



Walla Walla County Community Development Department

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To: Walla Walla County Hearing Examiner

From: Jennifer B. Ballard, Senior Planner

Date Prepared: March 11, 2022

Hearing Date: March 18, 2022

RE: **Agenda Item #2** – File Number SHR21-005, Shoreline Substantial Development Permit for Packaging Corporation of America (PCA) – Proposed 37,500-square foot building for motor storage with a workshop space generally located at 31831 West Hwy 12, Wallula, WA (APN # 310710130005). The subject property is located within the Industrial Agriculture-Heavy Zoning District and High Intensity Shoreline Environment of the Columbia River.

Summary of Proposal

Packaging Corporation of America (PCA) proposes to construct a new 37,500-square foot building for motor storage with a workshop space, and a partially paved/partially graveled adjacent laydown area on the northern portion of parcel APN 310710130005 (identified as Parcel 'P' in AFN 2019-04675), which is the in the southwestern portion of the greater PCA property (APN 310710130007) addressed as 31831 West Hwy 12, Wallula (Exhibit 2). Currently motors are stored at various locations on the greater PCA site and this project will enable storage and maintenance to be consolidated to one location. The siting of the building was chosen to due the lack of available developable area on the subject and surrounding PCA property. Additionally, the existing septic system that serves the main office building to the southeast of the proposed new building would be relocated. The subject property is located in the Industrial Agriculture Heavy (IA-H) zoning district. The motor storage building will be approximately 80 feet from the Columbia River. The Shoreline Environment designation is High Intensity.

Recommendation

Staff recommends that the Hearing Examiner approve the shoreline substantial development permit (SHR21-005), subject to the recommended conditions of approval in the staff report.

General Information

Property Owner(s): Packaging Corporation of America (PCA)
1 North Field Court
Lake Forest, IL 60045

Applicant: Paul Butkus, Packaging Corporation of America
PO Box 138
Wallula, WA 99363

Representative: Dana Kurtz, Anderson Perry & Associates
PO Box 1107
La Grande, OR 97850

Assessor's Parcel No.: 310710130005

Location: The subject property does not have an assigned address, but it fronts on the Columbia River and the PCA barge slip and is surrounded by the PCA property addressed as 31831 W HWY 12, Wallula, WA (APN 310710130007).

Zoning: Industrial Agriculture Heavy (IA-H)

Land Use: Industrial

Shoreline Designation: High Intensity

Public Notice

On December 27, 2021, a Notice of Application with Optional Determination of Non-Significance (NOA/ODNS) was issued. The NOA/ODNS was published in the Walla Walla Union Bulletin and Tri-City Herald, published on the Community Development Department (CDD) website, and posted at 31831 W. HWY 12, Wallula, WA (APN 310710130007) on December 27, 2021 (Exhibit 3).

A Notice of Public Hearing (NOPH) was issued and mailed to property owners within 500-feet of the boundary of PCA's property that is adjacent and contiguous of the subject property on March 3, 2022. The Notice of Public Hearing was published on the CDD website on March 4, 2022, and published in the Walla Walla Union Bulletin and Tri-City Herald newspapers on March 7, 2022 (Exhibit 4). These notification procedures are consistent with the Notice of Application requirements in Walla Walla County Code (WWCC) 14.07.080 and the Notice of Public Hearing requirements in WWCC 14.09.065, and the noticing requirements of Walla Walla County's Shoreline Master Program (SMP).

Agencies Contacted

Application materials were distributed with the NOA/ODNS to the following agencies for review and comment on December 27, 2021:

- Walla Walla County Health Department, Environmental Health Division
- Walla Walla County Public Works Department
- Walla Walla County Building Official/Fire Marshal
- Walla Walla County Fire District No. 5
- Walla Walla County Sheriff
- 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
- Walla Walla Valley Metropolitan Planning Organization
- Confederated Tribes of the Umatilla Indian Reservation
- Port of Walla Walla

Comments were received from the Walla Walla County Fire Marshal/Building Official and the Washington State Department of Ecology (Exhibit 5).

The Walla Walla County Building Official/Fire Marshal reviewed the application and supporting documents, noting *"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 was Walla Walla County Community Development Department. A SEPA Checklist, SEPA21-013, was submitted by the Applicant on November 18, 2021 (Exhibit 6). As noted above, the Optional DNS process was used and a Notice of Application/ODNS was issued on October 27, 2021, with a 14-day comment period.

A Final Determination of Non-Significance was made on March 3, 2022 (Exhibit 7). A SEPA Staff Evaluation Report summarizing this review is included in Exhibit 12.

Walla Walla County Shoreline Master Program

In the SMP, the effected portion of the Columbia River is assigned the High Intensity Shoreline Environment designation. According to the 'Ports and Industrial Development' section of the Shoreline Use or Modification Table (WWC SMP Page 49) a 'Water Oriented Use' requires a shoreline substantial development permit (SDP) or exemption. Walla Walla County uses the State Joint Aquatic Resources Project Approval (JARPA) form as the shoreline permit application, per SMP 7.5.B, for all shoreline reviews. (Exhibit 8)

Shoreline Environment Designation

Management Policies for the High Intensity environment designation are included in Section 4.7 (Page 32) of the SMP, which gives priority for "Water Oriented" uses of water bodies (4.7.C.1, Management Policies).

C. Management Policies:

- 1. Priority should be given to water-dependent, water-related, and water-enjoyment uses in that order of preference. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Public benefits such as ecological restoration or public access may be required in association with nonwater-oriented development.*
- 2. Full utilization of existing urban and extensively altered areas should be achieved before further expansion of intensive development is allowed.*
- 3. Development in the High Intensity designation should assure no net loss of shoreline ecological functions. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with relevant state and federal law.*
- 4. Where feasible, visual and physical public access should be required as part of development in the High Intensity designation unless access already exists to serve the development or unless safety, security, or fragile environmental conditions preclude access*

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.*

Per SMP Section 2.0:

Water-dependent use. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because: 1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or 2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Staff Assessment:

The existing PCA plant is a water dependent use. The motor storage building must be in close proximity to and will function in support of the PCA pulp and paper processing plant; therefore, the motor storage building is a water related use.

- 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.*

Staff Assessment: Per SMP Section 2.0, "Water-oriented use. Any water-dependent, water-related, or water-enjoyment use." As the Motor Storage Building is a Water-oriented use, this section does not apply.

- 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.*

Staff Assessment: Per the Critical Areas Report prepared by Anderson Perry, dated November 2021 (Exhibit 9) there will be no new loss of shoreline ecological function. No new impervious surface will be placed within 125 feet of the Columbia River.

- 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.*

Staff Assessment:

No new/additional areas of the required shoreline buffer area (100 feet from ordinary mean high water) and setback (5 feet from buffer) will be used for storage of industrial equipment, materials, waste disposal, or outdoor recreation/public access. A portion of the already developed buffer/setback area is proposed to be redeveloped for this project.

Per SMP 6.2.C:

Shoreline buffers. Buffer widths for SMP waterbodies are included in the Dimensional Development Standards Table listed below (Table 6-2). For non-SMP waterbodies and other critical areas in shoreline jurisdiction, see Appendix A for applicable buffers.

1. Buffer widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank, if the ordinary high water mark cannot be identified.

2. Water-dependent uses do not require shoreline buffers. Apply mitigation sequencing to avoid and minimize adverse impacts during development siting

The motor storage building is a water-related use, not a water-dependent use and therefore, has a 100-foot buffer from the Columbia River. The buffer from the Columbia River extends from the barge slip forming northwest subject property line and from the natural shoreline of the Columbia River which runs northwest to southeast along the subject property line and the property line of the greater PCA property. The shoreline of the Columbia River at the barge slip is approximately 80 feet from the proposed motor storage building. The motor storage building and proposed gravel and laydown area around the building is 125 feet from the natural/vegetated shoreline of the Columbia River. Though the motor storage building will be within the 100 foot buffer, no new impervious surface will be placed within the buffer as the

entire buffer area from the barge slip is already developed/paved. Stormwater is managed onsite under PCA's National Pollutant Discharge Elimination System (NPDES) Discharge permit.

During construction erosion control measures will be required to be implemented to ensure sediment and other contaminants do not enter surface waters during construction which should be a condition of approval of the building permit. Per the Critical Areas Report prepared by Anderson Perry, dated November 2021 (Exhibit 9), an earthen berm is located along with shoreline that runs northwest to southwest that acts as a permanent erosion control feature.

E. Disposal or storage of solid or other industrial wastes is not permitted in shoreline jurisdiction.

Staff Assessment: Per 6a. of the JARPA (Exhibit 8), no chemicals or hazardous materials will be stored on the site.

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.

Staff Assessment: No public access to the Columbia River is provided as this location as it is an active, nearly built-out heavy industrial manufacturing complex. There are no areas where public parking, restroom facilities, or sidewalks could be easily accommodated. The only remotely accessible greenspace on site is bounded between the barge slip and having members of the public at this site would be very dangerous as this plant produces steam, odor, noise, and significant heavy vehicle traffic due to goods and materials arriving to and from the site both by road, rail, and water.

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.*

Staff Assessment: The building is proposed to be 27 feet at the roof peak.

Shoreline Substantial Development Permits

Section 7.6.A-B, pages 80, of the SMP provides the criteria for shoreline substantial development permitting:

- A. *A shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposals is specifically exempt per Section 7.4 (Exemption from Permit Requirements) or is not subject to the SMP per Section 1.3.3 (Applicability).*
- B. *A substantial development permit shall be granted only when the development proposed is consistent with:*
 - 1. *The policies and procedures of the SMA;*
 - 2. *The provisions of WAC 173-27; and*
 - 3. *This SMP*

Critical Areas

Critical areas within SMP jurisdiction are subject to the critical area regulations in Appendix A of the SMP. The following critical areas are located within or adjacent to the subject property:

- Geologically Hazard Areas (seismic hazard with moderate to high liquefaction susceptibility)
- Wellhead protection area: 10-year time to travel
- Fish and Wildlife Habitat Area: Neotropical Migrant Songbirds
- Frequently Flooded Area

Staff Assessment

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.

Per the Critical Areas Report prepared by Anderson Perry, dated 2021 (Exhibit 9), though a mapped 10-year time to travel wellhead protection area is located within the project area; however, the proposed improvements are not anticipated to impact the wellhead protection area as the project location is not within any shallow gravel aquifer recharge area and will not withdrawal from or discharge into groundwater or surface water.

Neotropical songbirds migrate along the Columbia River corridor but given the existing intensive industrial uses occurring on the greater PCA site, the modest height of the proposed motor storage building, and the 125 foot buffer between the new proposed development and the natural shoreline of the Columbia River it does not appear that the songbirds will be negatively impacted by the proposed construction.

LOMR 12-10-0991P-530194 (Exhibit 11) created base flood elevations (BFEs) for a portion of the Snake River, beginning at the Highway 12 Bridge over the Snake River upstream of the project location. This is used to establish a maximum BFE for the PCA property. Currently the PCA property is mapped within an unnumbered A zone with no BFEs established per FIRM panel 400B. Anderson Perry states that the BFE at the PCA property is 344.15 feet NAVD88. Currently, Staff does not have a copy of the flood study used in the creation of the profile resulting in LOMR 12-10-0991P-530194. Using the assumption that downstream water heights cannot exceed upstream water heights, the BFE at cross section A, the most downstream BFE of the Snake River Floodway Data Table, is 345.2 feet NGVD29. The grade at the location of proposed construction is 350.8 feet NAVD88 per the 2018 LiDAR data accessible on the Washington State LiDAR Portal. 350.08 feet NAVD88 converts to 347.2 feet NGVD29.

Staff concurs that the PCA site is outside of the mapped floodplain via elevation.

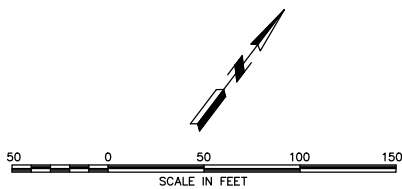
Recommended Conditions of Approval

Staff recommends that the Hearing Examiner approve the shoreline substantial development permit (SHR21-005) 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 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.
3. 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.
4. Future changes in operations, plans, or additions will require an amendment, approved by the County's Hearing Examiner, to the shoreline substantial development permit pursuant to Walla Walla County Code Section 14.03.050.

Recommended Exhibits

1. Staff Report dated 3/3/2022
2. Site Plan submitted 11/18/2021
3. Notice of Application with Optional Determination on Non-Significance, dated 12/27/2021
4. Notice of Public Hearing, dated 3/4/2022, and Certificate of Notification
5. Washington State Department of Ecology Comments, dated 1/6/2022
6. SEPA Checklist dated 11/12/2021
7. Final SEPA Determination of Non-Significance, dated 3/3/2022 and SEPA Staff Evaluation Report
8. Joint Aquatic Resources Project Approval (JARPA) Form (Shoreline SDP Application) dated 11/12/2021
9. Critical Areas Report prepared by Anderson Perry dated 11/2021
10. LOMR 12-10-0991P-530194, effective date 4/5/2013
11. Response by Dana Kurtz of Anderson Perry to Ecology Comments dated 1/2/2022
12. SEPA Staff Evaluation Report dated 2/4/2022



**anderson
perry**
& associates, inc.

**PACKAGING CORPORATION OF AMERICA
MOTOR STORAGE BUILDING**

SITE PLAN

FIGURE

2