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Walla Walla County Commissioners

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Ordinance No 274

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1. Walla Walla County Commissioners
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1. Public The
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- 3.

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Legal description (ie: lot and block or section township and range)

NA

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Assessors Parcel Number

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BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON

ORDINANCE NO. 274

REGARDING A TECHNICAL NONSUBSTANTIVE CORRECTIONS TO THE COUNTY  
COMPREHENSIVE PLAN LAND USE MAP(S), ZONING MAP(S) AND DEVELOPMENT  
REGULATIONS

WHEREAS, Zoning Amendment No. 204 (Attachment #1) did approve Heavy Industrial zoning (IH) on property in what is now the Attalia Industrial Urban Growth Area, and

WHEREAS, Ordinance No. 262, Exhibit A (Attachment #2) did approve an amendment to the zoning code text of Title 17 for stationary thermal power plants, and

WHEREAS, Exhibit A (Ordinance. No. 262) will require non substantive formatting to incorporate into Title 17, and

WHEREAS, a technical correction to land use and zoning map(s) not involving substantive interpretations of the criteria for the various land use designations in the Walla Walla County Comprehensive Plan is necessary, as parcel level mapping was not available at the time the map(s) were developed, and

WHEREAS, a corresponding change to the implementing development regulations is necessary in the Attalia Industrial Urban Growth Area as designated in the County's Comprehensive Plan, and

WHEREAS, the above corrections may be considered as an exception to the annual amendment process as outlined pursuant to Chapter 14.10.030(4) of the Walla Walla County Code, and

WHEREAS, the Board of County Commissioners held a public hearing on June 3<sup>rd</sup>, 2002 to hear testimony for and against said request; now therefore

BE IT HEREBY ORDAINED by this Board of Walla Walla County Commissioners that they approve the technical changes to Comprehensive Land Use and Zoning Map(s) and the Development Regulations based on the findings and conditions contained in the original ordinances attached hereto as attachments #1 and #2, which are by this reference made a part hereof.

Done this 4th day of June, 2002

Attest:

Connie R. Vinti  
Connie R. Vinti, Clerk of the Board

Pam Ray  
Pam Ray, Chairman

absent  
David G. Carey, Commissioner

Charles A. Maiden  
Charles A. Maiden, Commissioner

Constituting the Board of County Commissioners  
of Walla Walla County, Washington



Walla Walla County, WA

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**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF A  
DETERMINATION OF  
NON-SIGNIFICANCE FOR  
A REZONE FROM AG TO IH,  
REQUESTED BY RANDALL  
HARVEY

RESOLUTION NO. 93 420

WHEREAS, the request by Randall Harvey, PC-93-07, requires an environmental determination under the State Environmental Policy Act and Walla Walla County Title 18, and

WHEREAS, the County has an obligation under SEPA and Title 18 to protect and enhance both the human and the natural environments, and

WHEREAS, the Walla Walla County Environmental Review Committee has issued a Mitigated Determination of Non-Significance, based on the following:

1. A specific plan for the development of this site has not been decided at this time and therefore site development requirements such as fire flow have not been determined.
2. Development of this site for industrial purposes shall require further SEPA review.
3. Access to state highway 12 may require a permit from Washington Department of Transportation.
4. Access to Dodd Road is available but allows only limited sight distance east along Dodd Road toward Iowa Beef and will require county approval.
5. The proposed site is in close proximity to other developed lands zoned Heavy Industry.
6. The Comprehensive Plan designation of the site is Industrial, with the following Mitigating Measures:
  1. The property owner shall coordinate with Public Works Department and DOT prior to any road improvements, and

WHEREAS, the Planning Commission has concurred with the findings and recommendation of the ER Committee, and

WHEREAS, the Determination has been circulated for the required 15 days to the public and interested agencies, now therefore

BE IT RESOLVED by the Walla Walla County Board of Commissioners that the proposal, EA-93-18 will have a non-significant impact upon the environment, that they concur with the action and findings of the ER Committee.

Done this 5<sup>th</sup> day of October, 19 93

Attest:

Jonnie R. Junt  
Clerk of the Board.

Charles A. Maider

Chairman

Commissioner

Lewis L. Jacky

Commissioner

Constituting the Board of County Commissioners  
of Walla Walla County, Washington.



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## ZONING AMENDMENT NO. 204

AN ORDINANCE AMENDING TITLE 17, WALLA WALLA COUNTY CODE, SPECIFICALLY REZONING PROPERTY FOR RANDALL HARVEY, ROUTE 9, BOX 360, PASCO, WA FROM AG, AGRICULTURAL GENERAL TO IH, HEAVY INDUSTRIAL FOR PROPERTY LOCATED ON HIGHWAY 12, 1/2 MILE SOUTH OF DODD ROAD, NEAR WALLULA, WA, and

WHEREAS, the Walla Walla County Planning Commission held a public hearing on September 8, 1993, to consider the request and recommended to the Board of County Commissioners that the rezone request be approved based on the following findings and attached site plan:

1. Good planning practices suggest that it is justified to rezone property that is in the location of other property of the same zoning.
2. There has been a change in the character of the area since the area was zoned agricultural. Two other parcels have been rezoned to IH. In addition, much of the existing industrial land has been developed and some of it is no longer developable.
3. The rezone is in compliance with the Western Walla Walla Development Plan.
4. The rezone would be in the interest of the general welfare of the entire community, in that it would provide a location for future new industries to locate, and

WHEREAS, the Walla Walla Board of County Commissioners held a public hearing on October 4, 1993, to take additional testimony for and against the proposed rezone, now, therefore

BE IT RESOLVED that the Walla Walla Board of County Commissioners will uphold the recommendation of the Planning Commission based on its findings and approve the rezone from AG, Agricultural General to IH, Heavy Industrial, Docket #PC-93-07 as shown on the attached site plan for the following described real property:

## Parcel A:

Tracts 37 to 44, both inclusive and Tract 53 to 60, both inclusive, of the plat of Pasco Power and Water Company's irrigated lands as recorded in Volume D of plats at page 8, records of Walla Walla County, lying in Section 34, T8N, Range 31, EWM; excepting from Tract 57 of said plat that portion thereof lying westerly of the easterly right of way line of SR12.

All those portion of Tracts 112 and 113 of Attalia Five Acre Tracts, according to the official plat thereof, lying easterly of the easterly right of way line of SR12, said portion of said tracts being situated in Section 33, T8N, Range 31, EWM.

## Parcel B:

That part of Farm Unit 34, Irrigation Block 3, Columbia Basin Project Washington, according to the Farm Unit Plat thereof as recorded October 22, 1956, in Volume F of Plats at page 38, records of Walla Walla County, lying within the northeast quarter of Section 34, in T8N, Range 31, EWM. EXCEPTING THEREFROM the north 30 feet lying in Dodd Road as established in Volume 127 page 1884, records of Walla Walla County, Washington, recorded April 23, 1981 under Auditor's File No. 8103223.

## Parcel C:

All that portion of the southwest quarter of the northeast quarter of said Section 34 lying outside said Irrigation Block and westerly of the westerly right of way line of the Oregon-Washington Railroad and Navigation Company as shown on the Farm Unit Plat of said Irrigation Block.

Done this 5th day of October, 1993

Attest:

Lonnie R. Junt  
Clerk of the Board.

Charles A. Maiden  
Chairman

Commissioner

Lewis L. Jacky  
Commissioner

Commissioner

Constituting the Board of County Commissioners  
of Walla Walla County, Washington.



## I. REQUEST FOR A REZONE

- A. Applicant: Randall Harvey  
PC-93-07
- B. Location of Request: Highway 12, 1/2 mile south of Dodd Road
- C. Nature of Request: Rezone property from AG, Agricultural General to IH, Heavy Industrial

## II. BACKGROUND INFORMATION

- A. Comprehensive Plan Designation: Industrial
- B. Present Zoning: AG, Agricultural General. The property has been zoned AG since 1976, when it was rezoned from IH to AG
- C. Surrounding Zoning:
  - North - AG, Agricultural General and IH, Heavy Industrial
  - East - AG, Agricultural General and IH, Heavy Industrial
  - South - AG, Agricultural General
  - West - PR, Public Reserve
- D. Parcel Size: 180 acres
- E. Present Land Use: Agriculture. There is one residence on the property
- F. Surrounding Land Use:
  - North - Agriculture; Agri-Lite Composting
  - East - IBP and Feed lot; DNR Quarry is east on Dodd Road
  - South - Undeveloped
  - West - Public Reserve beyond Highway 12 and Burlington Northern Railroad. Boise Cascade is southwest on Highway 12
- G. Development Proposal:

The applicant is requesting the rezone to permit development for industry in the future

## III. EVALUATION OF REQUEST

- A. Decision Making Criteria: Rezone
  - 1. When considering a rezone, the burden of proof is upon the applicant to show:
    - a. That the public health and safety, general welfare



and/or good planning and zoning practices justify the requested zone change.

- b. There has been a change in the character of the area since the last zone change that would justify the rezone.
- c. The rezone action is in compliance with the Comprehensive Plan.
- d. Planning Commission By-Laws and Rules of Procedure state in the preamble that: "amendments shall be made sparingly and only for the general welfare of the entire community".
- e. Local and state court decisions have established criteria and test by which rezones must be measured.

#### IV. ENVIRONMENTAL REVIEW COMMITTEE

The Walla Walla County Environmental Review Committee recommends that the proposal would have a non-significant impact upon the environment if mitigated. Please see attached ERC report.

#### V. DISCUSSION

- 1. The Western Walla Walla Comprehensive Plan lists the following objectives relating to industrial planning:
  - a. The areas identified as industrial land be reserved for that purpose.
  - b. Land use regulations of Walla Walla County be adopted to protect against incompatible development of industrial land.
  - c. The Port and local landowners be encouraged to locate industry within areas so identified as industrial.
- 2. Much of the vacant land currently zoned for industry is no longer developable due to wetlands regulations.
- 3. The Port desires to purchase this site to reserve it for future industrial use. The Port believes there is a need for industrially zoned property. The Port currently has 10 - 20 developable acres at the Burbank Port site and approximately 60 acres at Wallula Junction. There are no immediate plans to develop the site although the Port may install a road and a well prior to having a tenant committed to the site.
- 4. Access from Highway 12 to the site would be permitted by the Department of Transportation if spaced at a one mile



interval from Dodd Road. The County Public Works Department will review any development proposal in terms of impact to Dodd Road traffic.

5. Most of Walla Walla County's land designated for heavy industry is located in the western part of the County.
6. The Department of Natural Resources quarry land was rezoned from AG to IH in 1982 and the Agri-lite site was rezoned from AG to IH in 1981.

#### IV. RECOMMENDATION

- A. The staff recommends the rezone be approved based on the following findings:
  1. Good planning practices suggest that it is justified to rezone property that is in the location of other property of the same zoning.
  2. There has been a change in the character of the area since the area was zoned agricultural. Two other parcels have been rezoned to IH. In addition, much of the existing industrial land has been developed and some of it is no longer developable.
  3. The rezone is in compliance with the Western Walla Walla Development Plan.
  4. The rezone would be in the interest of the general welfare of the entire community, in that it would provide a location for future new industries to locate.





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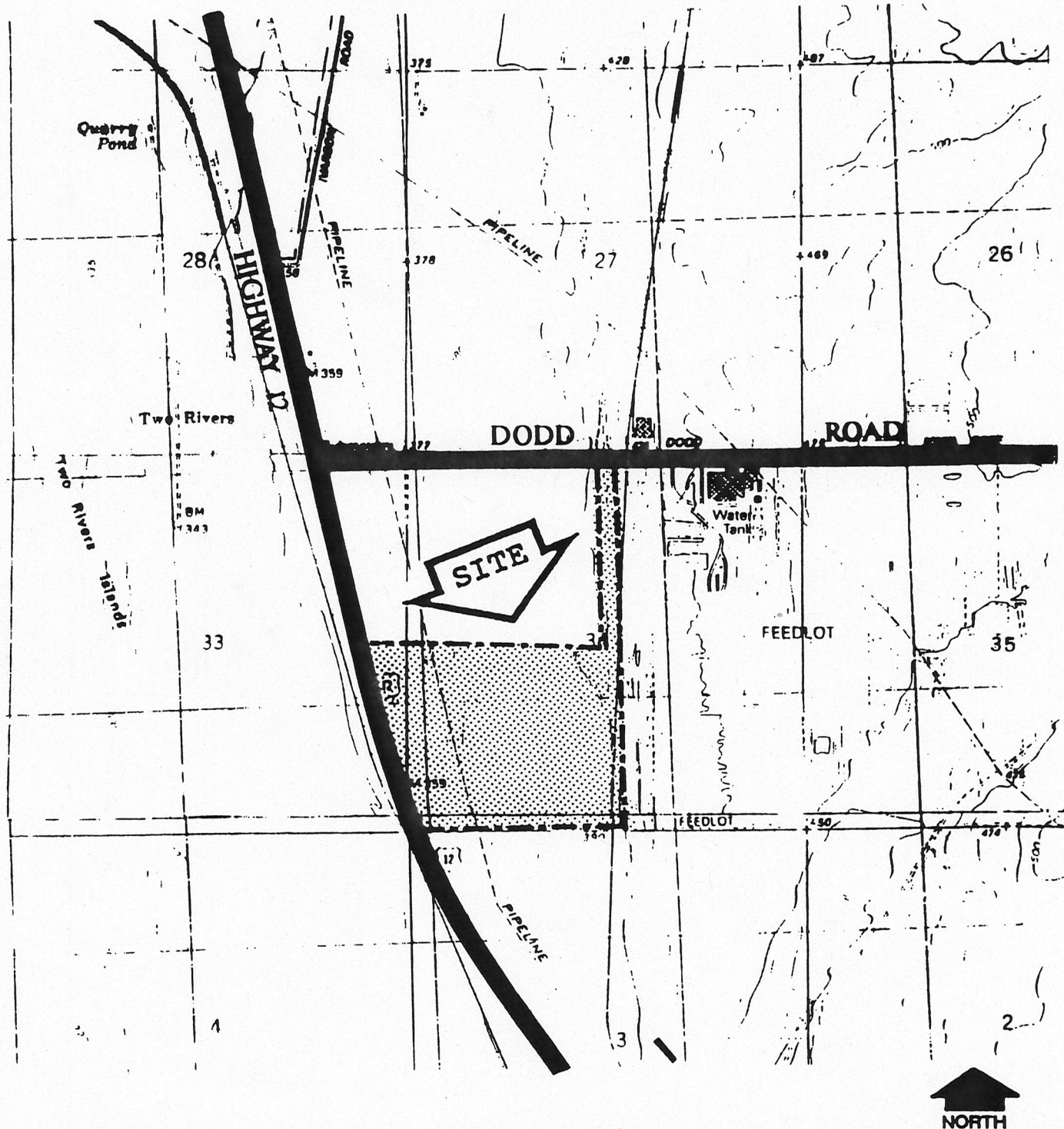
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## EXHIBIT "D"



Applicant Randall Harvey

File No. PC-93-07

Action Requested Rezone from AG to

Location On Highway 12, 1/2 mile south of Dodd Road

FILED FOR RECORD  
IN WALLA WALLA CO. WASH.  
BY

Date 9/3/93

Drawn by

aes

WALLA WALLA COUNTY REGIONAL PLANNING DEPARTMENT

## BOARD OF COUNTY COMMISSIONERS

WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF A REQUEST BY )  
 NEWPORT NORTHWEST FOR A ZONING )  
 CODE TEXT AMENDMENT )  
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Walla Walla County, WA

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ORDINANCE NO. 262

104063

WHEREAS, application has been made by Newport Northwest for a zoning code text amendment for stationary thermal power plants, and

WHEREAS, the Planning Commission held a public hearing on March 7, 2001 to consider the request and recommends to the Board of County Commissioners that the Zoning Code Text Amendment be approved based on the following findings and conditions:

**Findings:**

1. The Zoning text amendment would benefit both the public and the applicant in that it would eliminate the need for completion of two environmental impact statements and would allow for a thorough review process at the state level through the EFSEC siting process.
2. The text amendment is in accordance with the heavy industrial zoning that is currently in place within the County.
3. The text amendment would allow for timely siting of gas powered power plants and would satisfy a public need in the western United States by ultimately resulting in construction of plants that would add power into the regional power structure.

**Conditions:**

The planning commission recognizes that this amendment would rescind some control of a project at the local level as the County would become only one of many participants with personal/agency interests on the EFSEC Committee. Because the Planning Commission recognizes that state agency interests do not always reflect local interests and concerns and to ensure the adequacy of the permitting process in addressing the needs of Walla Walla County, the following conditions will apply:

1. All applicants must enter into agreements with the County for the prepayment of taxes (e.g. property taxes) or mitigation of impacts on the County and its taxing districts;
2. All applicants must participate fully in the EFSEC siting process including the **Potential Site Study (PSS); Integrated Application for Site Certification/preliminary draft Environmental Impact Statement (ASC/pDEIS), and Final Environmental Impact Statement (FEIS);**
3. The applicant shall enter into such Memoranda of Understanding with the County for studies identified as necessary by the County prior to the local compliance

0104083

hearing held by EFSEC pursuant to RCW 80.50.090 (1) and (2) as now or hereinafter amended.

1. Additional costs and impacts identified in the EFSEC/EIS process or in subsequent actions taken thereto, that financially affect the County and that are not mitigated adequately through taxing authorities, may be mitigated through impact fees, and/or cost-sharing agreements.

2. Exhibit A:



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#### 17.08.540 Definitions:

Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities.

#### 17.16.010 Tabulation of permitted uses:

Allowed Use: Stationary power plants as defined in 17.08.540 will be allowed in the Heavy Industrial Zone subject to the following conditions:

1. All applicants must enter into agreements with the County for the prepayment of taxes (e.g. property taxes) for mitigation of impacts on the County and its taxing districts;
2. All applicants must participate fully in the EFSEC siting process including the **Potential Site Study (PSS); Integrated Application for Site Certification/preliminary draft Environmental Impact Statement (ASC/pDEIS), and Final Environmental Impact Statement (FEIS).**
3. The applicant shall enter into such Memoranda of Understanding with the County for studies identified as necessary by the County prior to the local compliance hearing held by EFSEC pursuant to RCW 80.50.090 (1) and (2) as now or hereinafter amended.
4. Additional costs and impacts identified in the EFSEC/EIS process or in subsequent actions taken thereto, that financially affect the County and that are not mitigated adequately through taxing authorities, may be mitigated through impact fees, and/or cost sharing agreements.
5. The applicant shall pay additional staff salaries for those persons employed by Walla Walla County related to the EFSEC siting process together with such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing.

and

WHEREAS, the Board of County Commissioners held a public hearing on March 26, 2001 to hear testimony for or against said request; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they approve the zoning code text amendment for Newport Northwest, Docket Number RC-01-0288 based on the findings and conditions above.

Done this 26<sup>th</sup> Day of March, 2001.

absent

Chairman

Attest:

Connie R. Vinti

Clerk of the Board

[Signature]  
Commissioner

[Signature]  
Commissioner

Constituting the Board of County  
Commissioners of Walla Walla County, Washington

FILED FOR RECORD  
IN WALLA WALLA CO WASH  
BY Walla Walla Commissioner  
APR 25 11 32 AM '01  
KAREN MARTIN  
COUNTY AUDITOR



Walla Walla County, WA

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BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON

Attachment 2

IN THE MATTER OF A REQUEST BY )  
NEWPORT NORTHWEST FOR A ZONING )  
CODE TEXT AMENDMENT )  
)

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Walla Walla County, WA

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WHEREAS, application has been made by Newport Northwest for a zoning code text amendment for stationary thermal power plants, and

WHEREAS, the Planning Commission held a public hearing on March 7, 2001 to consider the request and recommends to the Board of County Commissioners that the Zoning Code Text Amendment be approved based on the following findings and conditions:

**Findings:**

1. The Zoning text amendment would benefit both the public and the applicant in that it would eliminate the need for completion of two environmental impact statements and would allow for a thorough review process at the state level through the EFSEC siting process.
2. The text amendment is in accordance with the heavy industrial zoning that is currently in place within the County.
3. The text amendment would allow for timely siting of gas powered power plants and would satisfy a public need in the western United States by ultimately resulting in construction of plants that would add power into the regional power structure.

**Conditions:**

The planning commission recognizes that this amendment would rescind some control of a project at the local level as the County would become only one of many participants with personal/agency interests on the EFSEC Committee. Because the Planning Commission recognizes that state agency interests do not always reflect local interests and concerns and to ensure the adequacy of the permitting process in addressing the needs of Walla Walla County, the following conditions will apply:

1. All applicants must enter into agreements with the County for the prepayment of taxes (e.g. property taxes) or mitigation of impacts on the County and its taxing districts;
2. All applicants must participate fully in the EFSEC siting process including the **Potential Site Study (PSS); Integrated Application for Site Certification/preliminary draft Environmental Impact Statement (ASC/pDEIS), and Final Environmental Impact Statement (FEIS);**
3. The applicant shall enter into such Memoranda of Understanding with the County for studies identified as necessary by the County prior to the local compliance

hearing held by EFSEC pursuant to RCW 80.50.090 (1) and (2) as now or hereinafter amended.

1. Additional costs and impacts identified in the EFSEC/EIS process or in subsequent actions taken thereto, that financially affect the County and that are not mitigated adequately through taxing authorities, may be mitigated through impact fees, and/or cost-sharing agreements.

2. Exhibit A:



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17.08.540 Definitions:

Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities.

17.16.010 Tabulation of permitted uses:

Allowed Use: Stationary power plants as defined in 17.08.540 will be allowed in the Heavy Industrial Zone subject to the following conditions:

1. All applicants must enter into agreements with the County for the prepayment of taxes (e.g. property taxes) for mitigation of impacts on the County and its taxing districts;
2. All applicants must participate fully in the EFSEC siting process including the **Potential Site Study (PSS); Integrated Application for Site Certification/preliminary draft Environmental Impact Statement (ASC/pDEIS), and Final Environmental Impact Statement (FEIS).**
3. The applicant shall enter into such Memoranda of Understanding with the County for studies identified as necessary by the County prior to the local compliance hearing held by EFSEC pursuant to RCW 80.50.090 (1) and (2) as now or hereinafter amended.
4. Additional costs and impacts identified in the EFSEC/EIS process or in subsequent actions taken thereto, that financially affect the County and that are not mitigated adequately through taxing authorities, may be mitigated through impact fees, and/or cost sharing agreements.
5. The applicant shall pay additional staff salaries for those persons employed by Walla Walla County related to the EFSEC siting process together with such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing.

and

WHEREAS, the Board of County Commissioners held a public hearing on March 26, 2001 to hear testimony for or against said request; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they approve the zoning code text amendment for Newport Northwest, Docket Number PC-01-02, based on the findings and conditions above.

Done this 26<sup>th</sup> Day of March, 2001.

absent

Chairman

Attest:

Connie R. Vinti

Clerk of the Board

[Signature]

Commissioner

[Signature]

Commissioner

Constituting the Board of County  
Commissioners of Walla Walla County, Washington



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1.

This is to ensure that processes not adequately addressed or that do not coincide with the timing of the EFSEC process may be assessed at the local level.

1. Additional costs and impacts identified in the EFSEC/EIS process or in subsequent actions taken thereto, that financially affect the County and that are not mitigated adequately through taxing authorities, may be mitigated through impact fees, and/or cost-sharing agreements.

2. Exhibit A:



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17.08.540 Definitions:

Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities.

17.16.010 Tabulation of permitted uses:

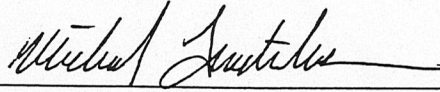
Allowed Use: Stationary power plants as defined in 17.08.540 will be allowed in the Heavy Industrial Zone subject to the following conditions:

1. All applicants must enter into agreements with the County for the prepayment of taxes for mitigation of impacts on the County and its taxing districts;
2. All applicants must participate fully in the EFSEC siting process including the **Potential Site Study (PSS); Integrated Application for Site Certification/preliminary draft Environmental Impact Statement (ASC/pDEIS), and Final Environmental Impact Statement (FEIS).**
3. All applicants for the EFSEC siting process may be subject to County required studies that assist in assessing the impacts of certain aspects of land use. This is to ensure that processes not adequately addressed or that do not coincide with the timing of the EFSEC process may be assessed at the local level.
4. Additional costs and impacts identified in the EFSEC/EIS process or in subsequent actions taken thereto, that financially affect the County and that are not mitigated adequately through taxing authorities, may be mitigated through impact fees, and/or cost sharing agreements.
5. The applicant shall pay additional staff salaries for those persons employed by the county commissioners related to the EFSEC sitting process together with such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing.

WHEREAS, THE Board of County Commissioners reviewed the public record on March 26, 2001.

Now therefore,

**BE IT RESOLVED**, by the Walla Walla County Planning Commission that they recommend the Board of County Commissioners approve the zoning code text amendment for Columbia REA, Docket Number, PC-01-02 based on the findings and conditions above.



Mike Fredrickson, Chairman  
Walla Walla County Planning Commission

Dated: 3/22/01



Walla Walla County, WA

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**REQUEST FOR A TEXT AMENDMENT TO WALLA WALLA COUNTY ZONING CODE<sup>i</sup>**

- I. **APPLICANT:** Newport Northwest
- II. **NATURE OF REQUEST:** Request to amend Title 17 of the County Code to read as shown in Exhibit A

**III. DISCUSSION**

- A. The applicant is requesting a zoning code text amendment to allow stationary thermal (gas powered) power plants in heavy industrial zones. This amendment would allow for plants with a generating capacity of 250,000 kilowatts or more that have received certification from the Washington State Energy Facility Site Evaluation Council pursuant to chapter 80.50 of the Revised Code of Washington.
- B. The EFSEC Site Certification Process requires production of a detailed application and a full environmental impact statement.
- C. Currently, this use would require a Conditional Use Permit (CUP) under Walla Walla County Code. The CUP would require approval, approval with conditions, or denial from the Walla Walla County Planning Commission. The Washington State Environmental Policy Act would result in a determination of significance for this type of project and an Environmental Impact Statement would be required at the local level for the project to go to a CUP hearing before the Planning Commission. However, an inherent flaw exists in the conflict between this requirement and RCW 80.50.180 which reads as follows:

*Except for actions of the council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of any energy facility subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this section shall be construed as exempting any action of the council from any provision of chapter 43.21C RCW.*

- D. The applicant is requesting the amendment in order to resolve the dilemma inherent in this process, that the applicant would have to produce an Environmental Impact Statement prior to the EFSEC process, for approval of "local zoning compliance" via the CUP process.

**IV. Overview of the EFSEC Review Process****A. The Potential Site Study: A pre-application analysis**

The purpose of a **Potential Site Study (PSS)** is to identify environmental, health and safety, social, or regulatory issues related to locating a proposed major energy facility at a proposed site. In addition to this initial **environmental assessment**, a Potential Site Study will assist the future



applicant in knowing what environmental and other impacts must be addressed and the level of information that must be included in a site application. This information will be developed as a **work plan or criteria document** that will be used to format an application that will satisfy the Council's filing requirements and those of the state Environmental Policy Act (SEPA). It is the Council's intent that these requirements be fully integrated in a single document: the **Integrated Application for Site Certification/preliminary draft Environmental Impact Statement (ASC/pDEIS)**.

The Potential Site Study will also provide for **extensive involvement of state, local, and federal agencies, tribes, non-governmental organizations, and the opportunity for public input** in discussing the possible effects of a proposed project. This early participation of interested stakeholders is viewed as a key to assisting an applicant develop a formal Application for Site Certification that avoids or mitigates potential impacts, while ensuring that adequate information is available to assess a proposal.

These **pre-application** activities that are conducted as part of the Potential Site Study are designed to provide for the full disclosure, scoping, and assessment of project impacts, and the involvement of interested agencies and persons, prior to submittal of an application. This up front work is very important to the overall process and is viewed both as a way to streamline the state's siting process, while allowing for the more efficient use of applicant and agency resources.

#### **B. Integrated ASC/pDEIS: Preparation, Submittal and Review**

Based on the work plan prepared as a result of the Potential Site Study, the applicant will complete any additional studies required by the Potential Site Study, and will prepare an integrated ASC/pDEIS.

#### **C. The applicant will then submit the integrated ASC/pDEIS to the Council.**

This will initiate the EFSEC application review process, which will include the following steps:

- ☐ Notification of the project mailing list that the document has been filed with the Council.
- ☐ Distribution of the integrated ASC/pDEIS to state agencies and stakeholders for review;
- ☐ Making copies of the integrated ASC/pDEIS available for public reference at local libraries;
- ☐ To ensure that the information in the integrated ASC/pDEIS is complete and objective, EFSEC's independent consultants, Jones & Stokes, will review this document and submit their findings to EFSEC (as required by RCW 80.50.071-1.a).



Walla Walla County, WA

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- Within 60 days of receipt of the integrated ASC/pDEIS, the Council will hold an **Initial Public Meeting** on the proposed project. The meeting will be held in the vicinity of the proposed project after notifying public officials, publishing public notices, and issuing news releases. The initial public meeting has several purposes:
- To inform the public of the proposed project and of the Council's review process;
- To determine the proposed project's consistency with local land use ordinances;
- To invite the public to comment on the integrated ASC/pDEIS.

#### **D. Environmental Impact Statement**

Based on the information gathered during the review of the integrated ASC/pDEIS by the Council's consultant, and the public comments received at the Initial Public Meeting, EFSEC will finalize the ASC/pDEIS and will issue the document for public comment pursuant to SEPA. The public will be notified when the document is issued and will have the opportunity to comment at public hearings and via written comments.

EFSEC will address the issues and comments raised by the integrated ASC/DEIS public comment process, for inclusion in a **preliminary Final EIS** (pFEIS). The preliminary FEIS will be entered as evidence for the Council's consideration during the Adjudicative Hearings to follow. The Final EIS is prepared after the Adjudicative Hearings have been completed to incorporate any additional evidence presented to the Council. The Council will consider the final EIS in their deliberations. EFSEC will provide notice to all interested persons when the Final EIS has been issued.

#### **E. Adjudicative Proceedings**

EFSEC's certification process calls for the Council to hold formal hearings on the proposed project to allow the applicant and opponents to present information to support their cases. The purpose of the adjudication is for the Council to resolve remaining issues and make a siting recommendation to the Governor.

These trial-like hearings, or "Adjudicative Proceedings," are conducted according to Revised Code of Washington (RCW) Chapter 34.05. These provisions emphasize the right of all parties to a fair hearing, and the requirement for legal due process in the administration of the hearing. To participate in the hearings, parties likely to be affected by impacts of the proposed energy facility, petition the Council for "intervenor" status.

#### **F. Intervention and Counsel for the Environment**

Interested persons, Indian Tribes, public or environmental groups, or local, state, or federal agencies may petition the Council to become **intervenors** in the proceedings. Participants who are granted legal status as intervenors have the opportunity to call expert witnesses, examine and cross-examine witnesses, and join all aspects of the legal process.



Another participant is the **Counsel for the Environment**, a state appointed Assistant Attorney General, whose role in the hearings is to represent the broad interests of all Washington citizens and their interest in protecting the quality of the environment.

#### **G. Adjudicative Hearings**

The extensive adjudicative hearings cover contested issues or project impacts, including environmental, socioeconomic, and public safety concerns. Through examination and cross-examination by the Applicant, Intervenor, Counsel for the Environment, and EFSEC members themselves, each potential impact is examined in great detail. Parties and intervenors have legal counsel represent them during the hearings.

The testimony and exhibits introduced during these proceedings are the basis for the record the Council will refer to when determining whether to recommend project approval or disapproval to the Governor. Information from these proceedings is also used to determine conditions for construction and operation of the project. The applicant must meet these conditions if the Governor approves the project.

#### **H. Air and Water Discharge Permits**

In tandem with the adjudicative proceedings, the Council initiates its process for developing air emissions and water discharge permits. The Council is required by state and federal law to prepare draft Prevention of Significant Deterioration (PSD) and National Pollutant Discharge Elimination System (NPDES) discharge permits for public comment. The Environmental Protection Agency (EPA) has delegated responsibility for issuing PSD and NPDES permits to the Council for projects under EFSEC jurisdiction. Any permit issued would meet all local, state, and federal Clean Air Act or Clean Water Act standards.

The Wallula Power Project will be required to obtain a Prevention of Significant Deterioration (PSD) permit which will establish the conditions and limits of permitted air emissions. The proponent may also require an NPDES permit for discharging wastes into the state's waters during construction and operation of the project.

#### **I. Council Considerations**

After the close of the hearings, EFSEC Council members will study the record at length. They will carefully weigh all the evidence before them, and then will recommend to the Governor whether to approve or deny the project application. If the Council finds the project should proceed, it will recommend to the Governor that the project be approved. The Council will develop a Site Certification Agreement (SCA) to be signed by the Governor. The SCA has all of the environmental, social, economic, and engineering conditions the applicant must meet for construction and operation throughout the life of the project.



If the Council finds the project will have significant impacts that cannot be mitigated, or it is not in the best interest of the state, it will recommend to the Governor that he deny the project.

The Governor has 60 days to consider the Council's recommendation and can take one of the following actions:

- ☐ Approve the Council recommendation, and execute the draft SCA;
- ☐ Deny the application;
- ☐ Direct the Council to reconsider certain aspects of the project.

#### **J. Opportunities for Public Involvement**

EFSEC's review process includes the following opportunities for public comment and involvement:

- ☐ Open Houses
- ☐ Environmental Scoping Meetings
- ☐ Potential Site Study Public Workshop
- ☐ Initial Public Information Meeting and Land-Use Consistency Hearing\*
- ☐ Integrated ASC/DEIS Public Written Comments and Hearing
- ☐ Adjudicative Public Witness Testimony Hearings\*
- ☐ Draft Air (PSD) and Water (NPDES) Discharge Permit Written Comments and Hearings
- ☐ Written Comments to EFSEC

#### **K. The role of Bonneville Power Administration (BPA)**

EFSEC is required by the State Environmental Policy Act to consider the impacts of associated facilities that are not being proposed by the project proponent, but that may be required as a result of the facility being approved by the Governor.

Electrical transmission line upgrades built and operated by the Bonneville Power Administration (BPA) would constitute such associated facilities. Environmental Review of any new transmission lines required by BPA as a result of this proposed project would be coordinated between BPA and EFSEC. Please refer to the BPA insert that is part of this information package for more information.

### **V. DECISION MAKING CRITERIA**

Four conditions must be met in order for a text amendment to be approved:

- ☐ The proposed amendment must benefit the public health, safety, general welfare of the County;
- ☐ The proposed amendment must be of public necessity;
- ☐ The proposed amendment must constitute good planning and zoning practices;
- ☐ The proposal must be in conformance with applicable comprehensive plan policies.



## VI. FINDINGS

The following findings are applicable

1. The proposed amendment benefits the public health, safety, and general welfare because approval of the amendment would allow for additional power to be placed into the Regional Power Grid. Due to recent deregulation of the Energy Industry, and other factors, the need for additional power in western United States is a much debated topic, that has received a vast amount of media attention in recent months. A 3/1/01 Conversation between this department and Dick Watson, Director of the Northwest Power Planning Council confirmed that the following goals have been set by the Northwest Power Planning Council:
  - 3000 megawatts of electricity should be added to the grid by 2003 (of which 1100 megawatts are currently under construction) (See Exhibit B).
  - Recognize that electricity is a commodity and encourage the use of mechanisms that reduce risk.
  - Evaluate options for encouraging development of new power plants. It is not clear that the market will support development of sufficient resources to ensure an adequate and reliable power supply under conditions like those experienced this summer.
  - Develop the demand side of the market. The Bonneville Power Administration, Portland General Electric and others already are implementing pilot programs to pay their largest customers to reduce their demand for power when prices reach a certain level and supplies are tight.
  - Revisit regulatory practices in California.
  - Improve data collection and dissemination.
  - Develop emergency procedures in the event of an actual power-supply emergency.
2. The proposed amendment is of public necessity because of the reasons detailed in the above finding.
3. The proposed amendment constitutes good planning and zoning practices in that the affected heavy industrial location properties are located in areas the County that are largely industrial and agricultural with few surrounding commercial or residential activities. Three major areas of the County are currently zoned industrial (See exhibit C):
  - Property in the Dodd Road area—This area is zoned for both light and heavy industrial use. This property is also located in the Industrial Urban Growth Area as identified in the Draft Comprehensive Plan. This is an area intended for a mix of heavy and light industrial with a mix of agriculture.



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- Property in the Burbank Industrial Area—This port owned property comprises approximately 20 acres and is located at the confluence of the Columbia and the Snake River
- Property in the Snake River area downstream of Ice Harbor Dam—This property is in a general local that is owned by the Corps of Engineers. It appears to have been zoned industrial to allow for river traffic related port activity.

## VII. RECOMMENDATIONS:

Staff recommends that the Planning Commission approve the Zoning Code Text Amendment with the following findings and conditions:

### Findings:

1. The Zoning text amendment would benefit both the public and the applicant in that it would eliminate the need for completion of two environmental impact statements and would allow for a thorough review process at the state level through the EFSEC siting process
2. The text amendment is in accordance with the heavy industrial zoning that is currently in place within the County.
3. The text amendment would allow for timely siting of gas powered power plants and would satisfy a public need in the western United States by ultimately resulting in construction of plants that would add power into the regional power structure.

### Conditions:

The planning commission recognizes that this amendment would rescind some control of a project at the local level as the County would become only one of many participants with personal/agency interests on the EFSEC Committee. Because the Planning Commission recognizes that state agency interests do not always reflect local interests and concerns and to ensure the adequacy of the permitting process in addressing the needs of Walla Walla County, the following conditions will apply:

1. All applicants must enter into agreements with the County for the prepayment of taxes for mitigation of impacts on the County and its taxing districts;
2. All applicants must participate fully in the EFSEC siting process including the **Potential Site Study (PSS); Integrated Application for Site Certification/preliminary draft Environmental Impact Statement (ASC/pDEIS), and Final Environmental Impact Statement (FEIS);**



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3. All applicants for the EFSEC siting process may be subject to County required studies that assist in assessing certain aspects of the impacts of this land use. This is to ensure that processes not adequately addressed or that do not coincide with the timing in the EFSEC process may be assessed at the local level.
4. Additional costs and impacts identified in the EFSEC/EIS process or in subsequent actions taken thereto, that financially affect the County and that are not mitigated adequately through taxing authorities, may be mitigated through impact fees, and/or cost-sharing agreements.



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## Exhibit A:

## 17.08.540 Definitions:

Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities.

## 17.16.010 Tabulation of permitted uses:

Allowed Use: Stationary power plants as defined in 17.08.540 will be allowed in the Heavy Industrial Zone subject to the following conditions:

1. All applicants must enter into agreements with the County for the prepayment of taxes for mitigation of impacts on the County and its taxing districts;
2. All applicants must participate fully in the EFSEC siting process including the **Potential Site Study (PSS); Integrated Application for Site Certification/preliminary draft Environmental Impact Statement (ASC/pDEIS), and Final Environmental Impact Statement (FEIS).**
3. All applicants for the EFSEC siting process may be subject to County required studies that assist in assessing certain aspects of the impacts of this land use. This is to ensure that processes not adequately addressed or that do not coincide with the timing in the EFSEC process may be assessed at the local level.
4. Additional costs and impacts identified in the EFSEC/EIS process or in subsequent actions taken thereto, that financially affect the County and that are not mitigated adequately through taxing authorities, may be mitigated through impact fees, and/or cost-sharing agreements.



The applicant shall pay additional staff salaries for those persons employed by the county commissioners related to the EFSEC sitting process together with such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing.



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