



Community Development Department

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STAFF REPORT

To: Walla Walla County Hearing Examiner

From: Jennifer Ballard, Senior Planner

Date Prepared: February 6, 2023

Hearing Date: February 13, 2023

RE: **Agenda Item #1**– File Number SHR22-001, Dell Sharpe Bridge Replacement on Pettyjohn Road Shoreline Substantial Development Permit for Walla Walla County Public Works.

Summary of Proposal

Walla Walla County Public Works proposes to remove and replace Dell Sharpe Bridge on Pettyjohn Road, which spans the Touchet River. The Dell Sharpe Bridge was constructed in 1914 and is considered to be at the end of its useful life; stability issues anticipated due to scour of the bridge foundation by the Touchet River, and the constrained meander caused by the bridge's design, as well safety concerns due to vehicular line of sight limitations. The new bridge location will be approximately 400 feet upstream of the existing bridge location. The existing bridge is 19 feet wide and 155 feet in length, while the replacement bridge will be 32 feet wide and 320 feet in length. Construction is anticipated to run from July 2023 to September 2024. This project is generally located at the Dell Sharpe Bridge on Pettyjohn Road, north of the intersection with Pettyjohn Road and Sharp Road, in the vicinity of parcels 350903110001, 350902210003, 350902240002 and 350902220006. Both the existing and replacement bridges are located within the Primary Agriculture (PA-40) zoning district and Rural Conservancy Shoreline Environment designation of the Touchet River.

Recommendation

Staff recommends that the Hearing Examiner approve the shoreline substantial development permit (SHR22-001), subject to the recommended conditions of approval in the staff report.

General Information

Property Owner(s): Walla Walla County c/o Public Works Department
PO Box 813
Walla Walla, WA 99362

Additional right-of-way (ROW) in shoreline jurisdiction yet to be acquired (see Exhibit 17) from:
Melvin L Talbott (APN 350902210003)
PO Box 203
Prescott, WA 99348

Applicant: Walla Walla County Public Works Department
c/o Seth Walker
990 Navion Ln
Walla Walla, WA 99362

Assessor's Parcel No.: Existing public right-of-way and APN 350902210003

Location: Dell Sharpe Bridge on Pettyjohn Rd over the Touchet River north of the intersection of Pettyjohn Road and Sharp Road, Prescott, WA,

Zoning District: PA-40

Comprehensive Plan
Land Use Designation: Primary Agriculture

Shoreline: Touchet River

Shoreline Designation: Rural Conservancy

Public Notice

On March 7, 2022, a Notice of Application with Optional Determination of Non-Significance (NOA/ODNS) was issued for SHR22-001/SEPA22-006. The NOA/ODNS was published in the Walla Walla Union Bulletin and Waitsburg Times, published on the Community Development Department (CDD) website, and posted at the southern end of the Dell Sharpe Bridge on Pettyjohn Rd on March 7, 2022 (Exhibit 2).

A Notice of Public Hearing (NOPH) was issued and published on the CDD website and mailed to property owners within 500-feet of the boundary of the subject property on January 30, 2023. The NOPH was published in the Walla Walla Union Bulletin and Waitsburg Times newspapers on February 2, 2023 (Exhibit 3).

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 March 7, 2022:

- Walla Walla County Building Official/Fire Marshal
- Walla Walla County Department of Community Health, Environmental Health Division
- Walla Walla County Public Works Department
- Walla Walla County GIS Department
- Walla Walla County Fire District No. 7
- Prescott School District
- City of Prescott
- City of Waitsburg
- Walla Walla County Sherriff

- Washington State Department of Ecology (Ecology)
- Washington State Department of Transportation (WSDOT)
- Washington State Department of Fish and Wildlife
- Washington State Department of Natural Resources
- Washington State Department of Archaeology and Historic Preservation (DAHP)
- Walla Walla Valley Metropolitan Planning Organization
- Walla Walla County Conservation District
- Confederated Tribes of the Umatilla Indian Reservation
- US Army Corps of Engineers

Comments were received from the Walla Walla County Fire Marshal/Building Official and the Washington State Department of Ecology (Exhibit 4).

The Department of Ecology noted that some construction and demolition wastes may qualify as dangerous wastes in Washington state, directing the applicant to the related Ecology webpage, and stated the project should obtain a Construction Stormwater General Permit, as soil disturbances were stated to be approximately 3.35 acres.

The Walla Walla County Building Official/Fire Marshal reviewed the application and supporting documents, noting *“the bridge design is HL-93 for loading, meets Fire requirements per County Road Standards.”*

Public Comments

No public comments have been received, only requests for project information from Melvin Talbott, Monesa Grant, and Mary Grant Tompkins.

SEPA Review

The State Environmental Policy Act (SEPA) Lead Agency for this project was Walla Walla County Community Development. A SEPA Checklist, SEPA22-006, was submitted by the Applicant on February 11, 2022 (Exhibit 6). As noted above, the Optional DNS process was used and a NOA/ODNS was issued on March 7, 2022, with a 14-day comment period.

A Final Determination of Non-Significance (DNS) was made on January 27, 2023 (Exhibit 8). A SEPA Staff Evaluation Report summarizing this review is included in Exhibit 8.

Walla Walla County Shoreline Master Program

In the SMP, the effected portion of the Touchet River is assigned the Rural Conservancy Environment designation.

According to the ‘Transportation and Parking’ section of the Shoreline Use or Modification Table (SMP Page 50) new bridges require 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 10)

Shoreline Substantial Development Permits

Section 7.6.A-B, page 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).*

Staff Assessment: The proposed bridge replacement is not exempt from a shoreline substantial development permit under the transportation facility replacement definition in RCW 90.58.356(1)(c) as the proposed replacement structure does not “substantially conform” to the design and location of the original structure.

- 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.*

Staff Assessment: The proposal is consistent with 76.6.B with conditions of approval per below analysis.

Shoreline Environment Designation

Management Policies for the Rural Conservancy Environment designation are included in Section 4.3 (Page 30) of the SMP.

C. Management Policies:

- 1. Allow agricultural activities and expansions of current agricultural activities on previously un-farmed lands consistent with this SMP.*
- 2. Development standards should seek to conserve soils and water resources suitable for agricultural purposes.*
- 3. Low-intensity, water-oriented commercial and industrial uses may be permitted in limited instances where those uses have been located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use.*
- 4. New structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological function.*
- 5. Activities and uses should be compatible with the rural character, including the overall density pattern.*

Shoreline Policies and Regulations for Transportation and Circulation

Section 6.21 (Page 76), of the SMP provides the policies and regulations that apply to transportation projects. Below are the applicable policies and regulations.

Policies

- Policy-1. Design, implement, and locate new roads, railroads, and parking facilities in such a manner as to result in no net loss of shoreline ecological function.*
- Policy-2. Encourage a circulation system which will efficiently and safely move people, goods and services to minimize disruption or adverse effect on the shoreline areas.*
- Policy-3. Encourage circulation planning systems for pedestrian and bicycle transportation where appropriate.*

- Policy-4. Require that circulation planning and projects support existing and proposed shoreline uses that are consistent with this SMP.*
- Policy-5. New roads and railroads in shoreline jurisdiction should be located as far landward from the shoreline as possible.*
- Policy-6. Consider viewpoints, parking, trails and similar improvements for transportation system projects in shoreline areas.*

Regulations

Note, regulations SMP 6.21 F-H pertain to parking areas and stand-alone parking lots and parking garages. As parking is not part of this proposal, these regulations are not applicable and thus not included herein.

- A. When it is necessary to locate transportation infrastructure within shoreline jurisdiction, such facilities should be designed to minimize the amount of land area consumed and located as far landward from the shoreline as possible.*

Staff Assessment: The replacement bridge is located as far from the shoreline as practicable given that it must tie into the existing road network and meet grade and line of sight requirements for new road construction.

- B. Proper design, location, and construction of road and railroad facilities should be exercised to:*
- 1. Minimize erosion and maintain slope stability using methods consistent with the most current WSDOT design manual.*
 - 2. Permit the natural movement of water.*
 - 3. Prevent the entry of pollutants or waste materials into the water body.*
 - 4. Use existing topography and preserve natural conditions to the greatest practical extent.*
 - 5. Provide to the degree practical, scenic corridors, rest areas, viewpoints and other public amenities in public shoreline areas.*

Staff Assessment:

- Per the Applicant, the site will be stabilized by plantings and restoration per sheets SP01-03 and LP01-03 (Exhibit 9).
- The proposed bridge is 320-feet in length, as opposed to the existing bridge's 155-feet in length, in order to span as much of the channel and bank of the Touchet River as practicable and minimize impact on the floodplain. The proposed bridge also has one (1) central pier that is located outside of the current channel during low flows, unlike the current bridge. The proposed bridge has an average of more than three (3) feet of clearance between the lowest horizontal member of the bridge deck and one percent (1%) annual chance flood base flood elevation to reduce impediments to the natural movement of water and woody debris in the Touchet River during high flow events.

Construction of the center pier and removal of the existing bridge piers and abutments will occur during the low flow months to minimize disruption to water flows and the aquatic habitat.

3. The runoff from the existing bridge runs either directly into the Touchet River or into roadside ditches that drain into the Touchet River. The proposed bridge design ensures runoff will be captured in infiltration areas (Exhibits 9 and 15).
 4. Per the Applicant, construction will tie into existing topography to the maximum extent possible.
 5. Per the Applicant, providing scenic corridors, rest areas, viewpoints and other public amenities is not practical as the overall construction area is fairly small and limited to bridge replacement.
- C. *Encourage the retention of extensive loops or spurs of old highways in SMP jurisdiction with high aesthetic quality or trail route potential to be used as pleasure bypass routes.*

Staff Assessment: Not applicable in this project as the old bridge must be removed, not retained and the County does not own land in the area, rather the roads will be within easements (rights-of-way).

- D. *Transportation facilities shall be constructed of materials which will not adversely affect water quality or aquatic plants and animals over the long-term. Elements within or over water shall be constructed of materials approved by applicable state agencies for use in water for both submerged portions and other components to avoid discharge of pollutants from splash, rain or runoff. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Preferred materials are concrete and steel.*

Staff Assessment: The bridge will be constructed of reinforced concrete.

- E. *Transportation and parking development shall be carried out in a manner that maintains or improves state water quality standards for affected waters and results in no net loss of shoreline ecological function.*

Staff Assessment: Construction of the center pier and removal of the existing bridge piers and abutments will occur during the low flow months to minimize disruption to water flows and the aquatic habitat. Native plantings will stabilize the shoreline and mitigate for habitat loss.

Archaeological and Historic Resources

The cultural impacts of the replacement of the Dell Sharpe Bridge, which was constructed in 1914, were identified in the Cultural Resources Report prepared by Plateau Archaeological Investigations LLC (Exhibit 7) and confirmed by DAHP. A memorandum of understanding was entered into between DAHP, WSDOT and Walla Walla County in 2021, prior to submittal of the shoreline permit application and SEPA Checklist SEPA22-006, to mitigate the impact of demolishing the Dell Sharpe Bridge (Exhibit 5).

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 mapped as within or adjacent to the subject property per [Ordinance 476](#).

- Critical Aquifer Recharge Areas (High Recharge Vulnerability)
- Frequently Flooded Areas (Floodplain)
- Wetlands
- Geologically Hazardous Areas (Moderate to High Potential Liquefaction Susceptibility, Steep Slopes)
- Fish & Wildlife Habitat Conservation Areas (Habitats of Local Importance: Ferruginous Hawk, Riparian Buffer)

Staff Assessment:

1. Critical Aquifer Recharge Areas

New transportation infrastructure and associated stormwater management is not a listed use in the Critical Aquifer Recharge areas per SMP Appendix A Sections 2.4, 2.7, 2.8, 2.9, 2.10 or 1.14. Per Appendix A Section 2.6.D the SMP administrator determined sufficient information is available to evaluate the potential risk of contamination to the Walla Walla River shallow gravel aquifer from the use and will not contaminate the aquifer.

2. Frequently Flooded Areas

Per Flood Insurance Rate Map Panel number 5301940225C, the project site is in an un-numbered A zone with no base flood elevations established and no floodway delineated. Per modeling performed (Exhibit 14) there will be no upstream increase in one percent annual change flood water surface elevations due to this project.

3. Wetlands

On site investigation shows no wetlands in the project area (Exhibit 12, page 5).

4. Geologically Hazardous Areas

Liquefaction Susceptibility was assessed in the Geotechnical Report (Exhibit 16) and determined to be low at the project site. The short vertical slopes identified in the Critical Areas Report are most likely fluvial terraces created by the flow of the Touchet River. Impacted slopes will be graded and vegetated to correct any construction caused destabilization. Geotextile and riprap will be used to stabilize the newly created steep slopes resulting from the bridge abutments/retaining wall construction.

5. Fish & Wildlife Habitat Conservation Areas - Riparian Buffer

A bridge to cross a water body is considered a water dependent use and therefore does not have a required buffer per SMP Appendix A 6.5.B.2. Instead, mitigation is required to compensate for the impacts to fish and wildlife habitat and vegetation conservation areas by replacing, enhancing, or providing substitute resources, and then monitoring the impacted area and required mitigation for a reasonable period of time and taking remedial action when necessary. See SMP Section 5.1 Mitigation Plan, SMP Section 5.3 Vegetation Conservation.

Per the mitigation plan (Exhibit 13) a mixture of native grasses, shrubs and trees will be planted to mitigate the impacts of the proposed bridge. The planting locations attempt to create a vegetated riparian corridor that involves filling in areas that are grasses with shrubs and trees where they are lacking (Exhibit 13, Figure 6). The plantings will be installed no later than the spring following completion of the project (installation of new bridge and removal of existing

bridge), will be monitored, and watered if needed, for five (5) years with a yearly report submitted to Community Development, and an 80 percent survival rate will be required.

Approximately 5,500 square feet of high-quality habitat and 3,100 square feet of marginal quality habitat will be lost to install the bridge's central pier (Exhibit 17) that were not taken into account in the critical areas mitigation plan prepared by PBS (Exhibit 13). Staff recommends additional mitigation to offset the impacts of the central pier's construction as a condition of approval.

6. Fish and Wildlife Habitat Conservation Areas - Habitats of Local Importance
Construction will occur during Touchet River's low-flow months, which are typically lowest in August and September, to minimize impact on aquatic species.

The biological assessment (Exhibit 11) and Critical Areas Report did not address habitats and species of local importance (SMP Appendix A Section 6.1.A.3, 6.1.C). The project area is mapped as Ferruginous Hawk Habitat (Exhibit 19). Per SMP 6.4.J, in areas designated as Raptor Ferruginous Hawk Habitat, tree removal connected with a development permit will be restricted to the non-nesting season August through January and limited to hazard tree removal unless otherwise approved by the department after review of a critical area report. Per SMP 6.4.K, between March 1st and May 31st, clearing and grading activities connected with a development permit are not allowed within 820 feet of an active Ferruginous Hawk nest.

Staff recommends restrictions on clearing and grading and a nest survey per the SMP as a condition of approval.

Recommended Conditions of Approval

Staff recommends that the Hearing Examiner approve the shoreline substantial development permit (SHR22-001) 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. Prior to construction the following revised plans must be submitted to Community Development for review and approval per SMP 5.1, Appendix A Section 1.18 and 1.19:
 - a. Revised Mitigation Plan to include additional mitigation for central pier installation.
 - b. Revised timeline for construction activities, including clearing and grading, as submitted timeline of March 2023-September 2023 is no longer accurate.
3. Per SMP Section 6.4.J, tree removal connected with this development will be restricted to the non-nesting season of August through January.
4. During nesting season of 2023, a biologist must conduct a survey for ferruginous hawk nesting activity and submit findings to Community Development. If a nest is found, the construction timeline must take into account that during nesting season (March 1st to May 31st) each year no clearing or grading for this project is allowed within 820 feet of an active Ferruginous Hawk nest.

5. Limits of disturbance will be clearly flagged/marked on site prior to construction to ensure that no unauthorized intrusion occurs. This shall be verified by the Community Development Director prior to the commencement of permitted activities. The temporary markings shall be maintained throughout construction and shall not be removed until construction activities are completed.
6. 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.
7. Pursuant to WWCC 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.
8. 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 WWCC Section 14.03.050.

Recommended Exhibits

1. Staff Report dated 2/1/2023
2. Notice of Application with Optional Determination of Non-Significance, dated 3/7/2022, and Certificate of Notification
3. Notice of Public Hearing, published 2/2/2023, and Certificate of Notification
4. Washington State Department of Ecology Comments, dated 3/17/2022
5. Washington State Department of Archeology & Historic Preservation Letter, dated 6/3/2021 and Memorandum of Agreement executed 10/2021
6. SEPA Environmental Checklist (SEPA22-006) with attachments: vicinity map, shoreline map, iPaC resource list dated 2/7/2022
7. Cultural Resources Survey prepared by Plateau Archaeological Investigations LLC, dated 5/25/2021
8. Final SEPA Determination of Non-Significance, dated 1/27/2023, and SEPA Staff Evaluation Report
9. Site and Construction Plans submitted 2/11/2022
10. Joint Aquatic Resources Project Approval (JARPA) Form (Shoreline SDP Application) dated 1/25/2022
11. Biological Assessment prepared by PBS Engineering & Environmental Inc, dated 1/2022
12. Critical Areas Assessment Report prepared by PBS Engineering & Environmental Inc, dated 2/2021
13. Critical Areas Mitigation Plan prepared by PBS Engineering & Environmental Inc, dated 1/2022
14. Bridge Replacement Hydraulic Report prepared by MP Stormwater, dated 12/2021
15. Storm Drainage Report prepared by PBS Engineering & Environmental Inc, dated 1/2022
16. Geotechnical Report prepared by PBS Engineering & Environmental Inc, dated 12/16/2022
17. Proposed project Easement locations, dated 1/12/2023
18. Project Limits of Disturbance, submitted 2/2/2023
19. Map CA -5B Priority Habitats and Species