

II. PROPOSAL

The plat alteration will result in one parcel that is 472,294 square feet in size. The purpose of the BLA is to create a parcel large enough to develop the light ops facility and clean up parcel lines for future capital improvements.

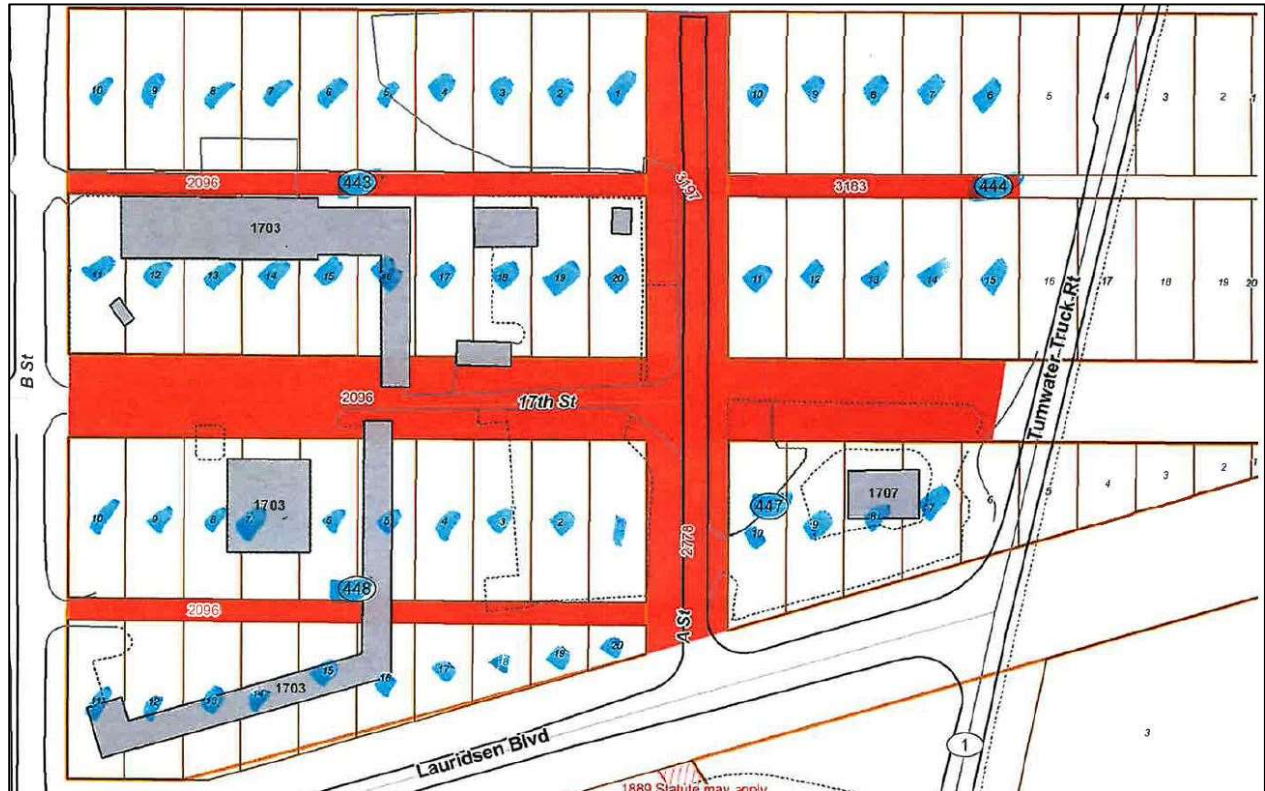


Figure 2: Proposed Vacation Area

III. FACTS RELEVANT TO THE APPLICATION

Property Description

The proposed project consists of 54 townsite lots and the summation of 5 street vacation ordinances to create one parcel for development. There are two easements for access along the vacated portion of A Street that are granted to the City of Port Angeles from the former property owner. The site has been used historically as a Corporation Yard for the City's operations division. The Site is currently accessed from Lauridsen Boulevard and B Street.

IV. PROCEDURE

On March 26, 2020 the Applicant submitted a petition to vacate the lots comprising of the Corporation Yard. On April 8, 2020 the petition was determined to be incomplete. It was also determined that the City did not have anyone designated with the authority to decide on the vacation and that an amendment to the Port Angeles Municipal Code would be required. On October 2, 2020, the Port Angeles City Council passed ordinances 3663 and 3664 giving the Hearing Examiner decision authority on plat vacations that meet the standards of Section 16.14.010 Port Angeles Municipal Code (PAMC). City Staff determined the application to be complete on October 26, 2020.

Notice of the SEPA application was given on the following dates and in the following manner:

1. 09/08/20: Subject property, posted sign
2. 09/08/20: City Hall, notice board
3. 09/08/20: Property owners within 300' of the subject property, mailing
4. 09/08/20: Peninsula Daily News, circulation

Notice of the virtual public hearing was provided on the following dates and in the following manner:

1. 11/2/20: Subject property, posted sign
2. 11/2/20: City Hall, notice board
3. 11/2/20: Property owners within 300' of the subject property, mailing
4. 11/05/20: Peninsula Daily News, circulation

Per Section 2.18.060 PAMC, the Hearing Examiner will conduct a review of the Plat vacation application and this staff report and decide on the vacation within 120 days of the completeness determination. Such a decision may be appealed to the Superior Court, provided that the appeal is filed within 21 days of the Examiner's decision per Chapter 36.70C RCW.

V. PUBLIC AGENCY & PUBLIC COMMENTS

The application was routed to City Departments and Divisions for consideration. Comments were received by City Staff and are incorporated into the staff findings.

No comments were received from the public during the public comment period.

VI. FINDINGS OF FACT & STAFF ANALYSIS

Analysis and findings of fact from Department of Community and Economic Development (DCED) Staff are based on the entirety on the application materials, Port Angeles Municipal Code (PAMC), and all other relevant material available during the review period. Collectively, the information contained in the staff report is the record of the review. The findings and analysis in this report are a summary of DCED Staff review.

Environmental Review

This project was reviewed under the Washington State SEPA threshold determination rules requirements and procedures; and was issued a Determination of Nonsignificance (DNS) on October 23, 2020. In accordance with WAC 197-11-355. The 14-day appeal period expired on November 6, 2020. No appeals of this determination were received by the City. The SEPA checklist and environmental documents are on file at the City of Port Angeles Department of Community and Economic Development Planning Division and are available upon request.

Port Angeles Municipal Code

The following PAMC provisions are relevant to this application. DCED Staff provides comments under each provision as demonstration of the analysis that has occurred with the application review process and the findings of fact relevant to the application.

Title 2 – Administration and Personnel

Per PAMC Section 02.18.060(A)(3)(d), the Hearing Examiner has the review authority and is authorized and directed to hear and decide on Plat Vacations.

CHAPTER 16.14 – Plat Vacations and Alterations (PLAT)

16.14.010(A) – Any person may submit for city review and approval an application to vacate a subdivision or short subdivision plat, or portion thereof, or any area designated for public use.

Staff Analysis: The City of Port Angeles submitted a request for a Plat Vacation to consolidate the various lots, tax parcels, and vacated rights-of-way, that make up the corporation yard facility, to create one parcel for development.

16.14.010(B) – The application shall include, at the minimum, the following:

1. The application shall state the reasons for the proposed vacation and shall contain the signatures of all parties that have an ownership interest in the portion of the subdivision to be vacated;
Staff Analysis: The City of Port Angeles submitted a request for plat vacation with the signature of the Director of Public Works and Utilities who oversees the operation and management of the Corporation Yard. Included with the application are the initialing of the City Assistant Attorney who manages the City owned property.

2. If the proposed vacation would affect any covenants or would alter the terms and conditions of the plat approval, an agreement signed by all parties shall be submitted documenting agreement to the proposed termination or alteration of the covenants and conditions of approval;
Staff Analysis: Not Applicable. There are no covenants or conditions of plat approval as demonstrated in the title report submitted by the applicant.
3. A statement of facts demonstrating that the proposed vacation will not adversely affect the public health or safety, and is in the public interest;
Staff Analysis: The applicant provided a statement of facts on November 17, 2020 which stated, "The vacation of the lots will allow for the construction of improvements to the City's Corporation Yard over time that will enhance the City's Public Works Department better serve its customers and the community as a whole." This statement shows the public interest is served. The health and safety of the public are served by further improvements of our public works facilities that enhance the City's ability to deliver sewer, water, and power services to the utility customers.
4. A statement of facts demonstrating that the proposed vacation will comply with the provisions of state law, including but not limited to RCW 35.79.030, 35.79.035, and 36.87.130, and with PAMC 17.94.050; and
Staff Analysis: RCW Chapter 35.79 and 36.87 are not applicable as there are no street vacations or vacations of roads and bridges proposed. All streets within the vacation area have all been previously been vacated per ordinances 2096, 2778, 3183, and 3197. Per Section 17.94.050 PAMC, the previously approved street vacations have already assumed the Industrial, Light (IL) zoning designation.
5. The application must in all respects comply with the requirements of 58.17 RCW.
Staff Analysis: See Section on RCW for compliance below.

16.14.010(C) – When the vacation application is specifically for a city street, the procedures for street vacation in RCW 35.79 will be used. When the application is for the vacation of the plat together with streets, the procedure for vacation in this chapter will be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030.

Staff Analysis: Not Applicable. There are no street vacations proposed. All streets within the vacation area have all been previously been vacated per ordinances 2096, 2778, 3183, and 3197.

16.14.010(D) – Except as provided in this Chapter, Application for plat vacations shall be processed as provided in RCW 58.17.212.

Staff Analysis: See Section below regarding the Revised Code of Washington for analysis on RCW 58.17.212.

Revised Code of Washington (RCW)

RCW 58.17 – Plats – Subdivision – Dedications.

Per RCW 58.17.080 – Notice of the filing of a preliminary plat of a proposed subdivision adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities. Any notice required by this chapter shall include the hour and location of the hearing and a description of the property to be platted. Notice of the filing of a preliminary plat of a proposed subdivision located in a city or town and adjoining the municipal boundaries thereof shall be given to appropriate county officials. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation. In the case of notification to the secretary of transportation, the secretary shall respond to the notifying authority within fifteen days of such notice as to the effect that the proposed subdivision will have on the state highway or the state or municipal airport.

Staff Analysis: Staff mailed the Notice of Public Hearing to property owners within 300' of the vacation area, circulated throughout the City Departments, posted a sign on site, published a legal notice in the Peninsula Daily News, a newsflash on the City's website, sent to Clallam County Department of Community Development and provided a copy of the notice the Secretary of Transportation due proximity to Tumwater Truck Route, which is a state highway.

Per RCW 58.17.090 – Notice of Public Hearing

1. Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in RCW [36.70B.110](#), at a minimum, notice of the hearing shall be given in the following manner:
 - a. Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and
 - b. Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

Staff Analysis: Staff mailed the Notice of Public Hearing to property owners within 300' of the vacation area, circulated throughout the City Departments, posted a sign on site, published a legal notice in the Peninsula Daily News, a newsflash on the City's website, sent to Clallam County Department of Community Development and provided a copy of the notice the Secretary of Transportation due proximity to Tumwater Truck Route, which is a state highway by November 5, 2020 and exceeded the minimum 10-day advance notice requirement prior to the hearing.

2. All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

Staff Analysis: The virtual public hearing is scheduled to take place on December 3, 2020 at 10:00. The notices included the address of the City Corporation Yard.

Per RCW 58.17.212 – Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the legislative authority of the city, town, or county in which the subdivision is located. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof....

Staff Analysis: The City of Port Angeles submitted a request for plat vacation with the signature of the Director of Public Works and Utilities who oversees the operation and management of the Corporation Yard. Included with the application are the initialing of the City Assistant Attorney who manages the City owned property.

The legislative authority of the city, town, or county shall give notice as provided in RCW [58.17.080](#) and [58.17.090](#) and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, town, or county, shall be deeded to the city, town, or county unless the legislative authority shall set forth findings that the public use would not be served in retaining title to those lands.

Staff Analysis: See Part IV on page 3 of this staff report for noticing procedures. A public hearing is scheduled for December 3, 2020 at 10:00 am PST. The property involved is owned wholly by the City of Port Angeles. The public use and interest are served by this proposal by creating a property that will abide by the zoning regulations established within the City Limits and allow for a cohesive and consolidated development. The hearing examiner will render a decision of the proposal within 120 days of the application being deemed complete.

Recommendation

It is the recommendation of Department of Community and Economic Development Staff that the Hearing Examiner approve Plat Vacation application No. 20-24 with the conclusions and conditions stated in Section VII of this Staff Report. This recommendation is based on Staff review and analysis, application materials, Port Angeles Municipal Code, standards, and submitted comments.

VII. DECISION, CONCLUSIONS, & CONDITIONS

Decision and Conclusions

Having reviewed and considered the staff report, application materials, comments, and all the information presented, the City Planning Division recommends **approval**, application No. 20-24 for a Plat Vacation and make the following conclusions:

1. Analysis and findings from City Staff are based on the entirety of the application materials, municipal code, standards, Comprehensive Plan, plans, comments, and all other materials during the review period. Collectively, the information contained in the staff report is the record of the review. The analysis and findings section of this report is a summary of the City Staff completed review and the specific findings of fact.
2. Per Section 2.18.060 of the Port Angeles Municipal Code (PAMC), the Hearing Examiner has the review authority and is authorized and directed to hear and issue a final decision on Plat Vacations. Such decision may be appealed to Superior Court, provided that the appeal must be filed with the City within 21 days of the decision.
3. The Plat Vacation meets the intent and regulations of the Port Angeles Municipal Code; specifically, the criteria in Section 16.14.010 PAMC.

Conditions of Approval

Department of Community and Economic Development (DCED) Staff analysis of Plat Vacation Application No. 20-24 concluded that the proposed use complies with the City of Port Angeles Municipal Code. Staff does not recommend any conditions of approval.

VIII. APPENDICES

Appendix A: Application No. 20-24 Materials

Appendix B: SEPA DNS No. 1425

Appendix C: Street Vacation Ordinances