



**DATE:** July 9, 2021

**RE:** Amendment to Binding Site Improvement Plan BSIP 06-01 Port of Port Angeles

**LOCATION:** William R. Fairchild International Airport

**APPLICANT:** Port of Port Angeles

**OWNER:** Port of Port Angeles

**PLANNER:** Emma Bolin, AICP, *Community Development Manager*

**STAFF REPORT**

**I. SUMMARY**

The Port of Port Angeles requests to amend the Binding Site Improvement Plan (BSIP) for the William R. Fairchild Airport International Airport to increase the hangar lease for Parcel F from the current 50' x 250' to the amended size of 70' x 250'. In order to accomplish the change, the amendment proposed would decrease the footprint of hangar lease Parcel E from the current 50' x 250' to the amended size of 40' x 250'. The applicant requests the lease parcel area changes in order to accommodate a construction project on Parcel F, which requires a larger footprint. The proposal preserves 79-foot hangar building separation as required by the Federal Aviation Administration.

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## II. BACKGROUND

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The City originally approved the BSIP for the airport in 2006. In October 2011, the City approved a BSIP amendment to increase the lease area by 21,332 square feet. At that time, the City used the Planning Commission to review BSIP's. Since then, City code authority for BSIP approval shifted to the Hearing Examiner, who must conduct a public hearing in accordance with Ch. 16.10.090 PAMC The Port is the SEPA authority for the BSIP amendment and circulated a SEPA checklist and comment period with expected Determination of Non-Significance to be issued on July 8<sup>th</sup>, 2021. The staff report acknowledges that the proponent satisfied conditions stipulated in the May 2011 preliminary plat conditions. The City's Director of Community and Economic Development and Director of Public Works and Utilities signed the final 2011 plat.

## III. FACTS RELEVANT TO THE APPLICATION

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**Property Description:** GOVERNMENT LOT 1, SECTION 6 T.30N, R. 6W, SUB LOT 181, TOWNSITE OF PORT ANGELES

**Address:** 1504 Fairchild Airport Rd, Building #'s 875 and 900

**Property IDs / Tax Parcel IDs:** 063006000000, 063000117305

**Zoning:** Industrial Heavy

**Surrounding zones:** South: Industrial Heavy, North, East, and West: Industrial Light

**Surrounding uses:** Industrial airport uses and tenants managed by the Port

**Comprehensive Plan Designation:** Industrial

**Dimensions:** ~974 (width) x ~521 feet (depth)

**Area:** ~10.4 acres, Proposed area of Lease Lot E: 10,000 square feet, Lease Lot F: 17,500

**Proposed Lot / Site Coverage:** no requirements for IH Zone.

## IV. PROCEDURE

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On May 4, 2021, the Applicant submitted the Binding Site Improvement Plan Amendment. Section 2.18.060 of the PAMC directs BSIP amendment applications be considered by the Hearing Examiner through a public hearing process. The application was determined to be incomplete by City Planning Staff on May 27, 2021 and was resubmitted by the applicant on June 2, 2021. The application was then determined to be complete by City Planning Staff on June 2, 2021. Notice of the application and public hearing was provided on the following dates and in the following manner:

1. June 10, 2021: Subject property Posted sign
2. June 9, 2021: City Hall, Notice board and website
3. June 11, 2021: Peninsula Daily News

Per Section 2.18.060 of the Port Angeles Municipal Code and the Rules and Procedures, the Hearing Examiner will conduct a review of the BSIP amendment application and this staff report and decide on the permit within 10 working days upon the close of the hearing. Such decision may be appealed to the Superior Court, provided that the appeal is filed within 21 days of the Examiner’s decision per Chapter 36.70C RCW.

## V. COMMENTS

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### Public Comment:

The public comment period was 14 days in duration and closed on June 25, 2021. The City did not receive any comments.

### City of Port Angeles Departmental Comments:

Only one comment from Electrical Engineering was received, to obtain clarification on whether Right of Access described on Sheet 2 is consistent with Ch. 13.10.030 PAMC. The applicant subsequently provided a responsive satisfactory revision to the preliminary plat.

## VI. FINDINGS OF FACT & STAFF ANALYSIS

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Analysis and findings of fact from the Department of Community and Economic Development (DCED) Planning Staff are based on the application materials, Comprehensive Plan, Port Angeles Municipal Code (PAMC), standards, plans, public comment, and other relevant materials available during the review period. The findings of fact and staff analysis section of this report is a summary of the completed review by DCED Planning Staff.

### Comprehensive Plan Consistency

The Comprehensive Plan establishes the long-range goals and policies of the City. It is the basis upon which City officials are to make land use decisions. Any project proposed in the City must be consistent with the goals and policies of the Comprehensive Plan.

The site is designated Industrial on the City’s Comprehensive Plan Land Use Map. The Land Use Map only designates one industrial category providing maximum flexibility to the City’s Zoning Ordinance in regulating the types of industrial uses and their permitted locations.

The proposal is located in the southwest area of the City which includes Fairchild International Airport, the Clallam County Fairgrounds, and Lincoln Park. Industrial development is located at the airport industrial park. A few homes lie within the City limits along Lower Elwha Road, but otherwise this planning area contains predominately industrial and park (recreation) land uses.

Growth Management Element	
Goal: G-2A	To manage growth in a responsible manner that is beneficial to the community as a whole, is sensitive to the rights and needs of individuals, and is consistent with the State of Washington's Growth Management Act.

*Staff Analysis: The proposal provides for orderly development that is beneficial to the community as a whole by providing industrial hangar space.*

Land Use Element	
Goal: G-3A	To guide land development in a manner that balances providing certainty about future land use and allowing flexibility necessary to adapt to future challenges and opportunities.
P.3A.01	Use the Comprehensive Plan Land Use Map as a conceptual guide when making all zoning and other land use decisions, including all land use decisions and approvals made by City Council and/or any of its appointed Commissions, Boards, or Committees.
Goal: G-3G	To create and maintain a healthy and diverse industrial sector for a balanced and stable local economy
Goal: G-3H	To provide opportunities for industrial development in a manner, which efficiently uses the community's natural resources and physical environment, has minimal impact on the natural environment, contributes to quality of life, and is compatible with the desired development patterns
P.3H.01	Ensure provision of urban services to all industrial areas, as required by the Capital Facilities Element concurrency policy.
P.3H.03	Ensure that industrial areas mitigate nuisances and hazardous characteristics such as noise, air, water, odor, pollution, or objectionable visual material.
P.3H.05	Discourage the siting of land uses incompatible with airport related uses and other neighboring land uses adjacent to the William R. Fairchild International Airport

*Staff Analysis: The proposed BSIP amendment provides a path for the Port to accommodate revisions in the required building size for the proposed hangars. The hangar uses are consistent with industrial zoning and the industrial goals and policies within the Comprehensive Plan. The existing and the proposed area of the industrial site mitigates nuisances. The existing site currently contains provisions for urban services.*

Economic Development	
Goal: G-9A	To create and maintain a balanced and stable local economy with full employment and emphasis on strengthening the community's traditional natural resource related industries as well as diversifying the overall economic base.
Policy: P-9A.01	Remain a major economic center on the North Olympic Peninsula, meeting regional and local needs.
Policy: P-9A.03	Promote the diversification of the community's economic base by encouraging the location, retention, and expansion of local small and medium sized businesses.

*Staff Analysis: The BSIP amendment enables lease lot adjustment based on industrial economic needs. This supports the diversification and retention of business and contributes to ensuring that the North Olympic Peninsula remains a major economic center.*

**Port Angeles Municipal Code**

***Zoning Standards Ch 17.32 PAMC***

**Zoning**

The Zoning Map identifies the site as Industrial High (IL). The purpose and intent of the IL zone (Ch. 17.34 PAMC) is as follows:

This is the least restrictive industrial zone intended to be the area that heavy industry could develop while causing the least impact on other land uses. Significant adverse impacts can be expected from permitted industrial uses that involve hazardous materials, noise, air and water pollution, shift work around the clock, entertainment businesses with adult-only activities, and outside storage yards and manufacturing activities. This zone provides the basic urban land use pattern for heavy industrial uses with direct access to major transportation facilities, design standards for greater truck traffic, and buffers for nonindustrial uses unless deemed impractical.

*Staff analysis: The proposed lease lot modifications will support the same industrial hangar activities as originally approved in the initial Binding Site Improvement Plan.*

**Area and Dimensional Requirements**

**Off-Street Parking**

**Design and Landscaping**

*Staff analysis: These standards are evaluated below for consistency with 16.10.040 Standards and criteria.*

***Binding Site Improvement Plan Ch 16.10 PAMC***

**16.10.090 PAMC Revisions**

Alteration of an approved and recorded BSIP shall be accomplished by application to the Community and Economic Development Department and shall be subject to all procedures and requirements established in this chapter.

*Staff analysis: The proposed amendment would alter the dimensions of two of the lots within an existing recorded Binding Site Improvement Plan; therefore, the procedures and requirements in Ch 16.10 apply. The review is not administrative and requires a review by public hearing per Ch 16.10.030 PAMC because the subject property is greater than 5 acres. The Hearing Examiner has authority through Ch. 2.18 to conduct the hearing.*

**16.10.040 Standards and criteria.**

Prior to approval of a BSIP, the following standards and criteria shall be met:

- A. Water supply and fire protection facilities must be adequate to serve the BSIP and comply with the City's Comprehensive Plan, the Urban Services Ordinance, and the Urban Services Standards and Guidelines promulgated consistent with and pursuant to PAMC 18.08.040 and 18.08.130.

*Staff analysis: There are no additional lots being proposed; therefore, it is expected that water supply and fire protection facilities remain adequate for the lots. Specific fire protection requirements shall be evaluated during building permit application review.*

- B. Necessary drainage ways or storm drain facilities must be adequate to serve the BSIP as set forth in the Comprehensive Plan and Urban Services Ordinance development standards.

*Staff analysis: There is no net increase in stormwater generated as a result of changing the lease lot dimensions. Stormwater will be analyzed through a clearing and grading permit or the building permit.*

- C. Appropriate access to all anticipated uses within the site shall be available.

*Staff analysis: The width of the access to the lease lots will not be decreased. The width of the conditional right of access area between Lots E and F will not change as the proponent will maintain 79 feet of hangar building separation per Federal Aviation Administration requirements. The conditional right of access area to the east of Lot F will expand from 50 feet to 115 feet. The width of the taxi lanes between the north of the lease lots and the existing hangar on the northern boundary will not change.*

- D. Monumentation of all exterior tract corners shall be completed.

*Staff analysis: As conditioned, the proposal complies with this requirement.*

- E. The provision and dedication of streets and rights-of-way must be adequate to serve the BSIP and comply with PAMC 16.04.070 and with the Comprehensive Plan and Urban Services Ordinance, and the Urban Services Standards and Guidelines promulgated consistent with and pursuant to PAMC 18.08.040 and 18.08.130.

*Staff analysis: The proposed amendment would not change the streets and right of way serving the BSIP and are adequate for the proposal.*

- F. The BSIP lot arrangement, configuration, and size must comply with the policies of the Comprehensive Plan and further the attainment of the goals, policies, and objectives of the Comprehensive Plan. The proposed lots must comply with the requirements of the Zoning Code, Title 17 PAMC, as now enacted or hereafter amended, and PAMC 16.04.070.

*Staff analysis: The proposal meets this criterion as indicated in this section as well as the Comprehensive Plan Consistency section of this staff report.*

- G. The BSIP must be compatible with existing and planned development of the surrounding area.

*Staff analysis: The changes proposed to the lease lot sizes do not alter compatibility of industrial uses with surrounding industrial uses in the area.*

- H. The site must be zoned commercial or industrial and must be integrated, as defined in PAMC 16.10.015.

*Staff analysis: The site is zoned industrial. Section 16.10.015 is a reserved section of the code due to deletion.*

- I. Appropriate easements and maintenance agreements for shared facilities, including but not limited to, circulation, parking, utilities and landscaping must be provided.

*Staff analysis: The BSIP provides for continuance of a 30-foot easement dedicated as conditional right of access per the lease agreement. This easement is referenced from the original BSIP in a Note on the plat. There are no shared facilities within the BSIP. All facilities will be managed by the Port of Port Angeles.*

- J. When taken as a whole and not considering any interior lot or leasehold lines, the integrated site must meet all zoning and subdivision requirements.

*Staff Analysis: The integrated site met all zoning requirements at the time of the first amendment final plat recording in 2011. The change of the lease lots width meets zoning requirements per the table below.*

IH zone area and dimensional requirement	Proposal	Consistency with Requirement Ch. 16.10.040(j) PAMC
Minimum yard requirements: no buildings shall be constructed closer than 30 feet to any property line when abutting commercial or residential zones nor closer than 15 feet to any property line when abutting commercial or residential zones.	Lots are greater than 1,000 feet away from the closest non-industrial zone.	yes
Minimum Lot size: 7,000 square feet	Lot E: 10,000 square feet, Lot F: 17,500 square feet	yes
Maximum building height: 75 feet	To be evaluated with building permit application	To be evaluated with building permit application

- K. Modifications to the minimum zoning standards for individual lots located within the integrated site, including setbacks, parking, landscaping, lot area, lot coverage, and lot dimension shall not be detrimental to the public health, safety and welfare, and shall not adversely affect the rest of the integrated site or other properties in the vicinity.

*Staff analysis: The BSIP does not propose modifications to the minimum zoning standards.*

- L. Common improvements necessary to serve any particular phase of development must be sufficient for meeting the zoning and subdivision requirements for that phase.

*Staff analysis: Common improvements are sufficient for all phases of the binding site improvement plan.*

- M. Access to the integrated site must meet the subdivision ordinance standards. Access within the site must provide for safe and efficient circulation and must meet Fire Department access requirements.

*Staff analysis: As indicated in C. above, the width of the access to the lease lots will not be decreased; therefore, access within the site meets this requirement.*

- N. The circulation system must incorporate appropriate provisions and provide sufficient area for safe pedestrian activity to the site from the street and from building to building within the site.

*Staff analysis: As indicated in C. above, the width of the access to the lease lots will not be decreased; therefore, access within the site meets this requirement.*

- O. Sign regulations shall be applied to the integrated site as a whole. For example, the number of freestanding signs allowed shall be based upon the BSIP as a site. Individual ownerships within the integrated site shall not be considered separate sites in determining the number of freestanding signs allowed.

*Staff analysis: The proponent did not propose any signage with the BSIP. Any proposed signage shall be considered comprehensively for the integrated site.*

- P. Landscaping design standards shall be maintained as required in the underlying zoning development standards.

*Staff analysis: The IH zone does not require landscaping standards except for off-street parking. No off-street parking was required for the original BSIP.*

- Q. Land clearing/grading shall be performed in compliance with the City's Clearing/Grading/Filling Ordinances. Land that contains environmentally sensitive and critical areas shall only be developed under the City's regulations for development in those areas.

*Staff analysis: The applicant submitted a clearing and grading permit to the City to review for the proposed development to the modified lease lots.*

- R. Each proposed BSIP and the ultimate use of the land therein shall be in the interests of the public health, safety, and welfare, and applicants shall present evidence to this effect when requested.

*Staff analysis: The modification of the lease lot sizes and provision of FAA hangar building separation ensures that the BSIP amendment remains in the interest of public health, safety, and welfare. The proponent added a notation on the plat granting the City right of access to all premises furnished with electric current by the City as outlined in PAMC 13.10.030.*

- S. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in Zoning Regulations, Building Codes, or other official Regulations, the more restrictive standard shall apply.

*Staff analysis: No discrepancies exist. The building permit review will apply the most restrictive standard as applicable should any discrepancy arise.*

- T. A description of the facilities shared by the development complex of mixed commercial and/or industrial businesses shall be provided and the system of common management of those facilities shall be described on the face of the final mylar.

*Staff analysis: As indicated on the plat, there are no shared facilities within the BSIP. All facilities will be managed by the Port of Port Angeles.*

## Environmental Review

The Port of Port Angeles assumed lead agency of this project in accordance with WAC 197-11-926 and circulated a SEPA checklist and Determination of Non-Significance issued under WAC 197-11-340(2) with a comment period ending on 7/7/2021.

## Recommendation

It is the recommendation of Department of Community and Economic Development Staff that the Hearing Examiner approve Application No. 21-24 with the conclusions and conditions in Section VII of this staff report on page 9-10. This recommendation is based on Staff's review of the application materials, Port Angeles Municipal Code standards, and submitted comments.

## VII. DECISION, CONCLUSIONS, & CONDITIONS

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Having reviewed and considered the staff report, application materials, public comment, and all the information presented, the City Planning Division recommends **approval, with conditions**, Application No. 21-24 for a Binding Site Improvement Plan Amendment and makes the following conclusions:

1. Analysis and findings of fact from City Staff are based on the entirety of the application materials, municipal code, standards, Comprehensive Plan, plans, public comment, and all other materials available during the review period. Collectively the information contained in the staff report is the record of the review. The analysis and findings section of this report is a summary of the City Staff completed review and the specific findings of fact.
2. Per PAMC Section 2.18.060 of the Port Angeles Municipal Code (PAMC), the Hearing Examiner has the review authority and is authorized and directed to hear and decide on Binding Site Improvement Plan Amendments. As to all of the foregoing issues and matters, the decision of the Hearing Examiner shall be the final decision of the City. Such decision may be appealed to the Superior Court, provided that the appeal must be filed within 21 days of the notice of decision. An appeal application for any decision of the Director shall stay all further proceedings by the Department of Community and Economic Development specific to the property under appeal.
3. The proposed BSIP amendment is consistent with the Port Angeles Comprehensive Plan and Zoning Code.
4. As conditioned, the proposal is consistent with the Chapter 16.10 PAMC, and the Washington State Subdivision Act, Chapter 58.17 RCW.
5. Appropriate provisions are available for the public health, safety and general welfare and for BSIP standards and criteria.
6. As conditioned, the public interest is served in the binding site improvement planning of the property as articulated in the City's Comprehensive Plan, Subdivision, and Zoning Ordinances. The Port of Port Angeles binding site improvement plan provides for industrial development within the City of Port Angeles consistent with the Growth Management Act.
7. Review of subsequent development activities is required and will ensure adherence to local building and development regulations.

### **Recommended Conditions of Approval**

Staff analysis of BSIP Amendment PZ 21-24 demonstrates that all standards will be met in accordance with the Port Angeles Municipal Code. Staff recommends the Hearing Examiner apply the following **four conditions** on the permit to ensure standards will be maintained for the life of the permit:

1. Monumentation of all exterior tract corners shall be completed.
2. Proposed signage requires a separate permit and shall be considered comprehensively for the integrated site.
3. Approval of this Binding Site Improvement Plan does not preclude any permits that are required from any other City division.
4. Development permit applications and approvals shall be required prior to occupancy.

### **EXHIBITS**

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<b>Exhibit 1:</b>	Application No. 20-24 Application Materials
<b>Exhibit 2:</b>	Revised Preliminary BSIP Amendment Plat
<b>Exhibit 3:</b>	Completeness letters
<b>Exhibit 4:</b>	Noticing materials and comment from Electrical Engineering
<b>Exhibit 5:</b>	SEPA DNS and Checklist
<b>Exhibit 6:</b>	BSIP 06-01: Volume 1 P 16
<b>Exhibit 7:</b>	BSIP Amendment of BSIP 06-01 Volume 1 P21
<b>Exhibit 8:</b>	Staff Report