

BENTON COUNTY SMP UPDATE OPEN HOUSE EVENTS



Introduction to the SMP Meeting Summary, August 2012

Prepared by BERK and The Watershed Company, August 2012

OVERVIEW

Benton County held two Open House Events to introduce the Shoreline Master Program (SMP) Update and hear citizen ideas about the future of Benton County's Yakima and Columbia River shorelines. One meeting was held in Prosser at Benton County Planning Department Offices on August 1, 2012. This meeting attracted approximately 30 participants. The second open house was held on August 2, 2012 at the Benton County PUD Auditorium in Kennewick, and attracted approximately 28 participants.



The meeting was advertised through several means including a direct postcard mailing to shoreline property owners, a display ad in the Tri-City Herald, an email to a County interested parties mailing list (those participating in past planning efforts and those signing up for email notices at the County website), and posters at agency buildings around the County.

The Open Houses began with informal one-on-one discussions between Staff/consultants and meeting attendees in front of draft shoreline inventory map displays, a formal presentation about the SMP update, a group questions and answer period, and a final informal one-on-one discussion period.

The presentation included a welcome and project overview by Benton County SMP Project Manager Susan Walker, and a review of the SMP Update elements by the consultant team including Amy Summe of The Watershed Company and Lisa Grueter of BERK. Mike Shuttleworth, Benton County Planning Manager, and Valerie Smith, Benton County Associate Planner, assisted with individual and group responses to questions and SMP history. Dawn Couch of BERK also provided support with the meeting facilitation.

Materials made available at the public meeting included:

- A copy of the public participation plan
- A copy of an informational brochure
- A letter invitation to apply for the pending formation of a Shoreline Advisory Committee
- A copy of a Power Point presentation given at the public meetings
- SMP Update Website address cards

These materials are available at the project website: bentoncountysmpupdate.com. In addition, a copy of the Power Point presentation is attached to this meeting summary.

Meeting notes are summarized below from each meeting. These comments will be considered as the County proceeds with its SMP Update.

MEETING NOTES

Prosser – 8/1/2012

Question: What about upstream polluters? (Sewage overflows)

- How will the SMP actually help?
- This doesn't have any enforcement benefit; it's going to lead to additional costs for us.
 - Response: The Washington State Department of Ecology enforces state water quality standards and will continue to do so. The SMP will address the potential water quality effects of new development and require new development to meet the County's stormwater requirements.

Comment: There are people going over guard rail at Twin bridges.

- Parking every which way – fire/police can't get in causing a safety issue
- Garbage and litter left behind
- There is legal access a ½ mile away
 - Response: The County Sheriff has been enforcing County rules regarding parking and no trespassing. The SMP will provide an opportunity to educate citizens about the locations of existing public access and identify priorities for future public access improvements on public lands (locating access in the best locations to avoid trespass and avoid environmental impacts).

Question: Consultants: Where are you from?

- Request to hear about consultant team
 - Response: Benton County hired a consultant team consisting of The Watershed Company and BERK, both based in Central Puget Sound (Kirkland and Seattle, respectively). Both firms have extensive experience in SMP Updates. Additionally, several individual consultant team members have lived or worked in the Benton County area (and Yakima, Walla Walla, Chelan, and Kittitas County areas). The consultant team's role is to assist the County and citizens define *their own* SMP within the State laws and guidelines.
- Request for including formal seating in next meeting
 - Response: The comment is noted. Meeting participation was excellent and the meeting space was relatively constrained. The County will consider alternative meeting locations to allow for more meeting and seating areas.

Question: Are you going to do river surveys or all by aerial?

- Response: We need to use the best data that is available, obtained from local/state/federal agencies, but we know it is not perfect. Let us know if there are areas that need a closer look. The preliminary inventory maps were illustrated at the meeting displays, and more documents will be posted for public comment.

Question: Who is going to pay for all of this?

- Response: The Washington State Department of Ecology provided a grant to Benton County to fund the SMP Update.

Question: What does “degraded ecological function” look like?

- Response: The baseline condition will be documented in the forthcoming Analysis Report. Degraded conditions could include impaired water quality, invasive vegetation or loss of native vegetation, shoreline armoring that prevents natural erosion processes, etc.

Question: Does this project include things like a River Walking Trail? Would we be able to veto these types of things?

- Response: The SMP will address public access. Public access does not include the right to trespass on private lands. The SMP will help define priorities for improved public access on public lands. Also, new developments that create a demand for public access would have to provide shoreline public access.

Question: Will there be funding to develop access on public lands?

- Response: The SMP planning process does not have additional funds for implementation.

Question: What information does this use if not “best available” science?

- Response: The SMP Guidelines require use of “available science” (“assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern... make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science” WAC 173-26-201(2)(a))

Question: Is the set back 100ft or 200ft?

- Response: The shoreline jurisdiction is generally 200 feet from the ordinary high water mark. Shoreline jurisdiction refers to the applicable area of the SMP (management area). Through the SMP update, setbacks or buffers would be developed based on current, existing conditions. We will also consider Benton County’s critical areas regulations.

Question: Is there any new pumping out of the river?

- Response: The SMP may address where the withdrawal activities may occur; however the Washington State Department of Ecology would continue to separately regulate water rights.

Question: Who will receive public’s input?

- Response: Ultimately, the Board of County Commissioners will receive public input through the Shoreline Advisory Committee and Planning Commission and the Board’s own meetings. Please see the Public Participation Plan for the project. The results of public meetings will be posted on the website.

Kennewick 8-2-2012**Question: Kennewick has already adopted its plan? Isn’t it in Benton County?**

- Response: Yes, Kennewick has already adopted its own SMP. Benton County’s SMP process is focused on unincorporated county lands outside of city jurisdictions. However, other cities in Benton County are just getting started (Benton City, Prosser, Richland, and West Richland).

Question: What about Yakima County?

- Response: [This elaborates on the response made at the public meeting.] Yakima County has prepared its own SMP Update, which has been adopted locally, and approved by the Washington State Department of Ecology (Ecology). It was appealed by the Yakama Nation. The Growth Management Hearings Board found lack of compliance regarding mining issues and remanded the matter back to Ecology and the County for the purpose of complying with the Shoreline Management Act. Yakima County has completed a supplemental cumulative impacts analysis (CIA). Ecology has reviewed the CIA and determined that no substantive changes to the SMP are required. Yakima County is currently waiting a compliance hearing with the Growth Management Hearings Board.

Question: Will all public meetings be held in Prosser?

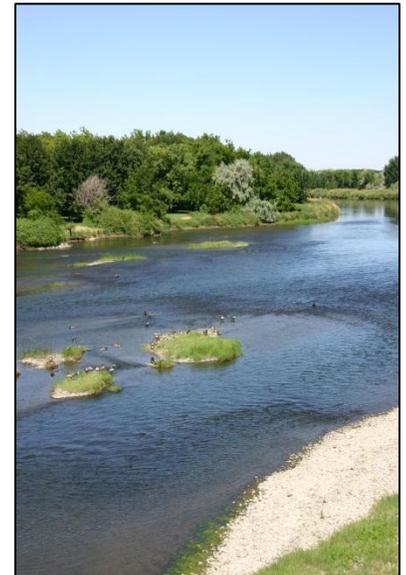
- Response:
 - Shoreline Advisory Committee meetings will be at County seat
 - Public meetings such as open houses and forums will be held in Prosser and Kennewick

Question: How does Columbia Park fit in?

- Response: Kennewick has prepared its own SMP, and it is locally adopted and State approved. Richland will prepare its own SMP for lands in the City limits. The County will address unincorporated lands. Recreation and open space properties will be addressed in the SMP update.

Question: If I have a wetland, can I cut down a tree for the view?

- Response:
 - The existing County wetland regulations would apply
 - The individual project would submit a proposal and it would be reviewed for consistency with County regulations
 - Pruning, etc. is maintenance and is allowed.
 - There will be consideration in the SMP to allow for tree and vegetation management for purposes of views as well as consideration of retaining native vegetation where possible.



Question: Will you be working with Department of Fish and Wildlife?

- Response: The County will coordinate with other agencies through the SMP Update including the State Department of Fish and Wildlife and other federal agencies, such as the U.S. Fish and Wildlife Service.

Comment: We must address flood issues; the Department of Fish and Wildlife is out of control on this issue.

- Need to protect our property
- Rules only focused on fish habitat – not human use
- Disallowing of rocks, gravel, does not protect fish. It does not manage floods.
- Response:
 - Shoreline stabilization solutions are variable by area; there will be a process of showing why a particular method (e.g. hard stabilization) is necessary over other methods (e.g. softer stabilization methods are typically preferred)

- Agencies do change their mind, but the County will have to work with them
 - Get them involved early
- The SMP can clarify the process for shoreline stabilization and integrate applicable rules

Question: Is every County going through this?

- Response: Yes, many counties and cities are already completed, and others are getting started.

Comment: Thank you for holding a public meeting.

Comment: This is a grab for power. You can't do anything within a mile of a river.

Attachment: SMP Update Power Point Presentation, August 1 and 2, 2012



Benton County Shoreline Master Program Update

Introduction to the SMP



Agenda

- Why update the SMP?
- What is the process?
- Where does this apply?
- What are the basic principles of the SMA?
- What are the planned Public Involvement Opportunities?
- Next Steps

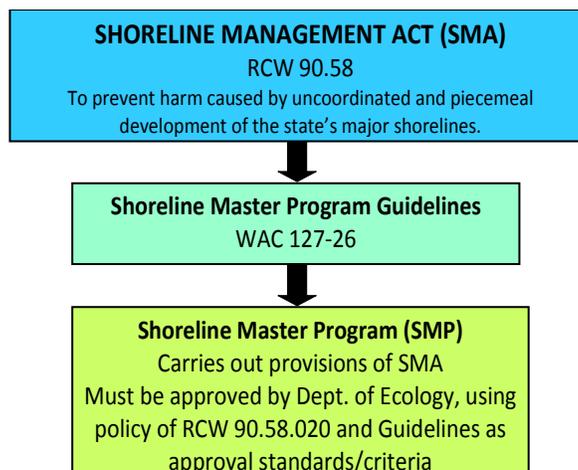


Why Update the SMP?

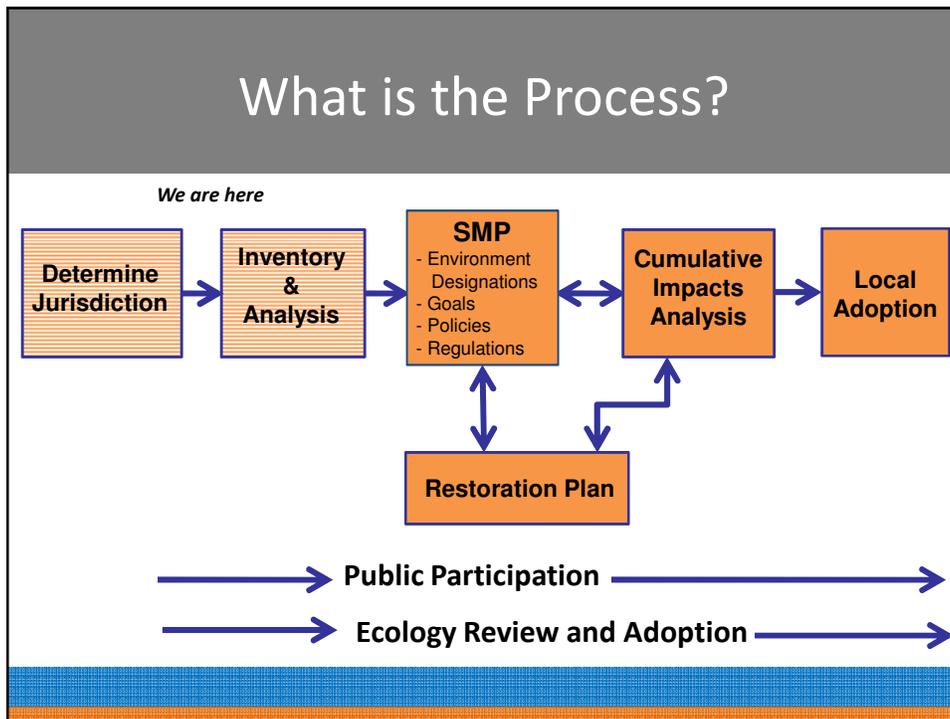
- The Shoreline Management Act requires all local governments to update
 - RCW 90.58 080 requires Benton County be complete by December 2013
 - Ecology funding allows completion by June 2014
- Ecology rules passed in 2003
- County SMP developed in 1974
- Address changed conditions



Shoreline Laws and Rules

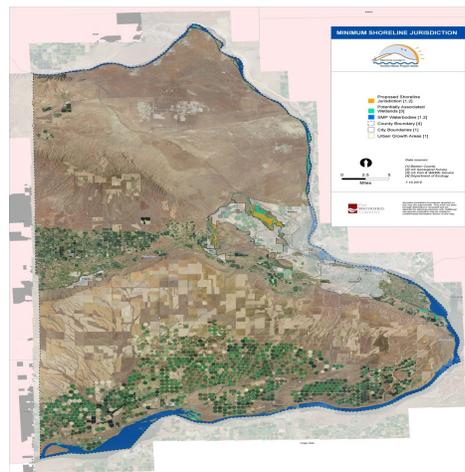


What is the Process?



Where Does this Apply?

- **Minimum Shoreline Jurisdiction**
 - Stream ≥ 20 cfs
 - Upland areas 200 feet from OHWM
 - Floodways and 200 feet of adjacent floodplain area
 - Associated wetlands
- **NEW Uses**
 - Existing shoreline uses and activities may continue

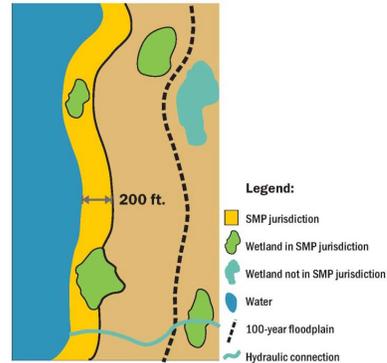


Shoreline Jurisdiction

- Shoreline Jurisdiction - Elements reviewed

- Floodway
- Floodplain
- OHWM +200 feet
- Associated wetlands

- Why protect the activities within 200 feet?



What are the Basic Principles of the SMA?

- Balance
 - water-oriented uses
 - public access
 - environmental protection
- Preferred Uses
- No Net Loss of Ecological Function



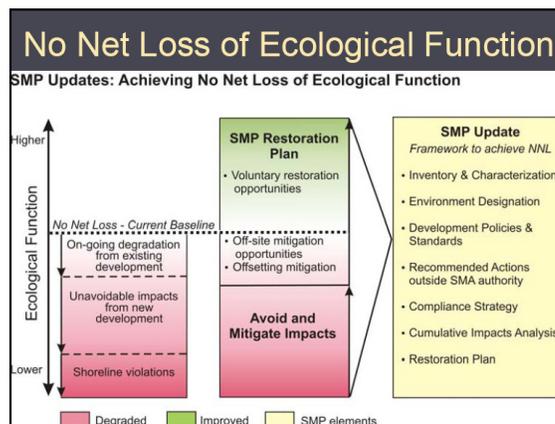
Ecological Functions & Values

- SMA Environmental Goals for Shorelines of Statewide Significance
 - Preserve the natural character of the shoreline
 - Protect the resources and ecology of the shoreline
- SMP will address shoreline vegetation, setbacks
- Process includes developing a Shoreline Restoration Plan



No-Net-Loss of Ecological Function

Key SMP Principle: No Net Loss of Ecological Function



Water-Oriented Uses

- Water Dependent
 - Uses that can only exist in a shoreline location
 - E.g. ports, marinas
- Water Related
 - Support water-dependent use
 - Has a functional requirement for a waterfront location
 - E.g. arrival or shipment of materials by water
- Water Enjoyment
 - Recreational or other use that provides for public access or aesthetic enjoyment of the shoreline



Agriculture

- Existing agriculture activities can continue – not subject to the SMP
- SMP will allow new agricultural activities



Public Access

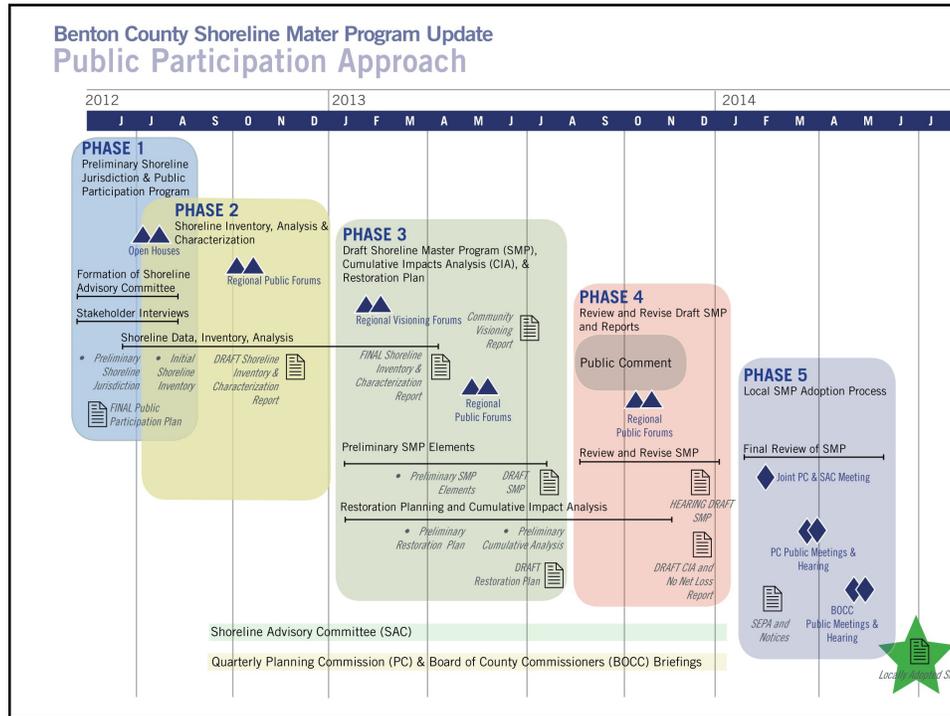
- Waters of the state are a public resource for all citizens for the purposes of navigation, conducting commerce, fishing, recreation and similar uses
- Trespassing on private property is not allowed
- SMP will address public access policies and standards



What are the planned Public Involvement Opportunities?

- Open Houses & Forums
 - Inventory & Analysis
 - Visioning
 - Draft SMP
 - Revised Draft SMP
- Shoreline Advisory Committee
- Planning Commission Meetings & Hearing
- BOCC Meetings & Hearing





Summary of Next Steps

- Fall 2012
 - Form Shoreline Advisory Committee
 - Revise Inventory Maps
 - Develop Shoreline Analysis Report
- Spring 2013
 - Conduct Shoreline Visioning
 - Develop Draft SMP, Restoration Plan & Cumulative Impacts Analysis
- Fall 2013
 - Revise Draft SMP
- Winter & Spring 2014
 - Local Adoption Process
- Summer & Fall 2014
 - Formal Ecology Review