



Walla Walla County Community Development Department

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362 / 509-524-2610 Main

To: Walla Walla County Hearing Examiner
From: Don Sims, Associate Planner
Date Prepared: March 8, 2022
Hearing Date: March 18, 2022
RE: **Agenda Item #1** – File Number SHR21-003, Commercial Building – Proposed Warehouse of 20,000 Square Feet at 396 Grain Terminal Road, Burbank WA, 99323 (APN # 300802120013). Site is located within the Heavy Industrial Zoning District and High Intensity Shoreline Environment.

Summary of Proposal

Bjorn Johnson Construction, LLC. has submitted a shoreline conditional use permit application (SCUP) for a proposed 20,000 square foot warehouse to be located at 396 Grain Terminal Road within Snake River shorelands which are regulated under the Walla Walla County Shoreline Master Program (SMP). The property is owned by Snake River Agriculture, LLC. A building permit application has also been submitted. The building is proposed to be located within the footprint of a larger building that collapsed in approximately 2015.

Recommendation

Staff recommends that the Hearing Examiner approve the shoreline conditional use permit application (SHR21-003), subject to the recommended conditions of approval in the staff report.

General Information

Applicant: Bjorn Johnson, Bjorn Johnson Construction LLC
PO Box 16780
Missoula, MT 59808

Owner: Snake River Agriculture LLC, Steve West
2699 Road 68
Pasco, WA 99301

Location: 396 Grain Terminal Road, Burbank, WA 99323

Zoning and Land Use

The project is located on land zoned Heavy Industrial (HI) and located in the Industrial Comprehensive Plan land use designation. The site is located within the Burbank Urban Growth Area (UGA).

Shoreline Environment

The project is within the High Intensity shoreline environment.

Public Notice

On September 28, 2021, a Notice of Application with Optional Determination of Non-Significance (NOA/ODNS) was issued (Exhibit 3). This notice was published in the Walla Walla Union Bulletin (WWUB) and Tri-City Herald on September 28, 2021. It was published on the CDD website on September 22 and filed with the SEPA Register. This notice was also distributed to agencies with jurisdiction as described below.

A Notice of Public Hearing (NOPH) was issued, published in the WWUB and Tri-City Herald and mailed to the only property owner within 500-feet of the site on March 4, 2022. These notification procedures are consistent with the Notice of Application requirements in WWCC 14.07.080 and the Notice of Public Hearing requirements in WWCC 14.09.065, and the noticing requirements of the County's SMP (Exhibit 10).

Agencies Contacted

As documented in the affidavit provided in Exhibit 17, application materials were distributed to the following agencies for review and comment with the NOA/ODNS:

- Walla Walla County Environmental Health Division, Community Health Department
- Walla Walla County Public Works Department
- Walla Walla County Building Official/Fire Marshal
- Walla Walla County Fire District No. 5
- United States Army Corps of Engineers
- Washington State Department of Ecology
- Washington State Department of Fish and Wildlife
- Washington State Department of Natural Resources
- Washington State Department of Archaeology and Historic Preservation
- Confederated Tribes of the Umatilla Indian Reservation
- Port of Walla Walla

Comments were received from the Port of Walla Walla (Exhibit 11), the Public Works Department, the Health Department, the Fire Marshal/Building Official, the Confederated Tribes of the Umatilla Indian Reservation (Exhibit 14), and the Washington State Department of Archaeology and Historic Preservation (Exhibit 13).

The comment letter from the Port of Walla Walla states that the site is accessed via Grain Terminal Road, a private road maintained by the Port and the road is utilized for parking by employees using the site. While the applicant has submitted a statutory warranty deed that establishes legal access for the site (Exhibit 16), Staff recommend a condition of approval that the applicants agree to a shared maintenance agreement with the Port of Walla Walla and that the applicant and future employees park on-site as shown on a revised site plan.

The comments from the Confederated Tribes of the Umatilla Indian Reservation and Washington State Department of Archaeology and Historic Preservation request an on-site cultural resource expert to be present through earth moving activities as a condition of approval.

The comments from County Departments:

- Walla Walla County Environmental Health requested the site plan be revised to indicate the location of the existing septic tank system and drain field. The Department has reviewed it and recommended approval.
- Walla Walla County Public Works Department requested a storm water plan be prepared which has been completed (Exhibit 6).
- The Walla Walla County Fire Marshal reviewed the submittal and building permit application and determined that the fire code will require fire flows be met. Per Mr. Grandstaff, "A building permit is required for the motor storage building. The building will need to comply with the 2018 IBC and the 2018 Energy Code. The applicant will need to demonstrate how the fire flow

requirements will follow the IFC Appendix B (fire flow). Access roads are to comply with the Walla Walla County Road Standards. The project is required to be designed by a design professional including a complete code analysis.”

Public Comments

No public comments have been received.

SEPA Review

The State Environmental Policy Act (SEPA) Lead Agency for this project is Walla Walla County. As noted above, the Optional DNS process was used and an NOA/ODNS was issued on September 28, 2021, with a 14-day comment period. A Final DNS with no additional comment period was issued on March 3, 2022 (Exhibit 15). SEPA Review was documented in a SEPA Staff Evaluation Report (Exhibit 17).

Walla Walla County Shoreline Master Program

In the SMP, the effected portion of the Snake River is assigned the High Intensity shoreline environment designation. According to the ‘Ports and Industrial Development’ section of the Shoreline Use or Modification Table (Page 49) a ‘General, Non-Water-Oriented’ use requires a shoreline conditional use permit (CUP). The County utilizes the State Joint Aquatic Resources Project Approval (JARPA) form as the application form for shoreline permit (see Exhibit 2).

Shoreline Policies and Regulations for Ports and Industrial Development

Section 6.15 (Page 68), of the SMP provides the policies and regulations that apply to projects. Here are the applicable policies and regulations.

Policies

- Policy-1. Design new industrial development in the shoreline environment to result in no net loss of ecological function and to minimize disruption of navigation and use of the shoreline by adjacent property owners.*
- Policy-2. Give preference to water-dependent industrial development over non-water oriented industrial development in the shoreline environment. Encourage cooperative use of existing port facilities, including docks and piers to reduce additional disruption to the shoreline. Multiple uses should be implemented through cooperative use of cargo handling, storage, parking and other accessory facilities among private or public entities as feasible in industrial facilities.*
- Policy-3. Allow future industrial and port facilities that are dependent upon a shoreline location in areas where the shoreline is already characterized by industrial development or planned for such uses.*
- Policy-4. New industrial development should consider providing shoreline public access as mitigation for disruption of shoreline resources and values, unless such public access would result in a security risk or life and safety hazard.*
- Policy-5. Restoration of impaired shoreline ecological functions and processes should be a component of new industrial development, where applicable. .*

Regulations

- A. Water-dependent industrial uses shall be given preference over non-water dependent industrial uses, and preference shall be given to water-related industrial uses and water-enjoyment uses over non-water-oriented industrial uses.*

- B. *Non-water-oriented industrial uses may be permitted where located on a site physically separated from the shoreline by another property in separate ownership or a major transportation corridor such that access for water-oriented use is precluded. All other non-water-oriented industrial uses are prohibited in the shoreline environment unless one of the following conditions apply:*
1. *The use is part of a mixed-use project that includes water-oriented uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and ecological restoration; or*
 2. *Navigability is severely limited at the proposed site, and the use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.*
- C. *New industrial development shall be located, designed and constructed in a manner that assures no net loss of shoreline ecological functions and minimizes disruption of other shoreline resources and values.*
- D. *Required shoreline setback and buffer areas shall not be used for storage of industrial equipment, materials, or waste disposal, but may be used for outdoor recreation and public access.*
- E. *Disposal or storage of solid or other industrial wastes is not permitted in shoreline jurisdiction.*
- F. *New industrial development shall provide public access to the shoreline, subject to Section 5.6 – Public Access, except where such access would result in safety or security hazards or other significant impediments, as described in Section 5.6 – Public Access.*
- G. *Only those portions of water-dependent industrial uses that require over-water facilities shall be permitted to locate waterward of the OHWM, provided they are located on piling or other open-work structures, and they are limited to the minimum size necessary to support the structure's intended use.*
- H. *Water-oriented structures may be allowed to exceed a height of thirty-five (35) feet. Such structures may include, but are not limited to, facilities which must be of a greater height in order to function, such as cranes or other facilities designed to move or place products, fixed loading facilities that must provide clearance over vessels, storage facilities such as grain elevators, as well as accessory features such as lighting required for operations. The applicant must demonstrate compliance with the following criteria:*
1. *The public interest will be served by accommodating the increased height.*
 2. *The view of a substantial number of residences in areas adjoining such shorelines will not be obstructed.*
 3. *Increased height will not substantially interfere with views from a designated public place, vista, or feature specifically identified in an adopted local, state, or federal plan or policy.*

Shoreline Conditional Use Permit (CUP) Criteria

Section 7.7(D), Pages 80-81, of the SMP provides the criteria for shoreline CUP review. The applicant submitted responses to these approval criteria.

- A. *That the proposed use is consistent with the policies of RCW 90.58.020 and this SMP;*

Applicant Response: *This proposal complies with the policies outlined in the Walla Walla County SMP. This proposal will result in no net loss of ecological function and the development will use water transportation from the Snake River. Policies 1 and 2 of Section 6.1.15 of the SMP are met.*

The proposal recognizes the statewide interest over local interest and is not changing/interfering with the natural character of the shoreline.

Staff Response: The proposed use, a 20,000 building to store construction business materials, is consistent with these policies.

- B. *That the proposed use will not interfere with the normal public use of public shorelines;*

Applicant Response: *The proposal is occurring on private property and will not interfere with or reduce the normal public use of public shorelines.*

Staff Response: The proposed use is to construct a building for a construction company to store material, the area is zoned Heavy Industrial, is surrounded by the Port of Walla Walla's Industrial Park and does not interfere with the public's use of the shorelines. Several access points to the water are in the area, including property managed by the Corps of Engineers and the State of Washington's Department of Fish and Wildlife.

- C. *That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;*

Applicant Response: *This proposal will not change the use of the site. A new 20,000 square-foot warehouse building is proposed in the location of an old warehouse building that collapsed a few years ago. Construction of the new warehouse building for storage purposes is consistent with the current industrial use and zoning of surrounding properties.*

Staff Response: As stated by the applicants, the proposed use is compatible with the area under the comprehensive plan and the SMP.

- D. *That the proposed use will cause no significant adverse effects to the shoreline environment; and*

Applicant Response: *The warehouse building is proposed in the same location as the original storage building that collapsed a few years ago. The land has already been developed, therefore no adverse effects will occur to the shoreline environment due to this proposal. Best Management Practices such as silt fencing are proposed during construction to prevent any erosion/sediment from leaving the site.*

Staff Response: The applicant has provided an engineered design for stormwater retention and the site has been historically used in similar manners. Through the procedures placed in the stormwater management plan, the project is unlikely to adversely impact the shoreline environment.

E. *That the public interest suffers no substantial detrimental effect.*

Applicant Response: *All proposed construction will occur on private property. This proposal will not impact public use of the shoreline. No adverse effects to the public interest are anticipated from this project.*

Staff Response: The public interest, related to the shorelines, will suffer no substantial detrimental defect.

SMP Section 7.7 (E) requires that “in the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.” Since the site is proposed within an Industrial Park, the proposed building is appropriate in this location.

Critical Areas

Critical areas within SMP jurisdiction are subject to the critical area regulations in Appendix A of the SMP.

- Geologically Hazard Areas (seismic hazard with moderate to high liquefaction susceptibility)
- Fish and Wildlife Habitat Area, Riparian – Snake River
- Frequently Flooded Area

As stated above, it is the opinion of staff that the environmental documents submitted satisfy the critical areas review and permitting requirements of Appendix A.

An assessment of liquefaction susceptibility prepared by Michael Black, P.E., White Shield Inc, has submitted a Geology and Soils Report which contains sufficient analysis related to liquefaction hazard areas (Exhibit 7). As shown on the revised site plan (Exhibit 4), the building will be located outside of the required 100-foot buffer area.

Floodplain

The project was removed from the Snake River’s Floodplain via Letter of Map Revision (LOMR) number 12-10-09991P. The revised site plan shows a finished grade elevation for the building to be 349.67’ National Geodetic Vertical Datum (NGVD) 1929 (Exhibit 4), the LOMR shows the BFE is approximately 345’ NGVD 1929 (Exhibit 9). Based on this analysis, the building will be outside of the floodplain by elevation, no further information will be required for planning approval.

Recommended Conditions of Approval

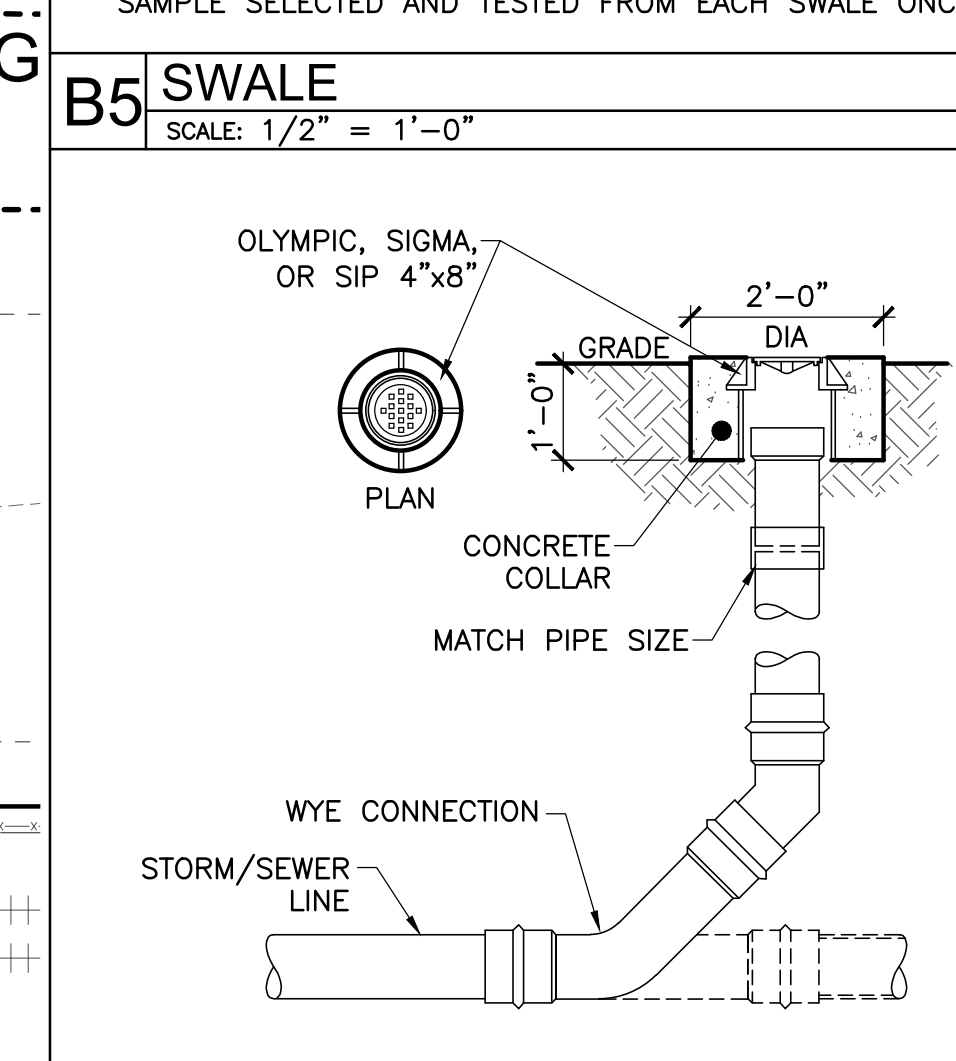
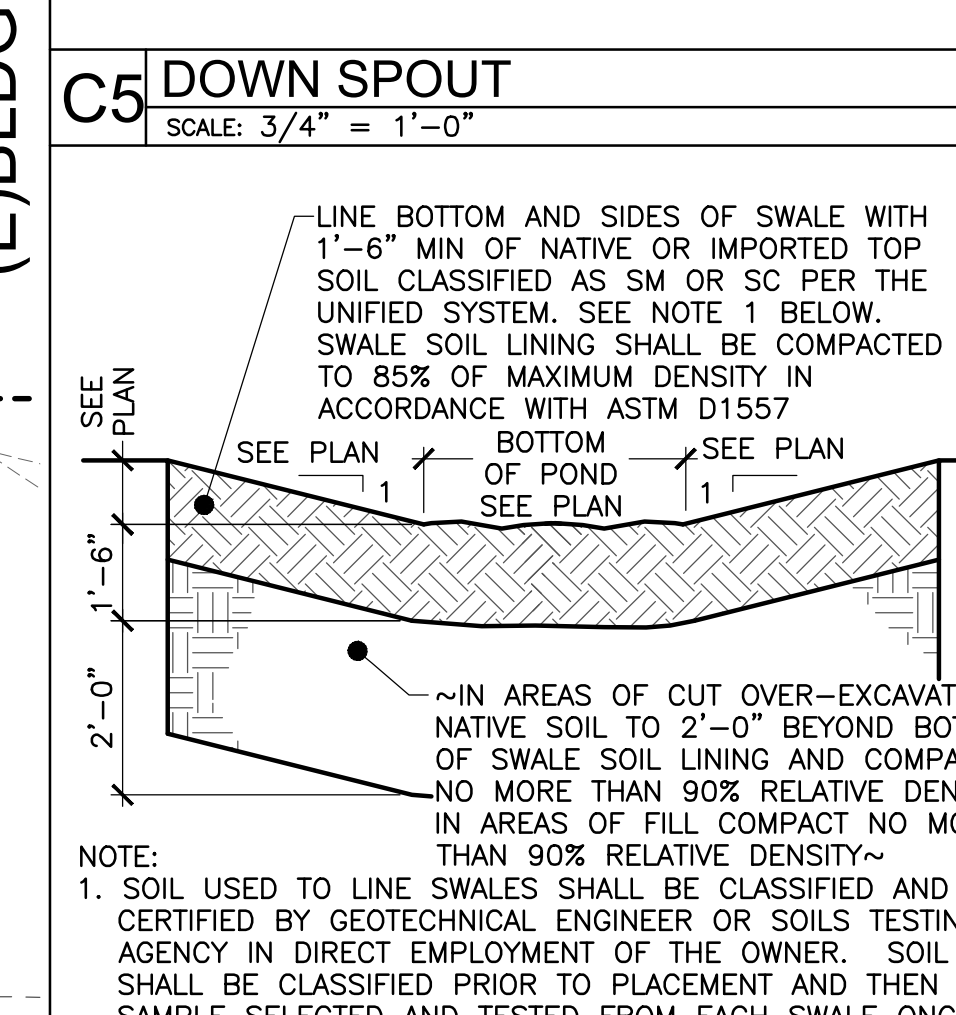
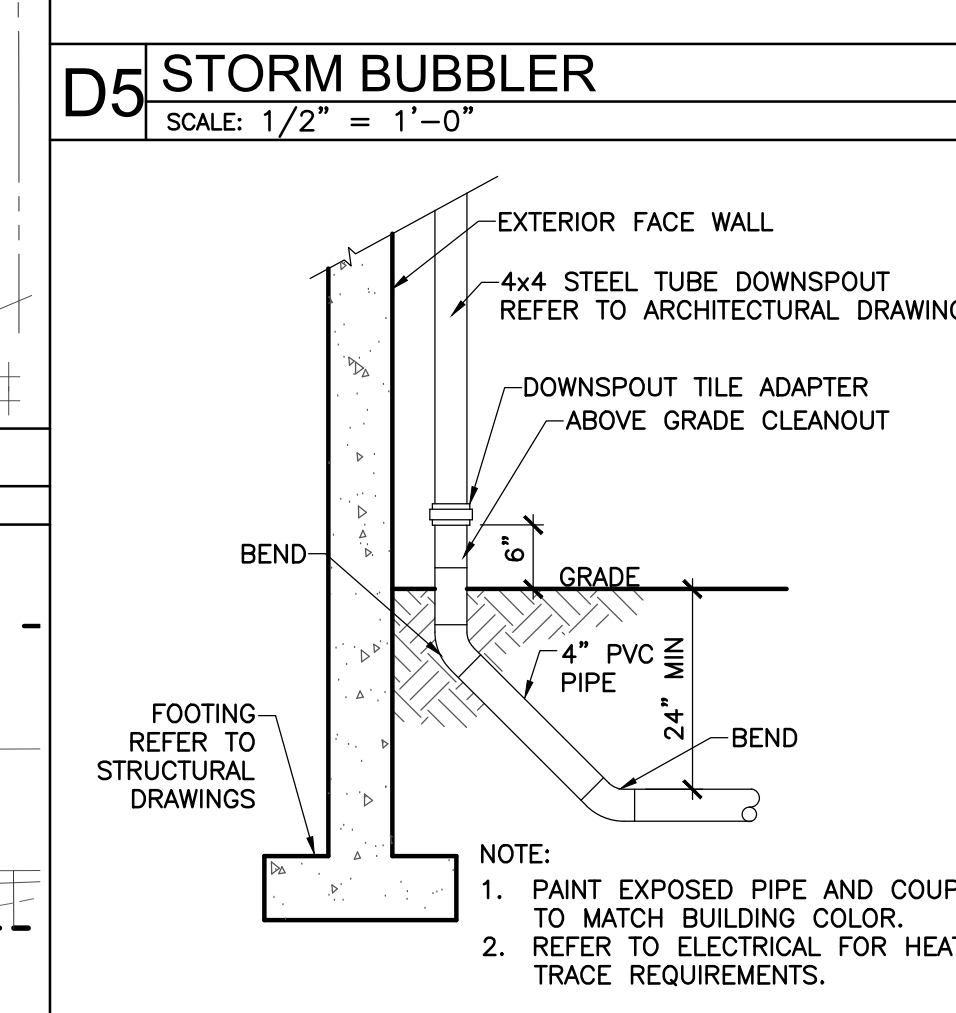
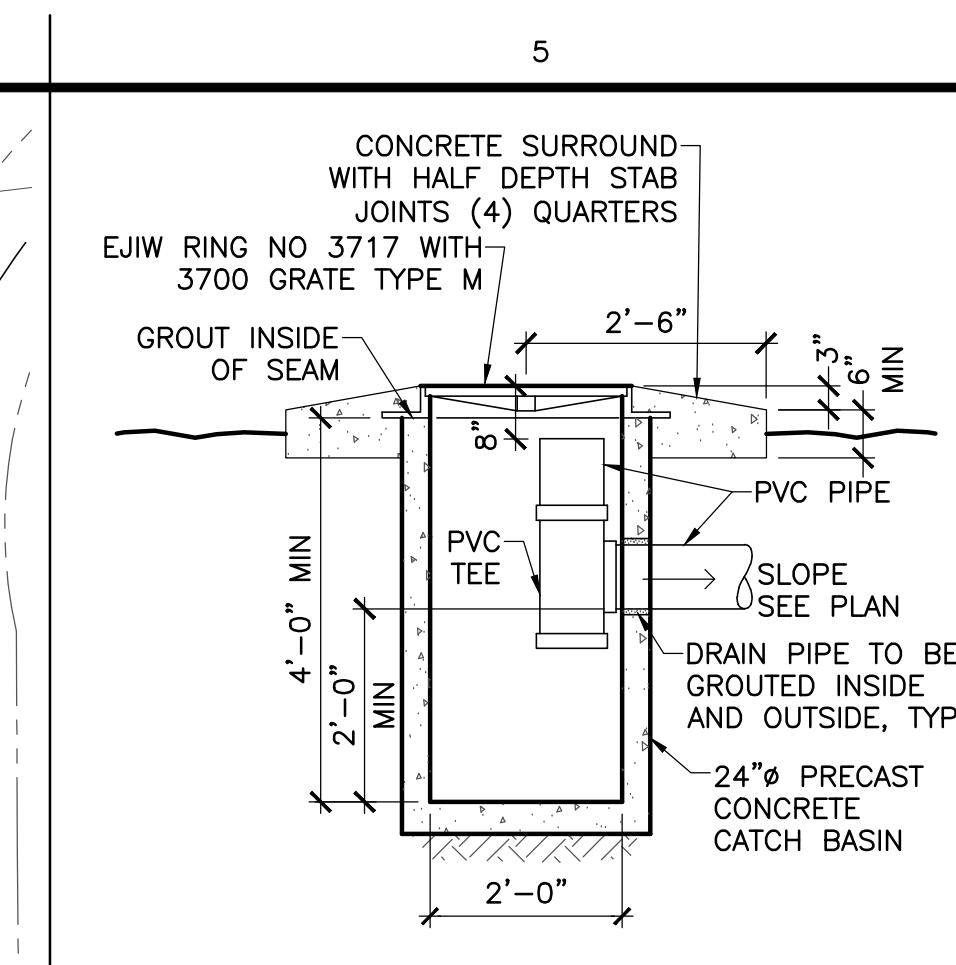
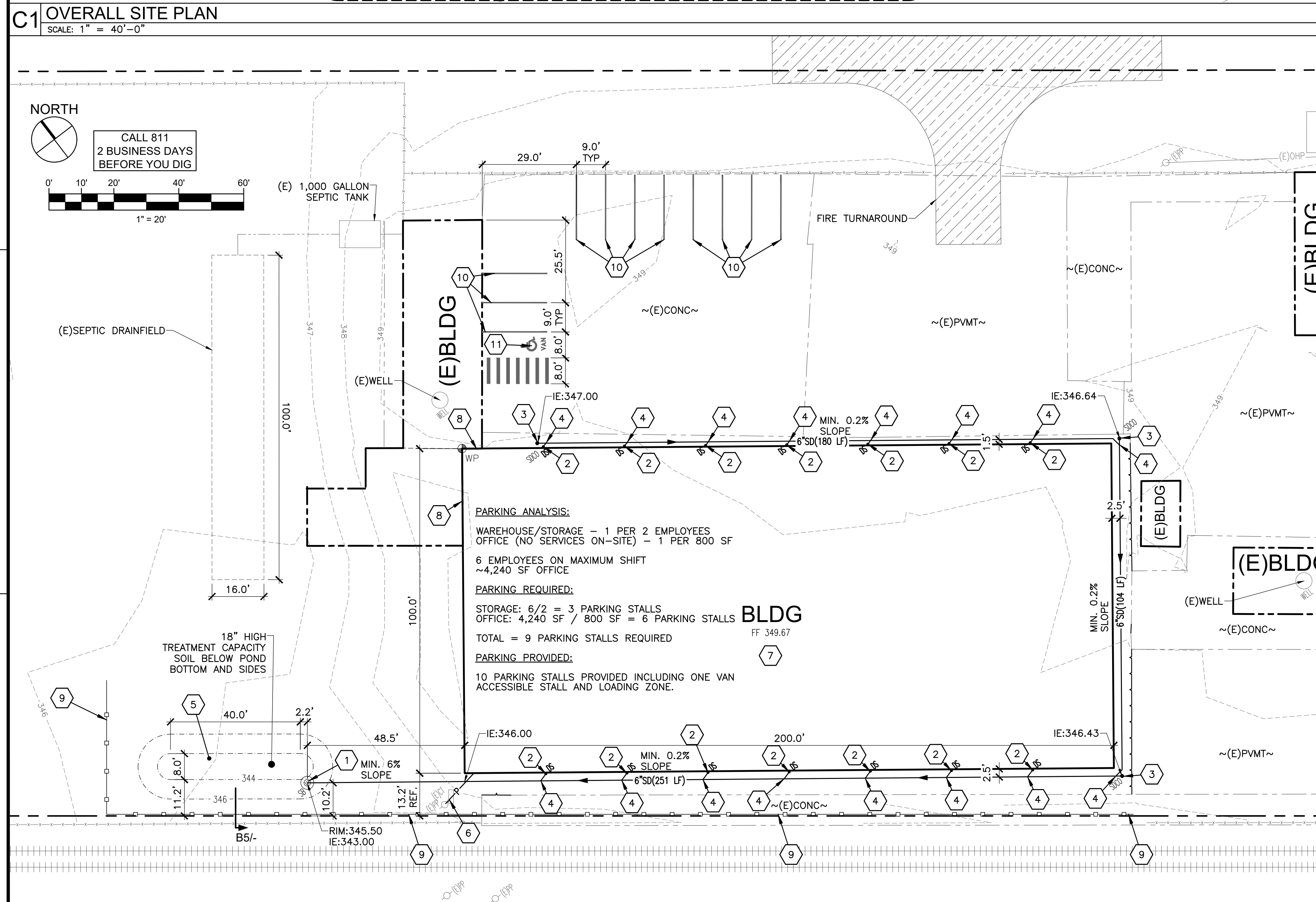
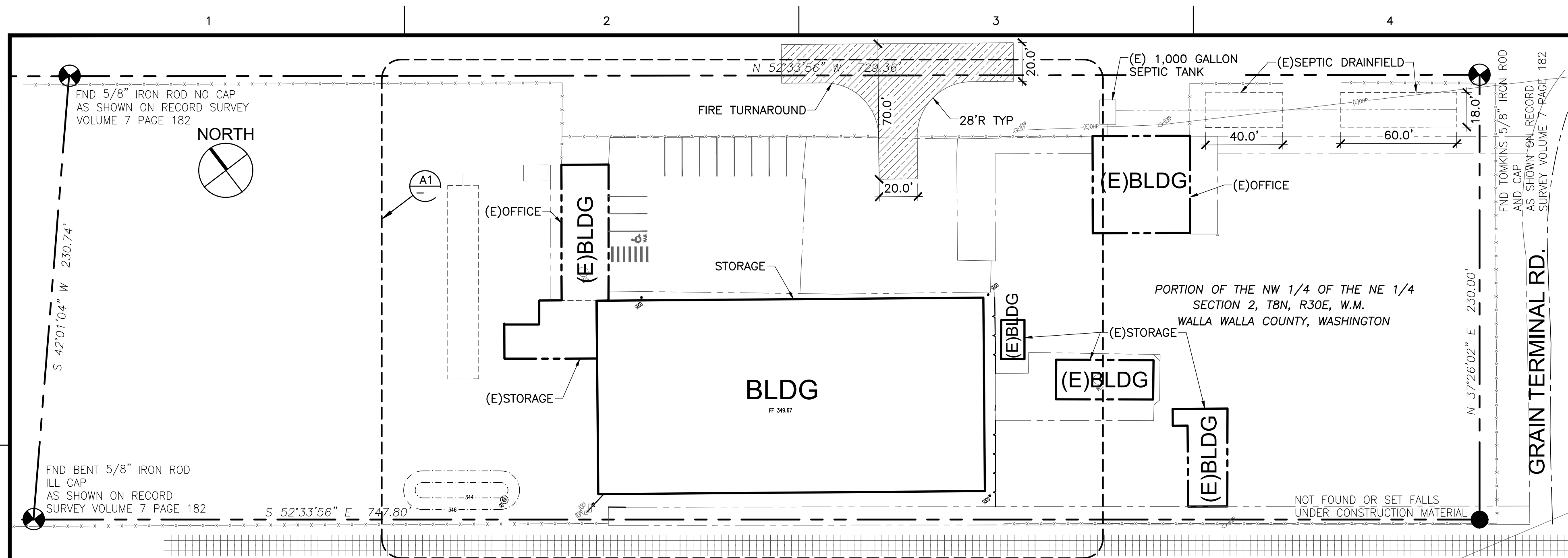
Staff recommends that the Hearing Examiner approve the shoreline conditional use permit (SHR21-003) subject to the following conditions of approval.

1. As set forth in WAC 173-27-190 and the Walla Walla County SMP (Section 7.5(F)), construction pursuant to the permit may not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have terminated; except as provided in RCW 90.58.140(5)(a) and (b).
2. Before receiving a Certificate of Occupancy, the applicant or property owner sign a road maintenance agreement with the Port of Walla Walla and park private vehicles as indicated on the revised site plan.

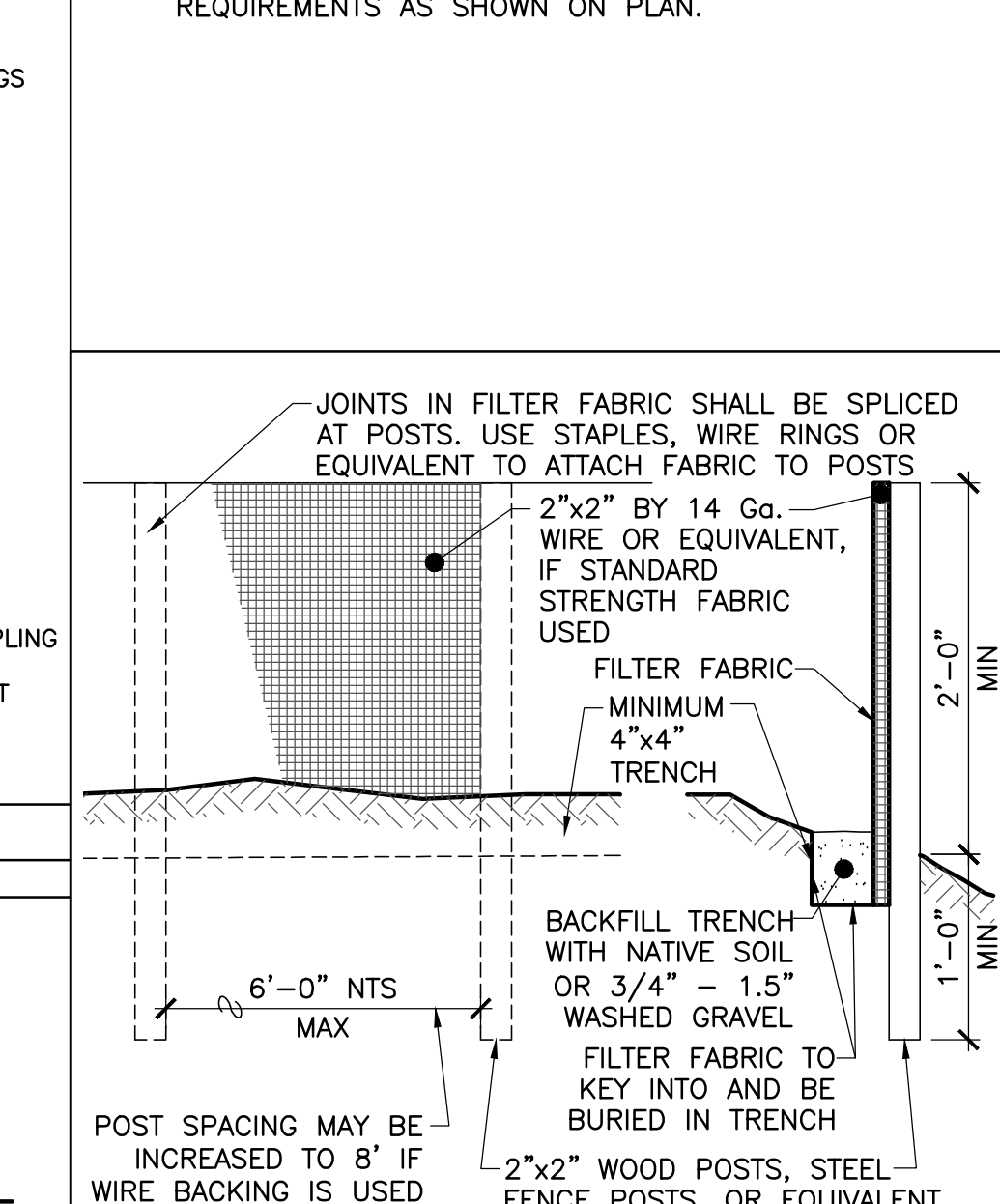
3. The applicant must comply with the applicable requirements from the Washington State Department of Archaeology and Historic Preservation (DAHP) requirements, as described in the October 4, 2021 letter from Sydney Hanson and from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), as described in a September 30, 2021 email from Ashley Morton.
4. Before construction, the applicant must first obtain any / other associated permit(s) or approvals required by the County or any other governmental agency or regulatory authority with jurisdiction over a particular aspect of the project. Any conditions of approval or requirements imposed as part of such permits or approvals shall be hereby incorporated as Conditions of Approval for the Permit.
5. Pursuant to Walla Walla County Code Section 14.13.110, at any time during the life of the permit, the Community Development Director may ask the Hearing Examiner to revoke the permit if the project is not in compliance with any of the conditions of approval and/or required permits.
6. Future changes in operations, plans, or additions will require an amendment, approved by the County's Hearing Examiner, to the shoreline conditional use permit pursuant to Walla Walla County Code Section 14.03.050.

Recommended Exhibits

1. Staff Report prepared by Don Sims, Associate Planner, dated 3/11/2022
2. JARPA dated 1/18/2022 with attached answers to SMP CUP approval criteria
3. Notice of Application with Optional Determination on Non-Significance, issued 09/28/2021
4. Revised Site Plan dated 1/6/2022
5. Revised SEPA Checklist, submitted 1/13/2022
6. Request for stormwater plan, Walla Walla County Public Works Department dated 10/05/2021 stormwater report prepared by Knutzen Engineering, dated 01/07/2022
7. Liquefaction Assessment, prepared by Michael Black, PE, 06/25/2021
8. Memo addressing Walla Walla County Health Department concerns, prepared by Gavin Gervais, EIT, Project Engineer, Knutzen Engineering, 01/17/2022 with response from Andrew Maycumber, Project Manager Environmental Health, dated 02/02/2022
9. Letter of Map Revision and Base Flood Elevation determination made by Don Sims, Associate Planner/CFM
10. Notice of Public Hearing and affidavit of posting, mailing, and publishing
11. Comment from Port of Walla Walla's Executive Director, Patrick H. Reay, dated, 10/11/2021
12. Comment from Washington State Department of Ecology, dated, 10/11/2021
13. Comment from Sydney Hanson, Transportation Archaeologist, Washington State Department of Archaeology and Historic Preservation, dated 10/4/2021
14. Email from Ashley Morton, M.A., RPA, Archaeologist II, Cultural Resources Protection Program, Confederated Tribes of the Umatilla Indian Reservation, dated 9/30/2021
15. SEPA Final DNS (SEPA21-012) Issued 03/03/2022
16. Statutory Warranty Deed describing the property legal access, submitted by Bjorn Johnson, 1/13/2022
17. SEPA Staff Evaluation Report dated 2/4/2022



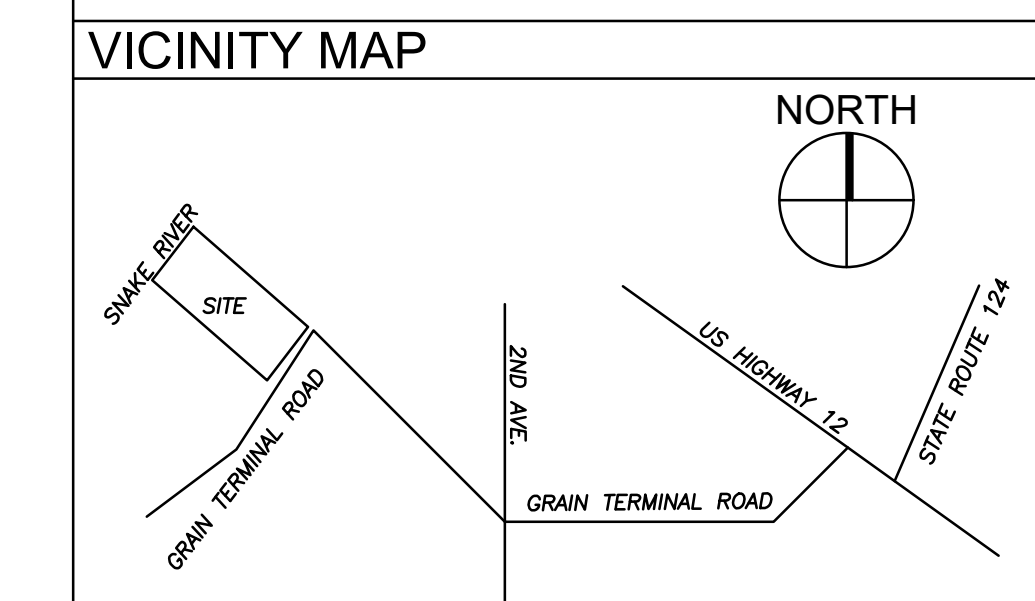
- KEY NOTES**
- STORM BUBBLER, SEE DETAIL D5/-
 - DOWN SPOUT CONNECTION, SEE DETAIL C5/-
 - CLEAN OUT TO GRADE, SEE DETAIL A5/-
 - WYE CONNECTION
 - SWALE - 8.0'x40.0'x2.0' DEEP BOTTOM, ELEVATIONS 644.00, 320 SF, WITH 3:1 SIDE SLOPES, WITH 1,012 CF STORAGE MIN
 - POWER TO NEW BUILDING FROM EXISTING POWER POLE AND CABINET, COORDINATE WORK WITH POWER COMPANY
 - FINISH FLOOR OF BUILDING TO BE VERIFIED WITH TIE IN TO EXISTING BUILDING ELEVATION, AND FINISH GRADE AROUND NEW BUILDING TO TAKE INTO ACCOUNT THE BUILDING METAL SIDING CLEARANCE REQUIREMENTS AND THEN SURROUNDING GRADE TO BE FINISHED PER OWNERS DIRECTION
 - MODIFY EXISTING BUILDING AS NEEDED FOR NEW BUILDING INSTALLATION, REFER TO BUILDING PLANS
 - SILT FENCING SHALL BE INSTALLED AT LOCATIONS SHOWN AND AS NEEDED AT ANY LOCATIONS OF SITE WHERE SURFACE RUNOFF MAY ERODE SOILS AWAY FROM SITE. CONTRACTOR SHALL INSTALL ADDITIONAL SILT FENCING AS NECESSARY, REFER TO DETAIL B6/-
 - PAINT 4" WHITE PARKING STRIPE, TYP
 - PAINT WHITE 4" WIDE PARKING STRIPING, LETTERING, AND ACCESSIBLE PARKING SYMBOLS PER ADA REQUIREMENTS AS SHOWN ON PLAN.



SURVEY NOTES

DESCRIPTION
BEGINNING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 8 NORTH, RANGE 30 EAST OF THE WILLAMETTE MERIDIAN, AND RUNNING THENCE SOUTH 00° 20' EAST ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 814.25 FEET; THENCE SOUTH 88° 35' WEST PARALLEL TO THE NORTH LINE OF SECTION 2, A DISTANCE OF 1838.0 FEET; THENCE NORTH 52° 35' WEST A DISTANCE OF 40.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 52° 35' WEST A DISTANCE OF 729.36 FEET; THENCE SOUTH 42° 00' WEST A DISTANCE OF 230.74 FEET; THENCE SOUTH 52° 35' EAST A DISTANCE OF 747.8 FEET; THENCE NORTH 37° 25' EAST A DISTANCE OF 230.0 FEET TO THE TRUE POINT OF BEGINNING. SITUATE IN THE COUNTY OF WALLA WALLA STATE OF WASHINGTON

DATUM: NGVD 29
CITY OF PASCO CONTROL POINTS
NW COR SECTION 2
T8N, R30E, W.M.
FND BRASS CAP
ELEV 405.33
TO OBTAIN NAVD 88 ADD 3.35 FEET TO ALL ELEVATIONS



KNUTZEN ENGINEERING
5401 RIDGELINE DR. SUITE 160
KENNEWICK, WA 99338
1-509-222-0959
www.knutzenengineering.com

DESIGN	CHKD	APPD
01/17/22	GLC	NUM

REVISIONS

DATE	DESCRIPTION
01/17/22	COUNTY COMMENTS

No. 1

NATHAN J. MACHIDA
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER
39372
01/17/22

SITE PLAN
BJORN JOHNSON CONSTRUCTION
BURBANK INDUSTRIAL
396 GRAIN TERMINAL RD. BURBANK, WA

APPROVAL	
DESIGN	SJT 01/06/22
CHECKED	PTK 01/06/22
APPROVED	NUM 01/06/22
SCALE: AS NOTED	
CADFILE: 21115SP01	
JOB No.	REV.
21115	▲
DWG. No.	
SP01	