Attachment D:

Benton County response to public comments

Public Comment Summary: Benton County Locally Adopted SMP

Ecology Public Comment Period, August 11 – September 11, 2014

Prepared by Angela San Filippo, WA Dept. of Ecology, September 16, 2014

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
1	Benton County Use Map??	Sunnyside Valley Irrigation District	SVID irrigation and return flow facilities are specifically excluded from the Washington SMA and therefore are to be excluded from regulatory oversight under the Benton County SMP. Comment letter included maps identifying the location of eleven SVID irrigation return flow facilities returning flow to the Yakima River.	On page 15 of the Draft Shoreline Master Program submitted by Benton County, is reference to exemptions fully described and listed in WAC 173-27-040. WAC 173-27-040(i) provides:" (i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands"
2	Non-specific	Washington State Department of Natural Resources	DNR has no significant comments on the proposed Benton County Shoreline Master Program update. Comment included a statement to create awareness within Benton County regarding DNR's work in developing an Aquatic Lands Habitat Conservation Plan and conducting extensive review and analysis on the environmental impacts of DNR-authorized activities on state owned aquatic lands and the species that use those lands.	Thank-you for reviewing the documents.
3	Profile of Benton County's	Futurewise	Clarify that the shoreline jurisdiction can expand as necessary to provide the buffers required to protect critical	The County shall continue to regulate those critical areas and required buffers pursuant to

	Shoreline Jurisdiction, page 3 and Shoreline Jurisdiction, page 14		areas within shoreline jurisdiction. The buffers necessary to protect certain critical areas extend beyond shoreline jurisdiction. Benton County must either provide that shoreline jurisdiction expands to include necessary buffers and the other protective measures necessary to protect critical areas or rely on its critical areas regulations with the amendments needed to comply with the Shoreline Management Act and the SMP Guidelines. Recommendation that the SMP provide that shoreline jurisdiction expands to include the necessary buffers.	RCW 36.70A.060(2), Benton County Critical Areas Ordinance
4	Chapter 15.05.010 Archaeological and Historic Resources, page 48	Futurewise	Recommendation that consultation and archaeological investigations be required for suspected cultural and archaeological sites with specific reference to Washington State Department of Archeology and Historic Preservation's predictive model. In order to facilitate use of DAHP's predictive model Futurewise recommends changing the wording of section 15.05.010(a) to include not only areas that are documented to contain archaeological resources require a site inspection by a professional archaeologist but those that are likely to contain archaeological resources as well.	Benton County is in contact with Washington State Department of Archeology and Historic Preservation about a data sharing agreement and feels that is a better way to address the issue raised by Futurewise.
5	Chapter 15.05.050 Public Access, pages 52 - 54	Futurewise	The plans identified in Chapter 15.05.050(c) are not specific enough in identifying public access improvements and public access locations to qualify as a public access planning process as described in WAC 173-260221(4)(c). Statement of concern that the administrator can approve another plan as a public access plan. Futurewise believes that Ecology must review and approve such plans after providing opportunities for public comment.	Benton County submitted a shoreline public access plan to Ecology as part of this process. That plan is part of the Benton County Shoreline Master Program.
6	Chapter 15.05.050 Public Access, pages 52-54	Futurewise	Futurewise states that Chapter 15.05.050 does not require the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses for the subdivision of land into more than four parcels or residential development of more than four units. Futurewise believes that since the county has not undertaken a public access planning process Section 15.05.050(j), which addresses shared community access, should be deleted and public access should be required as	Benton County submitted a shoreline public access plan to Ecology as part of this process. That plan is part of the Benton County Shoreline Master Program.

			mandated by WAC 173-26-221(4)(d)(iii).	
7	Chapter 15.06.020 Wetlands	Futurewise	Futurewise believes more specific avoidance criteria are needed for wetlands. Futurewise recommends the following language, a modified version of model language prepared by the Washington State Department of Ecology, be added as a subsection to Chapter 15.06.020(e): A wetland or its required buffer may not be altered unless the following avoidance criteria are met. Any alteration approved pursuant to this Section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland or buffer. 1. Category I Wetlands. Activities and uses shall be prohibited from Category I wetlands, except where an existing public facilities must be expanded or extended into the wetland, a utility must be located in a wetland because there is no other site that can serve the utility's function, or a reasonable use exception or variance allows the impact. Full compensation for the loss of wetland and buffer acreage and all functions that can be replaced shall be provided as required by these regulations. 2. Category II and III Wetlands. For Category II and III wetlands, where wetland fill is proposed, it is presumed that an alternative development location exists; activities and uses shall be prohibited unless the applicant can demonstrate that; A. The basic purpose cannot reasonable be accomplished on another site or sites in the general region while still successfully avoiding or resulting in less adverse impact on a wetland; and B. All on-site alternative designs that would avoid or result in less adverse impact on a wetland or its buffer, such as reduction in the size, scope, configuration or density of	Benton County does not have many wetlands and the language would probably not substantively change how Benton County's SMP is implemented. Futurewise has cited Ecology's *Wetlands in Washington State Volume 2* however, because of the lack of wetlands and the nature and intensity of land uses in Benton County, the *Wetlands Guidance for Small Cities* was deemed adequate for preparing wetland protection policies and regulations in the SMP update.

			the project, are not feasible. 3. Category IV Wetlands. Activities and uses that result in unavoidable impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical area(s) report and compensatory mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objective.	
8	Chapter 15.06.06(a) Geological Hazards	Futurewise	Recommendation that the geological hazard provisions should be updated to incorporate the Washington State Department of Natural Resources' Liquefaction Susceptibility and Site Class Maps. Futurewise recommends that areas classified as having a liquefaction susceptibility of "moderate," "moderate to high," "high," and "peat deposit" be identified as geological hazards. The Site Class map identifies areas where the underlying geology is likely to amplify shaking on the ground surface. Futurewise recommends that areas classified as having a site class of "D," "D to E," "E," and "F" be designated as geological hazards.	The subject of liquefaction was not discussed during the public process of the development of the Draft Shoreline Master Program. This subject needs to be studied in more detail and part of a county wide review not just in the shoreline area.
9	Chapter 15.06.06 Geological Hazards	Futurewise	Recommendation that the provisions for landslide hazard areas is strengthened in two ways. Staff should be authorized to require a geotechnical report for all land where the proposed building could be damage by a landslide or other geological hazard with the potential to destroy the home. Secondly, landslide buffers should be set on a case by case basis based on the site analysis. The site analysis required by Chapter 15.06.06(e) should require recommended buffers for landslide buffers and should include a requirement that buffers be adequate to protect people and property based on this evaluation.	The Benton County Draft Shoreline Master Program defines a geologically hazard area as: ""Geologically Hazardous Areas" are areas which pose potential threats to life or property because of unstable soil, geologic or hydrologic conditions, or steep slopes. Geologically Hazardous Areas shall include, but are not limited to, all landslide and seismic hazard areas." This definition and the requirements of 15.06.060 address the concerns raised by Futurewise.