

WHATCOM COUNTY HEARING EXAMINER

RE: Planned Unit Development)	PUD2008-0001
Preliminary Binding Site Plan)	BSP2008-0003
Application for)	
)	FINDINGS OF FACT,
<i>Port of Bellingham</i>)	CONCLUSIONS OF LAW,
<i>“Bellingham International Airport”</i>)	AND RECOMMENDATION TO
)	WHATCOM COUNTY COUNCIL

SUMMARY OF APPLICATION AND RECOMMENDATION

Summary of Application: The Applicant, the Port of Bellingham, requests a Planned Unit Development and Preliminary Binding Site Plan proposal to establish development areas and land divisions within and adjacent to the Bellingham International Airport facility for airport-dependent, airport-related, light-industrial and commercial uses compatible with airport operations.

Recommendation: The Whatcom County Hearing Examiner recommends that the Whatcom County Council grant Preliminary Binding Site Plan and Planned Unit Development Approval for the proposed development.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted and evidence presented at the public hearing.

I.

Applicant: Port of Bellingham

Location/Address: The subject site is the Bellingham International Airport and adjacent Port-owned property located just northwest of Bellingham.

Description: Located within Sections 3, 10, 11, 14 and 15, Township 38N, Range 2E, W.M.

Assessor’s Parcel Numbers: See application for list of parcel numbers.

Zoning: Airport Operations (AO) and Light Impact Industrial (LII)

Comprehensive Plan: Bellingham Urban Growth Area

Subarea: Urban Fringe

Number of Lots: Between 11 and 28 new lots will be created through the specific binding site plan process.

Reserve Area: The reserve tract may include various areas on the site that are not in a specific binding site plan, including the area on the west side of the runway.

Total Acreage: The entire site is 986 acres. Proposed development areas total approximately 94 acres.

Roads: Public and “private” (Port owned)

Water Supply: City of Bellingham

Sewage Disposal: City of Bellingham

Fire Protection: Whatcom County Fire District No. 8

Law Enforcement: Whatcom County Sheriff’s Office

Public Schools: The site is within the Bellingham and Ferndale School Districts.

Topography: Flat to gently sloping.

Vegetation: Deciduous trees, evergreen trees, shrubs, grass and wetland plants.

Adjacent Land Uses: North: Undeveloped land
East: Interstate 5, businesses and public uses
South: Residential and businesses
West: Rural, low-density residential uses, and undeveloped land

Utility Easements: Any necessary utility easements will be established prior to recording the general and specific binding site plans.

Variances: No variances requested. However, modifications are requested through the planned unit development process. These modifications include:

- Parking
- Landscaping
- Signs
- Setbacks

- Minimum lot width at the street line
- Open space

SEPA Review: Mitigated Determination of Non-Significance (MDNS) was issued by the Port of Bellingham on February 18, 2010

Legal Notices: Posted – May 5, 2010
Mailed – April 28, 2010
Published – February 1 and May 6, 2010

Hearing Date: May 19, 2010

Parties of Record:

Sylvia Goodwin
Port of Bellingham
1801 Roeder Avenue
Bellingham, WA 98227-1677

Amy de Vera Pederson
David Evans and Associates, Inc.
1620 W. Marine View Drive, Suite 200
Everett, WA 98201

Kathy Bell
City of Bellingham Planning and Community Development
210 Lottie Street
Bellingham, WA 98225

Mary White
Division of Engineering

Matt Aamot
Planning and Development Services

Exhibits:

- 1 Land Use Application Table of Contents
 - 1-1 Property Owner and Contact Information
 - 1-2 Land Use Application
 - 1-3 Original Project Narrative, Phasing Plan and Supporting Documentation - Updated and Revised Project Statement and Landscape, Sidewalk and Signage Plan attached as Exhibit 3**

- 1-4 SEPA Checklist
- 1-5 Preliminary Traffic Concurrency Determination and Public Works Letter
- 1-6 Fire District No. 8 Interlocal Agreement for Fire and Emergency Services
- 1-7 City of Bellingham Water and Sewer Verification
- 1-8 Legal Documents
- 1-9 Submittal Sheets

- 2 Staff Report, dated April 26, 2010

- 3 Letter dated April 6, 2010, from Port of Bellingham re: Clarification of BLI PUD and Preliminary BSP Application Information: **Updated and Revised Project Statement and Landscape, Sidewalk and Signage Plan, with attachments:**
 - 3-1 Landscape, Sidewalk & Signage Plan
 - 3-2 PUD and Preliminary BSP No. 2 – Conceptual Drawings: Landscape Plan, 5’ wide perimeter buffer, 16’ wide perimeter buffer, parking lot buffer, typical sign types
 - 3-3 Memo dated April 6, 2010 from Mary White to Matt Aamot re: Engineering Conditions of Approval
 - 3-4 Email correspondence dated February 16 and 17 Matt Aamot and Sylvia Goodwin re: Timing of SEPA Determination and Expanded Land Uses

- 4 Memo dated February 1, 2010 from Matt Aamot to Agencies on Distribution List re: supporting documentation submitted with the application attachments:
 - 4-1 Addendum to the Revised Wetland Buffer Plan for the BIA Eastside Development Plan
 - 4-2 Off-Site Wetland Mitigation Design Report – Slater Road Site, November 2009
 - 4-3 BLI Comprehensive Wetland Strategy – Project Description and Alternative Analysis
 - 4-4 Letter dated Jun 19, 2003, from Army Corps of Engineers re: re-verification valid through June 30, 2008, attached to Wetland Analysis Report, dated March 4, 1998
 - 4-5 Letter dated June 3, 2008 from GeoEngineers re: Report attached to Stormwater Management Master Plan, dated June 2004 and Revised August 2007 and Revised July 2009
 - 4-6 Preliminary Concurrency Determination, dated November 2009, attached to Final Transportation Impact Analysis, dated November 2009
 - 4-7 Archaeological Survey and Cultural Resource Evaluation, dated December 28, 2009

- 5 Technical Review Committee Meeting Notice, dated February 25, 2010, with attachments:
 - 5-1 Sign in Sheet, TRC Meeting, March 25, 2010
 - 5-2 Letter of Determination of Completeness, dated January 12, 2010
 - 5-3 Certificate of Mailing of Notice of Application, dated February 1, 2010, mailing labels attached
 - 5-4 Legal Notice of Application, dated February 1, 2010
 - 5-5 Notice of Application, Memo, dated February 1, 2010 to Agencies on Distribution List, Agency List attached
 - 5-6 Staff Agency Comments

- 5-7 SEPA, MDNS, dated February 18, 2010, Port of Bellingham Lead Agency, SEPA Checklist attached
 - 5-8 SEPA Agency Comments
 - 5-9 Letter dated December 30, 2009, from Michael Stoner, SEPA Responsible Office re: SEPA Consultation for BLI PUD and General BSP Project, Agency Distribution attached
 - 5-10 MDNS, Draft
 - 5-11 PDS SEPA Comment, dated March 22, 2010
 - 5-12 Email correspondence betw PDS and Port of Bellingham re: Off-site Directional Signs-Setbacks, Landscape Plan, PUD Approval Criterion #10, Parking, Time-frame for Installing Landscaping and Sidewalks
 - 5-13 Stormwater Master Plan: Basin Requirements for Future Development
- 6 Email correspondence betw PDS and Hearing Examiner Staff
 - 7 Certification of Mailing of Notice of Public Hearing, dated April 28, 2010, property owner labels and notice attached
 - 8 Certificate of Posting of Public Hearing, dated May 5, 2010
 - 9 Legal Notice of Public Hearing, dated May 6, 2010
 - 10 Email Memo dated May 18, 2010, from Sylvia Goodwin re: Revision to Proposed Stormwater Condition, with Memo, dated May 18, 2010, to the Hearing Examiner attached
 - 11 Email Memo, dated May 18, 2010, from Mary White re: Proposed Stormwater Condition Revision, with Map requested as an addendum to the stormwater report attached
 - 12 Email Memo, dated May 19, 2010 from Lyn Morgan-Hill re: Critical Areas Ord with attached Whatcom Wildlife Area 2010 Management Plan Update, WA Dept of Fish and Wildlife

II.

The Applicants and the Whatcom County Technical Review Committee have resolved all issues regarding the approval of the proposed Preliminary Binding Site Plan and Planned Unit Development and has recommended approval of the proposal to establish development areas and land divisions within and adjacent to the Bellingham International Airport, subject to conditions. The Applicant does not object to any of these conditions as set forth in the Staff Report, dated April 26, 2010.

III.

The Hearing Examiner has reviewed the documentary record and conducted a public hearing on the proposed Binding Site Plan and Planned Unit Development. The Hearing Examiner finds that

the facts set forth in the Staff Report are factually accurate and are supported by the record as a whole. The Hearing Examiner hereby adopts the factual findings set forth in the Staff Report, dated April 26, 2010, Exhibit No. 2 in the Hearing Examiner file, a copy of which is attached hereto and incorporated herein by this reference, as Findings of Fact, herein.

IV.

The subject parcel consists of an approximately 94-acre site, zoned Airport Operations and Light Impact Industrial. The site is encumbered with a significant amount of regulated wetland area. The Applicants have obtained, and Planning and Development Services has approved, a Wetland Delineation and Mitigation Report. The Wetland Report and mitigation recommendations have been approved by a Critical Areas Technical Administrator.

V.

There were no written and oral public comments on this proposal. The City of Bellingham stated it has no objection to the approval of this proposal, subject to the conditions recommended by the Technical Committee.

VI.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following

CONCLUSIONS OF LAW

I.

The Technical Review Committee of Whatcom County Planning and Development Services has recommended preliminary approval of the Binding Site Plan and Planned Unit Development Application, subject to numerous conditions, including those proposed by Whatcom County Health Department, Whatcom County Planning and Development Services, the Building Official, the Critical Areas Technical Administrator, and Whatcom County Public Works.

III.

Subject to the recommended Conditions of Approval, the proposed Binding Site Plan and Planned Unit Development will meet all of the requirements under the Whatcom County Code for the preliminary approval.

IV.

Subject to the recommended Conditions of Approval attached hereto, the proposed Subdivision will be in the public interest and makes appropriate provisions for the public health,

safety, and general welfare as required by RCW 58.17.110.

The Hearing Examiner should recommend to the Whatcom County Council approval of this Binding Site Plan and Planned Unit Development subject to conditions.

V.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following

RECOMMENDATION

The Whatcom County Hearing Examiner hereby recommends that the Whatcom County Council grant approval for Preliminary Binding Site Plan, BSP2008-0003, and Planned Unit Development, PUD2008-0001, to the Port of Bellingham seeking approval to establish development areas and land divisions within and adjacent to the Bellingham International Airport facility on an approximately 94-acre parcel, located at 4330 Mitchell Way, Bellingham, Washington, subject to the following Conditions of Approval:

A. Planning Division

1. This permit authorizes development in Phases 1 and 2 of the “Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan” (December 3, 2009). Development in Phase 3 is not authorized under this permit, but shall require review and approval by Whatcom County or, if annexed, by the City of Bellingham.
2. Approval of this preliminary binding site plan (BSP) and planned unit development (PUD) shall become invalid unless the general BSP is submitted in proper form for approval within five years of written preliminary PUD and preliminary BSP approval by the County Council. All specific binding site plans shall be submitted within 20 years of written preliminary PUD and preliminary BSP approval by the County Council.
3. The use and location of development on the site shall conform to the approved site plan, unless modified pursuant to WCC 20.85.350 and WCC 21.07.110. If a modified phasing plan is approved, then the applicable permit conditions below shall apply to the modified phasing plan.
4. Within 30 calendar days of written preliminary binding site plan approval by the County Council, the applicant shall submit four copies of a revised preliminary binding site plan pursuant to WCC 21.07.030(2).
5. An applicant requesting final approval of a general or specific binding site plan shall submit to the administrative official copies of the materials and fees specified in WCC 21.08.050. The

request shall be accompanied by a statement from the county engineer that Whatcom County has accepted as complete all on-site and off-site improvements required by the applicable conditions of preliminary binding site plan approval, or has received cost estimates and performance guarantees to assure completion thereof (after annexation, the city shall make this determination).

6. The following disclosure shall appear on the face of the general binding site plan and each specific binding site plan outside of the airport security fence:

The subject property is near an airport. The amount of noise which may be generated by airport operations may exceed levels anticipated in residential or other settings. Whatcom County will not consider airport operations and associated impacts to be a nuisance if such operations comply with applicable laws.

7. A note shall be placed on the face of the general binding site plan and each specific binding site plan stating:

Land uses requiring approval from the Northwest Clean Air Agency must comply with applicable air pollution regulations.

8. A note shall be placed on the face of the general binding site plan and each specific binding site plan that fronts on Port of Bellingham owned local access roads within the Airport Operations zoning district stating:

Pursuant to the Planned Unit Development approval, the front yard setback from Port of Bellingham owned roads within the Airport Operations zoning district is reduced to 15' from the edge of the road easement or right-of-way. The standard front yard setback in the zoning ordinance shall not apply to these roads, except that the corner lot provisions of WCC 20.80.230(3) may be utilized.

9. A note shall be placed on the face of the general binding site plan and each specific binding site plan within the airport security fence stating:

Pursuant to the Planned Unit Development approval, zoning setbacks are waived for buildings located inside the airport security fence, provided that applicable building code and fire code regulations are met.

10. Utilities, landscaping, security structures such as poles, meters, fences, guard structures, and other similar utility/security infrastructure are allowed within standard yard setbacks

11. Landscaping consistent with the "Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan" (2010) shall be installed as follows:

- a. Landscaping shall be installed along Interstate 5, Airport Drive, Airport Way, Mitchell Way, Bakerview Rd., Williamson Way and other interior roads within the following time-frames:

- i. Landscaping within Phase 1 areas, as shown on the “Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan” (December 3, 2009), shall be installed prior to issuance of a certificate of occupancy for the adjacent development or by 10 years after written preliminary PUD and preliminary BSP approval by the County Council, whichever occurs first. All landscaping within phase 1 areas shall be installed prior to submission of any specific binding site plans within phase 2 areas.
 - ii. Landscaping within Phase 2 and 3 areas, as shown on the “Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan” (December 3, 2009), shall be installed prior to issuance of a certificate of occupancy for the adjacent development or by 20 years after written preliminary PUD and preliminary BSP approval by the County Council, whichever occurs first.
 - b. Landscaping on individual lots located outside the airport security fence shall occur prior to issuance of a certificate of occupancy for development on the lots.
 - c. Landscaping shall not be required inside the airport security fence.
 - d. A minimum 10’ separation will be maintained between landscaping and the airport security fence per Federal Aviation Administration (FAA) requirements.
 - e. Standard landscaping requirements of the zoning ordinance shall not apply.
12. Sidewalks shall be installed as set forth in the “Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan” (2010) as follows:
 - a. Sidewalks within Phase 1 areas, as shown on the “Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan” (December 3, 2009), shall be installed prior to issuance of a certificate of occupancy for the adjacent development or by 10 years after written preliminary PUD and preliminary BSP approval by the County Council, whichever occurs first. All sidewalks within phase 1 areas shall be installed prior to submission of any specific binding site plans within phase 2 areas.
 - b. Sidewalks within Phase 2 and 3 areas, as shown on the “Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan” (December 3, 2009), shall be installed prior to issuance of a certificate of occupancy for the adjacent development or by 20 years after written preliminary PUD and preliminary BSP approval by the County Council, whichever occurs first.
13. Signs shall comply with WCC 20.85.116, identifying the location of each store or industry based on consideration of crime prevention and the needs of emergency vehicles.
14. A building permit shall be obtained for any sign installed on the site, unless specifically exempted by the applicable building code.

15. Overhead signs (over the Port owned roadways) and off-site directional signs shall conform to the “Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan” (2010) instead of zoning ordinance requirements. Such signs shall:
- a. Meet the Clear Zone requirements of the Whatcom County Road Standards, as determined by the Public Works Department; and
 - b. Not impair sight distance, as determined by the Public Works Department; and
 - c. Comply with the clear vision requirements of WCC 20.80.210(3).

16. Outside the airport security fence, on-site signs for individual uses shall conform to the zoning ordinance sign regulations.

17. Inside the airport security fence, Federal Aviation Administration (FAA) and/or Transportation and Security Administration (TSA) sign regulations shall apply instead of zoning ordinance sign regulations.

18. In the Airport Operations zone, a note shall be placed on the face of each specific binding site plan stating:

Pursuant to the Planned Unit Development approval, open space has been provided in Conservation Areas A through F. Therefore, individual lots are not required to meet the 25% open space requirement of WCC 20.70.500.

19. Any property zoned Light Impact Industrial inside the airport security fence is not required to comply with the minimum lot frontage width requirement of WCC 20.66.255.

20. A note shall be placed on the face of the general binding site plan and each specific binding site plan within the Airport Operations zone stating:

Pursuant to the Planned Unit Development approval, parking requirements for land uses within the Airport Operations zone are as follows:

- a. Number of Parking Spaces - A requirement of 0.3 parking spaces per each new hanger space or airplane tie-down space shall apply to land uses inside the airport security fence. The requirements of the Official Whatcom County Zoning Ordinance relating to the number of parking spaces shall apply to land uses located outside the airport security fence.
- b. Dimensional Requirements - Requirements of Bellingham Municipal Code 20.12.010.C.6 shall apply for size of parking spaces, aisle width and other dimensional criteria. The requirements of the Official Whatcom County Zoning Ordinance relating to these dimensional criteria for parking shall not apply.
- c. Location of Parking Spaces - Parking spaces for uses inside the airport security fence are permitted to be more than 700 feet from the principal use. When parking is located more than 700 feet from the principal use, the applicant shall submit a plan showing the means of

transportation from the parking area to the principal use (i.e. shuttle or pedestrian paths). The requirements of the Official Whatcom County Zoning Ordinance relating to the location of parking spaces shall not apply to uses inside the airport security fence. Parking spaces for land uses located in the Airport Operations zone may be located within the Light Impact Industrial zone.

21. A note shall be placed on the face of the general binding site plan and each specific binding site plan within the Light Impact Industrial zone stating:

Pursuant to the Planned Unit Development approval, parking requirements for land uses within the Light Impact zone are as follows:

- a. Number of Parking Spaces – The number of parking spaces for land uses within the Light Impact Industrial zone shall conform to the requirements of the Official Whatcom County Zoning Ordinance (upon annexation, the parking space requirements of the Bellingham Municipal Code shall apply).
- b. Dimensional Requirements - Parking space requirements of Bellingham Municipal Code 20.12.010.C.6 shall apply for size of spaces, aisle width and other dimensional criteria. The requirements of the Official Whatcom County Zoning Ordinance relating to these dimensional criteria for parking shall not apply.

B. Water and Sewer

1. With each specific binding site plan application, the applicant shall provide a letter from the City of Bellingham that adequate water and sewer capacity exists or arrangements have been made to provide adequate service for the development. This condition shall not apply if the land use within the specific binding site plan does not require water and sewer service (such as a parking lot).
2. Prior to filing each specific binding site plan with the County Auditor, the applicant shall provide documentation that water and sewer infrastructure serving each lot created by that specific binding site plan has been installed, and that it has been approved by the service provider (unless security is provided pursuant to WCC 21.08.030). This condition shall not apply if the land use within the specific binding site plan does not require water and sewer service (such as a parking lot).

C. Natural Resources Division

1. Prior to filing the General Binding Site Plan with the County Auditor, permanent protection of the wetland mitigation site shall be addressed to the satisfaction of the critical areas ordinance administrator in accordance with WCC 16.16.260. The wetland mitigation site and requirements are shown in the *Off-Site Wetland Mitigation Design Report - Slater Road Site*, Cooke Scientific (November 2009), or as amended and approved by the agencies with jurisdiction.

D. Building Division

1. A note shall be placed on the face of each specific binding site plan stating:

The boundary lines of all lease areas and parcels within Bellingham International Airport Specific Binding Site Plan No. XX (*insert appropriate number here*) shall be considered as property lines for the purposes of determining the fire-resistance rating of exterior walls based on separation distance and the maximum area of unprotected and protected openings in exterior walls of buildings, per all applicable sections, tables and notes of the current Building Code edition adopted by Whatcom County.

E. Fire

1. With each specific binding site plan application, the applicant shall provide written documentation from Whatcom County Fire District # 8 stating that adequate capacity exists or arrangements have been made to provide adequate fire protection services for development within that specific binding site plan. This condition does not apply to areas annexed into the City of Bellingham.
2. Prior to filing each specific binding site plan with the County Auditor, the Fire Marshall shall verify adequate capability for fire protection in accordance with sound engineering practices and locally adopted codes and development standards.

F. Applicable Development Standards

1. Each phase submitted within five years from written County Council approval of the preliminary planned unit development and preliminary binding site plan shall comply with the Whatcom County Development Standards for land divisions, roads and stormwater facilities in effect as of June 6, 2008 (the date of vesting).
2. Each phase submitted after five years from written County Council approval of the preliminary planned unit development and preliminary binding site plan shall comply with the Whatcom County development standards for land divisions, roads and new stormwater facilities in effect as of the date construction plans are submitted for each phase, unless City of Bellingham standards are adopted by ordinance.

G. Public Works – Engineering Division

1. All development shall comply with applicable Development Standards, as outlined in section F above.
2. Any land disturbance activity transporting a significant amount of materials on any County road will require a haul route agreement between the property owner and Whatcom County before any work is begun. Any land disturbance activity transporting a significant amount of materials on any

City of Bellingham road will require a haul route agreement between the property owner and the City of Bellingham before any work is begun.

3. Each specific binding site plan will be re-evaluated for traffic trip generation prior to approval of each specific binding site plan.
4. The July 2009 Engineered Stormwater Management Master Plan by David Evans and Associates that addresses conveyance, detention, and water quality measures by a Washington State licensed civil engineer submitted is approved by Whatcom County Engineering. Minor modifications to this plan may be approved by Whatcom County Engineering, after review and input by the Department of Ecology. Provision for maintenance of private stormwater system will be required as set forth in Whatcom County Development Standards, Chapter 2, Section 220.
5. All easements, any physical appurtenances such as fences or structures which may indicate encroachment, lines of possession, or conflict of title must be shown on the final mylar prior to approval of each specific binding site plan. [WAC 332-130-050(1)(b)]
6. Address fees, as applicable, shall be paid prior to recording of each Specific Binding Site Plan.
7. All road, drainage facilities, and grading plans shall be designed and stamped by a Washington State licensed civil engineer and submitted for Public Works Department approval prior to construction.
8. As-built drainage plans from a licensed engineer must be submitted to the Public Works Department prior to approval of the general or specific binding site plan if drainage facilities are constructed or modified.

H. Environmental Mitigation

1. Wetlands:
 - a. Prior to proposed wetland fill, the proponent shall bond or construct 36.39 acres of off-site wetland creation and enhancement consistent with the Bellingham International Airport Off-Site Wetland Mitigation Design Report for Slater Road Site, Cooke Scientific, November 2009, or as amended and approved by the agencies with jurisdiction.
 - b. Proponent shall monitor and maintain the mitigation site for 10 years in accordance with the monitoring plan included in the Off-site Wetland Mitigation Design Report.
 - c. Proponent shall maintain and enhance on-site wetland buffers in accordance with the Revised Wetland Buffer Plan for the Bellingham International Airport, David Evans and Associates, Inc. (November 2007 and December 2009 Addendum.)
2. Stormwater:
 - a. All development located outside the Alderwood and Southwest stormwater drainage basins shall include on-site detention, pollution prevention, source control and water

- quality treatment, to conform to the DOE Stormwater Manual standards in effect as of the date that construction plans are submitted.
- b. Projects within the Southwest and Alderwood Stormwater drainage basins shall comply with all DOE Stormwater Manual standards in effect as of the date that construction plans are submitted, other than detention. Detention for projects located within the Southwest and Alderwood basins will be provided by the Southwest and Alderwood detention ponds in accordance with the Bellingham International Airport Stormwater Management Master Plan, David Evans and Associate, Inc., Revised July 2009, or as further amended and approved by the agencies with jurisdiction.
 - c. The proponent shall modify the flow control structures of the Southwest and Alderwood detention ponds, modify the Southwest detention pond bottom to increase detained volume, and modify roadside ditches to improve flow into the Alderwood pond consistent with the 2009 Bellingham International Airport Stormwater Management Master Plan, or as further amended and approved by the agencies with jurisdiction. Development projects constructed prior to completion of required pond improvements shall provide alternate stormwater detention systems or best management practices consistent with current standards.
3. Traffic
- a. Proponent shall fund the design and construction of traffic signal coordination along Bakerview Road between Bennett Drive and the Fred Meyer entrance, and fund the design and construction of a westbound right-turn lane onto the northbound I-5 ramp on Bakerview Road between I-5 and Maplewood Avenue, in coordination with Washington Department of Transportation, Whatcom County and City of Bellingham, consistent with the Findings and Recommendations in the Bellingham International Airport Final Transportation Impact Analysis, Transpo Group, November, 2009. These improvements shall be constructed prior to the end of Phase 1 and/or occupancy of 90,000 square feet of additional industrial building space and passenger counts exceeding 1,500 average daily enplanements, or any combination of development projects projected to generate 126 or more additional p.m. peak hour trips.
 - b. Construction of a southbound left turn lane on Airport Way and an eastbound refuge/merge lane on Airport Drive prior to the end of Phase 2 or any combination of development projects projected to generate an additional 229 or more p.m. peak hour trips, consistent with the Findings and Recommendations in the November 2009 Bellingham International Airport Final Transportation Impact Analysis.
 - c. In order to determine compliance with conditions 3.a and 3.b above, the Port of Bellingham shall submit a written report to Whatcom County and the City of Bellingham on February 1, 2012 and by February 1 of every year thereafter documenting the following for the previous year and cumulative totals:
 - Square feet of additional industrial building space occupied; and
 - Average daily enplanements; and
 - Additional p.m. peak hour trips; and
 - Whether all construction permitted in Phase 1 and/or Phase 2 has been completed.

- d. The proponent shall identify the quantity of material, haul routes, number and type of trucks and obtain a Haul Road Agreement from Whatcom County prior to obtaining permits for wetland fill.
4. Historic and Cultural Resource Protection
- a. No ground disturbing activities shall proceed in Area 9 until additional investigation of an identified cultural resource has been completed and reviewed by the USACE, SHPO and affected tribes as recommended in the Archaeological Survey and Cultural Resource Evaluation for Developments proposed in Areas 4, 9 and 14, Bellingham International Airport, Rosario Archaeology, L.L.C., December 2009.
 - b. Ground disturbing site preparation or construction activities within the defined radius around two historic features identified in Areas 4 and 14 shall comply with Appendix H Monitoring Plan in the Archaeological Survey and Cultural Resource Evaluation for Developments proposed in Areas 4, 9 and 14, Bellingham International Airport Rosario Archaeology, L.L.C., December 2009.
 - c. Monitoring of specified areas on the Slater Road mitigation site shall be implemented as recommended in the Archaeological Survey and Assessment for the Proposed Slater Road Wetland Mitigation Project, December, 2007.

I. Enforcement

- 1. A note shall be placed on the face of the general binding site plan and each specific binding site plan stating:

Land divisions and development shall comply with the conditions of Planned Unit Development # PUD2008-00001 and Binding Site Plan # BSP2008-00003.

- 2. Permit conditions shall be enforced pursuant to WCC 20.85 and/or other applicable codes.

DATED this 21st day of May 2010.

Michael Bobbink, Hearing Examiner

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



David Stalheim
Director

J.E. "Sam" Ryan
Assistant Director

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

April 26, 2010

The application of **the Port of Bellingham** for a Preliminary Binding Site Plan and Planned Unit Development for the Bellingham International Airport Project

BSP2008-00003
PUD2008-00001
FINDINGS, CONCLUSIONS, AND
RECOMMENDATIONS

I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary: The project will establish development areas and land divisions within and adjacent to the Bellingham International Airport facility for airport-dependent, airport-related, light-industrial and commercial uses compatible with airport operations.

Recommendation: The Technical Review Committee recommends approval of the requested preliminary binding site plan and planned unit development, subject to the attached conditions.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Port of Bellingham
1801 Roeder Avenue
Bellingham, WA 98227-1677

Agent: David Evans and Associates, Inc.
1620 W. Marine View Drive, Suite 200
Everett, WA 98201

Location/Address: The subject site is the Bellingham International Airport and adjacent Port-owned property located just northwest of Bellingham.

Description: Located within sections 3, 10, 11, 14 and 15, Township 38N, Range 2E, W.M.

Assessor's Parcel Numbers: See application for list of parcel numbers.

Zoning: Airport Operations (AO) and Light Impact Industrial

(LII)

<u>Comprehensive Plan:</u>	Bellingham Urban Growth Area
<u>Subarea:</u>	Urban Fringe
<u>Number of Lots:</u>	Between 11 and 28 new lots will be created through the specific binding site plan process.
<u>Reserve Area:</u>	The reserve tract may include various areas on the site that are not in a specific binding site plan, including the area on the west side of the runway.
<u>Total Acreage:</u>	The entire site is 986 acres. Proposed development areas total approximately 94 acres.
<u>Roads:</u>	Public and "private" (Port owned)
<u>Water Supply:</u>	City of Bellingham
<u>Sewage Disposal:</u>	City of Bellingham
<u>Fire Protection:</u>	Whatcom County Fire District # 8
<u>Law Enforcement:</u>	Whatcom County Sheriff's Office
<u>Public Schools:</u>	The site is within the Bellingham and Ferndale School Districts.
<u>Topography:</u>	Flat to gently sloping.
<u>Vegetation:</u>	Deciduous trees, evergreen trees, shrubs, grass and wetland plants.
<u>Adjacent Land Uses:</u>	North: Undeveloped land East: Interstate 5, businesses and public uses South: Residential and businesses West: Rural, low density residential, and undeveloped land
<u>Utility Easements:</u>	Any necessary utility easements will be established prior to recording the general and specific binding site plans.
<u>Variances:</u>	No variances requested. However, modifications are

requested through the planned unit development process. These modifications include:

- Parking
- Landscaping
- Signs
- Setbacks
- Minimum lot width at the street line
- Open space

SEPA Review: Mitigated Determination of Non-Significance (MDNS) was issued by the Port of Bellingham on February 18, 2010

B. AUTHORIZING ORDINANCES:

1. Revised Code of Washington Chapter 58.17
2. Whatcom County Comprehensive Plan
3. Whatcom County Code Chapter 12.08, Development Standards
4. Whatcom County Code Chapter 15, Building Code
5. State Environmental Policy Act (SEPA), Washington Administrative Code Chapter 197-11, and Whatcom County Code Chapter 16.08
6. Whatcom County Code Chapter 16.16, Critical Areas
7. Whatcom County Code Title 20, Official Whatcom County Zoning Ordinance
8. Whatcom County Code Title 21, Land Division Regulations
9. Whatcom County Code Title 24, Health Regulations

III. SITE DESCRIPTION/HISTORY

The Bellingham International Airport was constructed in 1941. The subject 986 acre site contains airport runways, an air traffic control tower, terminal, hangars, parking lots, light industrial uses, and government buildings. The "Bellingham International Airport General and Specific Binding Site Plan" was approved in 1990. Twenty-two specific binding site plans, creating 69 lots, were approved between 1990 and 2007 (some of these lots were subsequently vacated). Authorization to create additional lots under that binding site plan has expired.

IV. PROJECT PROPOSAL

The Bellingham International Airport Planned Unit Development/Binding Site Plan will create approximately 11 to 28 new development lots over a 20-year period. New lots will be created within development areas 1-18, which total approximately 94 acres.

The project is proposed to be phased, with phase 1 consisting of approximately 6 to 20 new lots within 0-10 years and phase 2 consisting of 5 to 8 additional lots within 10-20 years. The site plan also shows phase 3 areas that would be developed in 20

or more years, but these areas are not being permitted for development through the subject application. Existing lots will be incorporated into the new binding site plan.

The development proposal would allow construction of up to 698,500 square feet of new buildings for airport, light-industrial and commercial uses. No residential uses are proposed. When added to the existing 672,536 square feet, there would be up to 1,371,036 square feet of buildings on the site at the end of the 20-year permit time-frame. Approximately 76.11 acres of open space are contained in Conservation Areas A-F.

V. NOTICE, PUBLIC COMMENT AND AGENCY COMMENT

Notice of Application: The notice of application for this proposal was published in the Bellingham Herald and mailed to property owners within 300 feet of the site on February 1, 2010.

Public Input: During the public comment period for the notice of application, which ended on February 16, 2010, the County did not receive any written comments.

Agency Comments: The County received the following agency comments:

- Whatcom County Fire Inspector, 2/2/10
- Whatcom County Health Department, 2/10/10
- Whatcom County Plans Examiner, 3/1/10
- Whatcom County Fire District # 8, 3/2/10
- Whatcom County Senior Planner, Natural Resources, 1/5/10 and 3/3/10
- City of Bellingham Planning and Community Development Department, 3/3/10
- Whatcom County Building Services/Planning Supervisor, 3/9/10
- Whatcom County Geologist, 3/18/10
- Whatcom County Planner II, Shoreline Management, 3/18/10
- Washington State Department of Transportation, 3/25/10 and 3/26/10
- Whatcom County Public Works, 4/6/10 (revises previous memos)

Notice of Public Hearing: The notice of public hearing for this project will be mailed to surrounding property owners, posted on the site and published in the newspaper.

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The State Environmental Policy Act (SEPA) requires applicants to disclose potential impacts to the environment as a result of their project. The Port of Bellingham issued a Mitigated Determination of Non-Significance on February 18, 2010. The mitigating conditions relate to:

- Wetlands;
- Stormwater;
- Traffic;
- Historic and Cultural Resource Protection; and
- Greenhouse Gases.

Staff is recommending incorporation of the wetland, stormwater, traffic and historic & cultural resource protection mitigating measures as conditions of this permit.

However, staff recommends that the Hearing Examiner *not* adopt the greenhouse gas mitigating measure as a condition of approval, pursuant to WAC 197.11.660 and Whatcom County Code (WCC) 16.08.160, Substantive Authority. According to WAC 197.11.660(1)(g):

If, during project review, a GMA county/city determines that the requirements for environmental analysis, protection, and mitigation measures in the GMA county/city's development regulations or comprehensive plan adopted under chapter 36.70A RCW, or in other applicable local, state or federal laws or rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action under RCW 43.21C.240, the GMA county/city shall not impose additional mitigation under this chapter.

The greenhouse gas mitigating measure states:

The 36.39 acres of off-site wetland mitigation, on-site buffer enhancement and landscaping described in the project application and supporting documents offset the anticipated impacts of proposed on-site land clearing and land development. Commercial or industrial uses emitting 25,000 metric tons or more per year of CO₂e shall comply with U.S. EPA regulations on reporting of Greenhouse Gases and State or local regulations in place at the time of application for Specific Binding Site Plans.

The first clause in the greenhouse gas mitigating measure indicates that wetland mitigation and landscaping, which are required by conditions of this permit, offset anticipated impacts. The second clause simply indicates that the project must comply with federal, state and local regulations, which is already required. Additionally, thresholds in government guidelines (such as the 25,000 metric ton threshold) may change over time. If this were to occur, we could end up with a requirement that does not correspond to future EPA or other governmental agency thresholds. For these reasons, staff is not recommending the greenhouse gas measure be imposed as a condition of this development permit. However, we are recommending a note on the face of each binding site plan indicating that land uses requiring approval from the Northwest Clean Air Agency must comply with applicable air pollution regulations.

VII. FINDINGS OF FACT and CONSISTENCY WITH REGULATIONS

A. Building Code (WCC Title 15)

WCC Title 15 adopts the applicable building and fire codes. A Whatcom County Plans Examiner submitted comments in a memo of March 1, 2010. These comments, which relate to building permits and structures, have been forwarded to the Port of Bellingham's Planning and Development Director. While the applicant should be aware of these comments, it is not necessary to impose them as conditions on this planned unit development/binding site plan approval. The Building Services Supervisor also provided comments on March 9, 2010, which are relevant to setback waivers requested by the Port. Therefore, these comments have been incorporated into the conditions of approval.

B. Critical Areas (Title 16)

Chapter 16.16 of the Whatcom County Code contains requirements to identify, analyze, preserve and mitigate potential impacts to the County's critical areas and to enhance and restore degraded resources such as wetlands, riparian stream corridors or habitat, where possible.

The MDNS indicates that the proposal includes almost nine acres of wetland fill. The Whatcom County Natural Resources Division Senior Planner who reviews proposals for Critical Areas Ordinance compliance stated, in a memo of March 3, 2010:

Critical areas staff have reviewed several critical area reports including the *Port of Bellingham Revised Wetland Buffer Plan for the Bellingham International Airport Eastside Development Master Plan*, David Evans and Associates (November 2007 and *December 2009 Addendum*) and the *Offsite Wetland Mitigation Design Report, Slater Road Site*, Cooke Scientific (November 2009).

The mitigation plans have been reviewed and approved by Critical Areas staff for conformance with WCC 16.16 (Critical Areas Ordinance). Prior to the General Binding Site Plan being filed with the County Auditor, the issue of protection of the mitigation site (Wetland Mitigation Easement Agreement) as discussed in the report must be addressed.

C. Light Impact Industrial Zone (WCC Chapter 20.66)

The purpose of the Light Impact Industrial (LII) zone is ". . . to implement the Comprehensive Plan by providing for the planned development of large land areas, in appropriate locations, primarily for industrial and subordinate uses

which provide support services to the district. . .” The zone allows a variety of land uses, including manufacturing and fabrication activities.

The LII zone does not impose a specific minimum lot size for new land divisions. Rather, it requires that “The minimum lot size shall be consistent with the area required to meet the building setback, lot coverage, buffer and development standards of the district” (WCC 20.66.250). Compliance with this standard will be determined on a case-by-case basis as the applicant files specific binding site plans to create individual lots on the site. Minimum lot frontage is 30’, but the applicant has requested a waiver to this requirement for any lots inside the airport security fence. The LII zone does not have a minimum open space requirement (WCC 20.66.500 was repealed in 1997). Maximum building coverage is 60% (WCC 20.66.450).

D. Airport Operations Zone (WCC Chapter 20.70)

The purpose of the Airport Operations (AO) District is “. . .to provide sufficient area exclusively for existing and future regional airport operations needed for Whatcom County. . . ” The zone allows a variety of airport facilities and commercial uses.

The AO zone does not impose a specific minimum lot size. Rather, it requires that “The minimum lot size shall be consistent with the area required to meet the building setback, lot coverage, buffer, open space and development standards of this district” (WCC 20.70.250). The AO zone does not have an open space requirement for essential airport operations (WCC 20.70.500). However, the AO zone requires that at least 25 percent of the lot size for those uses not necessary for essential airport operations be retained for open space. Essential airport operations are defined in WCC 20.97.121.

Many of the proposed activities in the AO zone qualify as essential airport operations. However, some do not. These non-essential operations, such as industrial uses in the AO zone, would normally have to meet the open space requirement within the boundaries of each individual parcel. However, WCC 20.85.109(3) indicates that building coverage and development coverage of individual parcels may exceed the percentage permitted by the underlying zone, provided that overall coverage of the project does not exceed the percentage allowed by the zoning district. At the March 25, 2010 Technical Review Committee meeting, the Port of Bellingham’s Planning and Development Director stated it would be difficult to provide this open space within boundaries of individual lots in the AO zone. Therefore, she requested that undeveloped land in Conservation Areas A-F, which are already in conservation easements, be allowed to provide the required open, as authorized in a planned unit development under WCC 20.85.109(3).

There are no road frontage requirements in the AO zone. Maximum building coverage is 50% for those uses not necessary for essential airport operations (WCC 20.70.450).

E. Concurrency (WCC Section 20.80.212)

WCC Section 20.80.212 states that no subdivision, commercial development or conditional use shall be approved with out a written finding that:

1. All providers of water, sewage disposal, schools, and fire protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.
2. No county facilities will be reduced below applicable levels of service as a result of the development.

It is the position of Whatcom County Planning and Development Services that the development of the Airport property, when considered as a whole, constitutes a commercial development. Therefore, the concurrency provisions of WCC 20.80.212 apply to the proposed development.

Water and Sewer

The City of Bellingham Department of Public Works issued a letter on December 29, 2009 stating:

. . . Water and sewer service is available related to the binding site plan application as set forth in the attached Standstill Agreement (see Paragraphs 4, 4.1, 5 and 5.1).

Any future projects, however, at the Bellingham International Airport, including but not limited to any projects that will be constructed on parcels created under this binding site plan process, will require a separate water availability letter from the City and an Agreement for Utility Zone Extension between the City and the Port. Such water availability letters and Agreements for utility service zone extensions may be approved, denied, or conditioned as determined in the sole discretion of the City Council. The City and Port are currently working on a permanent agreement regarding the provision of water and sewer service to future projects at the Airport. . .

The "Standstill Agreement" between the Port and the City indicates that, until the lawsuit between the Port and the City is concluded:

- The City may, in its sole and absolute discretion, condition or deny any new, changed or expanded water and sewer service to any project

within the Airport Industrial Park or any other project at the Airport which is not aviation related (Section 4).

- The City shall, to the extent of capacity of the existing water and sewer infrastructure, grant new or expanded water and sewer service to any aviation related project outside the Airport Industrial Park (Section 5).

In a letter of February 10, 2010, the Whatcom County Health Department stated:

. . . According to the letter dated December 29, 2009, from Martin Kjelstad of the City of Bellingham . . . there is water and sewer service available for the purposes of this Binding Site Plan application.

Future building permits will be subject to individual water and sewer verification from the City of Bellingham.

It is the position of the Planning and Development Services Department that stronger verification of water and sewer availability should be required prior to filing each specific binding site plan with the County Auditor. This future verification should be more permanent in nature (i.e. not simply a statement indicating how the City will treat water and sewer service until the lawsuit is concluded) and should more definitively describe a commitment to serve the industrial component of the proposed development.

Schools

The proposed development does not include any residential units. Therefore, concurrency for school facilities is not applicable.

Fire Protection

The Port of Bellingham and Whatcom County Fire District No. 8 entered into an Interlocal Agreement for Fire, Emergency Medical and Crash Fire Rescue Services. This interlocal was effective January 1, 2008 and ". . . shall renew annually thereafter for successive one (1) year periods unless the District or the Port provides a written notice of termination. . ." (p. 1). The interlocal states:

. . . The District will provide fire protection, emergency medical services, and CFR [crash-fire-rescue] support response to all properties and persons at the Airport on the same basis as such protection is rendered to other areas within the District. . . (p. 1).

Whatcom County Fire District # 8, in a letter of March 2, 2010, stated:

. . . the District will provide fire and emergency response services to the subject property. Because the Port of Bellingham doesn't pay property taxes to support fire and EMS services for their properties, the Port of Bellingham and Whatcom Fire District # 8 have a signed Interlocal Agreement for Fire, Emergency Medical and Crash Rescue Services.

. . . the District cannot accept potential risk associated with issuing a letter indicating that the District has the necessary facilities and services (which includes necessary staffing levels to provide the urban levels of service) or that the District has the capabilities of providing an urban level of service to the property.

. . . The District does not formally oppose nor seek to limit your effort to develop your property, the District cannot represent that existing or future level of emergency response and fire suppression service is or will be at an urban level of service. . .

It is the position of Planning and Development Services that additional verification will be required from Fire District # 8 in order to determine that there is concurrency for fire protection under WCC 20.80.212. Therefore, we are recommending that documentation must be obtained from Fire District # 8 stating there will be adequate fire protection services, prior to filing each specific binding site plan with the County Auditor. This condition would not apply to areas annexed into the City of Bellingham.

Transportation

WCC 20.78 requires concurrency for County transportation facilities. This means that there will be adequate County arterial and collector roads to handle traffic from the proposed development without violating the adopted level of service. The Whatcom County Public Works Department issued a "Preliminary Concurrency Determination" for the project on December 21, 2009.

F. Planned Unit Development (WCC Chapter 20.85)

WCC Chapter 20.85 contains requirements for review and approval of a planned unit development (PUD). Section 20.85.335 states that a recommendation shall be made based upon the following criteria:

1. Conservation of natural elements and features;

The proposal maintains 76 acres of the site in open space conservation areas. Mitigation of wetland impacts includes off-site mitigation.

Additionally, there is an on-site wetland buffer plan. Given the nature of the site as a public use airport and light industrial development, reasonable measures have been taken to conserve natural features.

2. Harmony of selected uses to each other;

The proposed uses on the subject site include airport-dependent, airport-related, light industrial and commercial uses. No residential uses are planned. It appears that the proposed uses are generally compatible and will be in harmony with one another.

3. Grouping and design of buildings, service, parking areas, circulation and open space as an integrated unit such that a safe, efficient and convenient PUD is created;

The subject site contains an airport and industrial park. New buildings and impervious surfaces will be grouped in development areas D1-D18 as shown on the site plan, on the eastern side of the runway.

Parking is an important issue at the airport property, as future parking needs will exceed current capacity. The SEPA Checklist indicates that there are a total of 2,004 parking spaces available for commercial and general aviation use at the present time. An additional 923 parking spaces are proposed to support the airport operations. Additionally, development on specific sites will provide parking per the applicable code (p. 16).

Existing roads will be used for circulation. However, part of Williamson Way would be closed to public access when the airport security fence is relocated in the future.

There are approximately 76.11 acres of open space in conservation areas on the 986 acre parcel. All but .15 acres of this open space is located on the western side of the runway. Overall, about 7.7% of the site is designated for open space. This open space is appropriately located to buffer rural property west of the airport.

It appears that the location of buildings, parking, circulation and open space provide for a safe, efficient and convenient PUD, although this does not imply there are no safety risks at an airport or industrial site.

4. Harmony of the proposed PUD with the existing and proposed characteristics of its surroundings, with emphasis and due consideration given to air, water, soil pollution, flood protection, and aesthetics;

The area west of the airport property is planned for industrial and rural uses. There are currently rural land uses, homes and wooded area adjacent to the western boundary of the subject site. The current permit application does not include development west of the existing runway.

The area north of the airport property is planned for light industrial and general commercial uses, although there are woods/undeveloped lands in this area at the current time. Interstate 5 is adjacent to the northeastern portion of the site.

The areas to the south and southeast are planned for industrial and residential land uses. Proposed development areas D17 and D18 are adjacent to Airport Dr., with residential zones and uses located to the southeast.

WCC 20.85.104 and .105 require buffering to ensure compatibility with surrounding land uses. The proposed landscape plan includes landscaping along selected portions of Airport Dr. and I-5. It also includes retaining a 200' existing buffer in certain areas along the southern and western property boundaries (this 200' buffer is required in the AO zone under WCC 20.70.550, but only a 50' buffer is required in the LII zone under WCC 20.66.550). With these landscape and buffering plans, it appears that the development can be in visual harmony with surrounding land uses.

Through environmental review and compliance with the Critical Areas Ordinance, due consideration has been given to air, water, and soils. A note will be placed on the face of the binding site plans indicating that land uses requiring approval from the Northwest Clean Air Agency will comply with applicable air pollution regulations. Water quality is being addressed through a stormwater management plan and wetland mitigation. Erosion control measures will be employed to minimize erosion and sedimentation impacts. The subject site is not within a flood zone.

5. Conformance with the policies, goals and objectives of the Comprehensive Plan;

The Comprehensive Plan designates the Bellingham International Airport property as an Urban Growth Area. The following Whatcom County Comprehensive Plan goals and policies are applicable to this proposal.

Policy 2A-1 Concentrate urban levels of development within designated urban growth areas.

Comment: The subject site is within the Bellingham UGA. Airport and industrial development are appropriate urban land uses in this area.

Policy 2D-7 Incompatible uses will be discouraged adjacent to public use airports to preserve the safety and efficient use of these airports. Incompatible uses are land uses that:

- Could be impacted by airplane noise;
- Could create or be impacted by airplane accidents; or
- Create height hazards that could adversely impact aircraft that are taking off or landing.

Comment: The Port of Bellingham, which owns the airport property, is the applicant. In addition to airport land uses, the Port proposes to locate industrial and commercial uses on the property, but such uses are generally compatible with airport operations. No residential uses are proposed.

Policy 2D-8 Require disclosure of potential airport noise impacts to people who are buying or obtaining a permit on property within one mile of a public use airport.

Comment: Pursuant to WCC 8.34, disclosure of potential noise impacts will be required as a condition of approval.

Policy 2D-10 Discourage tall structures around public use airports that hamper the efficient and safe use of navigable airspace. Specifically, discourage structures from exceeding the height of the imaginary surfaces defined in Federal Aviation Regulations (FAR) Part 77 around airports that have mapped such imaginary surfaces (airports that have mapped Part 77 imaginary surfaces are shown in Appendix I of the Whatcom County Comprehensive Plan).

Comment: This policy is implemented by WCC 20.80.675, "Height limitations surrounding airports." Additionally, because the Port of Bellingham is the owner of the property, it is assumed that they would not lease property for buildings that would hinder the airport's operation.

Policy 2T-9 Joint planning in Bellingham's UGA should include joint review of development proposals. City design and development regulations should be required in Bellingham's UGA.

Comment: The Whatcom County Land Division Regulations state that "City development standards shall be addressed, in accordance with

adopted ordinances, for land divisions located within a city's urban growth area" (WCC 21.01.160). Additionally, these regulations require that:

All binding site plans shall comply with the applicable standards, requirements and procedures of the Whatcom County Development Standards and local, state, and federal laws and regulations. The county, to the extent practicable, will require new land divisions located within city urban growth areas to conform to city development standards, in accordance with adopted interlocal agreements (WCC 21.07.040).

At this time, the County and City of Bellingham do not have an interlocal agreement relating to UGA planning. The previous agreement was effective from 1997 to 2007. However, the County and City are currently in the process of cooperatively developing an agreement.

In any event, the applicant is requesting that the parking space standards of Bellingham Municipal Code (BMC) 20.12 be utilized for size of spaces and aisle width. This request is consistent with Comprehensive Plan Policy 2T-9 above.

Policy 2T-10 Annexation should be considered prior to or concurrently with the extension of City sewer and water and prior to urban development. Annexations should be a logical extension of the city boundaries and not create unincorporated islands.

Comment: The City of Bellingham and Port of Bellingham are currently working on an annexation agreement for the industrial portion of the site (see "Standstill Agreement" dated Dec. 17, 2008).

The Urban Fringe Subarea Plan includes the following goals and policies:

Policy 1.04 Direct new high density residential, commercial and industrial development toward existing urban development and along major transportation routes to support land use and transportation plans.

Comment: The proposed development is on the site of an existing airport with industrial uses on the property. Additionally, the main entrance to the Airport is within about ½ mile of I-5.

Policy 1.13 Minimize land use conflicts in the Urban Growth Area through the use of appropriate buffering mechanisms,

design standards, and locational criteria; and by promoting compatibility between land uses, especially among residential, commercial, industrial, and Airport Operations designations.

Comment: Buffering is proposed adjacent to residential and rural areas. The airport and industrial uses proposed are consistent with zoning and appear to be appropriately located to minimize impacts to surrounding uses.

Finally, the Bellingham International Airport is an essential public facility under the Growth Management Act (RCW 36.70A.200) and the Whatcom County Comprehensive Plan (Policy 2XX-5). Many of the essential public facility policies relate to facility siting. However, the airport has existed on the subject site for many years, and the location is not at issue. The associated industrial development does not qualify as an essential public facility.

In summary, the proposal meets the goals and policies of the Whatcom County Comprehensive Plan.

6. Adequate provision of utilities and circulation to serve the project and, where appropriate, contribute to overall development of urban areas;

The site is served by Bellingham water and sewer service. Improvements to the transportation system are required in the Mitigated Determination of Non-Significance.

7. The exceptions granted by this chapter are warranted by creative design utilizing good design principles and provision of amenities incorporated in the planned unit development and its program;

The applicant is requesting the following exceptions to standard zoning requirements:

Element	Standard	Requested Exception	Staff Recommendation
Parking	WCC 20.80.510 WCC 20.80.560	Allow use of parking space standards of Bellingham Municipal Code 20.12 for size of spaces, aisle width and other dimensional criteria.	Approve – The application states this request "...is intended to facilitate denser urban standard airport parking lot development, consistent with the project area's location within a municipal UGA, and to maximize the available land supply for proposed and interim parking facilities." The site is within the Bellingham UGA and it is reasonable to employ Bellingham standards when requested and appropriate.
Parking	WCC 20.80.525(2)	Allow parking spaces for uses within the airport security fence to be 700' from the nearest gate or general use area, rather than 700' from the specific site.	Approve – The need to restrict vehicle access within the airport's fenced perimeter for safety and security make is necessary to locate some parking away from the terminal. A shuttle could be utilized, if necessary, to transport people from parking areas to the terminal. WCC 20.80.525(2) allows the zoning administrator to waive the requirement that parking must be within 700' of the land use it serves.
Parking	WCC 20.80.580	Use a space requirement of 0.3 parking spaces per each new hanger or airplane tie-down space instead of the standard parking space requirements of the Whatcom County Code.	Approve for uses in the AO zone that are inside the airport security fence (parking for some of these uses will be located in the LII zone). WCC 20.80.580 does not have a specific requirement for airport terminals, hangers, tie-down spaces, etc. WCC 20.80.590 allows the Hearing Examiner to determine parking spaces in such cases. The Port's proposal to provide spaces consistent with historic parking demand is appropriate.
Land-scaping	WCC 20.66.651 WCC 20.70.651 WCC 20.80.300 WCC 20.80.530	Allow use of "Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan" (2010) instead of Whatcom County Code landscaping requirements.	Approve - WCC 20.80.370 allows modification of the landscaping requirements if a plan is prepared by a landscape architect licensed in Washington that achieves the objectives of the County Code. The Port's landscape plan was, in fact, prepared by a landscape architecture firm (Hough Beck & Baird Inc.) and generally appears to meet the purposes of the code.
Land-scaping	WCC 20.80.360(4)	Reduce requirement to have 15' of landscaping along certain internal roads to 5' (these roads are shown on the "Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan").	Approve – WCC 20.80.360(4) requires 15' within the front yard setback adjacent to the road to be landscaped, except that this may be reduced in the LLI zone to 5' when the site fronts a minor or local access street. The Port's landscape plan shows the 5' buffering on interior streets, which are classified as minor or local access, in the LII zone. Additionally, a reduction may be granted in the AO zone under WCC 20.80.370.
Land-scaping	WCC 20.80.325	Allow minimum 10' separation between landscaping and secure perimeter fence per FAA requirements.	Approve – The application states "The FAA requires a clear area immediately adjacent to perimeter fencing for security purposes to prevent natural vegetation from being used to breach security fences."
Signs	WCC 20.80.410 (1) & (3) WCC 20.80.450 WCC 20.80.470	Follow FAA and TSA sign regulations inside secured perimeter/fence.	Approve – The application states "Compliance with Federal Aviation Administration (FAA) and/or Transportation and Security Administration (TSA) signage regulations is required for all airport facilities."
Signs	WCC 20.80.410(1)	Allow directional signs over Airport Way and Mitchell Way (Port owned road rights of way).	Approve – The application states "Roads within the . . . project boundary, including Mitchell Way and Airport Way, are owned by the Port of Bellingham which is a public agency. The subject roads are internal to the project area and as such signage is proposed for purposes of clearly and safely facilitating visitor and emergency vehicle traffic flow, it is requested that the restriction of signage over public property not be applied to Port-owned roadways." Interestingly, Airport Way and Mitchell Way are shown as private roads on

Element	Standard	Requested Exception	Staff Recommendation
			the "Bellingham International Airport General and Specific Binding Site Plan" (filed for record with the County Auditor in 1990). Additionally, it is not uncommon for public agencies to place signs over public roads (i.e. Interstate 5). In any event, it is appropriate to allow the Port to manage signs above their own road right of ways.
Signs	WCC 20.80.410	Allow off-site directional signs for tenant businesses, and airport/public directional signs, at designated locations on airport property. These signs would not comply with the size, number, frequency and setback regulations of the Whatcom County Code for outright permitted signs.	Approve signs as shown on the "Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan." WCC 20.80.410 sets forth permitted signs and indicates that other signs are conditionally permitted. However, WCC 20.85.051 indicates that "Uses outright permitted in a planned unit development shall include permitted, accessory and conditional uses allowed in the underlying zone district. . ." WCC 20.85.109 allows waiving the setback requirements. Therefore, the proposed off-site directional signs, properly conditioned, are appropriate in the PUD.
Setbacks	WCC 20.80.210	Allow utilities, landscaping, security structures such as poles, meters, fences, guard structures, and other similar utility/security infrastructure within standard yard setbacks.	Approve – The application states that "Location of security infrastructure, such as fences, within the standard yard setbacks is essential to maintaining security of the facility per the airport's TSA approved security plan." WCC 20.80.254(1)(b) specifically states that building setbacks do not apply to many of these structures in the LII zone. WCC 20.85.109 also allows waiving the setback requirements.
Setbacks	Same	Reduce the standard front yard setback from Port-owned local access roads to 15' within the AO zoning district.	Approve – The Airport is a unique and essential public facility in Whatcom County. The application states that this request "will allow the Port to site essential airport facilities more efficiently within the project area and maximize the available land supply." The Port is best situated to manage the location of its own buildings, or buildings leased to others, in relation to Port owned roads within the Airport. WCC 20.85.109 allows waiving the setback requirements.
Setbacks	Same	Where zero lot line development occurs within the fenced airport operations area, building setbacks may be based on an assumed property line; provided that, adjacent buildings have sufficient separation and/or fire wall construction necessary to meet adopted fire and building code standards.	Approve - The Whatcom County Building Services/Planning Division Supervisor indicated, in an e-mail of March 9, 2010, that a standard condition has been formulated to address the zero lot line development at the Airport. This language, which relates to fire-resistance rating of exterior walls, should be shown on the face of each specific binding site plan.
Minimum Lot Width at Street Line	WCC 20.66.255	If property zoned LII is included within the airport security fence, it is requested that it be granted relief from the 30' minimum lot frontage width requirement.	Approve pursuant to WCC 20.85.109.
Open Space	WCC 20.70.500	Utilize undeveloped land in Conservation Areas A-F to provide the 25% open space requirement in the AO zone for uses not necessary for essential airport operations.	Approve pursuant to WCC 20.85.109.

The design and amenities of the overall development plan appear to warrant the proposed exceptions.

8. That the system of ownership, and means of developing, preserving and maintaining open space and other common facilities is acceptable to the county; and

Approximately 76.11 acres of open space in Conservation Areas A-F will remain under the Port of Bellingham ownership. The Port will be responsible for any needed maintenance of these areas and common facilities.

9. Where expanded land uses as allowed by WCC 20.85.053 are requested for an application, the criteria of WCC 20.85.054 are met, and where a phasing plan is proposed, the criteria of WCC 20.85.117(3) are met; and

The applicant is not requesting expanded land uses under WCC 20.85.053 (see e-mail from Sylvia Goodwin dated 2/17/10).

The project is proposed to be phased, as follows:

- *Phase 1 consists of development areas D3-D14, with approximately 6 to 20 new lots, within 0-10 years.*
- *Phase 2 consists of development areas D1, D2, and D15-D18, with 5 to 8 new lots, within 10-20 years.*
- *The site plan also shows phase 3 areas that would be developed in 20 or more years, but these areas are not being permitted for development through this application process.*

It appears that the development areas in phase 1 are capable of being adequately served by roads, drainage structures and utilities, in the event subsequent phases are not developed. Necessary easements and support features will be required as a condition of this permit. The City of Bellingham, in an letter of March 3, 2010, stated ". . . The City supports the Port's proposed phasing of infrastructure. . ."

In summary, the project meets the criteria for approval of a phasing plan under WCC 20.85.117(3) and WCC 21.07.030(5)(b).

10. Promotion of creativity and affordability in residential, commercial and industrial development.

The proposal does not include residential development. With regard to commercial and industrial development, the applicant addressed this criterion as follows in an e-mail of March 10, 2010:

The large size of the Bellingham International Airport planning area, as well as the coordinated planning effort underway by various agencies, provide an opportunity to create a unique image and character that preserves space for aviation uses, services for the traveling public, and compatible light industrial uses. The economic impact of the Bellingham international Airport is significant. Approximately 484 jobs are currently generated by passenger and air cargo activity at BLI. As Commercial Aviation uses expand, the demand for support facilities and associated jobs will increase and continue to benefit Whatcom County businesses and the traveling public.

In order to build and sustain a viable aviation facility, the project creates shovel ready development sites for a mixture of aviation-related use and compatible industrial uses that have shown consistent demand. Infrastructure improvements provide room for expansion allowing the aviation community and industry to remain competitive in our changing economy while ensuring continued water quality, habitat protection and traffic circulation. Through innovative partnerships, this project will create over 8 acres and enhance another 28 acres of wetlands on Washington Department of Fish and Wildlife property near Slater Road, which will be managed as wildlife habitat and public open space once the plantings have been established.

G. Land Division Regulations (Title 21)

WCC Chapter 21.07 contains criteria for approval of a binding site plan. Section 21.07.030(1)(h)(i and ii) states that approval of a preliminary binding site plan shall be accompanied by written findings that:

Appropriate provisions have been made for the public health, safety, and general welfare and for such open spaces, drainage ways, stormwater management, streets or roads, pedestrian and bicycle paths, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school, and the public use and interest will be served by the platting of such binding site plan and dedication; and

The proposal is in conformity with applicable land division, zoning, critical areas, shoreline management and other land use regulations.

1. With regard to the public health, safety and general welfare, the Technical Committee finds the following:

The proposed development, as conditioned, has made adequate provisions for public health, safety and general welfare.

2. With regard to open space, parks and playgrounds the Technical Review Committee finds the following:

Approximately 76.11 acres of open space will be provided in Conservation Areas A-F. No parks or playgrounds are proposed at the Airport and adjoining industrial development.

As conditioned, the development has made adequate provisions for open space. Parks and playgrounds are not required in this non-residential setting.

3. With regard to streets or roads, pedestrian and bicycle paths, other public ways and transit stops, the Technical Review Committee finds the following:

The "Final Transportation Impact Analysis Bellingham International Airport" (Transpo Group, November 2009) indicates that the airport and associated industrial park created about 505 PM peak hour trips on a weekday in 2009 (p. 17). The proposed development would generate 126 PM peak hour trips between 2009 and 2020, for a total of approximately 631 weekday PM peak hour trips, by 2020 (pp. 18-19). An additional 229 weekday PM peak hour trips would be added between 2020 and 2030, for a total of approximately 860 trips by 2030 (pp. 18-19).

The Mitigated Determination of Non-Significance (MDNS) included conditions relating to traffic mitigation, which are incorporated into the recommended conditions of approval of this permit.

Whatcom County Public Works issued a memo on April 6, 2010 stating:

Per final Transportation Impact Analysis, by Transpo Group, dated November 2009, all County road segments are estimated to be below maximum capacity levels.

The Washington Department of Transportation, in e-mails of March 25 and 26, 2010, indicated that they have reviewed the Final Transportation Impact Analysis and the mitigation, as set forth in the MDNS, is satisfactory.

The City of Bellingham, in their letter of March 3, 2010, did not raise any specific concerns relating to transportation facilities. At the Technical Review Committee meeting on March 25, 2010, Bellingham's representative verbally indicated that the City's Transportation Planner had reviewed the MDNS traffic mitigation, and it was acceptable to the City.

The "Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan" (2010) includes sidewalks along Airport Way, Mitchell Way, Williamson Way and other roads on the subject property.

Therefore, as conditioned, the proposed development will be adequately served by roads and pedestrian ways.

4. With regard to potable water supplies and sanitary wastes the Technical Review Committee finds the following:

Water and sewer are addressed in the concurrency section of this report.

5. With regard to drainage and stormwater management the Technical Review Committee finds the following:

The MDNS contains conditions relating to stormwater management, which are incorporated into the recommended conditions of approval.

Additionally, the Whatcom County Public Works Department has reviewed the application and stated, in a memo of April 6, 2010, that:

The July 2009 Engineered Stormwater Management Master Plan by David Evans and Associates that addresses conveyance, detention, and water quality measures by a Washington State licensed civil engineer submitted is approved by Whatcom County Engineering.

County Public Works also recommended the following conditions of approval:

Provision for maintenance of private stormwater system will be required as set forth in Whatcom County Development Standards, Chapter 2, Section 220.

All road, drainage facilities, and grading plans shall be designed and stamped by a Washington State licensed civil engineer and submitted for county engineering approval prior to construction.

As-built drainage plans from a licensed engineer must be submitted to the County Engineer prior to approval of the general or specific binding site plan if drainage facilities are constructed or modified.

With required mitigation, appropriate provisions have been made for drainage and stormwater management.

6. With regard to schools the Technical Review Committee finds the following:

The proposed development does not include any residential units. Therefore, school facilities are not required to serve the proposal.

7. With regard to compliance with applicable land division, zoning, critical areas, shoreline management and other land use regulations the Technical Review Committee finds the following:

As analyzed previously in this report, the project is in compliance with Title 20 and Title 21 and other applicable land use controls. It should be noted that the off-site wetland mitigation project along the Nooksack River in the vicinity of Slater Road will require review under the Shoreline Management Program (see letter from Chad Yunge dated March 18, 2010).

VIII. RECOMMENDATION

The subject proposal meets the approval criteria of WCC 20.85 and Title 21. Therefore, the Technical Review Committee recommends approval of the Planned Unit Development and Preliminary Binding Site Plan, subject to the following conditions:

IX. CONDITIONS OF APPROVAL

A. Planning Division

1. This permit authorizes development in Phases 1 and 2 of the "Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan" (December 3, 2009). Development in Phase 3 is not authorized under this permit, but shall require review and approval by Whatcom County or, if annexed, by the City of Bellingham.
2. Approval of this preliminary binding site plan (BSP) and planned unit development (PUD) shall become invalid unless the general BSP is submitted in proper form for approval within five years of written preliminary PUD and preliminary BSP approval by the County Council. All specific binding site plans shall be submitted within 20 years of written preliminary PUD and preliminary BSP approval by the County Council.
3. The use and location of development on the site shall conform to the approved site plan, unless modified pursuant to WCC 20.85.350 and WCC 21.07.110. If a modified phasing plan is approved, then the applicable permit conditions below shall apply to the modified phasing plan.
4. Within 30 calendar days of written preliminary binding site plan approval by the County Council, the applicant shall submit four copies of a revised preliminary binding site plan pursuant to WCC 21.07.030(2).
5. An applicant requesting final approval of a general or specific binding site plan shall submit to the administrative official copies of the materials and fees specified in WCC 21.08.050. The request shall be accompanied by a statement from the county engineer that Whatcom County has accepted as complete all on-site and off-site improvements required by the applicable conditions of preliminary binding site plan approval, or has received cost estimates and performance guarantees to assure completion thereof (after annexation, the city shall make this determination).
6. The following disclosure shall appear on the face of the general binding site plan and each specific binding site plan outside of the airport security fence:

The subject property is near an airport. The amount of noise which may be generated by airport operations may exceed levels anticipated in residential or other settings. Whatcom County will not consider airport operations and associated impacts to be a nuisance if such operations comply with applicable laws.

7. A note shall be placed on the face of the general binding site plan and each specific binding site plan stating:

Land uses requiring approval from the Northwest Clean Air Agency must comply with applicable air pollution regulations.

8. A note shall be placed on the face of the general binding site plan and each specific binding site plan that fronts on Port of Bellingham owned local access roads within the Airport Operations zoning district stating:

Pursuant to the Planned Unit Development approval, the front yard setback from Port of Bellingham owned roads within the Airport Operations zoning district is reduced to 15' from the edge of the road easement or right-of-way. The standard front yard setback in the zoning ordinance shall not apply to these roads, except that the corner lot provisions of WCC 20.80.230(3) may be utilized.

9. A note shall be placed on the face of the general binding site plan and each specific binding site plan within the airport security fence stating:

Pursuant to the Planned Unit Development approval, zoning setbacks are waived for buildings located inside the airport security fence, provided that applicable building code and fire code regulations are met.

10. Utilities, landscaping, security structures such as poles, meters, fences, guard structures, and other similar utility/security infrastructure are allowed within standard yard setbacks

11. Landscaping consistent with the "Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan" (2010) shall be installed as follows:

- a. Landscaping shall be installed along Interstate 5, Airport Drive, Airport Way, Mitchell Way, Bakerview Rd., Williamson Way and other interior roads within the following time-frames:
 - i. Landscaping within Phase 1 areas, as shown on the "Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan" (December 3, 2009), shall be installed prior to issuance of a certificate of occupancy for the adjacent development or by 10 years after written preliminary PUD and preliminary BSP approval by the County Council, whichever occurs first. All landscaping within phase 1 areas shall be installed prior to submission of any specific binding site plans within phase 2 areas.
 - ii. Landscaping within Phase 2 and 3 areas, as shown on the "Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan" (December 3, 2009), shall be

installed prior to issuance of a certificate of occupancy for the adjacent development or by 20 years after written preliminary PUD and preliminary BSP approval by the County Council, whichever occurs first.

- b. Landscaping on individual lots located outside the airport security fence shall occur prior to issuance of a certificate of occupancy for development on the lots.
 - c. Landscaping shall not be required inside the airport security fence.
 - d. A minimum 10' separation will be maintained between landscaping and the airport security fence per Federal Aviation Administration (FAA) requirements.
 - e. Standard landscaping requirements of the zoning ordinance shall not apply.
12. Sidewalks shall be installed as set forth in the "Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan" (2010) as follows:
- a. Sidewalks within Phase 1 areas, as shown on the "Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan" (December 3, 2009), shall be installed prior to issuance of a certificate of occupancy for the adjacent development or by 10 years after written preliminary PUD and preliminary BSP approval by the County Council, whichever occurs first. All sidewalks within phase 1 areas shall be installed prior to submission of any specific binding site plans within phase 2 areas.
 - b. Sidewalks within Phase 2 and 3 areas, as shown on the "Planned Unit Development and Preliminary Binding Site Plan No. 2 Conceptual PUD Phasing Plan" (December 3, 2009), shall be installed prior to issuance of a certificate of occupancy for the adjacent development or by 20 years after written preliminary PUD and preliminary BSP approval by the County Council, whichever occurs first.
13. Signs shall comply with WCC 20.85.116, identifying the location of each store or industry based on consideration of crime prevention and the needs of emergency vehicles.
14. A building permit shall be obtained for any sign installed on the site, unless specifically exempted by the applicable building code.
15. Overhead signs (over the Port owned roadways) and off-site directional signs shall conform to the "Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan" (2010) instead of zoning ordinance requirements. Such signs shall:

- a. Meet the Clear Zone requirements of the Whatcom County Road Standards, as determined by the Public Works Department; and
 - b. Not impair sight distance, as determined by the Public Works Department; and
 - c. Comply with the clear vision requirements of WCC 20.80.210(3).
16. Outside the airport security fence, on-site signs for individual uses shall conform to the zoning ordinance sign regulations.
17. Inside the airport security fence, Federal Aviation Administration (FAA) and/or Transportation and Security Administration (TSA) sign regulations shall apply instead of zoning ordinance sign regulations.
18. In the Airport Operations zone, a note shall be placed on the face of each specific binding site plan stating:

Pursuant to the Planned Unit Development approval, open space has been provided in Conservation Areas A through F. Therefore, individual lots are not required to meet the 25% open space requirement of WCC 20.70.500.

19. Any property zoned Light Impact Industrial inside the airport security fence is not required to comply with the minimum lot frontage width requirement of WCC 20.66.255.
20. A note shall be placed on the face of the general binding site plan and each specific binding site plan within the Airport Operations zone stating:

Pursuant to the Planned Unit Development approval, parking requirements for land uses within the Airport Operations zone are as follows:

- a. Number of Parking Spaces - A requirement of 0.3 parking spaces per each new hanger space or airplane tie-down space shall apply to land uses inside the airport security fence. The requirements of the Official Whatcom County Zoning Ordinance relating to the number of parking spaces shall apply to land uses located outside the airport security fence.
- b. Dimensional Requirements - Requirements of Bellingham Municipal Code 20.12.010.C.6 shall apply for size of parking spaces, aisle width and other dimensional criteria. The requirements of the Official Whatcom County Zoning Ordinance relating to these dimensional criteria for parking shall not apply.
- c. Location of Parking Spaces - Parking spaces for uses inside the airport security fence are permitted to be more than 700 feet from the principal use. When parking is located more than 700 feet from the principal use, the applicant shall submit a plan showing the means of transportation from the parking area to the principal use (i.e. shuttle or pedestrian paths). The requirements of the Official Whatcom County Zoning Ordinance relating to

the location of parking spaces shall not apply to uses inside the airport security fence. Parking spaces for land uses located in the Airport Operations zone may be located within the Light Impact Industrial zone.

- 21.A note shall be placed on the face of the general binding site plan and each specific binding site plan within the Light Impact Industrial zone stating:

Pursuant to the Planned Unit Development approval, parking requirements for land uses within the Light Impact zone are as follows:

- a. Number of Parking Spaces – The number of parking spaces for land uses within the Light Impact Industrial zone shall conform to the requirements of the Official Whatcom County Zoning Ordinance (upon annexation, the parking space requirements of the Bellingham Municipal Code shall apply).
- b. Dimensional Requirements - Parking space requirements of Bellingham Municipal Code 20.12.010.C.6 shall apply for size of spaces, aisle width and other dimensional criteria. The requirements of the Official Whatcom County Zoning Ordinance relating to these dimensional criteria for parking shall not apply.

B. Water and Sewer

1. With each specific binding site plan application, the applicant shall provide a letter from the City of Bellingham that adequate water and sewer capacity exists or arrangements have been made to provide adequate service for the development. This condition shall not apply if the land use within the specific binding site plan does not require water and sewer service (such as a parking lot).
2. Prior to filing each specific binding site plan with the County Auditor, the applicant shall provide documentation that water and sewer infrastructure serving each lot created by that specific binding site plan has been installed, and that it has been approved by the service provider (unless security is provided pursuant to WCC 21.08.030). This condition shall not apply if the land use within the specific binding site plan does not require water and sewer service (such as a parking lot).

D. Natural Resources Division

1. Prior to filing the General Binding Site Plan with the County Auditor, permanent protection of the wetland mitigation site shall be addressed to the satisfaction of the critical areas ordinance administrator in accordance with WCC 16.16.260. The wetland mitigation site and requirements are shown in the *Off-Site Wetland Mitigation Design Report - Slater Road Site*, Cooke Scientific (November 2009), or as amended and approved by the agencies with jurisdiction.

E. Building Division

1. A note shall be placed on the face of each specific binding site plan stating:

The boundary lines of all lease areas and parcels within Bellingham International Airport Specific Binding Site Plan No. XX (*insert appropriate number here*) shall be considered as property lines for the purposes of determining the fire-resistance rating of exterior walls based on separation distance and the maximum area of unprotected and protected openings in exterior walls of buildings, per all applicable sections, tables and notes of the current Building Code edition adopted by Whatcom County.

F. Fire

1. With each specific binding site plan application, the applicant shall provide written documentation from Whatcom County Fire District # 8 stating that adequate capacity exists or arrangements have been made to provide adequate fire protection services for development within that specific binding site plan. This condition does not apply to areas annexed into the City of Bellingham.
2. Prior to filing each specific binding site plan with the County Auditor, the Fire Marshall shall verify adequate capability for fire protection in accordance with sound engineering practices and locally adopted codes and development standards.

G. Applicable Development Standards

1. Each phase submitted within five years from written County Council approval of the preliminary planned unit development and preliminary binding site plan shall comply with the Whatcom County Development Standards for land divisions, roads and stormwater facilities in effect as of June 6, 2008 (the date of vesting).
2. Each phase submitted after five years from written County Council approval of the preliminary planned unit development and preliminary binding site plan shall comply with the Whatcom County development standards for land divisions, roads and new stormwater facilities in effect as of the date construction plans are submitted for each phase, unless City of Bellingham standards are adopted by ordinance.

H. Public Works – Engineering Division

1. All development shall comply with applicable Development Standards, as outlined in section G above.
2. Any land disturbance activity transporting a significant amount of materials on any County road will require a haul route agreement between the property owner and Whatcom County before any work is begun. Any land disturbance activity transporting a significant amount of materials on any City of Bellingham road will require a haul route agreement between the property owner and the City of Bellingham before any work is begun.
3. Each specific binding site plan will be re-evaluated for traffic trip generation prior to approval of each specific binding site plan.
4. The July 2009 Engineered Stormwater Management Master Plan by David Evans and Associates that addresses conveyance, detention, and water quality measures by a Washington State licensed civil engineer submitted is approved by Whatcom County Engineering. Provision for maintenance of private stormwater system will be required as set forth in Whatcom County Development Standards, Chapter 2, Section 220.
5. All easements, any physical appurtenances such as fences or structures which may indicate encroachment, lines of possession, or conflict of title must be shown on the final mylar prior to approval of each specific binding site plan. [WAC 332-130-050(1)(b)]
6. Address fees, as applicable, shall be paid prior to recording of each Specific Binding Site Plan.
7. All road, drainage facilities, and grading plans shall be designed and stamped by a Washington State licensed civil engineer and submitted for Public Works Department approval prior to construction.
8. As-built drainage plans from a licensed engineer must be submitted to the Public Works Department prior to approval of the general or specific binding site plan if drainage facilities are constructed or modified.

H. Environmental Mitigation

1. Wetlands:
 - a. Prior to proposed wetland fill, the proponent shall bond or construct 36.39 acres of off-site wetland creation and enhancement consistent with the Bellingham International Airport Off-Site Wetland Mitigation Design Report for Slater Road Site, Cooke Scientific, November 2009, or as amended and approved by the agencies with jurisdiction.

- b. Proponent shall monitor and maintain the mitigation site for 10 years in accordance with the monitoring plan included in the Off-site Wetland Mitigation Design Report.
 - c. Proponent shall maintain and enhance on-site wetland buffers in accordance with the Revised Wetland Buffer Plan for the Bellingham International Airport, David Evans and Associates, Inc. (November 2007 and December 2009 Addendum.)
2. Stormwater:
- a. All development located outside the Alderwood and Southwest stormwater drainage basins shall include on-site detention, pollution prevention, source control and water quality treatment, to conform to the DOE Stormwater Manual standards in effect as of the date that construction plans are submitted.
 - b. Projects within the Southwest and Alderwood Stormwater drainage basins shall comply with all DOE Stormwater Manual standards in effect as of the date that construction plans are submitted, other than detention. Detention for projects located within the Southwest and Alderwood basins will be provided by the Southwest and Alderwood detention ponds in accordance with the Bellingham International Airport Stormwater Management Master Plan, David Evans and Associate, Inc., Revised July 2009.
 - c. The proponent shall modify the flow control structures of the Southwest and Alderwood detention ponds, modify the Southwest detention pond bottom to increase detained volume, and modify roadside ditches to improve flow into the Alderwood pond consistent with the 2009 Bellingham International Airport Stormwater Management Master Plan. Development projects constructed prior to completion of required pond improvements shall provide alternate stormwater detention systems or best management practices consistent with current standards.
3. Traffic
- a. Proponent shall fund the design and construction of traffic signal coordination along Bakerview Road between Bennett Drive and the Fred Meyer entrance, and fund the design and construction of a westbound right-turn lane onto the northbound I-5 ramp on Bakerview Road between I-5 and Maplewood Avenue, in coordination with Washington Department of Transportation, Whatcom County and City of Bellingham, consistent with the Findings and Recommendations in the Bellingham International Airport Final Transportation Impact Analysis, Transpo Group, November, 2009. These improvements shall be constructed prior to the end of Phase 1 and/or occupancy of 90,000 square feet of additional industrial building space and passenger counts exceeding 1,500 average daily enplanements, or any combination of development projects projected to generate 126 or more additional p.m. peak hour trips.
 - b. Construction of a southbound left turn lane on Airport Way and an eastbound refuge/ merge lane on Airport Drive prior to the end of Phase 2

- or any combination of development projects projected to generate an additional 229 or more p.m. peak hour trips, consistent with the Findings and Recommendations in the November 2009 Bellingham International Airport Final Transportation Impact Analysis.
- c. In order to determine compliance with conditions 3.a and 3.b above, the Port of Bellingham shall submit a written report to Whatcom County and the City of Bellingham on February 1, 2012 and by February 1 of every year thereafter documenting the following for the previous year and cumulative totals:
 - Square feet of additional industrial building space occupied; and
 - Average daily enplanements; and
 - Additional p.m. peak hour trips; and
 - Whether all construction permitted in Phase 1 and/or Phase 2 has been completed.
 - d. The proponent shall identify the quantity of material, haul routes, number and type of trucks and obtain a Haul Road Agreement from Whatcom County prior to obtaining permits for wetland fill.
4. Historic and Cultural Resource Protection
- a. No ground disturbing activities shall proceed in Area 9 until additional investigation of an identified cultural resource has been completed and reviewed by the USACE, SHPO and affected tribes as recommended in the Archaeological Survey and Cultural Resource Evaluation for Developments proposed in Areas 4, 9 and 14, Bellingham International Airport, Rosario Archaeology, L.L.C., December 2009.
 - b. Ground disturbing site preparation or construction activities within the defined radius around two historic features identified in Areas 4 and 14 shall comply with Appendix H Monitoring Plan in the Archaeological Survey and Cultural Resource Evaluation for Developments proposed in Areas 4, 9 and 14, Bellingham International Airport Rosario Archaeology, L.L.C., December 2009.
 - c. Monitoring of specified areas on the Slater Road mitigation site shall be implemented as recommended in the Archaeological Survey and Assessment for the Proposed Slater Road Wetland Mitigation Project, December, 2007.

I. Enforcement

1. A note shall be placed on the face of the general binding site plan and each specific binding site plan stating:

Land divisions and development shall comply with the conditions of Planned Unit Development # PUD2008-00001 and Binding Site Plan # BSP2008-00003.

2. Permit conditions shall be enforced pursuant to WCC 20.85 and/or other applicable codes.

APPENDIX A

In a letter of March 3, 2010, the City of Bellingham requested a list of documents used to support the Planned Unit Development and Preliminary Binding Site Plan approval to facilitate future administration of the permits, should annexation occur. A list is provided below:

- *Bellingham International Airport Planned Unit Development & Preliminary Binding Site Plan No. 2 Application Submittal (date stamped June 6, 2008).*
- *Bellingham International Airport Planned Unit Development & Preliminary Binding Site Plan No. 2 Supplemental Information Submittal (date stamped December 29, 2009), which includes the phasing plan.*
- *Revised Project Statement Bellingham International Airport Preliminary Binding Site Plan # 2 / Planned Unit Development (date stamped April 6, 2010).*
- *Bellingham International Airport Planned Unit Development & Binding Site Plan Landscape, Sidewalk & Signage Plan (April 2010)*
- *SEPA Checklist for Bellingham International Airport Binding Site Plan/Planned Unit Development and (May 21, 2008, Revised: December 18, 2009 and February 17, 2010)*
- *Mitigated Determination of Non-Significance (February 18, 2010)*
- *Archaeological Survey and Cultural Resource Evaluation for Developments Proposed in Areas 4, 9, and 14, Bellingham International Airport, Whatcom County, Washington, Rosario Archaeology (December 2009)*
- *Final Transportation Impact Analysis – Bellingham International Airport, Transpo Group (November 2009)*
- *Off-Site Wetland Mitigation Design Report - Slater Road Site, Cooke Scientific (November 2009)*
- *Port of Bellingham Revised Wetland Buffer Plan for the Bellingham International Airport Eastside Development Master Plan, David Evans and Associates, Inc. (November 2007, and December 2009 Addendum)*
- *Bellingham International Airport Stormwater Management Master Plan, David Evans and Associates, Inc. (Revised July 2009)*
- *Preliminary Geotechnical Engineering Services Report for the Bellingham International Airport Binding Site Plan, Geo Engineers (June 2008)*
- *Wetland Analysis Report for Bellingham International Airport, David Evans and Associates, Inc. (March 1998)*