

Walla Walla Coalition SMP Update - Comments received during State public comment period

Topic/ Jurisdiction	Name of Commenter	Specific Comment	Local Government Response and Rationale	Ecology Response
Public Access/ City of Walla Walla	Steven Pao	<p>My first concern is section 5.6 Public Access – Regulations--L, which states: "When all other provisions of this Section are met, shoreline development adjacent to the Mill Creek levee shall require the creation of an easement or dedication providing for a trail identified in an adopted City plan."</p> <p>It states in section 5.6 Public Access – Regulations -J-Standards for Public Access - #1 that "Physical access to the shoreline shall be preferred over solely visual access." It does not preclude the use of solely visual access.</p> <p>Section 5.6 Public Access – Regulations – L as stated, would prevent the use of visual access as a public access requirement. Section 5.6 Public Access – Regulations –J- Standards for Public Access - #1 also states that: "Physical access <i>may</i> consist of solutions such as, <i>but not limited to</i> 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."</p> <p>Section 5.6 Public Access - Regulations – L as stated, would <i>require</i> the creation of an easement or dedication providing for a trail identified in an adopted City plan. I believe that this would constitute an implicit "taking" of private property to create such an easement along Mill Creek which the City of Walla Walla does not currently have, so a trail could then be built upon private property. It also dictates what kind of public access would be required, when another form of public access may be acceptable.</p> <p>The Mill Creek levy from 9th Ave. to Gose St. is partially fenced and gated for public safety reasons and to prevent criminal trespass and the theft and vandalism of property. I believe that Regulations - L is a thinly veiled attempt to force a public trail onto and through private property. In several sections of the Shoreline Master Program it clearly states the rights of private property owners should be respected.</p>		

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		<p>I believe that due to the details listed above that section 5.6 Public access – Regulations –L: should be removed from the City of Walla Walla Shoreline Master Program.</p>		
<p>Public Access/ City of Walla Walla and Walla Walla Co.</p>	<p>Steven Pao</p>	<p>Section 5.6 –Public Access- Regulations –B states: "For the purpose of this SMP, public access shall not be construed to include the right to enter or cross private property, <u>except through the use of a dedicated public right-of-way through an easement that allows public access.</u>"</p> <p>I feel that the phrase "<u>except through the use of a dedicated public right-of-way through an easement that allows public access</u>" should be deleted. I believe that the phrase could give government agencies or citizens groups "carte blanche" to demand public access be given through private properties depending on how the terms "public right-of-way" and "public access" are defined.</p> <p>For example; is "public access" the general population at large? Could "public access" be defined as a public agency, such as the U.S. Army Corps of Engineers operating a Mill Creek levy repair crew? Or could possibly a publicly owned water line which has an easement along a shoreline be considered "public access"? It is open for interpretation and therefore I think this phrase should be eliminated from both Shoreline Master Programs.</p>		
<p>Agriculture/ City of Walla Walla</p>	<p>Steven Pao</p>	<p>Sections 6.4 Agriculture - Policies- Policy-#1 states:"New or expanded agricultural activities should not be allowed within shoreline jurisdiction to comply with the City's Comprehensive Plan." and also 6.4 Agriculture - Regulations-A which states: "New or expanded agricultural activities are prohibited within shoreline jurisdiction."</p> <p>I feel that these two policies do not belong in the City of Walla Walla Shoreline Management Plan considering the fact that the City of Walla Walla was primarily built upon the agricultural industry, and it still</p>		

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		<p>contributes to its economy today. Shortly after the Walla Walla City Council adopted the Shoreline Management Program, the City of Walla Walla annexed a working farm into its boundaries. This farm borders (sic) Mill Creek and is now subject to the City of Walla Walla's Shoreline Management (Master) Program, not Walla Walla County's. It is possible that this could occur again with future annexations.</p> <p>I believe that new or expanded agricultural activities should not be prohibited within shoreline jurisdiction, but in fact should be promoted. I think that open land along a shoreline is much preferred over concrete and asphalt. Therefore, I propose that section 6.4 Agriculture -Policies -Policy #1 be replaced with: "Promote the continued economic viability of agriculture within the City of Walla Walla and support its continued practice on existing and expanded agricultural lands." And add Policy #2; "Preserve and maintain productive agricultural lands in shoreline jurisdiction."</p>		
Yellowhawk Creek, Buffers and Flood Control	Renee Hadley – Walla Walla Conservation District	<p>Regarding buffers, development and flood control, the SMP does not appear to be different from the existing municipal codes. The City of Walla Walla does not include Yellowhawk Creek as a SMP waterway but the County does. This uneven approach to regulation is adversarial as the City annexes more and more areas along Yellowhawk Creek. Previous areas under County jurisdiction that may be annexed then do not have to comply with SMP.</p> <p>The WW Co. SMP 4.10(D) defers to FEMA 100 yr flood mapping or the most current technical information available. Local FEMA flood maps are from the early 1980's with inaccurate topography (floodplain extent lines bisecting houses and not following terraces). Section 5.1(E.9) references "changes in grading or fill that reduce floodplain capacity" as an adverse impact to critical areas. Development within floodplain/floodway areas are bound by dated maps and mitigation efforts are currently insufficient to accommodate for fill/grading activities within floodplains. Buffer widths along major floodways such as Mill Creek, Yellowhawk Creek, Russell Creek and others are currently only sufficient for hold 20-40 year flood events but not an 80 year flood</p>		

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		<p>event such as 1996 or a 100 year flood event.</p> <p>We recommend buffer widths be expanded to 1.5 the existing buffer width for all new development. We also recommend floodplain/floodway delineation be updates based on documented past flood events, updated FEMA maps, surveys, and/or LiDAR data.</p>		
Walla Walla Coalition SMP Update - Comments received after close of State public comment period (September 27)				
Cultural Resources – All jurisdictions	Gretchen Kaehler – DAHP (Dept. of Archaeology & Historic Preservation)	<p>In general the language lacks specificity of process and timelines. We have attached DAHP’s model shoreline language for examples of process and timelines that may provide more clarity and specificity when dealing with cultural resources.</p> <p>(Commenter provided an attachment entitled “Archaeol model SMP language(updated 2013)”; provided to Coalition along with this matrix)</p>		
	Gretchen Kaehler - DAHP	<p>In regard to management policy C. 5. on page 29, we recommend the following revised language: The protection and preservation of scientific, historical, cultural, and educational resources, and low-intensity water-oriented...on the area will result.</p>		
	Gretchen Kaehler - DAHP	<p>In the Rural Conservancy Section 4.3 B. 4. We recommend that the word “unique” be changed to “significant.”</p>		
	Gretchen Kaehler - DAHP	<p>Thank you for including regulation 6.22 B. under policies and regulations for Utilities.</p>		
	Gretchen Kaehler - DAHP	<p>In Section 2.0 Definitions, we recommend including language that defines cultural resource management related terms such as “Professional Archaeologist,” “cultural resources,” and others that would be useful.</p>		
	Gretchen Kaehler - DAHP	<p>In regard to Regulation (5.4) B 1c. We recommend you this exemption be removed since it is difficult to determine whether fill is “culturally sterile.”</p>		