



September 22, 2021

Barbara Kincaid, Director
 Community Development
 City of DuPont
 1700 Civic Drive
 DuPont, WA 98327

REQUEST FOR TREE MODIFICATION IN ACCORDANCE WITH CHAPTER 25.120 DMC

Dear Ms. Kincaid:

Applicant, NorthPoint Development, proposes a 101-acre light manufacturing project (known as Founder's Ridge) within opportunity areas E & F of the Old Fort Lake Subarea Plan. The proposal seeks to construct a total of 800,000 square feet of light manufacturing development spread across four 200,000 square foot buildings.

ANALYSIS OF COMPLIANCE WITH TREE RETENTION REQUIREMENTS

Chapter 25.120.030 of the Dupont Municipal Code (DMC) establishes tree retention requirements for the City. The following is an analysis of Applicant's compliance with these requirements:

- (1) Tree retention shall constitute an integral design goal in all public and private site design processes. Retention is particularly desired for trees that are especially large, well-formed, historic, grouped, close to a sensitive area, visually prominent, part of a recognizable landmark, or valuable as wildlife habitat.

Applicant has spent considerable time putting together a site design that:

- Is consistent with the goals and objectives of the Old Fort Lake Subarea Plan, which focused on the retention of open space and trees in specific locations throughout the entire subarea
 - Retains over 5,300¹ total trees within the 101-acre project site
 - Planting 168 trees in the general landscaping and 267 street trees
 - Minimizes the impact to ground water recharge by limiting lot coverage to 40% (code allows up to 100%) and having a 0.18 FAR (significantly less than the 0.30 FAR maximum allowed by code)
 - Limits building size to 200,000 square feet versus seeking a conditional use permit to construct larger buildings
 - Accomplishes retention of large, grouped trees (and their canopies) near parking lots, drive aisles, and buildings to provide shade and improve the appearance of the project and preserve as many trees as possible
 - Proposes to voluntarily restore 5.59-acre of bat habitat that will improve the broader habitat function of trees abutting the northeast part of Old Fort Lake (i.e. a sensitive area)
- (2) All landmark (see DMC 25.10.120, L definitions) Oregon white oak trees shall be retained, along with any native understory within a protection zone one and one-half times the radius of the oak's canopy, unless the landmark oaks are within a proposed street right-of-way which is integral to the neighborhood and cannot reasonably be moved, or unless overall neighborhood densities cannot be met. In such cases, up to 30 percent of the landmark oak trees may be removed, when consistent with the standards in the table of DMC 25.120.040(1). At least half of all other (non-oak) landmark trees shall be retained. In the industrial district and manufacturing/research park district, landmark trees which are in the building footprint, parking lot or storm retention area may be removed; provided, that tree retention is achieved along street boundaries and when abutting a residential district.

Retain Landmark Oregon White Oak Trees: **CRITERIA MET**

⇒ *There are no Landmark Oregon White Oak Trees on the project site².*

¹ Arborist Report by Soundview Consultants

² Arborist Report, *Existing Tree Characteristics*, page 4

Retain at least 50% of Non-Oak Landmark Trees: **SEE REQUEST FOR MODIFICATION PER DMC 25.120.050**

- ⇒ Of the nearly 6,000³ trees on site, 139 are Non-Oak Landmark trees.
- ⇒ Applicant proposes to retain approximately 5300 of the total 6000 trees, 7 of which are the Non-Oak Landmark trees (representing 5% of the total number of non-oak landmark trees)
- ⇒ Of the Non-Oak Landmark trees to be removed, 24 are within proposed right-of-way and 108 within the building footprint, parking lots, etc.

- (3) The following minimum number of trees (other than street trees) per acre, expressed as an average over the entire neighborhood plan, site plan, subdivision, or short plat, shall be retained; provided, that nothing in the following shall require the retention of more than half of the existing trees, other than oak:

There are close to 6,000 total trees on the site, which count includes those trees less than 6" DBH, trees, those greater than 6" DBH, specimen trees, and landmark trees. Applicant will be retaining over 5,300 trees⁴ and adding 168 non-street trees and 267 street trees

It is unclear whether the ratios below are based on zoning district or proposed uses. Regardless, Applicant **COMPLIES** with this requirement for retention of total trees.

(a) Business and technology, and manufacturing/research: one and one-half;

Applicant would be required to retain 152 trees.⁵ Applicant **EXCEEDS** this standard.

(b) Commercial, office, mixed, civic, and schools: three;

Applicant would be required to retain 303 trees. Applicant **EXCEEDS** this standard.

(c) Single-family and mixed single-family and multifamily areas: four; provided, that for multifamily uses, half of the required four retained trees per acre may be satisfied by installing new trees; further provided, the cumulative diameter at breast height of the new trees equals that of the trees that would otherwise be retained but which are to be removed.

Not applicable. However, Applicant will be retaining more than 12 times the number of trees that would be required for single family or multi-family development.

- (3) When the application before the city contains oak management mapping units, trees retained therein shall count toward meeting the above requirement.

Oak Management Mapping Units were established in conjunction with a study (aka the Jones & Stokes Study) the City commissioned years ago. Applicant's Building 2 (including parking lot and access drive) is proposed to be adjacent to mapping unit MO-8 and proposed Road #3 is abutting unit MO-12.⁶

None of the non-landmark Oregon White Oaks to be removed are located within these mapping units. Further, neither of these mapping units were identified in the Jones & Stokes Study as requiring preservation per DMC 25.120.040.

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

Noted. Applicant has included this within its tree retention plans and expects this to be a condition of approval and noted on the

³ Arborist Report by Soundview Consultants

⁴ See Arborist Report by Soundview Consultants, as well as the Tree Preservation Plan (Sheets 1 and 2)

⁵ Rounded up from 151.5 (1.5 trees per acre x 101 acres)

⁶ See Exhibit A - map of site location and proximity to mapping units identified by Jones and Stokes Study

face of approved construction plans.

(6) All landscape plans required by DMC 25.90.060 shall include:

- (a) The location, size, and species of all landmark, historic, and specimen trees;
- (b) Which trees are to be retained; and
- (c) How retained trees will be protected during development.

Applicant has submitted plans showing the location of the trees identified above, including which are to be retained. Information has also been included addressing how the retained trees will be protected during development.

(7) All trees retained by means of this chapter, including those on single-family residential lots, shall remain protected for their life, except as noted in subsection (8) of this section. The plat or site plan on which the tree is located shall contain the following note: "This plat is also subject to an approved tree retention plan which requires that certain trees be preserved. That plan, which is binding on all owners, is on file with the City Planning Department." To further inform future lot owners, a copy of the approved tree retention plan shall be provided each owner at closing on each lot.

This note will be included on the approved site plan and recorded as necessary against the lots.

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

Not applicable to Applicant's site or situation.

(9) Additional tree retention requirements for areas adjacent to the Puget Sound Bluff in Hoffman Hill Village may be found in Section II.B.2 of the Settlement Agreement for Lone Star Northwest DuPont Project dated December 25, 1994. Additional tree retention requirements for areas of the Puget Sound Bluff north of Sequelitchew Creek and along the north side of Sequelitchew Creek may be found in Exhibit A to Ordinance 95-521, page 36, section 9. (Ord. 07-834 § 1; Ord. 02-707 § 1)

Not applicable to Applicant's project location.

REQUEST FOR MODIFICATION TO TREE RETENTION REQUIREMENTS

In accordance with DMC 25.120.050, an Applicant may apply for a modification to the tree retention requirements for "special circumstances pertaining to that land or the trees on it," which request is reviewed based on whether the project is consistent with the purpose of the DMC 25.120.010 – Tree Retention. To provide the city with the *documentation and justification*⁷ this section will address the following:

Outline:

- Modification Requested
- Applicant's Special Circumstances
- Evaluation of Modification According to DMC 25.120.010
- Consistency with the Old Fort Lake Subarea Plan

Modification Requested

Applicant is seeking the following modifications to the Tree Retention requirements:

- A. Approval to retain less than 50% of all non-oak landmark trees. Specifically, Applicant seeks approval to retain 7 non-oak landmark trees, remove 24 non-oak landmark trees within the proposed roads, and remove 108 within the project area (where site grading is necessary to develop the buildings, parking lots, drive aisles, drainage facilities, etc.

Special Circumstances

In accordance with DMC 25.120.050, a modification to the Tree Retention requirements may be sought based on "based on special circumstances pertaining to that land or the trees on it." Applicant's request for modification is based on the following special

⁷ See DMC 25.120.050 and its requirements

circumstances.

Special Circumstance #1: Old Fort Lake Plan is Equivalent to “Neighborhood Plan”

Background: Within 25.120.030(2) and (3), the code acknowledges that tree retention should be located at “*over the entire neighborhood plan, site plan, subdivision, or short plat.*” Applicant contends that the Old Fort Lake Subarea Plan is equivalent to a neighborhood plan in this instant case because the subarea plan includes a vision for addressing tree retention and open space throughout the area’s 600 acres.

For example, Section 3.5 of the Old Fort Lake Subarea Plan addresses the Project Master Plan⁸ for the subarea and describes that intent of this subarea ‘master plan’ to establish long-range spatial arrangements of land use areas, open spaces, roadways, and other amenities to balance prosperity, environment, and lifestyle. And Policy CF 1 requires that individual development projects are constructed consistent with the Subarea Plan in terms of infrastructure, open space, and land usage.

The intent for a master plan is to identify and establish development focus areas (areas where development will occur) and open space focus areas for conservation, recreation, and cultural use⁹ - a process the plan indicates was created through an expression of the community, evaluation of future housing, and selection amongst alternatives. Further, the subarea’s ‘master plan’ delineates “*the intended alignment [of roads] and connections to existing street network.*”

- ✓ Applicant contends that the subarea plan thoroughly contemplated the intended land uses and established open spaces and protections that ensure retention of open space and the landmark trees therein. The subarea designates 137 acres of open space and sensitive areas and an additional 216 acres as OFL-4. According to the Land Use Designation Descriptions in Table 4.2(b) on page 41 of the subarea plan:
 - OFL-4 is intended to guide future development and expansions of the golf course and selected open space-oriented properties within the subarea.
 - Open Space/Sensitive Areas is intended to recognize those lands not intended for development such as greenbelts and open space and tree preservation areas.

Applicant requests that the modification to the requirement to retain at least 50% of all non-oak landmark trees be granted for removal of 132 total landmark trees on the basis that:

- **the City already identified greenbelts and tree preservation areas as an integral part of the adopted Old Fort Lake Subarea Plan**
 - **the intent of the Tree Retention code is to retain trees without reducing development densities from those indicated in the comprehensive plan, which development densities (employees per acre) are part of the employment target the City of Dupont has responsibility to plan for under GMA**
- ✓ Applicant contends that the subarea plan road alignment was adopted after a site-level analysis¹⁰, public engagement, evaluation of land use alternatives, and identification of open spaces¹¹. Applicant’s proposed project follows the subarea plan’s road alignment. As shown in Applicant’s landscape plan, the right of way improvements will result in the planting of 267 street trees (equal to over 11 trees to be adding in rights of way per 1 non-oak landmark tree removed from these rights-of-way).

Applicant requests that the modification to the requirement to retain at least 50% of all non-oak landmark trees be granted for the 24 landmark trees proposed to be removed on the basis that they are within proposed rights-of-way or immediately adjacent areas affected by the grading required to construct these street improvements in accordance with alignments established by the Old Fort Lake Subarea Plan.

⁸ Also see page 20 of the Old Fort Lake Subarea Plan

⁹ Old Fort Lake Subarea Plan at page 27

¹⁰ See bullet point #2 “Existing Conditions/Site Analysis on page 6 of the Old Fort Lake Subarea Plan

¹¹ See multiple references throughout the Old Fort Lake Subarea Plan highlighting the year-long process

Special Circumstance #2: Property Shape

Background: The shape of the area Applicant seeks to develop is irregular. These boundaries were not created by the Applicant, but result from being surrounded by other land uses (e.g. the golf course and lake) and divided by road alignments created through the subarea plan. Applicant is developing a permitted use in accordance with its development experience and in consideration of market factors including demand, available building spaces within the area, competitor projects, etc. Further, construction of Applicant's proposed development is demonstrably better than prior approved plans (see details of Special Circumstance #3) for the same site, which plans would have featured smaller buildings, but equal or greater impact to tree retention.

Applicant requests that a modification to the requirement to retain at least 50% of all non-oak landmark trees be granted for the 132 total landmark trees proposed to be removed on the basis that the shape of the property will not allow Applicant to develop a market viable project as is otherwise permitted by the land use code.

Special Circumstance #3: Property History

Background: Applicant's proposal is not the first project proposed and approved for this site. At least one prior project, First Park Northwest Landing,¹² received preliminary subdivision approval (SUB 08-01, February 25, 2009). Although First Park Northwest Landing was not built (and its approval expired), it serves as a base case for how the site could otherwise be developed with smaller buildings and more lot coverage than what Applicant has proposed.

In fact, had this been constructed at the time many of the landmark trees would not be present today, nor would have so many additional trees grown within the project area such that 139 landmark trees now exist within Applicant's 101-acre site.

The Hearing Examiner decision on First Park Northwest Landing noted that 12 of the 76 landmark trees (across +200 acres) were to be removed within proposed right of ways, that additional landmark trees may be required to be removed during grading of the roads, and that "with specific development and parking" all trees may need to be removed¹³.

Applicant requests that the modification to the requirement to retain at least 50% of all non-oak landmark trees be granted for the 132 total landmark trees proposed to be removed based on the precedent established by the decision in First Park Northwest Landing and the fact that alternative development options (smaller buildings, more streets, etc.) would have similar or greater impacts to retention of these landmark trees.

Evaluation of Modification According to DMC 25.120.010

The code instructs that the administrator review a request for modification based on DMC 25.120.010, which is the section of the tree retention code establishing the purpose in subsection (1) and intent in subsection (2). Applicant has provided a narrative addressing its consistency with and furtherance of this purpose and intent to demonstrate overall compliance.

(1) The purpose of this chapter is to:

(a) Protect natural habitats, air quality, and ground water recharge;

Applicant's plan protects natural habitats as follows:

- Retains over 5,300 total trees within the 101-acre project site
- Minimizes the impact to ground water recharge by limiting lot coverage to 40% (code allows up to 100%)
- Limits building size to 200,000 square feet and an FAR of 0.18 (code allows up to 0.30 for light manufacturing)
- Retains several large, grouped landmark trees (and their canopies) near parking lots, drive aisles, and buildings to provide shade and improve the appearance of the project
- Proposes to voluntarily restore 5.59-acre of bat habitat that will improve the broader habitat function of trees abutting the northeast part of Old Fort Lake (i.e. a sensitive area)

(b) Improve the appearance of the community;

¹² Exhibit B First Park at Northwest Landing Stormwater Master Plan (attached) & Exhibit C Conceptual Site Plan Figure 2 (attached)

¹³ Findings of Fact No. 84, page 17

Applicant's plan protects improves the appearance of the community as follows:

The Old Fort Lake Subarea Plan at page 23 envisions industry developed and arranged in a "park-like setting" along with buffering that safeguard the aesthetic of the community. To address this, Applicant's site plan:

- Breaks the project up into four medium sized light manufacturing buildings, featuring retained trees, and new landscaping consistent with the requirements of Chapter 25.90.
- Retains large tree canopies, especially those grouped around Buildings 1 and 2¹⁴.
- Creates, through tree retention, landscaping, street trees and voluntary bat habitat mitigation, an office/industry park-like setting that includes landmark and other retained trees that will provide visual interest as other required landscaping matures.
- In total, Applicant's plan includes over 5,300 retained trees, 168 trees added within the landscaping, and another 267 street trees.

(b) Provide shade and wind protection;

Applicant's plan provides shade and wind protection:

- Groups of trees with larger canopies are retained near parking lots, drive aisles and buildings to provide shade.
- Retains over 5,300 trees in the 101-acre project site, which will provide wind protection.
- Adds 168 trees in the general landscaping and 267 street trees

(c) Reduce stormwater discharge; and

Applicant's plan reduces stormwater discharge as follows:

- Limits lot coverage to approximately 40% (code has no restriction other than buffer requirements).
- Complies with the City's stormwater regulations and BMPs.

(e) Conserve water supplies.

Applicant's plan furthers the conservation of water supplies as follows:

- Includes a voluntary 5.59-acre bat habitat mitigation area adjacent to Old Fort Lake, which will help provide additional buffering between the development and the lake's existing treed buffer.
- Applicant proposes minimal irrigation as needed to maintain landscaping in accordance with city code.

Chapter 25.90 DMC establishes the City's landscaping standards for all projects. The purpose of the landscaping standards is the same as the purpose of tree retention and its intent shares common elements with that of the tree retention chapter of code. The fact that both chapters have the same purpose and similar intents is an acknowledgement that both are mechanisms for achieving the end goal.

Applicant's proposed site plan, which includes the removal of 132 landmark trees, is consistent with and furthers the intent of the tree retention code.

Specifically, subsection (2) reads "This chapter is intended to help achieve these purposes by:

(a) Retaining trees, without reducing developmental densities from those indicated in the comprehensive plan."

Per the Dupont Zoning Code, Applicant's project is in Mixed Use Village (MUV) zones 5 and 6. MUV zones 1-8, which have the land use designations of OFL-1, OFL-2 and OFL-3 are areas privately owned. These areas total 300.7 acres which Pierce County's 2021 Draft Buildable Lands Report¹⁵ indicates has capacity for 954 jobs. MUV zone 9, which is owned by the City and designated OFL-4, is noted as having capacity for 2,062 jobs in the same report. In total MUV 1-8 and MUV 9 are shown in the draft report as having capacity for 3,016 jobs.

¹⁴ See Tree Preservation Plan Sheets 1 and 2 (completed by SitePoint) attached to the landscape plans

¹⁵ Pierce County Draft 2021 Buildable Lands Report, portion featuring Dupont is attached hereto as Exhibit D

According to the 2015 Dupont Comprehensive Plan the City of Dupont had a deficiency of 1,688 jobs, which through reasonable measures it proposed said deficiency would be accounted for based on an expectation that future projects within the Business Technical Research, Manufacturing Research Park, and Industrial designations would have higher employment densities.

However, with the adoption of the Old Fort Lake Subarea Plan in 2017, Dupont changed the land use designations within what was the Old Fort Lake Business Tech Park. However, the new land use designation of OFL-4 is now intended to only guide future development of the golf course and selected open space properties within the subarea, which is also identified as the Open Space Focus Area¹⁶ where the City indicates, “*these areas are envisioned to remain unimproved open spaces or recreational assets.*”

OFL-4 is divided into five blocks I.1 through I.5. Blocks I.1 and I.2 are the golf course. Blocks I.3, I.4 and I.5 comprise the area around Fort Nisqually, Fort Nisqually, and a small unimproved area to the NE of the green for Hole 1. Pierce County’s Draft Buildable Lands Report and the 2015 Dupont Comprehensive Plan appear to be based on the golf course being redeveloped as industrial uses, but with adoption of the 2017 Old Fort Lake Subarea Plan, creating of the MUV zones, and permitted uses established for MUV 9, this area no longer is zoned for industrial uses and is now identified as an open space focus area¹⁷.

As best as the Applicant can tell, land use and zoning changes to the golf course have limited development to approximately 10 acres. Therefore, it seems improbable that the City can expect to fulfill an employment capacity of 2,062 jobs in OFL-4. It could be anticipated that OFL-1, OFL-2 and OFL-3 comprising approximately 307 acres will need to accommodate more employment capacity to resolve a likely deficiency in employment.

In other words, the employment density anticipated under the Comprehensive Plan for the former Business Technology Park is already unable to be met because of the adoption of the Old Fort Lake Subarea Plan and MUV zoning. By enforcing the strict 50% retention requirement for all non-oak landmark trees, the Comprehensive Plan’s employment densities for the area cannot be met.

The Applicant’s proposal to develop 101 acres and a preliminary economic impact analysis dated April 13, 2021¹⁸ performed by Toyer Strategic Advisors, Inc. conservatively estimates that the 800,000 square feet within this proposal is likely to create 474 jobs based on a likely mixed of tenants.

Lastly, Chapter 25.90 DMC establishes the City’s landscaping standards for all projects. The purpose of the landscaping standards is the same as the purpose of tree retention and its intent shares common elements with that of the tree retention chapter of code. The fact that both chapters have the same purpose and similar intents is an acknowledgement that both are mechanisms for achieving the end goal.

Applicant’s proposal to retain more than 5,300 overall trees while removing 132 non-oak landmark trees is necessary to achieve employment densities consistent with the Comprehensive Plan.

Consistency with Old Fort Lake Subarea Plan

Applicant’s site is located within what is known as the Old Fort Lake Subarea Plan was formerly known as the Old Fort Lake Business and Technology Park District prior to adoption of the current Old Fort Lake Subarea Plan in November of 2017 after a year-long public engagement between the city, property owners, and residents. The goal of the subarea planning process was to establish a “final strategy to develop Old Fort Lake” and plan’s objectives included addressing the natural environment, economic opportunity, urban design, connections, amenities, and housing opportunity¹⁹. The plan notes that the general characteristics of the plan include major tree canopies that are clustered along the [Sequalitchew] creek, lake, bluff, and southeast corner.

Specific to Amenities, the plan calls for protecting and integrating existing open space areas, cultural resources, and views by focusing “on creating dynamic streetscapes, landscaping, trails, gathering places, and living/commercial environments.” The plan also seeks to “preserve and enhance sensitive areas and natural assets” that exist in the more than 600 acres²⁰.

There are ten guiding principles behind the subarea plan, which most relevant to Applicant’s tree modification request are:

¹⁶ See page 33 of Old Fort Lake Subarea Plan

¹⁷ Page 21 of the Old Fort Lake Subarea Plan indicated that zoning changes getting away from redevelopment of the golf course for industrial uses was like to change in the future for purposes of controlling land uses

¹⁸ Exhibit E Preliminary Economic Impact Analysis, attached.

¹⁹ Pages 4 and 5 of the Old Fort Lake Subarea Plan

²⁰ Page 5 of the Old Fort Lake Subarea Plan

- create opportunities for jobs and employment

Applicant's project is focused on providing jobs and employment opportunities in light manufacturing.

- protect and enhance natural resources

Applicant's project protects landmark trees along the boundaries of the project area, retains over and proposes to voluntarily restore 5.59 areas of bat habitat abutting the northeast corner of Old Fort Lake – a designated open space area within the subarea plan.

- protect and buffer existing neighborhoods

Blocks F.3 and F.4, and the golf course are located between Applicant's project and surrounding residential areas. The Applicant has proposed in its landscaping plan Type A and B buffers along the boundaries of Buildings 2 and 3, which abut the golf course. This is intended to provide a visual buffer of the project for existing neighborhoods to the south, as well as the golf course. As Blocks F.3 and F.4 are developed in the future, their development, landscaping, etc. will serve as additional buffer between Applicant's site and the residential areas to the south and southeast.

To accomplish the plan's vision, it calls for dividing the subarea into four focus areas consisting of a mixed-use focus, a business/industry focus, a work/live focus, and an open space focus²¹. Applicant's site is located with the Business/Industry Focus Area as described in the Old Fort Lake Subarea Plan.²² Applicant's project location in blocks E.1, E.2, F.1 and F.2 to be oriented more central to the subarea and away from residential neighborhoods.

Applicant's Tree Modification request is consistent with the following Land Use Goals and Policies within the Old Fort Lake Subarea Plan:

Goal LU-3 Provide family wage employment by promoting industrial facilities in the subarea.

Applicant's proposed tree modification would allow for development of light manufacturing facilities in the subarea that will provide family wage employment.

LU 3.2 Provide flexibility in the administration of design standards to allow for innovative products and effective solutions to site challenges.

Applicant's proposed tree modification is consistent with providing flexibility to address site challenges such as location of planned roads, shape of the site, etc.

LU 3.4 Provide buffers, incorporating features such as existing vegetation, berms, fences, and landscaping between non-residential and neighboring residential areas.

Applicant's proposed project provides buffers and incorporates existing vegetation (including some non-oak landmark trees) into its design. Although the project will be separated from residential areas by future development, the combination of tree retention and landscaping provided will create a buffer between Applicant's site and residential areas.

OSR 1.3 Enhance natural habitat around the lake.

Applicant's proposal includes a voluntary 5.59-acre bat habitat restoration area abutting the lake and its surrounding treed track.

OSR 1.4 Manage native trees and vegetation around the lake.

This is achieved by Applicant's voluntary bat habitat restoration area.

T 2.3 Plan a transportation network that reflects the future land use goals.

Applicant incorporates the road alignments as identified in the subarea plan, which was established to further the city's future land

²¹ Page 28 of the Old Fort Lake Subarea Plan

²² Old Fort Lake Subarea Plan at page 31

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.

Applicant will provide landscaping and street trees as required by code.

CF 1.2 Require that individual development projects are constructed consistent with the Subarea Plan in terms of infrastructure, open space, and land usage.

Applicant's proposal is consistent with constructing infrastructure as identified in the subarea plan. Additionally, the proposal's 0.18 FAR balances the need for open space along with the use of land.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David Toyer".

David Toyer
President