# CITY OF DUPONT

DEPARTMENT of Community Development
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**PLANNING DIVISION**

**RECOMMENDATION and DECISION**

| | |
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| **Project:** | Bell Hill Water Treatment Plant |
| **File Numbers:** | PLNG2022-025 (Site Plan Review)<br>PLNG2022-033 (SEPA) |
| **Date of Report:** | April 19, 2023 |
| **From:** | Lisa Klein, AHBL (planning consultant to the city) |

**SUMMARY OF REQUEST:** City approval for Type II Site Plan Review.

**PROJECT DESCRIPTION**: The proposal is for the approval of the Bell Hill PFAS Treatment Facility to be located on a 2.85-acre site in the Manufacturing and Research Park (MRP) district. The existing site includes Bell Hill Reservoir, Wells 1 and 2, a booster station and wireless communication facilities. The proposal is to add a 1,753 square foot foundation concrete pad and three sets of two, 12-foot-tall carbon treatment vessels (six total), expand the wellhouse building and modify site piping.

**LOCATION:** 1101 Bell Hill Place, DuPont, WA. Tax Parcel 0119252010, in Section 25 Township 19 Range 01.

**APPLICANT:**
City of Dupont
1700 Civic Drive
DuPont, WA 98327

**CITY CONTACT:**
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**SUMMARY OF RECOMMENDATION:** Staff recommends approval of the Type II Site Plan Review, subject to conditions listed in Section I.

## A. SUMMARY OF RECORD:

See the list of attachments provided in Section L, which includes the submittal plans and documents received for processing the application and documentation during the city review process (Attachments 1-3).

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## B. FINDINGS OF FACT

### 1. Proposal and Property Details

(a) The proposed project is in the Manufacturing and Research zoning district (MRP) and it is in the Bell Hill Village subarea. The City's Comprehensive Plan Land Use Map designated the property's future land use as Manufacturing and Research.

(b) Adjacent uses include:

North: Vacant/sensitive areas (Edmond Marsh and Wetlands)
East: Single Family Residential
South: Single Family Residential and a community Park
West: Vacant/sensitive areas/park land

### 2. Procedural Requirements

a. A Notice of Complete Application was issued March 3, 2023. (Attachment 3a).

b. A Notice of Application and Optional DNS was issued on March 8, 2023. The notice was published in the News Tribune and posted at City Hall. The site was posted on March 21, 2023. Due to the delay in posting, the comment period was extended to April 5, 2023. The comment extension was posted at City Hall and on the site. Affidavits are provided. No comments were received. (Attachment 3b).

c. State Environmental Policy Act (SEPA) review (PLNG2022-025). City staff has reviewed the proposal using the optional DNS process in WAC 197-11-355. Agencies, tribes, and the public were encouraged to review and comment on the proposed projects and its probable environmental impacts during the comment period from March 21, 2023 through April 5, 2023. No comments were received. On April 21, 2023, the City is issuing a SEPA Mitigated Determination of Nonsignificance (MDNS) concurrent with this Decision (Attachment 3c). The end of the appeal period is May 5, 2023.

d. Per DMC 25.150.030, in order to obtain site plan approval, all of the development regulations and criteria specified in the district applicable to the property must be satisfied. Additionally, the request must fully comply with the general goals, vision, and policies established in the comprehensive plan with specific focus on the applicable Village/Planning Area in which it is located. This Report provides staff analysis of compliance with all site plan approval requirements.

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## C. CONSISTENCY WITH CITY OF DUPONT COMPREHENSIVE PLAN

DMC Chapter 25.175.040, Consistency with Development Regulations, requires evaluation of the proposal's consistency with the city's Comprehensive Plan.

The City's Comprehensive Plan describes the Bell Hill Village as follows:

*"Bell Hill Village contains 81 single family residential units. Trails that link Bell Hill Village to the Historic, Palisade and Edmond Villages as well as the Manufacturing/Research & Industrial Park have been established throughout the village. To achieve comprehensive plan policy, a pedestrian corridor should link Bell Hill Village with the rest of the City…The character and amount of housing within Bell Hill will develop as a single-family residential area as envisioned in this plan." (Page 54)*

The City's Comprehensive Plan describes the Manufacturing and Research Park as follows:

*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. (Page 31)*

The following goals and policies support the proposal:

1. **Land Use Goals and Policies:**

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

    *Staff Analysis and Conclusion: The proposed improvements are located outside critical areas and implement temporary erosion and sedimentation controls to ensure the integrity of the natural environment. The proposed use of the site will be the same as the current use of the site (public works facilities) and is compatible with the vision for the MRP zoning district and the Bell Hill Village subarea.*

2. **Natural Environment Goals and Policies:**

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

    *Staff Analysis and Conclusion: There are no environmentally sensitive areas within the proposed work area.*

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

    *Staff Analysis and Conclusion: The project will implement applicable US Environmental Protection Agency, Washington State Department of Ecology and Puget Sound Clean Air Agency standards and requirements governing air quality with construction of the treatment systems.*

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

*Staff Analysis and Conclusion: There are no significant on-site trees within the project limits and all trees within the site will be retained. A temporary erosion and sedimentation control plan was prepared to City standards to ensure that construction and site preparation activities are following best management practices.*

d. **NE 4.4:** Address light pollution through performance standards within development regulations that promote reduction of light emissions and encourage the use of efficient light sources.

*Staff Analysis and Conclusion: The project does not propose any lighting impacts, as the painting of the carbon vessels will minimize any glare and efficient light sources will be utilized.*

*The project is consistent with the Natural Environment Chapter of the Comprehensive Plan.*

3. **Capital Facilities and Utilities Goals and Policies:**

a. **CF-1.3:** Require projects that demand large amounts of water to demonstrate that their use will not increase costs, degrade water quality or system dependability to existing and future users.

*Staff Analysis and Conclusion: The proposal will not utilize water but will result in an improvement of water quality for DuPont citizens.*

b. **CF-1.8:** Collaborate with regional and neighboring public safety services providers to ensure adequate emergency response preparedness.

*Staff Analysis and Conclusion: The project will not result in an increased need for public safety services.*

c. **CF-1.10:** Water, wastewater and storm drainage lines are to be developed within public rights-of-way.

*Staff Analysis and Conclusion: The proposal is not located within public right of way but is located on public property.*

d. **CF-1.11**: Coordinate with utility providers at early stages in planning for needed facilities: 1) The City shall require that utility providers use the Land Use Element of this Plan in planning future facilities; 2) The City should continue to use and adopt procedures to review and comment on proposed actions and policies of public and private utility providers; and 3) City coordination may include involvement in consideration of alternatives to new facilities and alternate locations for new facilities.

*Staff Analysis and Conclusion: The Comprehensive Plan Future Land Use Map designates the site as Manufacturing and Research Park. The use aligns with the allowed uses in this zoning designation. Additionally, the proposed use is consistent with the current use of the property.*

e. **CF-1.13**: Provide an efficient and adequate water supply to the residents and businesses of the City.

*Staff Analysis and Conclusion: The proposal will augment the city's existing water supply facilities by providing a new water treatment facility.*

f. **CF-3.1:** Promote conservation of energy, water and other natural resources in the location and design of public facilities.

*Staff Analysis and Conclusion: The proposal will utilize energy at the site to operate chlorine generators and related equipment. The project will comply with all state energy code requirements.*

g. **CF-3.2:** Practice efficient and environmentally responsible maintenance and operating procedures.

*Staff Analysis and Conclusion: The proposal is an efficient means/method for water treatment.*

h. **CF-6.3:** Ensure that plans consider the best available lifecycle cost of an improvement, including operation and maintenance costs, environmental economic and social impacts, and any replacement or closure costs.

*Staff Analysis and Conclusion: In consideration of lifecycle costs, the City received a grant from Dept. of Ecology to purchase and install the proposed water treatment facility.*

i. **CF-6.3:** Public facilities shall be located to protect natural areas.

*Staff Analysis and Conclusion: There are no critical areas on site and the proposal is located in an area that is already developed with City water facilities.*

j. **CF-6.7**: Encourage additions to and improvements of utility facilities in conduits, shared corridors and trenches to reduce costs, minimize the amount of land allocated for this purpose, and to minimize construction disturbances.

*Staff Analysis and Conclusion: The proposal is an addition to an existingwater facility.*

k. **CF-6.8:** Minimize adverse environmental, aesthetic, and fiscal impacts associated with the siting, development, and operation of utility services and facilities

*Staff Analysis and Conclusion: The proposal as conditioned will minimize environmental and aesthetic impacts. Disturbed areas will be hydroseeded and no existing significant or landmark trees will be removed.*

l. **CF-9.9**: Preserve existing significant natural vegetation and features in the development of public facilities.

*Staff Analysis and Conclusion: The proposed project will retain existing trees within the site.*

m. **CF-9.10:** To facilitate the development and maintenance of all utilities at levels that ensure adequacy to meet DuPont's projected population and employment growth.

*Staff Analysis and Conclusion: The proposal is intended to improve water quality for DuPont's projected population and employment growth.*

n. **CF-9.11:** To ensure provision of reliable utility services in a manner that balances the public concerns over safety and health impacts of utility systems; consumers' interest in paying no more than a reasonable price for utilities' products and services; DuPont's natural environment and the impacts that utility development may have on it; and the community's desire that utility projects be aesthetically compatible with surrounding land uses.

*Staff Analysis and Conclusion: The proposal seeks to improve public health through enhanced water treatment. The review process allowed for a period of public comment opportunities to ensure public concerns were considered, no public comments were received. The project will adhere to the City's bulk regulations for the MRP zoning district. No impacts are proposed to the natural environment. The SEPA Environmental Review process has considered aesthetics in its findings and mitigation measures.*

*The project is consistent with the Capital Facilities and Utilities Chapter of the Comprehensive Plan.*

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## D. ANALYSIS AND CONCLUSIONS OF CONSISTENCY WITH DEVELOPMENT REGULATIONS FOR SITE PLAN REVIEW

DMC 25.150 Site Plans describes the purpose, procedure and review criteria for Site Plan approval. It states that Site Plan review shall be processed as a Type II procedure because the proposed project does not align with any of the listed exemptions that would require a Type III procedure. DMC 25.150 requires that, in order to obtain approval, all of the development regulations and criteria specified in the district applicable to the property must be satisfied in addition to any general development requirements Chapters 25.75 through 25.95 and 25.105 through 25.125 DMC. This Section provides the required consistency analyses.

The following provides a description and analysis of applicable regulations under the DMC Title 25 Land Use Code.

### 1. DMC 25.45 Manufacturing/Research Park Districts

The subject property is within the Manufacturing and Research Park (MRP) zoning district.

a. **Permitted Land Uses – DMC 25.45.020:** Utility Facility

*Staff Analysis and Conclusion: Per DMC 25.45.020, utility facilities are a permitted use in the Manufacturing and Research zoning district. The proposal is compliant.*

b. **Lot area – DMC 25.45.030 (1):** No minimum lot area.

*Staff Analysis and Conclusion: The proposal is compliant.*

c. **Lot Coverage – DMC 25.45.030 (2):** No maximum lot area coverage except as needed to meet setback and landscaping requirements.

*Staff Analysis and Conclusion: See landscaping and setback requirements. The proposal is compliant.*

d. **Setbacks – DMC 25.45.030 (3):**
(a) Front. No structure shall be closer than 25 feet to any front property line.
(b) Side. No structure shall be closer than 15 feet to any side property line.
(c) Rear. No structure shall be closer than 15 feet to any rear property line.

*Staff Analysis and Conclusion: Although not depicted on the plans, the location of the new tanks clearly far exceed the required setbacks. The proposal is compliant.*

e. **Height - DMC 25.45.030 (4):** Building height shall not exceed 65 feet within 100 feet of a public street and no taller than 70 feet when set back 100 feet or more from a public street. Mechanical equipment and its minimum screening shall not be included in the height measurement.

*Staff Analysis and Conclusion: The proposed carbon vessels will be 12 feet in height. The proposal is compliant.*

f. **Blank Walls – DMC 25.45.030 (5):** (5) Blank walls greater than 50 feet in length along the front and side of a building shall be softened either by planting large caliper trees of 10 through 14 feet tall adjacent to the building, large-scale trees planted 10 to 20 feet away, 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.

*Staff Analysis and Conclusion: There are no blank walls greater than 50 feet in length associated with the proposal.*

g. **Parking – DMC 25.45.030 (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.

*Staff Analysis and Conclusion: See DMC 25.95.030(2) below in Section 6.*

h. **Landscaping - DMC 25.45.030 (7):** Landscaping shall be provided as required by Chapter 25.90. See #5 below for landscape regulations.

*Staff Analysis and Conclusion: See the landscape requirements discussed in DMC 25.90 I in Section 6, below.*

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

*Staff Analysis and Conclusion: Mechanical devices will be located within the wellhouse building and shielded from view. The proposal is compliant.*

j. **Outdoor storage - DMC 25.45.030 (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.

*Staff Analysis and Conclusion: The use of this project does not require any outdoor storage. Therefore, DMC 25.45.030(9) is not applicable.*

k. **Trash Enclosures - DMC 25.45.030 (10):** Trash enclosures shall be provided as required by Chapter 25.100 DMC.

*Staff Analysis and Conclusion: This project does not require the need for new trash enclosures; therefore DMC 25.45.030(10) is not applicable.*

l. **Signage - DMC 25.45.030 (11):** Signage shall comply with the requirements of Chapter 25.115 DMC.

*Staff Analysis and Conclusion: A new sign is not requested for this project; therefore DMC 25.45.030(11) is not applicable.*

m. **Noise levels - DMC 25.45.030 (12):** Noise levels shall not exceed the maximum allowed in Chapter 9.09 DMC (Sound and Vibration) for Class B (commercial) environmental designations.

*Staff Analysis and Conclusion: The applicant has submitted noise information demonstrating that the proposal will operate within the noise limitation requirements in Chapter DMC 9.09. The proposal is compliant.*

n. **Air emissions - DMC 25.45.030 (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.

*Staff Analysis and Conclusion: The proposal will not emit any visible smoke, dust, or gas and will be in compliance with all requirements of the Puget Sound Air Pollution Control Authority.*

o. **Emissions of offensive gases - DMC 25.45.030 (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.

*Staff Analysis and Conclusion: The proposal will not emit any offensive gases or vapors, therefore DMC 25.45.030 (14) is not applicable.*

p. **Outdoor Lighting – DMC 25.45.030 (15):** Outdoor lighting shall be designed to minimize light escapement beyond the site.

*Staff Analysis and Conclusion: Outdoor lighting is currently provided for security purposes. No new outdoor lighting is indicated on the plans. If any lighting is provided, the fixtures will be required to be shielded and downcast to minimize light escapement. (Condition 4).*

q. **Hazardous Substance or Waste Storage - DMC 25.45.030 (16):** 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.

*Staff Analysis and Conclusion: There will be no hazardous substance or waste storage associated with this proposal, therefore DMC 25.45.030 (16) is not applicable.*

r. **Warehouses - DMC 25.45.030 (17):** Warehouses shall not be located abutting a main street (DuPont Steilacoom Road, Center Drive or the access road from Center Drive to Sequalitchew Village). (Ord. 07-854 § 1; Ord. 02-707 § 1)

*Staff Analysis and Conclusion: The proposal does not include a warehouse, therefore DMC 25.45.030 (17) is not applicable.*

**2. DMC 25.75 Commute Trip Reduction**

Commute Trip Reduction (CTR) is applicable to new businesses that employ more than 100 persons.

*Staff Analysis and Conclusion*: *The proposal is a City facility and the City has a CTR program in place. The proposal is compliant.*

**3. DMC 25.80 Cultural, Historical and Archaeological Resources**

Chapter 25.80 regulates construction within areas of potential historical or cultural resources and allows conditions to be imposed on any plat, site plan or permit to assure that such resources are protected, preserved, or collected.

*Staff Analysis and Conclusion: The property is not located within the vicinity of a designated cultural resource site. See the SEPA Determination for applicable mitigation measures pertaining to the protection of cultural, historical, and archaeological resources.*

**4. DMC 25.85 Affordable Housing Incentives Program**

Chapter 25.85 provides incentives for affordable housing.

*Staff Analysis and Conclusion: Affordable housing is not a component of this proposal; therefore, Chapter 25.85 is not applicable.*

**5. DMC 25.90 Landscaping**

a. **DMC 25.90.020 Substantive requirements – Proportion of landscape areas**
(2b) The minimum portion which must be a landscape area is 20%

(3) Sensitive areas, sensitive area buffers, public parks, and land designated as open space shall not count toward this requirement. All other lands, including lands devoted to meeting other requirements of this chapter, shall count toward this requirement.
(4) The city encourages some of the required percentage of landscape areas to be met by leaving land at its natural grade with native vegetation.

*Staff Analysis and Conclusion: The proposed landscape plans depict a landscaped area of 88.4%, exceeding the minimum requirement. The vessels and foundation are within an area already utilized as part of the City utility facilities and do not propose tree removal. The proposal is compliant.*

b. **DMC 25.90.030 Substantive requirements – Landscaping**
(1) Street Trees. At time of street construction, or time of development of the adjoining land, street trees and related landscaping shall be provided in medians and parking strips within the right-of-way in accordance with the city's public works standards.
(2) Interior Parking Lot Landscaping. To provide shade and visual relief, the interior of surface parking lots with 10 or more stalls shall be landscaped with at least one tree per six stalls.
(3) Buffers. Though the comprehensive plan is designed to minimize adjacent, incompatible land uses, such incompatibilities sometimes arise in detailed site planning. In these cases, a buffer (see DMC 25.10.020, B definitions) is required, as follows:
(a) A moderate buffer shall be provided between parking lots and any adjacent public right-of-way.
(b) In the process of reviewing development proposals, the city will require full, moderate, or light buffers as necessary to mitigate incompatibility, for example between residential and nonresidential development, or between an outdoor storage or trash receptacle area and surrounding high-use areas.

*Staff Analysis and Conclusion: The proposal is not required to provide any street trees, parking strips or medians. Therefore subsection (1) Street Trees is not applicable. This proposal is not required to provide interior parking lot landscaping because the project includes less than 10 parking stalls, making subsection (2) Interior Parking Lot Landscaping not applicable. The proposal includes retention of existing significant vegetation along the perimeter between adjacent uses. The water treatment vessels will be largely obscured from the street by the intervening water pump house; however approximately 1/3 of the top of the vessel will be visible. Due to the height of the vessels, there is no additional buffering that could further obscure the new facilities. See the SEPA Determination for evaluation and mitigation of aesthetic impacts (Attachment 3c). The proposal is compliant.*

c. **DMC 25.90.040 Substantive requirements – Water conservation**
The city encourages landscape design which requires minimal irrigation; and when irrigation is provided water conservation element shall be demonstrated.

*Staff Analysis and Conclusion: The landscape plans indicate hydroseeding of disturbed areas which does not require irrigation. Therefore, DMC 25.90.040 is not applicable.*

d. **DMC 25.90.050 Substantive requirements – Maintenance and Irrigation**
To the extent necessary to remain healthy and attractive, all nonnative landscaping shall be watered, weeded, pruned, freed of pests, and replaced if necessary. Shrubs near parking lots or driving lanes shall be cropped to prevent blockage of vision necessary for safe driving. Shrubs shall not be allowed to grow so as to block sidewalks.

*Staff Analysis and Conclusion: The landscape plans indicate hydroseeding of disturbed areas which does not require irrigation. The project does not include parking lots or sidewalks. The City regularly maintains the landscaping on its properties. The proposal is compliant.*

**6. DMC 25.95 Off-street Parking**

DMC 25.95 describes the quantity and design requirements for new parking.

*Staff Analysis and Conclusion: The proposal does not generate a need for additional parking; therefore, it is not required to implement the measures in DMC 25.95.*

**7. DMC 25.105 Critical Areas**

DMC 25.105 regulates critical areas within the city and established protective standards to minimize the impact of development to critical areas. Critical Areas that are regulated include wetlands, Fish and Wildlife Habitat Areas (such as streams), Geotechnical Hazard Areas, Aquifer Recharge Areas and Priority Habitats and Species.

The site is located in a township which is mapped for big brown bat *(Eptescicus fuscus)*, little brown bat *(Myotis lucifugus)*, and Yuma Myotis *(Myotis yumanensis)*.

*Staff Analysis and Conclusion: There are no wetlands or streams located on the subject property; the Bell Hill Marsh is located approximately 100 feet north of the site. The applicant submitted a geotechnical report that found negligible landslide risks on the site. There are no signs of unstable soil in the areas that construction will take place. The proposal does not remove any significant trees or vegetation that could provide habitat for the locally documented Priority Habitat and Species. The proposal will not impact critical areas and is compliant with DMC 25.105.*

**8. DMC 25.110 Street Corner Setbacks**

On corner lots no building, structure, parking, sign, berm, planting, or other sight-obscuring object, other than traffic signs and utility poles, shall be erected, placed, or allowed to grow between the heights of three feet and eight feet above the street surface within the vision clearance triangle. The vision clearance triangle (see Figure 1) is that area enclosed on two sides by the intersecting public right-of-way lines and on the third by an imaginary line connecting those points on said right-of-way lines that are 30 feet from their point of intersection.

*Staff Analysis and Conclusion: The site is not a corner lot. A turning movements figure demonstrating a large trucks ability to maneuver throughout the site was provided. The proposal is compliant.*

**9. DMC 25.115 Transportation Concurrency Review**

Transportation Concurrency Review requires a concurrency test with regards to transportation impacts. Project requiring site plan review or which generate 50 or more average vehicle trips are also required to undergo Transportation Concurrency Review. Per DMC 26.115.020 the city shall not issue a development permit until the test has been conducted and a certificate of concurrency has been issued. Per DMC 25.115.949 the finding of concurrency may occur at the building permit application phase.

*Staff Analysis and Conclusion: The proposal will not generate new vehicular trips and therefore is not required to undergo Transportation Concurrency Review. The proposal is compliant.*

**10. DMC 25.116 Sign Code**

DMC 25.116 requires an application for sign permit.

*Staff Analysis and Conclusion*: *A sign permit application was not submitted with the Site Plan Review application. If a new sign is needed, a sign permit application will be required demonstrating compliance with DMC 25.116. (Condition 2)*

**11. DMC 25.120 Tree Retention and Tree Modification (PLNG2022-025)**

The purpose of this chapter is to protect natural habitats, air quality, and ground water recharge; improve the appearance of the community; provide shade and wind protection; reduce stormwater discharge; and conserve water supplies. This chapter is intended to help achieve these purposes by retaining trees, without reducing developmental densities from those indicated in the comprehensive plan. This chapter shall apply to street trees throughout the city and to all new development projects that require a site plan approval, subdivision, or short plat.

a. DMC 25. 120.030 (2) requires **all landmark 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**.

*Staff Analysis and Conclusion: There are no significant trees contained within the project limits/work area and all other trees on the parcel will be retained. The proposal is compliant.*

b. DMC 25.120.030(3) requires 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**:

(b) Commercial, office, mixed, civic, and schools**: three per acre**

(c) Single-family and mixed single-family and multifamily areas**: four per acre; 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.

*Staff Analysis and Conclusion: Based on the above section, this project would be considered a civic use, which requires 3 trees per acre to be retained, or nine total trees on the 2.85-acre site. The site clearly contains far more than nine trees and is not proposing to remove any trees and is therefore compliant.*

c. DMC 25.120.030(5) requires **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.

*Staff Analysis and Conclusion: Review of the submitted grading plans demonstrates that no grading, trenching, or other construction will occur within the dripline of any tree that will be retained. The proposal is compliant.*

d. **DMC 25.120.030(6)** requires that all landscape plans depict the location, size, and species of all landmark, historic and specimen trees, which are to be retained and how they will be protected during development.

*Staff Analysis and Conclusion: – The landscape plan notes that there are no significant trees within project limits, all other trees on the parcel will be retained. The proposal is compliant.*

e. DMC 25.120.030(7) requires **a note be placed on the** plat or **site plan** as follows: "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."

*Staff Analysis and Conclusion: The Landscape Plan states that there are no significant on-site trees within project limits, therefore a tree retention plan is not needed. This section is not applicable.*

f. DMC 25.120.040 Oak management mapping units, requires certain Oregon white oak groves to be mapped and provides specific requirements for each mapping unit.

*Staff Analysis and Conclusion: There are no oak management mapping units in the vicinity of the site, therefore chapter DMC 25.120.040 is not applicable.*

**12. DMC 25.125 Wireless Communication Facilities**

Chapter 25.125 provides standards for wireless communications facilities.

*Staff Analysis and Conclusion: The proposal does not propose new wireless communication facilities. Chapter 25.125 is not applicable.*

**13. DMC 25.150 Site Plan Approval**

DMC 25.20.060 (12) requires site plan approval as set forth in DMC 25.150 as a Type II procedure. Per DMC 25.150.030, in order to obtain site plan approval, all of the development regulations and criteria specified in the district applicable to the property must be satisfied in addition to any general development requirements in Chapters 25.75 through 25.95 and 25.105 through 25.125 DMC.

*Staff Analysis and Conclusion: As evaluated within this Report, the proposal is compliant with the requirements set forth in DMC 25.150.*

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## E. ENGINEERING DEPARTMENT REVIEW

The City Engineer has reviewed the application and no comments were provided.

## F. FIRE DEPARTMENT REVIEW

The City Fire Marshal has reviewed the application and no comments were provided.

## G. BUILDING DEPARTMENT REVIEW

The City Building Official has reviewed the application and no comments were provided.

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## H. CONCLUSIONS

In accordance with the criteria in DMC 25.175.040, staff has evaluated the project and finds that, subject to the recommended conditions below, the proposal is consistent the DMC and existing ordinances concerning public utilities, traffic, facilities, and services, and provides access, landscaping, screening, building placement, parking lot layout, and protection of sensitive areas, subject to the recommended conditions of approval provided in Section I, below. As demonstrated in the Consistency Analysis, the proposal meets the criteria for approval.

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## I. RECOMMENDATION

Based on the findings and conclusions in this report, Staff recommends approval of the Site Plan subject to the conditions provided in Section I:

1. Compliance with the SEPA DNS issued April 21, 2023 is required (Attachment 3c).
2. If a new sign is needed, a sign permit application will be required demonstrating compliance with DMC 25.116.
3. New outdoor lighting is not indicated on the plans. If any new lighting is to be provided, the fixtures will be required to be shielded and downcast to minimize light escapement. Provide fixture cut sheets with the building permit application.

## J. DECISION

Based on the Findings and Analysis summarized above, the City finds that the proposal, as conditioned, is consistent with the Comprehensive Plan and DMC Title 25.41, 25.75 through 25.95, 25.105 through 25.125. The City has determined that the proposal meets the standards and criteria necessary to obtain approval by the City. All conditions included in the Recommendation are incorporated herein with this Approval.

Barbara Kincaid — April 20, 2023

Barb Kincaid, AICP — Date
Director of Public Services, City of DuPont

## K. APPEALS

Consistent with DMC 25.175.060(4), this decision by the director may be appealed to the City hearing examiner. Only parties of record may file an administrative appeal. An appeal must be filed within 14 days after issuance of this decision (by 5:00 p.m. on May 5, 2023). The instructions for filing an appeal are found in DMC 25.175.060(4). Appeals shall be in writing, be accompanied by the required appeal fee and contain the information detailed in DMC 25.175.060(4)(d).

## L. ATTACHMENTS (SUMMARY OF RECORD)

1. The following plans and documents were submitted for City review on October 31, 2022.
    (a) Pre-application meeting response letter with comments dated October 28, 2022
    (b) Land use Application dated October 31, 2022
    (c) Renderings of Carbon Vessels (painted green) dated October 31, 2022
    (d) PFAS Storm Memo dated October 28, 2022
    (e) Renderings of Carbon Vessels (painted white) dated October 31, 2022
    (f) Noise Memo dated October 27, 2022
    (g) Cultural Resources Report Technical Memo dated April 15, 2021
    (h) Geotechnical Supplemental Report dated June 2, 2022
    (i) Vicinity Map dated March 14, 2022
    (j) Site plan dated March 2022
    (k) Storm Drainage and Utility Plan dated March 2022
    (l) SEPA checklist dated October 31, 2022

2. The following plans and documents were submitted for City review on February 17, 2023.
    (a) Grading Plan dated January 2023
    (b) Landscaping Plan dated January 2023
    (c) Turning Movements (Backing In) Plan dated November 28, 2022
    (d) Operation and Maintenance Manual dated July 2018

3. The following Notices were issued by the City during application review:
    (a) Notice of Complete Application dated March 3, 2023
    (b) Notice of Application & Optional DNS dated March 8, 2023, including affidavits of posting and the Notice of extended comment period.
    (c) SEPA MDNS issued on April 21, 2023

## M. PARTIES OF RECORD

1. Applicant Representative: Dominic Miller

cc: File No. PLNG2022-25
Shukri Sharabi, City of DuPont Public Works
Ray Shipman & Christine Shilley, Building Department
Brad Martin, City of DuPont Fire Chief
Scott Hein, City of DuPont Public Works
Lisa Klein, AHBL, Inc. (representing the City of DuPont)