

WALLA WALLA 2020

Today's Vision for Tomorrow's Community

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April 4, 2016

Planning Commission
City of Walla Walla
55 E. Moore
Walla Walla WA 99362

Re: Shoreline Management Plan Update

Ladies & Gentlemen:

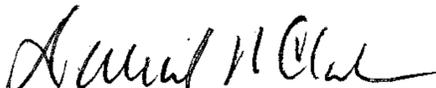
I am writing on behalf of the Walla Walla 2020 citizens group regarding the draft Shoreline Management Plan Update. The goals of our organization are to plan for and work to implement projects and policies to assure and enhance the quality of life in the Walla Walla area for present and future generations.

The Mill Creek corridor is an important recreational, habitat, and aesthetic element in our community, and we encourage you to take great care with developments along it in order to protect and reclaim the surrounding shoreline for water-consistent uses and public access.

As you are probably aware, our state's Shoreline Management Act and the regulations adopted under it mandate not only the preservation but the enhancement of our shorelines' public access and natural amenities.

We appreciate your work on behalf of our community, and hope that you will consider our attached public access amendments to the draft City of Walla Walla Shoreline Management Plan Update in order to accomplish these goals.

Best wishes,


Daniel N. Clark,
Coordinator

PUBLIC ACCESS AMENDMENTS PROPOSED BY WALLA WALLA 2020 TO DRAFT CITY OF WALLA WALLA SHORELINE MANAGEMENT PLAN UPDATE

5.6 Public Access Policies

Policy-1. Promote the provision and maintenance of quality physical and visual access to shorelines, with a focus on *both public properties and private properties under development*.

Policy-2. Encourage public access as part of new shoreline development, commensurate with *existing and projected public demand, as well as* the level of public access demand created by the development, and consistent with public safety.

Policy-3. Allow for provision of communal public access as part of new commercial and residential shoreline developments.

Policy-4. Ensure that the provision of public access does not degrade natural features or otherwise contribute to a loss of shoreline ecological function.

Regulations

A. Implementation of the public access provision in this SMP shall be consistent with constitutional and legal limitations on the regulation of private property. Public access required for individual developments *that are water-related* shall be *primarily* related and proportionate to the level of demand for public access generated by the development. *Developments that are not water-related should be required to provide public benefits such as ecological restoration or public access.*

B. For the purposes of this SMP, public access shall not be construed to include the right to enter or cross private property, except through the use of dedicated public right-of-way or through a *required* easement that allows public access.

C. Shoreline development shall not interfere with public access and enjoyment of any nearby publicly-owned shoreline areas.

D. Construction of public access improvements shall not result in a net loss of shoreline ecological function.

E. Consolidated community access for new multi-lot or multi-unit development shall be preferred over individual access, provided that the access provided is proportional to the demand generated by the proposed uses *or to the existing and projected public demand.*

F. The City shall not vacate any road, street, or alley abutting a body of water except as provided under the provisions of RCW 35.79.035.

G. Shoreline public access shall be provided for the following new shoreline uses and activities, except as designated in Subsection H:

1. Shoreline development proposed or financed by public entities, including City or county governments, port districts, state agencies, and public utility districts;
2. New marinas or boating facilities, where water-enjoyment uses are associated with the facility;
3. Shoreline development that proposes commercial uses on publicly-owned land;
4. Shoreline development that is not a water-oriented or other preferred use or activity, as designated by the SMA, such as nonwater-oriented commercial or industrial development;
5. New public structural flood hazard management measures, such as dikes or levees;
6. Shoreline recreational development; or
7. When the proposed use or activity would be likely to generate additional public demand for physical or visual access to the shoreline.
8. Multi-unit residential development, including land divisions creating more than four (4) lots. The public access requirement is met where a single-family residential development of greater than four (4) parcels but less than ten (10) parcels provides community access to the shoreline or to a common waterfront lot/tract for non-commercial recreational use of the property owners and guests within the proposed subdivision, *as well as the public*.

H. *The public access requirement may be waived* ~~An applicant shall not be required to provide public access~~ if the SMP Administrator determines that one or more of the following conditions apply:

1. Other reasonable and safe opportunities for public access to the shoreline are located within one-quarter mile of the proposed development site.
2. The site is part of a larger development project that has previously provided public access as part of the development permitting process.
3. The economic cost of providing the required public access is unreasonably disproportionate to long-term economic value of the proposed use or activity.
4. The proposed development is for the subdivision of property into four or fewer parcels.
5. The proposed development consists of only agricultural activities.
6. Provision of public access on the site would pose a health or safety risk to the public due to the nature of the proposed use or activity or the location of public access, or would be infeasible due to security requirements associated with the proposed development.

7. Provision of public access at the proposed development site would result in a net loss of shoreline ecological function that cannot be effectively mitigated or avoided, or would pose a risk to threatened and/or endangered species listed under the Endangered Species Act.

8. The proposal consists solely of a new or expanded utility crossing through shoreline jurisdiction, serving development located outside shoreline jurisdiction.

I. Standards for Public Access. When public access is required, the following provisions shall apply:

1. Physical access to the shoreline shall be preferred over solely visual access. Where physical access is not safe or feasible, visual access shall be provided. Visual access may consist of solutions such as, but not limited to, view corridors, designated viewing areas, scenic overlooks, or other means of visually accessing public shorelines. Physical access may consist of solutions such as, but not limited to, a dedication of land or easement or physical improvements in the form of a trail, park, or other area where the shoreline may be physically accessed.

2. New physical public access shall be designed to connect with existing or future planned public access on adjacent properties, or shall connect to existing public right-of-way or access easements.

3. Public access sites shall be designed according to parks and recreation standards adopted by the City or governing local jurisdiction.

J. The SMP Administrator may allow the construction of off-site public access, either physical or visual, where such off-site access would result in equal or greater public benefit than provision of public access on the proposed development site, or when provision of on-site public access is limited due to security requirements or potential risks to health and safety. The City may also allow for the payment of a fee-in-lieu if it deems the off-site improvement would be better implemented by the City at a later date. The cost of such a fee-in-lieu shall be proportionate to the total long-term cost of the proposed development or use.

4-4-16