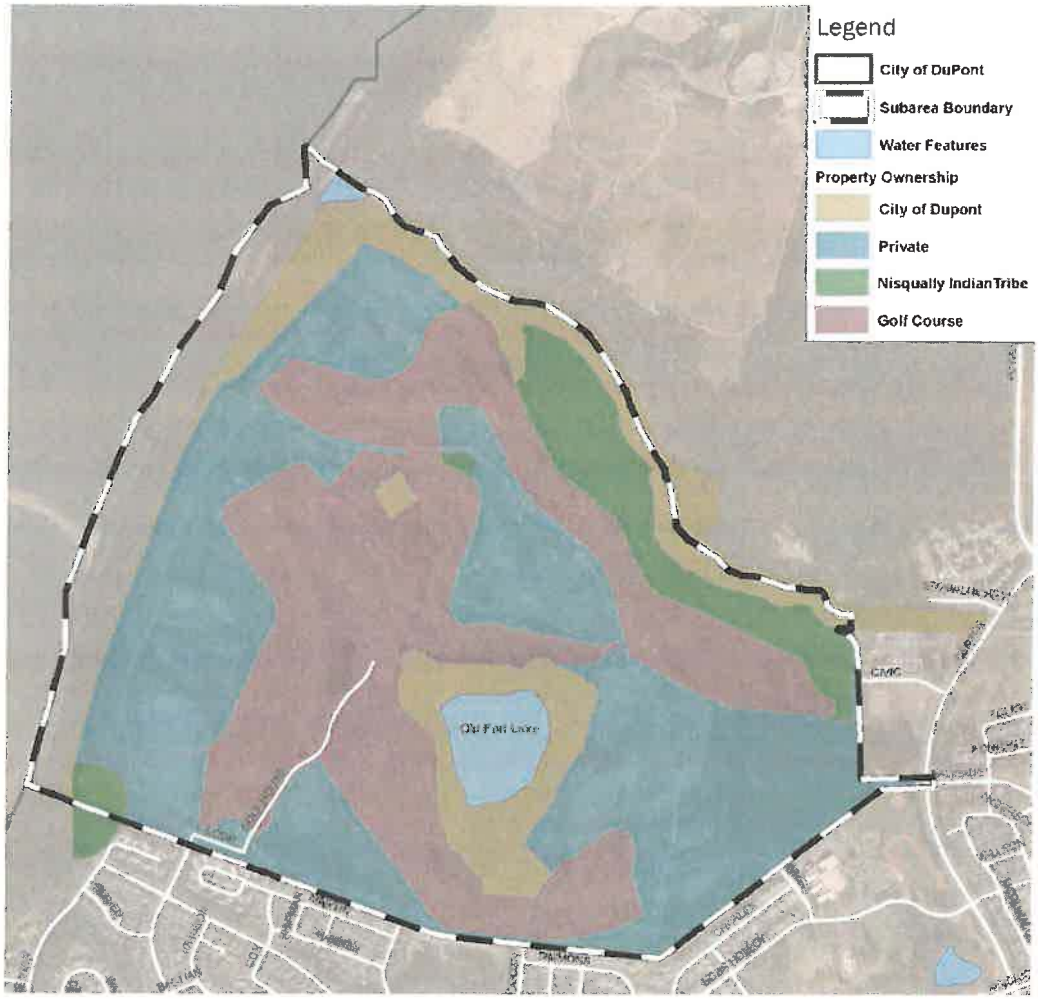


Figure 3 - Old Fort Lake Area Ownership (circ. 2017)

Site Remediation History and Considerations

From 1909 to the 1970's, much of the subarea was used for manufacturing commercial ammunitions. The explosive material manufacturing ceased when the Weyerhaeuser Company purchased the property in 1976. A *Phase 1* environment site assessment prepared in 1986 found significant and wide-spread soil contamination as a result of the previous land use. Future land activity will require provisions for site cleanup, engineering controls, and/or land use restrictions to ensure long-term health and safety.

The subarea has a number of environmental documents associated with the environmental hazards including: the final Environmental Impact Study, a Cleanup Action Plan, Remedial Investigation, and Groundwater Monitoring results.

- **Consent Decree** – A consent decree between the property owner and the Washington State Department of Ecology was filed in 1991. Remedial action and feasibility studies were completed and a new consent decree was entered in 2003. The 2003 decree covered two areas, "parcel 1" and "parcel 2." Parcel 1 is a 636-acre area that covers the current subarea, and parcel 2 is a slightly larger area adjacent to the north. Within parcel 1, copper and lead were found within surface waters. Soil excavation on the site removed high levels of lead and arsenic. The golf course serves as an engineered cap over contaminated soils. The consent decree required certain land use restrictions to guard against human exposure to harmful substances. The Consent Decree specifically stipulates that the site cannot be developed for residential uses, daycares, parks, schools, and related uses.
- **Restrictive Covenant** – A 2006 Restrictive Covenant, that includes areas within the subarea, states that uses on the site are allowed to the extent permitted under the City of DuPont zoning regulations and the Model Toxics Control Act. The 2006 Restrictive Covenant also echoes the Consent Decree. The covenant states that the site cannot be developed for residential uses, daycares, parks, and related uses. This restrictive covenant provides additional restrictions throughout the subarea and will need to be reviewed on a case-by-case basis. Further soil investigation and hazardous contamination remediation in the subarea may result in relaxation of these deed restrictions.
- **Periodic Review Standards** – The contaminated area is subject to 5-year periodic reviews and soil and groundwater testing. The latest review was performed in 2016, which found that while soil contamination has not been completely abated, previous cleanup actions have been sufficient to protect human health and environment for the existing land uses and that the site could be removed from the Washington State Department of Ecology's Hazardous Sites List.

2.2 - Community Context

The subarea is nestled in the western portion of DuPont and adjoins established neighborhoods, future development areas, and natural amenities. The subarea is adjacent to the Hoffman Hill, Yehle Park, Civic Center and the Sequalitchew Village planning areas.

- **The Hoffman Hill and Yehle Village** planning areas are to the south of the subarea and consist primarily of single-family and duplex housing. These neighborhoods have extensive park and trail amenities.
- **The Sequalitchew Village** planning area is to the north of the subarea which includes manufacturing, office, and warehouse uses. Nearly the entire village is within the mineral resource overlay boundary. Gravel extraction is currently underway in this area and is expected to proceed over a long term. Development is not likely to occur within this area within the foreseeable future.
- **The Civic Center** includes City Hall, the Fire Department and the Police Department. In the future a library and museum could also be located on the Civic Center campus. The remainder of the area south of Civic Drive is planned for office, retail sales, and service uses.

Figure 4 - Old Fort Lake – Community Context Aerial (2017)

PART 3

PROJECT PLANNING AND VISION

3.1 – Vision & Guiding Principles

The vision for the Old Fort Lake Subarea is to create a mixed-use district that provides a spectrum of future services, recreation, employment, and living options for the City of DuPont. The City envisions an Old Fort Lake district that provides additional land use options, protects natural resources, and seamlessly integrates into the City as a whole.

Guiding Principles

The subarea plan was pursued by following specific guiding principles to keep the long-range plan true and aligned to the project vision. These principles were applied to plan elements and helped guide decision making for the Subarea Plan.

- **Create opportunities for jobs and employment** – The Old Fort Lake area will be developed as an important employment center. Future businesses will provide quality and diverse job opportunities for the DuPont residents.
- **Explore opportunities/feasibility for housing** – The subarea is a potential location for residential to address future housing needs for the City of DuPont. Housing should be planned within close proximity to future employment uses.
- **Recognize and protect existing property rights** – The subarea plan will acknowledge and retain much of the land use potential established in the 2014 Comprehensive Plan.
- **Protect and enhance natural resources** – The subarea plan will inventory existing natural resources and employ protection measures to ensure conservation and enhancement. The subarea will be responsive to these natural features and will showcase open space areas.
- **Protect and provide access to cultural resources** – The subarea plan will identify known cultural resources and design a community plan that provides conservation and access to these resources. The plan will include protection policies for all cultural resources.
- **Recognize and response to the historical presence of contaminants** – The subarea plan will acknowledge the presence of site contaminants that were created from previous manufacturing activity. The process will also consider the existing Consent Decree and Restrictive Covenants that affect future land uses in the subarea. Some uses are allowed and will develop irrespective of the Restrictive Covenants.
- **Provide for complementary uses** – The subarea plan will identify land uses and amenities that complement future employment uses. Complementing uses could include open space, recreation, and neighborhood commercial.
- **Create an interconnected and safe transportation network** – The subarea will be planned with a multi-modal transportation system that is integrated into the existing network of streets, trails, and other facilities. Facilities will be designed to provide for safe connections within the subarea, adjacent districts, and the region.

- **Protect and buffer existing neighborhoods** – The subarea planning process will be mindful to protect existing neighborhoods. In doing so, the plan will apply land use designations, buffer standards, and other development controls to ensure neighborhood compatibility. The plan should manage transportation impacts onto neighborhoods.
- **Engage property owners and neighborhoods in the planning process** – The planning process will include a community engagement strategy to provide a working partnership with property owners, stakeholders, and the general public.

3.2 - Key Considerations

The City of DuPont embarked on the Old Fort Lake Subarea Plan process by identifying some initial key considerations that would guide the plan development and shape the future potential. These key considerations are identified as Project Opportunities and Challenges.

Project Opportunities

- **Master Planning** – The subarea represents the opportunity to master plan an entire village/district's land use areas, roadway network, trails, open space, and amenities. The master planning process allows for a coordinated effort that involves the property owners, City leaders, and the DuPont community.
- **Transportation Network** – There is an opportunity to establish the future primary roadway network's alignment, connection points, and cross section design. The subarea plan is an opportunity to match transportation infrastructure to future land use, to provide options for pedestrian and bicycle transportation, and to knit surrounding areas together with the subarea.
- **Employment** – The subarea represents the largest area of vacant, non-residential land in the City, and provides an excellent opportunity to add jobs and employment within its boundaries. Providing a long-term planning vision for the area offers predictability for development and improves the feasibility of new employment projects. Furthermore, successful business parks must be dynamic and able to accommodate a variety of business types that require unique site and building components.
- **Commercial Services** – There is opportunity to provide commercial services within specific subarea blocks that serve employees and residents with convenient shopping and dining options. Through the subarea planning process, new commercial services can be planned to reflect neighborhood needs and desires, and can be oriented to create distinct nodes of activity.
- **Housing** – The subarea has the potential to provide areas for additional housing. However, the housing opportunity is limited by the Department of Ecology Consent Decree that presently prohibits residential uses. Additional site clean-up or other engineering controls may be opportunities to amend the Consent Decree.

Project Opportunities (continued)

- **Recreation and Open Space** – Old Fort Lake and the surrounding area is city-owned making it ideal as a centerpiece in the City's park system. The City's 2014 Parks Master Plan identifies projects in the Old Fort Lake subarea. Additionally, the subarea plan can provide trail extensions and connections to open space areas. Currently, parks are prohibited by the Consent Decree and Restrictive Covenant; however, there may be opportunities to employ clean up and engineering controls to amend these restrictions.
- **Cultural Sites** – There is an opportunity to improve the historic Fort Nisqually and Wilkes Observatory properties to become signature cultural destinations. These cultural sites could include permanent structures and informational signage to educate visitors and celebrate the historical significance.
- **Development Regulations Update** – There is an opportunity to update the development code to (i) introduce additional land uses, (ii) address buffer and capability issues, (iii) streamline the land use review processes, and (iv) establish specific roadway standards.
- **Golf Course Zoning** – The current zoning allows the golf course to be redeveloped as industrial uses; the subarea plan provides opportunity to change the zoning over the golf course to better control future uses.

Project Challenges

While the subarea offers large areas of undeveloped industrial land, there are also many constraints. Key constraints include:

- **Site Contaminants** – The subarea was formerly used to manufacture commercial ammunitions, resulting in soil contamination. While much of the contamination has been abated, some contamination remains, resulting in restrictions/challenges for potential uses in the subarea. These conditions create logistical, economic and regulatory challenges.
- **Consent Decree/Restrictive Covenant** – A consent decree was filed with the Washington State Department of Ecology in 1991, which requires remedial action and environmental studies on throughout the subarea. In 2006, a restrictive covenant was recorded that prohibits 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.
- **Neighborhood Compatibility** – Current zoning allows for uses such as office, commercial, and light manufacturing. However, most areas adjacent to the subarea are residential, and areas within the subarea are recreational or cultural. At a community workshop, residents expressed concerns about impacts to adjacent neighborhoods. New development needs to be sensitive to the surrounding context and character.

- **Golf Course Compatibility** – It is a commonly held community goal to protect the Home Course as a beautiful and highly desirable public amenity. New development will need to protect the edges, views, and overall character of the golf course.
- **Transportation Options** – The subarea does not currently have a roadway network to support future development. The subarea currently has one paved roadway, this stems from Hoffman Hill Boulevard and provides access to the golf course. The best points of entry are at Civic Drive and Palisades Boulevard with direct access to Center Drive and south to Interstate 5.
- **Utility Infrastructure** – The subarea is not development-ready as few utility lines exist. Water and sewer lines will need to be planned, enhanced, and extended from adjacent neighborhoods. The only water main and sewer main in the subarea runs from Hoffman Hill Boulevard to the golf course clubhouse. While the golf course has some existing stormwater infrastructure, the subarea will need a comprehensive stormwater management plan.

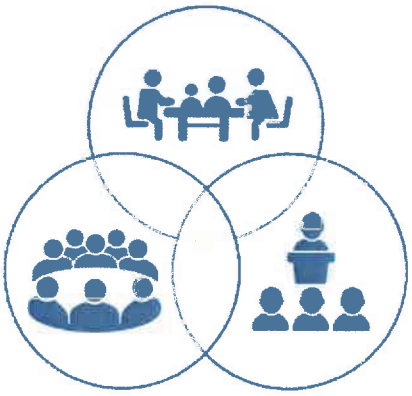
Top: *Residential neighborhoods abut Old Fort Lake to the south.* ***Bottom:*** *The Home Course remains a community gem; vacant parcels surround the golf course.*

3.3 - Community Feedback & Desires

The Old Fort Lake Subarea Plan was shaped and created by responding to the community's comments and desires. The plan's community engagement strategy was applied to obtain recommendations and to understand public preferences. The major theme identified by all parties that chose to participate was to create a successful city district that provides future services while protecting the natural environment and surrounding neighborhoods. The following summarizes the community desires for Old Fort Lake from the working group, the general public, and the Planning Commission.

Land Use Focus

- **Future Land Uses** – The subarea should be a mixed-use area of the City. Specific areas of the subarea should have their own character and land use focus. The subarea should focus on employment while also allowing other complementing land uses such as neighborhood-scaled commercial, lodging, recreation, and housing. Architectural design guidelines shall be applied to address massing, appearance, and compatibility concerns.
- **Industry Focus** – The preferred future industry focus is on research and development, high technology, and offices arranged in a park-like setting. Compatibility and traffic impacts from manufacturing and warehousing/distribution were expressed by some. However, others stakeholders noted that these uses should be a part of a successful employment district and that the traffic generation from these uses is less than office. As a result, these uses should be a secondary focus while employing buffering and aesthetic safeguards.



Multiple points of view: *The community desires were identified through input obtained from the working group, the general community, and the Planning Commission.*

A common sentiment is to retain DuPont's small town charm and showcase its natural setting.

Building and Site Design

- **Design Guidelines** – The subarea should create plans to address building orientation, exterior colors/materials, architectural details, and size/height restrictions to ensure an attractive community character, to enhance neighborhood compatibility, and to protect views and natural areas. Guidelines should also be established to require pedestrian amenities, parking lot screening, reduce light/glare, and buffer residential neighborhoods and the golf course.
- **Community Gathering Spaces** – The subarea should create a variety of quality community gather spaces. There should be trailheads and open space areas to serve the greater community. The subarea should develop with identifiable community nodes with neighborhood-scaled commercial and strong pedestrian amenities.

Transportation and Connections

- **Street Design** – Future roadways within the subarea should possess the same, quality streetscape character found throughout DuPont. Streets should be designed to accommodate a variety of users including motorists, pedestrians, and bicyclists. Streets should be tree-lined and pedestrian/bicyclist facilities should be separated from vehicle traffic.
- **Trails** – The subarea area will include a system of trails that are integrated into the larger, city-wide network. The trail network must be aligned with the adopted trails plan.
- **Traffic Mitigation** – The subarea should be designed to mitigate traffic impacts including (i) traffic noise, (ii) traffic congestion on Center Drive and within residential neighborhoods, (iii) the volume of semi-truck traffic, and (vi) associated safety concerns. The subarea should be designed with thoughtful street systems, multimodal options, and a diverse land use mix.

Amenities and Aesthetics

- **Amenity Types** – The subarea should incorporate natural areas, gathering places, and educational signage. This should include parking facilities to access open space areas.
- **Landscaping Style –** Development within the subarea should resemble native landscaping in terms of plant variety and arrangement.

A common theme is to create beautiful streetscapes and open space areas that complement the natural environment.

3.4 - Concept Planning

The Old Fort Lake subarea is a large property containing unique environmental features, a golf course, and expansive areas for future development. Concept planning was conducted to illustrate how the area could develop by assigning land use areas, a transportation network, and site amenities. Multiple concept plan scenarios were prepared to explore various spatial arrangements so that the City of DuPont could select a master plan that balances the community desires with the physical characteristics. The Old Fort Lake Base Concept Plan is illustrated in this section. The Base Concept Plan depicts future site elements and primary development areas.

Site Elements and Program

The concept planning efforts included site elements that, collectively, address the project vision. The following elements were included in the concept planning.

I. **Blocks:** The subarea is arranged as individual blocks. Each block has its own unique character and development potential. The blocks are intended to be used to regulate future land use activity and development requirements. Some blocks were further divided into sub-blocks to refine site planning options.

II. **Primary Development Areas:** Many of the subarea blocks were identified as primary development areas that are envisioned to contain future buildings and urban land uses.

III. **Open Space Areas:** The open space areas are blocks that are planned to remain as natural areas or developed with recreational uses.

IV. **Primary Roadways:** The primary streets are intended to designate the main roadway network that is needed to interconnect the primary development areas within the subarea and provide connections to the surrounding community. This includes both existing and proposed roadways.

V. **Cultural Sites:** Two City cultural sites are delineated and planned to remain. In the future, it is anticipated that the cultural sites will be enhanced with historical markets and additional site improvements. These include the Wilkes Observatory and Fort Nisqually.

Figure 5 - Old Fort Lake – Base Concept Plan

3.5 - Project Master Plan

The Old Fort Lake Master Plan is intended to establish the long-range, spatial arrangement of land use areas, open spaces, roadways, and other amenities. The master plan is intended to serve as the basis for the Future Land Use Plan within this subarea plan. The master plan was created through an expression of community sentiment, evaluation of future housing demands, and selection amongst alternatives. The master plan represents *'a dynamic mixed-use employment district'* that balances prosperity, environment, and lifestyle. Part 4 –Goals and Policies include individual elements that establish the long-range policies to implement the various parts of the master plan.

Urban Design Summary

The Old Fort Lake Subarea is designed as a harmonious balance of development and open space areas. The master plan is structured to establish specific areas that support businesses, neighborhood services, housing, recreation, and conservation. The design is intended to knit together the Old Fort Lake subarea with the larger DuPont community.

When looking at the master plan, the Home Course remains the center piece of the subarea with adjacent open space. The areas within the bluff and immediately along the creek are planned as open space. The area near the bluff is planned for mixed-use and the interior blocks are planned as a core employment district. The areas are interconnected with a primary roadway loop that provides connections to the greater community.

Key Features:

Development Focus Areas – The future development blocks within Old Fort Lake are designated as a specific focus area: *Mixed-Use Focus, Business/Industry Focus,* or *Work/Live Focus.* Each development focus area is intended to mature with a particular urban character with respect to land use and building types.

Open Space Focus Area – The blocks intended for conservation, recreation, and cultural use are designated as the Open Space Focus Area. This includes the golf course and long-term natural areas.

Roadway Framework – The primary roadways are delineated on the master plan to illustrate the intended alignment and connections to existing street network.

Cultural Resources – The City's cultural resource sites are depicted on the master plan to show location and context. These areas are situated within the Open Space Focus Areas.

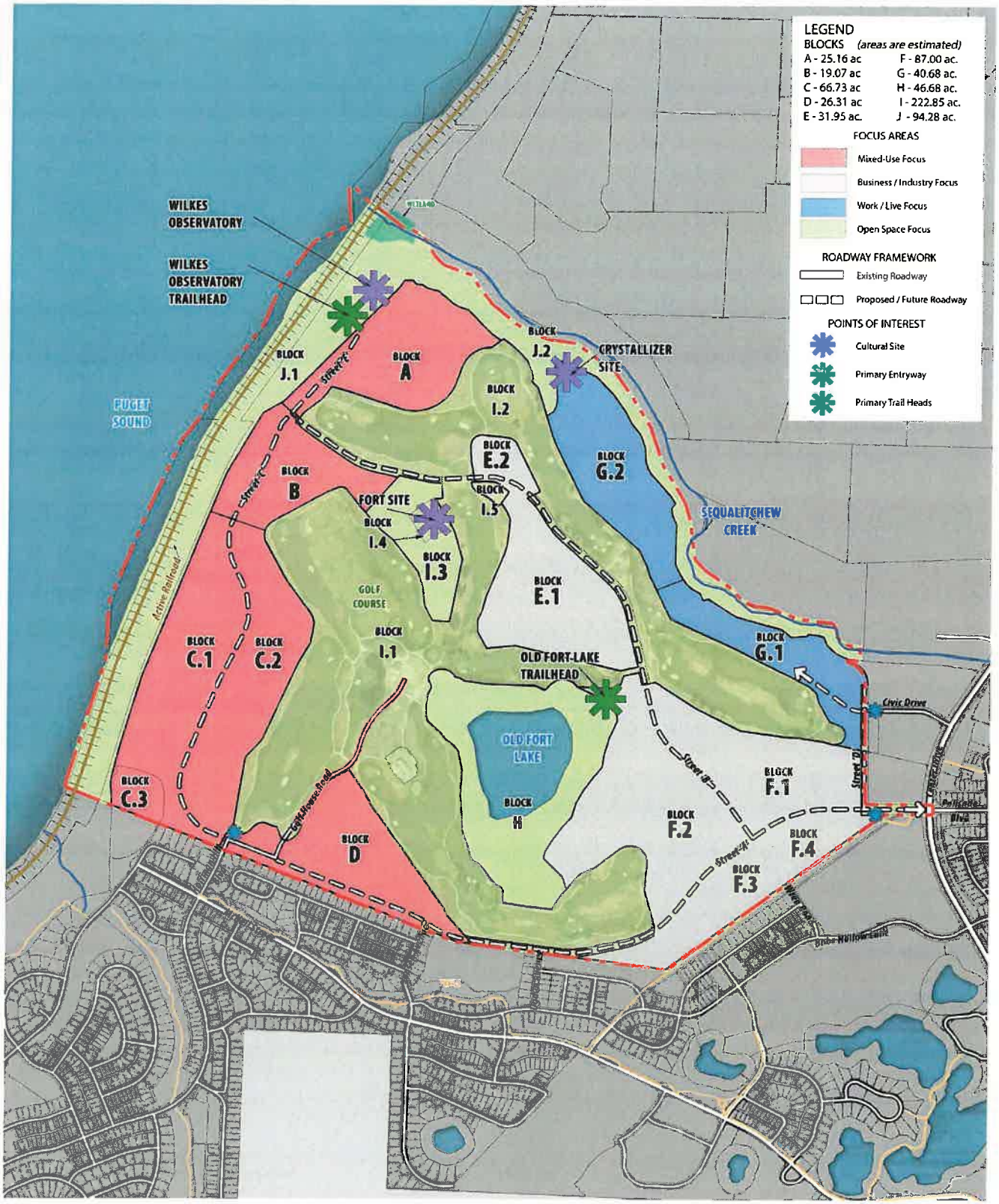
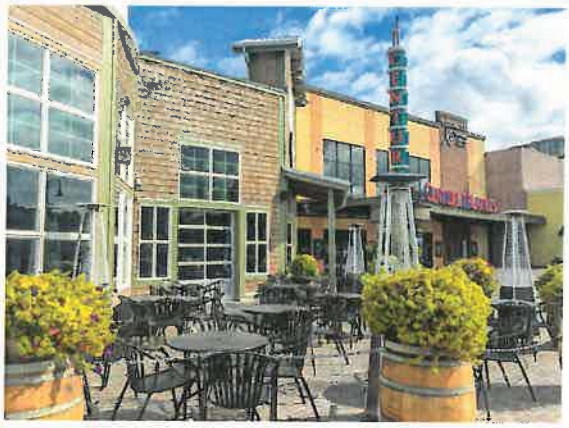


Figure 6 - Old Fort Lake - Project Master Plan

Mixed-Use Focus Area

The development blocks near the bluff are envisioned as a Mixed-Use Focus Area to provide uses complementary to the golf course, the bluff, and adjacent neighborhoods. The Mixed-Use Focus Area is planned to support a variety of commercial, business, residential, and community uses. The area will develop with a community character and building design style that are sensitive to views around the golf course and the bluff. The desire is for a portion of the Mixed-Use Focus Area to develop as a walkable neighborhood center with a cluster of retail stores, dining, employment, service, and multi-family uses. Other portions of the area may develop as independent employment campuses and modestly-sized residential neighborhoods. The Mixed-Use Focus Area provides access to the open space areas lining the bluff.



- **Commercial Uses** – Commercial uses are planned to be small-scale and serve those working and living in DuPont. Retail, service, restaurant, drinking establishments, and hotels are appropriate commercial uses for the Mixed-Use Focus Area. Large-format retailers, drive-thru facilities, and auto-oriented services are not envisioned for this area. Access, entry placement, and outdoor gathering spaces will be established by requiring the orientation of commercial buildings to streets. Blocks B, C, and D are envisioned to be the ideal locations for a neighborhood center containing commercial uses.

- **Business / Industry Uses** – Business and industry uses are planned to be visually and operationally compatible with the surrounding areas including the golf course, the bluff, and the residential neighborhoods. Office, light manufacturing, and research and development are appropriate business uses within the Mixed-Use Focus Area. Light manufacturing operations shall be indoors and freight activity shall be thoughtfully integrated into the site design to minimize adverse visual impacts on neighboring properties. Accessory commercial uses are permitted with all light manufacturing businesses (e.g., a tap room as part of a brewery / a sales shop as part of a furniture manufacturer). All blocks are envisioned to support business/industry uses.

- **Residential Uses** – Residential uses are envisioned as a potential future component within the Mixed-Use Focus Area. The Mixed Use Focus Area has the potential to provide additional housing options for the City of DuPont and those working within the subarea. Housing options could include single-family neighborhoods and multi-family residential development as part of a mixed-use center or as a stand-alone use. However, residential development is contingent on future actions pertaining to the Department of Ecology Consent Decree, the site's Restrictive Covenants, and site contaminate levels. Multi-family is deemed appropriate in blocks A, B, C, and D; whereas single-family neighborhoods are identified as appropriate for blocks A – C.

- **Community Facilities** – Community facilities are planned to complement other uses within the Mixed-Use Focus Area and the nearby neighborhoods. A convention center, cultural/community center, and other public facilities are desired additions to complete the commercial and business uses in Old Fort Lake. Community facilities should be clustered near commercial uses to strengthen the concept of a neighborhood center and to promote a walkable district character.

Opposite Page: *Mixed-Use commercial areas.*
Top: *Business and office uses.*
Center: *Multi-family residential community.*
Bottom: *Community facilities.*

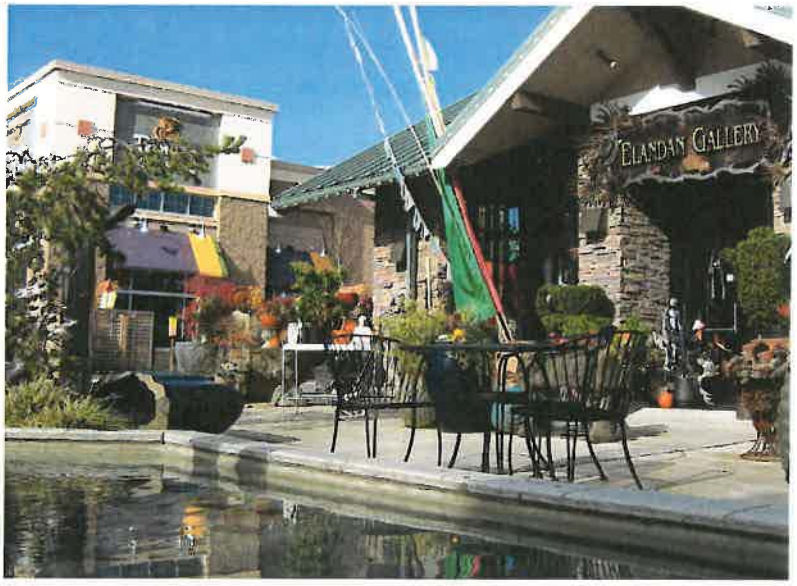
Business / Industry Focus Area

The development blocks located central to the Old Fort Lake Subarea are envisioned as the Business/Industry Focus Area given its transportation access and buffering potential from surrounding neighborhoods. The Business/Industry Focus Area is planned to support a variety of employment uses. The area will develop as a business park setting with planted landscape buffering and well-designed buildings with street-facing facades. The Business/Industry Focus Area provides access to the open space areas surrounding Old Fort Lake.

Top Two: *Corporate offices*
Bottom: *Light Manufacturing and technology*
Right: *Commercial services*

Business / Industry Uses – In keeping with the spirit of the subarea, business and industry uses are planned to be compatible with the surrounding areas including the golf course, Old Fort Lake, and the residential neighborhoods. Office, light manufacturing, and research and development are appropriate uses within the Business/Industry Focus Area. Accessory commercial is allowed with all light manufacturing (e.g., a tap room as part of a brewery, a sales shop as part of a furniture manufacturer). Non-office sites will provide generous buffering along the golf course and freight/service bays will be oriented away from primary streets.

Commercial Uses – Commercial uses are generally planned to provide district-oriented services within the subarea. Retail, services, and restaurants are allowed on blocks F.3 and F.4 to create district node and to act as a transition to the adjacent neighborhood. Specialty retail and restaurant establishments are contemplated for block E.2 given its panoramic views to the golf course.



Work/Live Focus Area

The development blocks located parallel to Sequalitchew Creek are envisioned as the Work/Live Focus Area. This focus area is planned to support future employment uses, cultural facilities, and complementary workforce housing for the subarea. The Work/Live Focus Area is adjacent to the Civic Center and a future mixed-use district. Some commercial uses may complement and act as an extension to these adjacent areas. The Work/Live Focus Area provides access to the open space areas lining the creek.

- **Business / Industry Uses** – Like other parts of the subarea, business and industry uses are planned to be compatible with the surrounding areas including the golf course and the creek. Office, light manufacturing, and research and development are appropriate business uses within this focus area. Accessory commercial is allowed with all light manufacturing uses and will be subject to performance standards to ensure attractive, functional sites. Non-office sites will provide generous buffering along the golf course.
- **Residential Uses** – Multi-family residential uses are envisioned as a potential component of the Work/Live Focus Area. Block G.2 could be developed as a multi-family community considering its views and access to the golf course and the creek corridor. As with the entire subarea, residential development is contingent on future actions pertaining to the Department of Ecology Consent Decree, the site's Restrictive Covenants, and site contaminate levels.

Top: *Office and service uses*
Center: *Office and public facility uses*
Bottom: *Residential development*
Left: *Light Manufacturing and technology*

Open Space Focus Area

The golf course and several conservation blocks are envisioned to comprise the Open Space Focus Area. These areas are envisioned to remain as unimproved open spaces or recreational assets. The areas along the bluff, along Sequalitchew Creek, and around Old Fort Lake will remain passive open space. The golf course and related properties are designated as the recreational centerpiece for the subarea. The Open Space Focus Area anticipates that the City's cultural sites, the Wilkes Observatory and Fort Nisqually, may be enhanced with historical markets, shelters, and/or informational centers to showcase their significance to DuPont's heritage and culture.

Roadway Network

The subarea is planned with a Roadway Network that identifies primary streets will be needed to access the development blocks and to provide community connections.

- **Subarea Loop Roads –** The Roadway Network is designed with three primary streets that create a loop through the subarea. Street 'A' originates from Center Drive at Palisades and follows a southern alignment and terminating at Hoffman Hill Boulevard. Street 'B' takes a northern alignment and terminates at the bluff. Street 'C' parallels the bluff and completes the subarea loop with connections to streets A and B. The loop roads provide connections to the Mixed-Use and Business/Industry Focus Areas.
- **Civic Center Road Access –** Civic Drive provides a secondary entrance in to the subarea and direct connections to the Work/Live Focus Area. Street 'D' is planned as a north-south internal connection between Civic Drive and larger portions of the subarea.
- **Local Connections –** The Roadway Network identifies some local connections to the adjacent neighborhoods and future connections to individual development blocks within the subarea. Street 'A' will provide connections between Jensen Avenue and Ogden Avenue where existing roadways stub at the subarea boundary; there local connections are intended to facilitate neighborhood access to the subarea. Street 'E' will provide local access to block A. All other internal local access roads will be reviewed at the time of site development.

PART 4

GOALS AND POLICIES

4.1 – Goals and Policies Overview

These sections contain goals and policies that are designed to guide future development in the Old Fort Lake subarea, as well as, facilitate actions pertaining to future land use plans, zoning, environmental regulations, and capital plans for the area. These sections are structured to align with the City's Comprehensive Plan and the Washington State Growth Management Act.

4.2 – Land Use Element

Current Land Use Characteristics

In the City's existing policies and development regulations, the Old Fort Lake area is meant to integrate campus-style development with historic features, natural areas, open spaces, and the existing golf course. The golf course, known as "The Home Course" is the home of the Pacific Northwest Golf Association and the Washington State Golf Association. The golf course accounts for one-third of the subarea's land use.

The subarea is bounded by Sequalitchew Creek, the Puget Sound bluff, the northern boundary of Hoffman Hill and Yehle Park Villages and the Civic Center, The subarea also includes Old Fort Lake and the 1833 Fort Nisqually site. Extensive work to clean up the area where the DuPont Company created and assembled explosives until the mid-1970s has been completed. The most contaminated soils have been removed and the remaining contaminated soils have been placed under golf course fairways and greens. The golf course boundary was determined by the location of the most contaminated areas and is reflected in the remediation agreement between the Weyerhaeuser and DuPont Companies and the Washington State Department of Ecology. Residences, schools, and parks are prohibited in deed restrictions under the Consent Decree.

Pursuant to land use designations, Sequalitchew Creek and the Puget Sound shoreline and bluff should be maintained in their natural state and protected from development. A trail location is identified along the south side of the Sequalitchew Creek ravine. In addition to pedestrian access along the Puget Sound bluff, views of Puget Sound should be planned from upland portions of the bluff. Another feature of the subarea is the Wilkes Observatory site in the northern corner.

Comprehensive Plan – The City of DuPont plans at the neighborhood level. The subarea represents the Old Fort Lake Planning Area. The Plan states that the City anticipates developing a subarea plan for the development of Fort Lake Business and Technology Park Village. The current plan further states that the subarea planning process should pay specific attention to the following community goals:

- Include significant emphasis on public access to the shoreline, public trails, trail connectivity within the City and regionally, identify strategic locations for parks, and ensure public amenities are sited in convenient and appropriate locations etc.
- Efforts should be taken to ensure development occurs in a way that ensures continuation and expansion of "natural trails" as well as urban pathways. Careful site

design to reduce lighting, noise and other urban impacts are important especially adjacent to the Puget Sound and Sequalitchew Creek.

- Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.
- Evaluate a variety of public and private partnership options related to necessary improvements such as the development of the South portion of "Loop Road".

Comprehensive Plan / Land Use Designation –The planning area is comprised of three future land use designations: *Business Technology Park, Open Space/Sensitive Areas,* and *Community Park*.

- **Business Technology Park (BTP)** – This designation includes all vacant commercial land and comprises 77% of the subarea. The purpose of this designation is to provide a mix of office, research, light manufacturing, and possibly mixed-use residential activities. The BTP is intended to provide for an area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The BTP is designated over the golf course.
- **Open Space/Sensitive Areas** – This designation includes the areas surrounding Old Fort Lake, Sequalitchew Creek, and the bluff overlooking Puget Sound. The Home Course and the Fort Nisqually Historical Site are also designated as Open Space/Sensitive Area. The purpose of this district is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers. The designation also recognizes lands for parks, greenbelts, open space and tree preservation areas. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities
- **Community Park** – This land use designation includes the Wilkes Observatory site in the northwestern corner of the subarea. This area is outside of the boundary of the Department of Ecology Consent Decree. The City's Comprehensive Plan includes Community Park lands in the description for Open Space/Sensitive Areas. Generally, these areas support active recreational activities in addition to open space conservation.

Zoning – The lands within the subarea currently contain three zoning districts. The majority of the subarea is zoned as *Business Technology Park*, which allows a range of uses including commercial, office, manufacturing, and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. The remaining areas are zoned *Open Space/Sensitive Areas* and *Community Park.* None of these zoning districts support residential development. Zoning is designed to implement the Comprehensive Plan. Within the subarea, zoning categories are identical to the Comprehensive Plan land use designations.

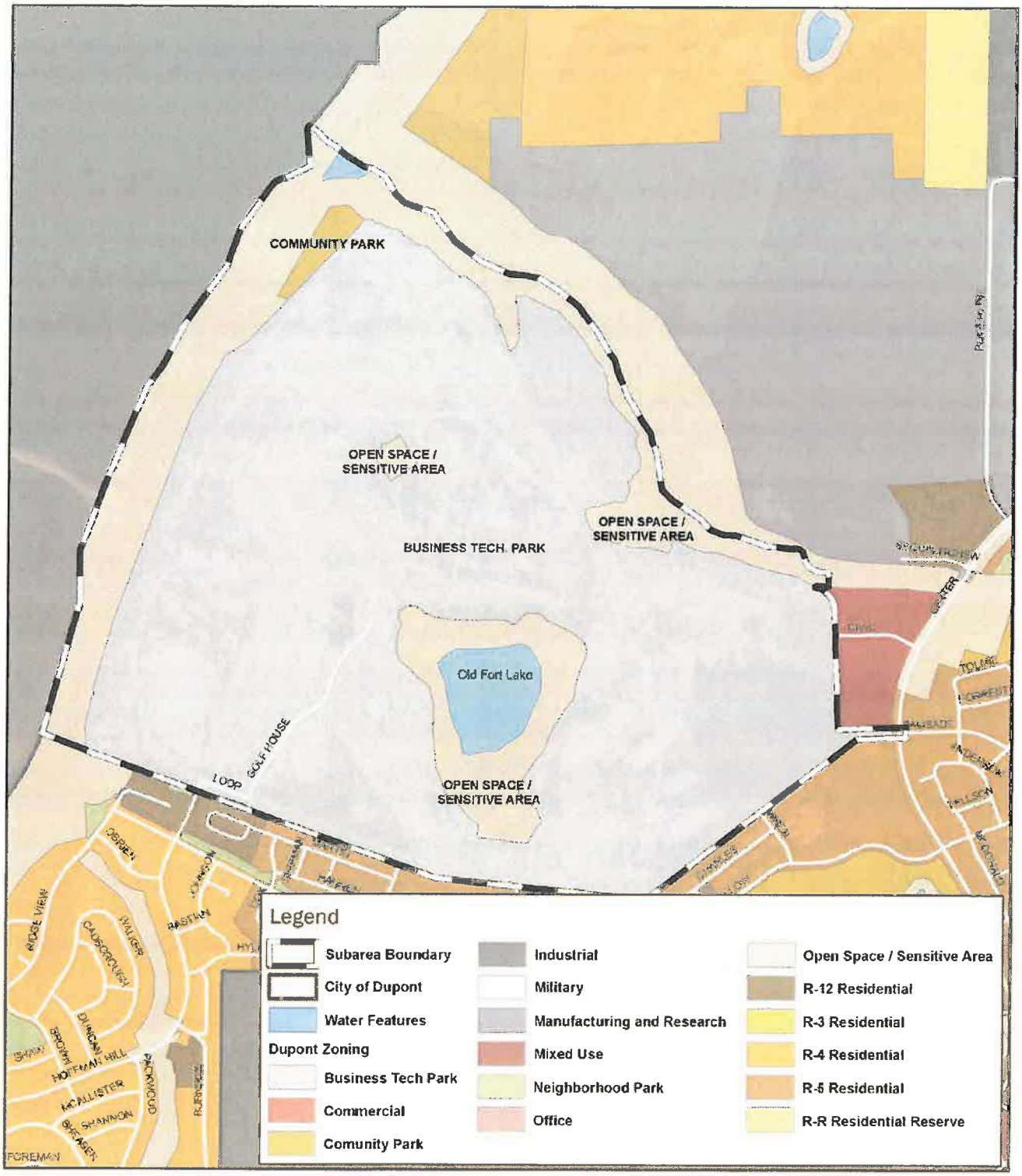


Figure 7 - Current Zoning Map (2017)

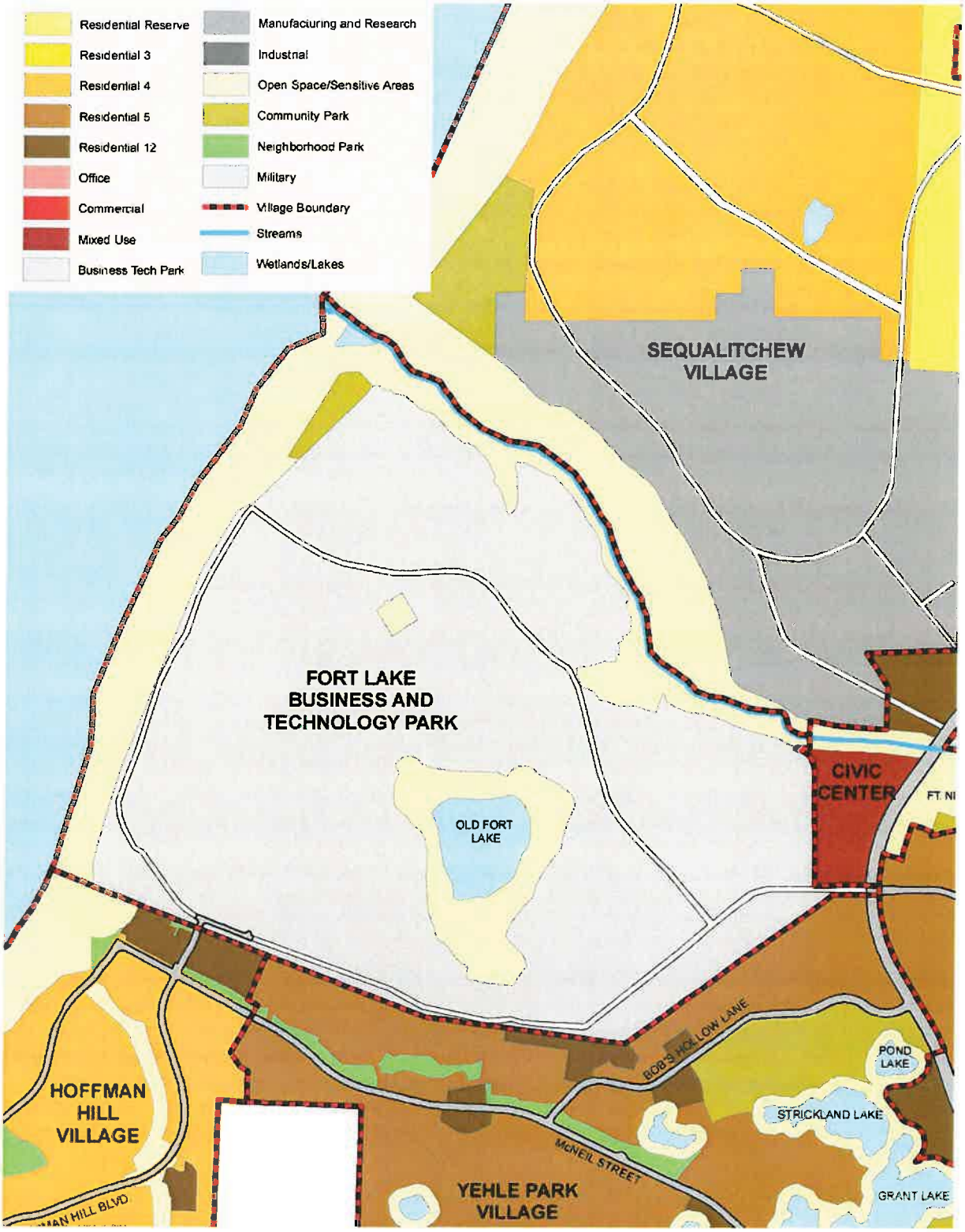


Figure 8 - Current Comprehensive Plan Land Use Map (2017)

Demographic & Economic Summary

Population Summary and Characteristics – The City's 2014 Comprehensive Plan assumes that the population of DuPont will be 12,100 at full buildout based on population projections and its future land use designations. In 1995, the City of DuPont had a population of 588. That number has quickly grown reaching 9,175 in 2014. Population increased rapidly in the late 1990s, but growth has steadied in recent years to 2-5% annually. The median age is 32 years old, with 35% of residents under the age of 20. Families make up 75% of all households. The median household income is $83,021, much greater than the Pierce County average of $59,204.

Housing Summary – In 2014, 80% of the overall housing stock (detached and attached) was made up of single-family units. The average household size in the City is 2.6 people. Most of the housing stock is relatively new, which limits redevelopment possibilities in the City, and means that new housing in the near future will likely come through new construction. The majority of housing capacity in the City is within low-density neighborhood areas. Over the next 20 years, the Comprehensive Plan calls for an additional 2,296 housing units. Despite this, the Plan states that there is a deficiency in housing capacity, primarily due to constraints on undeveloped land.

Market Position and Advantages – DuPont is in a strong economic position due to its proximity to I-5, Tacoma, Olympia, and sweeping vistas of Puget Sound. As the City's largest area of undeveloped non-residential land, the subarea is one of the foremost opportunities for future development and employment. To facilitate development activity, the area will require additional policy planning and infrastructure investment. According to the 2014 Comprehensive Plan, the subarea has 4,250,000 square feet of employment capacity based on current land use designations.

Employment Characteristics – The City acknowledges a continual need and opportunity for a diversified employment base with the City of DuPont. There is also opportunity to create employment centers within DuPont to lessen commuting outside of the City. Of those who are in the labor force, 29.4% are in the armed forces, 66.7% are employed in non-military positions, and the residual are unemployed. Joint Base Lewis McCord is the largest employer in the City, followed by local Public Schools, Multicare Health System, and the State of Washington. DuPont is also home to large commercial enterprises, such as the DuPont Corporate Campus, and the 1.4 million square-foot Amazon fulfillment center.

Employment Status

Employment Status	Estimate	Percent
Population 16 years and over	5,957	
Not in labor force	1,869	31.4% of population 16 years and over
In labor force	4,088	68.6% of population 16 years and over
Employed in civilian labor force (not in armed forces)	2,734	66.87% of labor force
Employed in the Armed Forces	1,203	29.42% of labor force
Unemployed	151	3.69% of labor force

Source: City of DuPont Comprehensive Plan / US Census, American Community Survey, 2003-2013)

Future Land Use Plan

The purpose of the Future Land Use Plan is to designate desired future land uses throughout the subarea that implement the Master Plan. The Comprehensive Plan calls for allowing a wider range of uses throughout the subarea, and therefore the Business Technology Park (BTP) future land use designation will be replaced with a new Old Fort Lake (OFL) designation. This is recommended to better implement the vision of the subarea. In turn, the Comprehensive Plan will need to be amended to be internally consistent with this document.

Land Use Designations - Pursuant to the Old Fort Lake Master Plan, four distinct focus areas have been identified to guide future development and land conservation. These areas have their own intended character, and therefore the OFL future land use category has been further divided into sub-categories: OFL-1, OFL-2, OFL-3, and OFL-4. These categories are meant to be broad, and will need to be matched with development controls. The areas that are currently designated as Open Space/Sensitive Areas and Community Park will remain unchanged, and some additional land has been identified as open space. The purpose of each of these future land use categories is described below.

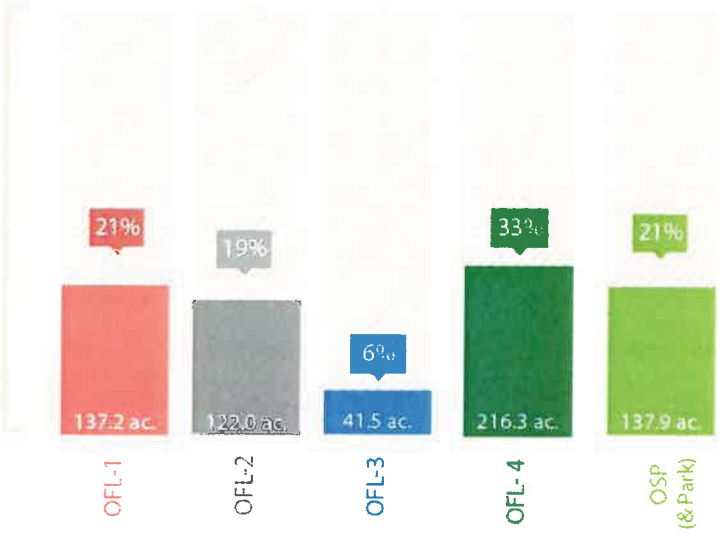
The master plan shown in Figure 6 (Section 3.5) illustrates various blocks, which refine the concepts established by the future land use categories. To avoid any one use dominating an area and to ensure neighborhood compatibility, Table 4.2(c) has been created which specifies the allowed uses at the block and sub-block level. A new zoning category will be created that will reflect this future land use plan concept.

Table 4.2(a): Old Fort Lake Future Land Use Designation and Area

DESIGNATION	AREA
Old Fort Lake 1 (OFL-1)	137.2 acres
Old Fort Lake 2 (OFL-2)	122.0 acres
Old Fort Lake 3 (OFL-3)	41.5 acres
Old Fort Lake 4 (OFL-4)	216.3 acres
Open Space / Sensitive Areas (includes park lands / *Community Park* designation)	137.9 (including 4.8 ac. *Community Park*)

Table 4.2(b): Old Fort Lake Future Land Use Designation Descriptions

DESIGNATION	DESCRIPTION
Old Fort Lake 1 (OFL-1)	The Old Fort Lake 1 land use designation is intended to implement the *Mixed-Use Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to allow the widest spectrum of uses within the Old Fort Lake subarea. New development in the OFL-1 category should be sensitive to views around the golf course and the bluff, and compatible with neighboring residential neighborhoods. A variety of land uses are allowed, including commercial, hotel, office, research and development, light manufacturing, public facilities, and cultural facilities. Depending on soil cleanup efforts, both multifamily and single-family residential uses would be appropriate for this designation.
Old Fort Lake 2 (OFL-2)	The Old Fort Lake 2 land use designation is intended to implement the *Business/Industry Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to allow for a variety of employment-generating uses, such as office, light manufacturing, and research and development. Secondary uses include commercial, public facilities, and cultural facilities. Development should be in a well-landscaped business park setting. This designation should be heavily buffered from residential, the golf course, and public/cultural uses.
Old Fort Lake 3 (OFL-3)	The Old Fort Lake 3 land use designation is intended to implement the *Work/Live Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to support future employment uses and complementary multifamily work-force housing for the entire Old Fort Lake Subarea. This designation allows for employment-related uses such as retail, restaurant, office, light manufacturing, and research and development. Some commercial uses that complement adjacent mixed-use areas are also envisioned for this designation.
Old Fort Lake 4 (OFL-4)	The Old Fort Lake 4 land use designation is intended to guide future development and expansions of the golf course and selected open space-oriented properties within the subarea. This designation also support accessory uses that are associated with these properties.
Open Space / Sensitive Areas (includes park lands / *Community Park* designation)	The purpose of this designation is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers and recognize lands for parks, greenbelts, open space and tree preservation areas and regional storm drainage detention areas in addition to open space and landscape areas as mutually agreed to by the property owner and city. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities.



Old Fort Lake – Future land use designations percentage of subarea

Housing

There is opportunity to introduce additional housing in the subarea to complement the future employment uses that will occupy the site. The Old Fort Lake subarea, could be an attractive location for live/work; this could include workforce housing and residential neighborhoods. It is acknowledged that the subarea is presently limited by a consent decree and restrictive covenants.

The consent decree requires and the restrictive covenants enforce a prohibition on residential, school and parks development in the subarea. The City envisions future discussions to applicable parties to relax these restrictions as potential site contaminants are addressed. The City will continue to have discussions with Washington State Department of Ecology over lifting some of the restrictions on the Old Fort Lake subarea. Lifting some restrictions would make it possible to include housing and parks in the subarea making the area more consistent with the rest of the city's development patterns. Those development patterns include many connections via urban trails and frequent small neighborhood parks that cannot be developed because of the restrictive covenants.

The City's goal is to add multifamily single-family units. To ensure the subarea develops into a mixed use district, the City will establish a residential unit cap as part of its zoning regulations. The City will also establish separate density limits for multi-family and single-family as part of new land development regulations.

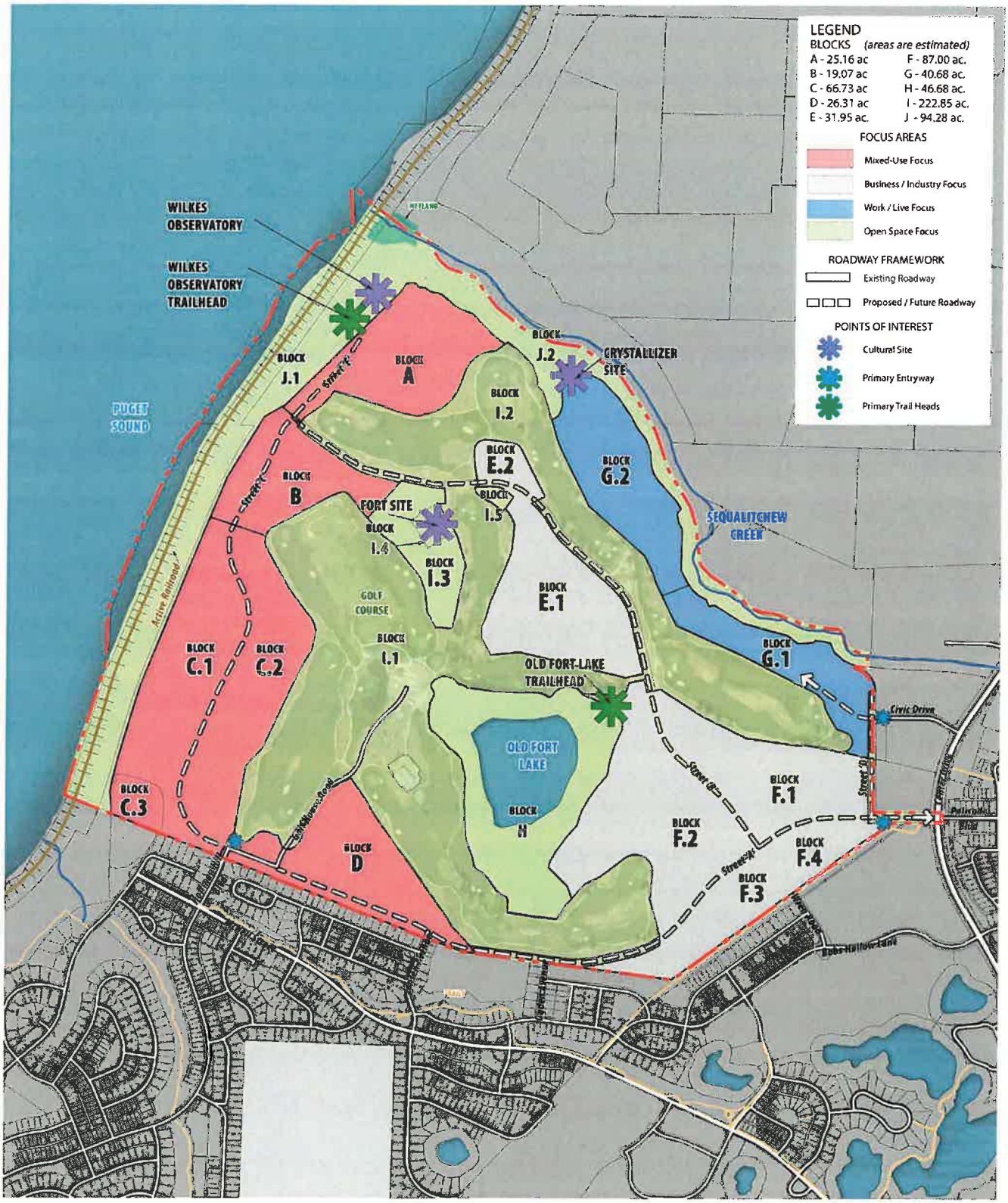


Figure 9 - Old Fort Lake - Future Land Use Plan

Table 4.2(c): Old Fort Lake Future Permitted Land Uses

Future Land Use Designation		OFL-1						OFL-2						OFL-3		OFL-4
LAND USE GROUPS	*Blocks*	A	B	C			D	E		F				G		I
	Sub-Blocks	A	B	C.1	C.2	C.3	D	E.1	E.2	F.1	F.2	F.3	F.4	G.1	G.2	I.1 – I.5
Open Space / Recreation (primary use)																X
Commercial/Retail		X	X	X	X		X		X			X	X	X		X
Restaurant/ Drinking		X	X	X	X		X		X			X	X	X		X
Accessory Commercial**		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Hotel		X	X	X	X											X
Multifamily		X	X	X	X		X								X	
Single-Family Detached		X	X	X	X											
Convention Center		X	X				X									X
Cultural/ Community Center		X	X				X					X	X	X	X	X
Public Facilities		X	X				X					X	X			X
Office		X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Light Manufacturing		X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Research & Development		X	X	X	X	X	X	X	X	X	X	X	X	X	X	

1) An 'X' indicates that the use is allowed in future land use designation and block
2) The individual blocks are illustrated on the Old Fort Lake Future Land Use Map; boundaries may be adjusted slightly as part of the site plan review and platting processes to respond to critical areas and/or cultural resources.
3) Each land use group is intended to be general in nature; the City of DuPont Land Use Code will further implement the land use intend with a larger list of uses.
4) Warehouses shall not be allowed within 500-ft of a residential zoning district.

**Commercial, service, and office activities in conjunction with another primary use (e.g. a tap room as part of a brewery / a sales area as part of a furniture manufacturer / a restaurant as part of a golf course)

Land Use Goals and Policies

The following goals and policies should guide future development and decision-making. These were created to assist in the implementation of the Master Plan.

LAND USE PLAN Old Fort Lake: **Goals and Policies**

Goal LU-1	**Strategically plan for growth so that as Old Fort Lake develops, it continues the small town character of the city by protecting and enhancing development patterns.**
LU 1.1	Encourage development that balances sound economic development while maintaining the small town character.
LU 1.2	Efforts should be taken to ensure development occurs in a way that continues and expands the use of "natural trails" as well as urban pathways.
LU 1.3	Site design should minimize lighting, noise and other urban impacts adjacent to Puget Sound and Sequalitchew Creek.
LU 1.4	Development regulations should ensure a balanced mix of businesses that provide support services necessary for current and future demands.
Goal LU-2 (OFL-1)	**Plan for a wide variety of mixed uses while preserving access and views of the bluffs, Puget Sound, and natural areas.**
LU 2.1	Emphasize public access to the shoreline via public trails and trail connectivity within the mixed use district.
LU 2.2	Encourage a variety of housing types to serve a range of household sizes, incomes, and consumer preference.
LU 2.3	Promote mixed uses such as office, commercial, hotel, research and development, light industrial and cultural facilities.
LU 2.4	Restrict intensive manufacturing to the more central blocks within the subarea.
LU 2.5	Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.
LU 2.6	Encourage a mix of commercial land uses to provide goods and services to meet the needs of residents, businesses and visitors while providing an attractive commercial setting.
LU 2.7	Provide for a variety of professional employment uses to achieved a diversify economy.
LU 2.8	Promote the development of a convention center, cultural/community center, or other public facilities that are desired additions to the commercial and business uses in Old Fort Lake.
LU 2.9	Preserve views of Puget Sound and Sequalitchew Creek for all to appreciate; retain the Open Space designation along critical areas to limit development encroachment.
Goal LU-3 (OFL-2)	**Provide family wage employment by promoting industrial facilities in the subarea.**
LU 3.1	Encourage the development of sustainable, clean industries.
LU 3. 2	Provide flexibility in the administration of design standards to allow for

	innovative products and effective solutions to site challenges.
LU 3.3	Encourage commercial, small-scale manufacturing, flexible space, and institutional uses in order to create family-wage jobs, provide goods and services attractive to the local population, support entrepreneurship and new business development, and provide opportunities for workforce training.
LU 3.4	Provide buffers, incorporating features such as existing vegetation, berms, fences, and landscaping, between non-residential and neighboring residential areas.
LU 3.5	Allow for accessory commercial for companies to sell products created as part of the light manufacturing operations.
Goal LU-4 (OFL-3)	**Provide future employment uses and housing for the Old Fort Lake subarea.**
LU 4.1	Encourage a mix of commercial land uses to provide goods and services to meet the needs of residents, businesses, the golf course and visitors while providing an attractive commercial setting.
LU 4.2	Live/work units should be encouraged in commercial designations to facilitate the potential for viable mixed use projects.
LU 4.3	Encourage multi-family residential development consistent with the City's existing character.
LU 4.4	Encourage mixed-use development, where appropriate, to meet the City's housing needs and to foster a compact and diverse community.
Goal LU-5	**Establish/amend land development standards to implement the vision for Old Fort Lake.**
LU 5.1	Adopt density standards for both multifamily and single-family residential that are unique to the subarea.
LU 5.2	Adopt a maximum residential unit limit for Old Fort Lake so that the area develops with a range of uses and recognizing the environmental limitations as applicable to the Department of Ecology Consent Decree.
LU 5.3	Establish Floor Area Ratio (FAR) standards in the City's land use code that limit the scale of non-residential development within the subarea.
LU 5.4	Apply the City's design regulations and guidelines to future development within the subarea so that buildings are attractive and carry forward the community character that is established in DuPont.
LU 5.5	Adopt special buffering standards to protect natural areas and the golf course from impacts from industrial uses.

4.3 - Open Space & Recreation Element

Current Open Space/Recreation Characteristics

The subarea has several sensitive natural resource features including streams, wetlands, and steep topography. Many of these features are protected from development pursuant to the City's critical area standards. In some cases this requires preservation and/or conservation buffers. The subarea's natural features create an attractive and unique setting for future development.

Old Fort Lake – Located in the center of the subarea, Old Fort Lake is one of the major natural resources. The lake is located in a recessed area with vegetated areas preserved around its shoreline. The golf course encircles much of the lake beyond its treed buffer; the other areas are vacant employment land.

Sequalitchew Creek – A second predominate natural resource is Sequalitchew Creek. Sequalitchew Creek is a Type F stream that runs along the north boundary of the subarea and flows toward Puget Sound. The Sensitive Areas Ordinance (DMC 25.105) requires 100-foot stream buffers from the ordinary high water mark.

Northwest Wetland – Sequalitchew Creek connects to a wetland at the north tip of the subarea boundary. The Sensitive Areas Ordinance (DMC 25.105) requires wetlands to have buffers of varying width up to a maximum of 200 feet from the edge of the wetland.

Steep Slopes – The subarea is connected to Puget Sound on its western boundary and has associated shorelines and bluffs. This includes having steep slopes along the subarea western boundary and northern boundary. These bluffs and slopes greater than 40% would require an undisturbed 50 foot buffer from the top, toe and sides of the bluff.

Forested Areas – Overall the site is a patchwork of forest land, highly disturbed shrub land, and a maintained golf course. The three major forested areas in the subarea include the area surrounding Old Fort Lake, a wooded lot at the eastern tip of the subarea, the open space along the western bluff and the along Sequalitchew Creek.

Area Parks – There are several parks in and around the subarea. Specifically, Powderworks Park, located less than ¼-mile to the southeast of the subarea boundary, is 23.8 acres in size and the largest park in the city. A one-acre, unnamed park exists near the southwest boundary of the subarea which supports passive recreation, a paved looping path, and a sloped turf area. Approximately 600 feet to the south of the subarea is Garry Oaks Park, which is a 12-acre neighborhood green space and multi-modal trail that parallels McNeil Street. This connects to the only existing road that accesses the subarea plan.

Trail System – A comprehensive and well-used trail system interconnects the neighborhoods/villages in the City of DuPont, and provides opportunities for integrating with future land use development in the subarea providing additional options for recreation and non-motorized transportation. Some proposed trails are identified in the 2014 Parks Master Plan. Despite the lack of trails, people sometimes walk on the dirt paths that surround the golf course. An existing multimodal path goes though Garry Oaks Park to the south of the subarea. Another unnamed trail borders the entirety of the eastern border of the subarea, leading to DuPont City Hall.

- **The Puget Sound Bluff Trail** is an unpaved trail that goes from south-to-north and connects residential neighborhoods to the southwest of the subarea to Wilkes Observatory and Sequalitchew Trail in the north.
- **The Sequalitchew Creek Trail** is a paved and unpaved 1.4-mile trail that accesses the creek from Center Drive, eventually leading to Puget Sound. The 2014 Parks Master Plan states that Sequalitchew Creek holds "environmental and historical significance as a connection to Puget Sound." Plans for improvements to Sequalitchew Creek Trail include securing public access to Puget Sound, developing additional trail corridor, and enhancing natural habitat.

Planned Parks and Facilities – The City of DuPont 2014 Parks Master Plan identifies four proposed parks in and around the subarea. Parks P19 and P20 (as labeled on following page) are proposed along the mouth of Sequalitchew Creek, which would connect to the existing Sequalitchew Creek Trail. These parks would add recreational options in the north portion of the subarea, and would facilitate multi-modal access to the water and to the Sequalitchew Creek Trail.

A trail is proposed to extend from Garry Oaks Park to the south and loop Old Fort Lake, eventually connecting the southern side of Sequalitchew Creek. Another trail is proposed to meander through the golf course toward Puget Sound where it would connect to a proposed trail paralleling the water, above the bluff.

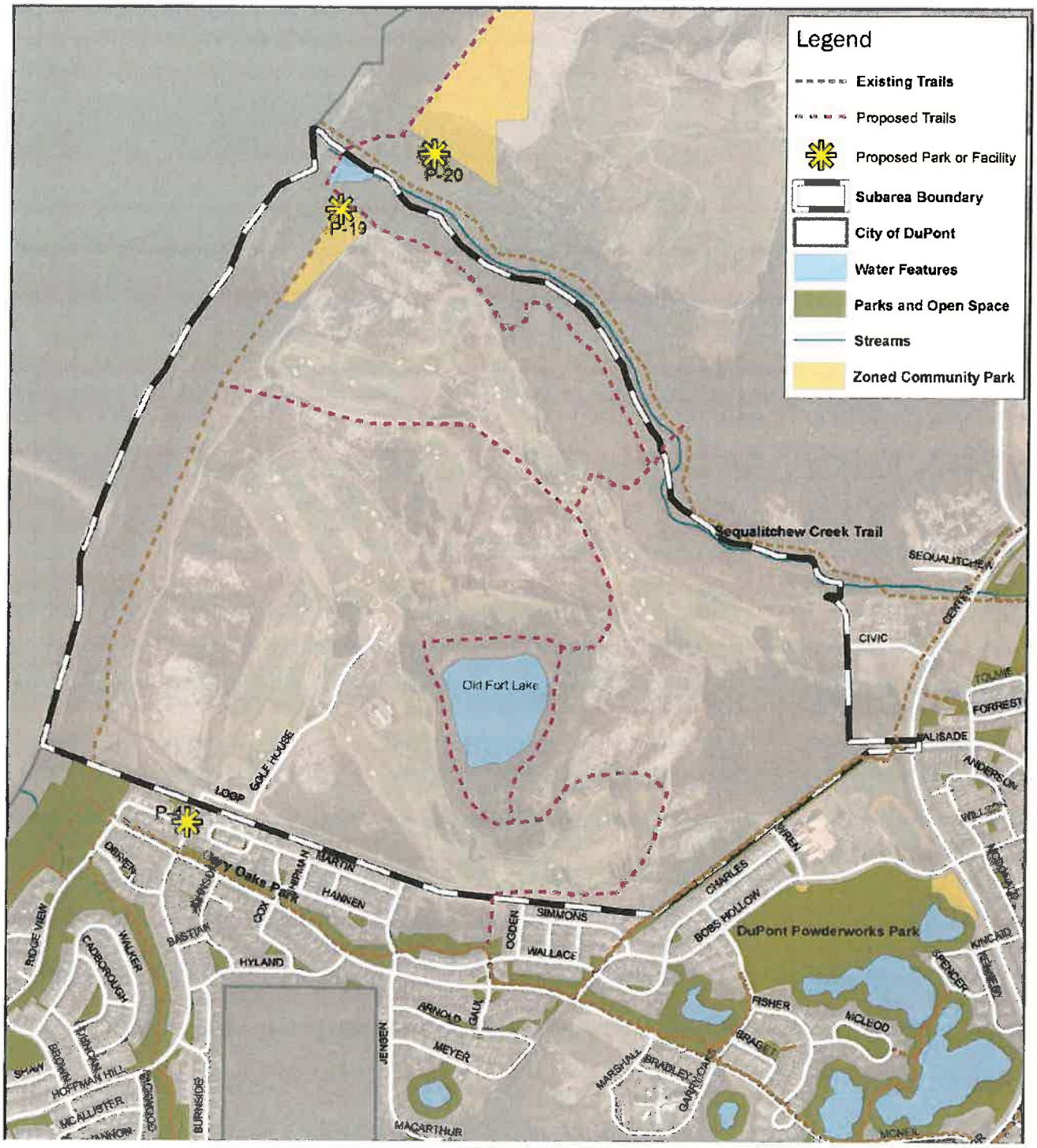


Figure 10 - Current Parks, Open Space, and Trails Map (2017)

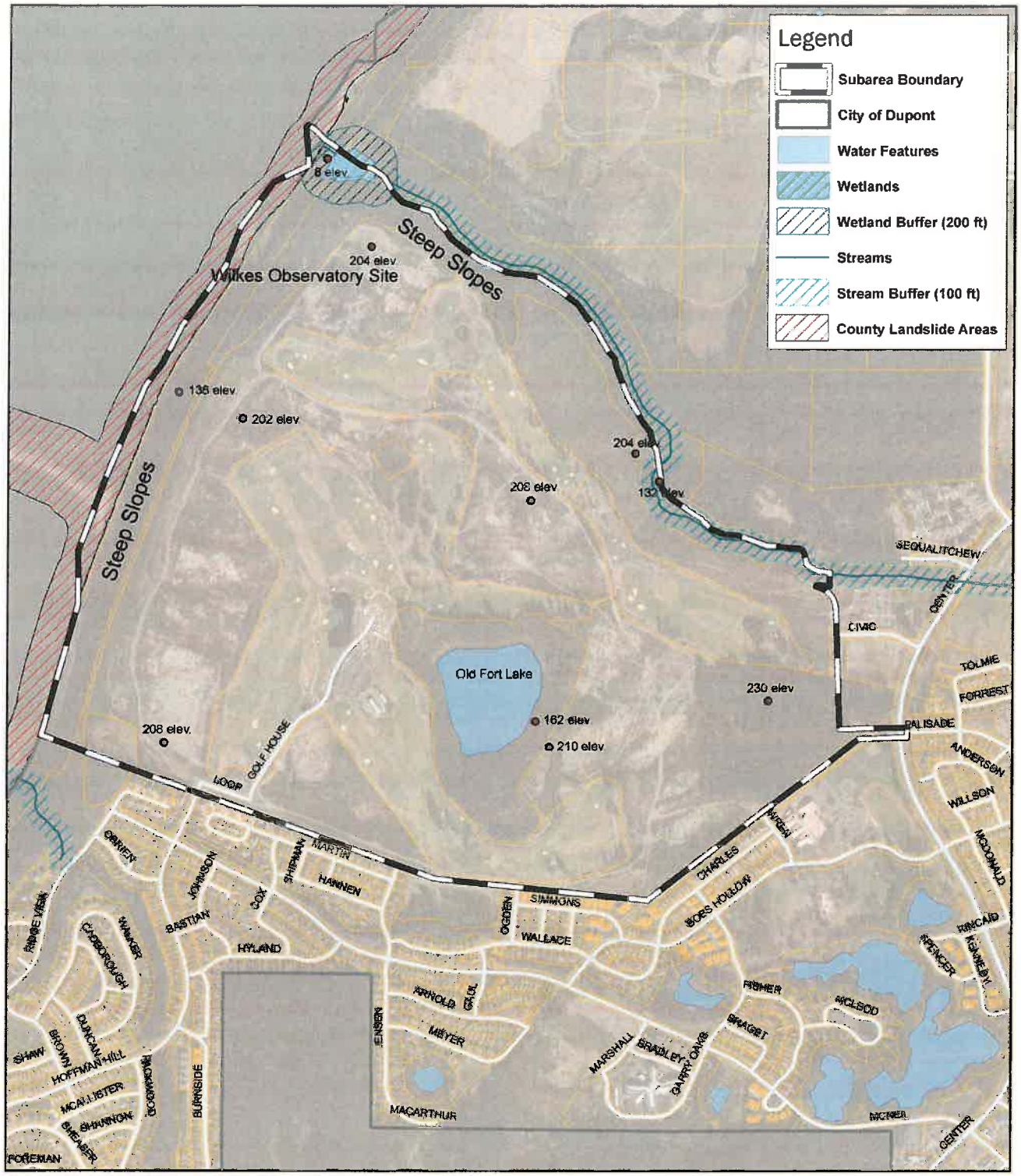


Figure 11 - Current Natural Features Map (2017)

Future Open Space & Recreation Plan

The purpose of the Future Open Space & Recreation Plan is to identify new trails, paths, open space and recreational facilities that are consistent with the master plan. It is also an opportunity to integrate those that have already been identified by the adopted 2014 Parks Master Plan. Existing goals and policies should continually be updated to reflect the objectives of this subarea plan.

Trail System – At a community workshop, participants favored trails as the amenity they would most like to see in the subarea. The subarea should add and expand trails in order to integrate the surrounding trail system with natural amenities, cultural sites, and other facilities. These trails will provide recreational opportunities for residents as well as provide connectivity within the subarea. Future trails improvements include:

- Trail T-5 and T-6: Trails along the south of the Sequalitchew Creek Corridor that connect with the existing Sequalitchew Trail.
- Trail T-6: A loop trail around Old Fort Lake that secures public access to the Old Fort Lake natural area and integrates it as an amenity.
- Trail T-2: A south-north trail along the Puget Sound bluff that provides sweeping views to the west. This is an existing trail but future improvements and local connections are envisioned.
- Future Trail: A future trail connection on the south side of the creek that provides a link to the Civic Center.

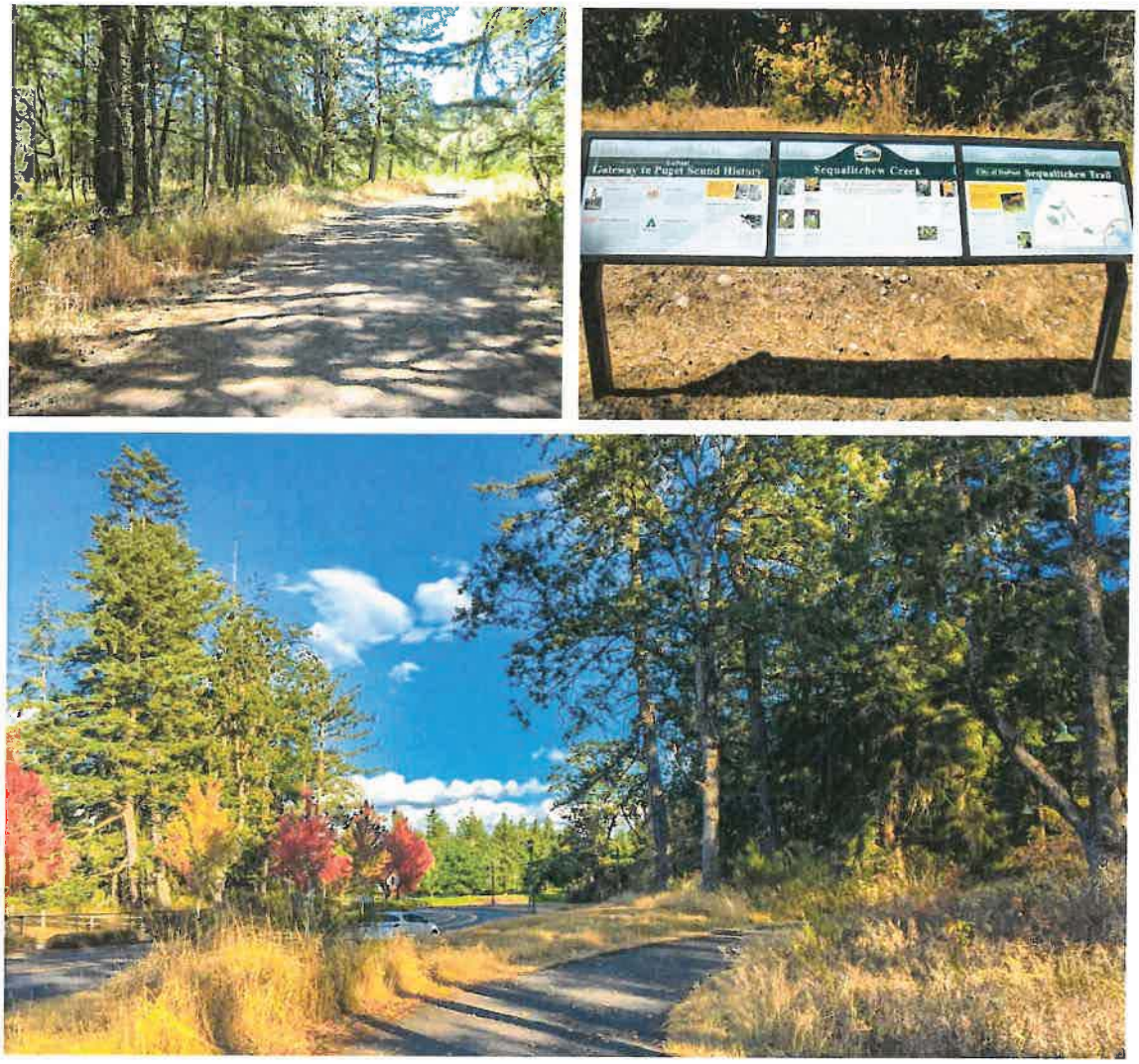
Trailheads – Two trailheads are envisioned in the subarea. The first is located at the Wilkes Observatory, which was identified in the 2014 Parks Master Plan. The other is located at the northeast corner of Old Fort Lake. These trailheads are planned to provide formal trail access, and would provide additional parking, informational signage, and facilities such as restrooms and trash receptacles.

Open Space Areas – Several open space areas are envisioned for the subarea. Areas that are currently designated as Open Space/Recreation by the Comprehensive Plan will remain unchanged. These areas are denoted as block J.1, J.2 and block H and include land adjacent to Puget Sound, Sequalitchew Creek and Old Fort Lake. Additionally, Blocks I.3, I.4 and I.5, which surround the Fort Nisqually cultural site, are envisioned to have an open space focus.

***The consent decree requires and the restrictive covenants enforce a prohibition on parks and playgrounds in the subarea. The City envisions future discussions to applicable parties to relax these restrictions as potential site contaminants are addressed.

Multi-use Paths – Multi-use paths should be integrated with the future transportation system in order to provide safe and attractive linkages and recreation opportunities for pedestrians and cyclists. During community workshops, multi-use paths were identified as a priority. The specifications of the paths may vary, but they should generally be approximately 12-feet wide, and should be separated from roads by a landscape buffer. Two multi-use paths are planned along Road A which skirts the south and west of the subarea (labeled as MUP A), and along Road B which is an east-west linkage through the subarea (labeled as MUP B). Multi-use paths are envisioned to be paved, ADA-compliant, and be designed to support pedestrian and bicyclists.

Wayfinding and Educational Signage – To support efforts to expand the trail system and to incorporate the natural assets on site, wayfinding and education signage should be included. These types of signage orient users to trail crossings and other points of interest.



Top Left: *Sequalitchew Trail* ***Top Right:*** *Trail route and informational signage.* ***Bottom:*** *Multi-use trail along Bob's Hollow Lane; similar future facilities are planned for the subarea.*

Figure 12 - Old Fort Lake – Future Open Space and Recreation Plan

Future Open Space & Recreation Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan.

FUTURE OPEN SPACE & RECREATION Old Fort Lake: **Goals and Policies**

Goal OSR-1	**Evolve Old Fort Lake into a centerpiece of the Old Fort Lake subarea and a premier recreational opportunity for DuPont residents.**
OSR 1.1	Secure public access to the lake and provide an informational trailhead.
OSR 1.2	Integrate a looped trail around the lake that connects with surrounding trails and provides views of the lake.
OSR 1.3	Enhance natural habitat around the lake.
OSR 1.4	Manage native trees and vegetation around the lake.
Goal OSR-2	**Create a high quality, attractive, and well connected trail system that is highly accessible to the DuPont community.**
OSR 2.1	Incorporate wayfinding, educational, and orientation signage.
OSR 2.2	Provide formal trailhead facilities at major trail intersections and entrances.
OSR 2.3	Orient and align trails to maximize viewpoints and connections to Puget Sound, Sequalitchew Creek, and historic and cultural sites.
OSR 2.4	Provide safe multi-use trails along primary vehicular thoroughfares.
OSR 2.5	Use open space and recreation areas to effectively buffer the Home Course and adjacent neighborhoods from new commercial and industrial uses. Coordinate with the Home Course to effectively locate facilities.
OSR 2.6	Integrate goals and policies of Comprehensive Plan and Parks Master Plan in Old Fort Lake subarea planning process. Update Comprehensive Plan and Parks Master Plan as needed to reflect subarea plan.
Goal OSR-3	**Preserve and enhance open space areas.**
OSR 3.1	Protect open space areas adjacent to view corridors and sensitive areas and identify new open space areas.
OSR 3.2	Apply open space zoning category and land use designation for areas that should be preserved.
OSR 3.3	Plan for active and passive recreational opportunities within open space areas.
OSR 3.4	Connect open space corridors and trails to create a comprehensive network.
OSR 3.5	Search for opportunities to acquire high-quality critical areas to retain in conservation.
OSR 3.6	Partner with other government entities and non-profit organizations to manage natural areas.

4.4 - Cultural Resources Element

Current Cultural Resource Characteristics

The subarea has several designated cultural sites. The DuPont Historical Society completed a *DuPont Heritage Plan* in 2014 stating known cultural resources, site locations, and conservation and tourism recommendations. The subarea has significant cultural resources within its boundaries, these include:

- **The 1833 Hudson Bay Company Fort Nisqually Site:** The 1833 site played a historical importance to early Euro-American activity in the Pacific Northwest. Fort Nisqually became known for its fur trading and agricultural products. The original Fort Nisqually site had proved to be too small and the fort was relocated in 1843. This site is owned by the City of DuPont but is surrounded by The Home Course with limited public access. This site is located near the center of the subarea, north of The Home Course Club House.
- **The Wilkes Observatory Site:** Lt. Charles Wilkes used this site for the placement of maritime instruments and clocks used as part of the Wilkes Exploring Expedition and Fort Nisqually. The DuPont Company placed a historical marker at the site that still stands today. The site is located on the bluff south of the mouth of Sequalitchew Creek near the north tip of the subarea boundary.
- **Crystallizer Site:** The crystallizer site is reminiscent of the key location of the previous manufacturing use on the Old Fort Lake property. The crystallizer site has a relic with left behind building foundation and part of the wall structure.
- **Native Tribes:** The property may have supported native tribes. Though specific tracts have not been formally designated; the property may have supported migration, hunting, and gathering by Native Americans. Artifacts may be present.

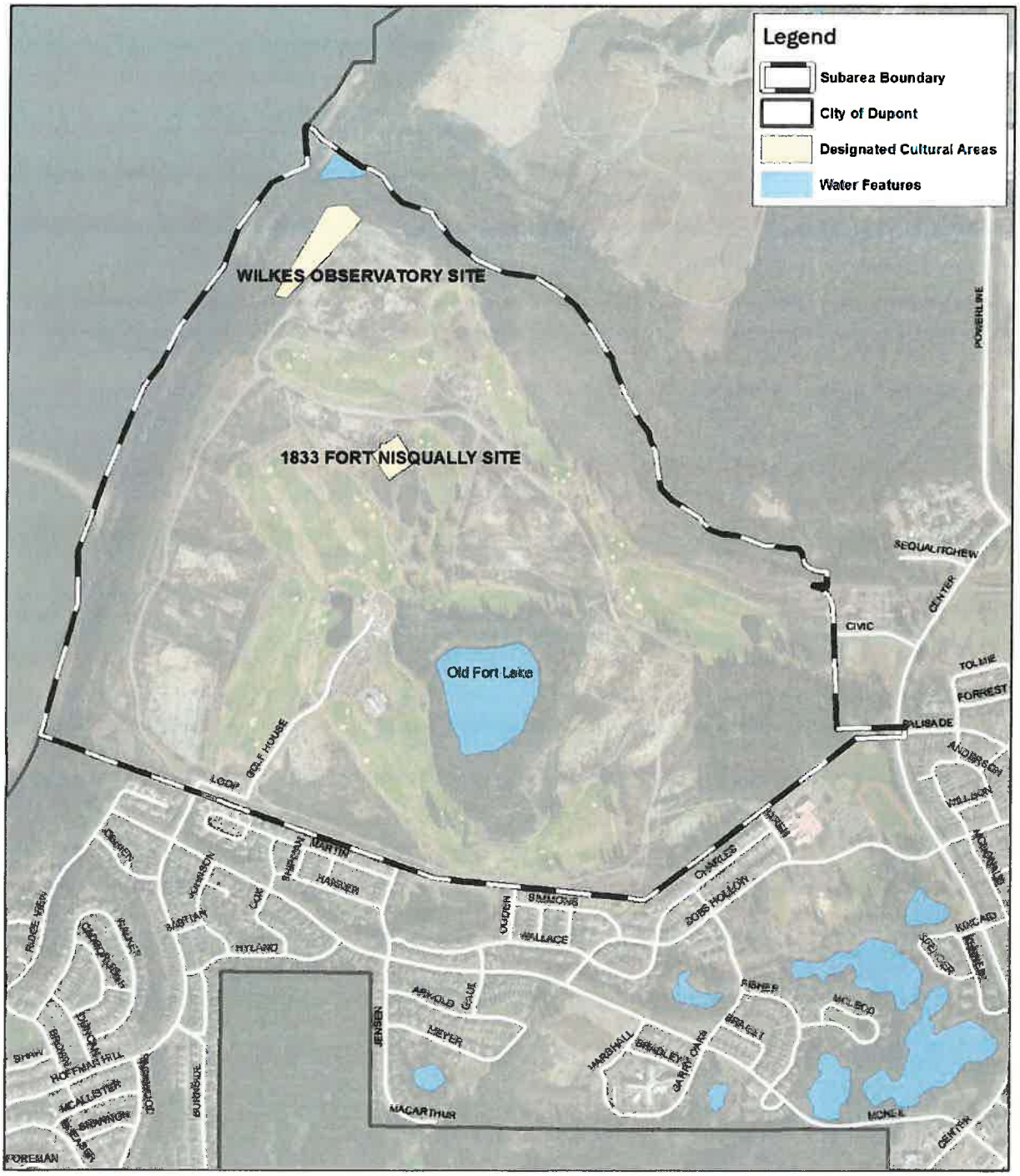


Figure 13 - Current Cultural Resources Map

Note: This map illustrates currently designated cultural sites.

Future Cultural Resources Plan

The City of DuPont includes a Cultural Resources and Historic Preservation Element in its Comprehensive Plan. This element recognizes how DuPont's cultural and historic resources make DuPont a distinct, culturally rich location with assets that can provide enhanced tourism opportunities. The Old Fort Lake Subarea Plan will continue to recognize and protect these cultural sites; they have been weaved into the subarea master plan. The goals and policies below are consistent with the Comprehensive Plan element.

Future Cultural Resources Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan.

FUTURE CULTURAL RESOURCES Old Fort Lake: **Goals and Policies**

Goal CR-1	**Protect cultural resources by implementing regulations that insure cultural resources will not be destroyed, damaged, or disregarded during the development process.**
CR 1.1	Work with federal and state agencies and the tribe to utilize historic preservation planning.
CR 1.2	Work with the Home Course to provide access to the Old Fort site.
CR 1.3	Develop an active preservation program that emphasizes community outreach and involvement including other local governments and agencies.
CR 1.4	Seek ways to capitalize on DuPont's unique cultural and historic resources to enhance tourism and local education opportunities.
C.R 1.5	Partner with the Nisqually Tribe to identify cultural sites that have tribal heritage and possess native artifacts.
C.R 1.6	Apply the City's cultural resources policies and regulations to all future development within the subarea.

4.5 - Transportation Element

Current Transportation Characteristics

The subarea presently has limited access. Existing access into the subarea is from Hoffman Hill Boulevard, a major collector. Hoffman Hill Boulevard turns into Golf House Road, a local access road, which services The Home Course golf course and clubhouse. There is one unnamed dirt road that creates a large loop through the subarea. This dirt road connects to Wren Road, Palisade Boulevard, and Ogden Avenue. The current transportation characteristics are summarized below:

- **City-Wide Connections** – Civic Drive and Palisade Boulevard are higher classified roads that terminate at the subarea boundary and that can provide access for future uses. Both Civic Drive and Palisade Boulevard provide direct access to Center Drive. Center Drive is a four-lane, divided, principal arterial roadway.
- **Local Connections** – There are three existing roads that presently terminate at the subarea boundary and can provide future local access for local residents. These include Hoffman Hill Boulevard, Jensen Avenue, and Ogden Avenue.
- **Transit** – There is no local transit that serves the subarea. There are no Pierce Transit local bus routes that service/circulate the City of DuPont. However, there is express bus service to Olympia and Tacoma/Seattle. The DuPont transit center is located approximately 1.1 miles (a 22-minute walk / 7-minute bicycle ride) from the subarea entry point near the intersection of Palisades Blvd & Center Drive.
- **Trails** – The subarea has an existing trail that aligns along the bluff (T-2 in the Parks Master Plan); another trail is aligned along the southeast boundary (T-7). There are numerous trails surrounding the subarea that can be tied into in the future. Trails are discussed in further detail Section 4.3 (*Open Space and Recreation*).
- **Rail Lines** – There is one line of active railroad track that runs near the western edge of the subarea boundary. The tracks are located between the shoreline and the associated bluffs. The tracks support rail freight. Amtrak passenger rail service is planned to be transferred from this rail segment; no stations are located along this segment.

Figure 14 - Current Vicinity Roadway Network (2017)

Future Transportation Plan

The purpose of the Future Transportation Plan is to envision a new network of roads and paths that serve the subarea. The new network will provide internal circulation between various development areas and will connect to the existing road network.

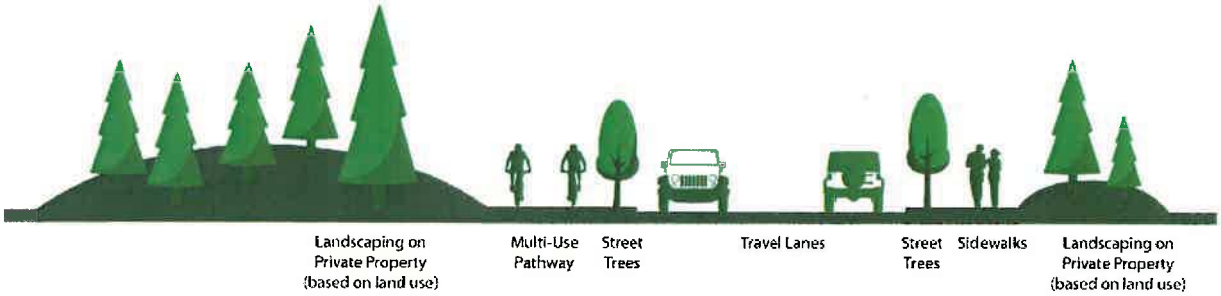
Road Classification – All roads in the City of DuPont fall under one of four classifications: *Principal Arterial, Minor Arterial, Major Collector,* and *Local Access*. The classifications are inventoried in the Comprehensive Plan and specifications are detailed in the Public Works Standards.

- **Principal Arterials** provide access between large subareas of an urban region, including access to the Interstate system.
- **Minor Arterials** connect principal arterials to smaller collector roadways, and distribute travel to small geographic areas and communities.
- **Major Collectors** distribute trips from principal and minor arterials to destinations, or collect traffic from local roads and channel it to the arterial network.
- **Local Access** roadways provide circulation and access to residential neighborhoods

Primary automobile circulation is proposed as a loop road through the property as illustrated on the Old Fort Lake Master Plan. New roads in the subarea will align with these designations. The vision for the subarea will include three new streets (Streets, A, B and C) that are minor arterials. Civic Drive and Street B will be extended into the subarea and are planned a minor collectors. Street E is planned as a local access road that connects to the Old Fort Wilkes cultural site and future trailhead.

Street Design – Streets in the subarea will be designed to create an attractive streetscape that provides for efficient vehicle circulation while creating separate facilities for bicyclists/pedestrians. Specifically, the subarea primary streets will carry forward streetscape elements that are enjoyed in other areas of DuPont such as landscaping, street trees, and strong pedestrian amenities. It is anticipated the City's Public Work standards will adopt additional cross sections for the subarea so that the subarea is developed with distinctive street designs.

Non-motorized Transportation – DuPont provides a strong pedestrian and bicyclist environment; this is contributed to its network of sidewalks and multi-use trails. The subarea will connect to the existing pedestrian network and provide new non-motorized facilities. At a community workshop, residents heavily favored multi-use trails over on-street facilities for non-motorized transportation. Multi-use trails are envisioned to be incorporated along Road A and Road B within the subarea. These trails should increase safety for pedestrians and bicyclists by sufficiently separating these users from vehicular traffic by a green buffer.



Old Fort Lake – Conceptual Arterial Cross Section

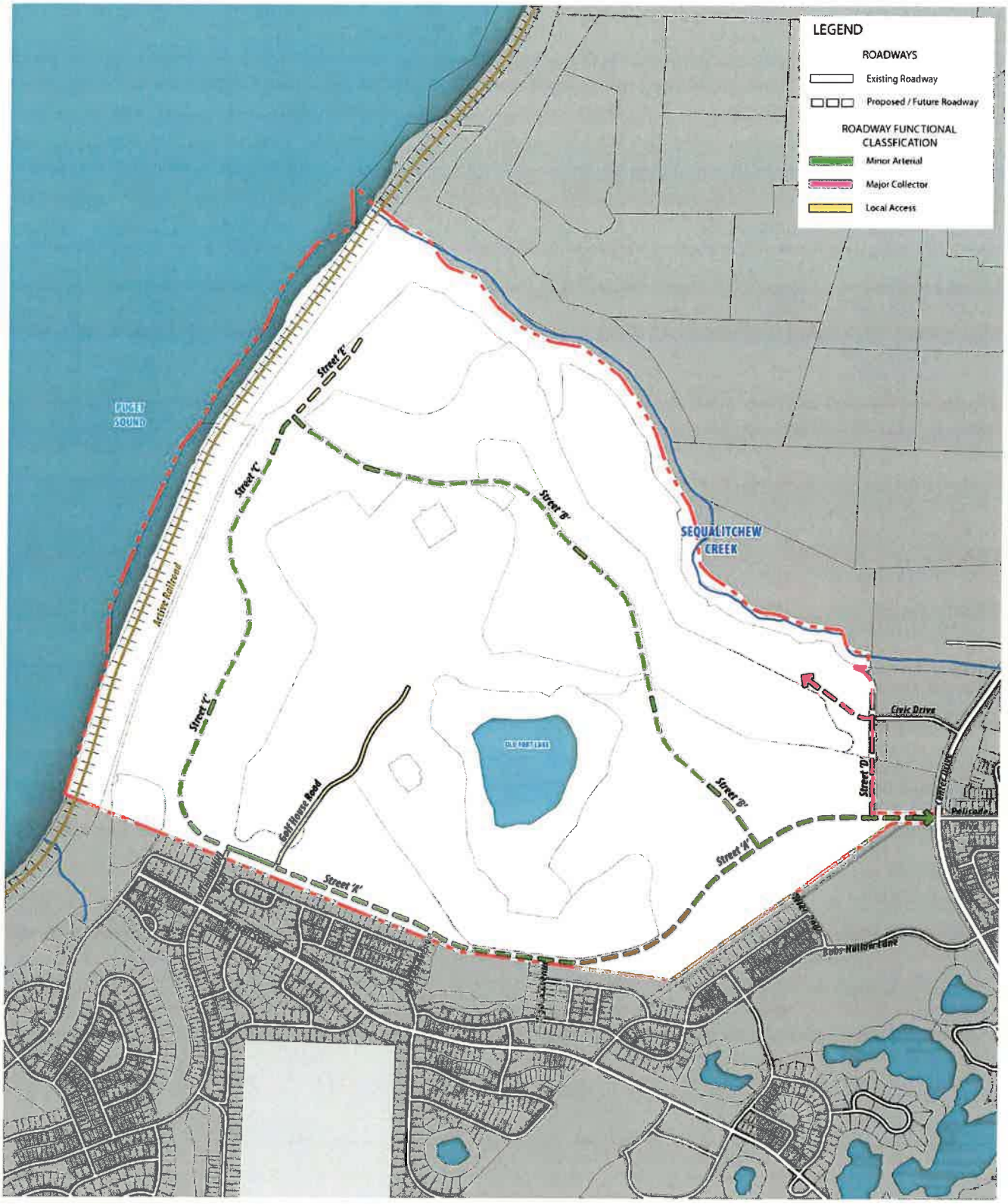


Figure 15 - Old Fort Lake - Future Transportation Plan

Future Transportation Goals and Policies

The following goals and policies should guide future development and decision-making pertaining to transportation within the subarea. These goals and policies were created to assist in the implementation of the Master Plan.

FUTURE TRANSPORTATION Old Fort Lake: **Goals**

Goal T-1	**Provide a robust multi-modal transportation network that serves as variety of users.**
T 1.1	Reduce speeds of automobiles through aesthetically-pleasing traffic calming measures and street design.
T 1.2	Plan for pedestrian/bicyclist facilities to allow for safe and convenient access to future transit and rideshare services.
T 1.3	Plan for trails and multi-use paths to serve both a recreational and transportation function; provide adequate separation between non-motorized facilities and major thoroughfares.
T 1.4	Connect and enhance adjacent paths and trails with new facilities within the subarea.
Goal T-2	**Provide excellent street design that complements desired future land uses and reflects community values.**
T 2.1	Design and adopt street cross sections for primary roadways within the subarea.
T 2.2	Ensure future transportation is consistent with Comprehensive Plan, Capital Improvement Plan, and Public Works Standards, and update these documents as necessary to reflect subarea goals and policies.
T 2.3	Plan a transportation network that reflects the future land use goals.
T 2.4	Construct streets with trees and vegetation; ensure roadways carry forward the streetscape themes found in other parts of the City.
Goal T-3	**Plan a well-connected and efficient road network.**
T 3.1	Plan a street pattern that integrates different development blocks and provides multiple travel route options within the subarea; focus subarea traffic to the internal primary roadways.
T 3.2	Conduct an update Trip Generation Estimate that assumes the desired future land use of the subarea.
T 3.3	Provide linkages to existing infrastructure and major roads.
T 3.4	Plan internal street network that provides adequate service while minimizing future maintenance burdens.
T 3.5	Route freight traffic to Center Drive so not to direct truck traffic through residential neighborhoods that surround the subarea.
T 3.6	Maintain and enforce the City's concurrency standards for all new development within the subarea; require developers to provide transportation improvements where expected levels of services fall below the adopted standards.
T 3.7	Restrict vehicular access connections to Wren Road from within the subarea; plan for emergency access and non-motorized connections to Wren Road.

4.6 – Capital Facilities and Utilities Element

Current Utility Characteristics

The subarea has limited onsite utilities but existing infrastructure is located in abutting neighborhoods. The existing water and sewer lines were developed and serve the golf course. Future development in the subarea will require additional utility infrastructure that is sized, developed, and managed to serve the future users. Developers are required to demonstrate that utility capacity is available to serve proposed projects during the land use review/permitting process. Developers are also responsible to extend lines and build the supporting infrastructure to serve future projects. Roads and multimodal facilities are discussed in Section 4.5 of this plan.

Water – The subarea is serviced by DuPont Water. The main water line runs from Hoffman Hill Boulevard to Golf House Road; there are no other water connections in the subarea. The subarea could be serviced with additional water mains by connecting to the nearby water mains that are located at roadway connections along the southern and eastern boundary.

Sewer – The City does not own or maintain any sanitary sewer system components. Sanitary sewer services are provided by Pierce County Sewer Public Works and Utilities. The City has interlocal agreements for the provision of sewer service with the utility. The subarea has one main sewer line that extends from Hoffman Hill Boulevard to Golf House Road; there are no other sewer connections in the subarea. The subarea could be serviced by additional sewer mains by connecting to the nearby mains that are located at roadway connections along the southern and eastern boundary.

Stormwater Management – The subarea does not have a stormwater master plan. The subarea has some stormwater facilities that serve the golf course. This includes stormwater lines along the Loop Road, Golf House Road, and at The Home Course golf course. Additionally, there is a stormwater pond adjacent to the southern boundary of the subarea that has a service line connecting to the subarea. Like water and sewer, there are multiple locations of potential tie-ins to the surrounding areas stormwater system.

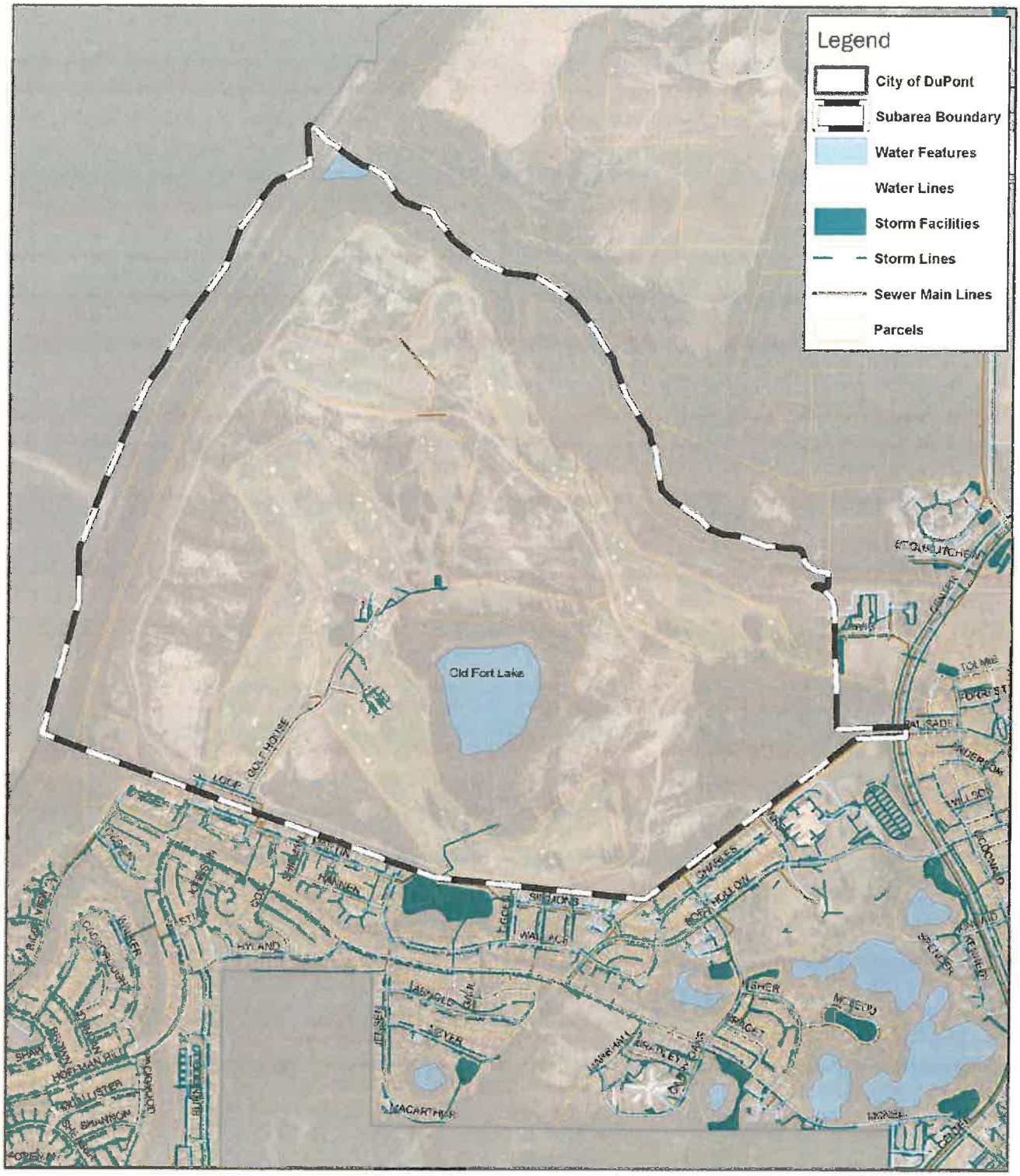


Figure 16 - Current Utilities Map

Future Capital Facilities and Utilities Plan

The City of DuPont Comprehensive Plan includes a Capital Facilities & Utilities Element. This element established adopted levels of service for infrastructure and services including, but not limited to roadways, parks, fire protection, law enforcement and utilities. The City's levels of service do not change with this subarea plan. Future development shall be consistent with the Comprehensive Plan. Individual projects will be reviewed for consistency with these levels of services at the time of permitting. Future development within the subarea must demonstrate that adequate facilities/utilities are in placed at the time of permitting and construction. Furthermore, future development will be required to plan and construct the supporting infrastructure to serve the future uses/buildings. This will include new water, sewer, electrical and stormwater facilities. The supporting infrastructure will be planned/sized based on the specific uses and building sizes; specific infrastructure planning will occur as part of the land use/permit review processes.

Capital Facilities and Utilities Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan. These goals and policies assist the City, utility/service providers, and development entities plan for future development in the subarea.

CAPITAL FACILITIES AND UTILITIES Old Fort Lake: **Goals and Policies**

	CAPITAL FACILITIES (CF)
CF-Goal 1	**Plan for the provision and development of roads, water system, wastewater and storm drainage systems, parks, civic facilities and police and fire protection that are adequate to meet the needs of the Subarea at full development.**
CF-1.1	Require that individual development projects are constructed consistent with the Subarea Plan in terms of infrastructure, open space, and land usage.
CF-1.2	Require developers to plan their utility infrastructure to allow for future blocks to develop within the subarea.
CF-1.3	Require developers to construction roadway access to their properties within the subarea; ensure that all development proposals are designed in a way to accommodate the future roadway and trail networks as illustrated on the Old Fort Lake Master Plan.
CF-1.4	Remain "grant-ready," by maintaining partnerships with service providers to enhance "in-kind" and regional participation, keeping capital facilities plans current, and ensuring that local plans are consistent.
CF-1.5	Obtain rights-of-way and easements to ensure that future access and utilities can be provided to all development properties within the subarea.

CAPITAL FACILITIES AND UTILITIES — Old Fort Lake: **Goals and Policies**

CF-Goal 2	**Ensure that public facilities necessary to support new development are available and adequate concurrent with the development.**
CF-2.1	Apply the levels of service standards as adopted in the Comprehensive Plan for all development within the Old Fort Lake subarea.
CF-2.2	Require developers to construct and/or fund capital facilities that are needed to meet City concurrency standards.
CF-2.3	Explore additional funding sources and strategies to ensure long–term infrastructure maintenance within the subarea.
CF-2.4	Work with the school district to coordinate the development of new schools to coincide with anticipated residential development.
CF-Goal 3	**Celebrate the subareas's cultural sites through enhancement and education.**
CF-3.1	Create funding plans for the preservation and enhancement of the Wilkes Observatory, the1833 site, Old Fort Lake, and other cultural and historic features.
CF-3.2	Create development plans for cultural sites that include public access, informational signage, viewing areas, and visitor structures.
	UTILITIES (U)
U-Goal 1	**Ensure utilities are available for development.**
U-1.1	Coordinate with utility providers at early stages in project planning and the development review process.
U-1.2	Design and install utilities with sufficient capacity to meet anticipated land use intensity.
U-1.3	Plan for an accessible utility infrastructure system that provides for practical connections; to the greatest extent practical, require that water, wastewater and storm drainage lines are developed within public rights-of- way.
U-1.4	Review the utilities capacity on an annual basis to ensure there is long-term capacity to support future uses within the subarea; identify any potential service deficiencies and work with service provides to adequately plan for future demand.
U-1.5	Seek funding sources for infrastructure to support development within the subarea.

U-Goal 2	**Provide adequate sanitary sewer system concurrent with development**
U-2.1	Coordinate with Pierce County to provide sanitary sewerage service to the residents and businesses of the subarea.
U-2.2	Require all new development (excluding remote open space buildings) to connect to a public sanitary sewer system.
U-2.3	Design new sanitary sewer systems to service the future demand that is anticipated from the Old Fort Lake Future Land Use Plan.
U-Goal 3	**Provide potable water to the subarea**
U-3.1	Provide an efficient and adequate water supply to the residents and businesses of the subarea.
U-3.2	Require all new development (excluding remote open space buildings) to connect to a public water system.
U-3.3	Design new potable water systems to service the future demand that is anticipated from the Old Fort Lake Future Land Use Plan.
U-3.4	Explore opportunities to reduce potable water use including low-flow appliances/fixtures/toilets, water reuse and rainwater harvesting, and drought tolerant landscaping.
U-Goal 4	**Minimize erosion by enforcing stormwater management from start of development through completion of development**
U-4.1	Require that future development comply with the City's adopted stormwater management program.
U-4.2	Determine applicable low impact development (LID) best management practices (BMPs) during in the planning stages for new projects as required by the City's stormwater management program.
U-4.3	Design landscaping and planting areas as key components of a site's water quality stormwater strategy; create landscaping plans that reduce and/or eliminate the need for fertilizers and chemicals.
U-4.4	Encourage development to conduct rainwater harvesting for irrigation and reuse purposes.
U-4.5	Conduct timely updates to the City's stormwater management program to compile with periodic amendments to the Department of Ecology Stormwater Management Manual for Western Washington.

4.7 – Community Character Element

Future Community Character Plan

The City of DuPont Comprehensive Plan and this subarea plan strives to create a quality community character that complements existing neighborhoods, creates distinctive future districts, preserves native vegetation and critical areas, and creates attractive streetscapes. The Old Fort Lake Master Plan establishes the vision for the subarea. The preceding elements institute long-term goals for various aspects of the area. The following subsections establish additional long-range goals relating to buildings, landscaping, and wayfinding.

BUILDING DESIGN

The subarea is envisioned to have future buildings that are attractive and provide quality architecture. In doing so, the City will apply its design regulations and guidelines for all new multifamily, commercial, and mixed use buildings. These buildings will follow the standards that are applied to other areas within the City in order to maintain the same level of architectural quality that the community has grown to expect. This includes building facades with clearly articulated entrances, window coverage, and material variety. Furthermore, buildings will be oriented to the nearby streets create an attractive street presence and contribute to strong pedestrian environments.

The subarea vision also includes goals for attractive industrial buildings. There is a common community sentiment to avoid large spans of blank walls, to minimize large parking expanses, and to screen service/loading areas. Moving forward, the City will be tasked with expanding its design regulations and guidelines to address industrial buildings including light manufacturing and warehouse.

BUFFERING

A buffering strategy must be implemented across Old Fort Lake to address any perceived incompatibilities. Specifically, there is a wide-spread community goal to protect visual appearance of the golf course and to ensure that future adjacent uses do not degrade this asset. Furthermore, this sentiment applies to natural areas, streets, and neighborhoods so that Old Fort Lake supports a variety of users while creating a community character that is attractive, safe, and welcoming. The City's land development regulations should be updated to implement the subarea's buffering goals.

- **Multifamily, Commercial, and Office Uses** – buffers will be provided along rights-of-way and the golf course to provide subtle screening and to add vegetation. It is acknowledged that these uses may want views to the golf course while providing some degree of visual separation. Additional buffer treatments will be provided where these uses abut single-family neighborhoods; this could include lush landscaping, trees, and fencing to provide an effective transition to low density housing.
- **Industrial Uses** – buffers for industrial uses will be provided along streets to provide some screening and add vegetation to the streetscape. Full buffers and screening will be provided along the golf course, open space areas, and residential districts to ensure the visual impacts are effectively mitigated.

TREES AND LANDSCAPING

The subarea will develop with new lush landscaping and expansive tree canopies. This vegetation will occur on individual development sites, along rights-of-way and within the open space areas. Landscaped areas are envisioned to mimic a more natural arrangement with native plant varieties. Landscape designs should focus on trees, shrubs, and ground cover while avoiding large spans of turf (except for golf courses and play areas). The City will adopt policies and standards to ensure that the subarea develops with trees and landscaping that aligns with the overall vision for Old Fort Lake.

Development Sites – Individual sites will provide a minimum landscaping coverage that is established in the Land Use Code. Planting areas will be located along the site's perimeter, along building foundations, and peppered through parking areas to soften their appearance against the natural setting.

Streets – Roadways will be developed with street trees and ground cover to create a comfortable and attractive streetscape. It is envisioned that the City will design and adopt special cross sections for the subarea to ensure that future streets area distinctive and carry forward the vision for the area.

Opens Space – Open space areas will follow the same landscaping goals with a focus on quality design. DuPont's public parks have superior design and maintenance; this shall carry forward in the Old Fort Lake subarea.

SIGNAGE AND WAYFINDING

The provision of signage, landmarks, and wayfinding will be thoughtfully integrated into the subarea to orient people to destinations and access routes.

Entry Signs – Entry monuments should be provided at key entry locations into the subarea and their design should be coordinated in terms of shape and materials.

Trail Signs – The City's trail signage will be applied to future trail sections within the subarea to orient users to the larger network.

Info Signs – Informational signage will be provided to highlight natural and cultural assets.

Private Signs –Private site and building signs shall be subject to the same City regulations as applied in other portions of the City; no additional signage allowances will be applied within the subarea.

Top Two: *Tree-lined streets and landscaped entryways*
Center: *Monument signage* ***Bottom:*** *Informational placards*

Community Character Goals and Policies

The following goals and policies shall guide the City and its actions to ensure that the subarea plan develops in way to create a strong community character that balances function, aesthetics, and compatibility. This character should complement the established city form and the surrounding neighborhoods. These goals and policies establish future actions that the City and developers shall make to ensure the subarea is well-designed and followed sound urban design principles.

COMMUNITY CHARACTER	Old Fort Lake: **Goals and Policies**
CC-Goal 1	**Develop buildings that are attractive and project a welcoming appearance to pedestrians, customers, and the residents of DuPont.**
CC-1.1	Apply the City's *Multifamily Design Regulations and Guidelines* and *Commercial and Mixed Use Design Regulations and Guidelines* to future development within the Old Fort Lake subarea.
CC-1.2	Develop and adopt design regulations and guidelines for light manufacturing and warehouse land uses within the Old Fort lake subarea.
CC-1.3	Create and adopt pedestrian access standards so the subarea develops as a walkable district within the City.
CC-1.4	Establish development requirements that require sites to downplay and screen parking lots, service areas, loading docks, and semi-truck parking from off-site view.
CC-1.5	Adopt new zoning and land use standards with appropriate setbacks and other dimensions standards to result in attractive site/building designs that implement the subarea vision.
CC-1.6	Work with developers to explore private design standards or restrictive covenants that exceed City standards and provide an additional means of enforcement.
CC-1.7	Revise City lighting standards to reduce light glare and to follow 'dark sky' principles.
CC-Goal 2	**Create attractive streetscapes that accommodate a variety of users including motorists, bicyclists, and pedestrians.**
CC-2.1	Develop and adopt street cross section standards for the subarea that includes landscaping, shade trees, vehicle travel lanes, and multi-use pathways.
CC-2.2	Continue to require landscaping buffers along rights-of-way to provide vegetation, shade, aesthetics, and screening.
CC-2.3	Review the City's landscaping and buffering standards for opportunities to add additional requirements to strengthen the Old Fort Lake Subarea Plan vision.
CC-2.4	Require development projects to demonstrate that new roadways and site plans will provide landscaping that meets or exceeds City standards.
CC-2.5	Explore opportunities to provide decorative/enhanced paving at key intersections to calm traffic and to emphasize pedestrian/bicyclist crossings.
CC-2.6	Identify a long-term funding source and/or partnership opportunity to maintain streets and vegetation.

CC-Goal 3	**Create signage and wayfinding with the subarea that has a coordinated, thematic design that provide helpful and effective orientation to site amenities and destinations.**
CC-3.1	Expand City trail signage and informational placards across the subarea to provide direction and guidance for all trail users.
CC-3.2	Develop the design and locations for entry monuments into the subarea; ensure the entry signs are coordinated in terms of materials and design.
CC-3.3	Apply the City's sign regulations to all development sites/buildings within the subarea.
CC-3.4	Develop standards to ensure that lighted signs are not excessively illuminated and do not cast harsh light onto surrounding properties.
CC-3.5	Explore an informational sign program to highlight cultural sites and areas of historical heritage.

APPENDIX 1: COMMUNITY ENGAGEMENT RESULTS

Community Meeting / Open House Overview

At a workshop held at DuPont City Hall, the community was provided the opportunity to voice their preferences relating to the land uses, transportation and connections, and the amenities and aesthetics within the subarea. Each topic had its own station, and participants were prompted to vote on a series of questions. The community preferences are summarized below.

Land Use

The purpose of this station was to (a) provide information pertaining to current Comprehensive Plan and Zoning designations on the properties, and (b) obtain attendee comment/preferences pertaining to land uses on the properties. Questions were as follows:

- **Which of these uses should be included in the subarea? (In addition to industry uses that are already allowed?)** – Options included deli/café, convenience store, gas station/automotive, medical office, grocery store, residential/apartments, mixed use and hotel. The community showed a clear preference for deli/café land uses, and moderately supported mixed-use and medical offices. Convenience stores and gas stations were the least favored potential land uses.
- **What is your preferred shopping environment?** – The following shopping environment categories were provided: stand-alone, shopping center, and mixed Use/neighborhood center. When viewing the concentration of votes on the boards, participants showed a preference toward the mixed use/neighborhood center environment.
- **What type of industry should be the focus in the subarea [within the subarea]?** – The following categories were provided: warehousing/distribution, manufacturing, research and development, high technology, offices/corporate offices. Participants showed preference for research and development, high technology, and offices, while warehousing/distribution and manufacturing only received one vote each.

Building and Site Design

At this station, participants rated the importance of certain building and site design elements on a sliding scale of "not important" to "very important." The intent of this station was to inform possible design guidelines and standards that the community might like to see applied to future development. Participants voted on the various priorities, including: building orientation, exterior colors/materials, architectural details, size/height restrictions near residential, pedestrian amenities, parking lot screening, reducing light/glare, and buffing residential neighborhoods/golf courses. Generally, all of these categories were viewed as highly important by participants. Buffering residential neighborhoods/golf course and size/height restrictions near residences stood out as the highest priorities.

Transportation and Connections

Participants were asked to vote on three transportation-related questions to inform the design of streets and non-motorized facilities. In addition, participants were asked an open-ended question where they could post comments on a sticky note. The purpose of the exercise was to identify specific concerns regarding traffic impacts from development in the area.

- **What kinds of non-motorized facilities should be provided in the subarea?** – Participants demonstrated a preference for off-street facilities (multi-use trails) over on-street facilities (bikes lanes/sidewalks).
- **How should sidewalks be designed in the subarea?** – Participants demonstrated a preference for sidewalks that are separated from travel lanes with a planter strip and trees. There were respondents that preferred curb-tight sidewalks.
- **Should streets accommodate on-street parking?** – Participants demonstrated a preference for off-street parking over on-street parking arrangements.
- **What are your concerns or ideas about transportation in the subarea?** – This was an open-ended question which received various individual responses, however, a couple of clear themes could be deciphered from these comments:
    - **Concern for Adverse Traffic Impacts** – The majority of the transportation comments revolve around potential traffic increases from any development in the Old Fort Lake Subarea. This includes (i) traffic noise, (ii) traffic congestion on Center Drive and residential neighborhoods, (iii) the volume of semi-truck traffic, and (vi) associated safety concerns.
    - **Request for Multimodal Transportation Facilities** – Many responses suggest a community a desire for pedestrian, bicyclist, and transit facility expansion in the area to handle the additional demand.

Amenities and Aesthetics

At this station, participants were given the opportunity to vote on preferred landscaping and amenities in the subarea. In contrast to higher-level questions regarding zoning and land use, these questions prompted responses on details that affect the public realm in the subarea, as well as its look and feel.

- **What kinds of amenities would you like to see in the subarea?** – The following options were provided: trails, natural areas, wayfinding (themed/decorative), educational signage, gathering places/cultural sites, street furniture/shelters, exercise equipment. Of these options, participants showed a high preference for trails. There were also positive responses for natural areas, gathering places, and educational signage.
- **What landscaping style would you like to see in the subarea?** – Participants showed a preference for native landscaping over ornamental plantings. However, many participants stated that native landscaping should still be well maintained and should not be confused with unkempt areas or plantings that may become a nuisance.

General Comments

A final station was available at the workshop, which provided the community the opportunity to share additional concerns and ideas, based on a prompt of four open ended questions. Many individual comments were received and there were a few clear takeaways, including:

- **Potential Impacts** – Participants were invited to share their concerns about potential project impacts. The major themes of these comments were focused around traffic, environmental, and zoning impacts.
    - **Traffic** – Participants showed concern for an increase in heavy trucks, traffic noise, and traffic spill over into the neighborhoods, increased congestion, and the associated safety concerns.
    - **Environmental** – Participants demonstrated concerns about losing access to any of the nearby trails and open space within the subarea, the potential impacts to the local wildlife and wildlife habitat, and impacts to property values and quality of life in the area. It was also stated by participants that the Old Fort Lake Subarea has some of the best public views in the City and should be preserved.
    - **Zoning** – A few participants stated that they do not want to see warehouses, shopping retail, and offices in the subarea. Some specifically mentioned hotels as an undesirable use.
- **Opportunities –** Participants identified numerous opportunities for items to be included in the Old Fort Lake Subarea Plan. Comments were general and varied, but opportunities identified included items such as open space and recreation, cultural amenities, employment, education, and retail. Individual responses were reviewed and informed the subarea concept alternatives.

Unique History … Vibrant Future

CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

July 24, 2017

Commissioners in Attendance: Chair Chris Barnes, Commissioner Beth Elliott Commissioner Renee Buck, Commissioner Dustin Marlett
Excused: Commissioner Todd Tatum
Absent:
Staff in Attendance: Planning Director, Jeff Wilson and Administrative Support, Janet Howald

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1. **CALL TO ORDER**
   Chair Barnes called the meeting to order at 6:00 pm. He informed that Commissioner Tatum previously notified him that he would not be present at this meeting. A motion was made and seconded to approve his absence (Buck/Marlett); 4/0 motion carried.

2. **ROLL CALL**
   Present: Chair Barnes; and Planning Commissioners Beth Elliott, Renee Buck, and Dustin Marlett.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
   A motion was made and seconded to approve the agenda (Buck/Marlett); 4/0 motion carried.

4. **APPROVAL OF MINUTES**
   A motion was made and seconded to approve the July 10, 2017 Minutes (Elliott/Buck); 4/0 motion carried.

5. **AUDIENCE COMMENTS** (Items not on the Agenda)
   None

6. **PUBLIC HEARINGS**
   Chair Barnes announced the public hearing for proposed Comp Plan amendments and Development Regulation amendments for the Manufacturing/Research Park & Industrial Area/Manufacturing Research/Park (MRP) zone and Industrial (IND) in the vicinity of Center Drive and DuPont-Steilacoom Road. (File Nos. COMP-16-05 & TEXT-16-07).
   Director Wilson informed additional materials and comments arrived after the packet was assembled. Copies were distributed to the Commissioners and were made available for the public. Mr. Wilson gave an informational brief and background on the proposed amendment. He then introduced Mr. Ryan Givens of AHBL, consultant to the City.

   Mr. Givens gave a power point presentation along with discussion of the other materials provided for the public hearing commercial opportunity area. The intent is to create commercial opportunity and retain industrial and jobs potential. It is zoned and has future land use designation for employment uses but looking at additional land use designation zoning and classification that would allow the commercial element. This involves an amendment to the

comprehensive plan that would create a new land use designation called Community Commercial Opportunity Area, CCOA Overlay which would lay over any other future land use designation and land use map. It is intended for non-residential land use classification and involve an amendment to the village text.

Chair Barnes opened the meeting for public comment.

Steve Schenk 1473 Kittson St, DuPont, Director of Steilacoom School Board, recommended coordination between the city and the school district pointing out that there has been loss of revenue for the school district and schools in the past due to lack of mitigation. He added the correction to the Community Commercial Opportunity Area in that the bus barn acre site is not a surplus property and added there are 14. 7 acres in Manchester Place designated as future elementary school site.

There was no further public comment.

Discussion and comment commenced between the Commissioners and Staff. Mr. Wilson addressed the concerns in Mr. Schenk comment letter. He encouraged Mr. Schenk to write a letter from the School district letter of intent with the property to have available when amending the text.

Chair Barnes closed the public hearing.

A motion was made and seconded to table this issue until the next meeting for an opportunity for further review (Buck/Marlett); 2/0, (Barnes/Elliott)opposed ;2/0. Motion did not pass.

Chair Barnes felt best to continue with the discussion to find resolution and come to a consensus.

A motion was made and seconded to change the front setbacks to a minimum of 15 feet along arterials (Buck/Elliott); 4/0 motion carried.

A motion was made and seconded to remove the multi family housing option from the proposed comprehensive plan text amendment and from the proposed community business zoning district. (Elliott/Marlett)2/0, (Barnes/Buck) opposed , 2/0. Motion did not pass.

A motion was made to forward the amendment to Council retaining the multi-family option with the proposed language (Buck/Barnes) 2/0, (Elliott/Marlett) opposed 2/0. Motion did not pass.

A motion was made to remove the sentence "Based on the school district's current plans this site may be surplus property and become available for industrial development", lines 30 & 31 of the Proposed Comprehensive Plan Amendment (Buck/ no second was made) motion did not pass.

A motion was made and seconded to continue deliberation to the next meeting on August 14, 2017 (Buck/Elliott); 4/0 motion carried.

7. UNFINISHED BUSINESS

Mr. Givens continued the discussion from the previous meeting regarding the Comprehensive Plan amendments and Development Regulation amendments for the Yehle Village/Patriots Landing Neighborhood (File Nos. COMP-16-02 & TEXT-16-03) He gave a Power Point presentation of area and the applicant's long-term goals. The applicant is requesting amendment to the

Comprehensive Plan Text and the Land Use Code Text. Discussion commenced with a question and answer session.

Mr. Givens continued discussion from the previous meeting regarding the Comprehensive Plan amendments for the Old Fort Lake neighborhood/Business & Technology Park zone (File Nos. COMP-16-04 & TEXT-16-06) The area is designated as industrial/technology types of uses. The current comp plan is a sub-plan that requires the City to plan for consistency for future uses. He explained the necessary processes to make the amendments to the Comp Plan and Text

A community meeting is to be planned. There will be a presentation followed by information stations staffed with facilitators to encourage conversations and address questions. Director Wilson informed that August 7th may be the date but the location is yet to be determined. A city wide residential mailing will go out.

8. NEW BUSINESS

None

9. ADMINISTRATIVE REPORTS

Director Wilson discussed the Extended Agenda and the possibility of special meetings to allow for further discussions and potential dates for public hearings to meet the goal of concluding discussions in September. He asked for input on special meetings and possible dates

On July 25th the three new Planning Commission applicants will go before the Council for consideration and appointment by the Mayor.

July 25th, Continued and final discussion will take place at the Council Meeting/Workshop regarding the Critical Areas Regulations.

10. AUDIENCE COMMENTS

Lawrence Genova 1876 Hoffman, DuPont, inquired as to who the developers will be and what types of businesses will be around the golf course.

11. PLANNING COMMISSION MEMBER COMMENTS

Commissioner Buck expressed appreciation to Director Wilson, Staff and the Consultant for all the hard work to put together the materials and meeting. She also expressed appreciation for inviting the applicants to attend the meeting so they could hear the concerns and comments.

Chair Barnes also expressed his appreciation to Staff and Consultants for their hard work and the public for attending the meeting.

12. ADJOURNMENT

Chair Barnes adjourned the meeting at 8:42 pm.

Aug 28 2017

Chair, Chris Barnes Date

Minutes prepared by Janet Howald, Administrative Support

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CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

Monday, August 14, 2017

Commissioners in Attendance: Chair Chris Barnes, Commissioners Renee Buck, Todd Tatum, Kevin Ballard, Jeremy Warner(Alt)
Excused: Commissioner Beth Elliott, Corey Wright, Dustin Marlett
Absent:
Staff in Attendance: Planning Director, Jeff Wilson, Administrative Support, Janet Howald

1. **CALL TO ORDER**
   Chair Barnes called the meeting to order at 6:00 PM.

2. **ROLL CALL**
   Present: Chair Barnes, and Planning Commissioners Buck, Tatum, Ballard, Warner(Alt).
   A motion was made and seconded to excuse Commissioner Elliott (Tatum/Buck); 5/0 motion carried.
   A motion was made and seconded to excuse Commissioner Wright (Buck/Tatum); 5/0 motion carried.
   A motion was made and seconded to excuse Commissioner Marlett (Ballard/Warner); 5/0 motion carried.

   Chair Barnes welcomed Commissioner Ballard and Commissioner Warner to the Planning Commission.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
   A motion was made and seconded to approve the agenda (Buck/Tatum); 5/0 motion carried.

4. **APPROVAL OF MINUTES**
   A motion to Approve the Minutes from the, July 24, 2017, was not made as a quorum of the commissioners attending the July 24th meeting were not present. Approval of the Minutes will brought forth to the next Planning Commission meeting.

5. **AUDIENCE COMMENTS**
   None

6. **PUBLIC HEARINGS**
   N/A

7. **UNFINISHED BUSINESS**
   File No's COMP-16-05 & TEXT -16-07: Discussion and deliberation commenced regarding the proposed Comp Plan amendments and Development Regulation amendments for the Manufacturing/Research Park & Industrial Area/Manufacturing/Research Park (MRP) zone and

Industrial (IND) in the vicinity of Center Drive and DuPont-Steilacoom Road. Commissioners Ballard, Tatum and Warner stated they had reviewed the materials and recorded testimony provided to them from the last meeting, 7/24/17, and were prepared to participate in the meeting.

A motion was made and seconded to remove the sentence on lines 30 and 31 of the Proposed Comprehensive Plan Amendment, "Based on the school district's current plans this site may be surplus property and become available for industrial development" (Buck/Tatum); 4/0 (Warner opposed) motion carried.

A motion was made and seconded to approve the language update for recommendation to the City Council. (Warner/Ballard); 5/0 motion carried.

A motion was made and seconded to approve the proposed comprehensive plan future land use map as proposed to go along with the text update. (Buck/Tatum); 5/0 motion carried.

A motion was made and seconded to approve Chapter 25.27, Community Business (CB) District of the Proposed Land Use code as presented. (Buck/Warner);5/0 motion carried.

A motion was made a seconded to approve the update to the Chapter 25.70 Commercial and Mixed Use Design Regulations (Buck/Tatum); 5/0 motion carried.

File No's COMP-16-02 & TEXT-16-03:Continued workshop and discussion on proposed Comp Plan Amendments and Development Regulation amendments for the Yehle Village/Patriots Landing Neighborhood. Mr. Ryan Givens of AHBL, Consultant to the City, began the discussion with a Power Point presentation.

Ken Farmer CEO of Careage and owner of the property spoke and also expressed the concern over the esthetics of the projects with the intent of maintaining the park like space through the property.

Director Wilson informed that a public hearing has been scheduled for August 28th, 2017 to ensure getting it scheduled but if need be, discussion could continue.

File No's COMP-16-04 & TEXT-16-06: Mr. Givens provided a summary of Open House on proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood/Business & Technology Park (BTP) zone. Director Wilson reminded there are some restrictions and constraints on how the land/property may be used due to the Consent Decree. Discussion then included a question and answer period. Mr. Wilson also reminded that there are four ownerships of the properties and that there has been outreach to keep all parties informed and engaged in this process. Communication will continue to work between proponents/applicants for compatibility with the owners to ensure it will all fit into the community.

8. NEW BUSINESS

None

9. ADMINISTRATIVE REPORTS

Director Wilson discussed the Extended Agenda and the additional of special meetings that are scheduled on August 16t, 21st and 30th to allow further discussion on the Comp Plan amendments.

On August 28th, a public hearing for the Yehle Village area will be held along with the Planning Commission Meeting. September 11th, 2017 has tentively been scheduled for a public hearing for the Old Fort Lake Area (File No.s COMP-16-04 & TEXT-16-06) All four Comp plan amendments have to be put together as one action to the City Council before the end of the year. Chair Barnes acquired the Commissioners consent for these additional meetings.

Mr. Wilson informed of the public hearing that took place on August 11th, 2017, on Tracts I & O and expects a decision from the Hearing Examiner In approximately 3 weeks. The owner of Tract J is wanting to move forward with permits.

A Public Hearing is scheduled for September 11th, for buildings on Lots 5&6 on Center and DuPont-Steilacoom Roads.

Mr. Wilson met with the representatives from the Intel property with discussion of the redevelopment of the site.

The Council approved the Development Agreement on the Ace property. The building permits should be arriving in the next few weeks with ground breaking beginning the next few months.

10. AUDIENCE COMMENTS

None

11. PLANNING COMMISSION MEMBER COMMENTS

Commissioner Buck expressed thanks to Staff and Mr. Givens for providing all the information.

Commissioner Warner expressed thanks for the Commission and Staff for allowing him to serve and help the City move forward with the important decisions coming up.

Chair Barnes thanked Commissioner Ballard and Commissioner Warner for joining the Planning Commission.

12. ADJOURNMENT

Chair Barnes adjourned the meeting at 7:47 PM.

Aug 28 2017

Chair, Chris Barnes Date

Minutes prepared by Janet Howald, Admin Support

PROPOSED COMPREHENSIVE PLAN AMENDMENT

Table 10: Future Land Use Designation Description

Designation: Community Commercial Opportunity Area Overlay

Description: The purpose of this designation is to allow for commercial services as a development option at strategic locations within the City. The Community Commercial Opportunity Area (CCOA) is an overlay designation; the underlying future land use designation(s) shall remain applicable to the properties. In addition to the allowable uses for the underlying future land use designation(s), the CCOA allows for retail trade, service businesses and similar uses. Multifamily may be allowed when ground level commercial uses are provided; densities shall be limited to 12 dwelling units per acre. The Community Business (CB) District is the primary implementing zone for the CCOA and may be applied to all or portions of the CCOA. Other consistent zoning districts may be assigned to implement CCOA in terms of allowable uses, urban design, and neighborhood compatibility.

Manufacturing/ Research Park and Industrial Area

The area of the City between Sequalitchew Village, the DuPont Steilacoom Road, the northern city limits and the eastern edge of the Palisade and Historical Villages is identified as Manufacturing/ Research and Industrial Area and provides land for industrial activity, manufacturing, office and some nonmanufacturing activities such as wholesaling and distribution. The boundaries of this area have been reduced from the 1995 Plan on the west and from the 2001 Plan on the southeast to create a portion of Sequalitchew Village and the entirety of Bell Hill Village respectively. Access is provided by Center Drive, an east/west route intended for truck traffic along the JBLM Land Fill site and the DuPont-Steilacoom Road.

This area has two primary land use designations, Manufacturing/Research Park and Industrial. The Manufacturing and Research Park designation is located adjacent to Center Drive and includes office uses and less intense, generally smaller scale industrial uses. Larger scale, somewhat more intense industrial uses are located in the industrial designation to both the north and east. Current businesses in this village include Intel Corporation in the Manufacturing/Research Park area and Westblock Pacific and Glacier Northwest in the Industrial area.

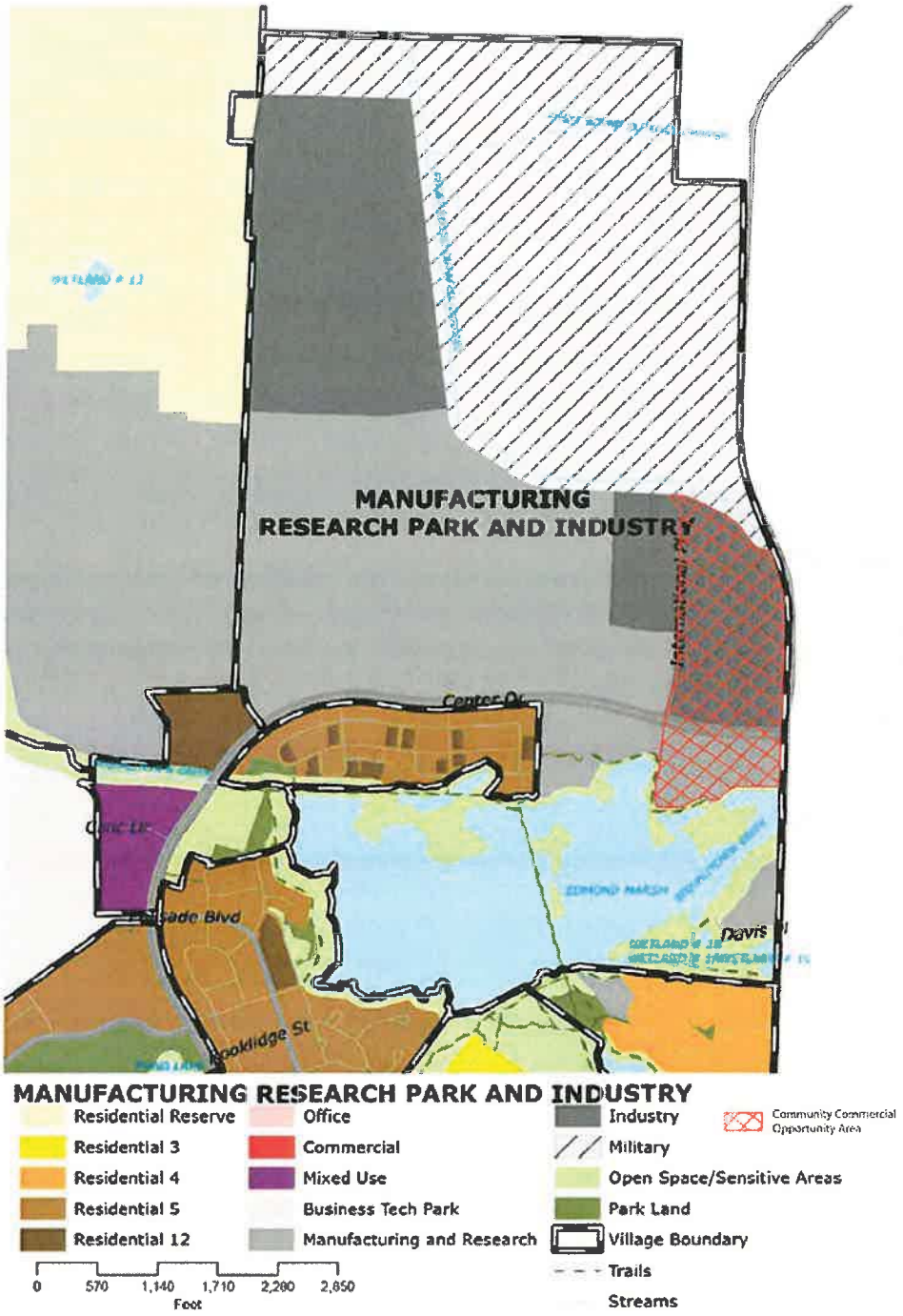
The industrial area on the east side, along DuPont Steilacoom Road, has been in place since the 1995 plan and was developed in order to compensate for the proposed elimination of industrial uses from the then, newly created Sequalitchew Village. Included in the industrial classification at the intersection of Center Drive and DuPont-Steilacoom Road is a 5-acre site intended for a bus barn. Based on the school district's current plans this site may be surplus property and become available for industrial development.

Contained within this area is Edmond Marsh and its associated buffer. This land area provides a major passive recreation opportunity for the community and nearby business users. A trail system through wetland buffers connects various sites within neighboring villages. A trail within the landscape buffer along Center Drive connects to DuPont-Steilacoom Road and the Civic Center.

Another property owner in this area is the U.S. Army. JBLM is phasing out its old landfill and intends to convert the land to open space. The JBLM Real Property Master Plan projects this area to "be set aside for training, recreation and preservation of aesthetics of the post." The City will pursue the opportunity for joint use with JBLM.

The Manufacturing/ Research Park and Industrial Area also supports future commercial service at the corner of Center Drive and DuPont-Steilacoom Road to provide retail trade, service businesses, and/or office uses to support the larger DuPont community. Complementing multifamily is also permitted where ground level commercial is provided. The intersection is designated with the Community Commercial Opportunity Area (CCOA) land use overlay. Furthermore, a street and pedestrian network shall be developed to interconnect roadways and land uses. The land use code shall establish the development controls to further define the allowable uses, ensure quality urban design, and promote an interconnected transportation network.

EXHIBIT "J"



Proposed Comprehensive Plan Future Land Use Map

BEFORE THE HEARING EXAMINER FOR THE CITY OF DUPONT

RE: Save Our City Interpretation Appeal No. PLNG2018-034	WITNESS AND EXHIBIT LIST

Respondent FR/CAL 3 NW LANDING, INC. ("Respondent") submits the following disclosure of witnesses and exhibits in the above-captioned appeal.

WITNESSES

Based on the information presented to date, the Respondent may call the witnesses listed below. The Witnesses have somewhat similar expertise and we will not repeat testimony so it is unlikely that all will testify. The witnesses who testify would likely not exceed 30-40 minutes in total.

Bill Williams - Mr. Williams may testify about: the different types of commercial, industrial and storage uses discussed in the DuPont code for this area and in the interpretation; the storage and other characteristics of each; how products are moved within the building; the fact that many if not most of the allowed uses include substantial areas devoted to storage; and the fact that many if not most involve the distribution of goods.

Wayne Reisenauer - Mr. Reisenauer may testify about: the different types of commercial, industrial and storage uses discussed in the DuPont code for this area and in the interpretation; the storage and other characteristics of each; how products are moved within

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GORDON THOMAS HONEYWELL LLP
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TACOMA, WASHINGTON 98401-1157
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the building; the fact that many if not most of the allowed uses include substantial areas devoted to storage; and the fact that many if not most involve the distribution of goods.

Tom Abbott - Mr. Abbott may testify about: the different types of commercial, industrial and storage uses discussed in the DuPont code for this area and in the interpretation; the storage and other characteristics of each; how products are moved within the building; the fact that many if not most of the allowed uses include substantial areas devoted to storage; and the fact that many if not most involve the distribution of goods.

Gary Danklefsen - Mr. Danklefsen may testify about: the different types of commercial, industrial and storage uses discussed in the DuPont code for this area and in the interpretation; the storage and other characteristics of each; how products are moved within the building; the fact that many if not most of the allowed uses include substantial areas devoted to storage; and the fact that many if not most involve the distribution of goods.

Gordon Ahalt - Mr. Ahalt may testify about: the different types of commercial, industrial and storage uses discussed in the DuPont code for this area and in the interpretation; the storage and other characteristics of each; how products are moved within the building; the fact that many if not most of the allowed uses include substantial areas devoted to storage; and the fact that many if not most involve the distribution of goods.

EXHIBITS

Photographs of representative use types attached as 000001-000020.

DATED this 2nd day of July, 2018.

GORDON THOMAS HONEYWELL LLP

By _____
William T. Lynn, WSBA No. 7887
Attorneys for Respondent

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DECLARATION OF SERVICE

I, Lisa Blakeney, under penalty of perjury under the laws of the State of Washington declare as follows:

I am a legal assistant in the offices of Gordon Thomas Honeywell LLP, attorneys for the Respondent FR/Cal 3 NW Landing, Inc. On the 2nd day of July, 2018, I caused a copy of this WITNESS AND EXHIBIT LIST to be served upon all parties listed below via email.

Hearing Examiner Phil A. Olbrechts olbrechtslaw@gmail.com
City of DuPont Gordon Karg/Jeff Wilson gkarg@dupontwa.gov; jwilson@dupontwa.gov
Appellant Save Our City David Bricklin bricklin@bnd-law.com
Judy Norris-Handy piebaldsatil@gmail.com
Kristofer Larson klarson@larsonlawfirmllc.com
Tom Abbott tom.abbott@colliers.com
Gary Danklefsen gary.danklefsen@cushwake.com
Bill Williams Williams.bill@principal.com
Wayne Reisenauer w.reisenauer@comcast.net

DATED at this 2nd day of July, 2018 at Tacoma, Pierce County, Washington.

Lisa Blakeney, Legal Assistant

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5859

000003

SALE / LEASE
62,212 SF
150

NO
PARKING

18720
Alaska Airlines
DISTRIBUTION CENTER
Alaska Airlines
DISTRIBUTION CENTER
4
3
2
1

Expeditors
14301
14301

Captive Plastics
635

VersaCold

3339

1822
AVAILABLE

SOUND ELECTRONICS
SOUND ENERGY SYSTEMS
Honeywell
3409
SOUND ENERGY SYSTEMS
SOUND ELECTRONICS

FASTENAL
FASTENAL

THRIFT STORE

SiteOne
LIBERTY

BARGREEN ELLINGSON

VER PARK SCHOOL DISTRICT
ARY SERVICES CENTER
9219
TRANSPORTATION

DECLARATION OF SERVICE

I, Tiffany Graves, declare and state:

1. I am a citizen of the State of Washington, over the age of eighteen years, not a party to this action, and competent to be a witness herein.

2. On the 2nd day of July 2018, I served a true copy of the foregoing *Notice of Appearance* on the following counsel of record using the method of service indicated below:

Phil Olbrechts Olbrechts & Associates, PLLC 1833 74th Street NE Granite Falls, WA 98252	☒ First Class, U.S. Mail, Postage Prepaid ☐ Legal Messenger ☐ Overnight Delivery ☐ Facsimile ☒ E-Mail, by agreement olbrechtslaw@gmail
David Bricklin Bricklin & Newman, LLP 1424 Fourth Ave, Suite 500 Seattle, WA 98101	☒ First Class, U.S. Mail, Postage Prepaid ☐ Legal Messenger ☐ Overnight Delivery ☐ Facsimile ☒ E-Mail, by agreement bricklin@bnd-law.com
William T. Lynn Gordon Thomas Honeywell, LLP 1201 Pacific Ave, Suite 2100 Tacoma, WA 98402	☒ First Class, U.S. Mail, Postage Prepaid ☐ Legal Messenger ☐ Overnight Delivery ☐ Facsimile ☒ E-Mail, by agreement BLynn@gth-law.com
Kristofer A. Larson Larson Law Firm, LLC 701 5th Ave, Suite 4200 Seattle, WA 98104-7047	☒ First Class, U.S. Mail, Postage Prepaid ☐ Legal Messenger ☐ Overnight Delivery ☐ Facsimile ☒ E-Mail, by agreement larson@larsonlawfirmllc.com

GORDON P. KARG
CITY ATTORNEY
CITY OF DUPONT
1700 CIVIC DR.
DUPONT, WA 98327

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 2 July 201829 June 2018, at DuPont, Washington.

Tiffany Graves

GORDON P. KARG
CITY ATTORNEY
CITY OF DUPONT
1700 CIVIC DR.
DUPONT, WA 98327

CITY OF DUPONT
BEFORE THE HEARING'S EXAMINER

In re the Appeal of, JUDY NORRIS-HANDY, Appellant vs. CITY OF DUPONT; FR/CAL 3 NW LANDING, INC; COPPER LEAF LLC Respondents.	Docket Nos. PLNG2018-034 WITNESS/EXHIBIT LIST

TO: ALL PARTIES, above named;

TO: ALL COUNSEL OF RECORD; and

TO: HEARING EXAMINER

The City does not anticipate putting on a substantial evidentiary case. However, the City reserves the right to present rebuttal evidence as needed. This includes evidence to respond to any issues the Appellant attempts to raise that are outside the Notice of Appeal.

WITNESS

1. Jeffery Wilson, Director of Community Planning, City of DuPont, 1700 Civic Drive, DuPont, WA 98327

EXHIBITS

1. Code Interpretation Determination File No. 2018-001, dated May 11, 2018.
2. Notice of Appeal of Interpretation 2018-001, dated May 25, 2018.

GORDON P. KARG
CITY ATTORNEY
CITY OF DUPONT
1700 CIVIC DR.
DUPONT, WA 98327

DATED this 21st day of June, 2018.

By _____
Gordon P. Karg
Attorney for the City of DuPont
WSBA No. 37178

GORDON P. KARG
CITY ATTORNEY
CITY OF DUPONT
1700 CIVIC DR.
DUPONT, WA 98327

RECEIVED
MAY 25 2018 @ 3:47 PM
CITY OF DUPONT

NOTICE OF APPEAL

1. **Appellant:** Save Our City, c/o Judy Norris-Handy, 1485 Kittson, Dupont, WA. 253-370-6246.
2. **Standing:** Save Our City is a citizen organization dedicated to protecting the quality of life in Dupont and assuring compliance with the city's comprehensive plan and development regulations. The challenged code interpretation would allow development that is authorized by the comp plan and development regulations and would allow development that was expressly banned by the City Council because of its adverse impacts on the city. Save Our City members own property, live, work and play in the city and will suffer from the adverse impacts that the City Council sought to prohibit if the code interpretation is allowed to stand.
3. **Identification of the decision being appealed:** Code Interpretation 2018-001.
4. **Grounds for appeal and facts upon which the appeal is based:** The City Council has banned warehouse and distribution uses in the MUV zone. Consistent with that ban, the Director issued Interpretation 2017-001 construing the code to preclude fulfillment centers and "parcel hubs" in the MUV zone. But portions of the challenged interpretation would allow uses that meet the definition of "warehouse/distribution" use. The interpretation is inconsistent with the code and should be vacated or modified accordingly.

   Paragraph 1 of the Analysis addresses uses that include warehousing in conjunction with "direct sales, indirect sales, digital sales or a combination of any of the above . . ." None of those terms is defined. The extent to which the space is used for warehousing as opposed to "indirect" or "digital" sales is not described. The ban on warehousing is not expressed in terms such that warehousing is allowed if it is combined with another allowed use, particularly a use as ambiguous as "indirect sales" or a use as amorphous as "digital" sales.

   Likewise, Paragraph 8 of the Analysis construes the code to allow a building used to "process, store and distribute food products . . ." Again, the relative significance of the storage and distribution uses are not specified. Worse, the storage and distribution functions are not tied to the same products that are processed on site. As such, the interpretation would allow a use that is predominantly warehousing and/or a use that stores and distributes products that are not processed on site.

   Both of these interpretations are inconsistent with the Council's code amendment banning warehousing/distribution in the MUV zone.

5. **Relief Sought:** The code interpretation should be vacated or modified to assure that warehouse and distribution uses prohibited by the code are also prohibited by this code interpretation.

The appellant has read this appeal and believes the contents to be true.

Judy Norris Handy 25 May

JUDY NORRIS-HANDY

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05/25/2018 15:51
Receipt No. 00294057

Misc. Permits,Appeal-cod
e Interpre 1,500.00

Receipt Total: 1,500.00

Cash: 0.00
Check: 1,500.00 Check #: 8866
CC/EFT: 0.00

Change: 0.00

Judy Norris-Handy
Customer #: 115767
1465 Kittson St

DuPont, WA 98327-0639

Cashier: jhowald Station: DUPOWTPC32

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Code Interpretation Determination

File No. PLNG2018-023

Date:	**May 11, 2018**
To:	**Interpretations File No. 2018-001**
From:	Jeffrey S. Wilson, AICP Director
Subject:	**Request for Interpretation by Copper Leaf LLC regarding Uses Allowed within the Mixed Use Village Zone (MUV)**
Date Issued/Posted:	***May 11, 2018***
Effective Date:	**May 26, 2018 (unless appealed in a timely manner)**

Issue Outline:

On April 25, 2018,the Department of Community Development received a letter from Copper Leaf, LLC requesting a formal code interpretation "Request for Interpretation of Uses Allowed for Mixed Use Village zone" (see Attachment 1).

A summary of the request is as follows:

> *"Specifically, would a commercial use, even with substantial storage area that included a distribution function, be permitted." (see paragraph # 3 of Attachment 1).*

To provide context to the quest for interpretation, Copper Leaf provided examples of uses related to the interpretation request cited above (see bullet point examples on page 1 & 2 of Attachment 1), and quoted below.

1. *Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. Selling and marketing includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.*
2. *Light Manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.*
3. *Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.*
4. *A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.*

5. *Local, Regional National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.*
6. *Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.*
7. *Commercial kitchen operations that store and cook food for nearby restraint or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis-McChord.*
8. *Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.*

The purpose of this interpretation analysis will be to evaluate the examples cited above to determine if they are consistent/inconsistent with the intent of the adopted regulatory language in the recently adopted amendments to the DuPont Municipal Code (DMC), specifically DMC Chapter 25.41 (Mixed Use Village – MUV).

Relevant Code Sections and Definitions:

A. 25.05.040 Rules of Interpretation

(1) Regulations, conditions, or procedural requirements specific to an individual land use permit shall supersede regulations, conditions, or procedural requirements of general application.

(2) The zoning code shall be consistent with and implement the city's comprehensive plan.

(3) When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.

(4) When the provisions of this title impose greater restrictions than are imposed by other applicable city, county, regional, state and federal regulations, the provisions of this title shall control.

(5) Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section.

(6) In the case of any ambiguity or differences of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title and the zone classification use tables in the appendix to this title shall control.

(7) The words "shall" and "should" are mandatory and the word "may" is discretionary.

(8) Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense; all words and terms used in this title shall have their defined or customary meanings.

(9) The community development director or his/her designee are hereby authorized to make code interpretations. Where these rules do not clarify a boundary, definition, use standard, or procedure, the director shall make the determination. The director's determination in these instances may be appealed pursuant to DMC 25.175, Administration of Development Regulations.

B. Section 1.2 – Subarea Plant Intent (Old Fort Lake Subarea Plan)

The Old Fort Lake subarea contains tremendous opportunity to provide future employment, commerce, recreation, and housing to accommodate current and future populations. The intent of the subarea plan is to examine the area to better understand its strengths, opportunities, and constraints, and to plan for its growth. Based on analysis and engagement, the subarea plan articulates the future vision and outlines its implementation strategy. This vision will be implemented through the City's Comprehensive Plan, land use controls, capital improvement plans, and economic development initiatives.

C. 25.41.010 – Purpose (Mixed Use Village)

The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described as follows:

(1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and development.

(2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

(3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research and development.

(4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale limitations to ensure compatibility with the nearby residential and school properties.

(5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light manufacturing, and research and development.

(6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

(7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

(8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

(9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as commercial/restaurant, administrative office, and hotels.

D. 25.40.010 Purpose (Business Tech Park District)

1. The business tech park district is intended to provide location for a range of business park uses, including office, commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited.

E. 25.41.015 – Definitions

1. The definitions in this section only apply to Chapter 25.41 of the DMC.

   a. *Light Manufacturing:* An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited.

F. 25.10.020 B definitions

1. "Business" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management, occupancy, or maintenance of recreational or amusement enterprises, office buildings, offices, structures or premises by professions and trades or persons rendering services.

G. 25.10.030 C definitions

1. Commercial. See "Business."

H. 25.10.150 O definitions

1. "Office use" generally refers to a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are generally professional, educational, administrative, financial or governmental in nature.

I. 25.10.230 W Definitions

1. "Warehouse/distribution" means a building or land use in which goods, merchandise or equipment are stored for eventual distribution.

J. "Process" (Merriam - Webster, 2018)

1. a: progress, advance - in the process of time

   b: something going on: proceeding

2. a (1): a natural phenomenon marked by gradual changes that lead toward a particular result ♦ the process of growth (2): a continuing natural or biological activity or function ♦ such life processes as breathing

b: a series of actions or operations conducing to an end; especially: a continuous operation or treatment especially in manufacture

K. "Retail" (Merriam - Webster, 2018)

1. : to sell in small quantities directly to the ultimate consumer

L. "Merchandise" (Merriam - Webster, 2018)

1. : the commodities or goods that are bought and sold in business

M. "Data Center" (Wikipedia)

1. A data center is a facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant [clarification needed] or backup power supplies, redundant data communications connections, environmental controls (e.g. air conditioning, fire suppression) and various security devices. A large data center is an industrial-scale operation using as much electricity as a small town.

Analysis:

The MUV is a new zoning classification recently adopted into DuPont Municipal Code (DMC) on March 27, 2018 under Ordinance 18-1034. The new zoning designation was created to implement the adopted Comprehensive Plan Subarea Plan for the Fort Lake Business and Technology Park, creating the new Old Fort Lake subarea. The former "Business Tech Park District" (BTP) zoning in place for the Fort Lake Business and Technology Park comprehensive plan was replaced with the new MUV zoning designation.

The intent of the adoption of the new MUV regulations was to expand the permitted uses in the zoning regulations for this new zoning designation while fundamentally retaining the majority of land uses permitted within the Business Tech Park District (BTP) designation.

Therefore the review of the request for interpretation of permitted uses within the new MUV land use regulations must be taken in context stated purpose of the MUV (25.41.010) and the purpose of the former BTP (25.40.010) zoning designation.

The requested interpretation cites eight (8) examples of uses for determination of consistency with the new MUV regulations. The following is a restatement of these 8 uses with an analysis of each use example for consistency with the stated regulation and purpose of DMC 25.41.

1. *Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. Selling and marketing includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.*

   a. Analysis: Based on the description, the primary uses include a retail/commercial component within a building which also provides warehouse space to store goods which are being sold on site. Pursuant to DMC Table 25.41.020(a), "retail trade" is listed as either a "permitted" or an "accessory" use throughout the entire MUV zoning district. Merriam – Webster defines "retail" as "to sell in small quantities directly to the ultimate consumer." The uses example provided in this instance qualifies as a "retail trade."

2. *Light Manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.*

   a. Analysis: The activity described provides for a manufacturing activity which is consistent with the adopted definition of "Light Manufacturing" pursuant to

25.41.015(1)(a) (see above) and is consistent with the permitted uses allowed within the MUV district.

3. *Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.*

   a. Analysis: Based on the description, the primary uses of provides a showroom or display area for merchandise for the purpose of sales to customers. This is another form of "retail trade" which is a permitted use within the MUV zoning district. Additionally, the proposed use as described includes office space to support the retail trade aspect of the use. "Office" use is also a permitted use within the MUV zoning district.

4. *A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.*

   a. Analysis: The activity described would be a land use activity in which goods, merchandise or equipment are stored for eventual distribution. This activity would fit within the definition of "warehouse/distribution" in DMC 25.10.230 (see above) and ***therefore would be a prohibited*** use pursuant to DMC 25.41.020(2)(g).

5. *Local, Regional National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.*

   a. Analysis: Based on the brief activity described it would appear that the use described would be considered an "office use" activity defined pursuant to DMC 25.10.150 (see above), and as such would be permitted within the MUV zoning district.

6. *Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.*

   a. Analysis: The use described in this example appears to be consistent with the "service business" use permitted within the MUV zoning district. "Service business" is not currently a defined term in the DMC. However as stated at the beginning of the Analysis section of this document, the intent of the adoption of the new MUV zoning district to implement the new Old Fort Lake subarea plan was to create a plan and companion zoning regulations which expanded land use opportunities while still restricting uses which were not deemed compatible with the subarea and the surrounding land uses (i.e. "Warehouse/Distribution")' as well as retaining the uses which were previously permitted. Therefore, to determine the types of uses which would qualify under "Service business" we look to the examples provided within DMC25.40.020(1) which provides a list of permitted uses within the BTP zoning district as well as other companion zoning districts which are referenced. A "data center" by definition (see above) is consistent with the types of permitted uses within the BTP zoning district (DMC 25.40.020(1)) and therefore is consistent with the intent of the development of the MUV and use district to retain existing permitted in the BTP zone.

7. *Commercial kitchen operations that store and cook food for nearby restraint or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis-McChord.*

   a. Analysis: As describe, the proposed use is at a minimum consistent with "light manufacturing" activities permitted within the MUV zoning district. The proposed use described provide of the operations of a commercial kitchen which processes raw ingredients into a finish food product which is then distributed.

8. *Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.*

   a. Analysis: The use defined describes activities which take a raw food product and takes steps to "process" that raw food product into a finished product which is then stored and distributed to local markets. In the food processing environment, this is very similar and consistent with the intent of the "light manufacturing" which is allowed within the MUV land use district pursuant DMC 25341.015 and 020; provided that the activity does not include the specifically prohibited under DMC 25.41.020(2)(c) of "Fish processing and other animal rendering operations."

Finally, all use proposals, site plan applications and similar are assessed on a case-by-case basis. This interpretation is not a substitute for nor can it stand in lieu of a formal use proposal, site plan application, permit application, variance application or any other land use process.

THEREFORE, THE FOLLOWING INTERPRETATION IS HEREBY ISSUED:

BASED ON THE ANALYSIS ABOVE, THE FOLLOWING USES/ACTIVITIES ARE DEEMED TO BE PERMITTED ACTIVITIES WITHIN THE MIXED USE VILLAGE ZONING DISTRICT SUBJECT TO THE PERFOMANCE STANDARDS AND USE REQUIREMENTS UNDER DMC 25.41.

1. **WAREHOUSE SPACE THAT SUPPORTS RETAIL OR OFFICE SPACE ENGAGED IN THE SELLING/MARKETING OF THE COMPANY'S PRODUCTS FROM THE WAREHOUSE. SELLING AND MARKETING INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: DIRECT SALES, INDIRECT SALES, DIGITAL SALES OR A COMBINATION OF ANY OF THE ABOVE WITH A WAREHOUSE THAT SUPPORTS THOSE SALES. EXAMPLES: RALEIGH BIKES, FASTENAL COMPANY, GRANGER INDUSTRIAL SUPPLY.**
2. **LIGHT MANUFACTURING AND WAREHOUSING OF GOODS THAT CONTAINS OFFICE SPACE WITH ACCOUNTING AND ADMINISTRATIVE SUPPORT STAFFING. EXAMPLE: SERTA MATTRESS COMPANY.**
3. **WAREHOUSE SPACE THAT ADJOINS A SHOW ROOM DISPLAYING PRODUCTS, DISPLAY AREAS FOR MERCHANDISE AS WELL AS GENERAL OFFICE SUPPORT. EXAMPLE: BARGREEN ELLINGSON.**
4. **LOCAL, REGIONAL NATIONAL OR INTERNATIONAL HQ BUILDING THAT HAS OFFICE SUPPORT SYSTEMS LOCATED IN THE BUILDING TO SUPPORT THE COMPANY'S BUSINESS EFFORTS. EXAMPLES: INTEL AND BOEING.**
5. **DATA CENTERS WHOSE PRIMARY FUNCTION IS TO STORE AND SERVICE SERVERS ON A COMPANY'S SYSTEMS. EXAMPLES: MICROSOFT, FACEBOOK.**
6. **COMMERCIAL KITCHEN OPERATIONS THAT STORE AND COOK FOOD FOR NEARBY RESTRAINT OR COMPANY OPERATIONS INCLUDING SPACE FOR FOOD COMMISSARY OPERATIONS. EXAMPLES: ALASKA AIRLINES, LEWIS-MCCHORD.**
7. **FREEZER/COOLER BUILDINGS THAT PROCESS, STORE AND DISTRIBUTE FOOD PRODUCTS TO THE LOCAL MARKET. EXAMPLES: SEATTLE COLD STORAGE, COLD LOCKER.**

Appeal Procedures:

Pursuant to Dupont Municipal Code (DMC) Section 25.175.010(3), the director of community development, or designee, may issue written interpretation for any section of DMC Titles 23, Environment, 24, Subdivisions. Or 25, Land Use Code, at any such time as the code is silent regarding an issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be appealed to the hearing examiner pursuant to DMC Section 25.175.060.(4).

Should anyone wish to appeal this interpretation, a written appeal, accompanied by the required appeal fee (see City of DuPont fee handout) must be submitted within 14 after the date of the final decision (days of the date of issuance/posting of this interpretation).

The deadline for filing an appeal of this interpretation is: 5:00 p.m. on MAY 25, 2018.

A written appeal must contain the following:

1. The appellant's name, address and phone number;
2. A statement describing the appellant's standing to appeal;
3. Identification of the application that is the subject of the appeal;
4. The appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
5. The specific relief sought;
6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

CC: Interpretations File No. 2018-001

Attachments:

1. Request for Interpretation of Uses Allowed for Mixed Use Village zone, submitted by Copper Leaf, LLC, dated April 23, 2018

Notice:
1) Posted at DuPont City Hall
2) Published on the City of DuPont Department of Community Development webpage

Copper Leaf, LLC
17837 First Avenue South
Normandy Park, Washington 98148

RECEIVED
APR 25 2018
Initial: _____

April 23, 2018

Jeffrey S. Wilson
Community Planning Director
City of DuPont
1700 Civic Drive
DuPont Washington

Re: Request for Interpretation of Uses Allowed for Mixed Use Village zone

Dear Mr. Wilson:

Thank you for your help in working with the Planning Commission and City Council regarding the Comprehensive Plan and re-zoning of the property. Questions have arisen during our participation in this process and we have questions regarding pure warehouse/distribution uses under the newly adopted Land Use Code Chapter 25.41 for Mixed Use Village.

A large number of Pierce County businesses have large storage areas that are used to support their on-going business operations, including warehouse/distribution. Whether those uses are allowed or prohibited is unclear to us. Therefore, we are respectfully requesting a formal interpretation as to permitted and non-permitted uses.

Specifically, would a commercial use, even with substantial storage area that includes a distribution function, be permitted?

Below are examples of companies doing business in the Puget Sound region that have large storage areas that support their on-going business operations. We would like to know if these uses would be allowed in the City of Dupont based upon Land Use Code Chapter 25.41 for Mixed Use Village and other appropriate statutes, ordinances and regulations:

- Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. "Selling and marketing" includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.
- Light manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.

Attachment 1

- Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.
- A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.
- Local, Regional, National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.
- Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.
- Commercial kitchen operations that store and cook food for nearby restaurant or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis McChord.
- Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.

Based on Gary Danklefsen's meeting with you on April 11, 2018, it is my understanding that you agreed to process this request upon receipt of the $1,500 process fee. Enclosed please find the enclosed check for $1,500.

Please let me know if you have any questions or need anything else from Copper Leaf, LLC. We look forward to your interpretation.

Sincerely,

Kristofer Larson
Copper Leaf, LLC
Corporate Counsel
klarson@larsonlawfirmllc.com
206-713-2084

CITY OF DuPONT
WASHINGTON

ORDINANCE NO. 18-1034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUPONT, WASHINGTON, RELATING TO LAND USE AND ZONING; ADOPTING AMENDMENTS TO DUPONT MUNICIPAL CODE (DMC) TITLE 25; SPECIFICALLY TO CHAPTER 25.40 - BUSINESS TECH PARK DISTRICT, CHAPTER 25.15 - LAND USE DISTRICTS AND MAP ESTABLISHMENTS, 25.125 - WIRELESS COMMUNICATIONS, 25.175 - ADMINISTRATION OF DEVELOPMENT REGULATIONS, 25.41 - MIXED USE VILLAGE (NEW CHAPTER), AND 25.10 – DEFINITIONS UNDER FILE NO. TEXT-16-06; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on November 28, 2017, the City adopted amendments to the Comprehensive Plan, Ordinance No 17-1029 ("Comprehensive Plan"), to amend land use policies within the Fort Lake Business and Technology Park (see Exhibit 1); and

WHEREAS, the City of DuPont has established a procedure for "Reclassification and Text Amendment" in Title 25.165 of the DuPont Municipal Code (DMC); and

WHEREAS, the amendment is consistent with the City of DuPont Comprehensive Plan; and

WHEREAS, in accordance with Washington Administrative Code Section 365- 196-630 on September 14, 2017 notices of intent to adopt the proposed Development Regulation amendments were sent to the State of Washington Department of Commerce and to other State Agencies with acknowledgement of the Department on September 14, 2017 to allow for 60-day review and comment period; and

WHEREAS, the public process for the proposed amendments has provided for early and continuous public participation opportunities including Planning Commission workshops and public meetings, questions and answer sessions, public informational letters, and public presentations from June 2017 - October 2017; and

WHEREAS, on October 9, 2017 the Planning Commission conducted a public hearing on the amendments to Title 25 (see Exhibit 2) at City Hall, and

WHEREAS, on October 9, 2017 the Planning Commission after considering the public comments received and other information presented at the public hearings and public meetings, including the documents voted at their regular meetings, after its hearing to recommend to the City Council adoption of the proposed amendments to the DMC (see Exhibit 3); and

WHEREAS, and environmental review of the proposed Comprehensive Plan amendments has been conducted in accordance with the State Environmental Policy Act ("SEPA"), and a SEPA threshold determination of non-significance were issued on November 1, 2017; and

WHEREAS, on February 27, 2018, the City Council conducted a public hearing to take public testimony regarding the proposed amendments to DMC Title 25 (see Exhibits 4 and 5); and

WHEREAS, a subcommittee of the City Council was convened to consider the record and the adopted Planning Commission recommendation (see Exhibits 4 and 5) based on the public testimony which the council received during its public hearing and bring forth a revised recommendation for full council consideration (see Exhibits 6 and 7); and

WHEREAS, having considered among other things, public testimony, the recommendation of the Planning Commission, and both the preliminary and final staff reports, the recommendations of the Council subcommittee the City Council has determined that adoption of the amendments to DMC Title 25 as set forth in Exhibits 6 and 8 are consistent with and would serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act, are in the public interest and protect the public health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DuPONT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The recitals set forth above are adopted and incorporated as if set forth fully herein.

Section 2. Findings, Conclusions, and Recommendations Adopted. The Findings, Conclusions and Recommendations from the Planning Commission as reflected in their meeting minutes dated October 9, 2017 attached hereto and the recommendations of the Council subcommittee are adopted and incorporated as if set forth fully herein; the proposed amendments to DMC Title 25 as provided in Exhibits 6 and 7 are adopted.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this

Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 27 DAY OF March, 2018.

CITY OF DuPONT

Michael Courts, Mayor

ATTEST/AUTHENTICATED:

Karri Muir, City Clerk

Approved as to form:

Gordon P. Karg, City Attorney

Filed with the City Clerk: 3-27-18
Passed by the City Council: 3-27-18
Date of Publication: 3-29-18
Effective Date: 4-5-18
Ordinance No. 18-1034

City of DuPont
1700 Civic Drive
DuPont, Washington 98327

Regular City Council Meeting Minutes
Tuesday, November 28, 2017

Call to Order: Mayor Courts called the Regular City Council meeting to order at 7:00 pm.

Roll Call: Mayor Michael Courts; Deputy Mayor Roger Westman; and Councilmembers Penny Coffey, Eric Corp, Andy Estep, Shawna Gasak, Michael Gorski and Matt Helder.

Staff present were: City Administrator Danek, City Attorney Karg, Finance Director Oaksmith, Police Chief Holt, Fire Chief Creekmore, Public Works Director Lim, Planning Director Wilson, Events and Recreation Coordinator Walker, City Clerk Muir and Deputy City Clerk Ongoco.

Pledge of Allegiance: Mayor Courts led the flag salute.

Approval of the Agenda:

A motion was made and seconded to approve the agenda (Coffey/Gasak); 7/0 motion carried.

Approval of Consent Agenda Items:

- Regular Council Meeting Minutes – November 14, 2017
- Claim Vouchers List for the period of 11/8/17 – 11/17/17, and Payroll

A motion was made and seconded to approve the Consent Agenda (Helder/Coffey); 7/0 motion carried.

Mayor's Report:

Mayor Courts reported on the following:

- Tree Lighting Ceremony at Ross Plaza on December 2nd;
- Amtrak trains will begin running through the City in mid-December; continued WSDOT meetings to discuss citizens safety concerns at the intersection on Exit 119;
- Sabrina Kearney will return to be the Human Resources Director.

City Administrator's Report:

City Administrator Danek reported on the following:

- Future Council Agenda Items Discussion: on December 12th - Legislative Priorities, a recognition, a proclamation; on December 19th outgoing Councilmembers reception; and on January 9, 2018, Councilmember Swearing-in and State of the City.

Council Reports:

Councilmember Corp commented on the Pierce County Lodging Tax Advisory Committee meeting on November 30th to continue discussion regarding future tourism related funding process. He also reported on the Planning Commission meeting he attended and congratulated Councilmember-Elect Chris Barnes, who is its current Chair but would soon need to be filled.

Department Reports:

Councilmember Coffey sought clarification on a pre-application meeting for a conditional use permit to locate a church on a vacant space at the building on the corner of DuPont-Steilacoom Boulevard/Center Drive. She then thanked City staff for their work.

Councilmember Helder asked about the status of a potential permit activity for the gas station on DuPont-Steilacoom Boulevard /Barksdale Avenue after the pre-application permit process. He also asked for the result staff's meeting with the WA State Department of Ecology which was very positive in providing guidance and clear path forward.

Councilmember Corp inquired about the building permits at Center Plaza Building Lots 5 & 6 (Sheet Metal Workers' Union building) and a facility for the Carpenters' Union training institute, and a coffee shop. He then asked the relationship between calls during the week/times and staffing (goals to have 3 minimum staffing 24/7). He then extended his congratulations to Police Officer Chung for the only individual out 10 riders from various county agencies that passed the motorcycle course.

City Administrator Danek noted that the City's project status matrix list is available online since May.

Councilmember Gasak commended Events and Recreation Coordinator Walker for a successful bone hunt and the haunted house event that the teens have put together and for restarting planned activities intended for young adults.

Deputy Mayor Westman asked Events and Recreation Coordinator Walker for DuPont's tourism plan for the future of which she replied that she is working with a consultant for a tourism plan which would be presented to the City Council in February.

Unfinished Business:

Ordinance No. 17-1028 Regarding the adoption of the 2018 Budget– Second Reading

After discussion by the City Council, City Administrator Danek presented a "Budget Follow Up 2018" PowerPoint and explained the top priority "projects" to utilize the Shaw House Proceeds (includes rate stabilization and contingency reserve) and Glacier Settlement Fund; overview of the 2018 Estimated Fund Balances and initiatives (including additional personnel); Real Estate Excise Tax (REET) 1 & 2 Revenue and payments.

* * * * * * * * *

A motion was made and seconded to amend Ordinance No. 17-1028 and commit Glacier NW Settlement Fund of $30,000 for the Sequalitchew Creek Culvert replacement design, $15,000 for the Sequalitchew Creek Salmon restoration test; and $10,000 for the Sequalitchew trail relocation (Westman/Gasak); 7/0 motion carried.

* * * * * * * * *

A motion was made and seconded to approve Ordinance No. 17-1028, as amended (Gasak/Helder); 6/1 motion carried, with Councilmember Gorski opposed.

Ordinance No. 17-1029 Regarding Land Use and Zoning, and the Adoption of the 2017 Comprehensive Plan Update – Second Reading

A motion was made and seconded to approve Ordinance No. 17-1029, as presented (Helder/Gasak); 4/3 motion carried with Deputy Mayor Westman and Councilmembers Gorski and Coffey opposed.

New Business:

Resolution No. 17-532 Approving a Memorandum of Agreement with Pierce County for Transportation Demand Management

Councilmember Corp inquired what type of support is provided to the City of which Planning Director Wilson responded that Pierce County provides financial support as well as informational materials to encourage trip reduction.

A motion was made and seconded to approve Resolution No. 17-532, as presented (Corp/Coffey); 7/0 motion carried.

Resolution No. 17-533 Awarding the Palisade Village Tree Removal Contract Phase B

After Public Works Director Lim provided an update to the first phase of tree removal project, he explained the plans for project's second phase. Discussion ensued on why the current contractor did not submit a bid, appreciation for Public Work Director Lim's attention to detail and said project management; and possible revenue that could be generated from the available big tree trunks for purchase.

* * * * * * * * *

A motion was made and seconded to approve Resolution No. 17-533, as presented (Gorski/Coffey); 7/0 motion carried.

Resolution No. 17-534 Awarding the Hoffman Hill Reservoir Interior Coating Repair Project

Public Works Director Lim briefly explained the need for said reservoir repair and how efforts were made for to avoid costly corrosion protection and spot repairs, and repair maintenance.

* * * * * * * * *

A motion was made and seconded to approve Resolution No. 17-534, as presented (Corp/Estep); 7/0 motion carried.

Ordinance regarding the 4th Quarter 2017 Budget Amendment – First Reading

Finance Director Oaksmith summarized the three miscellaneous adjustments accounts.

* * * * * * * * *

A motion was made and seconded to move Ordinance regarding the Fourth Quarter 2017 Budget Amendment to its Second Reading (Corp/Estep); 7/0 motion carried.

* * * * * * * * *

A motion was made and seconded to adopt this Ordinance regarding the Fourth Quarter 2017 Budget Amendment, as presented (Estep/Gasak); 7/0 motion carried.

Public Comment:

Judy Norris, 1485 Kittson Street, thanked the City Council for listening to the citizens and taking questions and try to find answers.

Maria Gudaitis, 507 Louviers Avenue, commented on a stellar Mayor's Thanksgiving letter written. She thanked the City Council for their advocacy and pursuit of the City's best interest; and also thanked the outgoing Councilmembers and citizens' reliance on the City Council and City's vision for 2018. She then thanked Councilmember Gorski for meeting with her regarding *what DuPont is all about.*

Council Comment:

Councilmember Helder thanked the citizens for their involvement with budget and increased and continued public engagement on the subarea plan as a first step. He also thanked staff, Planning Commission, for passing a good budget and thanked the work of outgoing Councilmembers.

CM Coffey thanked citizens for their involvement and providing input. She also thanked staff for their support.

Councilmember Gorski asked to be excused at the next Council meeting. He also thanked citizens for their involvement. He then commented on the developer who left right after the approval of the Comprehensive Plan and about a sense of community.

Councilmember Corp concurred with some of the Councilmembers comments about the budget and the Comprehensive Plan process. He spoke of the City staff's process on reviewing budget priorities for positions for the City to best serve the community. He commented on Deputy Mayor Westman's input on the Comprehensive Plan challenges as a good starting point, and what the citizens want.

Councilmember Gasak thanked outgoing Councilmembers and that they will be missed.

Mayor Courts thanked the citizens who came out to participate in meetings. He also commented on continuing improvements with the budget process to help with the City's AA+ rating. He also expressed his special thanks to the Planning Commission for extensive work and dedication and other future work. He also thanked staff for their professional work and support.

Adjournment:

Mayor Courts adjourned the meeting at 9:05 pm.

The next regular Council meeting will be held on Tuesday, December 12, 2017, at 7:00 pm. Please note that the minutes from the Council Meetings are not verbatim. A recording of the meeting may be purchased in the DuPont City Clerk's Office.

City of DuPont:

Michael P. Courts, Mayor

Attest:

Karri Muir, CMC, City Clerk

Unique History ... Vibrant Future

CITY OF DUPONT
Department of Community Development
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEMORANDUM

To: Commissioner Barnes, Chair & Planning Commissioners

From: Jeffrey S Wilson, AICP
Director

Date: October 5, 2017

Subject: **Proposed Subarea Plan and Development Regulations for "Old Fort Lake" Neighborhood (Files Nos. COMP-16-04 & TEXT-16-06)**

The purpose of this memorandum is to recommend a Comprehensive Plan, Zoning and Land use Code approach to the develop of a new "Sub-Area" plan for the Old Fort Lake Business and Technology Park area.

Objective

This is a City-initiated endeavor in response to the Implementation Actions (LUA's) in the 2015 Comprehensive Plan (pages 72 & 73). Specifically LUA-5 directed the following: ***"Review and update the Fort Lake Business and Technology Park Land use designation through a Sub-Area Planning effort where a range of land use designations, transportation options, and community enhancements can be more fully evaluated consistent with the community's vision for design, character, and scale."*** The intent of this exercise is to understand the existing environmental constraints on the land within this area and to explore other land uses which may not be consistent with the environmental constraints, recognizing the possibility to remediate the land and provide for new land use opportunities to the benefit of the community. Additionally, the effort has to recognize the existing land use rights and this effort should not diminish those rights, but should seek to expand land use opportunities to provide other financially viable land uses.

Proposed Comprehensive Plan Text and Map Amendments

The proposed subarea planning documents includes the following sections:

- **Introduction and Project Objective** – this is intended to provide the reader with a general overview of the project scope.
- **Site Overview and Community Context** – this portion is intended to give the reader a very quick snap shot of the site location and where it is located within the overall City.
- **Project Planning and Vision** – these sections highlight the planning process and summarizes the vision. This provides a narrative of the considerations and various

EXHIBIT 2

options that were reviewed as part of the planning process. The overall vision is described as a Base Concept Plan and Project Master Plan.

- **Project Goals and Policies Regulations** – this part is intended to align with the applicable Comprehensive Plan Elements in terms of Land Use, Open Space, Cultural Resources, Transportation, and Utilities. The elements are arranges as current characteristics and future plans.
- **Appendix** – this will include various supporting documents

Proposed DuPont Municipal Code Amendments

- **Proposed Land Use Code text in underline/strikeout format (PDF format)** – the proposed additions are underlined, the proposed text removals are in ~~strikeout~~, the direct text are in purple and in brackets (intended to provide context. No notes are included.
- **Future Zoning Map (PDF)** – intended to show how the future zoning designations could be applied to the area and to correspond to the proposed text.

Land Use Code Format: the proposed land use code text includes the following sections.

- **Chapter 25.40 Business Tech Park District** – this has been included in the document to show context of the current zoning standards affecting the property, no proposed changes are proposed. The BTP district is proposed to remain as it will be the interim regulating chapter until the properties are rezoned to the future MUV zoning district.
- **Chapter 25.15 Land Use Districts and Map Establishments** – the proposed Mixed-Use Village (MUV) district has been included in the list of classifications.
- **Chapter 25.125 Wireless Communications** – the proposed Mixed-Use Village (MUV) has been added to the table to establish where and what type of wireless communications may be established.
- **Chapter 25.175 Administration of Development Regulations** - the proposed Mixed-Use Village (MUV) has been added to the table to require site plans review as a Type II procedure.
- **Chapter 25.41 Mixed Use Village (MUV)** – this is a new chapter to regulate future development within the Old Fort Lake subarea. This text was modeled after the BTP, Residential Districts, and other industrial districts.
- **Chapter 25.10 Definitions** – the Floor Area Ratio definition was added; the current 'buffer' and 'density, gross' definitions were added for reference as part of the proposed MUV review.

Supporting Documentation

Below is a list of all the supporting documents for your review and consideration. The attachment list includes the draft Comp Plan text and map amendment proposal, as well and the proposed new development regulations for the Municipal Code. The attachments also includes historical information and traffic analysis information.

Finally, the attachments includes all of the public comments which I have received as of 4:00 PM on Thursday, October 5, 2017.

Please review all the attached documents carefully as you review the proposed amendments.

Attachments:

1. Proposed Amendments to the Existing Text for the Old Fort Lake Business and Technology Park element of the Comprehensive Plan (pages 62-65)
2. Proposed New Sub-Area Plan for Old Fort Lake (dated 10/4/2017)
3. Proposed Text Amendments to DuPont Municipal Code Title 25
4. Proposed Future Zoning Map
5. Example of Trip Generation Rates by Use
6. Institute of Transportation Engineers (ITE) Land Use Code Descriptions
7. Two Scenarios of Potential Land Use Development Calculations
8. Development Scenarios Trip Generations
9. Resolution No. 10-382 – First Industrial Realty Trust Development Agreement for the Old Fort Lake Area
10. Restrictive Covenants
11. Public Comments received as of 4:00 PM on October 5, 2017 (1-45)

Land Use Designations Described

~~The City of DuPont uses a 1:1 ratio for their Land Use designation to Zoning Districts. In other words, each future land use designation has a corresponding zoning district.~~ The table below shows the City's future land use designation and provides a description of that designation's intent. The Land Use Code and zoning map help implement these designations through development regulations.

Table 10: Future Land Use Designation Descriptions

Designation	Description
R-3	The purpose of the R-3 district is to implement the single-family land uses specifically within the Historic Village, and El Rancho Madrona subdivision, where single-family density averages three units per acre.
R-4	The purpose of the R-4 district is to implement the single-family land uses where single-family density averages four units per gross acre. This district is appropriate for Hoffman Hill Village and Sequalitchew Village.
R-5	The purpose of the R-5 district is to implement the single-family land uses where single-family density averages five units per acre. This district is appropriate for Palisade Village, Yehle Park Village and Edmond Village.
R-12	The purpose of the R-12 district is to implement the multifamily land uses where multifamily density averages 12 units per acre.
Residential Reserve	The purpose of the residential reserve district is to designate property likely not available for the city's 20-year growth projections for the northerly portion of the Sequalitchew Village planning area. The district is intended as an interim measure to provide time for future studies and analysis to be conducted for subsequent comprehensive plan amendments, including a subarea planning process. Specific designations will be adopted after these future studies and may include residential, mixed use, and commercial. For the purposes of 2015 plan, the density for this district is four and a half (4.5) dwelling units per acre. This designation will be reviewed as part of the city's periodic review cycle and may be considered earlier through the city's two-year plan amendment process.
Commercial	The purpose of the commercial district is to allow commercial development. These areas are intended to provide goods and services to the entire community or larger market areas.
Mixed Use	The purpose of this district is to permit uses that are allowed in the commercial district, the office district, and residential zone district. This area is intended to provide office space, goods and services to the entire community or larger market.

ATTACHMENT 1

Designation	Description
Business Tech Park	The business tech park district is intended to provide location fora range of uses including business park uses, including office, commercial, light manufacturing and research, and possibly mixed-use residential. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited.
Old Fort Lake	The purpose of this designation is to implement the vision established in the Old Fort Lake subarea plan (see appendix). This designation is intended to support a mixed-use village character which includes office, manufacturing, research and development, commercial/retail, housing, and cultural facilities. Old Fort Lake is further divided into four sub-groups, to better facilitate a unique character in different areas within the overall subarea.
Manufacturing and Research	This district allows for light manufacturing and high technology industries such as biotechnology, computer technology and communications equipment uses. Land uses with any significant adverse impacts, such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants, are prohibited. This district also provides in limited locations small scale retail
Industry	The purpose of this district is to provide for the location and grouping of industrial uses, and similar uses involving manufacturing, assembly, fabrication, processing, bulk handling, storage, research, and heavy trucking. This purpose is accomplished by permitting a wide range of industrial uses, establishing appropriate development standards.
Open Space (includes park lands)	The purpose of this district is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers and recognize lands for parks, greenbelts, open space and tree preservation areas and regional storm drainage detention areas in addition to open space and landscape areas as mutually agreed to by the property owner and city. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities
Military Land	The purpose of the military lands designation is to recognize the portion of the federal military installation within the DuPont city limits. The autonomy associated with the federal ownership in combination with the unique character of the military operations and support structures is not typical of civilian land uses. Military lands are designated on the land use map but land uses within the installation are not governed by the city.

Villages and Major Land Use Areas

The combination of DuPont's natural and man-made features tends to define distinct individual land areas within the City. These land areas provide a physical basis for establishing the general

boundaries for villages and major land use areas. The map below reflects the overall location of each village and major land use area. The sections and figures on the following pages describe the detail. Within the "Residential" designation single family and multi-family housing are allowed subject to the allocations shown in the table for each village and the arrangement referred to in the text. If the total number of residential units assigned to a village is not reached in the development process, then the number of units remaining may be transferred to the residential area in Sequalitchew Village at the same density and unit type as was provided in the originating village.

Overall Land Use

Table 11: Overall Designated Acres by Village

	Bell Hill	Civic Center	DuPont Station	Edmond	El Rancho Madrona	Old Fort Lake ~~BTP~~	Historic	Hoffman Hill	MRP&1	Palisade	Sequalitchew	Yehle Park	Total
Residential 3	0	0	0	0	18	0	53	0	0	0	0	0	71
Residential 4	31	0	0	0	0	0	0	241	0	0	248	0	520
Residential 5	0	0	0	45	0	0	0	0	0	123	0	202	370
Residential 12	0	13	0	6	0	0	3	21	0	26	0	18	87
Reserve Residential	0	0	0	0	0	0	0	0	0	0	166	0	166
Mixed-Use	0	18	61	0	0	0	0	0	0	0	0	0	79
Office	0	0	55	0	0	0	0	0	0	0	0	0	55
Commercial	0	0	6	0	0	0	22	0	0	0	0	0	28
Business Technology Park	0	0	0	0	0	~~509~~ 0	0	0	0	0	0	0	~~509~~ 0
Old Fort Lake	0	0	0	0	0	517	0	0	0	0	0	0	517
Manufacturing and Research	3	0	0	0	0	0	0	0	244	0	233	0	480
Industry	0	0	0	0	0	0	0	0	182	0	0	0	182
Military	0	0	0	0	0	0	0	0	290	0	0	0	290
Neighborhood Park	0	0	0	1	0	0	9	9	0	0	0	11	31
Community Park	3	3	4	0	0	~~5~~ 4.6	0	0	0	1	20	28	~~65~~ 64.4
Open Space*	25	22	10	2	0	~~143~~ 133.1	78	119	186	14	178	62	~~840~~ 829.1
	63	56	135	54	18	~~657~~ 654.7	166	390	903	164	845	321	~~3,772~~ 3,769.7

* Area may include parcels within submerged land (e.g shorelines and/or lake bottoms)

Figure B: Citywide Future Land Use Map

Old Fort Lake ~~Business and Technology Park~~

Old Fort Lake will be a mixed-use village that will have a mix of office, research, light manufacturing, commercial, and housing uses. The area also provides recreational and cultural opportunities alongside a beautiful natural setting. Development in this area will provide for business and emerging technology activities within a campus like setting of natural and manmade landscapes.

This area includes Old Fort Lake and is bound to the north by Sequalitchew Creek and to the west by the Puget Sound Bluff. These features will be maintained in their natural state and protected from development by buffers. A future network of trails has been identified connecting these natural areas and future development.

The "Home Course" golf course accounts for one-third of the area's land use, while the remaining land is largely vacant. Two historic sites exist within its boundaries. Old Fort Lake was historically used as munitions site in the mid-1970's, and extensive clean-up efforts have been conducted to remove contaminated soils. Residences, schools, and parks have been deed restricted by the Weyerhaeuser and the DuPont Corporation by a Consent Decree, however, it is possible that further remediation efforts may relax these restrictions.

Old Fort Lake offers a large amount of vacant developable land. The area has many unique assets, opportunities, and constraints, and therefore a vision for this area has been established through a subarea plan. The Old Fort Lake Subarea Plan is included in the DuPont Comprehensive Plan as an appendix. The subarea area plan establishes the future land use and lists the implementing goals and policies.

~~This low-density business, technology and commercial area will integrate campus style development with historic features, natural areas, open space and a golf course. The golf course, known as "The Home Course" is the home of the Pacific Northwest Golf Association and the Washington State Golf Association.~~

~~Bounded by Sequalitchew Creek, the Puget Sound bluff, the northern boundary of Hoffman Hill and Yehle Park Villages and the Civic Center, The Business and Tech Park includes Old Fort Lake and the 1833 Fort Nisqually site. Extensive work to clean up the area where the DuPont Company created and assembled explosives until the mid-1970s has been completed. The most contaminated soils have been removed and the remaining contaminated soils have been placed under golf course fairways and greens. The golf course boundary was determined by the location of the most contaminated areas and is reflected in the remediation agreement between the Weyerhaeuser and DuPont Companies and the Washington State Department of Ecology. Residences, schools, and parks have been deed restricted by the Weyerhaeuser and the DuPont Corporation within Consent Decree Area.~~

~~The Old Fort Lake Business and Technology Park will have a mix of office, research, light manufacturing, administrative and commercial activities. Development in this area will provide for business and emerging technology activities within a campus like setting of natural and manmade landscapes.~~

~~Within the Old Fort Lake Business and Technology Park area, Sequalitchew Creek and the Puget~~

~~Sound shoreline and bluff will be maintained in their natural state and protected from development by buffers. A trail location is identified in the buffer along the south side of the Sequalitchew Creek ravine. In addition to pedestrian access along the Puget Sound bluff, views of the sound will be provided from upland portions of the bluff.~~

~~The golf course accounts for one-third of the area's land use. The course provides both an exciting golf experience and a community benefit by maintaining significant trees and natural vegetation. The public will be able to drive along some fairways and parts of the course to experience the open space. A trail corridor within the Old Fort Lake Business and Technology Park will connect Old Fort Lake with the community park and trail system in Yehle Park Village and the trail system along Sequalitchew Creek.~~

~~Another feature of this area is the Wilkes Observatory site in the northern corner of the Business and Technology Park. Three acres of community parkland will be set aside outside the Consent Decree boundary to provide access to the historic site and provide views of Puget Sound and the Olympic Mountain Range in the distance.~~

~~An area that lies within both the Old Fort Lake Business and Technology Park and Sequalitchew Village has been nominated by the Washington State Department of Archeology and Historic Preservation (DAHP) for listing on the National Register of Historic Places. As provided in a multi-party memorandum of agreement (December 2000), Weyerhaeuser Real Estate Company will support the listing of the area once the City of DuPont has granted final development approvals for all remaining portions of the property. The district encompasses approximately 360 acres and represents a convergence of ancient and historic activities and values that are representative of the Pacific Northwest. The north boundary starts at the 1843 Fort Nisqually (DAHP Site No. 45-PI-56) and runs west to the site of a sawmill on the north side of the mouth of Sequalitchew Creek (DAHP Site No. 45-PI-71), then south along Puget Sound to include Sequalitchew Archaeological sites (DAHP No. 45-PI-54) and the Ox Road (no DAHP Site No.), then east to include the 1833 Fort Nisqually site (DAHP Site No. 45-PI-55H), DuPont Company site (DAHP Site No. 45-PI-70) and Hudson's Bay Company Cemetery (no DAHP No.) then north back to the 1843 Fort Nisqually site.[4]~~

~~Table 22: Old Fort Lake Land Use Categories~~

	Square feet	Acres	% of total
~~Reserve Residential~~			
~~Residential 3~~			
~~Residential 4~~			
~~Residential 5~~			
~~Residential 12~~			
~~Mixed Use~~			
~~Office~~			
~~Commercial~~			
~~Business Technology Park~~	~~22,189,378~~	~~509.40~~	~~77.59%~~
~~Manufacturing and Research~~			
~~Industry~~			
~~Military~~			
~~Neighborhood Park~~			
~~Community Park~~	~~198,691~~	~~4.56~~	~~0.69%~~
~~Open Space~~	~~6,209,691~~	~~142.55~~	~~21.71%~~
~~Total~~	~~28,597,760~~	~~657~~	~~100.00%~~

~~There are no housing units existing or proposed within the Fort Lake Business and Technology Park.~~

~~The City anticipates developing a subarea plan for the development of Fort Lake Business and Technology Park Village. The subarea planning process should pay specific attention to the following community goals:~~

- ~~Include significant emphasis on public access to the shoreline, public trails, trail connectivity within the City and regionally, identify strategic locations for parks, and ensure public amenities are sited in convenient and appropriate locations etc.~~
- ~~Efforts should be taken to ensure development occurs in a way that ensures continuation and expansion of "natural trails" as well as urban pathways. Careful site design to reduce lighting, noise and other urban impacts are important especially adjacent to the Puget Sound and Sequalitchew Creek.~~
- ~~Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.~~
- ~~Evaluate a variety of public and private partnership options related to necessary improvements such as the development of the South portion of "Loop Road".~~

~~[1] See Memorandum of Agreement among 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, December 12, 2000~~

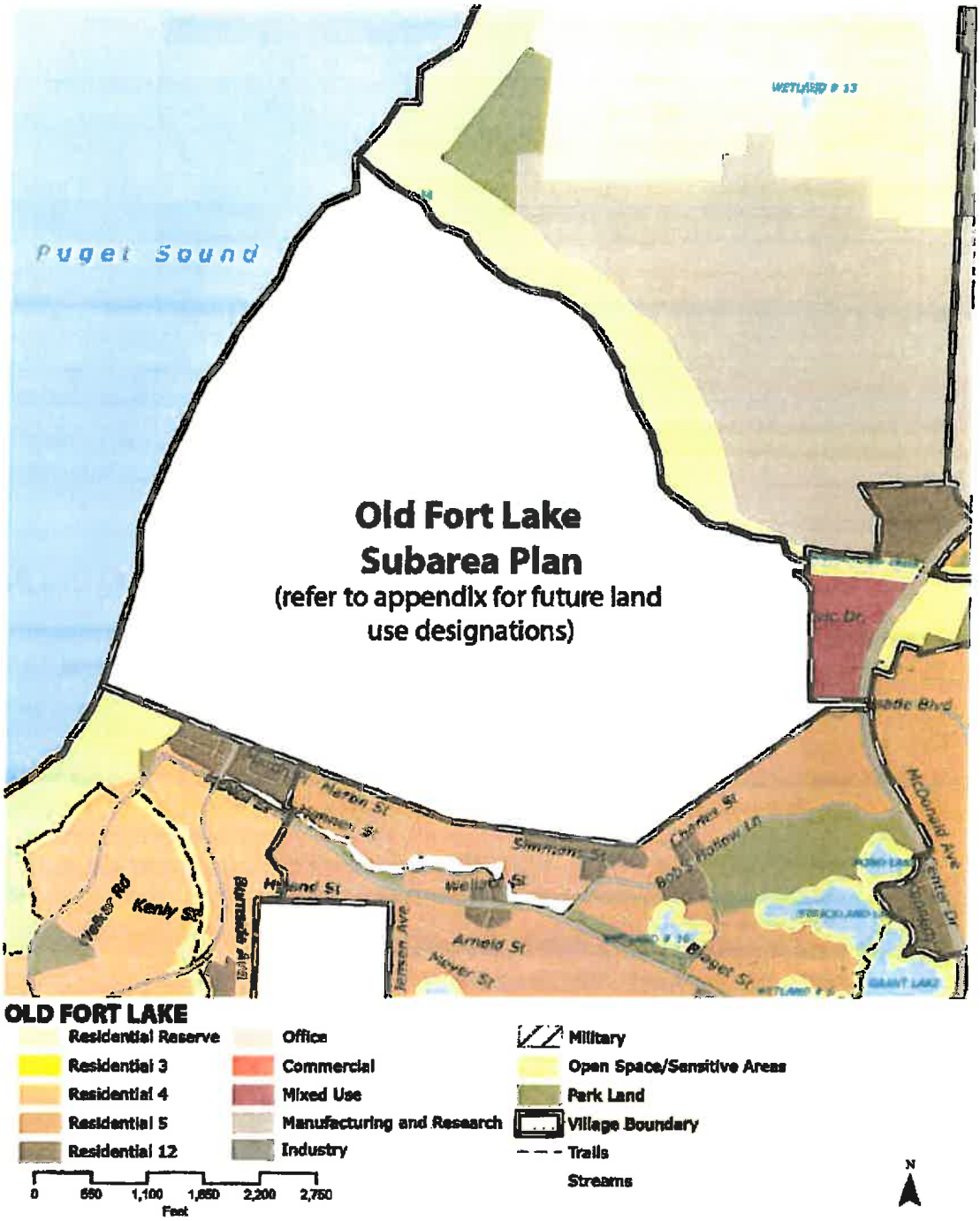
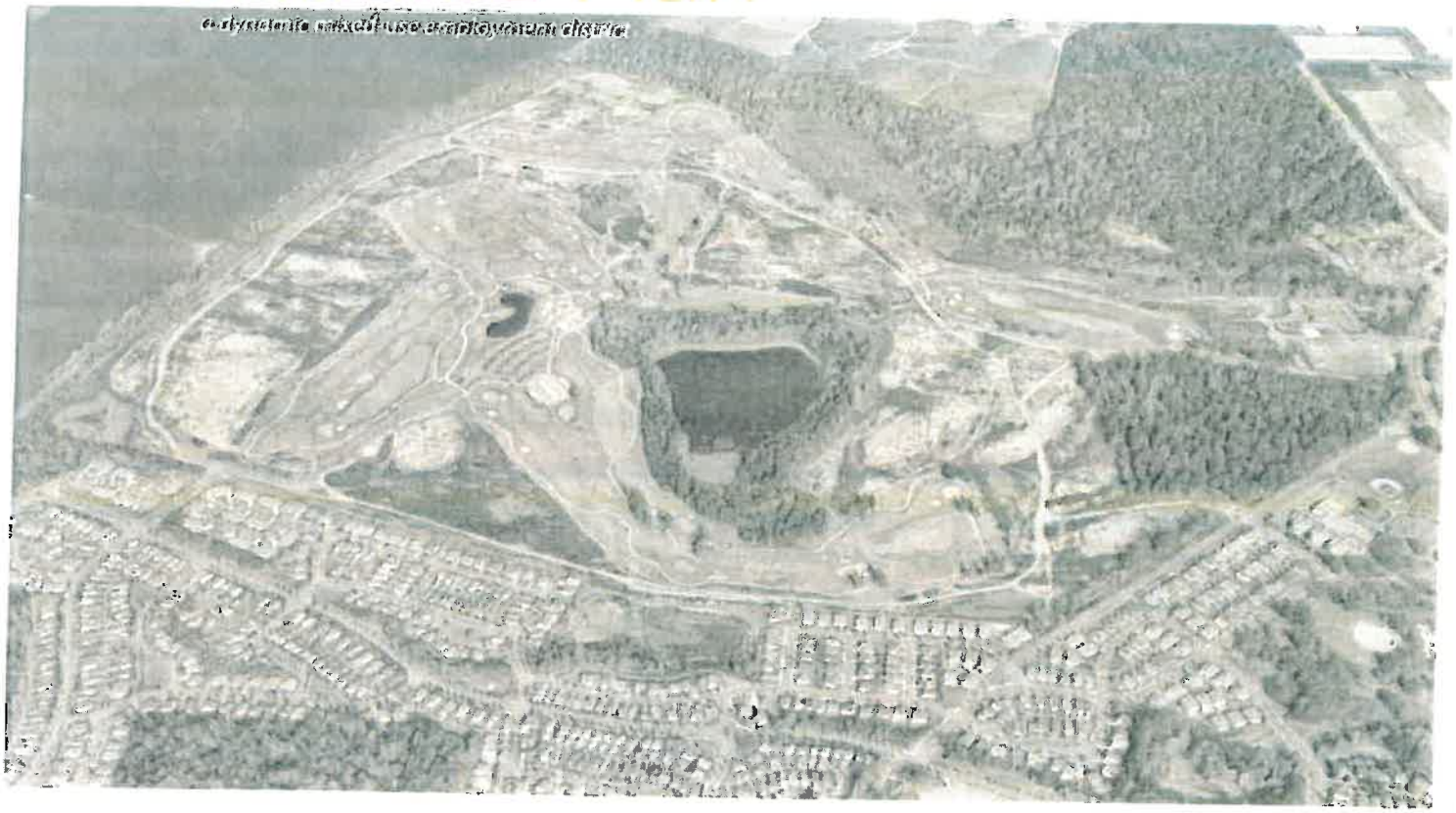


Figure M: Old Fort Lake ~~Business & Technology~~ Park Future Land Use Map

CITY OF DUPONT

OLD FORT LAKE

Subarea Plan



Prepared by:
AHBL, Inc.
Seattle / Tacoma, Washington

Prepared for:
City of DuPont

Version: October 5, 2017

WORKING DRAFT

ATTACHMENT 2

"The Old Fort Lake Subarea Plan strives to create a dynamic mixed-use district that provides a spectrum of future services, recreation, employment, and living options for the City of DuPont."

ACKNOWLEDGEMENTS

CITY COUNCIL

Michael Courts, Mayor

Roger Westman, Deputy Mayor – Position 1

Shawna Gasak, Councilmember – Position 2

Michael Gorski, Councilmember – Position 3

Penny Coffey, Councilmember – Position 4

Matt Helder, Councilmember – Position 5

Eric Corp, Councilmember – Position 6

Andy Estep, Councilmember – Position 7

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CITY OF DUPONT RESIDENTS

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PART 1

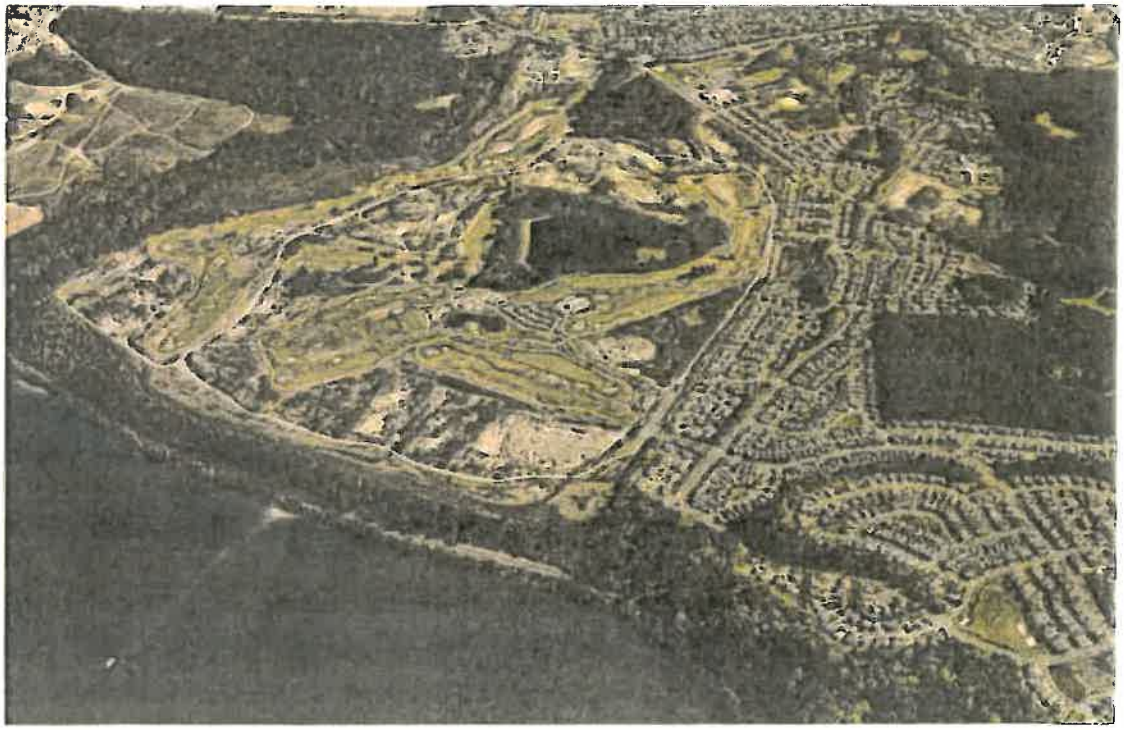
INTRODUCTION AND PROJECT OBJECTIVE

1.1 – Project Summary

The Old Fort Lake Subarea plan was created to establish a long-range vision and development strategy for the +/- 655-acre area bound by Sequalitchew Creek, the Puget Sound bluff, Hoffman Hill and Yehle Park Village neighborhoods and the City of DuPont Civic Center. The *DuPont Comprehensive Plan* includes the goal to conduct this subarea plan to establish future uses, delineate open space areas, plan for the area's transportation network, and to ensure community sentiments are reflected in the plan. The existing Comprehensive Plan and Municipal Code establish natural resource and land use controls but lack detail about future infrastructure, aesthetics, amenities, and compatibility.

This subarea plan represents a year-long process to engage City officials, property owners, and the DuPont residents to define the future vision for the property. This subarea plan establishes the process, the findings, the options, and final strategy to develop Old Fort Lake into a new mixed-use neighborhood.

Top: *Old Fort Lake rests at the top of a bluff overlooking Puget Sound.* ***Middle:*** *The City of DuPont trail system traverses through and around the subarea.* ***Bottom:*** *The subarea is nestled amongst established neighborhoods and natural areas; it is also adjacent to the Civic Center.*



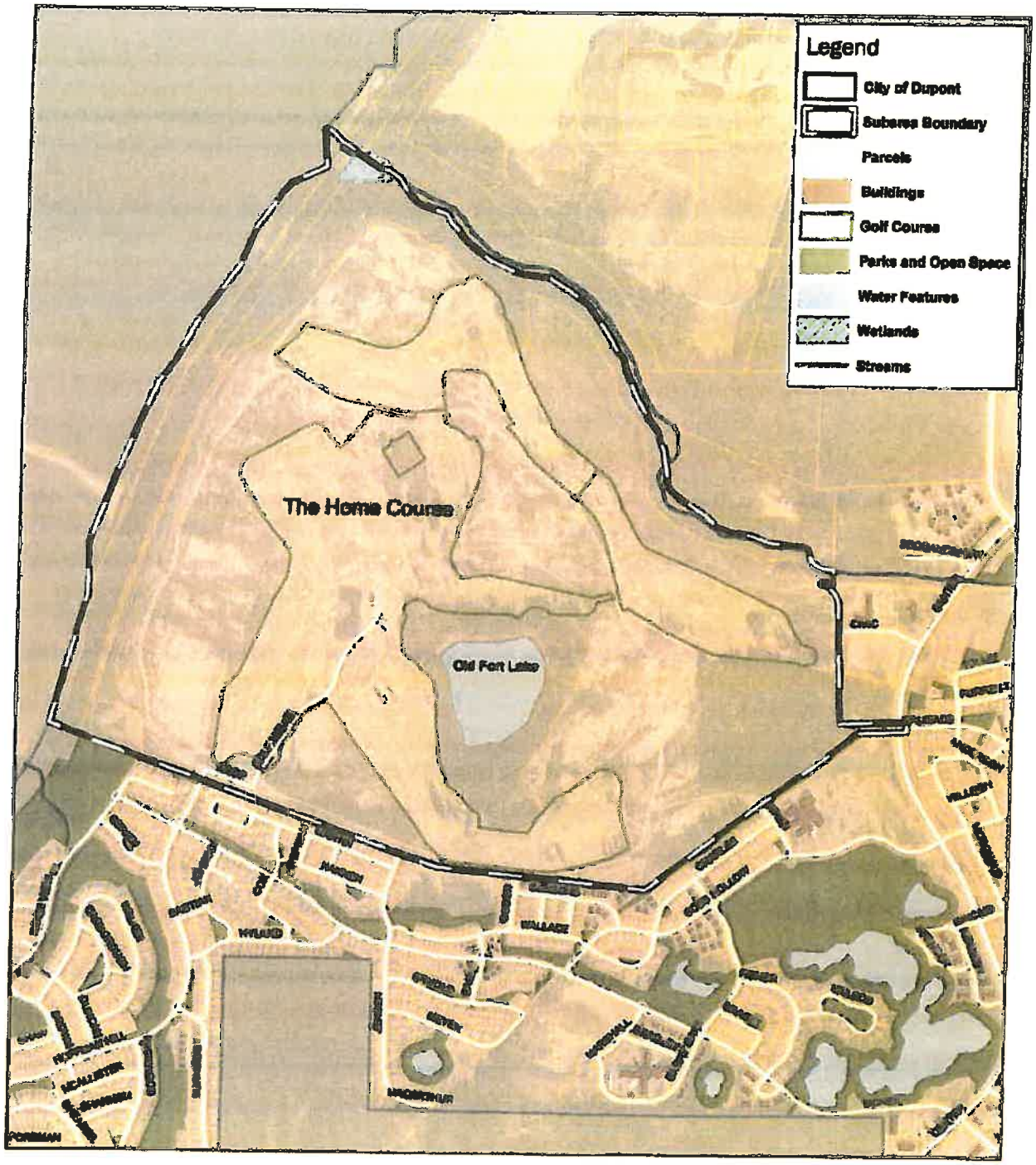


Figure 1 - Existing Conditions Exhibit

1.2 – Subarea Plan Intent

The Old Fort Lake subarea contains tremendous opportunity to provide future employment, commerce, recreation, and housing to accommodate current and future populations. The intent of the subarea plan is to examine the area to better understand its strengths, opportunities, and constraints, and to plan for its growth. Based on analysis and engagement, the subarea plan articulates the future vision and outlines its implementation strategy. This vision will be implemented through the City's Comprehensive Plan, land use controls, capital improvement plans, and economic development initiatives.

Plan Objectives

The subarea plan is a systematic approach to planning for Old Fort Lake's future. The plan's overarching intent is to create a well-designed, highly-connected, and economically-robust district. The subarea plan aims to address the following objectives:

Natural Environment: Preserve and enhance sensitive areas and natural assets that exist on site. Showcase the natural environment as part of site planning and capital investments. Create a strategy to address soil contamination levels through clean-up, engineering controls, and land use planning.

Economic Opportunity: Leverage the opportunity created by the City's largest area of undeveloped commercial/manufacturing land to create well-paying employment opportunities. Ensure that future uses align with economic development and job creation goals. Establish a neighborhood that is attractive for investment, employers, and employees.

Urban Design: Design a quality district that is rooted in superior urban design that applies to site planning, buildings, amenities, and streetscapes. Create a purposeful vision for development that is coordinated, aesthetically pleasing, connected, and compatible with the surrounding area. Adopt standards to ensure well-designed sites, streets, and buildings.

Connections: Connect future and existing uses with an integrated multi-modal transportation network that accommodates all users (motorists, bicyclists, and pedestrians). Integrate the subarea into surrounding areas while being mindful to protect residential neighborhoods from adverse impacts. Build upon the adopted transportation plans and policies when planning for streets and trails.

Amenities (Natural and Cultural): Protect and integrate existing *open space, critical areas, cultural resources,* and *views.* Plan for future amenities that enhance the neighborhood and stay true to DuPont's community character and quality of life. Focus on creating dynamic streetscapes, landscaping, trails, gathering places, and living/commercial environments.

Housing Opportunity: Explore opportunities to provide additional housing for the City of DuPont and to provide workforce housing to complement future employment uses in Old Fort Lake.

1.3 – Project Scope

The City of DuPont desires to create a long-range vision and implementation strategy for the land that encompasses Old Fort Lake. The project includes a holistic, systematic approach towards plan creation. The following tasks were embarked on as part of the project.

- **Community and Stakeholder Engagement** – The City created opportunities for the general community and stakeholders to provide meaningful input. This was used to shape the subarea design, choose amongst alternatives, and recommend action items that will lead to the plan's implementation. The community was asked to voice its opinions and preferences for land uses, aesthetics, and local connections. Property owners were engaged to communicate their long-term development goals, recommend design options, and provide feedback on implementation plans.
- **Existing Conditions / Site Analysis** –City staff reviewed and documented the area's existing conditions to serve as the basis for planning. City staff reviewed elements including (i) Land Use, (ii) Natural Resource, (iii) Utilities, (iv) Transportation, (v) Open Space and Trails, (vi) Site Contaminants, and (vii) Demographics. City staff used this information to conduct a site-level analysis of opportunity and constraints to guide the project design.
- **Concept Planning** – The project examined future land use scenarios to serve as the basis for vision for the property and function as the foundation for land use planning, infrastructure planning, and development controls. The subarea plan evaluates the impacts associated built-out of the future land use plan as organized in the (i) Land Use and Housing (ii) Transportation, (iii) Capital Facilities and Utilities, and (iv) Open Space elements.
- **Land Use and Policy Plan** – The Old Fort Lake Subarea Plan documents the planning process and articulates the long-term vision for the subarea. The plan was structured to parallel and complement the City's Comprehensive Plan and the State of Washington Growth Management Act land use structure.
- **Development Standards** – The City drafted new development standards (and amendments) that are intended to enact land use controls to ensure that properties develop/redeveloped according to the long-range vision. New zoning districts were created to implement the plan's vision.
- **Plan Adoption** – City staff facilitated the process for the DuPont City Council to formally adopt this subarea plan as an official policy document to guide future development and capital improvements. This process included several work sessions with the DuPont Planning Commission to help develop the plan components and refine the elements therein.

4 – Community Engagement Strategy

A Community Engagement Strategy was implemented to ensure that the subarea plan was created through meaningful community/stakeholder input. The engagement process aimed to integrate the input from City staff, property owners, the Planning Commission, and the general community. The following outlines the Community Engagement Strategy that was followed during this planning effort, while Section 3.3 lists the specific community desires.

Community Engagement Participants

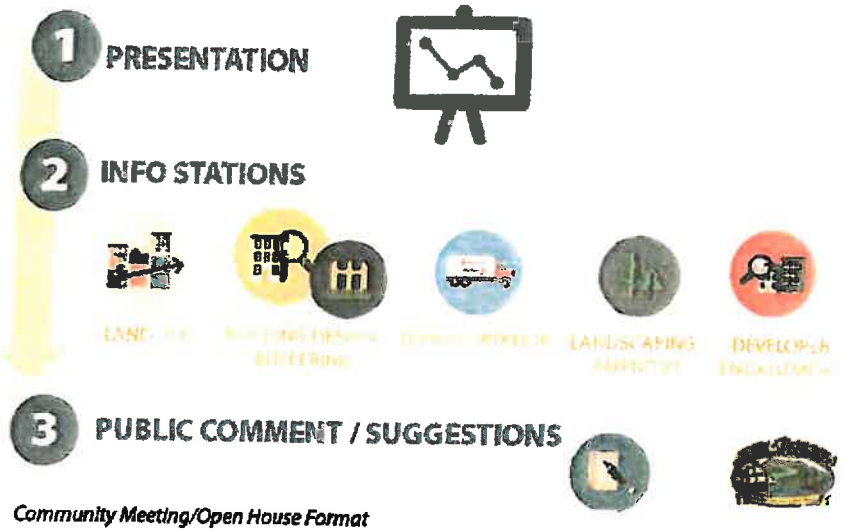
Working Group

A project working group was assembled to provide technical guidance and make recommendations pertaining to the vision and implementation of Old Fort Lake Subarea Plan. The working group consisted of property owners within the subarea, City staff, and its consultant team. The working group met weekly through the plan preparation. The working group focused on the following plan elements: *Land Use and Housing, Transportation, Open Space and Recreation, Cultural Resources, and Utilities & Capital Facilities.*

General Community

The DuPont residents and stakeholders were engaged through a community meeting/open house, written surveys, and continual email correspondence with the City's planning department. This played an important role in the Old Fort Lake Subarea planning process because it (i) welcomed community engagement and provided the opportunity for community participation, (ii) created community excitement for the Old Fort Lake Subarea, and (iii) provided meaningful input that was used to help the Working Group make vital decisions in the subarea plan preparation.

- **Community Meeting Format** – The community meeting was broken into three parts:
  - ***Presentation*** – the presentation was intended to educate attendees on the background and proposed land use amendments.
  - ***Information Stations*** – six informational stations were established that each represented a key aspect of the project (land use, transportation etc.) so that attendees could provide input and vote on elements they prefer.
  - ***Written Comment Station*** – questionnaire sheets were provided to allow attendees to provide written comments about the alternatives.



Community Meeting/Open House Format

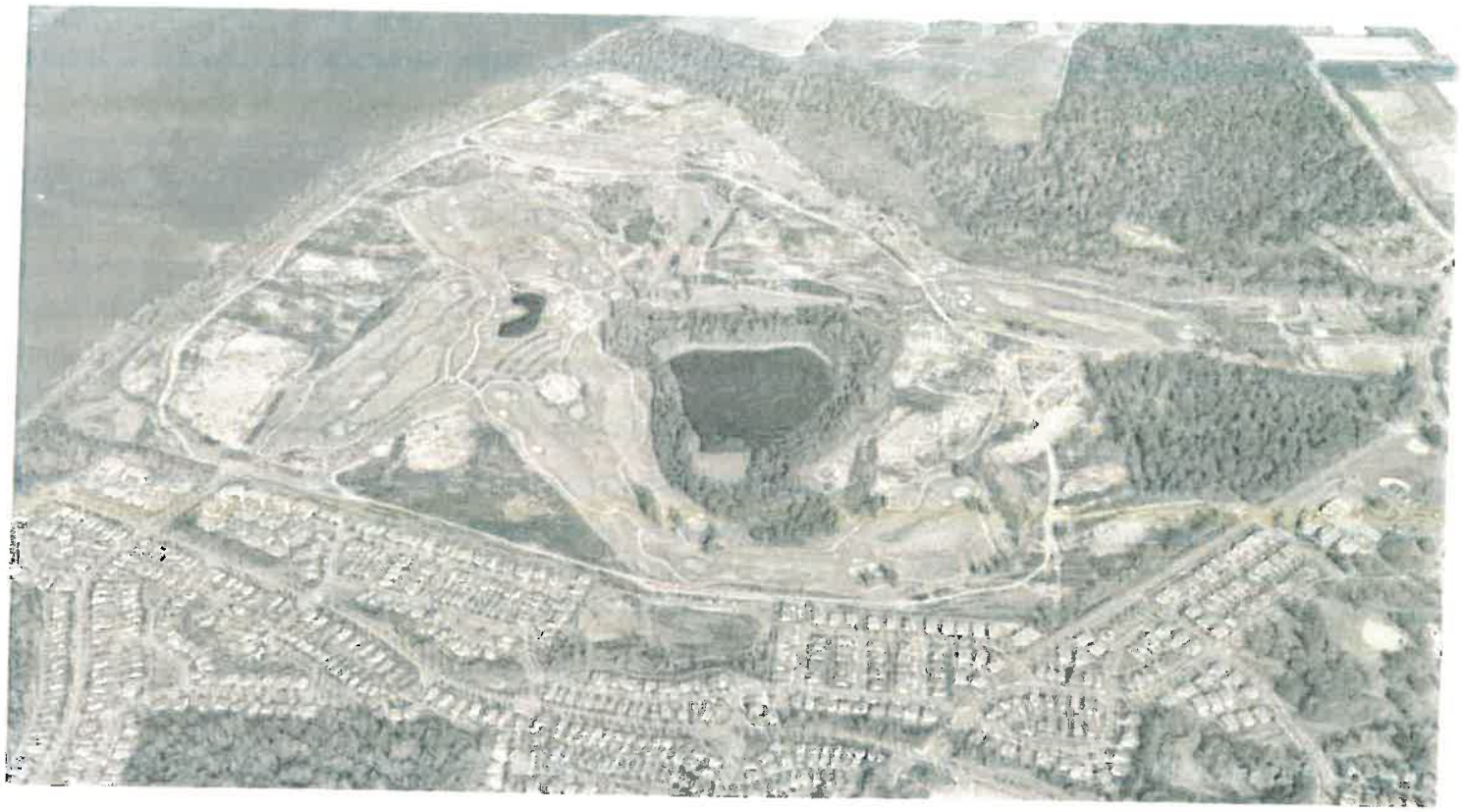
- **Community Engagement Focus** – the community meeting was focused on obtaining public input relating to the following elements of the plans:
  - > ***Land Use*** – participants were asked to identify their desires and concerns related to potential commercial, residential, and employment uses.
  - > ***Building Appearance*** – participants were polled on their desires for building appearance and design. They were also asked to select their preferred building orientation and site design principles.
  - > ***Transportation Options*** – participants were questioned about vehicle, bicycle, and pedestrian mobility transportation options and design. They were asked to identify their preferred street design elements for landscaping, travel lanes, and pedestrian/bicycle facilities. They were also asked to express their overall transportation concerns.
  - > ***Amenity Package*** – participants were asked to provide comment on future public and private space amenities.

Planning Commission

The City of DuPont Planning Commission was engaged through multiple work sessions to provide guidance through the planning process at key project milestones. City planning staff engaged the Planning Commission to provide recommendations to the project approach, the area's opportunities/challenges, the future land use potential, the open space framework, and the main infrastructure network.

PART 2

SITE OVERVIEW & COMMUNITY CONTEXT



2 | Site Overview

General Characteristics

The subarea encompasses a +/- 655-acre area bound by Sequalitchew Creek, the Puget Sound bluff, the Hoffman Hill and Yehle Park Village neighborhoods, and the City of DuPont Civic Center. Part 4 –*Goals and Policies* of this subarea plan provides additional existing conditions data organized by plan element. The following is a brief description of the area's general characteristics:

- **Landscape** – The majority of the properties are relatively flat; some areas slope down to water features. The subarea overlooks Puget Sound, with a steep bluff lining the western boundary. Old Fort Lake is located central to the plan area. Sequalitchew Creek flows along the northern boundary. The major tree canopies are clustered along the creek, the lake, along the bluff, and at the southeast corner.
- **Land Usage** – The subarea is mostly vacant and unimproved. The Home Course (golf course) is the primary developed land use and operates within the subarea along with its clubhouse, restaurant, and practice facilities. Other areas are vacant and await (re)development.
- **Cultural Resources** – The subarea includes known cultural sites which include the 1883 Hudson Bay Company Fort Nisqually and the Wilkes Observatory Historical Site. These sites do not have their original structures and only archeologic artifacts remain.
- **Roadways** – There is an existing dirt road that traverses the subarea, however, the only internal paved streets access the golf course. Several roadway stubs terminate at the area's southern and eastern boundaries. An active rail line is below the bluff and runs parallel to the western boundary.
- **Opportunity Areas** – There are several upland sites within the subarea that create opportunity for future development and employment uses. These areas are generally unencumbered by natural resources. Scenario

Opposite Page: *Existing subarea overlooking Puget Sound.* ***Left:*** *Existing multi-use trail along southern boundaries.* ***Center Left:*** *Nearby residential community.* ***Center Right:*** *Existing Home Course.* ***Bottom Left:*** *Adjacent residential community along Hoffman Hills Boulevard.* ***Bottom Right:*** *Undeveloped property within the subarea.*

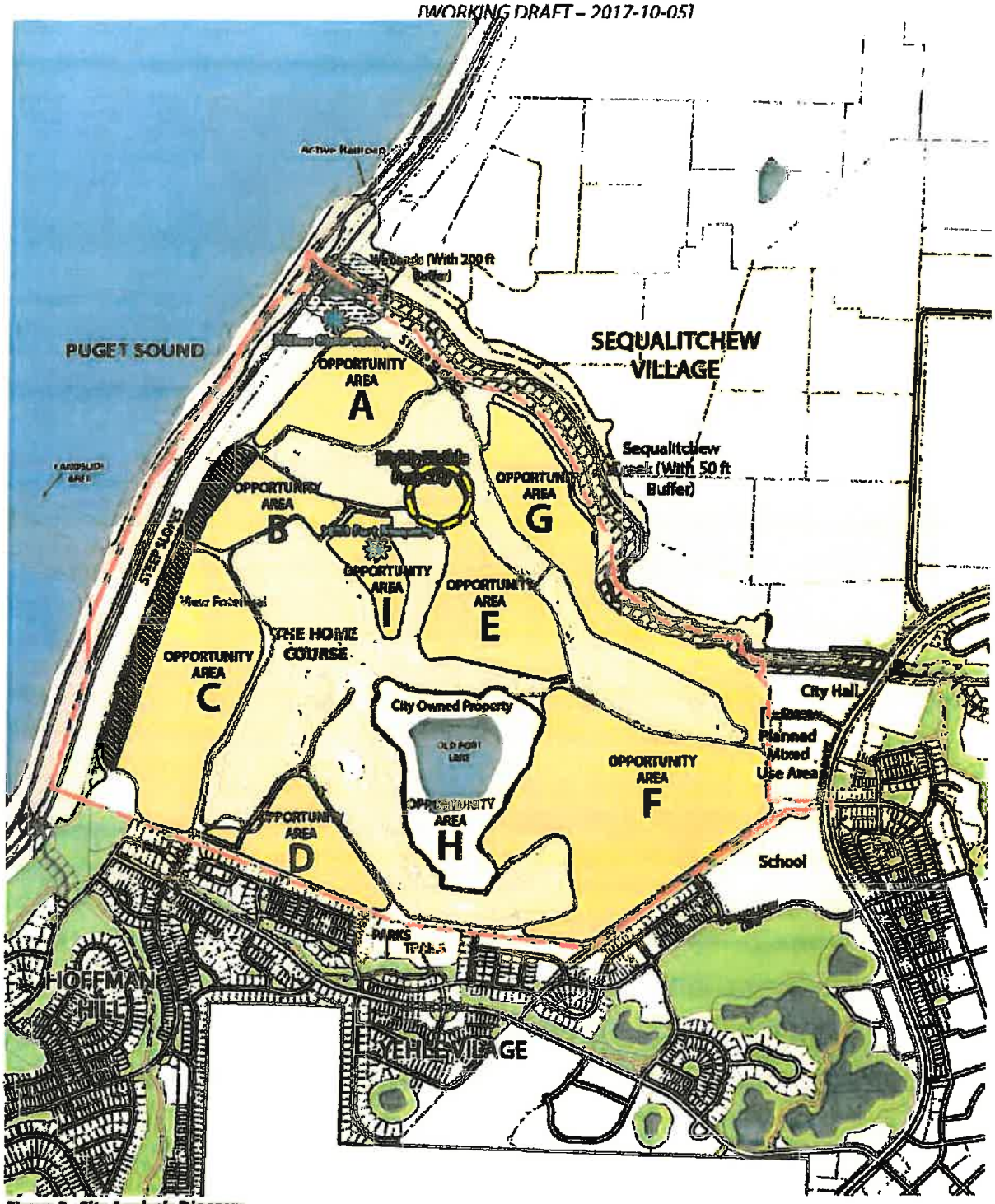


Figure 2 - Site Analysis Diagram

Ownership

When this plan was created, the subarea consisted of a small number of property owners. This limited land ownership provided opportunity for coordinated planning amongst these entities.

- **Golf Course** – The Home Course covers three parcels and is owned by the Washington State Golf Association.
- **The City of DuPont** – The City owns The 1883 Hudson Bay Company Fort Nisqually Site, the Wilks Observatory, the south side of Sequalitchew Creek, and the Old Fort Lake open space area.
- **Nisqually Indian Tribe** – The Nisqually Indian Tribe owns a significant land area paralleling the Sequalitchew Creek, as well as a small parcel in the southwest corner of the site.
- **Private** – A single, private entity owns the residual properties within the subarea.

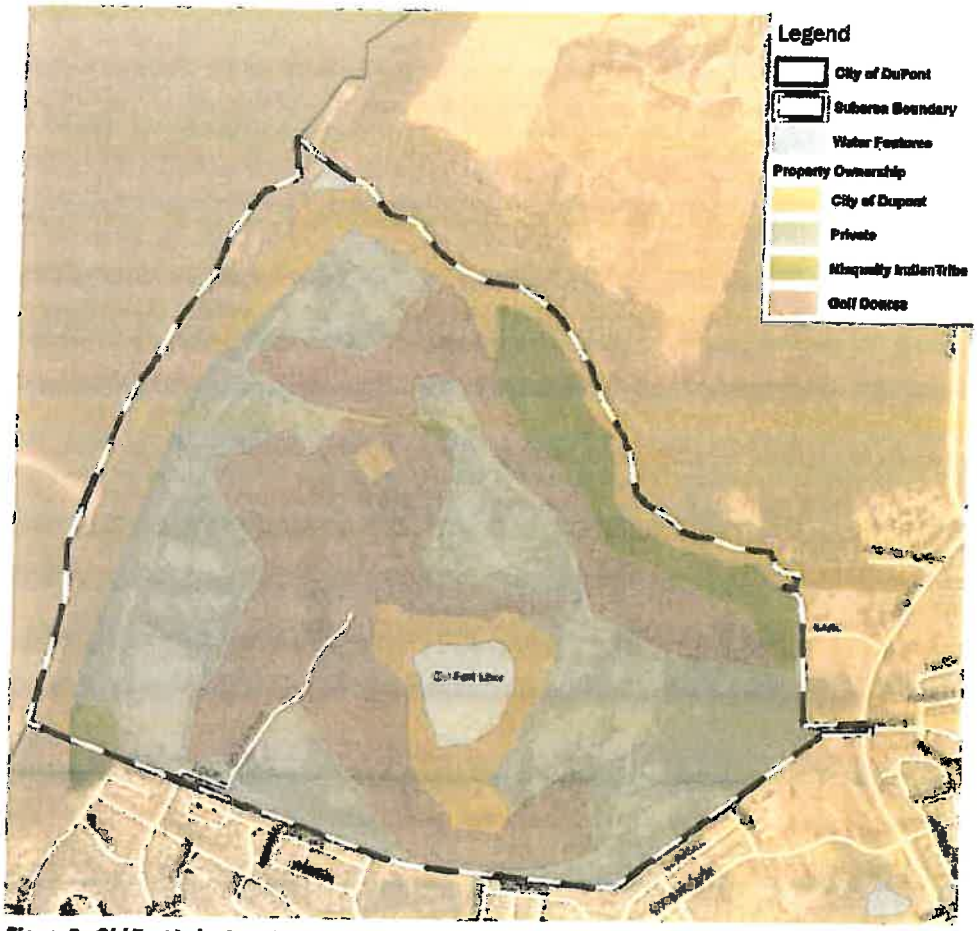


Figure 3 - Old Fort Lake Area Ownership (circ. 2017)

Site Remediation History and Considerations

From 1909 to 1976, much of the subarea was used for manufacturing commercial ammunitions. The explosive material manufacturing ceased when the Weyerhaeuser Company purchased the property in 1976. A *Phase 1* environment site assessment prepared in 1986 found significant and wide-spread soil contamination as a result of the previous land use. Future land activity will require provisions for site cleanup, engineering controls, and/or land use restrictions to ensure long-term health and safety.

The subarea has a number of environmental documents associated with the environmental hazards including: the final Environmental Impact Study, a Cleanup Action Plan, Remedial Investigation, and Groundwater Monitoring results.

- **Consent Decree** – A consent decree between the property owner and the Washington State Department of Ecology was filed in 1991. Remedial action and feasibility studies were completed and a new consent decree was entered in 2003. The 2003 decree covered two areas, "parcel 1" and "parcel 2." Parcel 1 is a 636-acre area that covers the current subarea, and parcel 2 is a slightly larger area adjacent to the north. Within parcel 1, copper and lead were found within surface waters. Soil excavation on the site removed high levels of lead and arsenic. The golf course serves as an engineered cap over contaminated soils. The consent decree required certain land use restrictions to guard against human exposure to harmful substances. The Consent Decree specifically stipulates that the site cannot be developed for residential uses, daycares, parks, schools, and related uses.
- **Restrictive Covenant** – A 2006 Restrictive Covenant, that includes areas within the subarea, states that uses on the site are allowed to the extent permitted under the City of DuPont zoning regulations and the Model Toxics Control Act. The 2006 Restrictive Covenant also echoes the Consent Decree. The covenant states that the site cannot be developed for residential uses, daycares, parks, and related uses. This restrictive covenant provides additional restrictions throughout the subarea and will need to be reviewed on a case-by-case basis. Further soil investigation and hazardous contamination remediation in the subarea may result in relaxation of these deed restrictions.
- **Periodic Review Standards** – The contaminated area is subject to 5-year periodic reviews and soil and groundwater testing. The latest review was performed in 2016, which found that while soil contamination has not been completely abated, previous cleanup actions have been sufficient to protect human health and environment for the existing land uses and that the site could be removed from the Washington State Department of Ecology's Hazardous Sites List.

2.2 - Community Context

The subarea is nestled in the western portion of DuPont and adjoins established neighborhoods, future development areas, and natural amenities. The subarea is adjacent to the Hoffman Hill, Yehle Park, Civic Center and the Sequalitchew Village planning areas.

- **The Hoffman Hill and Yehle Village** planning areas are to the south of the subarea and consist primarily of single-family and duplex housing. These neighborhoods have extensive park and trail amenities.
- **The Sequalitchew Village** planning area is to the north of the subarea which includes manufacturing, office, and warehouse uses. Nearly the entire village is within the mineral resource overlay boundary. Gravel extraction is currently underway in this area and is expected to proceed over a long term. Development is not likely to occur within this area within the foreseeable future.
- **The Civic Center** includes City Hall, the Fire Department and the Police Department. In the future a library and museum could also be located on the Civic Center campus. The remainder of the area south of Civic Drive is planned for office, retail sales, and service uses.

Figure 4 - Old Fort Lake – Community Context Aerial (2017)

PART 3

PROJECT PLANNING AND VISION

3 – Vision & Guiding Principles

The vision for the Old Fort Lake Subarea is to create a mixed-use district that provides a spectrum of future services, recreation, employment, and living options for the City of DuPont. The City envisions an Old Fort Lake district that provides additional land use options, protects natural resources, and seamlessly integrates into the City as a whole.

Guiding Principles

The subarea plan was pursued by following specific guiding principles to keep the long-range plan true and aligned to the project vision. These principles were applied to plan elements and helped guide decision making for the Subarea Plan.

I. **Create opportunities for jobs and employment** – The Old Fort Lake area will be developed as an important employment center. Future businesses will provide quality and diverse job opportunities for the DuPont residents.

II. **Explore opportunities/feasibility for housing** – The subarea is a potential location for residential to address future housing needs for the City of DuPont. Housing should be planned within close proximity to future employment uses.

III. **Recognize and protect existing property rights** – The subarea plan will acknowledge and retain much of the land use potential established in the 2014 Comprehensive Plan.

IV. **Protect and enhance natural resources** – The subarea plan will inventory existing natural resources and employ protection measures to ensure conservation and enhancement. The subarea will be responsive to these natural features and will showcase open space areas.

V. **Protect and provide access to cultural resources** – The subarea plan will identify known cultural resources and design a community plan that provides conservation and access to these resources. The plan will include protection policies for all cultural resources.

VI. **Recognize and response to the historical presence of contaminants** – The subarea plan will acknowledge the presence of site contaminants that were created from previous manufacturing activity. The process will also consider the existing Consent Decree and Restrictive Covenants that affect future land uses in the subarea. Some uses are allowed and will develop irrespective of the Restrictive Covenants.

VII. **Provide for complementary uses** – The subarea plan will identify land uses and amenities that complement future employment uses. Complementing uses could include open space, recreation, and neighborhood commercial.

VIII. **Create an interconnected and safe transportation network** – The subarea will be planned with a multi-modal transportation system that is integrated into the existing network of streets, trails, and other facilities. Facilities will be designed to provide for safe connections within the subarea, adjacent districts, and the region.

IX. **Protect and buffer existing neighborhoods** – The subarea planning process will be mindful to protect existing neighborhoods. In doing so, the plan will apply land use designations, buffer standards, and other development controls to ensure neighborhood compatibility. The plan should manage transportation impacts onto neighborhoods.

X. **Engage property owners and neighborhoods in the planning process** – The planning process will include a community engagement strategy to provide a working partnership with property owners, stakeholders, and the general public.

2 Key Considerations

The City of DuPont embarked on the Old Fort Lake Subarea Plan process by identifying some initial key considerations that would guide the plan development and shape the future potential. These key considerations are identified as Project Opportunities and Challenges.

Project Opportunities

- **Master Planning** – The subarea represents the opportunity to master plan an entire village/district's land use areas, roadway network, trails, open space, and amenities. The master planning process allows for a coordinated effort that involves the property owners, City leaders, and the DuPont community.
- **Transportation Network** – There is an opportunity to establish the future primary roadway network's alignment, connection points, and cross section design. The subarea plan is an opportunity to match transportation infrastructure to future land use, to provide options for pedestrian and bicycle transportation, and to knit surrounding areas together with the subarea.
- **Employment** – The subarea represents the largest area of vacant, non-residential land in the City, and provides an excellent opportunity to add jobs and employment within its boundaries. Providing a long-term planning vision for the area offers predictability for development and improves the feasibility of new employment projects. Furthermore, successful business parks must be dynamic and able to accommodate a variety of business types that require unique site and building components.
- **Commercial Services** – There is opportunity to provide commercial services within specific subarea blocks that serve employees and residents with convenient shopping and dining options. Through the subarea planning process, new commercial services can be planned to reflect neighborhood needs and desires, and can be oriented to create distinct nodes of activity.
- **Housing** – The subarea has the potential to provide areas for additional housing. However, the housing opportunity is limited by the Department of Ecology Consent Decree that presently prohibits residential uses. Additional site clean-up or other engineering controls may be opportunities to amend the Consent Decree.

Project Opportunities (continued)

- **Recreation and Open Space** – Old Fort Lake and the surrounding area is city-owned making it ideal as a centerpiece in the City's park system. The City's 2014 Parks Master Plan identifies projects in the Old Fort Lake subarea. Additionally, the subarea plan can provide trail extensions and connections to open space areas. Currently, parks are prohibited by the Consent Decree and Restrictive Covenant; however, there may be opportunities to employ clean up and engineering controls to amend these restrictions.
- **Cultural Sites** – There is an opportunity to improve the historic Fort Nisqually and Wilkes Observatory properties to become signature cultural destinations. These cultural sites could include permanent structures and informational signage to educate visitors and celebrate the historical significance.
- **Development Regulations Update** – There is an opportunity to update the development code to (i) introduce additional land uses, (ii) address buffer and capability issues, (iii) streamline the land use review processes, and (iv) establish specific roadway standards.
- **Golf Course Zoning** – The current zoning allows the golf course to be redeveloped as industrial uses; the subarea plan provides opportunity to change the zoning over the golf course to better control future uses.

Project Challenges

While the subarea offers large areas of undeveloped industrial land, there are also many constraints. Key constraints include:

- **Site Contaminants** – The subarea was formerly used to manufacture commercial ammunitions, resulting in soil contamination. While much of the contamination has been abated, some contamination remains, resulting in restrictions/challenges for potential uses in the subarea. These conditions create logistical, economic and regulatory challenges.
- **Consent Decree/Restrictive Covenant** – A consent decree was filed with the Washington State Department of Ecology in 1991, which requires remedial action and environmental studies on throughout the subarea. In 2006, a restrictive covenant was recorded that prohibits 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.
- **Neighborhood Compatibility** – Current zoning allows for uses such as office, commercial, and manufacturing. However, most areas adjacent to the subarea are residential, and areas within the subarea are recreational or cultural. At a community workshop, residents expressed concerns about impacts to adjacent neighborhoods. New development needs to be sensitive to the surrounding context and character.

- **Golf Course Compatibility** – It is a commonly held community goal to protect the Home Course as a beautiful and highly desirable public amenity. New development will need to protect the edges, views, and overall character of the golf course.
- **Transportation Options** – The subarea does not currently have a roadway network to support future development. The subarea currently has one paved roadway, this stems from Hoffman Hill Boulevard and provides access to the golf course. The best points of entry are at Civic Drive and Palisades Boulevard with direct access to Center Drive and south to Interstate 5.
- **Utility Infrastructure** – The subarea is not development-ready as few utility lines exist. Water and sewer lines will need to be planned, enhanced, and extended from adjacent neighborhoods. The only water main and sewer main in the subarea runs from Hoffman Hill Boulevard to the golf course clubhouse. While the golf course has some existing stormwater infrastructure, the subarea will need a comprehensive stormwater management plan.

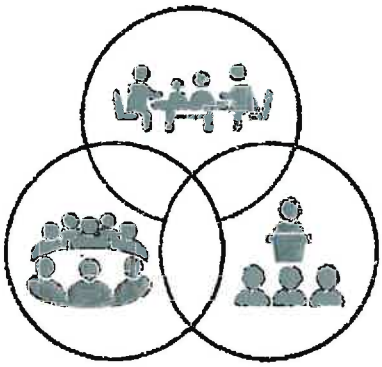
Top: *Residential neighborhoods abut Old Fort Lake to the south.* ***Bottom:*** *The Home Course remains a community gem; vacant parcels surround the golf course.*

3.3 - Community Feedback & Desires

The Old Fort Lake Subarea Plan was shaped and created by responding to the community's comments and desires. The plan's community engagement strategy was applied to obtain recommendations and to understand public preferences. The major theme identified by all parties that chose to participate was to create a successful city district that provides future services while protecting the natural environment and surrounding neighborhoods. The following summarizes the community desires for Old Fort Lake from the working group, the general public, and the Planning Commission.

Land Use Focus

- **Future Land Uses** – The subarea should be a mixed-use area of the City. Specific areas of the subarea should have their own character and land use focus. The subarea should focus on employment while also allowing other complementing land uses such as neighborhood-scaled commercial, lodging, recreation, and housing. Architectural design guidelines shall be applied to address massing, appearance, and compatibility concerns.
- **Industry Focus** – The preferred future industry focus is on research and development, high technology, and offices arranged in a park-like setting. Compatibility and traffic impacts from manufacturing and warehousing/distribution were expressed by some. However, others stakeholders noted that these uses should be a part of a successful employment district and that the traffic generation from these uses is less than office. As a result, these uses should be a secondary focus while employing buffering and aesthetic safeguards.



Multiple points of view: *The community desires were identified through input obtained from the working group, the general community, and the Planning Commission.*

A common sentiment is to retain DuPont's small town charm and showcase its natural setting.

Building and Site Design

- **Design Guidelines** – The subarea should create plans to address building orientation, exterior colors/materials, architectural details, and size/height restrictions to ensure an attractive community character, to enhance neighborhood compatibility, and to protect views and natural areas. Guidelines should also be established to require pedestrian amenities, parking lot screening, reduce light/glare, and buffer residential neighborhoods and the golf course.
- **Community Gathering Spaces** – The subarea should create a variety of quality community gather spaces. There should be trailheads and open space areas to serve the greater community. The subarea should develop with identifiable community nodes with neighborhood-scaled commercial and strong pedestrian amenities.

Transportation and Connections

- **Street Design** – Future roadways within the subarea should possess the same, quality streetscape character found throughout DuPont. Streets should be designed to accommodate a variety of users including motorists, pedestrians, and bicyclists. Streets should be tree-lined and pedestrian/bicyclist facilities should be separated from vehicle traffic.
- **Trails** – The subarea area will include a system of trails that are integrated into the larger, city-wide network. The trail network must be aligned with the adopted trails plan.
- **Traffic Mitigation** – The subarea should be designed to mitigate traffic impacts including (i) traffic noise, (ii) traffic congestion on Center Drive and within residential neighborhoods, (iii) the volume of semi-truck traffic, and (vi) associated safety concerns. The subarea should be designed with thoughtful street systems, multimodal options, and a diverse land use mix.

Amenities and Aesthetics

- **Amenity Types** – The subarea should incorporate natural areas, gathering places, and educational signage. This should include parking facilities to access open space areas.
- **Landscaping Style** – Development within the subarea should resemble native landscaping in terms of plant variety and arrangement.

A common theme is to create beautiful streetscapes and open space areas that complement the natural environment.

4 - Concept Planning

The Old Fort Lake subarea is a large property containing unique environmental features, a golf course, and expansive areas for future development. Concept planning was conducted to illustrate how the area could develop by assigning land use areas, a transportation network, and site amenities. Multiple concept plan scenarios were prepared to explore various spatial arrangements so that the City of DuPont could select a master plan that balances the community desires with the physical characteristics. The Old Fort Lake Base Concept Plan is illustrated in this section. The Base Concept Plan depicts future site elements and primary development areas.

Site Elements and Program

The concept planning efforts included site elements that, collectively, address the project vision. The following elements were included in the concept planning.

I. **Blocks:** The subarea is arranged as individual blocks. Each block has its own unique character and development potential. The blocks are intended to be used to regulate future land use activity and development requirements. Some blocks were further divided into sub-blocks to refine site planning options.

II. **Primary Development Areas:** Many of the subarea blocks were identified as primary development areas that are envisioned to contain future buildings and urban land uses.

III. **Open Space Areas:** The open space areas are blocks that are planned to remain as natural areas or developed with recreational uses.

IV. **Primary Roadways:** The primary streets are intended to designate the main roadway network that is needed to interconnect the primary development areas within the subarea and provide connections to the surrounding community. This includes both existing and proposed roadways.

V. **Cultural Sites:** Two City cultural sites are delineated and planned to remain. In the future, it is anticipated that the cultural sites will be enhanced with historical markets and additional site improvements. These include the Wilkes Observatory and Fort Nisqually.

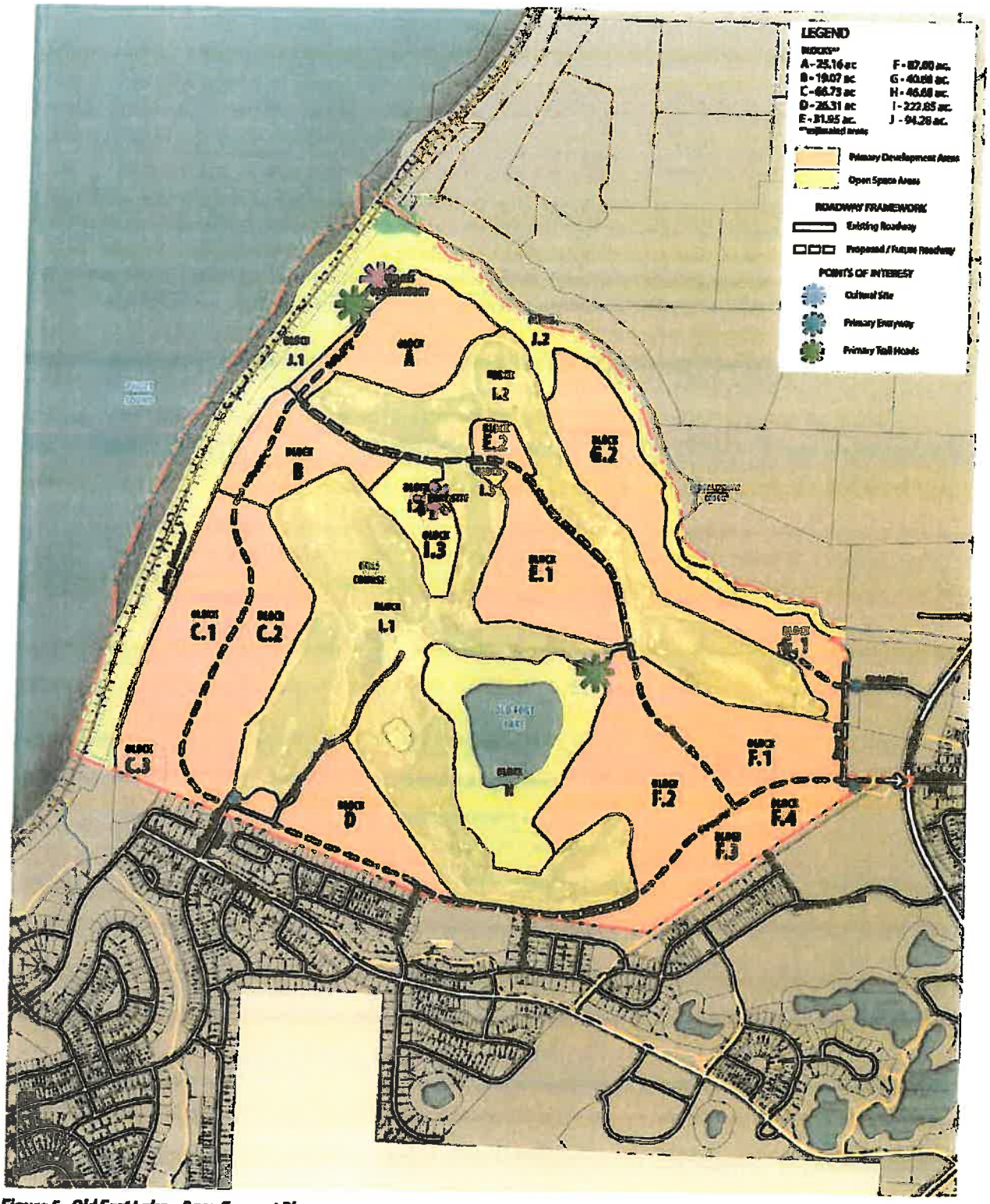


Figure 5 - Old Fort Lake – Base Concept Plan

3.5 - Project Master Plan

The Old Fort Lake Master Plan is intended to establish the long-range, spatial arrangement of land use areas, open spaces, roadways, and other amenities. The master plan is intended to serve as the basis for the Future Land Use Plan within this subarea plan. The master plan was created through an expression of community sentiment, evaluation of future housing demands, and selection amongst alternatives. The master plan represents *'a dynamic mixed-use employment district'* that balances prosperity, environment, and lifestyle. Part 4 –Goals and Policies include individual elements that establish the long-range policies to implement the various parts of the master plan.

Urban Design Summary

The Old Fort Lake Subarea is designed as a harmonious balance of development and open space areas. The master plan is structured to establish specific areas that support businesses, neighborhood services, housing, recreation, and conservation. The design is intended to knit together the Old Fort Lake subarea with the larger DuPont community.

When looking at the master plan, the Home Course remains the center piece of the subarea with adjacent open space. The areas within the bluff and immediately along the creek are planned as open space. The area near the bluff is planned for mixed-use and the interior blocks are planned as a core employment district. The areas are interconnected with a primary roadway loop that provides connections to the greater community.

Key Features:

Development Focus Areas – The future development blocks within Old Fort Lake are designated as a specific focus area: *Mixed-Use Focus, Business/Industry Focus*, or *Work/Live Focus*. Each development focus area is intended to mature with a particular urban character with respect to land use and building types.

Open Space Focus Area – The blocks intended for conservation, recreation, and cultural use are designated as the Open Space Focus Area. This includes the golf course and long-term natural areas.

Roadway Framework – The primary roadways are delineated on the master plan to illustrate the intended alignment and connections to existing street network.

Cultural Resources – The City's cultural resource sites are depicted on the master plan to show location and context. These areas are situated within the Open Space Focus Areas.

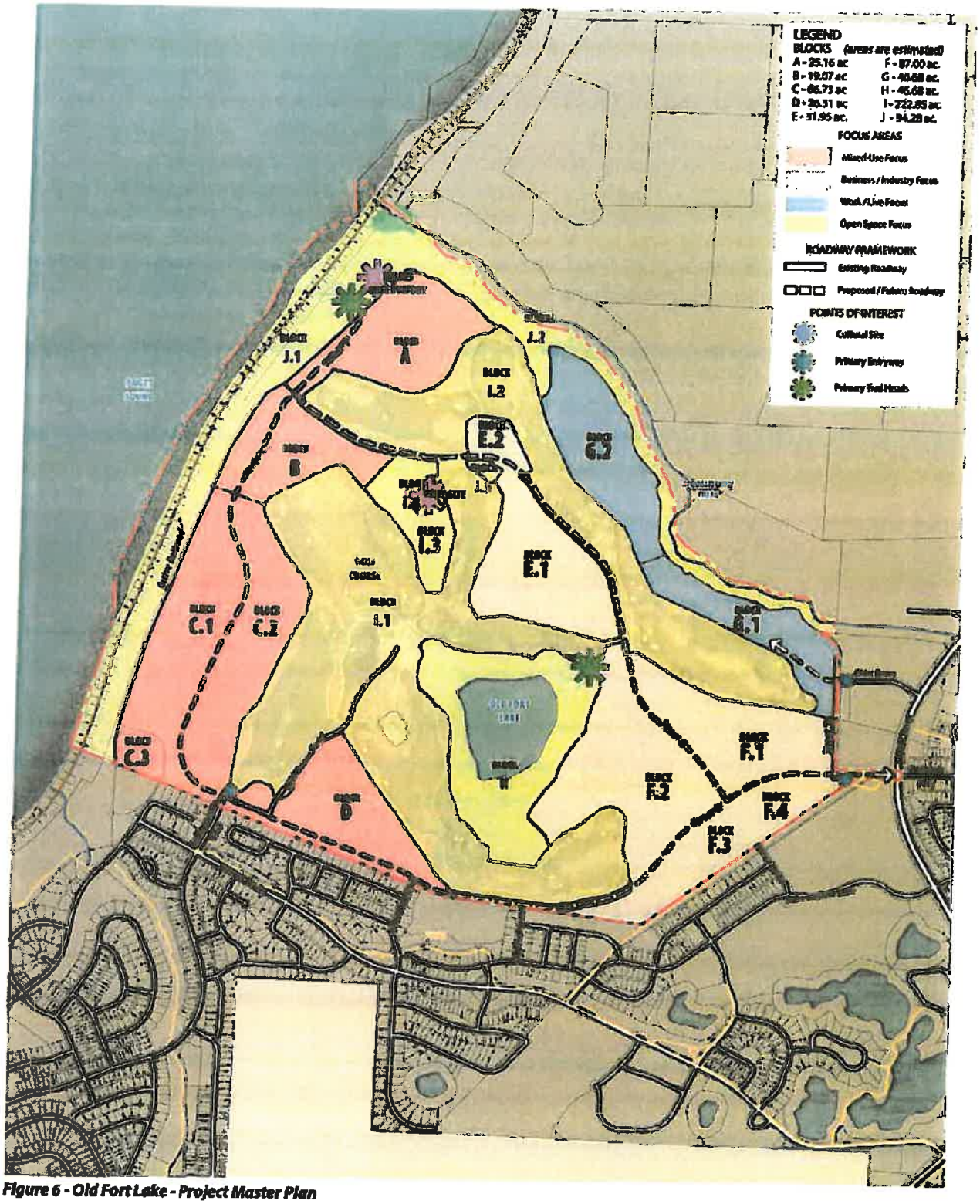


Figure 6 - Old Fort Lake - Project Master Plan

Mixed-Use Focus Area

The development blocks near the bluff are envisioned as a Mixed-Use Focus Area to provide uses complementary to the golf course, the bluff, and adjacent neighborhoods. The Mixed-Use Focus Area is planned to support a variety of commercial, business, residential, and community uses. The area will develop with a community character and building design style that are sensitive to views around the golf course and the bluff. The desire is for a portion of the Mixed-Use Focus Area to develop as a walkable neighborhood center with a cluster of retail stores, dining, employment, service, and multi-family uses. Other portions of the area may develop as independent employment campuses and modestly-sized residential neighborhoods. The Mixed-Use Focus Area provides access to the open space areas lining the bluff.

- **Commercial Uses** – Commercial uses are planned to be small-scale and serve those working and living in DuPont. Retail, service, restaurant, drinking establishments, and hotels are appropriate commercial uses for the Mixed-Use Focus Area. Large-format retailers, drive-thru facilities, and auto-oriented services are not envisioned for this area. Access, entry placement, and outdoor gathering spaces will be established by requiring the orientation of commercial buildings to streets. Blocks B, C, and D are envisioned to be the ideal locations for a neighborhood center containing commercial uses.

- **Business / Industry Uses** – Business and industry uses are planned to be visually and operationally compatible with the surrounding areas including the golf course, the bluff, and the residential neighborhoods. Office, manufacturing, and research and development are appropriate business uses within the Mixed-Use Focus Area. Manufacturing operations shall be indoors and freight activity shall be thoughtfully integrated into the site design to minimize adverse visual impacts on neighboring properties. Accessory commercial uses are permitted with all manufacturing businesses (e.g., a tap room as part of a brewery / a sales shop as part of a furniture manufacturer). All blocks are envisioned to support business/industry uses.

- **Residential Uses** – Residential uses are envisioned as a potential future component within the Mixed-Use Focus Area. The Mixed Use Focus Area has the potential to provide additional housing options for the City of DuPont and those working within the subarea. Housing options could include single-family neighborhoods and multi-family residential development as part of a mixed-use center or as a stand-alone use. However, residential development is contingent on future actions pertaining to the Department of Ecology Consent Decree, the site's Restrictive Covenants, and site contaminate levels. Multi-family is deemed appropriate in blocks A, B, C, and D; whereas single-family neighborhoods are identified as appropriate for blocks A – C.

- **Community Facilities** – Community facilities are planned to complement other uses within the Mixed-Use Focus Area and the nearby neighborhoods. A convention center, cultural/community center, and other public facilities are desired additions to complete the commercial and business uses in Old Fort Lake. Community facilities should be clustered near commercial uses to strengthen the concept of a neighborhood center and to promote a walkable district character.

Opposite Page: *Mixed-Use commercial areas.*
Top: *Business and office uses.*
Center: *Multi-family residential community.*
Bottom: *Community facilities.*

Business / Industry Focus Area

The development blocks located central to the Old Fort Lake Subarea are envisioned as the Business/Industry Focus Area given its transportation access and buffering potential from surrounding neighborhoods. The Business/Industry Focus Area is planned to support a variety of employment uses. The area will develop as a business park setting with planted landscape buffering and well-designed buildings with street-facing facades. The Business/Industry Focus Area provides access to the open space areas surrounding Old Fort Lake.

Top Two: *Corporate offices*
Center: *Manufacturing and technology*
Bottom: *Warehouse distribution*
Right: *Commercial services*

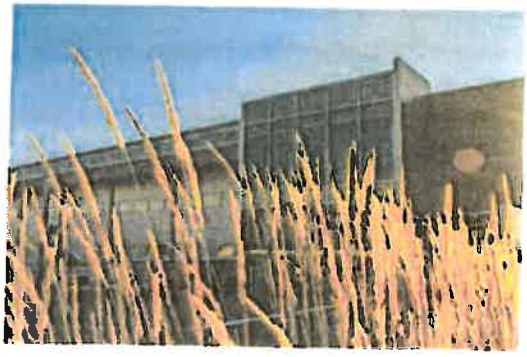
Business / Industry Uses – In keeping with the spirit of the subarea, business and industry uses are planned to be compatible with the surrounding areas including the golf course, Old Fort Lake, and the residential neighborhoods. Office, manufacturing, and research and development are appropriate uses within the Business/Industry Focus Area. Warehouse distribution is limited to sub-blocks E.1, F.1, and F.2 to ensure the area is not dominated by this single use. Accessory commercial is allowed with all manufacturing (e.g., a tap room as part of a brewery, a sales shop as part of a furniture manufacturer). Non-office sites will provide generous buffering along the golf course and freight/service bays will be oriented away from primary streets.

Commercial Uses – Commercial uses are generally planned to provide district-oriented services within the subarea. Retail, services, and restaurants are allowed on blocks F.3 and F.4 to create district node and to act as a transition to the adjacent neighborhood. Specialty retail and restaurant establishments are contemplated for block E.2 given its panoramic views to the golf course.

Work/Live Focus Area

The development blocks located parallel to Sequalitchew Creek are envisioned as the Work/Live Focus Area. This focus area is planned to support future employment uses, cultural facilities, and complementary workforce housing for the subarea. The Work/Live Focus Area is adjacent to the Civic Center and a future mixed-use district. Some commercial uses may complement and act as an extension to these adjacent areas. The Work/Live Focus Area provides access to the open space areas lining the creek.

- **Business / Industry Uses** – Like other parts of the subarea, business and industry uses are planned to be compatible with the surrounding areas including the golf course and the creek. Office, manufacturing, and research and development are appropriate business uses within this focus area. Accessory commercial is allowed with all manufacturing uses and will be subject to performance standards to ensure attractive, functional sites. Non-office sites will provide generous buffering along the golf course.
- **Residential Uses** – Multi-family residential uses are envisioned as a potential component of the Work/Live Focus Area. Block G.2 could be developed as a multi-family community considering its views and access to the golf course and the creek corridor. As with the entire subarea, residential development is contingent on future actions pertaining to the Department of Ecology Consent Decree, the site's Restrictive Covenants, and site contaminate levels.



Top: *Office and service uses*
Center: *Office and public facility uses*
Bottom: *Residential development*
Left: *Manufacturing and technology*

Open Space Focus Area

The golf course and several conservation blocks are envisioned to comprise the Open Space Focus Area. These areas are envisioned to remain as unimproved open spaces or recreational assets. The areas along the bluff, along Sequalitchew Creek, and around Old Fort Lake will remain passive open space. The golf course and related properties are designated as the recreational centerpiece for the subarea. The Open Space Focus Area anticipates that the City's cultural sites, the Wilkes Observatory and Fort Nisqually, may be enhanced with historical markets, shelters, and/or informational centers to showcase their significance to DuPont's heritage and culture.

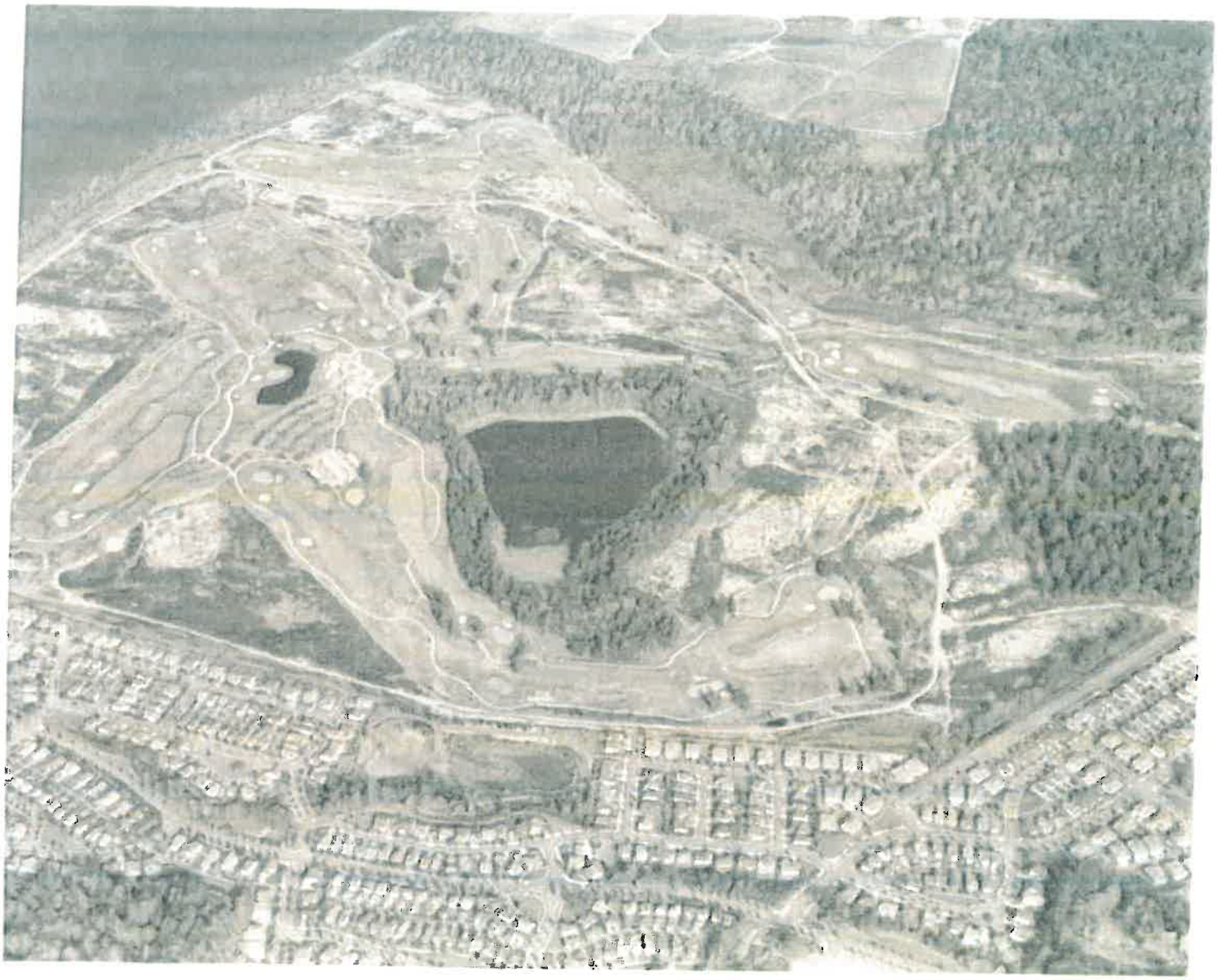
Roadway Network

The subarea is planned with a Roadway Network that identifies primary streets will be needed to access the development blocks and to provide community connections.

- **Subarea Loop Roads** – The Roadway Network is designed with three primary streets that create a loop through the subarea. Street 'A' originates from Center Drive at Palisades and follows a southern alignment and terminating at Hoffman Hill Boulevard. Street 'B' takes a northern alignment and terminates at the bluff. Street 'C' parallels the bluff and completes the subarea loop with connections to streets A and B. The loop roads provide connections to the Mixed-Use and Business/Industry Focus Areas.
- **Civic Center Road Access** – Civic Drive provides a secondary entrance in to the subarea and direct connections to the Work/Live Focus Area. Street 'D' is planned as a north-south internal connection between Civic Drive and larger portions of the subarea.
- **Local Connections** – The Roadway Network identifies some local connections to the adjacent neighborhoods and future connections to individual development blocks within the subarea. Street 'A' will provide connections between Jensen Avenue and Ogden Avenue where existing roadways stub at the subarea boundary; there local connections are intended to facilitate neighborhood access to the subarea. Street 'E' will provide local access to block A. All other internal local access roads will be reviewed at the time of site development.

PART 4

GOALS AND POLICIES



4.1 – Goals and Policies Overview

These sections contain goals and policies that are designed to guide future development in the Old Fort Lake subarea, as well as, facilitate actions pertaining to future land use plans, zoning, environmental regulations, and capital plans for the area. These sections are structured to align with the City's Comprehensive Plan and the Washington State Growth Management Act.

4.2 – Land Use Element

Current Land Use Characteristics

In the City's existing policies and development regulations, the Old Fort Lake area is meant to integrate campus-style development with historic features, natural areas, open spaces, and the existing golf course. The golf course, known as "The Home Course" is the home of the Pacific Northwest Golf Association and the Washington State Golf Association. The golf course accounts for one-third of the subarea's land use.

The subarea is bounded by Sequalitchew Creek, the Puget Sound bluff, the northern boundary of Hoffman Hill and Yehle Park Villages and the Civic Center, The subarea also includes Old Fort Lake and the 1833 Fort Nisqually site. Extensive work to clean up the area where the DuPont Company created and assembled explosives until the mid-1970s has been completed. The most contaminated soils have been removed and the remaining contaminated soils have been placed under golf course fairways and greens. The golf course boundary was determined by the location of the most contaminated areas and is reflected in the remediation agreement between the Weyerhaeuser and DuPont Companies and the Washington State Department of Ecology. Residences, schools, and parks are prohibited in deed restrictions under the Consent Decree.

Pursuant to land use designations, Sequalitchew Creek and the Puget Sound shoreline and bluff should be maintained in their natural state and protected from development. A trail location is identified along the south side of the Sequalitchew Creek ravine. In addition to pedestrian access along the Puget Sound bluff, views of Puget Sound should be planned from upland portions of the bluff. Another feature of the subarea is the Wilkes Observatory site in the northern corner.

Comprehensive Plan – The City of DuPont plans at the neighborhood level. The subarea represents the Old Fort Lake Planning Area. The Plan states that the City anticipates developing a subarea plan for the development of Fort Lake Business and Technology Park Village. The current plan further states that the subarea planning process should pay specific attention to the following community goals:

- Include significant emphasis on public access to the shoreline, public trails, trail connectivity within the City and regionally, identify strategic locations for parks, and ensure public amenities are sited in convenient and appropriate locations etc.
- Efforts should be taken to ensure development occurs in a way that ensures continuation and expansion of "natural trails" as well as urban pathways. Careful site

design to reduce lighting, noise and other urban impacts are important especially adjacent to the Puget Sound and Sequalitchew Creek.

- Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.
- Evaluate a variety of public and private partnership options related to necessary improvements such as the development of the South portion of "Loop Road".

Comprehensive Plan / Land Use Designation –The planning area is comprised of three future land use designations: *Business Technology Park, Open Space/Sensitive Areas,* and *Community Park.*

- **Business Technology Park (BTP)** – This designation includes all vacant commercial land and comprises 77% of the subarea. The purpose of this designation is to provide a mix of office, research, light manufacturing, and possibly mixed-use residential activities. The BTP is intended to provide for an area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The BTP is designated over the golf course.
- **Open Space/Sensitive Areas** – This designation includes the areas surrounding Old Fort Lake, Sequalitchew Creek, and the bluff overlooking Puget Sound. The Home Course and the Fort Nisqually Historical Site are also designated as Open Space/Sensitive Area. The purpose of this district is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers. The designation also recognizes lands for parks, greenbelts, open space and tree preservation areas. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities
- **Community Park** – This land use designation includes the Wilkes Observatory site in the northwestern corner of the subarea. This area is outside of the boundary of the Department of Ecology Consent Decree. The City's Comprehensive Plan includes Community Park lands in the description for Open Space/Sensitive Areas. Generally, these areas support active recreational activities in addition to open space conservation.

Zoning – The lands within the subarea currently contain three zoning districts. The majority of the subarea is zoned as *Business Technology Park*, which allows a range of uses including commercial, office, manufacturing, and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. The remaining areas are zoned *Open Space/Sensitive Areas* and *Community Park.* None of these zoning districts support residential development. Zoning is designed to implement the Comprehensive Plan. Within the subarea, zoning categories are identical to the Comprehensive Plan land use designations.

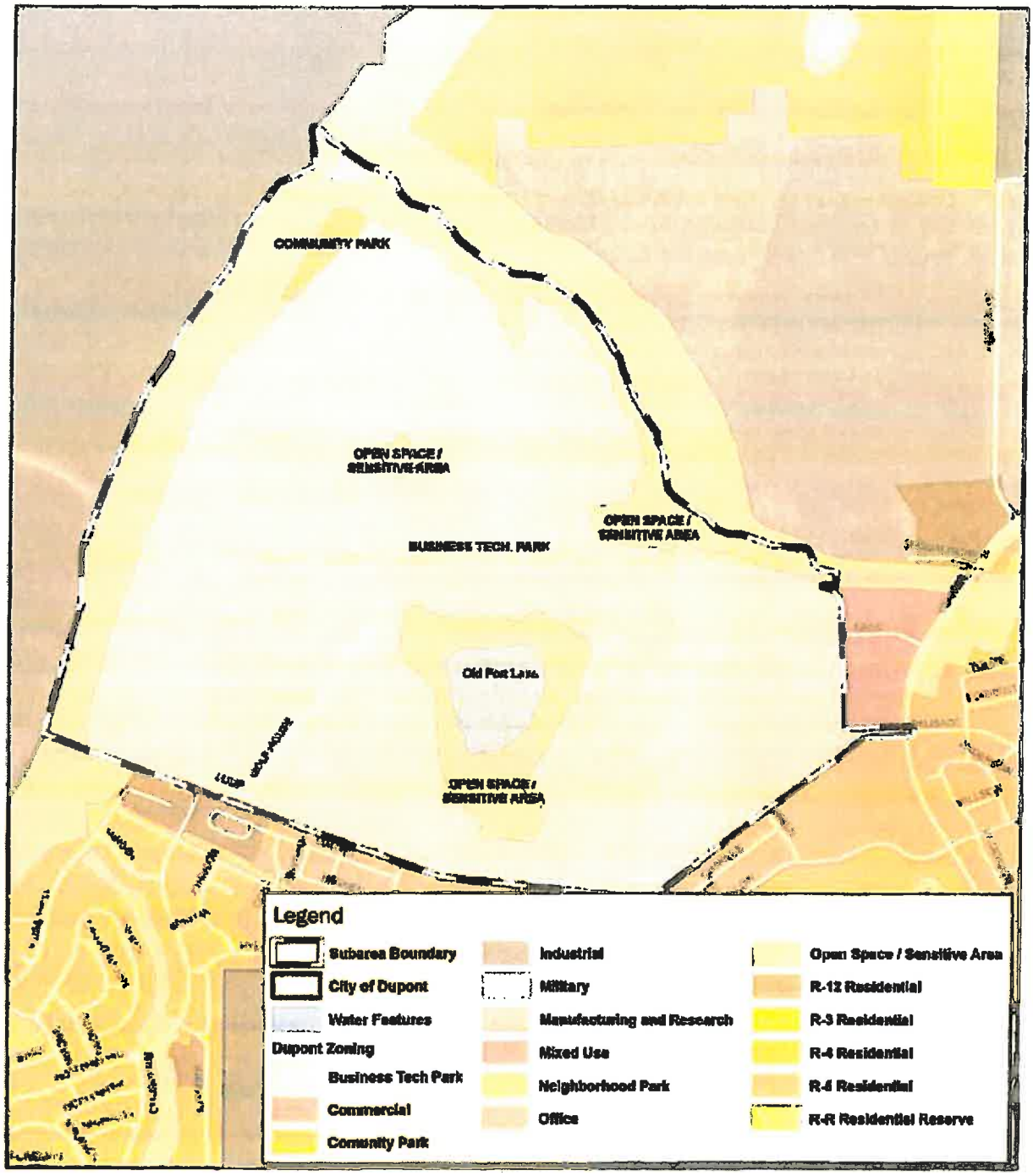


Figure 7 - Current Zoning Map (2017)

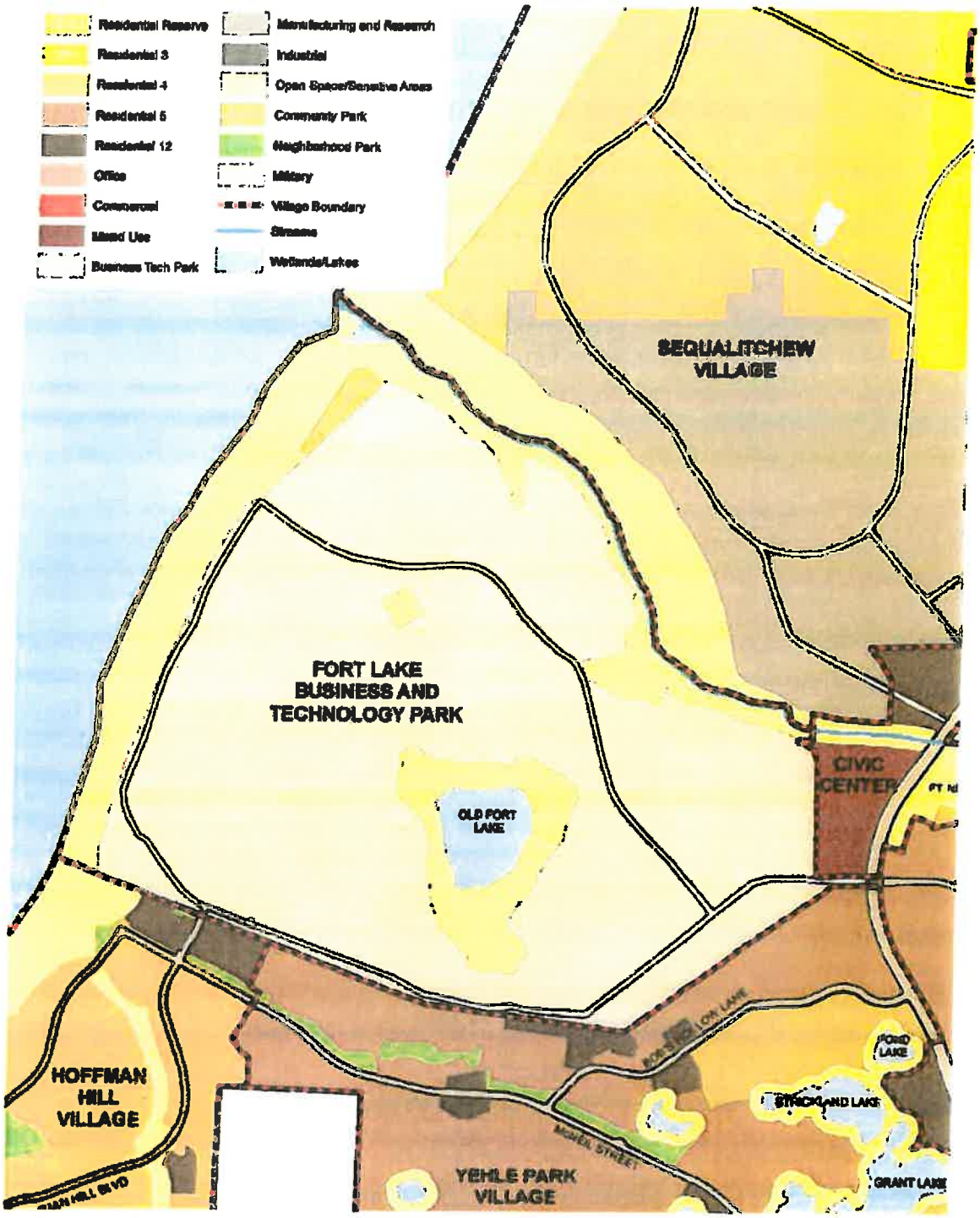


Figure 8 - Current Comprehensive Plan Land Use Map (2017)

Demographic & Economic Summary

Population Summary and Characteristics – The City's 2014 Comprehensive Plan assumes that the population of DuPont will be 12,100 at full buildout based on population projections and its future land use designations. In 1995, the City of DuPont had a population of 588. That number has quickly grown reaching 9,175 in 2014. Population increased rapidly in the late 1990s, but growth has steadied in recent years to 2-5% annually. The median age is 32 years old, with 35% of residents under the age of 20. Families make up 75% of all households. The median household income is $83,021, much greater than the Pierce County average of $59,204.

Housing Summary – In 2014, 80% of the overall housing stock (detached and attached) was made up of single-family units. The average household size in the City is 2.6 people. Most of the housing stock is relatively new, which limits redevelopment possibilities in the City, and means that new housing in the near future will likely come through new construction. The majority of housing capacity in the City is within low-density neighborhood areas. Over the next 20 years, the Comprehensive Plan calls for an additional 2,296 housing units. Despite this, the Plan states that there is a deficiency in housing capacity, primarily due to constraints on undeveloped land.

Market Position and Advantages – DuPont is in a strong economic position due to its proximity to I-5, Tacoma, Olympia, and sweeping vistas of Puget Sound. As the City's largest area of undeveloped non-residential land, the subarea is one of the foremost opportunities for future development and employment. To facilitate development activity, the area will require additional policy planning and infrastructure investment. According to the 2014 Comprehensive Plan, the subarea has 4,250,000 square feet of employment capacity based on current land use designations.

Employment Characteristics – The City acknowledges a continual need and opportunity for a diversified employment base with the City of DuPont. There is also opportunity to create employment centers within DuPont to lessen commuting outside of the City. Of those who are in the labor force, 29.4% are in the armed forces, 66.7% are employed in non-military positions, and the residual are unemployed. Joint Base Lewis McCord is the largest employer in the City, followed by local Public Schools, Multicare Health System, and the State of Washington. DuPont is also home to large commercial enterprises, such as the DuPont Corporate Campus, and the 1.4 million square-foot Amazon fulfillment center.

Employment Status		
Employment Status	Estimate	Percent
Population 16 years and over	5,957	
Not in labor force	1,869	31.4% of population 16 years and over
In labor force	4,088	68.6% of population 16 years and over
Employed in civilian labor force (not in armed forces)	2,734	66.87% of labor force
Employed in the Armed Forces	1,203	29.42% of labor force
Unemployed	151	3.69% of labor force
Source: City of DuPont Comprehensive Plan / US Census, American Community Survey, 2003-2013)		

Future Land Use Plan

The purpose of the Future Land Use Plan is to designate desired future land uses throughout the subarea that implement the Master Plan. The Comprehensive Plan calls for allowing a wider range of uses throughout the subarea, and therefore the Business Technology Park (BTP) future land use designation will be replaced with a new Old Fort Lake (OFL) designation. This is recommended to better implement the vision of the subarea. In turn, the Comprehensive Plan will need to be amended to be internally consistent with this document.

Land Use Designations - Pursuant to the Old Fort Lake Master Plan, four distinct focus areas have been identified to guide future development and land conservation. These areas have their own intended character, and therefore the OFL future land use category has been further divided into sub-categories: OFL-1, OFL-2, OFL-3, and OFL-4. These categories are meant to be broad, and will need to be matched with development controls. The areas that are currently designated as Open Space/Sensitive Areas and Community Park will remain unchanged, and some additional land has been identified as open space. The purpose of each of these future land use categories is described below.

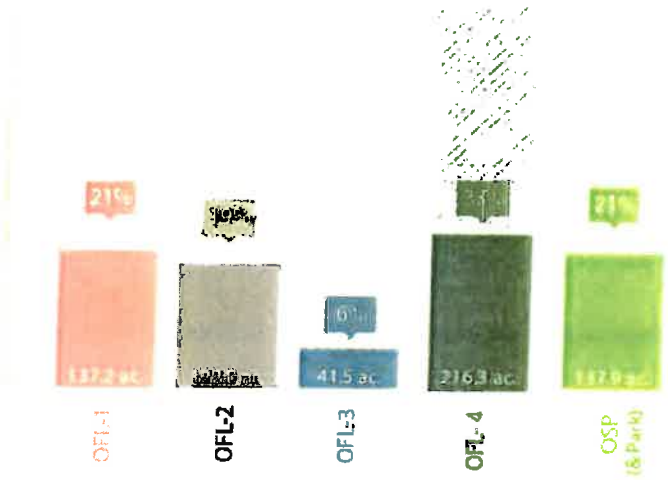
The master plan shown in Figure 6 (Section 3.5) illustrates various blocks, which refine the concepts established by the future land use categories. To avoid any one use dominating an area and to ensure neighborhood compatibility, Table 4.2(c) has been created which specifies the allowed uses at the block and sub-block level. A new zoning category will be created that will reflect this future land use plan concept.

Table 4.2(a): Old Fort Lake Future Land Use Designation and Area

DESIGNATION	AREA
Old Fort Lake 1 (OFL-1)	137.2 acres
Old Fort Lake 2 (OFL-2)	122.0 acres
Old Fort Lake 3 (OFL-3)	41.5 acres
Old Fort Lake 4 (OFL-4)	216.3 acres
Open Space / Sensitive Areas (includes park lands / *Community Park* designation)	137.9 (including 4.8 ac. *Community Park*)

Table 4.2(b): Old Fort Lake Future Land Use Designation Descriptions

DESIGNATION	DESCRIPTION
Old Fort Lake 1 (OFL-1)	The Old Fort Lake 1 land use designation is intended to implement the *Mixed-Use Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to allow the widest spectrum of uses within the Old Fort Lake subarea. New development in the OFL-1 category should be sensitive to views around the golf course and the bluff, and compatible with neighboring residential neighborhoods. A variety of land uses are allowed, including commercial, hotel, office, research and development, manufacturing, public facilities, and cultural facilities. Depending on soil cleanup efforts, both multifamily and single-family residential uses would be appropriate for this designation.
Old Fort Lake 2 (OFL-2)	The Old Fort Lake 2 land use designation is intended to implement the *Business/Industry Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to allow for a variety of employment-generating uses, such as office, manufacturing, and research and development. Secondary uses include commercial, public facilities, and cultural facilities. Development should be in a well-landscaped business park setting. In limited areas, warehousing distribution will be allowed in this district. This designation should be heavily buffered from residential, the golf course, and public/cultural uses.
Old Fort Lake 3 (OFL-3)	The Old Fort Lake 3 land use designation is intended to implement the *Work/Live Focus* area as described in the Old Fort Lake Subarea Master Plan. The purpose of this designation is to support future employment uses and complementary multifamily work-force housing for the entire Old Fort Lake Subarea. This designation allows for employment-related uses such as retail, restaurant, office, manufacturing, and research and development. Some commercial uses that complement adjacent mixed-use areas are also envisioned for this designation.
Old Fort Lake 4 (OFL-4)	The Old Fort Lake 4 land use designation is intended to guide future development and expansions of the golf course and selected open space-oriented properties within the subarea. This designation also support accessory uses that are associated with these properties.
Open Space / Sensitive Areas (includes park lands / *Community Park* designation)	The purpose of this designation is to recognize those lands which are not intended to be developed due to the presence of wetlands, wetland buffers, steep slopes and other sensitive areas and their buffers and recognize lands for parks, greenbelts, open space and tree preservation areas and regional storm drainage detention areas in addition to open space and landscape areas as mutually agreed to by the property owner and city. In addition, some open spaces are intended to preserve historic and Native American cultural sites. A network of trails is intended to link open spaces with one another and with other community facilities.



Old Fort Lake – Future land use designations percentage of subarea

Housing

There is opportunity to introduce additional housing in the subarea to complement the future employment uses that will occupy the site. The Old Fort Lake subarea, could be an attractive location for live/work; this could include workforce housing and residential neighborhoods. It is acknowledged that the subarea is presently limited by a consent decree and restrictive covenants.

The consent decree requires and the restrictive covenants enforce a prohibition on residential, school and parks development in the subarea. The City envisions future discussions to applicable parties to relax these restrictions as potential site contaminants are addressed. The City will continue to have discussions with Washington State Department of Ecology over lifting some of the restrictions on the Old Fort Lake subarea. Lifting some restrictions would make it possible to include housing and parks in the subarea making the area more consistent with the rest of the city's development patterns. Those development patterns include many connections via urban trails and frequent small neighborhood parks that cannot be developed because of the restrictive covenants.

The City's goal is to add multifamily single-family units. To ensure the subarea develops into a mixed use district, the City will establish a residential unit cap as part of its zoning regulations. The City will also establish separate density limits for multi-family and single-family as part of new land development regulations.

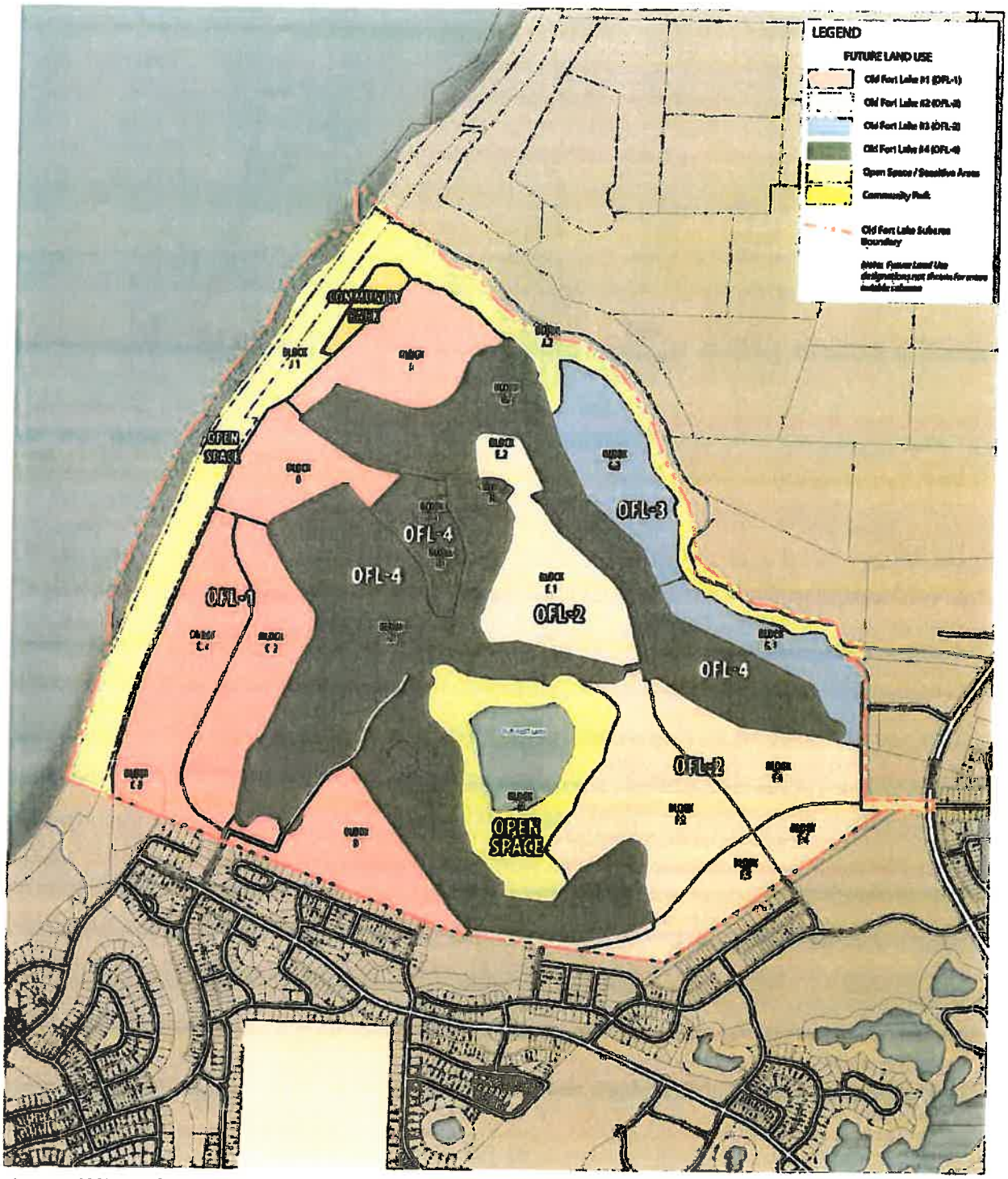


Figure 9 - Old Fort Lake - Future Land Use Plan

Table 4.2(c): Old Fort Lake Future Permitted Land Uses

Future Land Use Designation	OFL-1						OFL-2						OFL-3		OFL-4
Blocks	A	B	C			D	E		F				G		I
LAND USE GROUPS / *Sub-Blocks*	A	B	C.1	C.2	C.3	D	E.1	E.2	F.1	F.2	F.3	F.4	G.1	G.2	I.1 – I.5
Open Space / Recreation (primary use)															X
Commercial/Retail	X	X	X	X		X		X			X	X	X		X
Restaurant/ Drinking	X	X	X	X		X		X			X	X	X		X
Accessory Commercial**	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Hotel	X	X	X	X											X
Multifamily	X	X	X	X		X								X	
Single-Family Detached	X	X	X	X											
Convention Center	X	X				X									X
Cultural/ Community Center	X	X				X					X	X	X	X	X
Public Facilities	X	X				X					X	X			X
Office	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Manufacturing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Research & Development	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Warehousing Distribution[4]							X		X	X					

1) An 'X' indicates that the use is allowed in future land use designation and block
2) The individual blocks are illustrated on the Old Fort Lake Future Land Use Map; boundaries may be adjusted slightly as part of the site plan review and platting processes to respond to critical areas and/or cultural resources.
3) Each land use group is intended to be general in nature; the City of DuPont Land Use Code will further implement the land use intend with a larger list of uses.
4) Warehouse distribution shall not be allowed within 500-ft of a residential zoning district.

**Commercial, service, and office activities in conjunction with another primary use (e.g. a tap room as part of a brewery / a sales area as part of a furniture manufacturer / a restaurant as part of a golf course)

Land Use Goals and Policies

The following goals and policies should guide future development and decision-making. These were created to assist in the implementation of the Master Plan.

LAND USE PLAN Old Fort Lake: **Goals and Policies**

Goal LU-1	**Strategically plan for growth so that as Old Fort Lake develops, it continues the small town character of the city by protecting and enhancing development patterns.**
LU 1.1	Encourage development that balances sound economic development while maintaining the small town character.
LU 1.2	Efforts should be taken to ensure development occurs in a way that continues and expands the use of "natural trails" as well as urban pathways.
LU 1.3	Site design should minimize lighting, noise and other urban impacts adjacent to Puget Sound and Sequalitchew Creek.
LU 1.4	Development regulations should ensure a balanced mix of businesses that provide support services necessary for current and future demands.
Goal LU-2 (OFL-1)	**Plan for a wide variety of mixed uses while preserving access and views of the bluffs, Puget Sound, and natural areas.**
LU 2.1	Emphasize public access to the shoreline via public trails and trail connectivity within the mixed use district.
LU 2.2	Encourage a variety of housing types to serve a range of household sizes, incomes, and consumer preference.
LU 2.3	Promote mixed uses such as office, commercial, hotel, research and development, light industrial and cultural facilities.
LU 2.4	Restrict intensive manufacturing and warehouse distribution to the more central blocks within the subarea.
LU 2.5	Emphasize growth of clean, high-tech development related to overall uses, infrastructure development, and in aesthetic design features.
LU 2.6	Encourage a mix of commercial land uses to provide goods and services to meet the needs of residents, businesses and visitors while providing an attractive commercial setting.
LU 2.7	Provide for a variety of professional employment uses to achieved a diversify economy.
LU 2.8	Promote the development of a convention center, cultural/community center, or other public facilities that are desired additions to the commercial and business uses in Old Fort Lake.
LU 2.9	Preserve views of Puget Sound and Sequalitchew Creek for all to appreciate; retain the Open Space designation along critical areas to limit development encroachment.
Goal LU-3 (OFL-2)	**Provide family wage employment by promoting industrial facilities in the subarea.**
LU-3.1	Restrict warehouse distribution to the interior blocks in the subarea.

LU 3.2	Encourage the development of sustainable, clean industries.
LU 3.3	Provide flexibility in the administration of design standards to allow for innovative products and effective solutions to site challenges.
LU 3.4	Encourage commercial, small-scale manufacturing, flexible space, and institutional uses in order to create family-wage jobs, provide goods and services attractive to the local population, support entrepreneurship and new business development, and provide opportunities for workforce training.
LU 3.5	Provide buffers, incorporating features such as existing vegetation, berms, fences, and landscaping, between non-residential and neighboring residential areas.
LU 3.6	Allow for accessory commercial for companies to sell products created as part of the manufacturing operations.
Goal LU-4 (OFL-3)	**Provide future employment uses and housing for the Old Fort Lake subarea.**
LU 4.1	Encourage a mix of commercial land uses to provide goods and services to meet the needs of residents, businesses, the golf course and visitors while providing an attractive commercial setting.
LU 4.2	Live/work units should be encouraged in commercial designations to facilitate the potential for viable mixed use projects.
LU 4.3	Encourage multi-family residential development consistent with the City's existing character.
LU 4.4	Encourage mixed-use development, where appropriate, to meet the City's housing needs and to foster a compact and diverse community.
Goal LU-5	**Establish/amend land development standards to implement the vision for Old Fort Lake.**
LU 5.1	Adopt density standards for both multifamily and single-family residential that are unique to the subarea.
LU 5.2	Adopt a maximum residential unit limit for Old Fort Lake so that the area develops with a range of uses and recognizing the environmental limitations as applicable to the Department of Ecology Consent Decree.
LU 5.3	Establish Floor Area Ratio (FAR) standards in the City's land use code that limit the scale of non-residential development within the subarea.
LU 5.4	Apply the City's design regulations and guidelines to future development within the subarea so that buildings are attractive and carry forward the community character that is established in DuPont.
LU 5.5	Adopt special buffering standards to protect natural areas and the golf course from impacts from industrial uses.

4.3 – Open Space & Recreation Element

Current Open Space/Recreation Characteristics

The subarea has several sensitive natural resource features including streams, wetlands, and steep topography. Many of these features are protected from development pursuant to the City's critical area standards. In some cases this requires preservation and/or conservation buffers. The subarea's natural features create an attractive and unique setting for future development.

Old Fort Lake – Located in the center of the subarea, Old Fort Lake is one of the major natural resources. The lake is located in a recessed area with vegetated areas preserved around its shoreline. The golf course encircles much of the lake beyond its treed buffer; the other areas are vacant employment land.

Sequalitchew Creek – A second predominate natural resource is Sequalitchew Creek. Sequalitchew Creek is a Type F stream that runs along the north boundary of the subarea and flows toward Puget Sound. The Sensitive Areas Ordinance (DMC 25.105) requires 100-foot stream buffers from the ordinary high water mark.

Northwest Wetland – Sequalitchew Creek connects to a wetland at the north tip of the subarea boundary. The Sensitive Areas Ordinance (DMC 25.105) requires wetlands to have buffers of varying width up to a maximum of 200 feet from the edge of the wetland.

Steep Slopes – The subarea is connected to Puget Sound on its western boundary and has associated shorelines and bluffs. This includes having steep slopes along the subarea western boundary and northern boundary. These bluffs and slopes greater than 40% would require an undisturbed 50 foot buffer from the top, toe and sides of the bluff.

Forested Areas – Overall the site is a patchwork of forest land, highly disturbed shrub land, and a maintained golf course. The three major forested areas in the subarea include the area surrounding Old Fort Lake, a wooded lot at the eastern tip of the subarea, the open space along the western bluff and the along Sequalitchew Creek.

Area Parks – There are several parks in and around the subarea. Specifically, Powderworks Park, located less than ¼-mile to the southeast of the subarea boundary, is 23.8 acres in size and the largest park in the city. A one-acre, unnamed park exists near the southwest boundary of the subarea which supports passive recreation, a paved looping path, and a sloped turf area. Approximately 600 feet to the south of the subarea is Garry Oaks Park, which is a 12-acre neighborhood green space and multi-modal trail that parallels McNeil Street. This connects to the only existing road that accesses the subarea plan.

Trail System – A comprehensive and well-used trail system interconnects the neighborhoods/villages in the City of DuPont, and provides opportunities for integrating with future land use development in the subarea providing additional options for recreation and non-motorized transportation. Some proposed trails are identified in the 2014 Parks Master Plan. Despite the lack of trails, people sometimes walk on the dirt paths that surround the golf course. An existing multimodal path goes though Garry Oaks Park to the south of the subarea. Another unnamed trail borders the entirety of the eastern border of the subarea, leading to DuPont City Hall.

- **The Puget Sound Bluff Trail** is an unpaved trail that goes from south-to-north and connects residential neighborhoods to the southwest of the subarea to Wilkes Observatory and Sequalitchew Trail in the north.
- **The Sequalitchew Creek Trail** is a paved and unpaved 1.4-mile trail that accesses the creek from Center Drive, eventually leading to Puget Sound. The 2014 Parks Master Plan states that Sequalitchew Creek holds "environmental and historical significance as a connection to Puget Sound." Plans for improvements to Sequalitchew Creek Trail include securing public access to Puget Sound, developing additional trail corridor, and enhancing natural habitat.

Planned Parks and Facilities – The City of DuPont 2014 Parks Master Plan identifies four proposed parks in and around the subarea. Parks P19 and P20 (as labeled on following page) are proposed along the mouth of Sequalitchew Creek, which would connect to the existing Sequalitchew Creek Trail. These parks would add recreational options in the north portion of the subarea, and would facilitate multi-modal access to the water and to the Sequalitchew Creek Trail.

A trail is proposed to extend from Garry Oaks Park to the south and loop Old Fort Lake, eventually connecting the southern side of Sequalitchew Creek. Another trail is proposed to meander through the golf course toward Puget Sound where it would connect to a proposed trail paralleling the water, above the bluff.

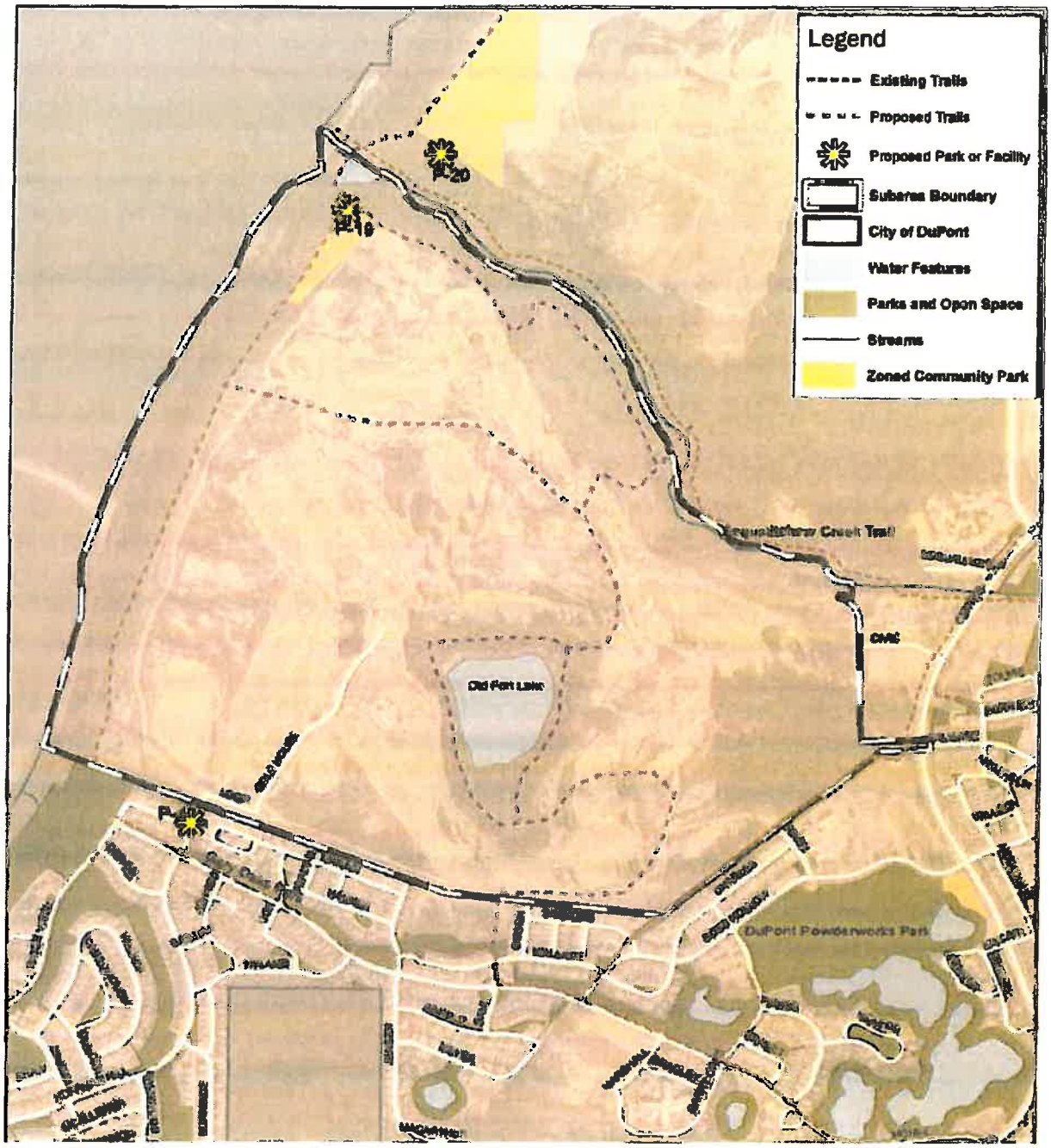


Figure 10 - Current Parks, Open Space, and Trails Map (2017)

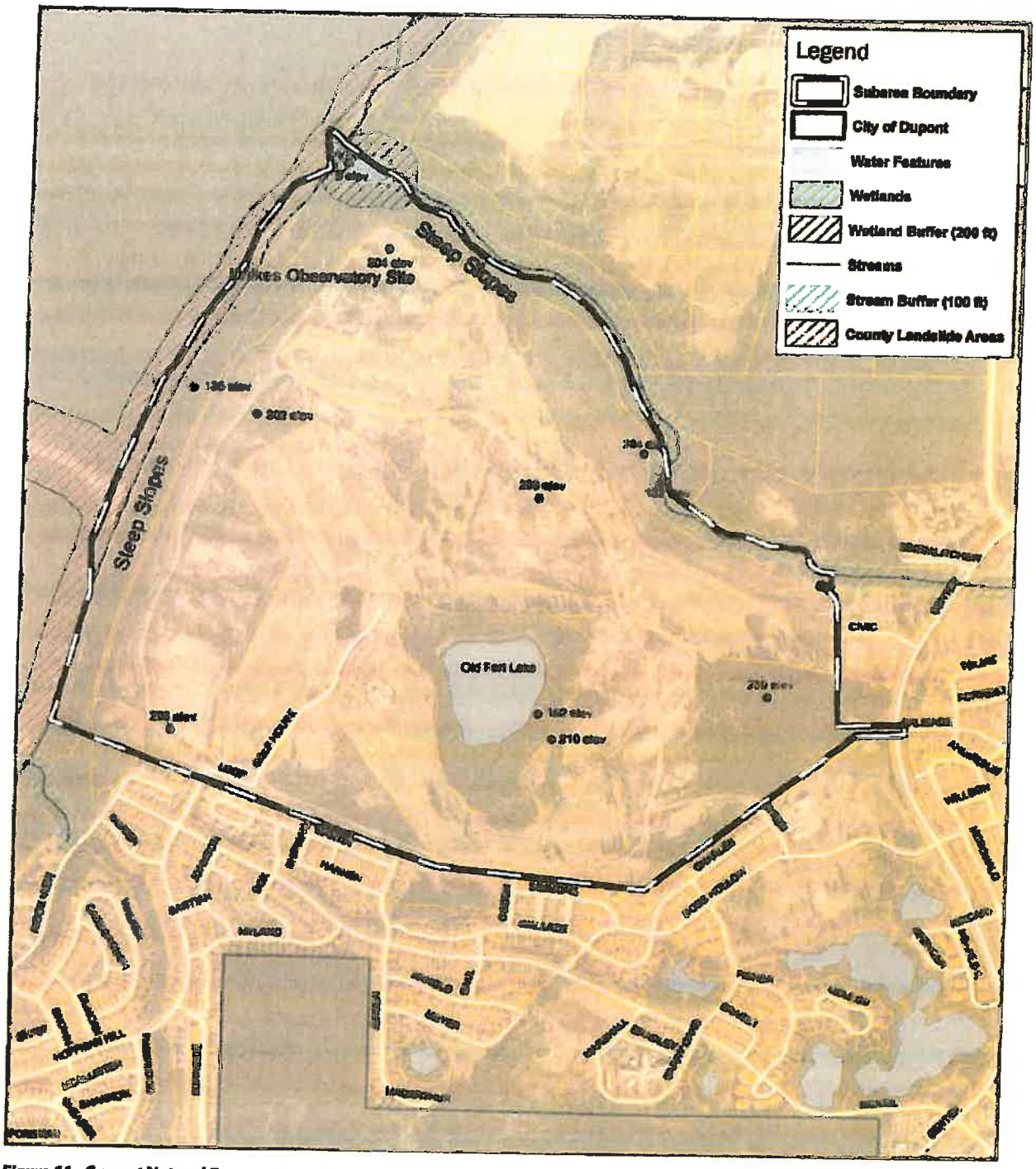


Figure 11 - Current Natural Features Map (2017)

Future Open Space & Recreation Plan

The purpose of the Future Open Space & Recreation Plan is to identify new trails, paths, open space and recreational facilities that are consistent with the master plan. It is also an opportunity to integrate those that have already been identified by the adopted 2014 Parks Master Plan. Existing goals and policies should continually be updated to reflect the objectives of this subarea plan.

Trail System – At a community workshop, participants favored trails as the amenity they would most like to see in the subarea. The subarea should add and expand trails in order to integrate the surrounding trail system with natural amenities, cultural sites, and other facilities. These trails will provide recreational opportunities for residents as well as provide connectivity within the subarea. Future trails improvements include:

- Trail T-5 and T-6: Trails along the south of the Sequalitchew Creek Corridor that connect with the existing Sequalitchew Trail.
- Trail T-6: A loop trail around Old Fort Lake that secures public access to the Old Fort Lake natural area and integrates it as an amenity.
- Trail T-2: A south-north trail along the Puget Sound bluff that provides sweeping views to the west. This is an existing trail but future improvements and local connections are envisioned.
- Future Trail: A future trail connection on the south side of the creek that provides a link to the Civic Center.

Trailheads – Two trailheads are envisioned in the subarea. The first is located at the Wilkes Observatory, which was identified in the 2014 Parks Master Plan. The other is located at the northeast corner of Old Fort Lake. These trailheads are planned to provide formal trail access, and would provide additional parking, informational signage, and facilities such as restrooms and trash receptacles.

Open Space Areas – Several open space areas are envisioned for the subarea. Areas that are currently designated as Open Space/Recreation by the Comprehensive Plan will remain unchanged. These areas are denoted as block J.1, J.2 and block H and include land adjacent to Puget Sound, Sequalitchew Creek and Old Fort Lake. Additionally, Blocks I.3, I.4 and I.5, which surround the Fort Nisqually cultural site, are envisioned to have an open space focus.

***The consent decree requires and the restrictive covenants enforce a prohibition on parks and playgrounds in the subarea. The City envisions future discussions to applicable parties to relax these restrictions as potential site contaminants are addressed.

Multi-use Paths – Multi-use paths should be integrated with the future transportation system in order to provide safe and attractive linkages and recreation opportunities for pedestrians and cyclists. During community workshops, multi-use paths were identified as a priority. The specifications of the paths may vary, but they should generally be approximately 12-feet wide, and should be separated from roads by a landscape buffer. Two multi-use paths are planned along Road A which skirts the south and west of the subarea (labeled as MUP A), and along Road B which is an east-west linkage through the subarea (labeled as MUP B). Multi-use paths are envisioned to be paved, ADA-compliant, and be designed to support pedestrian and bicyclists.

Wayfinding and Educational Signage – To support efforts to expand the trail system and to incorporate the natural assets on site, wayfinding and education signage should be included. These types of signage orient users to trail crossings and other points of interest.

Top Left: *Sequalitchew Trail* ***Top Right:*** *Trail route and informational signage.* ***Bottom:*** *Multi-use trail along Bob's Hollow Lane; similar future facilities are planned for the subarea.*

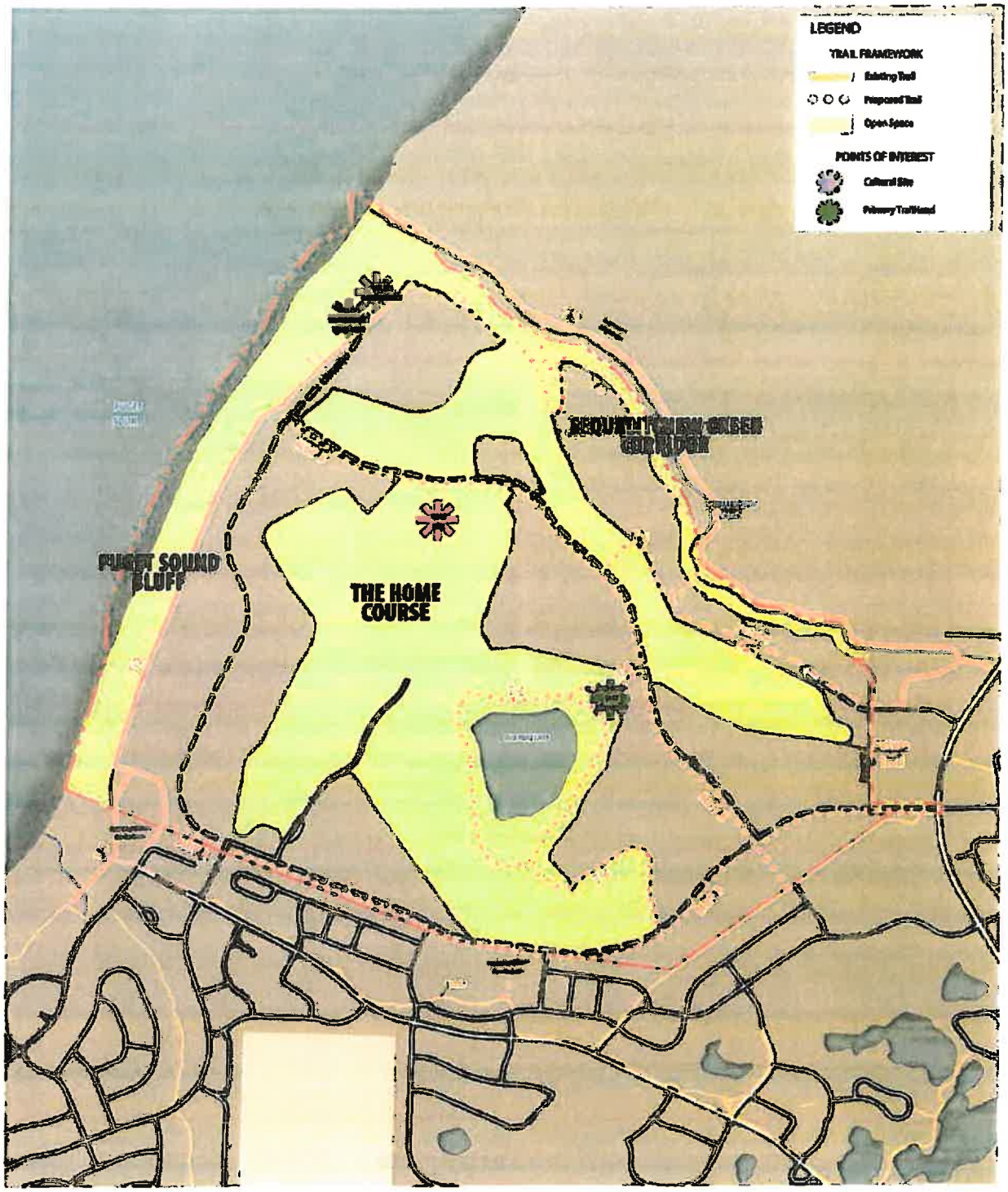


Figure 12 - Old Fort Lake – Future Open Space and Recreation Plan

Future Open Space & Recreation Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan.

FUTURE OPEN SPACE & RECREATION	Old Fort Lake: **Goals and Policies**
Goal OSR-1	**Evolve Old Fort Lake into a centerpiece of the Old Fort Lake subarea and a premier recreational opportunity for DuPont residents.**
OSR 1.1	Secure public access to the lake and provide an informational trailhead.
OSR 1.2	Integrate a looped trail around the lake that connects with surrounding trails and provides views of the lake.
OSR 1.3	Enhance natural habitat around the lake.
OSR 1.4	Manage native trees and vegetation around the lake.
Goal OSR-2	**Create a high quality, attractive, and well connected trail system that is highly accessible to the DuPont community.**
OSR 2.1	Incorporate wayfinding, educational, and orientation signage.
OSR 2.2	Provide formal trailhead facilities at major trail intersections and entrances.
OSR 2.3	Orient and align trails to maximize viewpoints and connections to Puget Sound, Sequalitchew Creek, and historic and cultural sites.
OSR 2.4	Provide safe multi-use trails along primary vehicular thoroughfares.
OSR 2.5	Use open space and recreation areas to effectively buffer the Home Course and adjacent neighborhoods from new commercial and industrial uses. Coordinate with the Home Course to effectively locate facilities.
OSR 2.6	Integrate goals and policies of Comprehensive Plan and Parks Master Plan in Old Fort Lake subarea planning process. Update Comprehensive Plan and Parks Master Plan as needed to reflect subarea plan.
Goal OSR-3	**Preserve and enhance open space areas.**
OSR 3.1	Protect open space areas adjacent to view corridors and sensitive areas and identify new open space areas.
OSR 3.2	Apply open space zoning category and land use designation for areas that should be preserved.
OSR 3.3	Plan for active and passive recreational opportunities within open space areas.
OSR 3.4	Connect open space corridors and trails to create a comprehensive network.
OSR 3.5	Search for opportunities to acquire high-quality critical areas to retain in conservation.
OSR 3.6	Partner with other government entities and non-profit organizations to manage natural areas.

4.4 Cultural Resources Element

Current Cultural Resource Characteristics

The subarea has several designated cultural sites. The DuPont Historical Society completed a *DuPont Heritage Plan* in 2014 stating known cultural resources, site locations, and conservation and tourism recommendations. The subarea has significant cultural resources within its boundaries, these include:

- **The 1833 Hudson Bay Company Fort Nisqually Site:** The 1833 site played a historical importance to early Euro-American activity in the Pacific Northwest. Fort Nisqually became known for its fur trading and agricultural products. The original Fort Nisqually site had proved to be too small and the fort was relocated in 1843. This site is owned by the City of DuPont but is surrounded by The Home Course with limited public access. This site is located near the center of the subarea, north of The Home Course Club House.
- **The Wilkes Observatory Site:** Lt. Charles Wilkes used this site for the placement of maritime instruments and clocks used as part of the Wilkes Exploring Expedition and Fort Nisqually. The DuPont Company placed a historical marker at the site that still stands today. The site is located on the bluff south of the mouth of Sequalitchew Creek near the north tip of the subarea boundary.
- **Native Tribes:** The property may have supported native tribes. Though specific tracts have not been formally designated; the property may have supported migration, hunting, and gathering by Native Americans. Artifacts may be present.

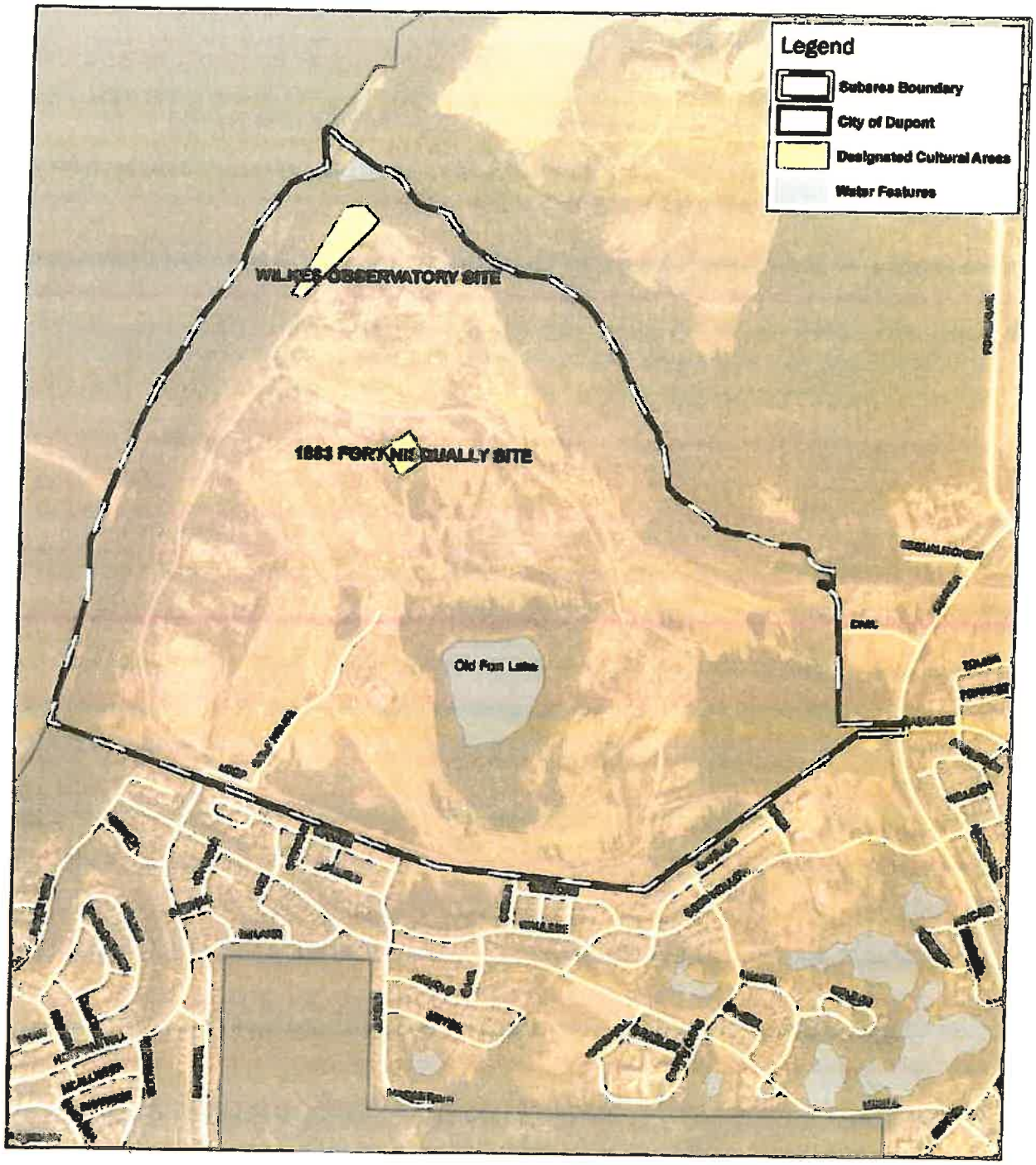


Figure 13 - Current Cultural Resources Map

Future Cultural Resources Plan

The City of DuPont includes a Cultural Resources and Historic Preservation Element in its Comprehensive Plan. This element recognizes how DuPont's cultural and historic resources make DuPont a distinct, culturally rich location with assets that can provide enhanced tourism opportunities. The Old Fort Lake Subarea Plan will continue to recognize and protect these cultural sites; they have been weaved into the subarea master plan. The goals and policies below are consistent with the Comprehensive Plan element.

Future Cultural Resources Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan.

FUTURE CULTURAL RESOURCES Old Fort Lake: **Goals and Policies**

Goal CR-1	**Protect cultural resources by implementing regulations that insure cultural resources will not be destroyed, damaged, or disregarded during the development process.**
CR 1.1	Work with federal and state agencies and the tribe to utilize historic preservation planning.
CR 1.2	Work with the Home Course to provide access to the Old Fort site.
CR 1.3	Develop an active preservation program that emphasizes community outreach and involvement including other local governments and agencies.
CR 1.4	Seek ways to capitalize on DuPont's unique cultural and historic resources to enhance tourism and local education opportunities.
C.R 1.5	Partner with the Nisqually Tribe to identify cultural sites that have tribal heritage and possess native artifacts.
C.R 1.6	Apply the City's cultural resources policies and regulations to all future development within the subarea.

4.5 - Transportation Element

Current Transportation Characteristics

The subarea presently has limited access. Existing access into the subarea is from Hoffman Hill Boulevard, a major collector. Hoffman Hill Boulevard turns into Golf House Road, a local access road, which services The Home Course golf course and clubhouse. There is one unnamed dirt road that creates a large loop through the subarea. This dirt road connects to Wren Road, Palisade Boulevard, and Ogden Avenue. The current transportation characteristics are summarized below:

- **City-Wide Connections** – Civic Drive and Palisade Boulevard are higher classified roads that terminate at the subarea boundary and that can provide access for future uses. Both Civic Drive and Palisade Boulevard provide direct access to Center Drive. Center Drive is a four-lane, divided, principal arterial roadway.
- **Local Connections** – There are three existing roads that presently terminate at the subarea boundary and can provide future local access for local residents. These include Hoffman Hill Boulevard, Jensen Avenue, and Ogden Avenue.
- **Transit** – There is no local transit that serves the subarea. There are no Pierce Transit local bus routes that service/circulate the City of DuPont. However, there is express bus service to Olympia and Tacoma/Seattle. The DuPont transit center is located approximately 1.1 miles (a 22-minute walk / 7-minute bicycle ride) from the subarea entry point near the intersection of Palisades Blvd & Center Drive.
- **Trails** – The subarea has an existing trail that aligns along the bluff (T-2 in the Parks Master Plan); another trail is aligned along the southeast boundary (T-7). There are numerous trails surrounding the subarea that can be tied into in the future. Trails are discussed in further detail Section 4.3 (*Open Space and Recreation*).
- **Rail Lines** – There is one line of active railroad track that runs near the western edge of the subarea boundary. The tracks are located between the shoreline and the associated bluffs. The tracks support rail freight. Amtrak passenger rail service is planned to be transferred from this rail segment; no stations are located along this segment.

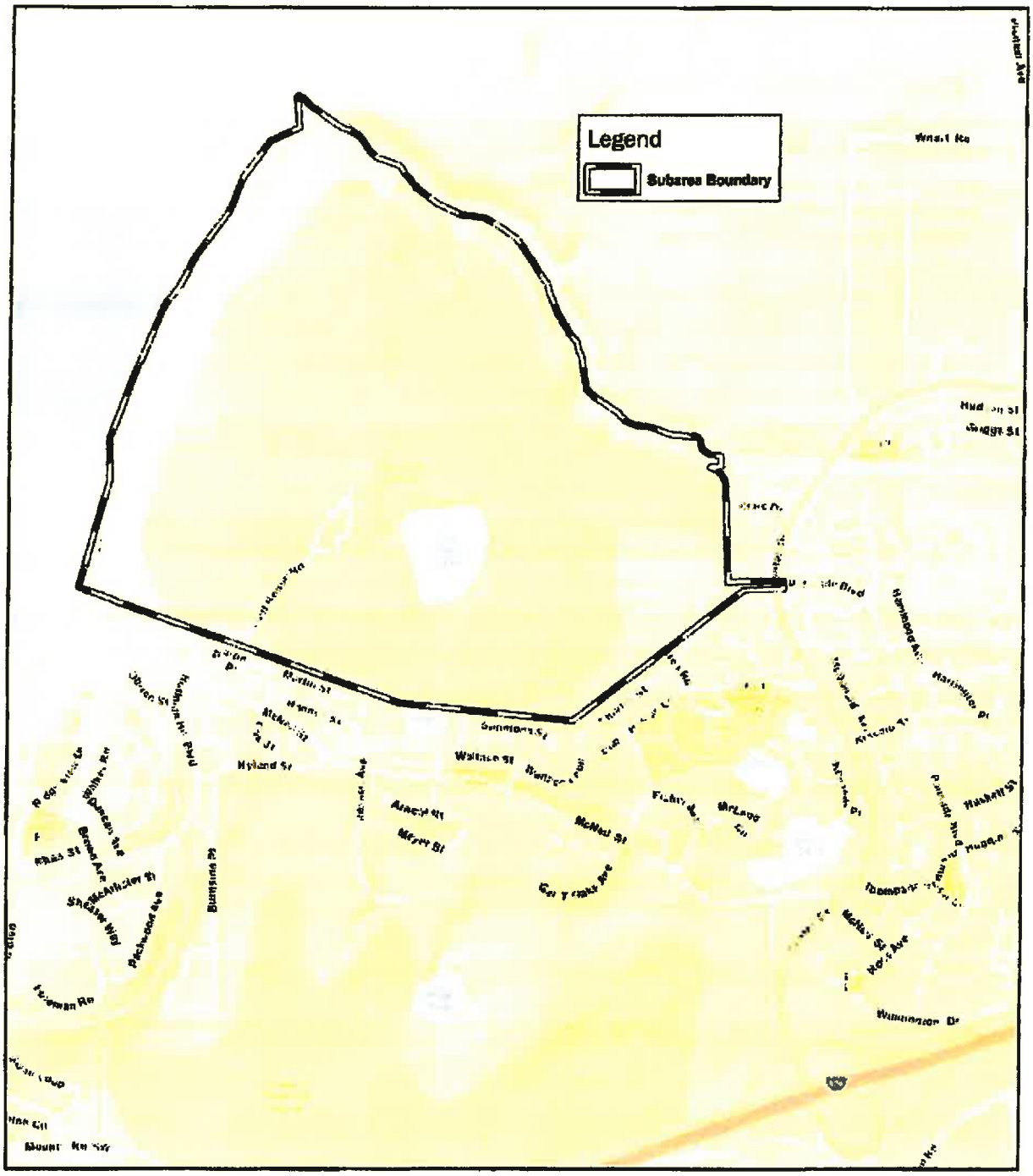


Figure 14 - Current Vicinity Roadway Network (2017)

Future Transportation Plan

The purpose of the Future Transportation Plan is to envision a new network of roads and paths that serve the subarea. The new network will provide internal circulation between various development areas and will connect to the existing road network.

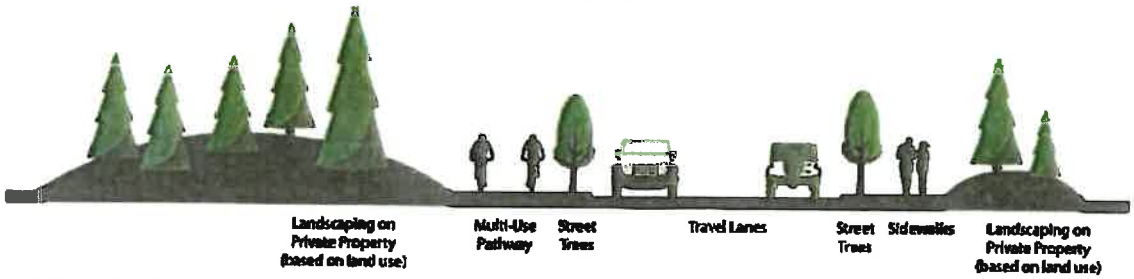
Road Classification – All roads in the City of DuPont fall under one of four classifications: *Principal Arterial, Minor Arterial, Major Collector,* and *Local Access*. The classifications are inventoried in the Comprehensive Plan and specifications are detailed in the Public Works Standards.

- **Principal Arterials** provide access between large subareas of an urban region, including access to the interstate system.
- **Minor Arterials** connect principal arterials to smaller collector roadways, and distribute travel to small geographic areas and communities.
- **Major Collectors** distribute trips from principal and minor arterials to destinations, or collect traffic from local roads and channel it to the arterial network.
- **Local Access** roadways provide circulation and access to residential neighborhoods

Primary automobile circulation is proposed as a loop road through the property as illustrated on the Old Fort Lake Master Plan. New roads in the subarea will align with these designations. The vision for the subarea will include three new streets (Streets, A, B and C) that are minor arterials. Civic Drive and Street B will be extended into the subarea and are planned a minor collectors. Street E is planned as a local access road that connects to the Old Fort Wilkes cultural site and future trailhead.

Street Design – Streets in the subarea will be designed to create an attractive streetscape that provides for efficient vehicle circulation while creating separate facilities for bicyclists/pedestrians. Specifically, the subarea primary streets will carry forward streetscape elements that are enjoyed in other areas of DuPont such as landscaping, street trees, and strong pedestrian amenities. It is anticipated the City's Public Work standards will adopt additional cross sections for the subarea so that the subarea is developed with distinctive street designs.

Non-motorized Transportation – DuPont provides a strong pedestrian and bicyclist environment; this is contributed to its network of sidewalks and multi-use trails. The subarea will connect to the existing pedestrian network and provide new non-motorized facilities. At a community workshop, residents heavily favored multi-use trails over on-street facilities for non-motorized transportation. Multi-use trails are envisioned to be incorporated along Road A and Road B within the subarea. These trails should increase safety for pedestrians and bicyclists by sufficiently separating these users from vehicular traffic by a green buffer.



Old Fort Lake – Conceptual Arterial Cross Section

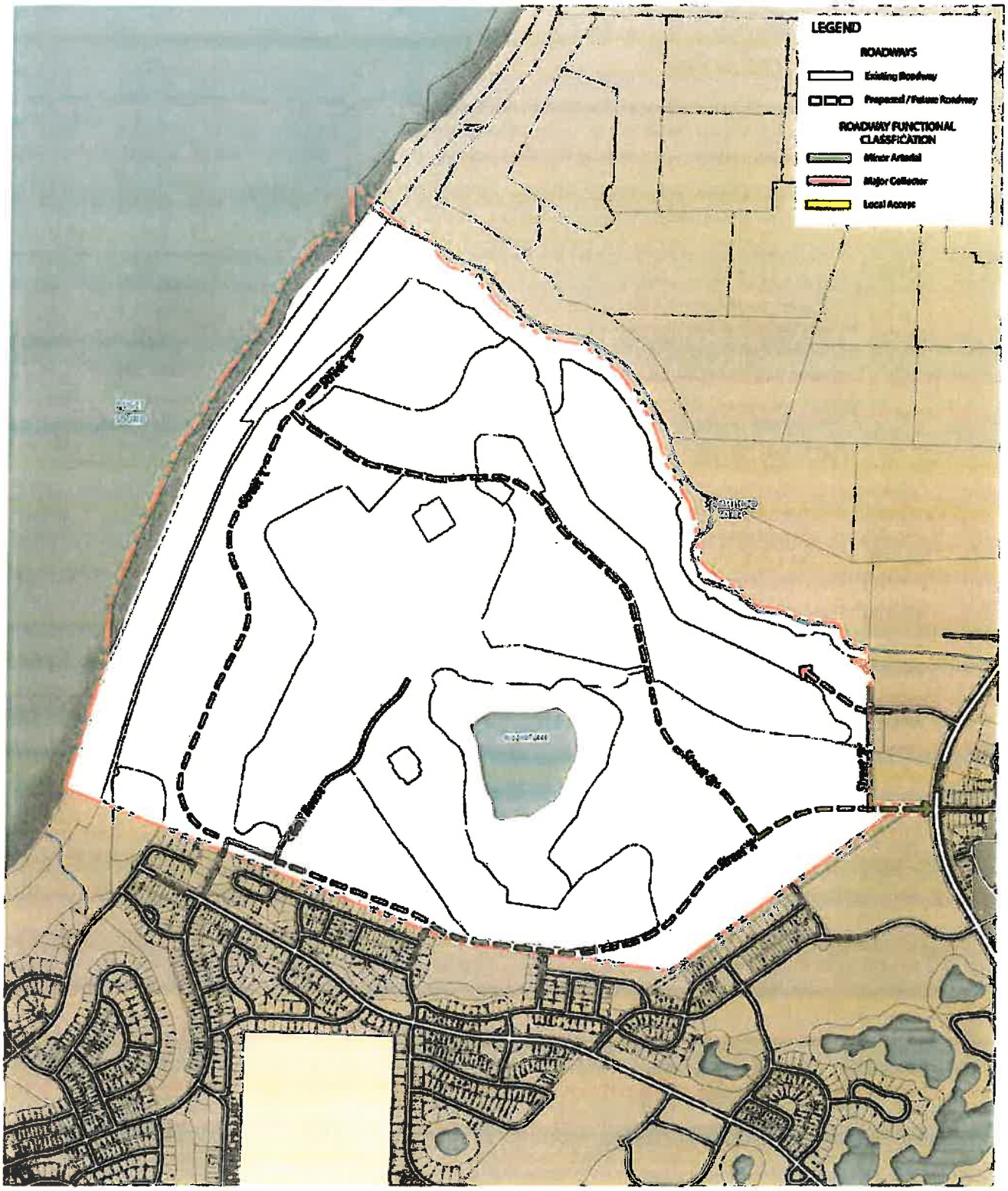


Figure 15 - Old Fort Lake - Future Transportation Plan

Future Transportation Goals and Policies

The following goals and policies should guide future development and decision-making pertaining to transportation within the subarea. These goals and policies were created to assist in the implementation of the Master Plan.

FUTURE TRANSPORTATION — Old Fort Lake: **Goals**

Goal T-1	**Provide a robust multi-modal transportation network that serves as variety of users.**
T 1.1	Reduce speeds of automobiles through aesthetically-pleasing traffic calming measures and street design.
T 1.2	Plan for pedestrian/bicyclist facilities to allow for safe and convenient access to future transit and rideshare services.
T 1.3	Plan for trails and multi-use paths to serve both a recreational and transportation function; provide adequate separation between non-motorized facilities and major thoroughfares.
T 1.4	Connect and enhance adjacent paths and trails with new facilities within the subarea.
Goal T-2	**Provide excellent street design that complements desired future land uses and reflects community values.**
T 2.1	Design and adopt street cross sections for primary roadways within the subarea.
T 2.2	Ensure future transportation is consistent with Comprehensive Plan, Capital Improvement Plan, and Public Works Standards, and update these documents as necessary to reflect subarea goals and policies.
T 2.3	Plan a transportation network that reflects the future land use goals.
T 2.4	Construct streets with trees and vegetation; ensure roadways carry forward the streetscape themes found in other parts of the City.
Goal T-3	**Plan a well-connected and efficient road network.**
T 3.1	Plan a street pattern that integrates different development blocks and provides multiple travel route options within the subarea; focus subarea traffic to the internal primary roadways.
T 3.2	Conduct an update Trip Generation Estimate that assumes the desired future land use of the subarea.
T 3.3	Provide linkages to existing infrastructure and major roads.
T 3.4	Plan internal street network that provides adequate service while minimizing future maintenance burdens.
T 3.5	Route freight traffic to Center Drive so not to direct truck traffic through residential neighborhoods that surround the subarea.
T 3.6	Maintain and enforce the City's concurrency standards for all new development within the subarea; require developers to provide transportation improvements where expected levels of services fall below the adopted standards.
T 3.7	Restrict vehicular access connections to Wren Road from within the subarea; plan for emergency access and non-motorized connections to Wren Road.

4.6 – Capital Facilities and Utilities Element

Current Utility Characteristics

The subarea has limited onsite utilities but existing infrastructure is located in abutting neighborhoods. The existing water and sewer lines were developed and serve the golf course. Future development in the subarea will require additional utility infrastructure that is sized, developed, and managed to serve the future users. Developers are required to demonstrate that utility capacity is available to serve proposed projects during the land use review/permitting process. Developers are also responsible to extend lines and build the supporting infrastructure to serve future projects. Roads and multimodal facilities are discussed in Section 4.5 of this plan.

Water – The subarea is serviced by DuPont Water. The main water line runs from Hoffman Hill Boulevard to Golf House Road; there are no other water connections in the subarea. The subarea could be serviced with additional water mains by connecting to the nearby water mains that are located at roadway connections along the southern and eastern boundary.

Sewer – The City does not own or maintain any sanitary sewer system components. Sanitary sewer services are provided by Pierce County Sewer Public Works and Utilities. The City has interlocal agreements for the provision of sewer service with the utility. The subarea has one main sewer line that extends from Hoffman Hill Boulevard to Golf House Road; there are no other sewer connections in the subarea. The subarea could be serviced by additional sewer mains by connecting to the nearby mains that are located at roadway connections along the southern and eastern boundary.

Stormwater Management – The subarea does not have a stormwater master plan. The subarea has some stormwater facilities that serve the golf course. This includes stormwater lines along the Loop Road, Golf House Road, and at The Home Course golf course. Additionally, there is a stormwater pond adjacent to the southern boundary of the subarea that has a service line connecting to the subarea. Like water and sewer, there are multiple locations of potential tie-ins to the surrounding areas stormwater system.

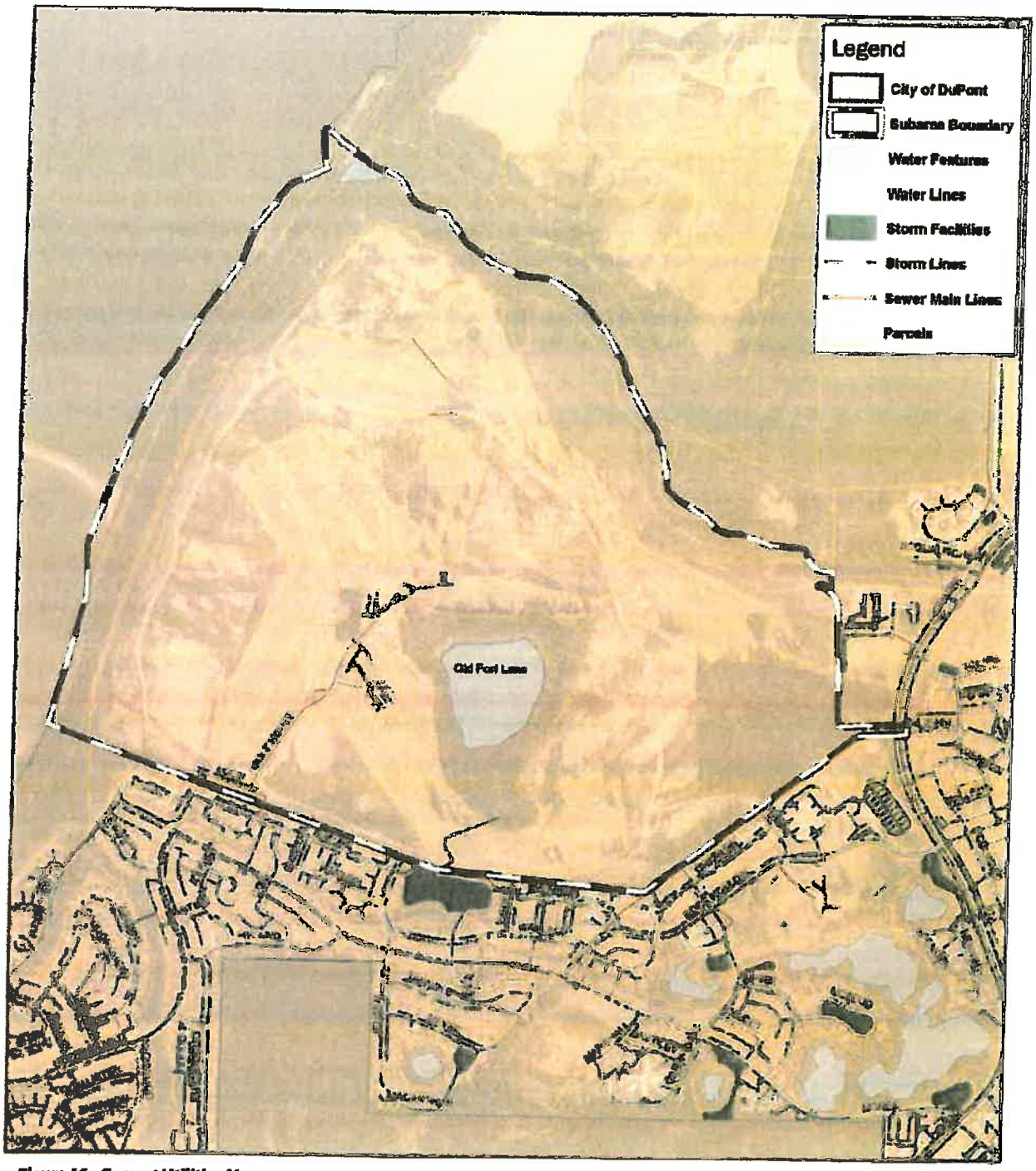


Figure 16 – Current Utilities Map

Future Capital Facilities and Utilities Plan

The City of DuPont Comprehensive Plan includes a Capital Facilities & Utilities Element. This element established adopted levels of service for infrastructure and services including, but not limited to roadways, parks, fire protection, law enforcement and utilities. The City's levels of service do not change with this subarea plan. Future development shall be consistent with the Comprehensive Plan. Individual projects will be reviewed for consistency with these levels of services at the time of permitting. Future development within the subarea must demonstrate that adequate facilities/utilities are in placed at the time of permitting and construction. Furthermore, future development will be required to plan and construct the supporting infrastructure to serve the future uses/buildings. This will include new water, sewer, electrical and stormwater facilities. The supporting infrastructure will be planned/sized based on the specific uses and building sizes; specific infrastructure planning will occur as part of the land use/permit review processes.

Capital Facilities and Utilities Goals and Policies

The following goals and policies should guide future development and decision-making and were created to assist in the implementation of the Master Plan. These goals and policies assist the City, utility/service providers, and development entities plan for future development in the subarea.

CAPITAL FACILITIES AND UTILITIES Old Fort Lake: **Goals and Policies**

	CAPITAL FACILITIES (CF)
CF-Goal 1	**Plan for the provision and development of roads, water system, wastewater and storm drainage systems, parks, civic facilities and police and fire protection that are adequate to meet the needs of the Subarea at full development.**
CF-1.1	Require that individual development projects are constructed consistent with the Subarea Plan in terms of infrastructure, open space, and land usage.
CF-1.2	Require developers to plan their utility infrastructure to allow for future blocks to develop within the subarea.
CF-1.3	Require developers to construction roadway access to their properties within the subarea; ensure that all development proposals are designed in a way to accommodate the future roadway and trail networks as illustrated on the Old Fort Lake Master Plan.
CF-1.4	Remain "grant-ready," by maintaining partnerships with service providers to enhance "in-kind" and regional participation, keeping capital facilities plans current, and ensuring that local plans are consistent.
CF-1.5	Obtain rights-of-way and easements to ensure that future access and utilities can be provided to all development properties within the subarea.

CF-Goal 2	**Ensure that public facilities necessary to support new development are available and adequate concurrent with the development.**
CF-2.1	Apply the levels of service standards as adopted in the Comprehensive Plan for all development within the Old Fort Lake subarea.
CF-2.2	Require developers to construct and/or fund capital facilities that are needed to meet City concurrency standards.
CF-2.3	Explore additional funding sources and strategies to ensure long-term infrastructure maintenance within the subarea.
CF-2.4	Work with the school district to coordinate the development of new schools to coincide with anticipated residential development.
CF-Goal 3	**Celebrate the subareas's cultural sites through enhancement and education.**
CF-3.1	Create funding plans for the preservation and enhancement of the Wilkes Observatory, the1833 site, Old Fort Lake, and other cultural and historic features.
CF-3.2	Create development plans for cultural sites that include public access, informational signage, viewing areas, and visitor structures.
	UTILITIES (U)
U-Goal 1	**Ensure utilities are available for development.**
U-1.1	Coordinate with utility providers at early stages in project planning and the development review process.
U-1.2	Design and install utilities with sufficient capacity to meet anticipated land use intensity.
U-1.3	Plan for an accessible utility infrastructure system that provides for practical connections; to the greatest extent practical, require that water, wastewater and storm drainage lines are developed within public rights-of- way.
U-1.4	Review the utilities capacity on an annual basis to ensure there is long-term capacity to support future uses within the subarea; identify any potential service deficiencies and work with service provides to adequately plan for future demand.
U-1.5	Seek funding sources for infrastructure to support development within the subarea.

U-Goal 2	**Provide adequate sanitary sewer system concurrent with development**
U-2.1	Coordinate with Pierce County to provide sanitary sewerage service to the residents and businesses of the subarea.
U-2.2	Require all new development (excluding remote open space buildings) to connect to a public sanitary sewer system.
U-2.3	Design new sanitary sewer systems to service the future demand that is anticipated from the Old Fort Lake Future Land Use Plan.
U-Goal 3	**Provide potable water to the subarea**
U-3.1	Provide an efficient and adequate water supply to the residents and businesses of the subarea.
U-3.2	Require all new development (excluding remote open space buildings) to connect to a public water system.
U-3.3	Design new potable water systems to service the future demand that is anticipated from the Old Fort Lake Future Land Use Plan.
U-3.4	Explore opportunities to reduce potable water use including low-flow appliances/fixtures/toilets, water reuse and rainwater harvesting, and drought tolerant landscaping.
U-Goal 4	**Minimize erosion by enforcing stormwater management from start of development through completion of development**
U-4.1	Require that future development comply with the City's adopted stormwater management program.
U-4.2	Determine applicable low impact development (LID) best management practices (BMPs) during in the planning stages for new projects as required by the City's stormwater management program.
U-4.3	Design landscaping and planting areas as key components of a site's water quality stormwater strategy; create landscaping plans that reduce and/or eliminate the need for fertilizers and chemicals.
U-4.4	Encourage development to conduct rainwater harvesting for irrigation and reuse purposes.
U-4.5	Conduct timely updates to the City's stormwater management program to compile with periodic amendments to the Department of Ecology Stormwater Management Manual for Western Washington.

4.7 – Community Character Element

Future Community Character Plan

The City of DuPont Comprehensive Plan and this subarea plan strives to create a quality community character that complements existing neighborhoods, creates distinctive future districts, preserves native vegetation and critical areas, and creates attractive streetscapes. The Old Fort Lake Master Plan establishes the vision for the subarea. The preceding elements institute long-term goals for various aspects of the area. The following subsections establish additional long-range goals relating to buildings, landscaping, and wayfinding.

BUILDING DESIGN

The subarea is envisioned to have future buildings that are attractive and provide quality architecture. In doing so, the City will apply its design regulations and guidelines for all new multifamily, commercial, and mixed use buildings. These buildings will follow the standards that are applied to other areas within the City in order to maintain the same level of architectural quality that the community has grown to expect. This includes building facades with clearly articulated entrances, window coverage, and material variety. Furthermore, buildings will be oriented to the nearby streets create an attractive street presence and contribute to strong pedestrian environments.

The subarea vision also includes goals for attractive industrial buildings. There is a common community sentiment to avoid large spans of blank walls, to minimize large parking expanses, and to screen service/loading areas. Moving forward, the City will be tasked with expanding its design regulations and guidelines to address industrial buildings including manufacturing and warehouse distribution.

BUFFERING

A buffering strategy must be implemented across Old Fort Lake to address any perceived incompatibilities. Specifically, there is a wide-spread community goal to protect visual appearance of the golf course and to ensure that future adjacent uses do not degrade this asset. Furthermore, this sentiment applies to natural areas, streets, and neighborhoods so that Old Fort Lake supports a variety of users while creating a community character that is attractive, safe, and welcoming. The City's land development regulations should be updated to implement the subarea's buffering goals.

- **Multifamily, Commercial, and Office Uses** – buffers will be provided along rights-of-way and the golf course to provide subtle screening and to add vegetation. It is acknowledged that these uses may want views to the golf course while providing some degree of visual separation. Additional buffer treatments will be provided where these uses abut single-family neighborhoods; this could include lush landscaping, trees, and fencing to provide an effective transition to low density housing.
- **Industrial Uses** – buffers for industrial uses will be provided along streets to provide some screening and add vegetation to the streetscape. Full buffers and screening will be provided along the golf course, open space areas, and residential districts to ensure the visual impacts are effectively mitigated.

TREES AND LANDSCAPING

The subarea will develop with new lush landscaping and expansive tree canopies. This vegetation will occur on individual development sites, along rights-of-way and within the open space areas. Landscaped areas are envisioned to mimic a more natural arrangement with native plant varieties. Landscape designs should focus on trees, shrubs, and ground cover while avoiding large spans of turf (except for golf courses and play areas). The City will adopt policies and standards to ensure that the subarea develops with trees and landscaping that aligns with the overall vision for Old Fort Lake.

Development Sites – Individual sites will provide a minimum landscaping coverage that is established in the Land Use Code. Planting areas will be located along the site's perimeter, along building foundations, and peppered through parking areas to soften their appearance against the natural setting.

Streets – Roadways will be developed with street trees and ground cover to create a comfortable and attractive streetscape. It is envisioned that the City will design and adopt special cross sections for the subarea to ensure that future streets area distinctive and carry forward the vision for the area.

Opens Space – Open space areas will follow the same landscaping goals with a focus on quality design. DuPont's public parks have superior design and maintenance; this shall carry forward in the Old Fort Lake subarea.

SIGNAGE AND WAYFINDING

The provision of signage, landmarks, and wayfinding will be thoughtfully integrated into the subarea to orient people to destinations and access routes.

Entry Signs – Entry monuments should be provided at key entry locations into the subarea and their design should be coordinated in terms of shape and materials.

Trail Signs – The City's trail signage will be applied to future trail sections within the subarea to orient users to the larger network.

Info Signs – Informational signage will be provided to highlight natural and cultural assets.

Private Signs –Private site and building signs shall be subject to the same City regulations as applied in other portions of the City; no additional signage allowances will be applied within the subarea.

Top Two: *Tree-lined streets and landscaped entryways*
Center: *Monument signage* ***Bottom:*** *Informational placards*

Community Character Goals and Policies

The following goals and policies shall guide the City and its actions to ensure that the subarea plan develops in way to create a strong community character that balances function, aesthetics, and compatibility. This character should complement the established city form and the surrounding neighborhoods. These goals and policies establish future actions that the City and developers shall make to ensure the subarea is well-designed and followed sound urban design principles.

COMMUNIY CHARACTER	Old Fort Lake: **Goals and Policies**
CC-Goal 1	**Develop buildings that are attractive and project a welcoming appearance to pedestrians, customers, and the residents of DuPont.**
CC-1.1	Apply the City's *Multifamily Design Regulations and Guidelines* and *Commercial and Mixed Use Design Regulations and Guidelines* to future development within the Old Fort Lake subarea.
CC-1.2	Develop and adopt design regulations and guidelines for manufacturing and warehouse distribution land uses within the Old Fort lake subarea.
CC-1.3	Create and adopt pedestrian access standards so the subarea develops as a walkable district within the City.
CC-1.4	Establish development requirements that require sites to downplay and screen parking lots, service areas, loading docks, and semi-truck parking from off-site view.
CC-1.5	Adopt new zoning and land use standards with appropriate setbacks and other dimensions standards to result in attractive site/building designs that implement the subarea vision.
CC-1.6	Work with developers to explore private design standards or restrictive covenants that exceed City standards and provide an additional means of enforcement.
CC-1.7	Revise City lighting standards to reduce light glare and to follow 'dark sky' principles.
CC-Goal 2	**Create attractive streetscapes that accommodate a variety of users including motorists, bicyclists, and pedestrians.**
CC-2.1	Develop and adopt street cross section standards for the subarea that includes landscaping, shade trees, vehicle travel lanes, and multi-use pathways.
CC-2.2	Continue to require landscaping buffers along rights-of-way to provide vegetation, shade, aesthetics, and screening.
CC-2.3	Review the City's landscaping and buffering standards for opportunities to add additional requirements to strengthen the Old Fort Lake Subarea Plan vision.
CC-2.4	Require development projects to demonstrate that new roadways and site plans will provide landscaping that meets or exceeds City standards.
CC-2.5	Explore opportunities to provide decorative/enhanced paving at key intersections to calm traffic and to emphasize pedestrian/bicyclist crossings.
CC-2.6	Identify a long-term funding source and/or partnership opportunity to maintain streets and vegetation.

COMMUNIY CHARACTER Old Fort Lake: **Goals and Policies**

CC-Goal 3	**Create signage and wayfinding with the subarea that has a coordinated, thematic design that provide helpful and effective orientation to site amenities and destinations.**
CC-3.1	Expand City trail signage and informational placards across the subarea to provide direction and guidance for all trail users.
CC-3.2	Develop the design and locations for entry monuments into the subarea; ensure the entry signs are coordinated in terms of materials and design.
CC-3.3	Apply the City's sign regulations to all development sites/buildings within the subarea.
CC-3.4	Develop standards to ensure that lighted signs are not excessively illuminated and do not cast harsh light onto surrounding properties.
CC-3.5	Explore an informational sign program to highlight cultural sites and areas of historical heritage.

APPENDIX 1: COMMUNITY ENGAGEMENT RESULTS

Community Meeting / Open House Overview

At a workshop held at DuPont City Hall, the community was provided the opportunity to voice their preferences relating to the land uses, transportation and connections, and the amenities and aesthetics within the subarea. Each topic had its own station, and participants were prompted to vote on a series of questions. The community preferences are summarized below.

Land Use

The purpose of this station was to (a) provide information pertaining to current Comprehensive Plan and Zoning designations on the properties, and (b) obtain attendee comment/preferences pertaining to land uses on the properties. Questions were as follows:

- **Which of these uses should be included in the subarea? (in addition to industry uses that are already allowed?)** – Options included deli/café, convenience store, gas station/automotive, medical office, grocery store, residential/apartments, mixed use and hotel. The community showed a clear preference for deli/café land uses, and moderately supported mixed-use and medical offices. Convenience stores and gas stations were the least favored potential land uses.
- **What is your preferred shopping environment?** – The following shopping environment categories were provided: stand-alone, shopping center, and mixed Use/neighborhood center. When viewing the concentration of votes on the boards, participants showed a preference toward the mixed use/neighborhood center environment.
- **What type of industry should be the focus in the subarea [within the subarea]?** – The following categories were provided: warehousing/distribution, manufacturing, research and development, high technology, offices/corporate offices. Participants showed preference for research and development, high technology, and offices, while warehousing/distribution and manufacturing only received one vote each.

Building and Site Design

At this station, participants rated the importance of certain building and site design elements on a sliding scale of "not important" to "very important." The intent of this station was to inform possible design guidelines and standards that the community might like to see applied to future development. Participants voted on the various priorities, including: building orientation, exterior colors/materials, architectural details, size/height restrictions near residential, pedestrian amenities, parking lot screening, reducing light/glare, and buffing residential neighborhoods/golf courses. Generally, all of these categories were viewed as highly important by participants. Buffering residential neighborhoods/golf course and size/height restrictions near residences stood out as the highest priorities.

Transportation and Connections

Participants were asked to vote on three transportation-related questions to inform the design of streets and non-motorized facilities. In addition, participants were asked an open-ended question where they could post comments on a sticky note. The purpose of the exercise was to identify specific concerns regarding traffic impacts from development in the area.

- **What kinds of non-motorized facilities should be provided in the subarea?** – Participants demonstrated a preference for off-street facilities (multi-use trails) over on-street facilities (bikes lanes/sidewalks).
- **How should sidewalks be designed in the subarea?** – Participants demonstrated a preference for sidewalks that are separated from travel lanes with a planter strip and trees. There were respondents that preferred curb-tight sidewalks.
- **Should streets accommodate on-street parking?** – Participants demonstrated a preference for off-street parking over on-street parking arrangements.
- **What are your concerns or ideas about transportation in the subarea?** – This was an open-ended question which received various individual responses, however, a couple of clear themes could be deciphered from these comments:
    - **Concern for Adverse Traffic Impacts** – The majority of the transportation comments revolve around potential traffic increases from any development in the Old Fort Lake Subarea. This includes (i) traffic noise, (ii) traffic congestion on Center Drive and residential neighborhoods, (iii) the volume of semi-truck traffic, and (vi) associated safety concerns.
    - **Request for Multimodal Transportation Facilities** – Many responses suggest a community a desire for pedestrian, bicyclist, and transit facility expansion in the area to handle the additional demand.

Amenities and Aesthetics

At this station, participants were given the opportunity to vote on preferred landscaping and amenities in the subarea. In contrast to higher-level questions regarding zoning and land use, these questions prompted responses on details that affect the public realm in the subarea, as well as its look and feel.

- **What kinds of amenities would you like to see in the subarea?** – The following options were provided: trails, natural areas, wayfinding (themed/decorative), educational signage, gathering places/cultural sites, street furniture/shelters, exercise equipment. Of these options, participants showed a high preference for trails. There were also positive responses for natural areas, gathering places, and educational signage.
- **What landscaping style would you like to see in the subarea?** – Participants showed a preference for native landscaping over ornamental plantings. However, many participants stated that native landscaping should still be well maintained and should not be confused with unkempt areas or plantings that may become a nuisance.

General Comments

A final station was available at the workshop, which provided the community the opportunity to share additional concerns and ideas, based on a prompt of four open ended questions. Many individual comments were received and there were a few clear takeaways, including:

- **Potential Impacts** – Participants were invited to share their concerns about potential project impacts. The major themes of these comments were focused around traffic, environmental, and zoning impacts.
    - **Traffic** – Participants showed concern for an increase in heavy trucks, traffic noise, and traffic spill over into the neighborhoods, increased congestion, and the associated safety concerns.
    - **Environmental** – Participants demonstrated concerns about losing access to any of the nearby trails and open space within the subarea, the potential impacts to the local wildlife and wildlife habitat, and impacts to property values and quality of life in the area. It was also stated by participants that the Old Fort Lake Subarea has some of the best public views in the City and should be preserved.
    - **Zoning** – A few participants stated that they do not want to see warehouses, shopping retail, and offices in the subarea. Some specifically mentioned hotels as an undesirable use.
- **Opportunities** – Participants identified numerous opportunities for items to be included in the Old Fort Lake Subarea Plan. Comments were general and varied, but opportunities identified included items such as open space and recreation, cultural amenities, employment, education, and retail. Individual responses were reviewed and informed the subarea concept alternatives.

[Current Code Text – current language in the code is denoted WITHOUT underline or strikeout text]
[Proposed Code Text – language that is proposed to be added in the code is denoted in this document with underlined text]
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Chapter 25.40

BUSINESS TECH PARK DISTRICT

[the BTP district text will remain in the land use code, this will remain in effect for the Old Fort Lake subarea until a zone change is processed. The BTP district may be applied to other properties within the City of DuPont]

Sections:

25.40.010 Purpose.
25.40.020 Permitted uses.
25.40.025 Accessory uses.
25.40.030 Conditional uses.
25.40.040 Prohibited uses.
25.40.050 Performance standards.
25.40.060 Site plan approval.

25.40.010 Purpose.
The business tech park district is intended to provide location for a range of business park uses, including office, commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. (Ord. 06-816 § 4; Ord. 02-707 § 1)

25.40.020 Permitted uses.
(1) All uses that are permitted in the commercial, office and manufacturing/research park districts, except freestanding warehouse/distribution facilities and those listed in DMC 25.40.040.

(a) This district is intended to permit a range of office, commercial, light manufacturing and research uses that:

(i) Do not create significant noise, risk of explosion, radioactive release, or air or water pollution;

(ii) Are designed for a campus-like setting with architectural detailing as required by DMC 25.40.050(5).

(b) In addition to the specified uses permitted in the commercial, office and manufacturing/research park districts, this district permits research, research industry-oriented service providers and other compatible uses including, but not limited to:

(i) Software engineering;

(ii) Electronic components and board systems engineering, development, and application;

(iii) Biotechnology laboratories;

(iv) Communications services;

ATTACHMENT 3

(v) Personnel services;

(vi) Child day care center;

(vii) Wireless communication facility, attached;

(viii) Utility facility;

(ix) Similar land uses.

(c) Total supporting retail and service uses in the business tech park is limited to an overall maximum of 60,000 square feet of freestanding floor area, with no more than 10,000 square feet of retail or service floor area concentrated in any single area. (Ord. 12-937 § 5; Ord. 11-919 § 11; Ord. 07-855 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1)

25.40.025 Accessory uses.
(1) This district permits the following uses as an accessory to the permitted uses listed in this chapter: Uses which meet the development standards in the purpose section of this chapter and provide a service to the employees or the public of any permitted use, are contained in the main building of said permitted uses, and, in the case of accessory retail uses, contain no more than 10 percent of the total floor area of said permitted use. The procedures and criteria of Chapter 25.130 DMC shall not apply to the establishment of permitted accessory uses in the BTP district.

(2) Electric vehicle charging stations and battery exchange facilities. (Ord. 11-919 § 12)

25.40.030 Conditional uses.
(1) All conditional uses in the commercial, office and manufacturing/research park districts, except those listed in DMC 25.40.040.

(2) In addition to the conditional uses in the commercial, office and manufacturing/research park districts, the conditional uses in this district include but are not limited to:

(a) School (limited to technical or adult educational facilities);

(b) Freestanding wireless communication facility;

(c) Golf course;

(d) Similar land use. (Ord. 06-816 § 4)

25.40.040 Prohibited uses.
(1) The following permitted or conditional uses in the commercial district are prohibited in the business tech park district:

(a) Service stations;

(b) Residential, even as an accessory use;

(c) Adult family home;

(d) Family day care;

(e) Schools (not including technical or adult educational facilities).

(2) The following permitted or conditional uses in the office district are prohibited in the business tech park district:

(a) Schools (not including technical or adult educational facilities);

(b) Non-office public use.

(3) The following permitted or conditional uses in the manufacturing/research park district are prohibited in the business tech park district:

(a) Mineral extraction;

(b) Single tenant retail outlet over five acres;

(c) Amusement park;

(d) Schools (not including technical or adult educational facilities);

(e) Senior housing. (Ord. 06-816 § 4)

25.40.050 Performance standards.
All uses in the business tech park district shall be regulated by the following performance standards:

(1) Lot Area. There is no minimum lot area for lots in this district.

(2) Lot Coverage. There is no maximum lot area coverage except as needed to meet setback and landscaping requirements.

(3) Building Setbacks.

(a) Front. No structure shall be closer than 25 feet to any front property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 25 feet;

(b) Side. No structure shall be closer than 25 feet to any side property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet;

(c) Rear. No structure shall be closer than 25 feet to any rear property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.

(4) Building height shall not exceed 65 feet in height. Mechanical equipment and its screening shall not be included in height calculation.

(5) Blank walls greater than 50 feet in length along the front and sides of a building shall be softened either by planting large caliper trees of 10 through 14 feet tall adjacent to the building, by wood trellises on the building, or by similar means. Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multiphase campuses are encouraged to be of similar character. The fronts of adjacent buildings on the same lot shall not be so similar in design that they are determined by the director to be virtually identical in terms of building design. Differing materials, window sizes, trim detail, entry location and treatment, and front wall modulations are examples of methods of creating differentiation between building design.

(6) Parking and loading areas shall be provided as required by Chapter 25.95 DMC. Parking and loading areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate screen (see Chapter 25.90 DMC, Landscaping).

(7) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC.

(8) Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be fully screened from view from all public rights-of-way. Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight-obscuring screen that meets the following criteria:

(a) The screen must be integrated into the architecture of the building.

(b) The screen must obscure the view of the appurtenances from adjacent streets and properties.

Unique History ... Vibrant Future

CITY OF DUPONT

Planning Commission
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

MEETING MINUTES

Monday, October 9, 2017

Commissioners: Chair Chris Barnes, Commissioners Beth Elliott, Corey Wright, Renee Buck, Todd Tatum, Dustin Marlett, Kevin Ballard, Jeremy Warner(Alt)

Supporting Staff: Planning Director, Jeff Wilson and Admin Support, Janet Howald

1. **CALL TO ORDER**
   Chair Barnes called the meeting to order at 6:20pm.

2. **ROLL CALL**
   All members were present.

3. **ANNOUNCEMENT AND APPROVAL OF AGENDA**
   A motion was made and seconded to approve the Agenda, (Buck/Tatum); 7/0, motion passed.

4. **APPROVAL OF MINUTES**
   A motion was made and seconded to approve the September 18th 2017 Minutes with amendment to the header to list the Commissioners. Those Commissioners not present will be reflected under the Roll Call section. (Buck/Wright); 7/0, motion passed.

5. **AUDIENCE COMMENTS**
   None

6. **PUBLIC HEARINGS**
   Chair Barnes opened the public hearing at 6:25pm for the Proposed Comp Plan amendments Development Regulation amendments for the Old Fort Lake neighborhood / Business & Technology Park (BTP) zone. (File Nos. COMP-16-04 & TEXT-16-06)

   Director Wilson began with an explanation of the exhibit documentation and attachments. Mr. Wilson informed that Mr. Ryan Givens of AHBL, Consultant to the City and Ms. Geri Reinart, Traffic Consultant to the City were present to provide overview and respond to questions. He then provided a brief overview of the process to updating the Comprehensive Plan including the various meetings and preparation that had transpired to prepare the final recommendations. The history of the property was provided including the constraints of the Consent Decree by the Department of Ecology and by the prior property owner who placed restrictive covenants on the property.

   Mr. Givens presented the proposed amendments in a PowerPoint presentation beginning with further background of the project, the specific requests and breakdown into the Comprehensive plan changes, Subarea Plan and the text amendment.

   Director Wilson informed the Planning Commission that City staff had been working with the Nisqually Tribe and the Washington State Department of Archeology and Historic Preservation to address cultural resource questions. Additionally he described this effort as a method to entice other

EXHIBIT 3

compatible uses to allow to go into different directions than currently limited by restrictive covenants.
Phil Ambrose, 1849 McDonald Ave, expressed opposition to warehouses, free standing warehouses and concern of the traffic impact and zoning code should exclude warehouses.
Lisa Merkle, 1471 Grant Ave, expressed opposition to warehouses and free standing warehouses and provided documentation which were entered as exhibits.
Lawrence Genova, 2889 Hyland, expressed opposition against free standing warehouses and questioned motive of City and the developer. He also discussed protecting the cultural aspect of the property.
Dennis Clarke, 2237 Anderson, stated he is a Land Use Planner and was the Principal author of the first Comprehensive Plan adopted in 1990 and gave a brief history. He expressed concern in allowing the proposed industrial uses. His documentation was submitted as an exhibit.
Nancy Levcovich, 1860 Miller Dr., works in DuPont and expressed appreciation for the hard work going into the plan but opposes the free standing warehouses.
Tami Swart, 2918 Martin St, does not support free standing warehouses and expressed concern regarding traffic on the loop road.
Tom Duguay, 2956 Martin Pl, expressed concerns regarding free standing warehouses and zoning plans, sound remediation and if there is possible remediation for contaminated soil. His letter was entered as an exhibit
Brian Bauter, 2060 Hammond St, worked in trucking industry and currently with a global insurance company as fleet risk engineer. He made comments regarding a new trucking law which goes into effect in December. Large trucks could be parked for required rest period and which means trucks would be looking for a safe spot to park but this could lead to idling of the trucks and especially refrigerated ones. He questions the concern for safety by the trucking companies.
Susan Livingston, 1513 Bobs Hollow Ln, expressed agreement with previous comments and opposes free standing warehouses.
Mary Matthews Brownell, 2806 Martin St., expressed concern regarding cultural resources and communication with the Nisqually Tribe and opposes free standing warehouses.
Jeff Brownell, 2806 Martin St., discussed the cleanup of the area around his home and the contamination levels in the Old Fort Lake. He discussed exploring additional road options.
Joe Cushman, Planning Director for the Nisqually Indian Tribe, expressed concerns regarding protection for the cultural resources. He referenced a letter prepared by Mr. McCloud, Chair of the Tribal Council, desiring a comprehensive cultural resources protection and management plan to protect native and non-native resources and to work with DAHP. The Tribal is not opposed to the Comprehensive Plan amendments but is requesting amendments to protect what is in the ground.
Adam Root, 1374 Hudson St, expressed using the word prohibit to free standing warehouses from the documentation.
Courtney Blankenhorn, 1304 Hudson St, expressed opposition to distribution warehouses, noise and traffic. She also expressed safety concerns especially when trucks cut through their neighborhood. She hopes citizens voices are being heard that distribution warehouse is not doing better.
Cary Harlow, 2648 Arnold St, expressed appreciation to those who attended the meeting. He expressed there is no market for retail or office buildings and opposes free standing warehouses. He appreciated opportunity to speak.
Lawrence Kurtz, 1797 Cadborough Ln, expressed opposition to free standing warehouses and zoning change as will affect the quality of life and safety for children.
Steve Schenk, 1713 Kittson, feels there is much potential for the area and is not for free standing warehouses or distribution center. He maintains zoning to retain the small town feel of city and if the plan was passed the bonds, infrastructure, roads and utilities would be paid by the citizens. He stated that semi-trucks should not be allowed next to the civic center and put children at risk with freight traffic next to school and Powderworks Park.
James Watson, 1346 Hudson St., explained he enjoys quiet and peaceful community and so opposes increased truck traffic. He expressed the need for a developer that is willing to put the right

thing there for the community He thinks the plan is amazing that will face the sound and bring in community but not trucks.
Lt. Jonathan Burnett, 3059 Shannon St., he appreciates the City looking for opportunities to bring in more business to DuPont and continue to make it a sustainable community but is opposed to rezoning changes to allow for free standing distribution type warehouses. He believes the owner should comply with the current zoning laws to make DuPont a safe and family friendly community without having negative influences. The City should be in favor of more sustainable and ecological friendly development with focus on historical and cultural heritage and protect the masterplan community.
Kathy Preston, 1907 Braget St., she likes many of the ideas being presented around the golf course but opposes free standing warehouses and distribution centers and she doesn't want it in the center of city, near the school. Also the size limitations seem large.
Anna Burnett, 3059 Shannon St., wants to keep the City safe, clean, kid and family friendly. She thinks warehouses would hurt the environment and would like growth but should environmentally sustainable and not endanger safety so opposes rezoning for free standing warehouses. She would rather see city work together with the Nisqually nation to create a cultural center and to restore wildlife. Comments were submitted as exhibits.
Ming Choo, 2812 Martin St, expressed opposition the changing of the zoning but would the zoning for hi-tech, light industry and research as it would be appropriate for higher salary based employment.
Robert Waters, 1811 Fisher Ave, expressed appreciation to the commissioners for their service to the community. He disagrees with the free standing warehouses facilities and believes it will bring in an increase in crime.
Marjorie Sebesta, 502 DuPont Ave, opposes additional truck traffic.
Bridget King, 1473 Kittson St, referenced a meeting that was held on October 3, 2017 in which she learned that they could be making their own subarea plan as referenced in the amendment process that was begin in 2015 Comprehensive Plan which would restrict the warehouse size and accessory to a business.. But now considering the Copper Leaf plan she appealed to the Commissioners to take more time and insert protective language against free standing warehouses and distribution. She cited LU 9.2 and extract from Intel site plan Hearing Examiner report extract which includes traffic concerns and safety. Comments were submitted as exhibits.
Judy Norris, 1485 Kittson St, she had worked on the original Comprehensive Plan. She alluded there is an element of secrecy in this process and speculates this is the public perception so appreciates the social media.
Edward Eldridge, 1424 Richmond Ct, he said one of the main components behind the Comprehensive Plan was to have a balanced economic sector which split between retail, office and industrial and warehouses and believes that this proposal threatens the balance. He would like to see diversity in the economic base. And questioned more warehouses. He explained the gravel pit will be finished and believes that area could then be warehouses.
Denny Glenn, 2399 McDonald Ave, has seen the truck traffic increase and inappropriately going down Center Drive and is concerned about warehouse growth. He would to see something else besides warehouses and look at something that will benefit the community.
Christopher Elfrank, 1812 Cadborough Ln, opposes an increase in truck traffic as increase emissions ruin quality of life and safety is an issue as kids run into the street. He opposes free standing warehouses.
Cara Mitchell, 2221 McDonald Ave, expressed opposition to changes in the zoning code which would allow free standing warehouses. She wants the golf course to be protected. Safety, noise and quality of life are at issue. She cited an issue with a lost truck. She implored listening to the citizens.
Mike Brown, 1480 Heath Ct, expressed opposition to warehouses and an increase in truck traffic.
James Smith, 1425 Rooklidge St, expressed thanks to the Planning Committee. He once served on the Planning Agency. He asked that a long term strategic approach be used that would obtain tax revenues while preserving a quality of life and also consider the impact that each type of business would have on the quality of life.

Jamie Carbaugh 1322 Rowan Ct., discussed the quality of life in DuPont and opposes free standing warehouses.
David Farah, 2219 Palisades Blvd, discussed the issue with some of the problem with trucks and the safety issues. He discussed income/money and tax trail from having warehouses. He opposes warehouses and deterring from the lake. He expressed concern of visitors coming to the recognized golf course with warehouses present. The decisions should be based on what the community needs.
Jessica Fester, 504 DuPont Ave, discussed how DuPont is a small community city with a sense of community and safety for kids and family and so opposes warehouses and increased traffic.
Guy Claudy, 3070 O'Brien St, discussed that people live here as the city offers a unique small town community feel. He opposes the warehouses and truck traffic which will increase noise. He wants an updated Comprehensive Plan and to allow better business opportunities that the citizens desire.
Jan Baker, 2812 Martin St, expressed his opposition to the warehouses as most people have expressed about not wanting warehouses and he wants trust between people so it is a place generations can continue to live.
Pam Fisher, 1738 McCloud Circle, expressed the beauty of DuPont. She had questions regarding the aquifer and at the limit of water that it can't support more residential. She also opposes the warehouses.
Maria Gudaitis, 507 Louviers, believes the Comprehensive Plan serves as a guide and quoted from it and maintains that it states approving stand alone warehousing violates the plan. She expressed a second point of over capacity in DuPont already with traffic. She met with a WSDOT Capital program manager and he reported that traffic volumes are higher than in 2011. And specifically regarding truck traffic. Documents were submitted as exhibits.
Lee Chase, 309 Barksdale, he expressed his concern over the transportation plan including burms and the school and concerned over who pays for repairs to roads.
Krista Novak, 1449 Kittson St, expressed concern over the noise of traffic and truck traffic and concerned with safety of children school and fields. She opposes free standing warehouses. She brought up Elwood Illinois and repercussions of growth.
Hailey Lorati, 1547 Palisade Blvd, expressed concern over children's safety and schools and expressed opposition to warehouses and truck traffic.

Director Wilson confirmed the comments received just before and during the public hearing were entered as exhibits.

Chair Barnes closed the public testimony at 8:54pm.

Chair Barnes called a 5 minute recesses.

Chair Barnes reconvened the meeting at 9:05pm and began the deliberation process of the Public Hearing.

Discussion began with the Comprehensive Plan. Commissioner Marlett and Commissioner Buck both discussed the removal of free standing warehouses from the plans.

A motion was made and seconded to strike the language that would permit free standing warehouses from the Comprehensive Plan and the Subarea Plan (Marlett/Ballard).

Discussion began on The Old Fort Lake subarea Plan with the following recommendations:
Page 31 to remove the sentence under Business/Industry Uses, "Warehouse distribution is limited to sub-blocks E.1, F.1, and F.2 to ensure the area is not dominated by this single use".
Page 41, under Old Fort Lake 2, there is to be removal of the sentence "In limited area, warehousing distribution will be allowed in this district".
Page 44, the language is to be removed from Table 4.2. and is to include the footnote #4.
Page 45, LU-3.1 "Restrict warehouse distribution to the interior blocks in the subarea" is to be removed.

Page 68 under Future Community Character Plan in the last sentence the words to be moved are "and warehouse distribution".
Page 70 under Community Character Goals and Policies, remove under CC-1.2 section the words" and warehouse distribution land uses".
Director Wilson suggested to further review the original document and identify any other changes and consult with Chair Barnes to confirm all changes have been addressed.
Further discussion took place including that the citizens voices have been heard and so the conclusion was reached that this area is not conducive to warehouse distribution.

Chair Barnes called for a vote; 7/0, motion passed.

Discussion continued to add the word "light" to manufacturing throughout the document.

A motion was made and seconded to include the word "light" in front of every reference of manufacturing in the Comprehensive Plan and the Subarea Plan (Elliott/Marlett).

Director Wilson clarified that is no definition of light manufacturing and manufacturing in the municipal code. Reference was made to the 2013 Comprehensive Plan, in which the Land Use designations described the Business Technology Park and for Manufacturing/Research was referred to light Manufacturing/Research and light Manufacturing and High Technology which has been expressed by the citizens in this process. Conversation continued on why the language may have been changed from light manufacturing to manufacturing.

Chair Barnes called for a vote: 7/0, motion passed.

Discussion continued regarding the letter received from Mr. McCloud, the Nisqually Tribe Chairman and when compared to The Future Cultural Resources and Plan, it was suggested to insert under the goal specific language to include a comprehensive cultural resources management plan. Per Director Wilson, there is already adequate language in the existing Comprehensive Plan, the Development Regulations and requirement by state law, in place, to comply. The letter implied to not move forward until the sites are fully analyzed. This is not the usual procedure as it is performed when projects arise and must go through the normal development process with proper research; and comply with specific agencies. Mr. Cushman's comments in his testimony seems favorable with the coordination between the City and the Tribe in regard to the subarea plan but the language in the letter seems definitive on their level of participation moving forward. Director Wilson explained that earlier this year, the City invested in site plan analysis and was in consultation and co-ordination with the Tribe and DAHP. Any questions would be addressed with the Tribe during the development review process.

Discussion moved onto the Current Parks, Open Spaces and Trails Map (2017) regarding it shows a trail and a crossing on south side of the Sequalitchew creek canyon but it does not exist. Mr. Wilson explained this was a plan but doesn't mean it actually exists today, just guidance from the comprehensive part plan. The proposed plan identifies where trails may go as a part of entire trail system and future linkages. The Parks and Rec Agency may wish to review and update the plan.

Chair Barnes moved to approve for recommendation to the City Council, Attachment 1 and Attachment 2 as proposed with the amendments pending final approval by the Chair and The Director.

A motion was made to approve Attachment 1 and Attachment 2 as amended to the City Council with the caveat pending that the copy be forwarded to Chair Barnes for his final approval.(Tatum/Ballard) 7/0; motion passed.

Chair Barnes then began discussion of the Development Regulations. This included going through changes.
In Chapter 25.41.010, subparagraph 5, line 33, it was recommended to insert a period after the word development and drop the remaining sentence "and limited warehouse distribution".

Chapter 25.41.060 subparagraph 3, line 31 and 34, remove the reference to warehouse.

Table 25.41.020(a), remove Warehouse distribution out of the chart.

#43Under Table 25.41.020, paragraph 2, page 14, add a new subparagraph (g) Distribution Warehouse.

Chapter 25.41.060, subparagraph (3), (e) page 18, remove entire line.

Chapter 25.41.50, subparagraph (6), (b), page 16, remove distribution.

A motion was made to adopt the changes as referenced to identifying areas in the code to strike out warehouse distribution but still retaining warehouse. (Elliott/Buck); 7/0, motion passed.

Ms. Reinart, Traffic Consultant responded to a question regarding limiting the number of axels or address types of trucks. The City has truck route ordinance based on gross vehicle weight. She explained there are many sizes and classifications so difficult to answer as many variables and without knowing a specific goal. The discussion pointed out that present in the community, the roads are incompatible with types of truck. So development should be reviewed so as to not attract this type of traffic. Director Wilson explained if restrictions are placed it will limit what can be allowed for industrial uses. Truck traffic regulation would go into the municipal code and is an issue that the Council would address. The discussion also included that restricting the number of truck bays can become a performance related issue. This lead into discussion of the orientation of bay doors and numbers. Mr. Wilson explained that there are protections built in the design regulations on buffering and orientation. There would be development review to address the specifics..

A motion was made to add under Land Use Code, on page 14 of Attachment 3, subparagraph 2, item "G" "Providing a prohibition on free standing warehouse distribution". (Ballard/Marlett); 7/0, motion passed.

A motion was made to incorporate a portion of the language from the BTP 25.40.010 Purpose "This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited" and insert into 25.41.010 Mixed Use Village, Purpose, after the first sentence.(Wright/Elliott).
Discussion commenced on the word excessive as it is difficult to measure. It was decided to move the fore mentioned as written.

Chair Barnes called for a vote, 7/0, motion passed.

A motion was made to insert the word "light" in front of manufacturing in Attachment 3, Development Regulations. (Elliott/Buck).
Discussion ensued as there is currently no definition of "light' manufacturing as it is not defined in the municipal code. This will be addressed at a future date. Also discussed was the definition of distribution warehouse and industry and whether this may impede a future person coming in.

Director Wilson explained there is a broad definition existing now. Clarification of terms does need further defining.

Chair Barnes called for a vote, 7/0, motion passed.

Discussion then commenced on the square footage that has been purposed for manufacturing. Any building over 4,000 square feet has to go through an environmental review process. This further included discussion of the sizes of buildings in relation to the parcel size.

A motion was made that on Table 25.41.020 Land Use, (a) Manufacturing page 13 of 19, the first Permitted instance be amended to read up to 200,000 square foot and the second instance, which is Conditional to be amended to read over 200,000 square foot. (Buck/Wright)

Discussion clarified that this is a process and threshold on size of a structure. The initial 400,000 square foot was created as a threshold that a parcel could accommodate for a structure and encourage larger building on the interior of the property. This lead into a Site Plan Review, Type II and the Conditional Use Permit process.

Chair Barnes called for a vote, 6/1. (Those in favor, Barnes, Elliott, Wright, Buck, Marlett, Ballard). Opposed, (Tatum). Motion passed.

Discussion took regarding the language of place the Floor Area Ratio intensity bonus and how that mechanism will work within the MUV district. Discussion continued regarding the Design Review, 25.41.070 and Site Plan Approval, 25.41.080 and the applicable definitions.

A motion was made to the recommend the adoption of Attachment 3 to the City Council with the approved changes and further review of the language changes by Chair Barnes. (Wright/Marlett); 7/0. Motion passed.

A motion was made to approve the Future Zoning Map & Exhibit, Attachment 4 for recommendation for the City Council approval. (Buck/Tatum). There was no discussion.

Chair Barnes called for a vote, 7/0, Motion passed.

7. **UNFINISHED BUSINESS**
None

8. **NEW BUSINESS**
None

9. **ADMINISTRATIVE REPORTS**
Director Wilson recommended cancelling the meeting on October 23, 2017. However, if a meeting is required, it will be held with an option to have a meeting cancelled in November.

Director Wilson discussed the upcoming workshops and public hearings with the City Council.

10. **AUDIENCE COMMENTS**(Items not on the Agenda)
Maria Gudalitis, 507 Louviers, expressed thanks for all who attended the meeting and the time taken to hold this meeting.

11. **PLANNING COMMISSION MEMBER COMMENTS**
Commissioner Elliott expressed thanks to all who attended and to the Commissioners for listening to the citizens.

Commissioner Wright also thanked the audience for their participation and to the Commissioners for the hard work.
Commissioner Buck also expressed the same thanks.
Commissioner Tatum expressed thanks to everyone one who attended.
Commissioner Marlett expressed thanks to all who attended the meeting and those who may have watched on social media.
Commissioner Ballard expressed that he is proud to be a member of the commission and whom served the community correctly and appropriately and thanked all the participation and a lot of work was done.
Commissioner Warner gave thanks for all who attended hopes to see continued community involvement.
Chair Barnes expressed thank you to the public that attended. Also a big thank you to Mr. Givens, for all time and to Director Wilson and to Ms. Howald for all the work put into this process. He also expressed thanks and great job done, to the Commissioner members.
Director Wilson also expressed thanks to Mr. Givens to all he has done and to Ms. Reinart for all her dedicated work and the hours and time they have provided. He also thanked Ms. Howald for all her work to keep the process flowing smoothly and ensuring the Planning Commission received all the materials.

12. ADJOURNMENT

Chair Barnes adjourned the meeting at 11:07pm.

Nov 27 2017

Chair, Chris Barnes Date

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EXHIBIT 4

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(vii) Wireless communication facility, attached;

(viii) Utility facility;

(ix) Similar land uses.

(c) Total supporting retail and service uses in the business tech park is limited to an overall maximum of 60,000 square feet of freestanding floor area, with no more than 10,000 square feet of retail or service floor area concentrated in any single area. (Ord. 12-937 § 5; Ord. 11-919 § 11; Ord. 07-855 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1)

25.40.025 Accessory uses.
(1) This district permits the following uses as an accessory to the permitted uses listed in this chapter: Uses which meet the development standards in the purpose section of this chapter and provide a service to the employees or the public of any permitted use, are contained in the main building of said permitted uses, and, in the case of accessory retail uses, contain no more than 10 percent of the total floor area of said permitted use. The procedures and criteria of Chapter 25.130 DMC shall not apply to the establishment of permitted accessory uses in the BTP district.

(2) Electric vehicle charging stations and battery exchange facilities. (Ord. 11-919 § 12)

25.40.030 Conditional uses.
(1) All conditional uses in the commercial, office and manufacturing/research park districts, except those listed in DMC 25.40.040.

(2) In addition to the conditional uses in the commercial, office and manufacturing/research park districts, the conditional uses in this district include but are not limited to:

(a) School (limited to technical or adult educational facilities);

(b) Freestanding wireless communication facility;

(c) Golf course;

(d) Similar land use. (Ord. 06-816 § 4)

25.40.040 Prohibited uses.
(1) The following permitted or conditional uses in the commercial district are prohibited in the business tech park district:

(a) Service stations;

(b) Residential, even as an accessory use;

(c) Adult family home;

(d) Family day care;

(e) Schools (not including technical or adult educational facilities).

(2) The following permitted or conditional uses in the office district are prohibited in the business tech park district:

(a) Schools (not including technical or adult educational facilities);

(b) Non-office public use.

(3) The following permitted or conditional uses in the manufacturing/research park district are prohibited in the business tech park district:

(a) Mineral extraction;

(b) Single tenant retail outlet over five acres;

(c) Amusement park;

(d) Schools (not including technical or adult educational facilities);

(e) Senior housing. (Ord. 06-816 § 4)

25.40.050 Performance standards.
All uses in the business tech park district shall be regulated by the following performance standards:

(1) Lot Area. There is no minimum lot area for lots in this district.

(2) Lot Coverage. There is no maximum lot area coverage except as needed to meet setback and landscaping requirements.

(3) Building Setbacks.

(a) Front. No structure shall be closer than 25 feet to any front property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 25 feet;

(b) Side. No structure shall be closer than 25 feet to any side property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet;

(c) Rear. No structure shall be closer than 25 feet to any rear property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.

(4) Building height shall not exceed 65 feet in height. Mechanical equipment and its screening shall not be included in height calculation.

(5) Blank walls greater than 50 feet in length along the front and sides of a building shall be softened either by planting large caliper trees of 10 through 14 feet tall adjacent to the building, by wood trellises on the building, or by similar means. Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multiphase campuses are encouraged to be of similar character. The fronts of adjacent buildings on the same lot shall not be so similar in design that they are determined by the director to be virtually identical in terms of building design. Differing materials, window sizes, trim detail, entry location and treatment, and front wall modulations are examples of methods of creating differentiation between building design.

(6) Parking and loading areas shall be provided as required by Chapter 25.95 DMC. Parking and loading areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate screen (see Chapter 25.90 DMC, Landscaping).

(7) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC.

(8) Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be fully screened from view from all public rights-of-way. Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight-obscuring screen that meets the following criteria:

(a) The screen must be integrated into the architecture of the building.

(b) The screen must obscure the view of the appurtenances from adjacent streets and properties.

(c) Exemptions. The following shall be exempted from the provisions of this section:

(i) Rod, wire and dish antennas are exempt from the requirements of this section, if the screening would interfere with the effective operation of the antenna.

(ii) A painted appurtenance is exempt from the requirements of this section if the director of community development determines that painting will be as effective in minimizing rooftop clutter as would a solid sight-obscuring screen.

(9) Outdoor storage (supplies, materials, or products not contained in a structure) shall not cover more than two percent of the total site area and shall be screened from streets and adjoining properties by a 100 percent sight-obscuring wall or fence.

(10) Trash Enclosures. Trash enclosures shall be provided as required by Chapter 25.100 DMC.

(11) Signage. Signage shall comply with the requirements of Chapter 25.115 DMC.

(12) Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial) environmental designations.

(13) Air emissions shall meet applicable regulations of the Puget Sound Air Pollution Control Authority, and no visible, frequent smoke, dust, or gases shall be emitted.

(14) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point along the lot or lots on which the use or structure is located.

(15) Outdoor lighting shall be designed to minimize light escapement beyond the site.

(16) Hazardous Substance or Waste Storage. No more than 20,000 pounds of hazardous substances or hazardous wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is delivered for on-site operations or produced on-site. Nothing in this section shall preclude storage of diesel fuel stored on-site for emergency generators. (Ord. 07-854 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.030.)

25.40.060 Site plan approval.
Site plan approval is required for all development projects. Development projects on sites of 15 acres or less and expansions of permitted projects involving 15 acres or less of a new development shall be processed with a Type II procedure. Development projects and expansions larger than 15 acres shall be processed with a Type III procedure. Processes for all procedures are set forth in DMC 25.175.010. (Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.040.)

Chapter 25.15

LAND USE DISTRICTS AND MAP ESTABLISHED

Sections:

25.15.010 Purpose of districts.
25.15.020 List of districts established.
25.15.030 Zoning map.
25.15.040 Boundary interpretation.

25.15.010 Purpose of districts.

The city is divided into land use districts with the intent to provide for the distribution of land uses as contemplated by the city's comprehensive plan and its related goals, policies, and programs; to maintain stability by grouping compatible uses and levels of activity and maintain commitment to public service facilities such as transportation systems, parks and utilities. (Ord. 02-707 § 1)

25.15.020 List of districts established.

The use classifications are:

District	Designation
Residential-3	R-3
Residential-4	R-4
Residential-5	R-5
Residential Reserve	RR
Residential-12	R-12
Commercial	COM
Office	OFF
Mixed Use	MXD
Mixed-Use Village	MUV
Business and Technology Park	BTP
Manufacturing Research Park	MRP
Industrial	IND
Open Space	OS
Military	MIL
Mineral Resource Overlay	MRO

25.15.030 Zoning map.

(1) The boundaries of the use districts are shown on the official zoning map, which together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this title. The regulations of this title governing the use of land, buildings and structures, the height of buildings and structures, the sizes of yards about buildings and structures, and other matters set forth in this title are hereby established and declare to be in effect upon all land included within the boundaries of each and every district shown upon the zoning map.

(2) The boundaries of the use district shall be determined or defined or redefined from time to time, by the adoption of district maps covering the city showing the geographical area and location of the district. Each district map shall be, upon its final adoption, a part of this title, and the map, all notations, references and other information shown shall be made a part of this title as though all matters and information set forth on the map were fully described herein.

(3) The official zoning map shall be identified by the signature of the mayor and be attested and notarized by the city clerk. The original copy of the official zoning map shall be retained in the office of the city clerk. (Ord. 02-707 § 1)

25.15.040 Boundary interpretation.

The boundaries between classifications of the official zoning maps shall be interpreted specifically as shown on the maps and associated ordinances. Should uncertainty remain in regards to location or meaning of a boundary, the location or meaning shall be determined utilizing the following rules:

(1) Where district boundaries are indicated as approximately following the centerline of streets, alleys, highways, waterways or railroad tracks, the actual centerline shall be construed to be the boundary.

(2) Where district boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundary of such use district.

(3) Where a district boundary on the official zoning map divides a tract in unsubdivided property, the location of the use district boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the official zoning map.

(4) Where a public street or alley is officially vacated the regulations applying to the abutting property to which the vacated portion reverts shall apply to such vacated street or alley.

(5) In case uncertainty exists which cannot be determined by application of the foregoing rules, the hearing examiner shall determine the location of such use district boundaries pursuant to the provisions for code interpretations. (Ord. 02-707 § 1)

Chapter 25.125

WIRELESS COMMUNICATION FACILITIES

Sections:

25.125.010 Purpose.
25.125.020 Exemptions.
25.125.030 Recognition of industry needs.
25.125.040 Where permitted.
25.125.045 Procedure.
25.125.050 Development standards.
25.125.060 Conditional use permit criteria.
25.125.070 Third-party review.

25.125.010 Purpose.
The purpose of this chapter is to establish a comprehensive framework regarding the construction, modification, and placement of wireless communication facilities while protecting the community from harmful effects, including visual impact. The city intends to achieve this purpose by encouraging providers to:

(1) Locate wireless communication facilities (WCFs) in nonresidential areas;

(2) Minimize the total number of freestanding WCFs through collocation; and

(3) Minimize visual impact of WCFs through selective placement, careful design, and screening. (Ord. 02-707 § 1)

25.125.020 Exemptions.
The following shall not be considered WCFs, and shall be exempt from this chapter:

(1) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

(2) Licensed amateur (ham) radio antennas.

(3) Television antennas and satellite dish antennas for reception within individual homes or businesses.

(4) Temporary WCFs placed in service for a maximum of one week or during an emergency declared by a governmental agency provided they are not located in a zone in which they are not permitted as provided in DMC 25.125.040. (Ord. 02-707 § 1)

25.125.030 Recognition of industry needs.
It is the city's understanding that:

(1) Communication occurs primarily by line-of-sight transmission;

(2) Providers require a network of WCFs in order to cover their service areas;

(3) Individual wireless communication facilities making up the network require road access, electric power, and land-based telephone lines or microwave link capability. (Ord. 02-707 § 1)

25.125.040 Where permitted.
The following table identifies which type of permit must be obtained for a proposed WCF within a specific zone in the city of DuPont.

Specific Zone	Wireless Communication Facility (WCF), Attached	Wireless Communication Facility (WCF), Freestanding	Wireless Communication Facility (WCF), Public
Residential	Not permitted	Not permitted	Administrative
Office, Commercial, Mixed Use, Mixed-Use Village, Open Space	Administrative	Not permitted	Administrative
Industrial, Manufacturing/ Research Park, Business and Technology Park	Permitted, provided the zoning administrator finds that the attached WCF does not violate any condition relating to the pre-existing structure	Conditional	Administrative

Note: The second and/or subsequent WCF to occupy a freestanding or public collocation WCF site need not obtain a separate conditional use permit. It will be treated as a permitted use and processed administratively. The criteria for administrative consideration shall be the same as contained in the development standards and conditional use permit criteria (DMC 25.125.050 and 25.125.060).

(Ord. 12-937 § 8; Ord. 02-707 § 1)

25.125.045 Procedure.
All wireless communication facilities, attached, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type I procedure. Wireless communication facilities, freestanding, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type III procedure. Wireless communication facilities, public, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type II procedure. Processes for all procedures are set forth in DMC 25.175.010. (Ord. 12-937 § 8; Ord. 02-707 § 1)

25.125.050 Development standards.
Any proposed WCFs must comply with all of the following development standards:

(1) Height. The height of WCFs requiring conditional use permits shall not be limited by the height limits stated in the underlying zone, but determined through the conditional use permit process.

(2) Setbacks. WCFs shall be set back from property lines in accordance with the requirements of the zones in which they are located.

(3) Compliance with Applicable Standards. All WCFs must meet or exceed current standards and regulations of the Federal Aviation Administration and FCC, and any other agency of the federal government with the authority to regulate WCFs.

(4) Landscaping. Landscaping shall be required for the WCF site as specified by the DuPont Municipal Code. The city may require full, moderate, or light buffers as defined in the landscape ordinance to mitigate incompatibility between uses.

(5) Design. Wireless communication facilities must be designed to complement surrounding structures through the use of muted paint schemes, locating the facility within or on an existing structure or similar means.

(6) Lighting. No lights or signs shall be permitted on a freestanding WCF unless required by the FCC or FAA.

(7) Other Protections. The city may require shields to protect from ice falling from towers, anti-climbing devices to prevent unauthorized persons from climbing towers, or other appurtenances necessary to protect life and property.

(8) Removal Upon Abandonment. The provider of the WCF shall provide the city with notice to the FCC of intent to cease operations and shall remove the obsolete WCF within three months from the date of said notice or when the site has been abandoned as evidenced by the discontinuance of electrical power for more than 60 days. If an abandoned WCF is not removed, the city may have it removed at the provider's expense. (Ord. 02-707 § 1)

25.125.060 Conditional use permit criteria.
In addition to the development standards of DMC 25.125.050, providers shall demonstrate compliance with all of the following criteria:

(1) Providers must demonstrate that they have a valid FCC telecommunications license. If the applicant is not the provider, the applicant must present a lease agreement with a licensed provider.

(2) For proper functioning of a provider's network engineering, evidence must be submitted with formal city application, showing the existing WCF service area and service area intended to be covered by the proposed facility.

(3) No new freestanding WCF may be constructed within one mile of an existing freestanding WCF, unless it can be demonstrated to the satisfaction of the city that the existing freestanding WCF is not available for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

(4) The proposed WCF height must be the minimum necessary to fulfill the site's function within the provider's network and collocated WCFs.

(5) Freestanding WCFs must be designed for collocation.

(6) Providers must submit scale drawings of the WCF as viewed from appropriate public locations. The proposed WCF shall be made visually inconspicuous. Use of topography, trees, buildings, architectural design, and inconspicuous colors are required. (Ord. 02-707 § 1)

25.125.070 Third-party review.
In processing a WCF permit application, the city may retain the services of independent experts to verify compliance with this chapter. All cost of such services shall be borne by the applicant. (Ord. 02-707 § 1)

Chapter 25.175

ADMINISTRATION OF DEVELOPMENT REGULATIONS

Sections:

25.175.010 Types of project permit applications.
25.175.020 Processing Type I – IV project permit applications.
25.175.030 Posting of public notice.
25.175.040 Consistency with development regulations.
25.175.050 Open record public hearings.
25.175.060 Closed record meetings and appeals.

25.175.010 Types of project permit applications.

(1) Procedures for Processing Project Permits. For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in subsection (6) of this section. Exclusions from the requirements of project permit application processing are contained in subsection (7) of this section.

(2) Determination of Proper Procedure Type.

(a) The planning director or his/her designee (hereinafter the "director") shall determine the proper procedure for all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the higher numbered procedure.

(b) An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or may be processed individually under each of the application procedures identified in subsection (4) of this section. The applicant may determine whether the application will be processed collectively or individually. If the applications are processed individually the director shall determine which procedure shall be undertaken first and the sequence of the other procedures so the project may be processed in as concurrent a fashion as possible.

(c) Applications processed in accordance with subsection (2)(b) of this section which have the same procedure number, but are assigned to different hearing bodies, shall be heard collectively by the highest decision maker; the city council being the highest body, followed by the hearing examiner and then the director. Joint public hearings with other agencies shall be processed according to subsection (5) of this section.

(3) The director of community development, or designee, may issue a written interpretation for any section of DMC Titles 23, Environment, 24, Subdivisions, or 25, Land Use Code, at any such time as the code is silent regarding an issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be appealed to the hearing examiner.

(4) Joint Public Hearings with Other Governmental Entities.

(a) The director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as the hearing is held within the city limits, and the requirements of subsection (4)(c) of this section are met. A "Project Permit Summary: Action Type" table is included below.

Project Permit Summary: Action Type

Type I	Type II	Type III	Type IV	Type V
• Permitted and accessory uses not requiring site plan review. • Short plat, short plat amendment. • Boundary line adjustment. • Lot line elimination. • Design review. • Administrative interpretation. • Administrative variance. • Minor amendment to site plan. • Time extension. • Home occupation. • Temporary use. • Sign permit. • Landscape plan and plan modification.	• Multifamily site plan less than 80 units. • Business tech. park, manufacturing research park, and industrial site plan less than 15 acres. • Major amendment to Type II site plan. • Commercial District: drive thru window, utilities as designated in DMC 25.25.020, attached wireless facilities, and open-air vending. Office District: service uses less than 10 percent of main building, utilities as designated in DMC 25.30.010. • <u>Mixed Use Village: Multifamily, non-residential, and mixed-use buildings</u>	• Preliminary plat. • Plat alteration. • Site plan other than Type II. • Major amendment to site plan other than Type II. • Conditional use. • Variance. • Site specific reclassification. • Binding site plan. • Shoreline permit. • Shoreline conditional use or variance. • Mineral resource extraction.	• Final plat	• Comprehensive plan o Text amendment. o Map amendment. • Land use code o Text amendment. o Map amendment.
Decision by:				
Community Development Director	Community Development Director	Hearing Examiner	City Council	City Council
Appeal to:				
Hearing Examiner	Hearing Examiner			
Pierce County Court	Pierce County Court	Pierce County Court	Pierce County Court	Pierce County Court

[Other portions of this chapter have been omitted since they are not applicable to proposed amendments]

Chapter 25.41
Mixed Use Village (MUV)

Sections:

25.41.010 Purpose.
25.41.020 Land uses.
25.41.030 Maximum Residential Density.
25.41.040 Maximum Non-residential Floor Area Ratio (FAR)
25.41.050 Performance standards.
25.41.060 Design Standards.
25.41.070 Design Review.
25.41.080 Site Plan Approval.
25.41.090 Transportation Corridor Accommodation.

25.41.010 Purpose.

The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described as follows:

(1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and development.

(2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

(3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research and development.

(4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale limitations to ensure compatibility with the nearby residential and school properties.

(5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light manufacturing, and research and development.

(6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

(7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

(8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

(9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as commercial/restaurant, administrative office, and hotels.

25.41.020 Land uses.

(1) Land uses allowed within the MUV and its subdistricts are identified in Table 25.41.020(a).

(a) A 'P' in Table 25.41.020(a) indicates that the specific use is a Permitted use.

(b) An "A" in Table 25.41.020(a) indicates that the specific use is permitted as an accessory use to other uses within the district. Where an "A", a slash (/), and a letter are displayed in the table (e.g. A / P), the use may be permitted as an accessory use OR established as a stand-alone use subject to the corresponding review procedure (indicated by the a 'P' or 'C').

(c) A 'C' in Table 25.41.020(a) indicates that the specific use is a Conditional Use.

(d) A blank in Table 25.41.020(a) indicates that the specific use is prohibited in the subdistrict.

(e) Uses may be further defined, restricted, and/or limited pursuant to an approved Master Plan. In such cases where a Master Plan is approved for a property, the allowable uses shall be governed by the Master Plan.

Table 25.41.020(a) – Table of Land Uses

LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed

NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.

Land Use | MUV Subdistrict	*MUV-1*	*MUV-2*	*MUV-3*	*MUV-4*	*MUV-5*	*MUV-6*	*MUV-7*	*MUV-8*	*MUV-9*
Open Space / Passive Recreation (1)	A	A	A	A	A	A	A	A	P
Commercial recreation facilities such as golf, tennis, swimming and all indoor commercial recreation facilities (1)	P	P	P	P	A	P	P		P
Service businesses / Retail trade (individual tenant spaces up to 20,000-sf)	P	P	P	P	A	P	P		A
Service businesses / Retail trade (individual tenant spaces over 20,000-sf)	C	C	C	C		C	C		C
Restaurant and Drinking Establishments	P	P	P	P	A	P	P		A
Hotel (up to 150 rooms)	P	P							P
Hotel (over 150 rooms)	P	P							C
Multifamily residences(1)	P	P	P					P	
Single-family residences(1)	P	P							
Family day care	P	P	P						
Child day care centers(1)	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	
Home occupations	A	A	A					A	
Convention center	P		P						A
Cultural/community center(1)	P		P	P			P	P	P
Public uses other than parks and K-12 schools(1)	P		P	P					A
Office	P	P	P	P	P	P	P	P	A

Table 25.41.020(a) – Table of Land Uses

LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed

NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.

Land Use | MUV Subdistrict	*MUV-1*	*MUV-2*	*MUV-3*	*MUV-4*	*MUV-5*	*MUV-6*	*MUV-7*	*MUV-8*	*MUV-9*
Light Manufacturing (up to 200,000 sf)	P	P	P	P	P	P	P	P	
Light Manufacturing (over 200,000 sf)	C	C	C		C	C	C	C	
Research and Development	P	P	P	P	P	P	P	P	
Warehouse *(not warehouse distribution)*	P	P	P	P	P	P	P	P	
Utility facility	P	P	P	P	P	P	P	P	A
Wireless communication facility, attached	A	A	A	A	A	A	A	A	A
Educational institutions[1]	P	P	P	P					A

Notes:

[1] **Further Land Use Restrictions:** These uses may be further restricted based on a State of Washington Department of Ecology Consent Decree and/or private restrictive covenant. These uses may only be allowed when not prohibited/restricted by a consent decree and/or restrictive covenant. The applicant shall demonstrate compliance as part of the land use and/or building permit review.

(2) The following uses and development types are specifically prohibited in all MUV subdistricts:

(a) Drive-thru facilities

(b) Gas stations/ Car Washes

(c) Fish Processing and other animal rendering operations

(d) Vehicle sales

(e) Service businesses such as wrecking yards, bulk fuel distributors, automotive repair, heavy equipment repair, and self-storage are prohibited.

(f) Adult entertainment

(g) Warehouse Distribution

25.41.030 Maximum Residential Density.

(1) Multifamily residences

(a) Multifamily residential shall be limited to 24 dwelling units per gross acre. The area used for calculating the allowable density shall be based on the lot/parcel used for the residential development. The Community Development Director, or designee, may interpret the land area used for density calculation.

(b) The total MUV subdistricts shall be limited to 1,000 multifamily dwelling units. The City shall maintain a ledger of approved multifamily dwelling units in determining whether multifamily dwelling units are available for future development.

(2) Single-Family residences

(a) Single-family residences shall be limited to three dwelling units per gross acre. The area used for calculating the allowable density shall be based on the lot/parcel used for the residential development; the density calculation may be based on the area prior to platting individual single-family lots. The Community Development Director, or designee, may interpret the land area used for density calculation.

(b) The total MUV subdistricts shall be limited to 100 single-family dwelling units. The City shall maintain a ledger of approved single-family dwelling units in determining whether single-family dwelling units are available for future development.

25.41.040 Maximum Non-residential Floor Area Ratio (FAR).

(1) Nonresidential uses shall have a maximum 0.30 FAR.

(2) The area used for calculating the allowable FAR shall be based on the lot/parcel used for the nonresidential development. The Community Development Director, or designee, may interpret the land area used for calculation.

(3) For mixed-use building, the portions of the building devoted for residential dwellings and their ancillary uses shall be exempt from FAR standards.

(4) Nonresidential uses may seek an intensity bonus up to a maximum 0.40 FAR through an approved Master Plan (Chapter 25.152 DMC). *[The Master Plan chapter is being reviewed/considered under a separate application: Patriots Landing]*

25.41.050 Performance standards.

Development within the MUV shall be regulated by the following performance standards:

(1) The dimension standards for the MUV are established pursuant to Table 25.41.050(a).

Table 25.41.050(a) – Dimensional Standards

Standard | MUV Subdistricts	***MUV-1, MUV-2, & MUV-3***	***MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8***	***MUV-9***
Setbacks: *Note*: Front setbacks may be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.	**Single-Family:** Front : 20-ft Side: 5-ft Rear: 10-ft Abutting a golf course: 20-ft **Multifamily:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft **Nonresidential:** Front : 10-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft	**Nonresidential:** Front : 25-ft Side: 25-ft Rear: 25-ft Abutting a golf course: 30-ft *PLUS* Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.	**Multifamily:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft **Nonresidential:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft
Height: *Note*: Mechanical equipment and its screening shall not be included in height calculation. When considering mechanical equipment, *25.05.040 Rules of interpretation* shall be applied. [Height: continued]	**Single-Family:** Building height shall not exceed 35 feet in height. **Multifamily:** Building height shall not exceed 55 feet in height. **Nonresidential and mixed-use buildings:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 150 feet of a	**Nonresidential:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.	**Multifamily:** Building height shall not exceed 55 feet in height. **Nonresidential and mixed-use buildings:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.

Table 25.41.050(a) – Dimensional Standards			
Standard | MUV Subdistricts	***MUV-1, MUV-2, & MUV-3***	***MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8***	***MUV-9***
	residential district shall be limited to 35 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.		
Lot Area:	**Single-Family:** Minimum 5,000-sf **Multifamily:** There shall be no minimum lot area. **Nonresidential and mixed-use buildings:** There shall be no minimum lot area.	**Nonresidential:** There shall be no minimum lot area.	**Multifamily:** There shall be no minimum lot area. **Nonresidential and mixed-use buildings:** There shall be no minimum lot area.
Lot Coverage:	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.

(2), (3), (4) *RESERVED*

(5) Parking and loading areas shall be provided as required by Chapter 25.95 DMC.

(6) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC. Buffer requirements shall be applied pursuant to the standards listed in the Chapter 25.10. "buffer" definition.

(a) Multifamily, commercial, office, and mixed-use sites shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a light landscape buffer and/or a stormwater facility.

2. Sites abutting a residential district shall be screened by a moderate landscape buffer.

3. Sites abutting an arterial or collector roadway shall be screened by a light landscape buffer.

(b) Light manufacturing and warehouse sites shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a full landscape buffer.

2. Sites abutting a residential district shall be screened by a full landscape buffer.

3. Sites abutting an arterial or collector roadway shall be screened by a moderate landscape buffer.

(c) Buffer requirements may be administratively adjusted as part of the site plan review process. Buffers may be modified to a light buffer for the portion of the site that is occupied by office, commercial, restaurant, and/or open space uses. (e.g., the portions of a manufacturing building that is dedicated for offices). Buffers may also be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.

(d) Landscaping practices that align with low impact development (LID) methods may be applied towards the minimum landscaping area requirements for the site. For LID methods to be applied, landscaping shall follow the best management practices (BMP) as required by the City's stormwater management program.

(7) Exterior Mechanical Equipment. All HVAC equipment, pumps, heaters and other mechanical equipment shall be fully screened from view from public rights-of-way.

(8) Outdoor Storage. Outdoor storage, if located between a building and street or side of the building and is visible from a street at other than a driveway entrance, shall be screened by a six-foot high solid fence or wall.

(9) Trash Enclosures. The design of trash enclosures shall comply with Chapter 25.100 DMC.

(10) Signage. Signage shall comply with Chapter 25.116 DMC. Signs are prohibited on individual single-family lots.

(11) Noise levels shall comply with DMC 9.09(d)(1) for Class C (industrial) environmental designations.

(12) Air emissions shall comply with applicable regulations of the Puget Sound Air Pollution Control Authority. No visible, frequent smoke shall be emitted and no dust from the site shall be detectable by a person of ordinary sensitivity without instruments at any point outside the lot lines of the industrial use.

(13) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point along the lot or lots on which the use or structure is located.

(14) Outdoor lighting shall be designed to minimize light throw beyond the site. Outdoor light poles shall not exceed 30 feet. A photometric plan shall be submitted as part of site plan review.

(15) Hazardous Substance or Waste Storage. A maximum of 20,000 pounds of hazardous substances or hazardous wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is delivered for on-site operations or produced on-site. Nothing in this section shall preclude storage of diesel fuel stored on-site for emergency generators.

25.41.060 Design Standards.

(1) Multifamily buildings shall be subject to the *Multifamily Design Regulations and Guidelines* (Chapter 25.65 DMC). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take precedence.

(2) Commercial, restaurant, office, and mixed-use structures shall be subject to the *Commercial and Mixed Use Design Regulations and Guidelines* (Chapter 25.70 DMC). Light manufacturing, warehouse and research and development buildings shall comply with DMC 25.41.060(3). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take precedence.

(3) Light manufacturing, warehouse, and research and development buildings shall be subject to the following design guidelines.

(a) Blank walls greater than 50 feet in length along the front and side of a building shall be softened either by planting large, 12-foot minimum trees adjacent to the building, by wood trellises on the building, or by similar means.

(b) Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multi-phase campuses are encouraged to be of similar character.

(c) Parking areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate buffer (see Chapter 25.90 DMC).

(d) Loading docks, service areas, and semi-truck parking areas shall be located at the rear of buildings or separated from public rights-of-way by a full buffer (see Chapter 25.90 DMC).

(e) Warehouse buildings shall not be allowed within 500-ft of a residential zoning district.

(4) Pedestrian Amenities.

(a) All roadways shall include sidewalks and/or a multi-use trail to facilitate pedestrian circulation.

(b) All buildings shall have a direct, paved pedestrian connection from the front entrance to the nearest street sidewalk.

(c) Surface parking lots shall be designed with a designated pedestrian pathway that connects to a prominent building access door.

25.41.070 Design Review.

Design review is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.175.010. Design review may be processed concurrently with the Site Plan Approval process.

25.41.080 Site Plan Approval.

Site plan approval is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.150.

25.41.090 Transportation Corridor Accommodation.

Any proposed site plan, plat and/or binding site plan shall accommodate roadways, trails, and other rights-of-way as depicted in the Old Fort Lake Subarea Plan. The Community Development Director may allow roadway alignments to be adjusted to respond to documented cultural resources and/or critical areas subject.

Chapter 25.10

Definitions

25.10.020 B definitions.

"Buffer" means a strip of trees, shrubs, and ground cover of sufficient height, width, and density to screen, within three years of planting, an unsightly or nuisance-generating land use from a more sensitive land use, even in the winter months. The minimum visual screening is 100 percent for full buffers, 50 percent for moderate buffers, and 25 percent for light buffers. Berms, grade separations, walls, and fences may be incorporated to achieve up to 50 percent of the minimum screening. For critical areas "buffer" shall mean a designated area adjacent to a part of a stream or wetland that is an integral part of the stream or wetland ecosystem; or a designated area adjacent to steep slopes which protects slope stability, attenuation of surface water flow, and landslide and erosion hazards reasonably necessary to minimize risk. *[provided for reference only / this is related to the proposed MUV landscaping standards]*

25.10.040 D definitions.

"Density, gross" means the number of dwelling units per acre computed by using all land within the project boundaries *[provided for reference only / this is related to the proposed MUV density standards]*

25.10.060 F definitions.

"Floor area ratio" (FAR) means the floor area of the building or buildings on any lot divided by the area of lot or parcel exclusive of critical areas and associated buffers.

Chapter 25.40

BUSINESS TECH PARK DISTRICT

Sections:

25.40.010 Purpose.
25.40.020 Permitted uses.
25.40.025 Accessory uses.
25.40.030 Conditional uses.
25.40.040 Prohibited uses.
25.40.050 Performance standards.
25.40.060 Site plan approval.

25.40.010 Purpose.
The business tech park district is intended to provide location for a range of business park uses, including office, commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. (Ord. 06-816 § 4; Ord. 02-707 § 1)

25.40.020 Permitted uses.
(1) All uses that are permitted in the commercial, office and manufacturing/research park districts, except freestanding warehouse/distribution facilities and those listed in DMC 25.40.040.

(a) This district is intended to permit a range of office, commercial, light manufacturing and research uses that:

(i) Do not create significant noise, risk of explosion, radioactive release, or air or water pollution;

(ii) Are designed for a campus-like setting with architectural detailing as required by DMC 25.40.050(5).

(b) In addition to the specified uses permitted in the commercial, office and manufacturing/research park districts, this district permits research, research industry-oriented service providers and other compatible uses including, but not limited to:

(i) Software engineering;

(ii) Electronic components and board systems engineering, development, and application;

(iii) Biotechnology laboratories;

(iv) Communications services;

(v) Personnel services;

(vi) Child day care center;

(vii) Wireless communication facility, attached;

(viii) Utility facility;

(ix) Similar land uses.

(c) Total supporting retail and service uses in the business tech park is limited to an overall maximum of 60,000 square feet of freestanding floor area, with no more than 10,000 square feet of retail or service floor area concentrated in any single area. (Ord. 12-937 § 5; Ord. 11-919 § 11; Ord. 07-855 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1)

EXHIBIT 5

25.40.025 Accessory uses.
(1) This district permits the following uses as an accessory to the permitted uses listed in this chapter: Uses which meet the development standards in the purpose section of this chapter and provide a service to the employees or the public of any permitted use, are contained in the main building of said permitted uses, and, in the case of accessory retail uses, contain no more than 10 percent of the total floor area of said permitted use. The procedures and criteria of Chapter 25.130 DMC shall not apply to the establishment of permitted accessory uses in the BTP district.

(2) Electric vehicle charging stations and battery exchange facilities. (Ord. 11-919 § 12)

25.40.030 Conditional uses.
(1) All conditional uses in the commercial, office and manufacturing/research park districts, except those listed in DMC 25.40.040.

(2) In addition to the conditional uses in the commercial, office and manufacturing/research park districts, the conditional uses in this district include but are not limited to:

(a) School (limited to technical or adult educational facilities);

(b) Freestanding wireless communication facility;

(c) Golf course;

(d) Similar land use. (Ord. 06-816 § 4)

25.40.040 Prohibited uses.
(1) The following permitted or conditional uses in the commercial district are prohibited in the business tech park district:

(a) Service stations;

(b) Residential, even as an accessory use;

(c) Adult family home;

(d) Family day care;

(e) Schools (not including technical or adult educational facilities).

(2) The following permitted or conditional uses in the office district are prohibited in the business tech park district:

(a) Schools (not including technical or adult educational facilities);

(b) Non-office public use.

(3) The following permitted or conditional uses in the manufacturing/research park district are prohibited in the business tech park district:

(a) Mineral extraction;

(b) Single tenant retail outlet over five acres;

(c) Amusement park;

(d) Schools (not including technical or adult educational facilities);

(e) Senior housing. (Ord. 06-816 § 4)

25.40.050 Performance standards.

All uses in the business tech park district shall be regulated by the following performance standards:

(1) Lot Area. There is no minimum lot area for lots in this district.

(2) Lot Coverage. There is no maximum lot area coverage except as needed to meet setback and landscaping requirements.

(3) Building Setbacks.

(a) Front. No structure shall be closer than 25 feet to any front property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 25 feet;

(b) Side. No structure shall be closer than 25 feet to any side property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet;

(c) Rear. No structure shall be closer than 25 feet to any rear property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.

(4) Building height shall not exceed 65 feet in height. Mechanical equipment and its screening shall not be included in height calculation.

(5) Blank walls greater than 50 feet in length along the front and sides of a building shall be softened either by planting large caliper trees of 10 through 14 feet tall adjacent to the building, by wood trellises on the building, or by similar means. Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multiphase campuses are encouraged to be of similar character. The fronts of adjacent buildings on the same lot shall not be so similar in design that they are determined by the director to be virtually identical in terms of building design. Differing materials, window sizes, trim detail, entry location and treatment, and front wall modulations are examples of methods of creating differentiation between building design.

(6) Parking and loading areas shall be provided as required by Chapter 25.95 DMC. Parking and loading areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate screen (see Chapter 25.90 DMC, Landscaping).

(7) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC.

(8) Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be fully screened from view from all public rights-of-way. Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight-obscuring screen that meets the following criteria:

(a) The screen must be integrated into the architecture of the building.

(b) The screen must obscure the view of the appurtenances from adjacent streets and properties.

(c) Exemptions. The following shall be exempted from the provisions of this section:

(i) Rod, wire and dish antennas are exempt from the requirements of this section, if the screening would interfere with the effective operation of the antenna.

(ii) A painted appurtenance is exempt from the requirements of this section if the director of community development determines that painting will be as effective in minimizing rooftop clutter as would a solid sight-obscuring screen.

(9) Outdoor storage (supplies, materials, or products not contained in a structure) shall not cover more than two percent of the total site area and shall be screened from streets and adjoining properties by a 100 percent sight-obscuring wall or fence.

(10) Trash Enclosures. Trash enclosures shall be provided as required by Chapter 25.100 DMC.

(11) Signage. Signage shall comply with the requirements of Chapter 25.115 DMC.

(12) Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial) environmental designations.

(13) Air emissions shall meet applicable regulations of the Puget Sound Air Pollution Control Authority, and no visible, frequent smoke, dust, or gases shall be emitted.

(14) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point along the lot or lots on which the use or structure is located.

(15) Outdoor lighting shall be designed to minimize light escapement beyond the site.

(16) Hazardous Substance or Waste Storage. No more than 20,000 pounds of hazardous substances or hazardous wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is delivered for on-site operations or produced on-site. Nothing in this section shall preclude storage of diesel fuel stored on-site for emergency generators. (Ord. 07-854 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.030.)

25.40.060 Site plan approval.
Site plan approval is required for all development projects. Development projects on sites of 15 acres or less and expansions of permitted projects involving 15 acres or less of a new development shall be processed with a Type II procedure. Development projects and expansions larger than 15 acres shall be processed with a Type III procedure. Processes for all procedures are set forth in DMC 25.175.010. (Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.040.)

Chapter 25.15

LAND USE DISTRICTS AND MAP ESTABLISHED

Sections:

25.15.010 Purpose of districts.
25.15.020 List of districts established.
25.15.030 Zoning map.
25.15.040 Boundary interpretation.

25.15.010 Purpose of districts.
The city is divided into land use districts with the intent to provide for the distribution of land uses as contemplated by the city's comprehensive plan and its related goals, policies, and programs; to maintain stability by grouping compatible uses and levels of activity and maintain commitment to public service facilities such as transportation systems, parks and utilities. (Ord. 02-707 § 1)

25.15.020 List of districts established.
The use classifications are:

District	Designation
Residential-3	R-3
Residential-4	R-4
Residential-5	R-5
Residential Reserve	RR
Residential-12	R-12
Commercial	COM
Office	OFF
Mixed Use	MXD
Mixed-Use Village	MUV
Business and Technology Park	BTP
Manufacturing Research Park	MRP
Industrial	IND
Open Space	OS
Military	MIL
Mineral Resource Overlay	MRO

25.15.030 Zoning map.
(1) The boundaries of the use districts are shown on the official zoning map, which together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this title. The regulations of this title governing the use of land, buildings and structures, the height of buildings and structures, the sizes of yards about buildings and structures, and other matters set forth in this title are hereby established and declare to be in effect upon all land included within the boundaries of each and every district shown upon the zoning map.

(2) The boundaries of the use district shall be determined or defined or redefined from time to time, by the adoption of district maps covering the city showing the geographical area and location of the district. Each district map shall be, upon its final adoption, a part of this title, and the map, all notations, references and other information shown shall be made a part of this title as though all matters and information set forth on the map were fully described herein.

(3) The official zoning map shall be identified by the signature of the mayor and be attested and notarized by the city clerk. The original copy of the official zoning map shall be retained in the office of the city clerk. (Ord. 02-707 § 1)

25.15.040 Boundary interpretation.
The boundaries between classifications of the official zoning maps shall be interpreted specifically as shown on the maps and associated ordinances. Should uncertainty remain in regards to location or meaning of a boundary, the location or meaning shall be determined utilizing the following rules:

(1) Where district boundaries are indicated as approximately following the centerline of streets, alleys, highways, waterways or railroad tracks, the actual centerline shall be construed to be the boundary.

(2) Where district boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundary of such use district.

(3) Where a district boundary on the official zoning map divides a tract in unsubdivided property, the location of the use district boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the official zoning map.

(4) Where a public street or alley is officially vacated the regulations applying to the abutting property to which the vacated portion reverts shall apply to such vacated street or alley.

(5) In case uncertainty exists which cannot be determined by application of the foregoing rules, the hearing examiner shall determine the location of such use district boundaries pursuant to the provisions for code interpretations. (Ord. 02-707 § 1)

Chapter 25.125

WIRELESS COMMUNICATION FACILITIES

Sections:

25.125.010 Purpose.
25.125.020 Exemptions.
25.125.030 Recognition of industry needs.
25.125.040 Where permitted.
25.125.045 Procedure.
25.125.050 Development standards.
25.125.060 Conditional use permit criteria.
25.125.070 Third-party review.

25.125.010 Purpose.
The purpose of this chapter is to establish a comprehensive framework regarding the construction, modification, and placement of wireless communication facilities while protecting the community from harmful effects, including visual impact. The city intends to achieve this purpose by encouraging providers to:

(1) Locate wireless communication facilities (WCFs) in nonresidential areas;

(2) Minimize the total number of freestanding WCFs through collocation; and

(3) Minimize visual impact of WCFs through selective placement, careful design, and screening. (Ord. 02-707 § 1)

25.125.020 Exemptions.
The following shall not be considered WCFs, and shall be exempt from this chapter:

(1) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

(2) Licensed amateur (ham) radio antennas.

(3) Television antennas and satellite dish antennas for reception within individual homes or businesses.

(4) Temporary WCFs placed in service for a maximum of one week or during an emergency declared by a governmental agency provided they are not located in a zone in which they are not permitted as provided in DMC 25.125.040. (Ord. 02-707 § 1)

25.125.030 Recognition of industry needs.
It is the city's understanding that:

(1) Communication occurs primarily by line-of-sight transmission;

(2) Providers require a network of WCFs in order to cover their service areas;

(3) Individual wireless communication facilities making up the network require road access, electric power, and land-based telephone lines or microwave link capability. (Ord. 02-707 § 1)

25.125.040 Where permitted.
The following table identifies which type of permit must be obtained for a proposed WCF within a specific zone in the city of DuPont.

Specific Zone	Wireless Communication Facility (WCF), Attached	Wireless Communication Facility (WCF), Freestanding	Wireless Communication Facility (WCF), Public
Residential	Not permitted	Not permitted	Administrative
Office, Commercial, Mixed Use, Mixed-Use Village, Open Space	Administrative	Not permitted	Administrative
Industrial, Manufacturing/ Research Park, Business and Technology Park	Permitted, provided the zoning administrator finds that the attached WCF does not violate any condition relating to the pre-existing structure	Conditional	Administrative

Note: The second and/or subsequent WCF to occupy a freestanding or public collocation WCF site need not obtain a separate conditional use permit. It will be treated as a permitted use and processed administratively. The criteria for administrative consideration shall be the same as contained in the development standards and conditional use permit criteria (DMC 25.125.050 and 25.125.060).

(Ord. 12-937 § 8; Ord. 02-707 § 1)

25.125.045 Procedure.
All wireless communication facilities, attached, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type I procedure. Wireless communication facilities, freestanding, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type III procedure. Wireless communication facilities, public, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type II procedure. Processes for all procedures are set forth in DMC 25.175.010. (Ord. 12-937 § 8; Ord. 02-707 § 1)

25.125.050 Development standards.
Any proposed WCFs must comply with all of the following development standards:

(1) Height. The height of WCFs requiring conditional use permits shall not be limited by the height limits stated in the underlying zone, but determined through the conditional use permit process.

(2) Setbacks. WCFs shall be set back from property lines in accordance with the requirements of the zones in which they are located.

(3) Compliance with Applicable Standards. All WCFs must meet or exceed current standards and regulations of the Federal Aviation Administration and FCC, and any other agency of the federal government with the authority to regulate WCFs.

(4) Landscaping. Landscaping shall be required for the WCF site as specified by the DuPont Municipal Code. The city may require full, moderate, or light buffers as defined in the landscape ordinance to mitigate incompatibility between uses.

(5) Design. Wireless communication facilities must be designed to complement surrounding structures through the use of muted paint schemes, locating the facility within or on an existing structure or similar means.

(6) Lighting. No lights or signs shall be permitted on a freestanding WCF unless required by the FCC or FAA.

(7) Other Protections. The city may require shields to protect from ice falling from towers, anti-climbing devices to prevent unauthorized persons from climbing towers, or other appurtenances necessary to protect life and property.

(8) Removal Upon Abandonment. The provider of the WCF shall provide the city with notice to the FCC of intent to cease operations and shall remove the obsolete WCF within three months from the date of said notice or when the site has been abandoned as evidenced by the discontinuance of electrical power for more than 60 days. If an abandoned WCF is not removed, the city may have it removed at the provider's expense. (Ord. 02-707 § 1)

25.125.060 Conditional use permit criteria.
In addition to the development standards of DMC 25.125.050, providers shall demonstrate compliance with all of the following criteria:

(1) Providers must demonstrate that they have a valid FCC telecommunications license. If the applicant is not the provider, the applicant must present a lease agreement with a licensed provider.

(2) For proper functioning of a provider's network engineering, evidence must be submitted with formal city application, showing the existing WCF service area and service area intended to be covered by the proposed facility.

(3) No new freestanding WCF may be constructed within one mile of an existing freestanding WCF, unless it can be demonstrated to the satisfaction of the city that the existing freestanding WCF is not available for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

(4) The proposed WCF height must be the minimum necessary to fulfill the site's function within the provider's network and collocated WCFs.

(5) Freestanding WCFs must be designed for collocation.

(6) Providers must submit scale drawings of the WCF as viewed from appropriate public locations. The proposed WCF shall be made visually inconspicuous. Use of topography, trees, buildings, architectural design, and inconspicuous colors are required. (Ord. 02-707 § 1)

25.125.070 Third-party review.
In processing a WCF permit application, the city may retain the services of independent experts to verify compliance with this chapter. All cost of such services shall be borne by the applicant. (Ord. 02-707 § 1)

Chapter 25.175

ADMINISTRATION OF DEVELOPMENT REGULATIONS

Sections:

25.175.010 Types of project permit applications.
25.175.020 Processing Type I – IV project permit applications.
25.175.030 Posting of public notice.
25.175.040 Consistency with development regulations.
25.175.050 Open record public hearings.
25.175.060 Closed record meetings and appeals.

25.175.010 Types of project permit applications.

(1) Procedures for Processing Project Permits. For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in subsection (6) of this section. Exclusions from the requirements of project permit application processing are contained in subsection (7) of this section.

(2) Determination of Proper Procedure Type.

(a) The planning director or his/her designee (hereinafter the "director") shall determine the proper procedure for all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the higher numbered procedure.

(b) An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or may be processed individually under each of the application procedures identified in subsection (4) of this section. The applicant may determine whether the application will be processed collectively or individually. If the applications are processed individually the director shall determine which procedure shall be undertaken first and the sequence of the other procedures so the project may be processed in as concurrent a fashion as possible.

(c) Applications processed in accordance with subsection (2)(b) of this section which have the same procedure number, but are assigned to different hearing bodies, shall be heard collectively by the highest decision maker; the city council being the highest body, followed by the hearing examiner and then the director. Joint public hearings with other agencies shall be processed according to subsection (5) of this section.

(3) The director of community development, or designee, may issue a written interpretation for any section of DMC Titles 23, Environment, 24, Subdivisions, or 25, Land Use Code, at any such time as the code is silent regarding an issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be appealed to the hearing examiner.

(4) Joint Public Hearings with Other Governmental Entities.

(a) The director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as the hearing is held within the city limits, and the requirements of subsection (4)(c) of this section are met. A "Project Permit Summary: Action Type" table is included below.

1

Project Permit Summary: Action Type

Type I	Type II	Type III	Type IV	Type V
• Permitted and accessory uses not requiring site plan review. • Short plat, short plat amendment. • Boundary line adjustment. • Lot line elimination. • Design review. • Administrative interpretation. • Administrative variance. • Minor amendment to site plan. • Time extension. • Home occupation. • Temporary use. • Sign permit. • Landscape plan and plan modification.	• Multifamily site plan less than 80 units. • Business tech. park, manufacturing research park, and industrial site plan less than 15 acres. • Major amendment to Type II site plan. • Commercial District: drive thru window, utilities as designated in DMC 25.25.020, attached wireless facilities, and open-air vending. • Office District: service uses less than 10 percent of main building, utilities as designated in DMC 25.30.010. • Mixed Use Village: Multifamily, non-residential, and mixed-use buildings	• Preliminary plat. • Plat alteration. • Site plan other than Type II. • Major amendment to site plan other than Type II. • Conditional use. • Variance. • Site specific reclassification. • Binding site plan. • Shoreline permit. • Shoreline conditional use or variance. • Mineral resource extraction.	• Final plat	• Comprehensive plan o Text amendment. o Map amendment. • Land use code o Text amendment. o Map amendment.
Decision by:				
Community Development Director	Community Development Director	Hearing Examiner	City Council	City Council
Appeal to:				
Hearing Examiner	Hearing Examiner			
Pierce County Court	Pierce County Court	Pierce County Court	Pierce County Court	Pierce County Court

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Chapter 25.41

MIXED USE VILLAGE (MUV)

Sections:

25.41.010 Purpose.
25.41.020 Land uses.
25.41.030 Maximum Residential Density.
25.41.040 Maximum Non-residential Floor Area Ratio (FAR)
25.41.050 Performance standards.
25.41.060 Design Standards.
25.41.070 Design Review.
25.41.080 Site Plan Approval.
25.41.090 Transportation Corridor Accommodation.

25.41.010 Purpose.

The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described as follows:

(1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and development.

(2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

(3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research and development.

(4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale limitations to ensure compatibility with the nearby residential and school properties.

(5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light manufacturing, and research and development.

(6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

(7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

(8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

(9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as commercial/restaurant, administrative office, and hotels.

25.41.020 Land uses.

(1) Land uses allowed within the MUV and its subdistricts are identified in Table 25.41.020(a).

(a) A 'P' in Table 25.41.020(a) indicates that the specific use is a Permitted use.

(b) An "A" in Table 25.41.020(a) indicates that the specific use is permitted as an accessory use to other uses within the district. Where an "A", a slash (/), and a letter are displayed in the table (e.g. A / P), the use may be permitted as an accessory use OR established as a stand-alone use subject to the corresponding review procedure (indicated by the a 'P' or 'C').

(c) A 'C' in Table 25.41.020(a) indicates that the specific use is a Conditional Use.

(d) A blank in Table 25.41.020(a) indicates that the specific use is prohibited in the subdistrict.

(e) Uses may be further defined, restricted, and/or limited pursuant to an approved Master Plan. In such cases where a Master Plan is approved for a property, the allowable uses shall be governed by the Master Plan.

Table 25.41.020(a) – Table of Land Uses

LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed

NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.

Land Use | MUV Subdistrict	***MUV-1***	***MUV-2***	***MUV-3***	***MUV-4***	***MUV-5***	***MUV-6***	***MUV-7***	***MUV-8***	***MUV-9***
Open Space / Passive Recreation (1)	A	A	A	A	A	A	A	A	P
Commercial recreation facilities such as golf, tennis, swimming and all indoor commercial recreation facilities (1)	P	P	P	P	A	P	P		P
Service businesses / Retail trade (individual tenant spaces up to 20,000-sf)	P	P	P	P	A	P	P		A
Service businesses / Retail trade (individual tenant spaces over 20,000-sf)	C	C	C	C		C	C		C
Restaurant and Drinking Establishments	P	P	P	P	A	P	P		A
Hotel (up to 150 rooms)	P	P							P
Hotel (over 150 rooms)	P	P							C
Multifamily residences(1)	P	P	P					P	
Single-family residences(1)	P	P							
Family day care	P	P	P						
Child day care centers(1)	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	
Home occupations	A	A	A					A	
Convention center	P		P						A
Cultural/community center(1)	P		P	P			P	P	P
Public uses other than parks and K-12 schools(1)	P		P	P					A
Office	P	P	P	P	P	P	P	P	A
Light Manufacturing (up to 200,000 sf)	P	P	P	P	P	P	P	P	

Table 25.41.020(a) – Table of Land Uses

LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed
NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.

Land Use | MUV Subdistrict	***MUV-1***	***MUV-2***	***MUV-3***	***MUV-4***	***MUV-5***	***MUV-6***	***MUV-7***	***MUV-8***	***MUV-9***
Light Manufacturing (over 200,000 sf)	C	C	C		C	C	C	C	
Research and Development	P	P	P	P	P	P	P	P	
Warehouse *(not warehouse distribution)*	P	P	P	P	P	P	P	P	
Utility facility	P	P	P	P	P	P	P	P	A
Wireless communication facility, attached	A	A	A	A	A	A	A	A	A
Educational institutions[(1)]	P	P	P	P					A

Notes:
[(1)] **Further Land Use Restrictions:** These uses may be further restricted based on a State of Washington Department of Ecology Consent Decree and/or private restrictive covenant. These uses may only be allowed when not prohibited/restricted by a consent decree and/or restrictive covenant. The applicant shall demonstrate compliance as part of the land use and/or building permit review.

(2) The following uses and development types are specifically prohibited in all MUV subdistricts:

(a) Drive-thru facilities

(b) Gas stations/ Car Washes

(c) Fish Processing and other animal rendering operations

(d) Vehicle sales

(e) Service businesses such as wrecking yards, bulk fuel distributors, automotive repair, heavy equipment repair, and self-storage are prohibited.

(f) Adult entertainment

(g) Warehouse Distribution

25.41.030 Maximum Residential Density.

(1) Multifamily residences

(a) Multifamily residential shall be limited to 24 dwelling units per gross acre. The area used for calculating the allowable density shall be based on the lot/parcel used for the residential development. The Community Development Director, or designee, may interpret the land area used for density calculation.

(b) The total MUV subdistricts shall be limited to 1,000 multifamily dwelling units. The City shall maintain a ledger of approved multifamily dwelling units in determining whether multifamily dwelling units are available for future development.

(2) Single-Family residences

(a) Single-family residences shall be limited to three dwelling units per gross acre. The area used for calculating the allowable density shall be based on the lot/parcel used for the residential development; the density calculation may be based on the area prior to platting individual single-family lots. The Community Development Director, or designee, may interpret the land area used for density calculation.

(b) The total MUV subdistricts shall be limited to 100 single-family dwelling units. The City shall maintain a ledger of approved single-family dwelling units in determining whether single-family dwelling units are available for future development.

25.41.040 Maximum Non-residential Floor Area Ratio (FAR).
(1) Nonresidential uses shall have a maximum 0.30 FAR.

(2) The area used for calculating the allowable FAR shall be based on the lot/parcel used for the nonresidential development. The Community Development Director, or designee, may interpret the land area used for calculation.

(3) For mixed-use building, the portions of the building devoted for residential dwellings and their ancillary uses shall be exempt from FAR standards.

(4) Nonresidential uses may seek an intensity bonus up to a maximum 0.40 FAR through an approved Master Plan (Chapter 25.152 DMC).

25.41.050 Performance standards.
Development within the MUV shall be regulated by the following performance standards:

(1) The dimension standards for the MUV are established pursuant to Table 25.41.050(a).

Table 25.41.050(a) – Dimensional Standards

Standard | **MUV Subdistricts**	***MUV-1, MUV-2, & MUV-3***	***MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8***	***MUV-9***
Setbacks: *Note*: Front setbacks may be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.	**Single-Family:** Front : 20-ft Side: 5-ft Rear: 10-ft Abutting a golf course: 20-ft **Multifamily:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft **Nonresidential:** Front : 10-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft	**Nonresidential:** Front : 25-ft Side: 25-ft Rear: 25-ft Abutting a golf course: 30-ft *PLUS* Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.	**Multifamily:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft **Nonresidential:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft
Height: *Note*: Mechanical equipment and its screening shall not be included in height calculation. When considering mechanical equipment, *25.05.040 Rules of interpretation* shall be applied.	**Single-Family:** Building height shall not exceed 35 feet in height. **Multifamily:** Building height shall not exceed 55 feet in height. **Nonresidential and mixed-use buildings:** Building height shall not exceed 65 feet in height.	**Nonresidential:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.	**Multifamily:** Building height shall not exceed 55 feet in height. **Nonresidential and mixed-use buildings:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.

Table 25.41.050(a) – Dimensional Standards			
Standard | MUV Subdistricts	***MUV-1, MUV-2, & MUV-3***	***MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8***	***MUV-9***
	PLUS Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.		
Lot Area:	**Single-Family:** Minimum 5,000-sf **Multifamily:** There shall be no minimum lot area. **Nonresidential and mixed-use buildings:** There shall be no minimum lot area.	**Nonresidential:** There shall be no minimum lot area.	**Multifamily:** There shall be no minimum lot area. **Nonresidential and mixed-use buildings:** There shall be no minimum lot area.
Lot Coverage:	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.

(2), (3), (4) *RESERVED*

(5) Parking and loading areas shall be provided as required by Chapter 25.95 DMC.

(6) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC. Buffer requirements shall be applied pursuant to the standards listed in the Chapter 25.10 "buffer" definition.

(a) Multifamily, commercial, office, and mixed-use sites shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a light landscape buffer and/or a stormwater facility.

2. Sites abutting a residential district shall be screened by a moderate landscape buffer.

3. Sites abutting an arterial or collector roadway shall be screened by a light landscape buffer.

(b) Light manufacturing and warehouse sites shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a full landscape buffer.

2. Sites abutting a residential district shall be screened by a full landscape buffer.

3. Sites abutting an arterial or collector roadway shall be screened by a moderate landscape buffer.

(c) Buffer requirements may be administratively adjusted as part of the site plan review process. Buffers may be modified to a light buffer for the portion of the site that is occupied by office, commercial, restaurant, and/or open space uses. (e.g., the portions of a manufacturing building that is dedicated for offices). Buffers may also be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.

(d) Landscaping practices that align with low impact development (LID) methods may be applied towards the minimum landscaping area requirements for the site. For LID methods to be applied, landscaping shall follow the best management practices (BMP) as required by the City's stormwater management program.

(7) Exterior Mechanical Equipment. All HVAC equipment, pumps, heaters and other mechanical equipment shall be fully screened from view from public rights-of-way.

(8) Outdoor Storage. Outdoor storage, if located between a building and street or side of the building and is visible from a street at other than a driveway entrance, shall be screened by a six-foot high solid fence or wall.

(9) Trash Enclosures. The design of trash enclosures shall comply with Chapter 25.100 DMC.

(10) Signage. Signage shall comply with Chapter 25.116 DMC. Signs are prohibited on individual single-family lots.

(11) Noise levels shall comply with DMC 9.09(d)(1) for Class C (industrial) environmental designations.

(12) Air emissions shall comply with applicable regulations of the Puget Sound Air Pollution Control Authority. No visible, frequent smoke shall be emitted and no dust from the site shall be detectable by a person of ordinary sensitivity without instruments at any point outside the lot lines of the industrial use.

(13) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point along the lot or lots on which the use or structure is located.

(14) Outdoor lighting shall be designed to minimize light throw beyond the site. Outdoor light poles shall not exceed 30 feet. A photometric plan shall be submitted as part of site plan review.

(15) Hazardous Substance or Waste Storage. A maximum of 20,000 pounds of hazardous substances or hazardous wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is delivered for on-site operations or produced on-site. Nothing in this section shall preclude storage of diesel fuel stored on-site for emergency generators.

25.41.060 Design Standards.

(1) Multifamily buildings shall be subject to the *Multifamily Design Regulations and Guidelines* (Chapter 25.65 DMC). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take precedence.

(2) Commercial, restaurant, office, and mixed-use structures shall be subject to the *Commercial and Mixed Use Design Regulations and Guidelines* (Chapter 25.70 DMC). Light manufacturing, warehouse and research and development buildings shall comply with DMC 25.41.060(3). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take precedence.

(3) Light manufacturing, warehouse, and research and development buildings shall be subject to the following design guidelines.

(a) Blank walls greater than 50 feet in length along the front and side of a building shall be softened either by planting large, 12-foot minimum trees adjacent to the building, by wood trellises on the building, or by similar means.

(b) Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multi-phase campuses are encouraged to be of similar character.

(c) Parking areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate buffer (see Chapter 25.90 DMC).

(d) Loading docks, service areas, and semi-truck parking areas shall be located at the rear of buildings or separated from public rights-of-way by a full buffer (see Chapter 25.90 DMC).

(e) Warehouse buildings shall not be allowed within 500-ft of a residential zoning district.

(4) Pedestrian Amenities.

(a) All roadways shall include sidewalks and/or a multi-use trail to facilitate pedestrian circulation.

(b) All buildings shall have a direct, paved pedestrian connection from the front entrance to the nearest street sidewalk.

(c) Surface parking lots shall be designed with a designated pedestrian pathway that connects to a prominent building access door.

25.41.070 Design Review.
Design review is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.175.010. Design review may be processed concurrently with the Site Plan Approval process.

25.41.080 Site Plan Approval.
Site plan approval is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.150.

25.41.090 Transportation Corridor Accommodation.
Any proposed site plan, plat and/or binding site plan shall accommodate roadways, trails, and other rights-of-way as depicted in the Old Fort Lake Subarea Plan. The Community Development Director may allow roadway alignments to be adjusted to respond to documented cultural resources and/or critical areas subject.

Chapter 25.10

DEFINITIONS

25.10.020 B definitions.

"Buffer" means a strip of trees, shrubs, and ground cover of sufficient height, width, and density to screen, within three years of planting, an unsightly or nuisance-generating land use from a more sensitive land use, even in the winter months. The minimum visual screening is 100 percent for full buffers, 50 percent for moderate buffers, and 25 percent for light buffers. Berms, grade separations, walls, and fences may be incorporated to achieve up to 50 percent of the minimum screening. For critical areas "buffer" shall mean a designated area adjacent to a part of a stream or wetland that is an integral part of the stream or wetland ecosystem; or a designated area adjacent to steep slopes which protects slope stability, attenuation of surface water flow, and landslide and erosion hazards reasonably necessary to minimize risk.

25.10.040 D definitions.

"Density, gross" means the number of dwelling units per acre computed by using all land within the project boundaries.

25.10.060 F definitions.

"Floor area ratio" (FAR) means the floor area of the building or buildings on any lot divided by the area of lot or parcel exclusive of critical areas and associated buffers.

*[**Current Code Text** – current language in the code is denoted WITHOUT underline or ~~strikeout~~ text]*
*[**Proposed Code Text** – language that is proposed to be added in the code is denoted in this document with underlined text]*
*[**Proposed Code Deleted Text** – language that is proposed for deletion in the code is denoted in this document with ~~strikeout~~ text.]*
*[**Revised Proposed Code Text** – language that has been proposed for insertion in the code and then retracted is denoted with underline AND ~~strikeout~~. (e.g. ~~new text~~]*
*[**Alternate Code Text** – language that is proposed for insertion in the code AND different from the Planning Commission recommendation is denoted as underline AND in RED. (e.g. new text]*
*[**Bracketed Text** – text listed in brackets ([ ]) are intended for reader reference only and are NOT a part of the proposed code text amendments; bracketed text shall not be included in associate code updates.]*

Chapter 25.40

BUSINESS TECH PARK DISTRICT

[the BTP district text will remain in the land use code, this will remain in effect for the Old Fort Lake subarea until a zone change is processed. The BTP district may be applied to other properties within the City of DuPont]

Sections:

25.40.010 Purpose.
25.40.020 Permitted uses.
25.40.025 Accessory uses.
25.40.030 Conditional uses.
25.40.040 Prohibited uses.
25.40.050 Performance standards.
25.40.060 Site plan approval.

25.40.010 Purpose.

The business tech park district is intended to provide location for a range of business park uses, including office, commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. (Ord. 06-816 § 4; Ord. 02-707 § 1)

25.40.020 Permitted uses.

(1) All uses that are permitted in the commercial, office and manufacturing/research park districts, except freestanding warehouse/distribution facilities and those listed in DMC 25.40.040.

(a) This district is intended to permit a range of office, commercial, light manufacturing and research uses that:

(i) Do not create significant noise, risk of explosion, radioactive release, or air or water pollution;

(ii) Are designed for a campus-like setting with architectural detailing as required by DMC 25.40.050(5).

(b) In addition to the specified uses permitted in the commercial, office and manufacturing/research park districts, this district permits research, research industry-oriented service providers and other compatible uses including, but not limited to:

(i) Software engineering;

(ii) Electronic components and board systems engineering, development, and application;

(iii) Biotechnology laboratories;

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(iv) Communications services;

(v) Personnel services;

(vi) Child day care center;

(vii) Wireless communication facility, attached;

(viii) Utility facility;

(ix) Similar land uses.

(c) Total supporting retail and service uses in the business tech park is limited to an overall maximum of 60,000 square feet of freestanding floor area, with no more than 10,000 square feet of retail or service floor area concentrated in any single area. (Ord. 12-937 § 5; Ord. 11-919 § 11; Ord. 07-855 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1)

25.40.025 Accessory uses.
(1) This district permits the following uses as an accessory to the permitted uses listed in this chapter: Uses which meet the development standards in the purpose section of this chapter and provide a service to the employees or the public of any permitted use, are contained in the main building of said permitted uses, and, in the case of accessory retail uses, contain no more than 10 percent of the total floor area of said permitted use. The procedures and criteria of Chapter 25.130 DMC shall not apply to the establishment of permitted accessory uses in the BTP district.

(2) Electric vehicle charging stations and battery exchange facilities. (Ord. 11-919 § 12)

25.40.030 Conditional uses.
(1) All conditional uses in the commercial, office and manufacturing/research park districts, except those listed in DMC 25.40.040.

(2) In addition to the conditional uses in the commercial, office and manufacturing/research park districts, the conditional uses in this district include but are not limited to:

(a) School (limited to technical or adult educational facilities);

(b) Freestanding wireless communication facility;

(c) Golf course;

(d) Similar land use. (Ord. 06-816 § 4)

25.40.040 Prohibited uses.
(1) The following permitted or conditional uses in the commercial district are prohibited in the business tech park district:

(a) Service stations;

(b) Residential, even as an accessory use;

(c) Adult family home;

(d) Family day care;

(e) Schools (not including technical or adult educational facilities).

(2) The following permitted or conditional uses in the office district are prohibited in the business tech park district:

(a) Schools (not including technical or adult educational facilities);

(b) Non-office public use.

(3) The following permitted or conditional uses in the manufacturing/research park district are prohibited in the business tech park district:

(a) Mineral extraction;

(b) Single tenant retail outlet over five acres;

(c) Amusement park;

(d) Schools (not including technical or adult educational facilities);

(e) Senior housing. (Ord. 06-816 § 4)

25.40.050 Performance standards.
All uses in the business tech park district shall be regulated by the following performance standards:

(1) Lot Area. There is no minimum lot area for lots in this district.

(2) Lot Coverage. There is no maximum lot area coverage except as needed to meet setback and landscaping requirements.

(3) Building Setbacks.

(a) Front. No structure shall be closer than 25 feet to any front property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 25 feet;

(b) Side. No structure shall be closer than 25 feet to any side property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet;

(c) Rear. No structure shall be closer than 25 feet to any rear property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.

(4) Building height shall not exceed 65 feet in height. Mechanical equipment and its screening shall not be included in height calculation.

(5) Blank walls greater than 50 feet in length along the front and sides of a building shall be softened either by planting large caliper trees of 10 through 14 feet tall adjacent to the building, by wood trellises on the building, or by similar means. Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multiphase campuses are encouraged to be of similar character. The fronts of adjacent buildings on the same lot shall not be so similar in design that they are determined by the director to be virtually identical in terms of building design. Differing materials, window sizes, trim detail, entry location and treatment, and front wall modulations are examples of methods of creating differentiation between building design.

(6) Parking and loading areas shall be provided as required by Chapter 25.95 DMC. Parking and loading areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate screen (see Chapter 25.90 DMC, Landscaping).

(7) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC.

(8) Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be fully screened from view from all public rights-of-way. Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight-obscuring screen that meets the following criteria:

(a) The screen must be integrated into the architecture of the building.

(b) The screen must obscure the view of the appurtenances from adjacent streets and properties.

(c) Exemptions. The following shall be exempted from the provisions of this section:

(i) Rod, wire and dish antennas are exempt from the requirements of this section, if the screening would interfere with the effective operation of the antenna.

(ii) A painted appurtenance is exempt from the requirements of this section if the director of community development determines that painting will be as effective in minimizing rooftop clutter as would a solid sight-obscuring screen.

(9) Outdoor storage (supplies, materials, or products not contained in a structure) shall not cover more than two percent of the total site area and shall be screened from streets and adjoining properties by a 100 percent sight-obscuring wall or fence.

(10) Trash Enclosures. Trash enclosures shall be provided as required by Chapter 25.100 DMC.

(11) Signage. Signage shall comply with the requirements of Chapter 25.115 DMC.

(12) Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial) environmental designations.

(13) Air emissions shall meet applicable regulations of the Puget Sound Air Pollution Control Authority, and no visible, frequent smoke, dust, or gases shall be emitted.

(14) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point along the lot or lots on which the use or structure is located.

(15) Outdoor lighting shall be designed to minimize light escapement beyond the site.

(16) Hazardous Substance or Waste Storage. No more than 20,000 pounds of hazardous substances or hazardous wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is delivered for on-site operations or produced on-site. Nothing in this section shall preclude storage of diesel fuel stored on-site for emergency generators. (Ord. 07-854 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.030.)

25.40.060 Site plan approval.

Site plan approval is required for all development projects. Development projects on sites of 15 acres or less and expansions of permitted projects involving 15 acres or less of a new development shall be processed with a Type II procedure. Development projects and expansions larger than 15 acres shall be processed with a Type III procedure. Processes for all procedures are set forth in DMC 25.175.010. (Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.040.)

Chapter 25.15

LAND USE DISTRICTS AND MAP ESTABLISHED

Sections:

25.15.010 Purpose of districts.
25.15.020 List of districts established.
25.15.030 Zoning map.
25.15.040 Boundary interpretation.

25.15.010 Purpose of districts.

The city is divided into land use districts with the intent to provide for the distribution of land uses as contemplated by the city's comprehensive plan and its related goals, policies, and programs; to maintain stability by grouping compatible uses and levels of activity and maintain commitment to public service facilities such as transportation systems, parks and utilities. (Ord. 02-707 § 1)

25.15.020 List of districts established.

The use classifications are:

District	Designation
Residential-3	R-3
Residential-4	R-4
Residential-5	R-5
Residential Reserve	RR
Residential-12	R-12
Commercial	COM
Office	OFF
Mixed Use	MXD
Mixed-Use Village	MUV
Business and Technology Park	BTP
Manufacturing Research Park	MRP
Industrial	IND
Open Space	OS
Military	MIL
Mineral Resource Overlay	MRO

25.15.030 Zoning map.

(1) The boundaries of the use districts are shown on the official zoning map, which together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this title. The regulations of this title governing the use of land, buildings and structures, the height of buildings and structures, the sizes of yards about buildings and structures, and other matters set forth in this title are hereby established and declare to be in effect upon all land included within the boundaries of each and every district shown upon the zoning map.

(2) The boundaries of the use district shall be determined or defined or redefined from time to time, by the adoption of district maps covering the city showing the geographical area and location of the district. Each district map shall be, upon its final adoption, a part of this title, and the map, all notations, references and other information shown shall be made a part of this title as though all matters and information set forth on the map were fully described herein.

(3) The official zoning map shall be identified by the signature of the mayor and be attested and notarized by the city clerk. The original copy of the official zoning map shall be retained in the office of the city clerk. (Ord. 02-707 § 1)

25.15.040 Boundary interpretation.

The boundaries between classifications of the official zoning maps shall be interpreted specifically as shown on the maps and associated ordinances. Should uncertainty remain in regards to location or meaning of a boundary, the location or meaning shall be determined utilizing the following rules:

(1) Where district boundaries are indicated as approximately following the centerline of streets, alleys, highways, waterways or railroad tracks, the actual centerline shall be construed to be the boundary.

(2) Where district boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundary of such use district.

(3) Where a district boundary on the official zoning map divides a tract in unsubdivided property, the location of the use district boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the official zoning map.

(4) Where a public street or alley is officially vacated the regulations applying to the abutting property to which the vacated portion reverts shall apply to such vacated street or alley.

(5) In case uncertainty exists which cannot be determined by application of the foregoing rules, the hearing examiner shall determine the location of such use district boundaries pursuant to the provisions for code interpretations. (Ord. 02-707 § 1)

Chapter 25.125

WIRELESS COMMUNICATION FACILITIES

Sections:

25.125.010 Purpose.
25.125.020 Exemptions.
25.125.030 Recognition of industry needs.
25.125.040 Where permitted.
25.125.045 Procedure.
25.125.050 Development standards.
25.125.060 Conditional use permit criteria.
25.125.070 Third-party review.

25.125.010 Purpose.
The purpose of this chapter is to establish a comprehensive framework regarding the construction, modification, and placement of wireless communication facilities while protecting the community from harmful effects, including visual impact. The city intends to achieve this purpose by encouraging providers to:

(1) Locate wireless communication facilities (WCFs) in nonresidential areas;

(2) Minimize the total number of freestanding WCFs through collocation; and

(3) Minimize visual impact of WCFs through selective placement, careful design, and screening. (Ord. 02-707 § 1)

25.125.020 Exemptions.
The following shall not be considered WCFs, and shall be exempt from this chapter:

(1) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

(2) Licensed amateur (ham) radio antennas.

(3) Television antennas and satellite dish antennas for reception within individual homes or businesses.

(4) Temporary WCFs placed in service for a maximum of one week or during an emergency declared by a governmental agency provided they are not located in a zone in which they are not permitted as provided in DMC 25.125.040. (Ord. 02-707 § 1)

25.125.030 Recognition of industry needs.
It is the city's understanding that:

(1) Communication occurs primarily by line-of-sight transmission;

(2) Providers require a network of WCFs in order to cover their service areas;

(3) Individual wireless communication facilities making up the network require road access, electric power, and land-based telephone lines or microwave link capability. (Ord. 02-707 § 1)

25.125.040 Where permitted.
The following table identifies which type of permit must be obtained for a proposed WCF within a specific zone in the city of DuPont.

Specific Zone	Wireless Communication Facility (WCF), Attached	Wireless Communication Facility (WCF), Freestanding	Wireless Communication Facility (WCF), Public
Residential	Not permitted	Not permitted	Administrative
Office, Commercial, Mixed Use, Mixed-Use Village, Open Space	Administrative	Not permitted	Administrative
Industrial, Manufacturing/ Research Park, Business and Technology Park	Permitted, provided the zoning administrator finds that the attached WCF does not violate any condition relating to the pre-existing structure	Conditional	Administrative

Note: The second and/or subsequent WCF to occupy a freestanding or public collocation WCF site need not obtain a separate conditional use permit. It will be treated as a permitted use and processed administratively. The criteria for administrative consideration shall be the same as contained in the development standards and conditional use permit criteria (DMC 25.125.050 and 25.125.060).

(Ord. 12-937 § 8; Ord. 02-707 § 1)

25.125.045 Procedure.
All wireless communication facilities, attached, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type I procedure. Wireless communication facilities, freestanding, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type III procedure. Wireless communication facilities, public, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type II procedure. Processes for all procedures are set forth in DMC 25.175.010. (Ord. 12-937 § 8; Ord. 02-707 § 1)

25.125.050 Development standards.
Any proposed WCFs must comply with all of the following development standards:

(1) Height. The height of WCFs requiring conditional use permits shall not be limited by the height limits stated in the underlying zone, but determined through the conditional use permit process.

(2) Setbacks. WCFs shall be set back from property lines in accordance with the requirements of the zones in which they are located.

(3) Compliance with Applicable Standards. All WCFs must meet or exceed current standards and regulations of the Federal Aviation Administration and FCC, and any other agency of the federal government with the authority to regulate WCFs.

(4) Landscaping. Landscaping shall be required for the WCF site as specified by the DuPont Municipal Code. The city may require full, moderate, or light buffers as defined in the landscape ordinance to mitigate incompatibility between uses.

(5) Design. Wireless communication facilities must be designed to complement surrounding structures through the use of muted paint schemes, locating the facility within or on an existing structure or similar means.

(6) Lighting. No lights or signs shall be permitted on a freestanding WCF unless required by the FCC or FAA.

(7) Other Protections. The city may require shields to protect from ice falling from towers, anti-climbing devices to prevent unauthorized persons from climbing towers, or other appurtenances necessary to protect life and property.

(8) Removal Upon Abandonment. The provider of the WCF shall provide the city with notice to the FCC of intent to cease operations and shall remove the obsolete WCF within three months from the date of said notice or when the site has been abandoned as evidenced by the discontinuance of electrical power for more than 60 days. If an abandoned WCF is not removed, the city may have it removed at the provider's expense. (Ord. 02-707 § 1)

25.125.060 Conditional use permit criteria.
In addition to the development standards of DMC 25.125.050, providers shall demonstrate compliance with all of the following criteria:

(1) Providers must demonstrate that they have a valid FCC telecommunications license. If the applicant is not the provider, the applicant must present a lease agreement with a licensed provider.

(2) For proper functioning of a provider's network engineering, evidence must be submitted with formal city application, showing the existing WCF service area and service area intended to be covered by the proposed facility.

(3) No new freestanding WCF may be constructed within one mile of an existing freestanding WCF, unless it can be demonstrated to the satisfaction of the city that the existing freestanding WCF is not available for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

(4) The proposed WCF height must be the minimum necessary to fulfill the site's function within the provider's network and collocated WCFs.

(5) Freestanding WCFs must be designed for collocation.

(6) Providers must submit scale drawings of the WCF as viewed from appropriate public locations. The proposed WCF shall be made visually inconspicuous. Use of topography, trees, buildings, architectural design, and inconspicuous colors are required. (Ord. 02-707 § 1)

25.125.070 Third-party review.
In processing a WCF permit application, the city may retain the services of independent experts to verify compliance with this chapter. All cost of such services shall be borne by the applicant. (Ord. 02-707 § 1)

Chapter 25.175

ADMINISTRATION OF DEVELOPMENT REGULATIONS

Sections:

25.175.010 Types of project permit applications.
25.175.020 Processing Type I – IV project permit applications.
25.175.030 Posting of public notice.
25.175.040 Consistency with development regulations.
25.175.050 Open record public hearings.
25.175.060 Closed record meetings and appeals.

25.175.010 Types of project permit applications.

(1) Procedures for Processing Project Permits. For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in subsection (6) of this section. Exclusions from the requirements of project permit application processing are contained in subsection (7) of this section.

(2) Determination of Proper Procedure Type.

(a) The planning director or his/her designee (hereinafter the "director") shall determine the proper procedure for all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the higher numbered procedure.

(b) An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or may be processed individually under each of the application procedures identified in subsection (4) of this section. The applicant may determine whether the application will be processed collectively or individually. If the applications are processed individually the director shall determine which procedure shall be undertaken first and the sequence of the other procedures so the project may be processed in as concurrent a fashion as possible.

(c) Applications processed in accordance with subsection (2)(b) of this section which have the same procedure number, but are assigned to different hearing bodies, shall be heard collectively by the highest decision maker; the city council being the highest body, followed by the hearing examiner and then the director. Joint public hearings with other agencies shall be processed according to subsection (5) of this section.

(3) The director of community development, or designee, may issue a written interpretation for any section of DMC Titles 23, Environment, 24, Subdivisions, or 25, Land Use Code, at any such time as the code is silent regarding an issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be appealed to the hearing examiner.

(4) Joint Public Hearings with Other Governmental Entities.

(a) The director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as the hearing is held within the city limits, and the requirements of subsection (4)(c) of this section are met. A "Project Permit Summary: Action Type" table is included below.

Project Permit Summary: Action Type

Type I	Type II	Type III	Type IV	Type V
• Permitted and accessory uses not requiring site plan review. • Short plat, short plat amendment. • Boundary line adjustment. • Lot line elimination. • Design review. • Administrative interpretation. • Administrative variance. • Minor amendment to site plan. • Time extension. • Home occupation. • Temporary use. • Sign permit. • Landscape plan and plan modification.	• Multifamily site plan less than 80 units. • Business tech. park, manufacturing research park, and industrial site plan less than 15 acres. • Major amendment to Type II site plan. • Commercial District: drive thru window, utilities as designated in DMC 25.25.020, attached wireless facilities, and open-air vending. • Office District: service uses less than 10 percent of main building, utilities as designated in DMC 25.30.010. • <u>Mixed Use Village: Multifamily, non-residential, and mixed-use buildings</u>	• Preliminary plat. • Plat alteration. • Site plan other than Type II. • Major amendment to site plan other than Type II. • Conditional use. • Variance. • Site specific reclassification. • Binding site plan. • Shoreline permit. • Shoreline conditional use or variance. • Mineral resource extraction.	• Final plat	• Comprehensive plan o Text amendment. o Map amendment. • Land use code o Text amendment. o Map amendment.
Decision by:				
Community Development Director	Community Development Director	Hearing Examiner	City Council	City Council
Appeal to:				
Hearing Examiner	Hearing Examiner			
Pierce County Court	Pierce County Court	Pierce County Court	Pierce County Court	Pierce County Court

[Other portions of this chapter have been omitted since they are not applicable to proposed amendments]

Chapter 25.41
Mixed Use Village (MUV)

Sections:

25.41.010 Purpose.
25.41.020 Land uses.
25.41.030 Maximum Residential Density.
25.41.040 Maximum Non-residential Floor Area Ratio (FAR)
25.41.050 Performance standards.
25.41.060 Design Standards.
25.41.070 Design Review.
25.41.080 Site Plan Approval.
25.41.090 Transportation Corridor Accommodation.

25.41.010 Purpose.

The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described as follows:

(1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and development.

(2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

(3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research and development.

(4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale limitations to ensure compatibility with the nearby residential and school properties.

(5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light manufacturing, and research and development.

(6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

(7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

(8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

(9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as commercial/restaurant, administrative office, and hotels.

25.41.015 Definitions

(1) The definitions in this section only apply to Chapter 25.41 of the DMC.

(a) *Light Manufacturing:* An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited.

25.41.020 Land uses.

(1) Land uses allowed within the MUV and its subdistricts are identified in Table 25.41.020(a).

(a) A 'P' in Table 25.41.020(a) indicates that the specific use is a Permitted use.

(b) An "A" in Table 25.41.020(a) indicates that the specific use is permitted as an accessory use to other uses within the district. Where an "A", a slash (/), and a letter are displayed in the table (e.g. A / P), the use may be permitted as an accessory use OR established as a stand-alone use subject to the corresponding review procedure (indicated by the a 'P' or 'C').

(c) A 'C' in Table 25.41.020(a) indicates that the specific use is a Conditional Use.

(d) A blank in Table 25.41.020(a) indicates that the specific use is prohibited in the subdistrict.

(e) Uses may be further defined, restricted, and/or limited pursuant to an approved Master Plan. In such cases where a Master Plan is approved for a property, the allowable uses shall be governed by the Master Plan.

Table 25.41.020(a) – Table of Land Uses

LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed

NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.

Land Use | MUV Subdistrict	*MUV-1*	*MUV-2*	*MUV-3*	*MUV-4*	*MUV-5*	*MUV-6*	*MUV-7*	*MUV-8*	*MUV-9*
Open Space / Passive Recreation (1)	A	A	A	A	A	A	A	A	P
Commercial recreation facilities such as golf, tennis, swimming and all indoor commercial recreation facilities (1)	P	P	P	P	A	P	P		P
Service businesses	P	P	P	P	P	P	P		A
~~Service businesses /~~ Retail trade (individual tenant spaces up to 20,000-sf)	P	P	P	P	A	P	P	A	A
~~Service businesses /~~ Retail trade (individual tenant spaces over 20,000-sf)	C	C	C	C		C	C		C
Restaurant and Drinking Establishments	P	P	P	P	A	P	P		A
Hotel (up to 150 rooms)	P	P							P
Hotel (over 150 rooms)	P	P							C

Table 25.41.020(a) – Table of Land Uses

LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed

NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.

Land Use | MUV Subdistrict	*MUV-1*	*MUV-2*	*MUV-3*	*MUV-4*	*MUV-5*	*MUV-6*	*MUV-7*	*MUV-8*	*MUV-9*
Multifamily residences(1)	P	P	P					P	
Single-family residences(1)	P	P							
Family day care	P	P	P						
Child day care centers(1)	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	
Home occupations	A	A	A					A	
Convention center	P		P						A
Cultural/community center(1)	P		P	P			P	P	P
Public uses other than parks and K-12 schools(1)	P		P	P					A
Office	P	P	P	P	P	P	P	P	A
Light Manufacturing (up to 200,000 sf)	P	P	P	P	P	P	P	P	
Light Manufacturing (over 200,000 sf)	C	C	C		C	C	C	C	
Research and Development	P	P	P	P	P	P	P	P	
~~Warehouse *(not warehouse distribution)*~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Utility facility	P	P	P	P	P	P	P	P	A
Wireless communication facility, attached	A	A	A	A	A	A	A	A	A
Educational institutions(1)	P	P	P	P					A

Notes:

(1) **Further Land Use Restrictions:** These uses may be further restricted based on a State of Washington Department of Ecology Consent Decree and/or private restrictive covenant. These uses may only be allowed when not prohibited/restricted by a consent decree and/or restrictive covenant. The applicant shall demonstrate compliance as part of the land use and/or building permit review.

(2) The following uses and development types are specifically prohibited in all MUV subdistricts:

(a) Drive-thru facilities

(b) Gas stations/ Car Washes

(c) Fish Processing and other animal rendering operations

(d) Vehicle sales

(e) Service businesses such as wrecking yards, bulk fuel distributors, automotive repair, heavy equipment repair, ~~and self-~~ mini-storage and like uses are prohibited.

(f) Adult entertainment

(g) Warehouse/~~D~~distribution

25.41.025 Additional Conditional Use Criteria.

(1) In addition to the required criteria in section 25.135.030 DMC, the following criteria shall apply to all conditional use applications in the MUV zoning district:

(a) Applications shall include a truck routing plan for the proposed development. The proposal shall include provisions for establishing a truck staging area to prevent truck parking and idling on streets and/or within residential neighborhoods. Parking, idling or staging of trucks in residential areas is prohibited.

(b) Applications shall include the proposed building elevations and a building materials list. Projects are allowed to be conditioned to ensure the building mass and design is compatible to the surrounding land uses.

25.41.030 Maximum Residential Density.

(1) Multifamily residences

(a) Multifamily residential shall be limited to 24 dwelling units per gross acre. The area used for calculating the allowable density shall be based on the lot/parcel used for the residential development. The Community Development Director, or designee, may interpret the land area used for density calculation.

(b) The total MUV subdistricts shall be limited to 1,000 multifamily dwelling units. The City shall maintain a ledger of approved multifamily dwelling units in determining whether multifamily dwelling units are available for future development.

(2) Single-Family residences

(a) Single-family residences shall be limited to three dwelling units per gross acre. The area used for calculating the allowable density shall be based on the lot/parcel used for the residential development; the density calculation may be based on the area prior to platting individual single-family lots. The Community Development Director, or designee, may interpret the land area used for density calculation.

(b) The total MUV subdistricts shall be limited to 100 single-family dwelling units. The City shall maintain a ledger of approved single-family dwelling units in determining whether single-family dwelling units are available for future development.

25.41.040 Maximum Non-residential Floor Area Ratio (FAR).

(1) Nonresidential uses shall have a maximum 0.30 FAR.

(2) The area used for calculating the allowable FAR shall be based on the lot/parcel used for the nonresidential development. The Community Development Director, or designee, may interpret the land area used for calculation.

(3) For mixed-use building, the portions of the building devoted for residential dwellings and their ancillary uses shall be exempt from FAR standards.

(4) Nonresidential uses may seek an intensity bonus up to a maximum 0.40 FAR through an approved Master Plan (Chapter 25.152 DMC). *[The Master Plan chapter is being reviewed/considered under a separate application; Patriots Landing]*

25.41.050 Performance standards.

Development within the MUV shall be regulated by the following performance standards:

(1) The dimension standards for the MUV are established pursuant to Table 25.41.050(a).

Table 25.41.050(a) – Dimensional Standards

Standard | MUV Subdistricts	***MUV-1, MUV-2, & MUV-3***	***MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8***	***MUV-9***
Setbacks: *Note*: Front setbacks may be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.	**Single-Family:** Front : 20-ft Side: 5-ft Rear: 10-ft Abutting a golf course: 20-ft **Multifamily:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft **Nonresidential:** (1) Front : 10-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft	**Nonresidential:** (1) Front : 25-ft Side: 25-ft Rear: 25-ft Abutting a golf course: 30-ft *PLUS* Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.	**Multifamily:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft **Nonresidential:** (1) Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft
Height: *Note*: Mechanical equipment and its screening shall not be included in height calculation. When considering mechanical equipment, *25.05.040 Rules of interpretation* shall be applied.	**Single-Family:** Building height shall not exceed 35 feet in height. **Multifamily:** Building height shall not exceed 55 feet in height. **Nonresidential and mixed-use buildings:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.	**Nonresidential:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.	**Multifamily:** Building height shall not exceed 55 feet in height. **Nonresidential and mixed-use buildings:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.

Table 25.41.050(a) – Dimensional Standards

Standard | MUV Subdistricts	*MUV-1, MUV-2, & MUV-3*	*MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8*	*MUV-9*
Lot Area:	**Single-Family:** Minimum 5,000-sf **Multifamily:** There shall be no minimum lot area. **Nonresidential and mixed-use buildings:** There shall be no minimum lot area.	**Nonresidential:** There shall be no minimum lot area.	**Multifamily:** There shall be no minimum lot area. **Nonresidential and mixed-use buildings:** There shall be no minimum lot area.
Lot Coverage:	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.
Notes: (1) The design standards in section 25.41.060(3) DMC shall apply in addition to the dimensional standards.			

(2), (3), (4) *RESERVED*

(5) Parking and loading areas shall be provided as required by Chapter 25.95 DMC.

(6) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC. Buffer requirements shall be applied pursuant to the standards listed in the Chapter 25.10. "buffer" definition.

(a) Multifamily, commercial, office, and mixed-use sites shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a light landscape buffer and/or a stormwater facility.

2. Sites abutting a residential district shall be screened by a moderate landscape buffer.

3. Sites abutting an arterial or collector roadway shall be screened by a light landscape buffer.

(b) Light manufacturing ~~and warehouse~~ sites and similar uses shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a full landscape buffer.

2. Sites abutting a residential district shall be screened by a full landscape buffer.

3. Sites abutting an arterial or collector roadway shall be screened by a moderate landscape buffer.

(c) Buffer requirements may be administratively adjusted as part of the site plan review process. Buffers may be modified to a light buffer for the portion of the site that is occupied by office, commercial, restaurant, and/or open space uses. (e.g., the portions of a manufacturing building that is dedicated for offices). Buffers may also be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.

(d) Landscaping practices that align with low impact development (LID) methods may be applied towards the minimum landscaping area requirements for the site. For LID methods to be applied, landscaping shall follow the best management practices (BMP) as required by the City's stormwater management program.

(7) Exterior Mechanical Equipment. All HVAC equipment, pumps, heaters and other mechanical equipment shall be fully screened from view from public rights-of-way.

(8) Outdoor Storage. Outdoor storage, if located between a building and street or side of the building and is visible from a street at other than a driveway entrance, shall be screened by a six-foot high solid fence or wall.

(9) Trash Enclosures. The design of trash enclosures shall comply with Chapter 25.100 DMC.

(10) Signage. Signage shall comply with Chapter 25.116 DMC. Signs are prohibited on individual single-family lots.

(11) ~~Noise levels shall comply with DMC 9.09(d)(1) for Class C (industrial) environmental designations.~~ Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial) environmental designations.

(12) Air emissions shall comply with applicable regulations of the Puget Sound Air Pollution Control Authority. No visible, frequent smoke shall be emitted and no dust from the site shall be detectable by a person of ordinary sensitivity without instruments at any point outside the lot lines of the industrial use.

(13) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point along the lot or lots on which the use or structure is located.

(14) Outdoor lighting shall be designed to minimize light throw beyond the site. Outdoor light poles shall not exceed 30 feet. A photometric plan shall be submitted as part of site plan review.

(15) Hazardous Substance or Waste Storage. ~~A maximum of 20,000 pounds of hazardous substances or hazardous wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is delivered for on-site operations or produced on-site.~~ Incidental hazardous materials storage or use may be allowed in conjunction with a primary permitted use. All properties shall be subject to State Hazardous Waste Regulations of WAC 173-303 and 70.105 RCW and as amended. Nothing in this section shall preclude storage of diesel fuel stored on-site for emergency generators.

25.41.060 Design Standards.

(1) Multifamily buildings shall be subject to the *Multifamily Design Regulations and Guidelines* (Chapter 25.65 DMC). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take precedence.

(2) Commercial, restaurant, office, and mixed-use structures shall be subject to the *Commercial and Mixed Use Design Regulations and Guidelines* (Chapter 25.70 DMC). Light manufacturing, ~~warehouse~~ and research and development buildings shall comply with DMC 25.41.060(3). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take precedence.

(3) Light manufacturing, ~~warehouse and~~ research and development, and like buildings shall be subject to the following design guidelines.

(a) Blank walls greater than 50 feet in length along the front and side of a building shall be softened either by planting large, 12-foot minimum trees adjacent to the building, by wood trellises on the building, or by similar means.

(b) Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multi-phase campuses are encouraged to be of similar character.

(c) Parking areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate buffer (see Chapter 25.90 DMC).

(d) Loading docks, service areas, and semi-truck parking areas shall be located at the rear of buildings or separated from public rights-of-way by a full buffer (see Chapter 25.90 DMC).

~~(e) Warehouse buildings shall not be allowed within 500 ft of a residential zoning district.~~

(4) Pedestrian Amenities.

(a) All roadways shall include sidewalks and/or a multi-use trail to facilitate pedestrian circulation.

(b) All buildings shall have a direct, paved pedestrian connection from the front entrance to the nearest street sidewalk.

(c) Surface parking lots shall be designed with a designated pedestrian pathway that connects to a prominent building access door.

25.41.070 Design Review.

Design review is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.175.010. Design review may be processed concurrently with the Site Plan Approval process.

25.41.080 Site Plan Approval.

Site plan approval is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.150.

25.41.090 Transportation Corridor Accommodation.

Any proposed site plan, plat and/or binding site plan shall accommodate roadways, trails, and other rights-of-way as depicted in the Old Fort Lake Subarea Plan. The Community Development Director may allow roadway alignments to be adjusted to respond to documented cultural resources and/or critical areas subject.

Chapter 25.10

Definitions

25.10.020 B definitions.

"Buffer" means a strip of trees, shrubs, and ground cover of sufficient height, width, and density to screen, within three years of planting, an unsightly or nuisance-generating land use from a more sensitive land use, even in the winter months. The minimum visual screening is 100 percent for full buffers, 50 percent for moderate buffers, and 25 percent for light buffers. Berms, grade separations, walls, and fences may be incorporated to achieve up to 50 percent of the minimum screening. For critical areas "buffer" shall mean a designated area adjacent to a part of a stream or wetland that is an integral part of the stream or wetland ecosystem; or a designated area adjacent to steep slopes which protects slope stability, attenuation of surface water flow, and landslide and erosion hazards reasonably necessary to minimize risk. *[provided for reference only / this is related to the proposed MUV landscaping standards]*

25.10.040 D definitions.

"Density, gross" means the number of dwelling units per acre computed by using all land within the project boundaries *[provided for reference only / this is related to the proposed MUV density standards]*

25.10.060 F definitions.

"Floor area ratio" (FAR) means the floor area of the building or buildings on any lot divided by the area of lot or parcel exclusive of critical areas and associated buffers.

25.10.230 W definitions.

"Warehouse/distribution" means a building or land use in which goods, merchandise or equipment are stored for eventual distribution.
[provided for reference only / this is related to the proposed MUV prohibited uses provision]

Chapter 25.40

BUSINESS TECH PARK DISTRICT

Sections:

25.40.010 Purpose.
25.40.020 Permitted uses.
25.40.025 Accessory uses.
25.40.030 Conditional uses.
25.40.040 Prohibited uses.
25.40.050 Performance standards.
25.40.060 Site plan approval.

25.40.010 Purpose.

The business tech park district is intended to provide location for a range of business park uses, including office, commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. (Ord. 06-816 § 4; Ord. 02-707 § 1)

25.40.020 Permitted uses.

(1) All uses that are permitted in the commercial, office and manufacturing/research park districts, except freestanding warehouse/distribution facilities and those listed in DMC 25.40.040.

(a) This district is intended to permit a range of office, commercial, light manufacturing and research uses that:

(i) Do not create significant noise, risk of explosion, radioactive release, or air or water pollution;

(ii) Are designed for a campus-like setting with architectural detailing as required by DMC 25.40.050(5).

(b) In addition to the specified uses permitted in the commercial, office and manufacturing/research park districts, this district permits research, research industry-oriented service providers and other compatible uses including, but not limited to:

(i) Software engineering;

(ii) Electronic components and board systems engineering, development, and application;

(iii) Biotechnology laboratories;

(iv) Communications services;

(v) Personnel services;

(vi) Child day care center;

(vii) Wireless communication facility, attached;

(viii) Utility facility;

(ix) Similar land uses.

(c) Total supporting retail and service uses in the business tech park is limited to an overall maximum of 60,000 square feet of freestanding floor area, with no more than 10,000 square feet of retail or service floor area

EXHIBIT 7

concentrated in any single area. (Ord. 12-937 § 5; Ord. 11-919 § 11; Ord. 07-855 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1)

25.40.025 Accessory uses.
(1) This district permits the following uses as an accessory to the permitted uses listed in this chapter: Uses which meet the development standards in the purpose section of this chapter and provide a service to the employees or the public of any permitted use, are contained in the main building of said permitted uses, and, in the case of accessory retail uses, contain no more than 10 percent of the total floor area of said permitted use. The procedures and criteria of Chapter 25.130 DMC shall not apply to the establishment of permitted accessory uses in the BTP district.

(2) Electric vehicle charging stations and battery exchange facilities. (Ord. 11-919 § 12)

25.40.030 Conditional uses.
(1) All conditional uses in the commercial, office and manufacturing/research park districts, except those listed in DMC 25.40.040.

(2) In addition to the conditional uses in the commercial, office and manufacturing/research park districts, the conditional uses in this district include but are not limited to:

(a) School (limited to technical or adult educational facilities);

(b) Freestanding wireless communication facility;

(c) Golf course;

(d) Similar land use. (Ord. 06-816 § 4)

25.40.040 Prohibited uses.
(1) The following permitted or conditional uses in the commercial district are prohibited in the business tech park district:

(a) Service stations;

(b) Residential, even as an accessory use;

(c) Adult family home;

(d) Family day care;

(e) Schools (not including technical or adult educational facilities).

(2) The following permitted or conditional uses in the office district are prohibited in the business tech park district:

(a) Schools (not including technical or adult educational facilities);

(b) Non-office public use.

(3) The following permitted or conditional uses in the manufacturing/research park district are prohibited in the business tech park district:

(a) Mineral extraction;

(b) Single tenant retail outlet over five acres;

(c) Amusement park;

(d) Schools (not including technical or adult educational facilities);

(e) Senior housing. (Ord. 06-816 § 4)

25.40.050 Performance standards.

All uses in the business tech park district shall be regulated by the following performance standards:

(1) Lot Area. There is no minimum lot area for lots in this district.

(2) Lot Coverage. There is no maximum lot area coverage except as needed to meet setback and landscaping requirements.

(3) Building Setbacks.

(a) Front. No structure shall be closer than 25 feet to any front property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 25 feet;

(b) Side. No structure shall be closer than 25 feet to any side property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet;

(c) Rear. No structure shall be closer than 25 feet to any rear property line. Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.

(4) Building height shall not exceed 65 feet in height. Mechanical equipment and its screening shall not be included in height calculation.

(5) Blank walls greater than 50 feet in length along the front and sides of a building shall be softened either by planting large caliper trees of 10 through 14 feet tall adjacent to the building, by wood trellises on the building, or by similar means. Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multiphase campuses are encouraged to be of similar character. The fronts of adjacent buildings on the same lot shall not be so similar in design that they are determined by the director to be virtually identical in terms of building design. Differing materials, window sizes, trim detail, entry location and treatment, and front wall modulations are examples of methods of creating differentiation between building design.

(6) Parking and loading areas shall be provided as required by Chapter 25.95 DMC. Parking and loading areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate screen (see Chapter 25.90 DMC, Landscaping).

(7) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC.

(8) Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be fully screened from view from all public rights-of-way. Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight-obscuring screen that meets the following criteria:

(a) The screen must be integrated into the architecture of the building.

(b) The screen must obscure the view of the appurtenances from adjacent streets and properties.

(c) Exemptions. The following shall be exempted from the provisions of this section:

(i) Rod, wire and dish antennas are exempt from the requirements of this section, if the screening would interfere with the effective operation of the antenna.

(ii) A painted appurtenance is exempt from the requirements of this section if the director of community development determines that painting will be as effective in minimizing rooftop clutter as would a solid sight-obscuring screen.

(9) Outdoor storage (supplies, materials, or products not contained in a structure) shall not cover more than two percent of the total site area and shall be screened from streets and adjoining properties by a 100 percent sight-obscuring wall or fence.

(10) Trash Enclosures. Trash enclosures shall be provided as required by Chapter 25.100 DMC.

(11) Signage. Signage shall comply with the requirements of Chapter 25.115 DMC.

(12) Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial) environmental designations.

(13) Air emissions shall meet applicable regulations of the Puget Sound Air Pollution Control Authority, and no visible, frequent smoke, dust, or gases shall be emitted.

(14) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point along the lot or lots on which the use or structure is located.

(15) Outdoor lighting shall be designed to minimize light escapement beyond the site.

(16) Hazardous Substance or Waste Storage. No more than 20,000 pounds of hazardous substances or hazardous wastes may be stored on-site, and no hazardous substances or wastes may be stored on-site except that which is delivered for on-site operations or produced on-site. Nothing in this section shall preclude storage of diesel fuel stored on-site for emergency generators. (Ord. 07-854 § 1; Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.030.)

25.40.060 Site plan approval.

Site plan approval is required for all development projects. Development projects on sites of 15 acres or less and expansions of permitted projects involving 15 acres or less of a new development shall be processed with a Type II procedure. Development projects and expansions larger than 15 acres shall be processed with a Type III procedure. Processes for all procedures are set forth in DMC 25.175.010. (Ord. 06-816 § 4; Ord. 02-707 § 1. Formerly 25.40.040.)

Chapter 25.15

LAND USE DISTRICTS AND MAP ESTABLISHED

Sections:

25.15.010 Purpose of districts.
25.15.020 List of districts established.
25.15.030 Zoning map.
25.15.040 Boundary interpretation.

25.15.010 Purpose of districts.

The city is divided into land use districts with the intent to provide for the distribution of land uses as contemplated by the city's comprehensive plan and its related goals, policies, and programs; to maintain stability by grouping compatible uses and levels of activity and maintain commitment to public service facilities such as transportation systems, parks and utilities. (Ord. 02-707 § 1)

25.15.020 List of districts established.

The use classifications are:

District	Designation
Residential-3	R-3
Residential-4	R-4
Residential-5	R-5
Residential Reserve	RR
Residential-12	R-12
Commercial	COM
Office	OFF
Mixed Use	MXD
Mixed-Use Village	MUV
Business and Technology Park	BTP
Manufacturing Research Park	MRP
Industrial	IND
Open Space	OS
Military	MIL
Mineral Resource Overlay	MRO

25.15.030 Zoning map.

(1) The boundaries of the use districts are shown on the official zoning map, which together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this title. The regulations of this title governing the use of land, buildings and structures, the height of buildings and structures, the sizes of yards about buildings and structures, and other matters set forth in this title are hereby established and declare to be in effect upon all land included within the boundaries of each and every district shown upon the zoning map.

(2) The boundaries of the use district shall be determined or defined or redefined from time to time, by the adoption of district maps covering the city showing the geographical area and location of the district. Each district map shall be, upon its final adoption, a part of this title, and the map, all notations, references and other information shown shall be made a part of this title as though all matters and information set forth on the map were fully described herein.

(3) The official zoning map shall be identified by the signature of the mayor and be attested and notarized by the city clerk. The original copy of the official zoning map shall be retained in the office of the city clerk. (Ord. 02-707 § 1)

25.15.040 Boundary interpretation.

The boundaries between classifications of the official zoning maps shall be interpreted specifically as shown on the maps and associated ordinances. Should uncertainty remain in regards to location or meaning of a boundary, the location or meaning shall be determined utilizing the following rules:

(1) Where district boundaries are indicated as approximately following the centerline of streets, alleys, highways, waterways or railroad tracks, the actual centerline shall be construed to be the boundary.

(2) Where district boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundary of such use district.

(3) Where a district boundary on the official zoning map divides a tract in unsubdivided property, the location of the use district boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the official zoning map.

(4) Where a public street or alley is officially vacated the regulations applying to the abutting property to which the vacated portion reverts shall apply to such vacated street or alley.

(5) In case uncertainty exists which cannot be determined by application of the foregoing rules, the hearing examiner shall determine the location of such use district boundaries pursuant to the provisions for code interpretations. (Ord. 02-707 § 1)

Chapter 25.125

WIRELESS COMMUNICATION FACILITIES

Sections:

25.125.010 Purpose.
25.125.020 Exemptions.
25.125.030 Recognition of industry needs.
25.125.040 Where permitted.
25.125.045 Procedure.
25.125.050 Development standards.
25.125.060 Conditional use permit criteria.
25.125.070 Third-party review.

25.125.010 Purpose.
The purpose of this chapter is to establish a comprehensive framework regarding the construction, modification, and placement of wireless communication facilities while protecting the community from harmful effects, including visual impact. The city intends to achieve this purpose by encouraging providers to:

(1) Locate wireless communication facilities (WCFs) in nonresidential areas;

(2) Minimize the total number of freestanding WCFs through collocation; and

(3) Minimize visual impact of WCFs through selective placement, careful design, and screening. (Ord. 02-707 § 1)

25.125.020 Exemptions.
The following shall not be considered WCFs, and shall be exempt from this chapter:

(1) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

(2) Licensed amateur (ham) radio antennas.

(3) Television antennas and satellite dish antennas for reception within individual homes or businesses.

(4) Temporary WCFs placed in service for a maximum of one week or during an emergency declared by a governmental agency provided they are not located in a zone in which they are not permitted as provided in DMC 25.125.040. (Ord. 02-707 § 1)

25.125.030 Recognition of industry needs.
It is the city's understanding that:

(1) Communication occurs primarily by line-of-sight transmission;

(2) Providers require a network of WCFs in order to cover their service areas;

(3) Individual wireless communication facilities making up the network require road access, electric power, and land-based telephone lines or microwave link capability. (Ord. 02-707 § 1)

25.125.040 Where permitted.
The following table identifies which type of permit must be obtained for a proposed WCF within a specific zone in the city of DuPont.

Specific Zone	Wireless Communication Facility (WCF), Attached	Wireless Communication Facility (WCF), Freestanding	Wireless Communication Facility (WCF), Public
Residential	Not permitted	Not permitted	Administrative
Office, Commercial, Mixed Use, Mixed-Use Village, Open Space	Administrative	Not permitted	Administrative
Industrial, Manufacturing/ Research Park, Business and Technology Park	Permitted, provided the zoning administrator finds that the attached WCF does not violate any condition relating to the pre-existing structure	Conditional	Administrative

Note: The second and/or subsequent WCF to occupy a freestanding or public collocation WCF site need not obtain a separate conditional use permit. It will be treated as a permitted use and processed administratively. The criteria for administrative consideration shall be the same as contained in the development standards and conditional use permit criteria (DMC 25.125.050 and 25.125.060).

(Ord. 12-937 § 8; Ord. 02-707 § 1)

25.125.045 Procedure.
All wireless communication facilities, attached, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type I procedure. Wireless communication facilities, freestanding, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type III procedure. Wireless communication facilities, public, that are permitted as indicated in DMC 25.125.040 shall be processed as a Type II procedure. Processes for all procedures are set forth in DMC 25.175.010. (Ord. 12-937 § 8; Ord. 02-707 § 1)

25.125.050 Development standards.
Any proposed WCFs must comply with all of the following development standards:

(1) Height. The height of WCFs requiring conditional use permits shall not be limited by the height limits stated in the underlying zone, but determined through the conditional use permit process.

(2) Setbacks. WCFs shall be set back from property lines in accordance with the requirements of the zones in which they are located.

(3) Compliance with Applicable Standards. All WCFs must meet or exceed current standards and regulations of the Federal Aviation Administration and FCC, and any other agency of the federal government with the authority to regulate WCFs.

(4) Landscaping. Landscaping shall be required for the WCF site as specified by the DuPont Municipal Code. The city may require full, moderate, or light buffers as defined in the landscape ordinance to mitigate incompatibility between uses.

(5) Design. Wireless communication facilities must be designed to complement surrounding structures through the use of muted paint schemes, locating the facility within or on an existing structure or similar means.

(6) Lighting. No lights or signs shall be permitted on a freestanding WCF unless required by the FCC or FAA.

(7) Other Protections. The city may require shields to protect from ice falling from towers, anti-climbing devices to prevent unauthorized persons from climbing towers, or other appurtenances necessary to protect life and property.

(8) Removal Upon Abandonment. The provider of the WCF shall provide the city with notice to the FCC of intent to cease operations and shall remove the obsolete WCF within three months from the date of said notice or when the site has been abandoned as evidenced by the discontinuance of electrical power for more than 60 days. If an abandoned WCF is not removed, the city may have it removed at the provider's expense. (Ord. 02-707 § 1)

25.125.060 Conditional use permit criteria.
In addition to the development standards of DMC 25.125.050, providers shall demonstrate compliance with all of the following criteria:

(1) Providers must demonstrate that they have a valid FCC telecommunications license. If the applicant is not the provider, the applicant must present a lease agreement with a licensed provider.

(2) For proper functioning of a provider's network engineering, evidence must be submitted with formal city application, showing the existing WCF service area and service area intended to be covered by the proposed facility.

(3) No new freestanding WCF may be constructed within one mile of an existing freestanding WCF, unless it can be demonstrated to the satisfaction of the city that the existing freestanding WCF is not available for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

(4) The proposed WCF height must be the minimum necessary to fulfill the site's function within the provider's network and collocated WCFs.

(5) Freestanding WCFs must be designed for collocation.

(6) Providers must submit scale drawings of the WCF as viewed from appropriate public locations. The proposed WCF shall be made visually inconspicuous. Use of topography, trees, buildings, architectural design, and inconspicuous colors are required. (Ord. 02-707 § 1)

25.125.070 Third-party review.
In processing a WCF permit application, the city may retain the services of independent experts to verify compliance with this chapter. All cost of such services shall be borne by the applicant. (Ord. 02-707 § 1)

Chapter 25.175

ADMINISTRATION OF DEVELOPMENT REGULATIONS

Sections:

25.175.010 Types of project permit applications.
25.175.020 Processing Type I – IV project permit applications.
25.175.030 Posting of public notice.
25.175.040 Consistency with development regulations.
25.175.050 Open record public hearings.
25.175.060 Closed record meetings and appeals.

25.175.010 Types of project permit applications.

(1) Procedures for Processing Project Permits. For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in subsection (6) of this section. Exclusions from the requirements of project permit application processing are contained in subsection (7) of this section.

(2) Determination of Proper Procedure Type.

(a) The planning director or his/her designee (hereinafter the "director") shall determine the proper procedure for all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the higher numbered procedure.

(b) An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or may be processed individually under each of the application procedures identified in subsection (4) of this section. The applicant may determine whether the application will be processed collectively or individually. If the applications are processed individually the director shall determine which procedure shall be undertaken first and the sequence of the other procedures so the project may be processed in as concurrent a fashion as possible.

(c) Applications processed in accordance with subsection (2)(b) of this section which have the same procedure number, but are assigned to different hearing bodies, shall be heard collectively by the highest decision maker; the city council being the highest body, followed by the hearing examiner and then the director. Joint public hearings with other agencies shall be processed according to subsection (5) of this section.

(3) The director of community development, or designee, may issue a written interpretation for any section of DMC Titles 23, Environment, 24, Subdivisions, or 25, Land Use Code, at any such time as the code is silent regarding an issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be appealed to the hearing examiner.

(4) Joint Public Hearings with Other Governmental Entities.

(a) The director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as the hearing is held within the city limits, and the requirements of subsection (4)(c) of this section are met. A "Project Permit Summary: Action Type" table is included below.

Project Permit Summary: Action Type

Type I	Type II	Type III	Type IV	Type V
• Permitted and accessory uses not requiring site plan review. • Short plat, short plat amendment. • Boundary line adjustment. • Lot line elimination. • Design review. • Administrative interpretation. • Administrative variance. • Minor amendment to site plan. • Time extension. • Home occupation. • Temporary use. • Sign permit. • Landscape plan and plan modification.	• Multifamily site plan less than 80 units. • Business tech. park, manufacturing research park, and industrial site plan less than 15 acres. • Major amendment to Type II site plan. • Commercial District: drive thru window, utilities as designated in DMC 25.25.020, attached wireless facilities, and open-air vending. • Office District: service uses less than 10 percent of main building, utilities as designated in DMC 25.30.010. • Mixed Use Village: Multifamily, non-residential, and mixed-use buildings	• Preliminary plat. • Plat alteration. • Site plan other than Type II. • Major amendment to site plan other than Type II. • Conditional use. • Variance. • Site specific reclassification. • Binding site plan. • Shoreline permit. • Shoreline conditional use or variance. • Mineral resource extraction.	• Final plat	• Comprehensive plan o Text amendment. o Map amendment. • Land use code o Text amendment. o Map amendment.
Decision by:				
Community Development Director	Community Development Director	Hearing Examiner	City Council	City Council
Appeal to:				
Hearing Examiner	Hearing Examiner			
Pierce County Court	Pierce County Court	Pierce County Court	Pierce County Court	Pierce County Court

[Other portions of this chapter have been omitted since they are not applicable to proposed amendments]

Chapter 25.41
Mixed Use Village (MUV)

Sections:

25.41.010 Purpose.
25.41.020 Land uses.
25.41.030 Maximum Residential Density.
25.41.040 Maximum Non-residential Floor Area Ratio (FAR)
25.41.050 Performance standards.
25.41.060 Design Standards.
25.41.070 Design Review.
25.41.080 Site Plan Approval.
25.41.090 Transportation Corridor Accommodation.

25.41.010 Purpose.

The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described as follows:

(1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and development.

(2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

(3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research and development.

(4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale limitations to ensure compatibility with the nearby residential and school properties.

(5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light manufacturing, and research and development.

(6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

(7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

(8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

(9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as commercial/restaurant, administrative office, and hotels.

25.41.015 Definitions

(1) The definitions in this section only apply to Chapter 25.41 of the DMC.

(a) *Light Manufacturing:* An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited.

25.41.020 Land uses.

(1) Land uses allowed within the MUV and its subdistricts are identified in Table 25.41.020(a).

(a) A 'P' in Table 25.41.020(a) indicates that the specific use is a Permitted use.

(b) An "A" in Table 25.41.020(a) indicates that the specific use is permitted as an accessory use to other uses within the district. Where an "A", a slash (/), and a letter are displayed in the table (e.g. A / P), the use may be permitted as an accessory use OR established as a stand-alone use subject to the corresponding review procedure (indicated by the a 'P' or 'C').

(c) A 'C' in Table 25.41.020(a) indicates that the specific use is a Conditional Use.

(d) A blank in Table 25.41.020(a) indicates that the specific use is prohibited in the subdistrict.

(e) Uses may be further defined, restricted, and/or limited pursuant to an approved Master Plan. In such cases where a Master Plan is approved for a property, the allowable uses shall be governed by the Master Plan.

Table 25.41.020(a) – Table of Land Uses

LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed
NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.

Land Use | MUV Subdistrict	***MUV-1***	***MUV-2***	***MUV-3***	***MUV-4***	***MUV-5***	***MUV-6***	***MUV-7***	***MUV-8***	***MUV-9***
Open Space / Passive Recreation (1)	A	A	A	A	A	A	A	A	P
Commercial recreation facilities such as golf, tennis, swimming and all indoor commercial recreation facilities (1)	P	P	P	P	A	P	P		P
Service businesses	P	P	P	P	P	P	P		A
Retail trade (individual tenant spaces up to 20,000-sf)	P	P	P	P	A	P	P	A	A
Retail trade (individual tenant spaces over 20,000-sf)	C	C	C	C		C	C		C
Restaurant and Drinking Establishments	P	P	P	P	A	P	P		A
Hotel (up to 150 rooms)	P	P							P
Hotel (over 150 rooms)	P	P							C
Multifamily residences(1)	P	P	P					P	
Single-family residences(1)	P	P							

Table 25.41.020(a) – Table of Land Uses

LEGEND: P = Permitted Use C = Conditional Use A = Accessory Use Blank = Use Not Allowed
NOTES: (a) - Uses may be further defined, restricted, and/or limited in an approved Master Plan.

Land Use | MUV Subdistrict	***MUV-1***	***MUV-2***	***MUV-3***	***MUV-4***	***MUV-5***	***MUV-6***	***MUV-7***	***MUV-8***	***MUV-9***
Family day care	P	P	P						
Child day care centers[(1)]	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	
Home occupations	A	A	A					A	
Convention center	P		P						A
Cultural/community center[(1)]	P		P	P			P	P	P
Public uses other than parks and K-12 schools[(1)]	P		P	P					A
Office	P	P	P	P	P	P	P	P	A
Light Manufacturing (up to 200,000 sf)	P	P	P	P	P	P	P	P	
Light Manufacturing (over 200,000 sf)	C	C	C		C	C	C	C	
Research and Development	P	P	P	P	P	P	P	P	
Utility facility	P	P	P	P	P	P	P	P	A
Wireless communication facility, attached	A	A	A	A	A	A	A	A	A
Educational institutions[(1)]	P	P	P	P					A

Notes:
[(1)] **Further Land Use Restrictions:** These uses may be further restricted based on a State of Washington Department of Ecology Consent Decree and/or private restrictive covenant. These uses may only be allowed when not prohibited/restricted by a consent decree and/or restrictive covenant. The applicant shall demonstrate compliance as part of the land use and/or building permit review.

(2) The following uses and development types are specifically prohibited in all MUV subdistricts:

(a) Drive-thru facilities

(b) Gas stations/ Car Washes

(c) Fish Processing and other animal rendering operations

(d) Vehicle sales

(e) Service businesses such as wrecking yards, bulk fuel distributors, automotive repair, heavy equipment repair, mini-storage and like uses are prohibited.

(f) Adult entertainment

(g) Warehouse/distribution

25.41.025 Additional Conditional Use Criteria.

(1) In addition to the required criteria in section 25.135.030 DMC, the following criteria shall apply to all conditional use applications in the MUV zoning district:

(a) Applications shall include a truck routing plan for the proposed development. The proposal shall include provisions for establishing a truck staging area to prevent truck parking and idling on streets and/or within residential neighborhoods. Parking, idling or staging of trucks in residential areas is prohibited.

(b) Applications shall include the proposed building elevations and a building materials list. Projects are allowed to be conditioned to ensure the building mass and design is compatible to the surrounding land uses.

25.41.030 Maximum Residential Density.

(1) Multifamily residences

(a) Multifamily residential shall be limited to 24 dwelling units per gross acre. The area used for calculating the allowable density shall be based on the lot/parcel used for the residential development. The Community Development Director, or designee, may interpret the land area used for density calculation.

(b) The total MUV subdistricts shall be limited to 1,000 multifamily dwelling units. The City shall maintain a ledger of approved multifamily dwelling units in determining whether multifamily dwelling units are available for future development.

(2) Single-Family residences

(a) Single-family residences shall be limited to three dwelling units per gross acre. The area used for calculating the allowable density shall be based on the lot/parcel used for the residential development; the density calculation may be based on the area prior to platting individual single-family lots. The Community Development Director, or designee, may interpret the land area used for density calculation.

(b) The total MUV subdistricts shall be limited to 100 single-family dwelling units. The City shall maintain a ledger of approved single-family dwelling units in determining whether single-family dwelling units are available for future development.

25.41.040 Maximum Non-residential Floor Area Ratio (FAR).

(1) Nonresidential uses shall have a maximum 0.30 FAR.

(2) The area used for calculating the allowable FAR shall be based on the lot/parcel used for the nonresidential development. The Community Development Director, or designee, may interpret the land area used for calculation.

(3) For mixed-use building, the portions of the building devoted for residential dwellings and their ancillary uses shall be exempt from FAR standards.

(4) Nonresidential uses may seek an intensity bonus up to a maximum 0.40 FAR through an approved Master Plan (Chapter 25.152 DMC).

25.41.050 Performance standards.

Development within the MUV shall be regulated by the following performance standards:

(1) The dimension standards for the MUV are established pursuant to Table 25.41.050(a).

Table 25.41.050(a) – Dimensional Standards

Standard | MUV Subdistricts	*MUV-1, MUV-2, & MUV-3*	*MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8*	*MUV-9*
Setbacks: *Note*: Front setbacks may be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.	**Single-Family:** Front : 20-ft Side: 5-ft Rear: 10-ft Abutting a golf course: 20-ft **Multifamily:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft **Nonresidential:** (1) Front : 10-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft	**Nonresidential:** (1) Front : 25-ft Side: 25-ft Rear: 25-ft Abutting a golf course: 30-ft *PLUS* Any building wall over 40 feet high shall be set back at least an additional one foot for each foot in height over 40 feet.	**Multifamily:** Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft **Nonresidential:** (1) Front : 20-ft Side: 10-ft Rear: 10-ft Abutting a golf course: 20-ft
Height: *Note*: Mechanical equipment and its screening shall not be included in height calculation. When considering mechanical equipment, *25.05.040 Rules of interpretation* shall be applied. [Height: continued]	**Single-Family:** Building height shall not exceed 35 feet in height. **Multifamily:** Building height shall not exceed 55 feet in height. **Nonresidential and mixed-use buildings:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.	**Nonresidential:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 150 feet of a residential district shall be limited to 35 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.	**Multifamily:** Building height shall not exceed 55 feet in height. **Nonresidential and mixed-use buildings:** Building height shall not exceed 65 feet in height. *PLUS* Any portion of a building located within 50 feet of a golf course shall be limited to 35 feet in height.

Table 25.41.050(a) – Dimensional Standards			
Standard | MUV Subdistricts	*MUV-1, MUV-2, & MUV-3*	*MUV-4, MUV-5, MUV-6, MUV-7 & MUV-8*	*MUV-9*
Lot Area:	**Single-Family:** Minimum 5,000-sf **Multifamily:** There shall be no minimum lot area. **Nonresidential and mixed-use buildings:** There shall be no minimum lot area.	**Nonresidential:** There shall be no minimum lot area.	**Multifamily:** There shall be no minimum lot area. **Nonresidential and mixed-use buildings:** There shall be no minimum lot area.
Lot Coverage:	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.	There shall be no maximum lot area coverage except as necessary to meet setback and landscaping requirements.
Notes: (1) The design standards in section 25.41.060(3) DMC shall apply in addition to the dimensional standards.			

(2), (3), (4) *RESERVED*

(5) Parking and loading areas shall be provided as required by Chapter 25.95 DMC.

(6) Landscaping. Landscaping shall be provided as required by Chapter 25.90 DMC. Buffer requirements shall be applied pursuant to the standards listed in the Chapter 25.10. "buffer" definition.

(a) Multifamily, commercial, office, and mixed-use sites shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a light landscape buffer and/or a stormwater facility.

2. Sites abutting a residential district shall be screened by a moderate landscape buffer.

3. Sites abutting an arterial or collector roadway shall be screened by a light landscape buffer.

(b) Light manufacturing sites and similar uses shall provide the following buffers:

1. Sites abutting a golf course or Open Space District shall be screened by a full landscape buffer.

2. Sites abutting a residential district shall be screened by a full landscape buffer.

3. Sites abutting an arterial or collector roadway shall be screened by a moderate landscape buffer.

(c) Buffer requirements may be administratively adjusted as part of the site plan review process. Buffers may be modified to a light buffer for the portion of the site that is occupied by office, commercial, restaurant, and/or open space uses. (e.g., the portions of a manufacturing building that is dedicated for offices). Buffers may also be reduced or omitted to comply with applicable *Design Regulations and Guidelines* as set forth in this chapter.

(d) Landscaping practices that align with low impact development (LID) methods may be applied towards the minimum landscaping area requirements for the site. For LID methods to be applied, landscaping shall follow the best management practices (BMP) as required by the City's stormwater management program.

(7) Exterior Mechanical Equipment. All HVAC equipment, pumps, heaters and other mechanical equipment shall be fully screened from view from public rights-of-way.

(8) Outdoor Storage. Outdoor storage, if located between a building and street or side of the building and is visible from a street at other than a driveway entrance, shall be screened by a six-foot high solid fence or wall.

(9) Trash Enclosures. The design of trash enclosures shall comply with Chapter 25.100 DMC.

(10) Signage. Signage shall comply with Chapter 25.116 DMC. Signs are prohibited on individual single-family lots.

(11) Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial) environmental designations.

(12) Air emissions shall comply with applicable regulations of the Puget Sound Air Pollution Control Authority. No visible, frequent smoke shall be emitted and no dust from the site shall be detectable by a person of ordinary sensitivity without instruments at any point outside the lot lines of the industrial use.

(13) Emission of offensive gases or vapors shall not be permitted to exceed the odor threshold as measured at any point along the lot or lots on which the use or structure is located.

(14) Outdoor lighting shall be designed to minimize light throw beyond the site. Outdoor light poles shall not exceed 30 feet. A photometric plan shall be submitted as part of site plan review.

(15) Hazardous Substance or Waste Storage. Incidental hazardous materials storage or use may be allowed in conjunction with a primary permitted use. All properties shall be subject to State Hazardous Waste Regulations of WAC 173-303 and 70.105 RCW and as amended. Nothing in this section shall preclude storage of diesel fuel stored on-site for emergency generators.

25.41.060 Design Standards.

(1) Multifamily buildings shall be subject to the *Multifamily Design Regulations and Guidelines* (Chapter 25.65 DMC). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take precedence.

(2) Commercial, restaurant, office, and mixed-use structures shall be subject to the *Commercial and Mixed Use Design Regulations and Guidelines* (Chapter 25.70 DMC). Light manufacturing, and research and development buildings shall comply with DMC 25.41.060(3). Where those provisions conflict with the MUV requirements, the standards of this chapter shall take precedence.

(3) Light manufacturing, research and development, and like buildings shall be subject to the following design guidelines.

(a) Blank walls greater than 50 feet in length along the front and side of a building shall be softened either by planting large, 12-foot minimum trees adjacent to the building, by wood trellises on the building, or by similar means.

(b) Entrances shall be emphasized with architecturally distinctive elements such as a covered walk, gabled roof, landscaping, or similar means. Earth-berming at the base of the facade is encouraged for large-scale structures. Building designs for multi-phase campuses are encouraged to be of similar character.

(c) Parking areas shall be located at the rear of buildings or separated from public rights-of-way by a moderate buffer (see Chapter 25.90 DMC).

(d) Loading docks, service areas, and semi-truck parking areas shall be located at the rear of buildings or separated from public rights-of-way by a full buffer (see Chapter 25.90 DMC).

(4) Pedestrian Amenities.

(a) All roadways shall include sidewalks and/or a multi-use trail to facilitate pedestrian circulation.

(b) All buildings shall have a direct, paved pedestrian connection from the front entrance to the nearest street sidewalk.

(c) Surface parking lots shall be designed with a designated pedestrian pathway that connects to a prominent building access door.

25.41.070 Design Review.

Design review is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.175.010. Design review may be processed concurrently with the Site Plan Approval process.

25.41.080 Site Plan Approval.

Site plan approval is required for all multifamily, non-residential, and mixed-use projects as set forth in DMC 25.150.

25.41.090 Transportation Corridor Accommodation.

Any proposed site plan, plat and/or binding site plan shall accommodate roadways, trails, and other rights-of-way as depicted in the Old Fort Lake Subarea Plan. The Community Development Director may allow roadway alignments to be adjusted to respond to documented cultural resources and/or critical areas subject.

Chapter 25.10

Definitions

25.10.060 F definitions.

"Floor area ratio" (FAR) means the floor area of the building or buildings on any lot divided by the area of lot or parcel exclusive of critical areas and associated buffers.

BEFORE THE HEARING EXAMINER
FOR THE CITY OF DUPONT

RE: SAVE OUR CITY	NO. PLNG2018-34
INTERPRETATION APPEAL	APPELLANT'S PREHEARING BRIEF

I. INTRODUCTION

Earlier this year, the City Council adopted a new zoning district, the Mixed Use Village ("MUV") zone. The plain language of the new zoning district states that warehouse or distribution facilities are "prohibited in all MUV subdistricts." The new code language is consistent with the Subarea Plan which contains similar prohibitory language. Despite this, the Director of the Department of Community Development issued Interpretation 2018-001 ("Interpretation"), which construes the code to allow development of warehouses and distribution facilities in the City's Mixed Use Village zone. Appellant filed this appeal to challenge this incorrect Interpretation. Appellant requests that the Hearing Examiner determine that the Interpretation is inconsistent with the plain language and intent of the City Council in enacting the Subarea Plan and the MUV provisions of the Dupont Municipal Code (DMC) and order the Director to issue a revised interpretation consistent with that determination.

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II. OVERVIEW OF THE CASE

A. The DuPont City Council Adopted a Subarea Plan and DMC Provisions Designed to Prohibit Warehouse and Distribution Facilities in the MUV Zone.

On March 27, 2018, the DuPont City Council amended the DMC to create a new zoning district for the Old Fort Lake Subarea. Previously, the area had been zoned "Business Tech Park District" (Chapter 25.40 DMC). That zoning district specified its list of allowed uses by referencing the allowed uses in three other zoning districts, with an important exception – "freestanding warehouses/distribution facilities" were not allowed:

> All uses that are permitted in the commercial, office, and manufacturing/research park districts, **except freestanding warehouse/distribution facilities . . .**

DMC 25.40.020 (emphasis supplied).

The new, replacement zone is called the "Mixed Use Village" (MUV) and is codified at chapter 25.41 DMC. The new zone bears many similarities to the Business Tech Park zone. In particular, the new MUV zone extends the ban on warehousing and distribution facilities and, in fact, makes it even broader, by eliminating the "freestanding" qualifier:

> The following uses and development types are specifically prohibited in all MUV subdistricts: … (g) Warehouse/distribution.

DMC § 25.41.020(2) (Ord. 18-1034 § 2 (Exs. 6, 7))." (Ordinance 18-034 is submitted herewith.)

This action followed months of public process that confirms that the intent of this plain language was to prohibit warehousing and distribution in the MUV zone.

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Prior to adopting the new code language, the City Council adopted amendments to the Old Fort Lake Subarea Plan ("Subarea Plan").[1] *See, generally* Appellant's Exhibit ("Ex.") 17, Exhibit G. The Subarea Plan adopts a vision that allows a wide range of residential and commercial development of the privately-owned property in the subarea. But the "guiding principles" establish limits, too:

> **Protect and buffer existing neighborhoods** – The subarea planning process will be mindful to protect existing neighborhoods. In doing so, the plan will apply land use designations, buffer standards, and other development controls to ensure neighborhood compatibility. The plan should manage transportation impacts onto neighborhoods.
>
> * * *
>
> **Neighborhood Compatibility** -- Current zoning allows for uses such as office, commercial, and manufacturing. However, most areas adjacent to the subarea are residential, and areas within the subarea are recreational or cultural. At a community workshop, residents expressed concerns about impacts to adjacent neighborhoods. New development needs to be sensitive to the surrounding context and character.
>
> * * *
>
> **Concerns for Adverse Traffic Impacts** – The majority of the transportation comments revolve around potential traffic increases from any development in the Old Fort Lake Subarea. This includes (i) traffic noise, (ii) traffic congestion on Center Drive and residential neighborhoods, (iii)the volume of semi-truck traffic, and (iv) associated safety concerns.

Subarea Plan at 20, 21, App 1 at 3.

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[1] The purpose of the Subarea Plan is: "[T]o establish a long-range vision and development strategy for the +/- 655-acre area bound by Sequalitchew Creek, the Puget Sound bluff, Hoffman Hill and Yehle Park Village neighborhoods and the City of DuPont Civic Center. The DuPont Comprehensive Plan includes the goal to conduct this subarea plan to establish future uses, delineate open space areas, plan for the area's transportation network, and to ensure community sentiments are reflected in the plan." Subarea Plan at 3 (attached as Exhibit G to Ex. 17).

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At all stages of the process, including public workshops, Planning Commission meetings, and City Council hearings, there were nearly unanimous comments from local residents expressing a desire that warehouses and distribution facilities be prohibited in the area, but that other commercial land uses be permitted. *See, e.g.,* Ex. 15 at 2 ("The research and development, high technology, and offices categories were all preferred among participants, while warehousing/distribution and manufacturing only received one vote each."); *see also* Ex. 16; Ex. 3 at 2-4 (more than 20 community members expressed overwhelming opposition about allowing warehousing and distribution in the Old Fort Lake neighborhood). The distinction between warehousing and most other commercial uses derives from the different level of heavy truck traffic associated with warehousing and distribution facilities that would use streets frequently used by nearby residents.

Responding to the comments from residents, the Planning Commission acted to remove language that would allow "free standing warehouses" in the Subarea Plan. Ex. 3 at 4. The Planning Commission also acted to remove language from the Subarea Plan that would allow any types of warehouse or distribution within the subarea – unanimously voting to remove six references to warehouses and warehouse distribution from the plan. *Id.* at 4-5. Planning Commission members commented that "the citizen voices have been heard and so the conclusion was reached that this area is not conducive to warehouse distribution." *Id.* at 5.

These changes were included by the City Council when the Subarea Plan was adopted by Ordinance 17-1029 on November 28, 2017. Ex. 17. Ordinance 17-1029 states:

> The Findings, Conclusions and Recommendations from the Planning Commission as reflected in their meeting minutes dated June 26, 2017 (COMP-16-03); July 24, 2017 (COMP-16-05); August 14, 2017 (COMP-16-05); August 28, 2017 (COMP-16-3 02) and

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> October 9, 2017 (COMP-16-04) attached hereto as Exhibits A thru J are adopted and incorporated as if set forth fully herein.

Ex. 17, *see generally* Subarea Plan (reflecting changes adopted by Planning Commission).

The adopted Subarea Plan called for a "Mixed-Use Focus Area" with a mix of commercial, business/industrial uses, residential, and community facilities. Subarea Plan at 29-30. The business/industrial use called for in the Mixed-Use Focus Area reflects the desire to limit traffic and other impacts associated with warehouses and warehouse distribution, including limiting accessory uses to commercial uses:

> Business and industry uses are planned to be visually and operationally compatible with the surrounding areas including the golf course, the bluff, and the residential neighborhoods. Office, light manufacturing, and research and development are appropriate business uses within the Mixed-Use Focus Area. Light manufacturing operations shall be indoors and freight activity shall be thoughtfully integrated into the site design to minimize adverse visual impacts on neighboring properties. Accessory commercial uses are permitted with all light manufacturing businesses (e.g., a tap room as part of a brewery / a sales shop as part of a furniture manufacturer). All blocks are envisioned to support business/industry uses.

Subarea Plan at 30. Notably absent from this list of appropriate uses is warehousing.

This policy choice is reflected in other focus areas in the Subarea Plan as well. *See id.* at 31 (Business/Industrial Focus Area – "In keeping with the spirit of the subarea, business and industry uses are planned to be compatible with the surrounding areas including the golf course, Old Fort Lake, and the residential neighborhoods. Office, light manufacturing, and research and development are appropriate uses within the Business/Industry Focus Area. Accessory commercial is allowed with all light manufacturing (e.g., a tap room as part of a brewery, a sales shop as part of a furniture manufacturer)").

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The Planning Commission also unanimously recommended removing warehouses and distribution as allowable uses from the City's draft development regulation for the MUV zone. Even "limited warehouse distribution" was recommended for removal. In all, the Planning Commission recommended revising at least seven provisions to clarify its intent to eliminate warehouses and distribution within the MUV zone. Ex. 3 at 6. The Planning Commission proposed additional language to provide a strict prohibition on warehouse distribution within the MUV zone. *Id*.

Comments[2] made by Councilmembers during its March 13, 2018 meeting prior to adoption of the DMC changes also reflect the Council's intent to preclude warehouses and distribution facilities and to "be as restrictive as possible":

> **Councilmember Matt Helder:** So, taking some of these scribbles that I have in turn. In 25.41.020(2)(g) where it says, I guess I could give you the page, it's page 14, line 9, warehouse distribution. Would there be any reason why we wouldn't clarify warehouse distribution as well as free standing warehouse distribution? Because free standing warehouse distribution is already prohibited in Old Fort Lake. No one's trying to change that. Would it be worth reiterating that here?
>
> **Jeff Wilson:** The reason why, is that the phrase that was adopted in the BTP (Business Tech Park) said freestanding warehouse and distribution. We define the term warehouse and distribution so what we are going back to is the exact language that's in the code to apply it appropriately. It doesn't distinguish between free standing or not. It says that warehouse distribution period is not permitted and in that particular function. So, we're using, we're going back and using that term as it is defined in our code to apply to this particular section of the code.
>
> **Councilmember Matt Helder:** So, we're essentially carrying over the current prohibition on warehouse…
>
> **Jeff Wilson:** It is. Yes.

[2] Video of this meeting is available at https://www.youtube.com/watch?v=hkyyvZhhCsw&t=1s. Partial transcript of relevant testimony attached hereto and will be presented as an exhibit at the hearing.

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…

> **Deputy Mayor Eric Corp:** I'll just echo the comments that the mayor made earlier. I know a lot of you came out, a lot of you have sent a lot of e-mails to the Council. We read them all. We understand what the plight of the citizens are. We really are trying to make sure we do the right thing to be as restrictive as possible but at the same time, not restrict what's currently allowed for the developer to be successful.

Contemporaneous comments of councilmembers during the March 27, 2018 meeting reflect the intent to prohibit warehouses and warehouse distribution in the MUV zone: "Councilmember Barnes commented City Council's desire to listen to citizens, about mitigation of truck impacts" and "Councilmember Coffey provided background of same prohibition of warehouse distribution since 2006, her vision of ... keeping … DuPont a beautiful town and the importance of working together with citizens." Ex. 10 at 12; *see also id.* at 4 ("Councilmember Gasak … her longstanding opposition to truck traffic and warehouses has not changed, and importance of property value of homes").

The MUV zoning regulations were adopted into the DMC by a unanimous vote of the City Council on March 27, 2018 under Ordinance 18-1034. Ordinance 18-1034 fully adopted the "Findings, Conclusions and Recommendations" of the Planning Commission "as reflected in their meeting minutes dated October 9, 2017 … and the recommendations of the Council subcommittee," which were included as Exhibits 6 and 7 to the Ordinance.

These regulations banned warehouse and distribution uses in the MUV zone. Specifically, DMC § 25.41.020(2), titled "Land uses," explicitly states, "The following uses and development types are specifically prohibited in all MUV subdistricts: … (g) Warehouse/distribution. (Ord. 18-1034 § 2 (Exs. 6, 7))."

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B. The Director of the Department of Community Development's Interpretation.

Responding to a formal request for an interpretation contained in an April 23, 2018 letter from Copper Leaf, LLC, Jeffrey Wilson, Director of the Department of Community Development issued Interpretation No. 2018-001 on May 11, 2018. Ex. 7. The request posited eight types of businesses and sought guidance as to whether each would be allowed. The Director determined that one of the eight hypothetical uses would be prohibited:

> *A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.*
>
> a. Analysis: The activity described would be a land use activity in which goods, merchandise or equipment are stored for eventual distribution. This activity would fit within the definition of "warehouse/distribution" in DMC 25.10.230 (see above) and **therefore would be a prohibited** use pursuant to DMC 25.41.020(2)(g).

Interpretation at 6 (emphasis in original).

But the Director determined that each of the other seven hypothetical uses would be allowed even though they include warehousing and distribution. In his analysis of each hypothetical use, the Director made no reference to the ban on warehousing and distribution facilities in DMC 25.41.020(2)(g):

> The following uses/activities are deemed to be permitted activities within the Mixed Use Village Zoning District …:
>
> 1. Warehouse space that supports retail or office space engaged in the selling/marking of the Company's products from the warehouse. Selling and marketing includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Grange Industrial Supply.

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> 2. Light manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.
>
> 3. Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support.
>
> 4. Local, regional, national or international HQ building that has office support systems located in the building to support the Company's efforts. Examples: Intel and Boeing.
>
> 5. Data centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.
>
> 6. Commercial kitchen operations that store and cook food for nearby restaurant or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis-McChord.
>
> 7. Freezer/cooler buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.

Ex. 7 at 7.

In his analysis concluding that each of the seven hypothetical uses would be allowed, the Director failed to consider the Code's broad prohibition on warehousing and distribution (DMC 25.41.020(2)(g)) and whether any of the hypothetical uses were inconsistent with that prohibition.

We do not challenge the Director's Interpretation as it relates to the non-warehousing hypotheticals identified in the Interpretation (that is, No. 4 (headquarters building with office support systems) and No. 5 (data centers)). But the other hypotheticals approved by the Interpretation all include warehousing elements that should have resulted in an interpretation that such uses fall within the prohibition on warehouse and distribution facilities in the MUV zone and would not be allowed in the MUV zone.

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III. ISSUE PRESENTED

Is Code Interpretation 2018-001 inconsistent with the plain language of the MUV zoning provisions of the DMC and the intent of the DuPont City Council?

Answer: Yes.

IV. EVIDENCE RELIED UPON

Appellants rely on the plain language of the Code. To the extent there is any ambiguity, we also rely on the legislative history documented in the City's Planning Commission and City Council meeting materials, minutes and hearing transcripts.

V. ARGUMENT

A. Canons of Construction.

Courts interpret local ordinances the same as statutes. *Sleasman v. City of Lacey*, 159 Wash.2d 639, 643 (2007). Ordinances with plain meanings are not subject to construction. *Id.* at 646. Only ambiguous ordinances may be construed. *City of Pasco v. Pub. Employment Relations Comm'n,* 119 Wn.2d 504, 507 (1992). The goal in construing zoning ordinances is to determine legislative purpose and intent. 8 E. McQuillin, The Law of Municipal Corporations, § 25.77 at 244-46 (Revised 3d ed.2010); *HJS Dev., Inc. v. Pierce County*, 148 Wn.2d 451, 472 (2003).

> The court should be guided by the reasonable expectation and purpose, as expressed in the ordinance or fairly to be inferred therefrom, of the ordinary person who sits in the municipal legislative body and enacts law for the welfare of the general public.

8 Law of Municipal Corporations, § 25.77 at 344-46. Reviewing bodies are to give undefined terms their plain and ordinary meaning, which may be found in dictionary definitions. *Cf. Flanigan v. Department of Labor & Indus*., 123 Wn.2d 418, 426 (1994). To the extent possible, all provisions should be harmonized so that no words or phrases are rendered superfluous or meaningless.

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Emwright v. King County, 96 Wn.2d 538, 543 (1981); *Pearce v. G.R. Kirk Co*., 92 Wn.2d 869, 872 (1979).

A reviewing body is to give considerable deference to the construction of an ordinance by the agency charged with its enforcement, but only when the ordinance is ambiguous. *Hoberg v. Bellevue*, 76 Wn. App. 357, 360 (1994). For example, in *Peter Schroeder Architects, AIA v. City of Bellevue*, the Court of Appeals disregarded a planning director's interpretation of a Bellevue code provision regarding the addition of windows to a structure because "[t]he code … unambiguously allows bay windows to extend into the setback area. Thus, we do not consider the code's intent or give deference to the Director's interpretation." 83 Wn. App. 188, 192 (1996).

As with statutory interpretation, the primary objective of courts interpreting an ordinance is to "ascertain and carry out the legislature's intent" by giving effect to the ordinance's "plain meaning." *Arborwood Idaho, LLC v. City of Kennewick*, 151 Wn.2d 359, 367 (2004); *see also Bowie v. Dep't of Revenue*, 171 Wn.2d 1, 11 (2011).

Post hoc evidence or opinions are not relevant for determining intent. *See City of Puyallup v. Pac. Nw. Bell Tel. Co.,* 98 Wash. 2d 443, 448 (1982) ("The opinion letter of outside counsel to his or her client can hardly be said to reflect the City Council's legislative intent, especially when the intent was so clearly expressed by ordinance"). In *Western Telepage, Inc. v. City of Tacoma Dept. of Financing,* the Supreme Court rejected the use of a "declaration of a former telephone company lobbyist" to assist in defining telecommunication terms:

> Telepage argues we should be persuaded only "two-way" transmissions are covered by RCW 82.04.065, but it undercuts its own position by acknowledging that "large-scale," one-way data dissemination is subject to the statute. Moreover, Telepage's view on two-way communication as the essence of the definition in RCW 82.04.065 is based on the declaration of a former telephone company lobbyist. Given our reluctance to discern legislative intent from the

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> testimony of a single legislator, *City of Yakima v. International Ass'n of Fire Fighters, AFL–CIO, Local 469*, 117 Wn.2d 655, 677, 818 P.2d 1076 (1991), we find the view of a lobbyist to be of even less utility in discerning the Legislature's intent in enacting a bill. Moreover, the declaration submitted was written 17 years after the events of 1981. **A noncontemporaneous understanding of legislative intent is not reflective of the Legislature's rationale for enacting a 1981 statute.**

140 Wn.2d 599, 611 (2000) (emphasis added).

Likewise, in *City of Shoreline v. Club for Free Speech Rights*, the parties disputed terms in a City of Shoreline ordinance related to adult businesses. The plaintiff, CFFSR, attempted to introduce testimony about the intent of the language from an Assistant City Manager and a paralegal, which was rejected by the court:

> CFFSR argues that the SMC adult cabaret ordinance does not apply to it because it is a private club and the Shoreline City Council did not consider private clubs when it adopted the ordinance. In support of its argument, CFFSR relies upon statements from a Shoreline Assistant City Manager who was involved in the enactment of the ordinance and a paralegal who reviewed the ordinance's legislative record. These statements, which were made three years after the ordinance was enacted, aver that the City Council did not consider the applicability of the ordinance to private clubs.
>
> …
>
> Even if we were to consider such evidence, the noncontemporaneous statements from non-legislators relied upon by CFFSR would be unhelpful in discerning the City Council's intent. *See Western Telepage*, 140 Wn.2d at 611, 998 P.2d 884.

109 Wn. App. 696, 702-03 (2001).

C. <u>The Interpretation is Inconsistent with the Clear Language of the DMC and Intent of the City Council.</u>

The Director's Interpretation allows warehouse and distribution facilities in five hypothetical examples contrary to the Code's express prohibition. The Director ignored the plain

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language of the Code and instead focused on his perception of the Council's intent. He reasoned that the "intent of the adoption of the new MUV regulations was to expand the permitted use in the zoning regulations for this new zoning designations while fundamentally retaining the majority of land uses permitted within the Business Tech Park District (BTP) designation." Ex. 7 at 5. This reasoning is flawed for two reasons. He ignored the plain language and, even if intent is relevant, he misconstrued that.

First, the plain language of the DMC prohibits warehouse and distribution facilities in the MUV zone. DMC § 25.41.020(2), titled "Land uses," explicitly states, "The following uses and development types are specifically prohibited in all MUV subdistricts: … (g) Warehouse/distribution. (Ord. 18-1034 § 2 (Exs. 6, 7))." Yet the Interpretation would allow uses that meet the definition of "warehouse/distribution", including allowing a facility to "process, store and distribute food products . . ."

The City Council broadly defined warehouse or distribution as "a building or land use in which goods, merchandise or equipment are stored for eventual distribution." DMC § 25.10.230 (W definitions). Moreover, the Council's use of the virgule ("/") makes it clear that it intended "warehouse or distribution." *See J.R. Simplot, Inc. v. Knight,* 139 Wn.2d 534, 541 (1999) ("Relying on dictionary definitions and cases from other jurisdictions, the court concluded the plain meaning of the mark unequivocally means 'or'").

Because the language of the ordinance is unambiguous, no further analysis is necessary. The Examiner should determine that the Interpretation is wrong and should be vacated and revised.

Second, even if the Council's intent is considered, it is consistent with the Code's plain language. The Director failed to consider any of the legislative history discussed above which

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demonstrates that the City Council, following the Planning Commission's recommendations, clearly intended to preclude all warehousing and distribution facilities in the new MUV zone.

While we do not dispute that the Council was seeking to expand the list of *some* uses allowed in the Old Fort Lake subarea, the record is clear that warehouse and distribution facilities were not on that list. To the contrary, the Council enacted DMC 25.41.020(2)(g), which carries forwarded the explicit prohibition of warehouses and distribution facilities; expanded that prohibition by deleting the "freestanding" qualified; left warehouses and distribution facilities off the land uses chart of DMC 25.41.020; adopted a subarea plan that included similar prohibitions and/or omitted warehousing as an allowed use; and made contemporaneous statements that indicate its intent to respond to local residents' concern over warehouses and distribution facilities in the community by amending language to delete references to warehousing as an allowed use in the Subarea Plan and the code. *See, e.g.,* Transcript of March 13, 2018 City Council Meeting ("Deputy Mayor Eric Corp: … We really are trying to make sure we do the right thing to be as restrictive as possible …); Ex. 10 at 12 ("Councilmember Barnes commented City Council's desire to listen to citizens, about mitigation of truck impacts" and "Councilmember Coffey provided background of same prohibition of warehouse distribution since 2006, her vision of ... keeping … DuPont a beautiful town and the importance of working together with citizens").

In sum, the Council's intent is crystal clear. The Council was seeking to prohibit warehousing and distribution facilities in the MUV zone. The Council adopted clear code language that effectuates that intent. The Examiner should so find.

VI. CONCLUSION

The unambiguous language of the Municipal Code and the clear intent of the City Council directly conflict with the Interpretation. Responding to the concerns of the community, the City

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Council intended to preclude warehouse and distribution facilities in the MUV zone. The Interpretation ignores this language and this intent.

For the reasons above and those to be presented at the hearing in this matter, Appellant requests that the Hearing Examiner determine that the Interpretation is inconsistent with the Code's plain language and the intent of the City Council in enacting the Subarea Plan and the MUV provisions of the DMC and order the Director to issue a revised interpretation consistent with that determination.

Dated this 6th day of July, 2018.

Respectfully submitted,

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https://www.youtube.com/watch?v=hkyyvZhhCsw&t=1s

March 13, 2018 City Council Meeting Excerpts

19:45–21:30

Councilmember Matt Helder: So taking some of these scribbles that I have in turn. In 25.41.020(2)(g) where it says, I guess I could give you the page, it's page 14, line 9, warehouse distribution. Would there be any reason why we wouldn't clarify warehouse distribution as well as free standing warehouse distribution? Because free standing warehouse distribution is already prohibited in Old Fort Lake. No one's trying to change that. Would it be worth reiterating that here?

Jeff Wilson: The reason why, is that the phrase that was adopted in the BTP (Business Tech Park) said freestanding warehouse and distribution. We define the term warehouse and distribution so what we are going back to is the exact language that's in the code to apply it appropriately. It doesn't distinguish between free standing or not. It says that warehouse distribution period is not permitted and in that particular function. So we're using, we're going back and using that term as it is defined in our code to apply to this particular section of the code.

Councilmember Matt Helder: So we're essentially carrying over the current prohibition on warehouse…

Jeff Wilson: It is. Yes.

30:10-32:40

Councilmember Chris Barnes: I wanted to talk about the definition of warehousing. I really appreciated how the subcommittee and staff how you come up with this definition. I think it really kind of gets to the gist of what we're looking for warehouses out of this area, the sort of

goods and materials the infrequent pickup, that kind of stuff. What I would like to see and which I frankly don't have a good definition for, is what infrequent means. We've heard, you know a lot of the concern from the public is how much truck traffic is this bringing in. I feel like it's great to say infrequent, but I'd like to have a definition that we can say this is what we can hang our hat on. Do you have any technical notes on what infrequent truck pickups and delivery means?

Staff Person Jeff Wilson: I don't know if I can, in memory had a place where I had _____ if I have a definition of that term. It doesn't mean there isn't one that exists out there that we can use to start a discussion but until we know what the use is, until we know what they're proposing, we would evaluate that as part of their proposal and get an idea of the efficiency of the traffic and then I hear part of it are we going to have to distinguish as to infrequent applying to a vehicle of a certain size or under a certain size or all vehicles period. So there would need to be some direction as to just exactly what they define in that category.

Councilmember Chris Barnes: Well I think the concern is that the pick up and delivery with the the semi trucks, the bigger vehicles and stuff like that. So if you could scare up something.

Staff Person Jeff Wilson: That might be an appropriate way to describe it. Yes.

Councilmember Chris Barnes: I would appreciate whatever you did.

Mayor or Chair: If I get the Council's intent, __ you want to remand this back to a new subcommittee. Can we do that? You've got to help me out here.

47:00-End

Deputy Mayor Eric Corp: I'll just echo the comments that the mayor made earlier. I know a lot of you came out, a lot of you have sent a lot of e-mails to the Council. We read them all. We understand what the plight of the citizens are. We really are trying to make sure we do the right thing to be as restrictive as possible but at the same time, not restrict what's currently allowed for

the developer to be successful. And I'm not talking about this developer. I'm talking about a developer. I want to make it clear that I don't really care whether Copper Leaf develops there or doesn't. This process was started by an initiative of the City to amend the Comp. Plan and to continue to that to changing the code to match the Comp. Plan. It wasn't started because we had a developer. It just so happens that that developer came in about the same time we started all this. So, we as a subcommittee, I can speak for myself, we will take all the comments that are made tonight. We will publicly and amongst the Council members and all the e-mails and all the letters and everything else that we've received and we will do our best to make sure that we meet the intent of the citizens and at the same time make sure that we are legally bound by what we are creating.

_____: If there are no further Council comments, we will adjourn the meeting at 10:15.

BEFORE THE HEARING EXAMINER FOR THE CITY OF DUPONT

RE: Save Our City Interpretation Appeal No. PLNG2018-034	HEARING BRIEF OF RESPONDENT FR/CAL 3 NW LANDING, INC.

I. INTRODUCTION

In 2018 the City of DuPont amended its municipal code to add a new zoning designation, Mixed Use Village (MUV). Uses permitted within MUV zoning include "retail trade," "office," and "light manufacturing," among others. "Warehouse/distribution" is not a permitted use.

Copper Leaf, LLC[1] sought clarity regarding activities that are presumably permitted but that necessarily involve some storage and distribution. After analyzing eight examples provided by Copper Leaf, LLC, the City issued a Code Interpretation Determination (Interpretation). The City concluded that seven of the eight activities are permitted uses. Implicit in the Interpretation is the idea that warehousing or distribution that occurs as an ordinary component of a permitted use does not turn the permitted use into a prohibited one.

[1] Copper Leaf, LLC has entered into a purchase contract with FR/Cal 3 NW Landing, Inc. (NW Landing), which is the owner of approximately 260 acres of the land in the Old Fort Lake subarea. All of the NW Landing property is within the MUV zoning and thus directly affected by the City's interpretation that is the subject of this appeal.

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The City's Interpretation makes sense. After all, permitted uses like retail and light manufacturing will necessarily involve storing of products or merchandise on-site. Moreover, if a retail business conducts any online sales or otherwise ships its products directly to consumers, it will necessarily distribute the merchandise from the property. Similarly, products made by a light manufacturing business must be distributed from the property at some point. Under these circumstances, some warehousing and distributing occurs, but only as a component of the retail, light manufacturing or other allowed uses.

Nevertheless, the appellant has challenged two of the seven activities listed in the Interpretation on the grounds that "[t]he ban on warehousing is not expressed in terms such that warehousing is allowed if it is combined with another allowed use...." In other words, according to the appellant a retail, light manufacturing, or office use should be prohibited in the MUV district if any storage or distribution occurs. The appellant's interpretation is in direct conflict with the plain language of DuPont Municipal Code (DMC) § 25.41 (Mixed Use Village – MUV) and should be rejected.

The City interpreted the relevant regulatory language in a manner that is both reasonable and consistent. If businesses within MUV zoning could never "store" goods or equipment that may be eventually "distributed," then numerous expressly permitted uses within MUV zoning would be, in fact, prohibited. The Hearing Examiner should uphold the City's Interpretation.

II. BACKGROUND

A. MUV Zoning

On March 27, 2018, the City of DuPont amended its Code to create MUV zoning under Ordinance 18-1034. DMC § 25.41.010 defines the purpose of MUV zoning and explains that:

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> The [MUV] is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village.... The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan.

The goals and policies in the Subarea Plan include "[l]everag[ing] the opportunity created by the City's largest area of undeveloped commercial/manufacturing land to create well-paying employment opportunities" and "[e]nsur[ing] that future uses align with economic development and job creation goals."[2] According to the Subarea Plan, "[t]he subarea should focus on employment while also allowing other complementing land uses such as neighborhood-scaled commercial, lodging, recreation, and housing."[3]

Consistent with these goals and policies, DMC § 25.41.020 lists numerous commercial uses permitted within the MUV zoning district. They include:

- Light Manufacturing, which is defined as

  an indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments[4];

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[2] October 5, 2017 Subarea Plan [Working Draft], p. 5.

[3] October 5, 2017 Subarea Plan [Working Draft], p. 23.

[4] DMC § 25.41.015

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- Retail Trade, which is defined as "[t]he sale of goods or commodities to ultimate consumers, as opposed to the sale for further distribution or processing"[5] and "[t]he business of buying and selling bartering goods or services."[6]

- Office, which "generally refers to a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are generally professional, educational, administrative, financial or governmental in nature."[7]

- Service Business, which is defined as "the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any...service...for livelihood or profit; or the management, occupancy, or maintenance of recreational or amusement enterprises, office buildings, offices, structures or premises by...persons rendering services."[8]

In addition to the permitted uses, Section 25.41.020 lists several uses that are prohibited in MUV districts.[9] One of the prohibited uses within the MUV is "warehouse/distribution," which is defined under the Code as "a building or land use in which goods, merchandise or equipment are stored for eventual distribution."[10]

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[5] Black's Law Dictionary (10th ed. 2014), Retail. If any word used in DuPont's Land Use Code is not defined under the Definitions section of the Code (DMC § 25.10), the word shall be defined by looking first to the City's development regulations; then to a City regulation, ordinance, code or regulation; then to any applicable state statute or regulation; then to legal definitions from case law or a law dictionary; then finally to Webster's dictionary. DMC § 25.10.230.

[6] Black's Law Dictionary (10th ed. 2014), Trade. In its Interpretation, the City relied on the definition of "retail" found in Merriam-Webster: "to sell in small quantities directly to the ultimate consumer."

[7] DMC §25.10.150.

[8] DMC § 25.10.020. The Code also lists research and development; educational institutions; restaurants and drinking establishments; commercial recreational facilities; hotels; among other uses permitted within MUV zoning. DMC § 25.41.020(1) and Table 25.41.020(a).

[9] Prohibited uses include drive-through facilities, gas station/car washes, adult entertainment, and others. DMC § 25.41.020(2).

[10] DMC § 25.41.020(2); DMC § 25.10.230.

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B. The City's Interpretation

On April 25, 2018, Copper Leaf, LLC requested a formal code interpretation from the City of DuPont. As part of its request, Copper Leaf, LLC provided examples of companies doing business in the Puget Sound region that have storage areas to support their on-going business operations and asked the City if such activities would be allowed in the City of DuPont within the MUV zoning.[11]

On May 11, 2018, the City of DuPont issued its Interpretation.[12] It evaluated the examples to determine if they were consistent or inconsistent with the intent of DMC § 25.41 and ultimately determined that "the following uses/activities are deemed to be permitted activities within the [MUV] zoning district, subject to the performance standards and use requirements under DMC § 25.41:

1. Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. Selling and marketing includes but is not limited to the following: Direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.

2. Light manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.

3. Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.

4. Local, regional national or international HQ building that has office support systems locates in the building to support the company's business efforts. Examples: Intel and Boeing.

5. Data centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.

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[11] *See* Exhibit A, Attachment 1, p. 1.

[12] Exhibit A.

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6. Commercial kitchen operations that store and cook food for nearby restaurant or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis-McChord.

7. Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker."[13]

The City determined that an eighth requested use, "[a] warehouse that stores product and supports a company's retail stores in and around the surrounding area," constitutes a warehouse/distribution use and is prohibited.[14]

C. The Appeal

On May 25, 2018, the appellant, Save Our City, appealed the City's Interpretation with regard to two of the seven permitted uses: (1) warehouse space that supports retail or office space engaged in the selling/marketing of the company's products and (2) freezer/cooler buildings that process, store and distribute food products to the local market. The appellant's basis for the challenge is that "[t]he ban on warehousing is not expressed in terms such that warehousing is allowed if it is combined with another allowed use" and that "the relative significance of the storage and distribution uses are not specified."[15]

III. ANALYSIS

The City of DuPont has the discretion under its Code to issue written interpretations and is required to interpret the Code where the rules do not clarify a definition or a use standard.[16] The City's goal in interpreting the Code is to effectuate the City Council's intent.[17]

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[13] Exhibit A, p. 7.

[14] Exhibit A, p. 6.

[15] Exhibit B.

[16] DMC § 25.175.010(3) states: "The director of community development, or designee, may issue a written interpretation for any section of DMC Titles 23, Environment, 24, Subdivisions, or 25, Land Use Code, at any such time as the code is silent regarding an issue, duplicative or conflicts within itself." DMC § 25.05.040(9) states: "The community development director or his/her designee are hereby authorized to make code

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And the City should interpret the Code in a manner that make sense and does not lead to absurd results.[18]

A. The City's Interpretation is reasonable

In this case the City analyzed several common use activities and determined that they are consistent with the permitted uses within MUV zoning. For example, in the case of a "[w]arehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse," the City determined that:

> Based on the description, the primary uses include a retail/commercial component within a building which also provides warehouse space to store goods which are being sold on site. Pursuant to DMC Table 25.41.020(a), "retail trade" is listed as either a "permitted" or an "accessory" use throughout the entire MUV zoning district. Merriam-Webster defines "retail" as "to sell in small quantities directly to the ultimate consumer." The uses example provided in this instance qualifies as a "retail trade."[19]

This is a reasonable interpretation of "retail trade." The nature of the business is selling products to the ultimate consumers. It would have been patently unreasonable for the City to determine that the use did <u>not</u> qualify as "retail trade" simply because goods were being stored on site and distributed to ultimate consumers from the building. Nothing about those activities changes the "retail" nature of the use. Disallowing otherwise-permitted uses because a necessary part of the use requires actions that could be described as "storing" and "distributing" goods would produce absurd results and be contrary to the plain language of DNC § 25.41.020.

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interpretations. Where these rules do not clarify a boundary, definition, use standard, or procedure, the director shall make the determination."

[17] *In re Parentage of J.M.K.*, 155 Wn.2d 374, 387, 119 P.3d 840 (2005).

[18] *Univ. of Wash. v. City of Seattle*, 188 Wn.2d 823, 834, 399 P.3d 519 (2017).

[19] Exhibit A.

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B. The City's Interpretation is consistent with the Code

The City's analysis in its Interpretation focuses on the nature of the use and this is consistent with the Code, which defines "use" as "the nature of the occupancy, the type of activity...to which land is devoted or may be devoted."[20] In the case of a "warehouse that stores product and supports a company's retail stores in and around the surrounding area," for instance, the City found that the fundamental nature of the use was storage and so determined that:

> The activity described would be a land use activity in which goods, merchandise or equipment are stored for eventual distribution. This activity would fit within the definition of "warehouse/distribution" in DMC § 25.10.230 [ ] ***and therefore would be a prohibited*** use pursuant to DMC 25.41.020(2)(g).[21]

In those examples where the nature of the activity was found to be consistent with a permitted use such as retail, light manufacturing, processing, or office use, the City determined that the use was allowed; where the nature of the use constituted warehouse/distribution, as in the above quoted example, the City found the use prohibited. This is consistent with the language and intent of the Code.

It is also consistent with administrative case law. For example, in *Matter of Denial by the City of Seattle of a Substantial Development Permit v. City of Seattle*,[22] the Shorelines Hearings Board analyzed whether a use in a South Lake Union building constituted "warehousing and manufacturing," which were not permitted under the Shoreline Master

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[20] DMC § 25.10.210 (emphasis added). "Nature" is defined by Black's Law Dictionary as the "fundamental quality that distinguishes one thing from another." Black's Law Dictionary (10th ed., 2014), nature.

[21] Exhibit A.

[22] 1977 WL 45988 (Wash. Shore. Hrg. Bd.).

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Program.[23] The use at issue was a charitable enterprise that collects donated goods from the public, does minimal restoration work on donated goods, and then sells the goods to the public at prices substantially below similar new products.[24] The Board reasoned that the use was not "warehousing" and thus allowed, stating that:

> Warehousing would appear to occur at St. Vincent's to the extent that the goods collected from around the City are unloaded here and distributed to other stores. The evidence before the Board indicates that this may be a tolerated ancillary use for retail business. In any event, the goods collected have to be offloaded at some point.... In our opinion this is an incidental part of the overall operation at the site.... It appears that warehousing is an ancillary use at the Lake Union store and is thus permitted.[25]

C. The City's Interpretation implements the goals and polices of the Subarea Plan

The City's Interpretation also implements the goals and policies of the Subarea Plan, which is the express intent of MUV zoning.[26] The goals and policies of the Subarea Plan include "[l]everag[ing] the opportunity created by the City's largest area of undeveloped commercial/manufacturing land to create well-paying employment opportunities" and "[e]nsur[ing] that future uses align with economic development and job creation goals."[27] The City's Interpretation implements these goals by not arbitrarily restricting the uses permitted under DMC § 25.41.

D. The Appellant's interpretation conflicts with the plain language of the Code

Ultimately, the City's goal in providing its Interpretation is to follow the intent and purpose of the MUV rules. Certainly it was not the City Council's intent in creating MUV

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[23] *Id.* at *1-2.
[24] *Id.*
[25] *Id.* at *4.
[26] DMC § 25.41.010.
[27] October 5, 2017 Subarea Plan [Working Draft], p. 5.

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zoning to prohibit an otherwise-permitted use just because the use necessarily involves some storage and distribution of goods or merchandise, as appellant contends. This would clearly conflict with the express language of the code list of the permitted uses in DMC § 25.41.020. Examples of the types of businesses that would be prohibited under such an interpretation would be many, and would include:

- Restaurant supply stores
- Shoe stores
- Bakeries
- Book stores
- Bicycle shops
- Automobile parts stores
- Furniture showrooms and stores
- Hardware/home improvement stores
- Jewelry stores
- Manufacturing of musical instruments
- Manufacturing of kitchen supplies
- Manufacturing of clothing
- Manufacturing of electronics
- Manufacturing of bicycles
- Manufacturing of furniture
- Manufacturing of jewelry
- Manufacturing of medical instruments
- Processing of fresh foods
- Processing frozen foods
- Ice production

All of the above uses would require some storage and distribution. Some, like furniture showrooms, would require a substantial storage area to support retail sales. And yet when the nature of the occupancy is considered, all are consistent with the permitted uses of "retail trade," "light manufacturing," or "office" use.

IV. CONCLUSION

The City is required to interpret its Code in a manner that is consistent with the intent of the regulatory language and is reasonable. In this case the City simply analyzed certain activities and interpreted them as being consistent with the language and intent of DMC § 25.41. The City's Interpretation is reasonable and consistent with the Code. The Hearing Examiner should therefore deny the appeal of the City's Interpretation.

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Dated this 6th day of July, 2018.

GORDON THOMAS HONEYWELL LLP

By _____

William T. Lynn, WSBA No. 07887
Reuben Schutz, WSBA No. 44767
Attorneys for Respondent FR/Cal 3 NW Landing, Inc.

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DECLARATION OF SERVICE

I, Lisa Blakeney, under penalty of perjury under the laws of the State of Washington declare as follows:

I am a legal assistant in the offices of Gordon Thomas Honeywell LLP, attorneys for the Respondent FR/Cal 3 NW Landing, Inc. On the 6th day of July, 2018, I caused a copy of this HEARING BRIEF OF RESPONDENT FR/CAL 3 NW LANDING LLC to be served upon all parties herein, as indicated below:

Party/Attorney	Method of Service
Hearing Examiner Phil A. Olbrechts olbrechtslaw@gmail.com	[ ] Via ABC Legal Messenger [ ] Via U.S. Mail [ ] Via E-filing Notification/LINX [X] Via Email
City of DuPont ATTN: Gary Karg gkarg@dupontwa.gov; Jwilson@dupontwa.gov	[ ] Via ABC Legal Messenger [ ] Via U.S. Mail [ ] Via E-filing Notification/LINX [X] Via Email
Appellant Save Our City bricklin@bnd-law.com; piebaldsatil@gmail.com	[ ] Via ABC Legal Messenger [ ] Via U.S. Mail [ ] Via E-filing Notification/LINX [X] Via Email
Property Owner/Contract Purchaser blynn@gth-law.com; Williams.bill@principal.com; w.reisenauer@comcast.net; gary.danklefsen@cushwake.com; tom.abbott@colliers.com; klarson@larsonlawfirmllc.com	[ ] Via ABC Legal Messenger [ ] Via U.S. Mail [ ] Via E-filing Notification/LINX [X] Via Email

DATED at this 6th day of July, 2018 at Tacoma, Pierce County, Washington.

Lisa Blakeney, Legal Assistant

LAW OFFICES
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EXHIBIT A

Unique History ... Vibrant Future

CITY OF DUPONT

Department of Community Development
1700 Civic Drive, DuPont, WA 98327
Telephone: (253) 964-8121
www.dupontwa.gov

Code Interpretation Determination

File No. PLNG2018-023

Date:	**May 11, 2018**
To:	**Interpretations File No. 2018-001**
From:	Jeffrey S. Wilson, AICP Director
Subject:	**Request for Interpretation by Copper Leaf LLC regarding Uses Allowed within the Mixed Use Village Zone (MUV)**
Date Issued/Posted:	*May 11, 2018*
Effective Date:	**May 26, 2018 (unless appealed in a timely manner)**

Issue Outline:

On April 25, 2018,the Department of Community Development received a letter from Copper Leaf, LLC requesting a formal code interpretation "Request for Interpretation of Uses Allowed for Mixed Use Village zone" (see Attachment 1).

A summary of the request is as follows:

> *"Specifically, would a commercial use, even with substantial storage area that included a distribution function, be permitted." (see paragraph # 3 of Attachment 1).*

To provide context to the quest for interpretation, Copper Leaf provided examples of uses related to the interpretation request cited above (see bullet point examples on page 1 & 2 of Attachment 1), and quoted below.

1. *Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. Selling and marketing includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.*
2. *Light Manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.*
3. *Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.*
4. *A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.*

5. *Local, Regional National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.*
6. *Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.*
7. *Commercial kitchen operations that store and cook food for nearby restraint or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis-McChord.*
8. *Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.*

The purpose of this interpretation analysis will be to evaluate the examples cited above to determine if they are consistent/inconsistent with the intent of the adopted regulatory language in the recently adopted amendments to the DuPont Municipal Code (DMC), specifically DMC Chapter 25.41 (Mixed Use Village – MUV).

Relevant Code Sections and Definitions:

A. 25.05.040 Rules of Interpretation

(1) Regulations, conditions, or procedural requirements specific to an individual land use permit shall supersede regulations, conditions, or procedural requirements of general application.

(2) The zoning code shall be consistent with and implement the city's comprehensive plan.

(3) When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.

(4) When the provisions of this title impose greater restrictions than are imposed by other applicable city, county, regional, state and federal regulations, the provisions of this title shall control.

(5) Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section.

(6) In the case of any ambiguity or differences of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title and the zone classification use tables in the appendix to this title shall control.

(7) The words "shall" and "should" are mandatory and the word "may" is discretionary.

(8) Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense; all words and terms used in this title shall have their defined or customary meanings.

(9) The community development director or his/her designee are hereby authorized to make code interpretations. Where these rules do not clarify a boundary, definition, use standard, or procedure, the director shall make the determination. The director's determination in these instances may be appealed pursuant to DMC 25.175, Administration of Development Regulations.

B. Section 1.2 – Subarea Plant Intent (Old Fort Lake Subarea Plan)

The Old Fort Lake subarea contains tremendous opportunity to provide future employment, commerce, recreation, and housing to accommodate current and future populations. The intent of the subarea plan is to examine the area to better understand its strengths, opportunities, and constraints, and to plan for its growth. Based on analysis and engagement, the subarea plan articulates the future vision and outlines its implementation strategy. This vision will be implemented through the City's Comprehensive Plan, land use controls, capital improvement plans, and economic development initiatives.

C. 25.41.010 – Purpose (Mixed Use Village)

The Mixed Use Village (MUV) is intended to provide a location for a spectrum of future services, recreation, employment, and living options arranged in a mixed-use village. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with excessive impacts such as noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited. The MUV zoning district is established to implement the Old Fort Lake Subarea Plan and the applicable goals and policies for the Old Fort Lake area as listed in the City of DuPont Subarea Plan. The MUV is applicable to the designated areas delineated in the Comprehensive Plan and the Zoning Map. The MUV includes nine subdistricts that define standards for allowed land uses, development scale, aesthetics, and compatibility. The MUV subdistricts are described as follows:

(1) MUV-1: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, public/community uses, office, light manufacturing, and research and development.

(2) MUV-2: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, hotel, housing, office, light manufacturing, and research and development.

(3) MUV-3: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, multifamily housing, public/community uses, office, light manufacturing, and research and development.

(4) MUV-4: This subdistrict is intended to support smaller-scale employment and neighborhood-oriented commercial/restaurant uses. The subdistrict is intended to develop with appropriate buffering and building-scale limitations to ensure compatibility with the nearby residential and school properties.

(5) MUV-5: This subdistrict is intended to be a primary employment area that allows office, light manufacturing, and research and development.

(6) MUV-6: This subdistrict is intended to be a primary employment area that allows office, and light manufacturing, research and development. This subdistrict also supports specialty commercial/restaurant uses.

(7) MUV-7: This subdistrict is intended to support a mix of uses that includes neighborhood-oriented commercial/restaurant uses, community/cultural uses, office, light manufacturing, and research and development.

(8) MUV-8: This subdistrict is intended to be an employment area with supportive residential that allows office, light manufacturing, research and development, community/cultural uses, and multifamily housing.

(9) MUV-9: This subdistrict is intended to support active recreation and supporting land uses such as commercial/restaurant, administrative office, and hotels.

D. 25.40.010 Purpose (Business Tech Park District)

1. The business tech park district is intended to provide location for a range of business park uses, including office, commercial, light manufacturing and research. This district is intended to provide area for those uses that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. Light manufacturing uses with significant adverse impacts such as excessive noise or emission of significant quantities of dirt, dust, odor, radiation, glare or other pollutants are prohibited.

E. 25.41.015 – Definitions

1. The definitions in this section only apply to Chapter 25.41 of the DMC.

   a. *Light Manufacturing:* An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; food and beverage products, including ice production; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited.

F. 25.10.020 B definitions

1. "Business" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management, occupancy, or maintenance of recreational or amusement enterprises, office buildings, offices, structures or premises by professions and trades or persons rendering services.

G. 25.10.030 C definitions

1. Commercial. See "Business."

H. 25.10.150 O definitions

1. "Office use" generally refers to a service business, rather than the production, distribution and/or retail sales of goods or commodities. The services provided are generally professional, educational, administrative, financial or governmental in nature.

I. 25.10.230 W Definitions

1. "Warehouse/distribution" means a building or land use in which goods, merchandise or equipment are stored for eventual distribution.

J. "Process" (Merriam - Webster, 2018)

1. a: progress, advance - in the process of time

   b: something going on: proceeding

2. a (1): a natural phenomenon marked by gradual changes that lead toward a particular result ♦ the process of growth (2): a continuing natural or biological activity or function ♦ such life processes as breathing

b: a series of actions or operations conducing to an end; especially: a continuous operation or treatment especially in manufacture

K. "Retail" (Merriam - Webster, 2018)

1. : to sell in small quantities directly to the ultimate consumer

L. "Merchandise" (Merriam - Webster, 2018)

1. : the commodities or goods that are bought and sold in business

M. "Data Center" (Wikipedia)

1. A data center is a facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant [clarification needed] or backup power supplies, redundant data communications connections, environmental controls (e.g. air conditioning, fire suppression) and various security devices. A large data center is an industrial-scale operation using as much electricity as a small town.

Analysis:

The MUV is a new zoning classification recently adopted into DuPont Municipal Code (DMC) on March 27, 2018 under Ordinance 18-1034. The new zoning designation was created to implement the adopted Comprehensive Plan Subarea Plan for the Fort Lake Business and Technology Park, creating the new Old Fort Lake subarea. The former "Business Tech Park District" (BTP) zoning in place for the Fort Lake Business and Technology Park comprehensive plan was replaced with the new MUV zoning designation.

The intent of the adoption of the new MUV regulations was to expand the permitted uses in the zoning regulations for this new zoning designation while fundamentally retaining the majority of land uses permitted within the Business Tech Park District (BTP) designation.

Therefore the review of the request for interpretation of permitted uses within the new MUV land use regulations must be taken in context stated purpose of the MUV (25.41.010) and the purpose of the former BTP (25.40.010) zoning designation.

The requested interpretation cites eight (8) examples of uses for determination of consistency with the new MUV regulations. The following is a restatement of these 8 uses with an analysis of each use example for consistency with the stated regulation and purpose of DMC 25.41.

1. *Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. Selling and marketing includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.*

   a. Analysis: Based on the description, the primary uses include a retail/commercial component within a building which also provides warehouse space to store goods which are being sold on site. Pursuant to DMC Table 25.41.020(a), "retail trade" is listed as either a "permitted" or an "accessory" use throughout the entire MUV zoning district. Merriam – Webster defines "retail" as "to sell in small quantities directly to the ultimate consumer." The uses example provided in this instance qualifies as a "retail trade."

2. *Light Manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.*

   a. Analysis: The activity described provides for a manufacturing activity which is consistent with the adopted definition of "Light Manufacturing" pursuant to

25.41.015(1)(a) (see above) and is consistent with the permitted uses allowed within the MUV district.

3. *Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.*

   a. Analysis: Based on the description, the primary uses of provides a showroom or display area for merchandise for the purpose of sales to customers. This is another form of "retail trade" which is a permitted use within the MUV zoning district. Additionally, the proposed use as described includes office space to support the retail trade aspect of the use. "Office" use is also a permitted use within the MUV zoning district.

4. *A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.*

   a. Analysis: The activity described would be a land use activity in which goods, merchandise or equipment are stored for eventual distribution. This activity would fit within the definition of "warehouse/distribution" in DMC 25.10.230 (see above) and ***therefore would be a prohibited*** use pursuant to DMC 25.41.020(2)(g).

5. *Local, Regional National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.*

   a. Analysis: Based on the brief activity described it would appear that the use described would be considered an "office use" activity defined pursuant to DMC 25.10.150 (see above), and as such would be permitted within the MUV zoning district.

6. *Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.*

   a. Analysis: The use described in this example appears to be consistent with the "service business" use permitted within the MUV zoning district. "Service business" is not currently a defined term in the DMC. However as stated at the beginning of the Analysis section of this document, the intent of the adoption of the new MUV zoning district to implement the new Old Fort Lake subarea plan was to create a plan and companion zoning regulations which expanded land use opportunities while still restricting uses which were not deemed compatible with the subarea and the surrounding land uses (i.e. "Warehouse/Distribution")' as well as retaining the uses which were previously permitted. Therefore, to determine the types of uses which would qualify under "Service business" we look to the examples provided within DMC25.40.020(1) which provides a list of permitted uses within the BTP zoning district as well as other companion zoning districts which are referenced. A "data center" by definition (see above) is consistent with the types of permitted uses within the BTP zoning district (DMC 25.40.020(1)) and therefore is consistent with the intent of the development of the MUV and use district to retain existing permitted in the BTP zone.

7. *Commercial kitchen operations that store and cook food for nearby restraint or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis-McChord.*

   a. Analysis: As describe, the proposed use is at a minimum consistent with "light manufacturing" activities permitted within the MUV zoning district. The proposed use described provide of the operations of a commercial kitchen which processes raw ingredients into a finish food product which is then distributed.

8. *Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.*

   a. Analysis: The use defined describes activities which take a raw food product and takes steps to "process" that raw food product into a finished product which is then stored and distributed to local markets. In the food processing environment, this is very similar and consistent with the intent of the "light manufacturing" which is allowed within the MUV land use district pursuant DMC 25341.015 and 020; provided that the activity does not include the specifically prohibited under DMC 25.41.020(2)(c) of "Fish processing and other animal rendering operations."

Finally, all use proposals, site plan applications and similar are assessed on a case-by-case basis. This interpretation is not a substitute for nor can it stand in lieu of a formal use proposal, site plan application, permit application, variance application or any other land use process.

THEREFORE, THE FOLLOWING INTERPRETATION IS HEREBY ISSUED:

BASED ON THE ANALYSIS ABOVE, THE FOLLOWING USES/ACTIVITIES ARE DEEMED TO BE PERMITTED ACTIVITIES WITHIN THE MIXED USE VILLAGE ZONING DISTRICT SUBJECT TO THE PERFOMANCE STANDARDS AND USE REQUIREMENTS UNDER DMC 25.41.

1. **WAREHOUSE SPACE THAT SUPPORTS RETAIL OR OFFICE SPACE ENGAGED IN THE SELLING/MARKETING OF THE COMPANY'S PRODUCTS FROM THE WAREHOUSE. SELLING AND MARKETING INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: DIRECT SALES, INDIRECT SALES, DIGITAL SALES OR A COMBINATION OF ANY OF THE ABOVE WITH A WAREHOUSE THAT SUPPORTS THOSE SALES. EXAMPLES: RALEIGH BIKES, FASTENAL COMPANY, GRANGER INDUSTRIAL SUPPLY.**
2. **LIGHT MANUFACTURING AND WAREHOUSING OF GOODS THAT CONTAINS OFFICE SPACE WITH ACCOUNTING AND ADMINISTRATIVE SUPPORT STAFFING. EXAMPLE: SERTA MATTRESS COMPANY.**
3. **WAREHOUSE SPACE THAT ADJOINS A SHOW ROOM DISPLAYING PRODUCTS, DISPLAY AREAS FOR MERCHANDISE AS WELL AS GENERAL OFFICE SUPPORT. EXAMPLE: BARGREEN ELLINGSON.**
4. **LOCAL, REGIONAL NATIONAL OR INTERNATIONAL HQ BUILDING THAT HAS OFFICE SUPPORT SYSTEMS LOCATED IN THE BUILDING TO SUPPORT THE COMPANY'S BUSINESS EFFORTS. EXAMPLES: INTEL AND BOEING.**
5. **DATA CENTERS WHOSE PRIMARY FUNCTION IS TO STORE AND SERVICE SERVERS ON A COMPANY'S SYSTEMS. EXAMPLES: MICROSOFT, FACEBOOK.**
6. **COMMERCIAL KITCHEN OPERATIONS THAT STORE AND COOK FOOD FOR NEARBY RESTRAINT OR COMPANY OPERATIONS INCLUDING SPACE FOR FOOD COMMISSARY OPERATIONS. EXAMPLES: ALASKA AIRLINES, LEWIS-MCCHORD.**
7. **FREEZER/COOLER BUILDINGS THAT PROCESS, STORE AND DISTRIBUTE FOOD PRODUCTS TO THE LOCAL MARKET. EXAMPLES: SEATTLE COLD STORAGE, COLD LOCKER.**

Appeal Procedures:

Pursuant to Dupont Municipal Code (DMC) Section 25.175.010(3), the director of community development, or designee, may issue written interpretation for any section of DMC Titles 23, Environment, 24, Subdivisions. Or 25, Land Use Code, at any such time as the code is silent regarding an issue, duplicative or conflicts within itself. Such interpretation shall be processed as a Type I action and may be appealed to the hearing examiner pursuant to DMC Section 25.175.060.(4).

Should anyone wish to appeal this interpretation, a written appeal, accompanied by the required appeal fee (see City of DuPont fee handout) must be submitted within 14 after the date of the final decision (days of the date of issuance/posting of this interpretation).

The deadline for filing an appeal of this interpretation is: 5:00 p.m. on MAY 25, 2018.

A written appeal must contain the following:

1. The appellant's name, address and phone number;
2. A statement describing the appellant's standing to appeal;
3. Identification of the application that is the subject of the appeal;
4. The appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
5. The specific relief sought;
6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

CC: Interpretations File No. 2018-001

Attachments:

1. Request for Interpretation of Uses Allowed for Mixed Use Village zone, submitted by Copper Leaf, LLC, dated April 23, 2018

Notice:
1) Posted at DuPont City Hall
2) Published on the City of DuPont Department of Community Development webpage

Copper Leaf, LLC
17837 First Avenue South
Normandy Park, Washington 98148

RECEIVED
APR 25 2018
Initial:

April 23, 2018

Jeffrey S. Wilson
Community Planning Director
City of DuPont
1700 Civic Drive
DuPont Washington

Re: Request for Interpretation of Uses Allowed for Mixed Use Village zone

Dear Mr. Wilson:

Thank you for your help in working with the Planning Commission and City Council regarding the Comprehensive Plan and re-zoning of the property. Questions have arisen during our participation in this process and we have questions regarding pure warehouse/distribution uses under the newly adopted Land Use Code Chapter 25.41 for Mixed Use Village.

A large number of Pierce County businesses have large storage areas that are used to support their on-going business operations, including warehouse/distribution. Whether those uses are allowed or prohibited is unclear to us. Therefore, we are respectfully requesting a formal interpretation as to permitted and non-permitted uses.

Specifically, would a commercial use, even with substantial storage area that includes a distribution function, be permitted?

Below are examples of companies doing business in the Puget Sound region that have large storage areas that support their on-going business operations. We would like to know if these uses would be allowed in the City of Dupont based upon Land Use Code Chapter 25.41 for Mixed Use Village and other appropriate statutes, ordinances and regulations:

- Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. "Selling and marketing" includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply.
- Light manufacturing and warehousing of goods that contains office space with accounting and administrative support staffing. Example: Serta Mattress Company.

Attachment 1

- Warehouse space that adjoins a show room displaying products, display areas for merchandise as well as general office support. Example: Bargreen Ellingson.
- A warehouse that stores product and supports a company's retail stores in and around the surrounding area. Examples: Car Toys, Pro Golf Discount, Batteries Plus.
- Local, Regional, National or International HQ building that has office support systems located in the building to support the company's business efforts. Examples: Intel and Boeing.
- Data Centers whose primary function is to store and service servers on a company's systems. Examples: Microsoft, Facebook.
- Commercial kitchen operations that store and cook food for nearby restaurant or company operations including space for food commissary operations. Examples: Alaska Airlines, Lewis McChord.
- Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker.

Based on Gary Danklefsen's meeting with you on April 11, 2018, it is my understanding that you agreed to process this request upon receipt of the $1,500 process fee. Enclosed please find the enclosed check for $1,500.

Please let me know if you have any questions or need anything else from Copper Leaf, LLC. We look forward to your interpretation.

Sincerely,

Kristofer Larson
Copper Leaf, LLC
Corporate Counsel
klarson@larsonlawfirmllc.com
206-713-2084

EXHIBIT B

RECEIVED

@ 3:47 PM

CITY OF DUPONT

NOTICE OF APPEAL

1. **Appellant:** Save Our City, c/o Judy Norris-Handy, 1485 Kittson, Dupont, WA. 253-370-6246.
2. **Standing:** Save Our City is a citizen organization dedicated to protecting the quality of life in Dupont and assuring compliance with the city's comprehensive plan and development regulations. The challenged code interpretation would allow development that is authorized by the comp plan and development regulations and would allow development that was expressly banned by the City Council because of its adverse impacts on the city. Save Our City members own property, live, work and play in the city and will suffer from the adverse impacts that the City Council sought to prohibit if the code interpretation is allowed to stand.
3. **Identification of the decision being appealed:** Code Interpretation 2018-001.
4. **Grounds for appeal and facts upon which the appeal is based:** The City Council has banned warehouse and distribution uses in the MUV zone. Consistent with that ban, the Director issued Interpretation 2017-001 construing the code to preclude fulfillment centers and "parcel hubs" in the MUV zone. But portions of the challenged interpretation would allow uses that meet the definition of "warehouse/distribution" use. The interpretation is inconsistent with the code and should be vacated or modified accordingly.

   Paragraph 1 of the Analysis addresses uses that include warehousing in conjunction with "direct sales, indirect sales, digital sales or a combination of any of the above . . ." None of those terms is defined. The extent to which the space is used for warehousing as opposed to "indirect" or "digital" sales is not described. The ban on warehousing is not expressed in terms such that warehousing is allowed if it is combined with another allowed use, particularly a use as ambiguous as "indirect sales" or a use as amorphous as "digital" sales.

   Likewise, Paragraph 8 of the Analysis construes the code to allow a building used to "process, store and distribute food products . . ." Again, the relative significance of the storage and distribution uses are not specified. Worse, the storage and distribution functions are not tied to the same products that are processed on site. As such, the interpretation would allow a use that is predominantly warehousing and/or a use that stores and distributes products that are not processed on site.

   Both of these interpretations are inconsistent with the Council's code amendment banning warehousing/distribution in the MUV zone.

5. **Relief Sought:** The code interpretation should be vacated or modified to assure that warehouse and distribution uses prohibited by the code are also prohibited by this code interpretation.

The appellant has read this appeal and believes the contents to be true.

Judy Norris-Handy 25 May

JUDY NORRIS-HANDY

DECLARATION OF SERVICE

I, Tiffany Graves, declare and state:

1. I am a citizen of the State of Washington, over the age of eighteen years, not a party to this action, and competent to be a witness herein.

2. On the 6th day of July 2018, I served a true copy of the foregoing *Notice of Appearance* on the following counsel of record using the method of service indicated below:

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 6 July 201829 June 2018, at DuPont, Washington.

Tiffany Graves

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CITY OF DUPONT
BEFORE THE HEARING'S EXAMINER

In re the Appeal of, JUDY NORRIS-HANDY, Appellant vs. CITY OF DUPONT; FR/CAL 3 NW LANDING, INC; COPPER LEAF LLC Respondents.	Docket Nos. PLNG2018-034 PREHEARING BREIF

TO: ALL PARTIES, above named;

TO: ALL COUNSEL OF RECORD; and

TO: HEARING EXAMINER

On April 25, 2018 Copper Leaf LLC (Applicant) requested a formal code interpretation regarding allowed uses in the recently adopted Mixed Use Village (MUV) zoning designations set out at DuPont Municipal Code (DMC) Chapter 25.41. The request listed eight different commercial scenarios and sought clarification as to whether each scenario would or would not be consistent with the allowed uses in the MUV. On May 11, 2018 The City of DuPont's Director of the Department of Community Planning (Director) issued Code Interpretation Determination File No. PLNG2018-023 (Interpretation). The Director has the sole authority to render such interpretations. DMC 25.05.040(9).

The Interpretation determined that seven of the eight commercial scenarios would fall under the allowed uses in the MUV based upon the specific language of the request and with caveats based on existing DMC. Additionally, the Director made clear that these interpretations

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were not a substitute for any site plan review, permit application or any other proposed land use proposal, all of which would have to be assessed on a case by case basis. *Interpretation* at Pg. 7.

Ms. Judy Norris-Handy (Norris), holding herself out as a representative of an organization titled "Save Our City" filed a notice of appeal seeking to challenge two of the seven interpretations (Notice of Appeal). The City of DuPont (City) now responds to the Notice of Appeal.

I. ARGUMENT

A. "Save Our City" Fails to Demonstrate Standing in the Above Captioned Matter

The Notice of Appeal states the appellant is "Save Our City, c/o Judy Norris-Handy". *Notice of Appeal* Para. 1-2. The notice goes on to assert that "Save Our City is a citizen organization". No evidence is presented demonstrating Save Our City (SOC) is an incorporation or any other type of legal entity. *Id.* No evidence is presented that it is unincorporated association with a formal structure similar to such entities (e.g. officers, bylaws, a board of directors, etc.). *Id.* Even if this was the case, unincorporated associations are generally not considered legal entities. *Newport Yacht Basin Ass'n of Condo. Owners v. Supreme Nw., Inc.,* 168 Wn.App. 56, 74, 277 P.3d 18 (2012). Similarly, there is no evidence as to why SOC has legal standing to make such an appeal, even if it was a legal entity. *Notice of Appeal* Para. 2.

The City has no interest in standing being a dispositive issue in this matter. It does not dispute that Norris has standing to make the appeal as an individual. However, for the purposes of the record, the City requests that the actual identity of the appellant be clarified.

B. Norris' Basis for Appeal is Premised on Incorrect Terms and Definitions

Norris' appeal is explicitly based on the assertion that "portions of the challenged interpretation would allow uses that meet the definition of 'warehouse/distribution' use." *Notice*

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of Appeal at Para. 4.[1] However, Norris begins by asserting that "the City Council has banned warehouse and distribution uses in the MUV zone." *Id.* Throughout the Notice of Appeal, Norris incorrectly applies or misrepresents these two separate terms as if they are expressly identified uses or otherwise defined, without ever referencing or citing the actual statutory definition of "warehouse/distribution". *Id.* MUV zoning ordinance neither specifically allows nor prohibits uses described by the terms "warehouse" or "distribution"; these individual terms are not mentioned in relation to MUV zoning uses or defined in the DMC. DMC 25.41.020; 25.10.040; 25.10.230.

In relevant part, the MUV zoning only specifically prohibits the use of "warehouse/distribution". 25.40.025(2)(g). The DMC defines the use of warehouse/distribution as: "a building or land use in which goods, merchandise, or equipment are stored for eventual distribution". DMC 25.10.230. "The same rules of statutory construction apply to the interpretation of municipal ordinances as to the interpretation of state statutes." *City of Seattle v. Green*, 51 Wn.2d 871, 874, 322 P.2d 842 (1958). It is an axiom of statutory interpretation that where a term is defined in the statute, that is the only definition used for interpretative purposes. *United States v. Hoffman,* 154 Wn.2d 730, 741; 116 P.3d 999 (2005). Only if a term is undefined in a statutory scheme will it be "given its plain and ordinary meaning". *Id.* Norris has the burden of demonstrating the challenged interpretations allow uses that meets the actual, statutory, definition of "warehouse/distribution".

C. Norris' Fails to Demonstrate Interpretation One Meets the Definition of Warehouse/Distribution

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[1] Norris' reiterates and reinforces her legal premise in concluding section four of the Notice of Appeal: "Both of these interpretations are inconsistent with the Council's code amendment banning warehouse/distribution in the MUV zone." *Notice of Appeal* at Para. 4.

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Norris challenges the first interpretation made by the Director. *Notice of Appeal* at Para. 4. However, Norris does not actually evaluate the Directors' interpretation. *Id.* Instead, Norris sets out her alternative and preferred interpretation of the Applicant's hypothetical use. The applicant requested an interpretation as to what use category the following hypothetical use would fall into under the MUV: "Warehouse space that supports retail or office space engaged in the selling/marketing of the company's products from the warehouse. Selling and marketing includes but is not limited to the following: direct sales, indirect sales, digital sales or a combination of any of the above with a warehouse that supports those sales. Examples: Raleigh Bikes, Fastenal Company, Granger Industrial Supply."[2] *Interpretation* at Pg. 1, 5.

On its face, this use description does not meet the statutory definition of Warehouse/Distribution. DMC 25.10.230. That definition does not contemplate or allow for retail sales and marketing as the actual or primary use of the property. *Id.* Norris provides no explanation as to how this description meets the definition of "warehouse/distribution" given the description provided by the Applicant clearly states the use is a "retail or office space engaged in the selling/marketing of the company's products". *Notice of Appeal; Interpretation* at Pg. 1,5.

Instead, Norris argues that "the extent to which the space is used for warehousing as opposed to 'indirect' sales or 'digital' sales is not described." *Notice of Appeal* at Para. 4. This assertion is incorrect. The use description provided by the applicant specifically states any warehouse space is to support retail and office space conducting the business of selling and marketing goods on the property. *Interpretation* at Pg. 5. The Director interpreted this phrasing

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[2] The City anticipates Norris will make much of the companies the Applicant provided as examples. Such arguments are a red herring. The Director's interpretation does not provide any analysis or interpretation regarding these specific companies, their operations, or if they qualified as an allowed use in the MUV. *Interpretation* at 5-7.

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to mean the primary use of the property is sales and marketing; retail trade is allowed in the MUV. *Interpretation* at Pg. 5; DMC 25.41.020.

Any "warehousing" is expressly stated as existing in support of sales and marketing of goods. *Id.* Norris fails to acknowledge the actual language in the use description or the interpretation and equally fails to explain how any reasonable interpretation could not find the primary use described is selling and marketing the goods sold on site, given that any storage of goods is in support of that use. *Notice of Appeal* at Para. 4.

Norris also argues, the terms "direct sales", "indirect sales", or "digital sales" are not defined. *Notice of Appeal.* This is irrelevant as these terms have plain meanings in the English language. *See Hoffman,* 154 Wn.2d at 741. It is appropriate to look to a dictionary to determine the plain meaning of an undefined word. *HomeStreet, Inc., v. Dep't of Revenue,* 166 Wn.2d 444, 451, 210 P.3d 297 (2009).

The root of each term is "sales", the plural of selling. The plain language definition of to "sell" is "to transfer (goods) to or render (services) for another in exchange for money; dispose of to a purchaser for a price." *Dictionary.com Unabridged Based on the Random House Unabridged Dictionary,* Random House, Inc. 2018. No such uses are contemplated in the definition of warehouse/distribution. DMC 25.10.230. "Retail trade" is an allowed use in the MUV. DMC 25.41.020. That term is not defined in the code, accordingly, the Director used the plain meaning of that term: "to sell in small quantities directly to the ultimate consumer.' *Interpretation* at Pg. 5.

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As the use described is primarily "retail or office space engaged in the selling/marketing" of goods stored on site, the Director correctly interpreted the hypothetical use provided by the applicant as retail trade, an allowed use.[3]

D. Norris Fails to Demonstrate Interpretation Eight Meets the Definition of Warehouse/Distribution

Norris also challenges the eighth interpretation made by the Director. *Notice of Appeal* at Para. 4. As before, Norris fails to analyze or challenge the actual interpretation provided by the Director. *Id.* The applicant requested an interpretation as to what use category the following use description would fall into under the MUV: "Freezer/Cooler Buildings that process, store and distribute food products to the local market. Examples: Seattle Cold Storage, Cold Locker." *Interpretation* at Pg. 7.

Again, Norris provides no explanation how processing food products would qualify as "warehouse/distribution" under the statutory definition of that term. *Notice of Appeal* at. Para. 4. Instead, Norris ultimately complains that the "the interpretation would allow a use that is predominantly warehousing and/or a use that stores and distributes products that are not processed on site." *Notice of Appeal* at Para. 4. This assertion is plainly faulty when compared to the Director's interpretation. *Interpretation* at Pg. 7. Failure to consider the Director's interpretation is fatal to her case.

The City agrees that the use description provided to the Director by the Applicant was minimal. *Id.* However, the Director interpreted the notion of buildings that "process, store, and distribute food to the local market" as "the use defined describes activities which take raw food

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[3] The City notes that while it was not mentioned in the Director's Interpretation, "office" is also an allowed use in the MUV. DMC 25.41.020.

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product and takes steps to 'process' that raw food product into a finished product which is then stored and distributed to local markets." *Id.* There is no evidence that the Applicant has challenged this interpretation or has in any way argued that this was not the use they intended to convey with their question. This interpretation falls within the statutory definition of Light Manufacturing:

> "An indoor facility used for the assembly, fabrication, and conversion of semi-processed material into finished products, where the intensity, scale, and characteristics of the operation are unlikely to negatively impact surrounding land uses. Light manufacturing also includes intermediate services such as machining, welding, grinding, and machine/industrial repair. Examples of light manufacturing uses include, but are not limited to, clothing and fabric manufacturing; *food and beverage products, including ice production*; electronic, optical, and instrumentation assembly; jewelry production; and manufacturing musical instruments. Outdoor storage or processing of equipment or materials is prohibited." DMC 25.41.015(1) (emphasis added).

A use that takes raw food product, processes it into another food product and then stores it for eventual shipment is light manufacturing. *Id.* Even if Norris was to argue that the Director has "read too much" into the Applicant's original description, it is a distinction without meaning. The Director's actual interpretation does fall under a defined use and in the future if a developer sought to use the property for a purpose that fell outside the Director's interpretation, or introduced other factors, the interpretation would potentially no longer apply or need to be modified.

E. Norris' Erroneous Interpretation of "Warehouse/Distribution" Leads to an Untenable Result.

As noted above, Norris consistently asserts the MUV has an affirmative "ban on warehousing" even though there is no such ban in the relevant DMC sections. *Notice of Appeal* Para. 4. Furthermore, Norris asserts that "the ban on warehousing is not expressed in terms such

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that warehousing is allowed if it is combined with another allowed use." *Id.* Norris essentially argues that the prohibition on the use of warehouse/distribution is not actually a prohibited use unto itself, but rather a condition that applies to all other permitted uses.

On its face this assertion is erroneous, as the plain language of the MUV is clear and unambiguous: warehouse/distribution is a prohibited **use**; light manufacturing and retail trade (among others) are permitted **uses**. DMC 25.41.020. The code establishes them as separate types of uses, including by definition. *Id.* There nothing in the code indicating that the prohibited, defined, use of warehouse/distribution is a blanket condition that applies to other, allowed, uses. *Id.*

Furthermore, fundamental rules of statutory interpretation require avoiding interpretations that produce an absurd result or render meaningless or superfluous other portions of the statute. *State v. Alvarado, 164 Wn.2d 556, 562, 192 P.3d 345 (2008)*; *City of Seattle v. Swanson,* 193 Wn. App. 795, 810, 373 P.3d 342 (2016). Despite the plain language of the code, if Norris' preferred interpretation was applied, it results in both absurdity and rendering meaningless other parts of the code.

Norris' argument would make it so a retail trade business, an explicitly allowed use in the MUV, could not store a surplus of the goods it sells on site as this would be "warehousing". *See Notice of Appeal* Para. 4. Nor, apparently, could it conduct any type of sales on site that might involve storage of goods brought in for customers or shipping goods to a purchaser. *Id.*

Light manufacturing, also an allowed use in the MUV, in relevant part means: "an indoor facility used for the assembly, fabrication, and conversion or semi-processed material into finished product." DMC 25.41.015(1). According to Norris, this definition is rendered meaningless, as such a business would be prohibited from storing the materials needed for the

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very manufacturing they are engaged in nor could they store the finished product, or ship that product out to its customers. These are absurd results because such interpretations makes the uses constrained to the point where genuine engagement of the allowed use would be impractical or impossible and renders meaningless another established definitions.

Warehouse/Distribution is a defined use, separate from other use types. DMC 25.10.230. It is not a condition placed on allowed uses, such that a business cannot engage in the storage of goods or materials or shipping goods or manufactured items to customers, when doing such would be necessary to engage in the allowed use. Indeed, for the City to adopt such an interpretation, in violation of the plain language of the MUV code, would interfere with a property owner's right to engage in allowed uses on the property as it renders those "allowed uses" meaningless and functionally prohibited.

II. CONCLUSION

The Director's interpretations are reasonable and supported by the plain language and meaning of the MUV code. Norris' asserted application of the term "warehouse/distribution" is not supported by any part of the plain language of the MUV code or the actual statutory definition of that use. Were the City to adopt the appellant's preferences, it would create an absurd result by rendering allowed uses functionally prohibited. The City requests Norris' appeal be dismissed and the Director's interpretations upheld.

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DATED this 21st day of June, 2018.

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