



Walla Walla County Community Development Department

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Date: May 25, 2016
To: Board of County Commissioners
From: Tom Glover, Director
Lauren Prentice, Principal Planner
RE: **Public Hearing** – Proposed Shoreline Master Program Update

Background

The proposed project is an update to the 1975 Walla Walla County Shoreline Master Program (SMP) to be consistent with state law as required by the Washington Department of Ecology. This action implements the Washington State Shoreline Management Act (Chapter 90.58 RCW), which governs the development of Washington's shorelines. Local jurisdictions are required to update their SMPs in accordance with the Guidelines in Washington State Administrative Code (WAC) 173-26, which was revised in 2003 to reflect current knowledge regarding shoreline management and science. The SMP includes goals and policies, development regulations, and shoreline jurisdiction maps with shoreline environment designations. Project elements also include a programmatic Shoreline Restoration Plan, Cumulative Impacts Analysis, and No Net Loss Report. The Cumulative Impacts Analysis evaluates the cumulative impacts of reasonably foreseeable future development on shoreline ecological functions, and concludes with a statement that the SMP will not result in a net degradation of those functions.

This proposed non-project action would add the Shoreline Master Program as an element into the Comprehensive Plan and create a new Walla Walla County Shoreline Master Program containing goals, policies and regulations to govern the use of the county's shorelines.

The proposed SMP will apply to properties adjacent to and within 200 feet of the ordinary high water mark (OHWM), floodways, contiguous 100-year floodplain extending a maximum of 200 feet inland of the floodway; and any associated wetlands of the Snake, Columbia, Touchet and Walla Walla Rivers; Mill Creek; Yellowhawk Creek from Cottonwood Creek to the confluence with the Walla Walla River; and Bennington Lake.

Responsiveness Summary and Public Comments

Task 10 of the grant agreement requires that a written Responsiveness Summary be prepared and provided to the Board of County Commissioners prior to any action being taken to approve the SMP. Attachment 1 to this staff report is a revised preliminary Responsiveness Summary which provides responses to comments received by the County during Planning Commission and at the May 2 BOCC public hearing. If additional public comments are submitted during the May 31 public hearing, then the document will be updated and a final version will be provided to the Board prior to final action.

Attachment 2 is a memorandum from consultant Bill Stalzer on public access requirements that was provided to the City of Walla Walla Planning Commission in January when Dave Fogarty, a member of the City's Planning Commission, commented during their meeting that a Public Access Element should be prepared. This memorandum provides a good summary of how public access planning is addressed in the Shoreline Analysis Report and drafted SMP regulations. This memorandum is referenced in the responsiveness summary in the response to Comment 13 on Page 7.

As you will see in the preliminary responsiveness summary, we are recommending one change to the proposed SMP presented to the Board at the May 2 public hearing. This would be a substantive change to add a new regulation relating to public access. Analysis is provided in the preliminary responsiveness summary in the response to Comment 19, which was from Dan Clark.

Mr. Clark suggested that the following new condition be added to Section 5.6, Public Access.

New condition K: Shoreline development adjacent to a levee constructed and maintained by public funds that has been traditionally used by the public as a bicycle-pedestrian trail shall require the creation of an easement or dedication providing for the continued use of said trail by the public.

Instead of singling out one specific project, like the proposed West Mill Creek Trail, staff is recommending the following new standard be added in subsection 5.6.I.4.

Preferred public access solutions should be those contained in an adopted county plan.

Attachment 3 is an excerpt from the new proposed SMP showing the entirety of Section 5.6, Public Access, with this recommended change shown in blue and underlined. Attachment 4 is a clean version of the proposed SMP that includes this recommended change.

Staff Recommendation

Staff recommends that the Board of County Commissioners approve the proposed Shoreline Master Program Update as presented in Attachment 4, and request the Community Development Department and Prosecuting Attorney's office finish preparing an ordinance for approval.

Attachments

1. Preliminary Responsiveness Summary dated 05/25/2016
2. Memorandum on public access from Bill Stalzer dated 01/28/2016
3. Excerpt from proposed SMP (Attachment 4) showing change to Section 5.6, Public Access
4. BOCC May 31 public hearing proposed Shoreline Master Program (SMP)