

**City of Benton City
Planning Commission Board Meeting Minutes
January 28th, 2013**

CALL TO ORDER – (181/2/000* Audio recording begins) Commission Chair Norris called the Planning Commission Board meeting to order at 6:00 p.m.

ROLL CALL – (183/1/502*) **Commissioners Present:**

Commissioner Don Allen
Commissioner Linda Lehman
Commission Chairman Kyle Norris
Commissioner J.D. Howard (in @ 6:02)

Commissioners Absent:

Commissioner Ivan Howard (Unexcused)

City Professionals Present:

Stephanie Haug, Clerk of Board

Other Professionals Present:

Ben Floyd, Anchor QA
Ferdouse Oneza, AICP, Oneza and Associates

***Audience Members**

Lonnie Dittmore, 1015 Babs Ave.
Lloyd Carnahan, 801 Babs Ave.
Kessler Martin, 101 Babs Ave.
Randy Rutledge, Consultant, Benton City E.D.C.
Michael Murry, 317 7th St.
Martin Sheeran, Citizen, Benton City

PLEDGE OF ALLEGIANCE TO THE FLAG/U.S. - (193/4/951*) Commission Chair Norris led the Commission in Pledge of Allegiance.

APPROVAL OF MINUTES FOR DECEMBER 10TH, 2012 PLANNING COMMISSION BOARD MEETING (208/4/628*)

Commissioner Lehman: I move that we accept the Minutes as written.

Commissioner Allen: I second.

MOTION #1 - Commissioner L. Lehman moved and Commissioner D. Allen seconded to approve the minutes of the December 10th, 2012 Planning Commission Board Meeting as written.

VOICE VOTE #1 – C. K. Norris, C. L. Lehman, C. D. Allen, C. J.D. Howard
ALL YEAS. Motion carried.

CONDITIONAL USE PERMIT APPLICATION – 804 Babs Avenue - (226/3/679*)

a. **STAFF REPORT** – **Ms. Haug**

Explanation of Conditional Use Permit Request
Commission Chair Norris
Planning Commission Review Criteria

b. PUBLIC HEARING

**** PUBLIC HEARING ****

**** Public Hearing opens at 6:04 p.m. ****

Mr. Murry – Wants to understand the map – Has private road on his property

Ms. Haug – Topic of next Public Hearing on rezone – Two applications for similar properties on Agenda – One behind one we're discussing now – Another Public Hearing for opportunity to speak on that topic

Mr. Carnahan – Lives south of property - No objection to rezone - Conditional Use Permit

**** Public Hearing closes at 6:07 p.m. ****

c. FINDING OF FACT – None

d. RECOMMENDATION OF PLANNING COMMISSION

Commissioner J.D. Howard: I'd like to make a motion to approve to send it to the City Council.

Commissioner Allen: I'll second it.

MOTION #2 - Commissioner J.D. Howard moved and Commissioner D. Allen seconded to approve the Conditional Use Permit Application at 805 Babs Ave. and forward to City Council with recommendation to approve it.

**VOICE VOTE #2 – C. K. Norris, C. L. Lehman, C. D. Allen, C. J.D. Howard
ALL YEAS. Motion carried.**

**REZONE APPLICATION – PARCEL #118973000029000 – (Behind 804 Babs Avenue) –
(445/2/364*)**

a. STAFF REPORT - Ms. Haug

Overview of Rezone Application and relevant issues

b. PUBLIC HEARING

**** PUBLIC HEARING ****

**** Public Hearing opens at 6:10 p.m. ****

Mr. Carnahan – Live south of property in question - No objection to rezone – Have to follow flood regulations

Mr. Murry – Will storage shed property go to my road? Will it raise my taxes?

**** Public Hearing closes at 6:13 p.m. ****

c. FINDING OF FACT

Commissioner J.D. Howard – What is the use? Proposed use? U-Haul

Ms. Haug – Not a specific use but allowed use in C-1

Commissioner Allen – Neighbors notified?

Ms. Haug – Neighbors notified of tonight's meeting

d. RECOMMENDATION OF PLANNING COMMISSION

Commissioner J.D. Howard: I make a motion to accept the, how do you say that, recommend the rezone on the contingency of the amendment to the Comprehensive Plan being accepted by City Hall.

Commissioner Lehman: I'll second.

MOTION #3 - Commissioner J.D. Howard moved and Commissioner L. Lehman seconded to recommend City Council approve rezone application for property behind 804 Babs Avenue to Commercial contingent upon an amendment to the Comprehensive Plan.

**VOICE VOTE #3 – C. K. Norris, C. L. Lehman, C. D. Allen, C. J.D. Howard
ALL YEAS. Motion carried.**

COMPREHENSIVE PLAN AMENDMENT

a. **STAFF REPORT – Proposed Changes - Ms. Haug**
Review of proposed changes to Comprehensive Plan

b. **PUBLIC HEARING**

**** PUBLIC HEARING ****

**** Public Hearing opens at 6:19 p.m. ****

No Comments

**** Public Hearing closes at 6:19 p.m. ****

c. **FINDING OF FACT**

d. **RECOMMENDATION OF PLANNING COMMISSION**

Commissioner Lehman: I move to accept the recommendations to staff to amend the Comprehensive Plan and forward that to City Council.

Commissioner Allen: I'll second.

MOTION #4 - Commissioner L. Lehman moved and Commissioner D. Allen seconded recommendation to City Council to approve amendment to the Comprehensive Plan.

**VOICE VOTE #4 – C. K. Norris, C. L. Lehman, C. D. Allen, C. J.D. Howard
ALL YEAS. Motion carried.**

SHORELINE MASTER PROGRAM UPDATE (797/4/510*)

**CONSULTANT PRESENTATION - Ben Floyd, Anchor QEA
Ferdouse Oneza, AICP, Oneza and Associates**

I. SHORELINE MAP

II. INVENTORY & CHARACTERIZATION

Tables – Updated based on comments at last meeting – Broke river up into four different reaches within city – Characterized information based upon what was existing in those reaches – This information provides technical foundation for Shoreline Master Update – Main body of information used to update program

Mr. Rutledge – Conoco and freeway area – Determination of zoning yet?

Mr. Floyd – No determination made yet – Discussing preliminary determinations

Commissioner Lehman – Significant amount of information to cover – Didn't get packet until Friday night – Request when have significant changes would like more time to review

Ms. Haug – Traditionally packets go out Friday before meeting

Commission Chair Norris – Maybe get packets week before – Have more time to review – Hard to get through in short time

Commissioner Lehman – What we have here is same as last time with changes made from comments last time?

Mr. Floyd – Correct

Commissioner Lehman – Can we do redlines strikeouts next time?

Mr. Floyd – Can go through changes now – Ownership Page 1 – Land Use – No changes – Comments only for background purposes – Water quality – Top of Page 3 – Added sentence “Recognizing most river pollutants come from upstream sources” – No other changes in that table – No changes to Reach 2 – In Reach 3 – First Page – Under description – Added description – Verified pictures where in Reach – One thing added in all Sections - Each table – Very end – “Accumulative Impact Considerations” – Last time – “Under development” – Important – Under Shoreline Management Act – Guidance State issued – Must demonstrate how to meet No Net Loss Requirement – No net loss of habitat functions and values – Accumulative Impact Consideration provides some background information considered when doing No Net Loss Evaluation – Impacts from Shoreline development within 200 foot area? Impacts from development outside the Shoreline area that could contribute – Look at all that and how affects habitat functions and values – That's why Accumulative Impact Considerations in each of them – If looking at end of 3 – Pages 6 and 7 of Reach 3 – Talk about how limited impact – Try to put this program into context – Every problem on Yakima River – Water quality issues – Maybe degraded habitat conditions – Only so much City's Shoreline Master Program can affect – Largely influenced by Bureau of Reclamation operation of river upstream – How much held back in storage reservoirs – How much released for irrigation – How much water withdrawn during irrigation season by K.I.D. and other irrigation districts – Returns from agricultural drainage – Watershed context – City's goal not to make things worse – What we demonstrate – City should focus on preventing further degradation of Lower Yakima conditions – Including impacts from recreation use and potential development along shoreline areas that can allow residential development – Potential water quality impacts from WWTP operations – Making sure plant functions properly – Water quality impacts from potential herbicide and fertilizers used on irrigated pasture, landscape lawn and garden areas – If vegetation alterations – Could affect organic matter getting into streams and other habitat benefits from that – Other impacts from non-native predation like domestic pets – Things identified City may have some authority over – In the grand scheme – If problem this big – City can only deal with part of it – All City can deal with but still need to identify what that amount is – That is focus

Mr. Dittmore - Three times last summer (sewage) came down river

Mr. Floyd – May have been illegal release - Call WA Department of Ecology – They regulate the flow and the water quality of the river - City regulates land use activity next to shoreline – Along shoreline – Only through permit activity – Within City

Mr. Carnahan – Please talk a little about birds nesting along the river – Geese and ducks – Down by my house – As far as fish and salmon – Nests in north stretch below railroad bridge – Nests all in through that area – All the way through City – Trout and bass – Salmon – Just wanted it noted – Birds do nest and do hatch in that area

III. HOW THE SHORELINE PLAN WILL FIT IN WITH BCMC

Mr. Floyd – Technical foundation – Used to start building Master Program – Have program in place – Will be updating – Essentially going to be replacing it with new program with some similar features – More details – Two items – One “Benton City Master Program Outline” – Gives overview of all different elements of program – Foundation embedded in most sections – Policies – Relating to protecting spawning and rearing – Public access – Land use – Agricultural activities – All things described within - Policies and Regulations – Protecting and/or condition future development as we move forward – In your program – Authority and Purpose Section – Introduction – Why is City doing this – What authority to do so – Second section - Goals and Policies – Draw from Comprehensive Plan and State requirements – Economic Development – Public Access and Recreation – Circulation – Car transportation and recreation activity – Bike Paths – Shoreline Uses and Modifications – Conservation – How to protect and manage historic, cultural and scientific and educational resources – Flood hazard – Largely existing flood hazard regulation – Private Property Rights – Areas with specific policies

Ms. Oneza – Based on City Comprehensive Plan and State rule – City can look at and if wants to change policy within the guideline of the SMA – Draft brought to you

Mr. Floyd – Environment Designations

Ms. Oneza – Environment Designations similar to Comprehensive Plan Land Use map – Different types of land use – Based on SMA – Entire shoreline designated in several land use called Environment Designations – Aquatic – Ordinary High Water Mark – Proposing Agricultural Conservancy – Floodway areas – Urban Conservancy – State park and commercial areas – Proposing Shoreline Residential – Already have some residential uses – Overlay of City land uses for consistency

Mr. Floyd – In addition to Environment Designations – Areas designated – Types of uses – Things allowed outright – Things allowed by Conditional Use process – Next area – Shoreline Statewide Significance – Special areas designated in State – Specific set policies and use preferences – State policies already established – Columbia River – Yakima River – Details on all sections as move forwards – Working on mental framework – Shoreline Policies and Regulations – First thing – Page 3 – Use Matrix – Matrix identifies all environmental designations – All potential uses that could occur – What’s allowed within different uses – What’s permitted outright – What would be a Conditional Use – What is prohibited – What other qualifiers associated with that – Looking for where rubber meets road in Shoreline Master Program – Is Shoreline Use Matrix – Good communication tool for public – Refer to table – Review criteria – Here’s the application process – Others may be trickier – Some additional mitigation requirements – Use Matrix details how process works – Summary – Shoreline Use and Modifications Matrix – Policies and Regulations related to Policy Section mentioned earlier – Archeological and Historical Resources – Environmental Protection – Shoreline Vegetation Conservation – Water Quality – Public Access – Flood Hazard Reduction – Set of regulations related to Shoreline modifications like boating facilities – Commercial Development within Shoreline area –

Dredging for examples – Fill and Excavation – Groins and Weirs – In stream Structures like a water diversion – Mining Activity if allowed – Some of these may end up falling out – Don't have it – Don't need it in there – Piers and Docks – Recreational Development – Residential Development – Habitat Enhancement Projects – State or Local Conservation Districts quite often do projects – Shoreline stabilization – Transportation – Trails – Roads - Parking – Utilities – Critical Areas for City – Wetlands – Fish and Wildlife Habitat – Conservation Areas – Geologic Hazard Areas – Flood Plain Management – Initially had Wellhead Protection Areas – Checked maps – Wellhead Protection Areas not within Shoreline jurisdiction so removed – Critical Areas Ordinance look similar to current ordinance – Will updated with science information from Inventory and Characterization Documents – Will be 100-120 pages long when finished – Basic elements only – Can't make it shorter – Better – If cross referenced – State has to review and approve change – If put in Code as own section – State approves once for Shoreline area – If City changes codes – State doesn't have authority to disallow – Add 30-40 pages to code but makes clean break in terms of authority – Oneza will talk about Existing Uses, Structures and Lots – Administration Authority

Ms. Oneza – In this subsection – Non Conforming Uses – Uses already have – Any structure – Typically under S.M.A. – If already have legal use permitted by City – Allowed and grandfathered – Will have wording to make sure those are maintained – How City maintains uses and structures within Shoreline – Park – How maintain – Administration and Enforcement

Mr. Floyd – About ten years ago – Helping with land use planning with City – Section – If structure burns – Whatever language City is comfortable with in zoning code likely to be pulled into this Section to be consistent

Ms. Oneza – We will make sure consistent – Administration and Enforcement – Permitting process – How City with implement entire SMA – Roles and responsibilities – Who will monitor permits – Requirements by law – Three types of permits – Substantial Development – Conditional Use Permit – Variance Permit – If one use is outright allowed – Will have to go through SDP Substantial Development Permit – Conditional Use CU – Then Variance - If that use is mentioned in chart that would have to go thru Conditional Use permit – That process would be separate from SDP – Basic difference if Substantial Use permit – Staff reviews and is within City – Conditional Use Permit is bit more of review process – Department of Ecology also wants to review and approve – If more restriction and more environmentally sensitive – Conditional Use – Variance Permit – Similar to City's zoning variance code – Appeal process – Typical administrative process we will add to document – Also add Definition Section – Qualify all definitions being used – Appendixes – Only one with map – Environment Designation Map – Will indicate designations – Comp Plan for shoreline area

Commissioner Lehman – Enforcement aspect – City enforcement or done through (inaudible)

Ms. Oneza – Combined – Different levels of enforcement – City has authority and certain enforcement limits – Beyond that goes to Ecology for enforcement – Initially City enforcing it

Mr. Floyd – Shared enforcement – Just like shared approval process – Continuation of City's authority to enforcement today – Failure to follow permit process – Admin review – Fine Process – If doesn't work – State may come in – May add more authority on top of that - Not that much different than City enforces today

Commissioner Allen – Shoreline Goals and Policies – R.C.W. – Probably should have access to this – Should be familiar with

Mr. Floyd – Lots of great materials – R.C.W. – Shoreline Planners Handbook – Packets of Information – Links to Web

Commissioner Allen – This is bible to whole thing – Your authority and everything you're getting are in this

Ms. Oneza – R.C.W. has wording and is the law – W.A.C. is another chapter provides guidelines – Follow both of those – The S.M.A. asks local jurisdiction to clarify own regulations – Not going to dictate – Ecology would have say but W.A.C. and R.C.W. are not going to be that specific in that regard

Mr. Floyd – There is some latitude – May not be super wide

Commissioner Allen – But in some cases if they want to throw their weight they can

Mr. Floyd – They can – You should probably get both the W.A.C. and the R.C.W. – 173.26 – Think about sections in blue – Building blocks – Got six different building blocks putting together for you into full program – Tonight we have the first building block on top the foundation within the outline – Environment Designation – These are preliminary – We looked at information and inventory – Existing characteristics – Land use – Habitat – Public Access – All the different things - Came up with four different environment designations – Go through now – Environment designations are like zoning or land use designations – Every zoning has a certain set of codes with it – Every land use has a certain set of uses associated with it – In Shoreline instead of calling it land use – Call is Environment designations – Every Shoreline jurisdiction has an aquatic environment designation – Area from Ordinary High Water Mark – Basically where vegetation starts on shoreline – Rock and cobble exposed – Gravel – Up a certain distance – Vegetation starts – Clear demarcation line where vegetation starts – From vegetation line down into water is the aquatic environment – Purpose of that environment and designation is to protect, restore and manage the unique characteristics and resources of area's water to the Ordinary High Water Mark – Designation criteria – How do we identify area – Area below High Water Mark into water – Specific management policies proposing for consideration – Deal with new overwater structures should be allowed only for water dependent uses – Boat ramp or launch – Public Access recreation or ecological restoration – Uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions – Wouldn't want to be in that area during low water time with backhoe scooping out gravels and leaving it until high water flow flushes sediments and degrade water quality downstream – In water uses should be allowed where impacts can be mitigated to insure no net loss of shoreline ecological functions – The policy is in every environment designation – Law – Must comply

Mr. Carnahan – Fish & Game Dept. dictates when and what you can dig in river

Mr. Floyd – Good point – How does this all work together – Is a Joint Aquatic Resource Permit Application – J.A.R.P.A. – Can be completed – Recommend it as part of your program – State Fish & Wildlife, the City, U.S. Army Corp of Engineers all accept as an application for something impacting water – One application completed and everyone reviews at same time – Still have to get letter from State, approval from City, acknowledgment from Corp. of Engineers – Applicant only has one form to fill out and covers 5-6 different permits including City Shoreline Permit – Same requirements – No net loss – Demonstrate how you will minimize or mitigate impacts in the Shoreline area

Commissioner Lehman – Check recently to see if requirements are actually in there

Mr. Floyd – Not with updated document – Although proposal very consistent with J.A.R.P.A Application – Your current program is not as specific as that application – Application probably gives more information than City currently requiring right now – Certainly worth verifying and will do so going forward with new program – Item C under Management Policies on first page – Permitted in water uses must be managed to avoid impacts to Shoreline Ecological functions – Unavoidable impacts must be minimized and mitigated – Goes thru several items – Chance to review it – Talks about affecting navigable waters with their beds – Not federal navigation – Canoe, boat navigation – Property damage

– Multiple or shared use of overwater and over access facilities are encouraged – Not many docks and water front development right on shoreline – If everybody had development – Suddenly more trees, shrubs taken out – River getting warmer due to loss of shading – Losing wood falling into river – Added up can be significant impact – Act says where you want to put a dock in – Maybe share with 3-4 houses – Go together – Nicer facility – Less impact on natural environment – Item E – Item F – Size it to what need not what think you need – Try to minimize over water structure to minimum necessary – natural light allowed to penetrate through dock – Effects fish habitat – Predators can hang out under docks – Juvenile salmon can't see – come out get salmon – Light allows fish to avoid those areas – Avoid predation - Specific requirements in J.A.R.P.A. form and State and Federal agencies related to how much light can go thru a dock – Uses, development activities, modifications should be in a shoreline designation that allows that use – Whatever happens above the Ordinary High Water Mark ought to be consistent with whatever the Environment Designation for that area – Any questions about Aquatic – Next one is Urban Conservancy

Ms. Oneza - Urban Conservancy – Thinking of proposing the area where park is right now and commercial area nearby – Purpose of Urban Conservancy is to protect and restore ecological function of open space – Why we're proposing park area for Urban Conservancy – Any publically owned lands, flood plain and other sensitive lands where exist in urban and developed settings – Basically not entirely improved – Open space – Publically owned – More opportunity for restoration – But still have some compatible uses – Designation criteria based on State law – Shoreline is located within Urban Growth Areas – Not going to be Urban Conservancy – More proposed for cities in the overall State guidelines – Shoreline has moderate to high ecological function – Not entirely developed – Ecological functions still doing okay – Can be enhanced and restored

Mr. Floyd – When you think about the park – Have developed area – Gravel area - Boat launch – Rope Swing – parking – All around from corner to bridge – All primarily native vegetation managed as a habitat within the City – Aquatic and terrestrial habitat – Perfect example of conservancy area

Commission Chair Norris – Map - Concerned about roundabout – Trees shading river – When construction starts – Will this fall under criteria

Mr. Floyd – If in place at time begin construction – If this approved first and their permit is after the fact – One of the regulations that would apply – State, J.A.R.P.A., hydraulic permit would also apply if going to impact waters of the State – If not – If comes thru before – Falls under current Critical Areas Code – good point about trying to have consistency between environment designation, zoning and land use

Mr. Rutledge – Harris property – Cornerstone Nursery – Plans for some time to do multi-uses in Commercial zone to waterfront - "Low Density Commercial Uses" – Please define

Mr. Floyd – Urban Conservancy

Mr. Rutledge – (Inaudible) - Physical Characteristics – Future Land Use - Park is park on one side of roundabout – (Inaudible) – Other side – High Intensity Commercial Use now – What does it mean to be Low Intensity Commercial Use on waterfront side – What's in that designation

Mr. Floyd – More of description of what exists currently – Don't have triple story building right up next to shoreline – Even though City has Commercial development over there – In the relative sense – Relatively low density – While there's been development and impacts – Development – But not as intense as some other

Mr. Rutledge – Today – In Ag or something zone now – Stopped until can get past this to know what can be done down there – Important question to ask

Mr. Floyd – Understood that area was Commercial

Mr. Rutledge – It is in City – It isn't this

(Inaudible)

Commission Chair Norris – Bring everything into compliance to match

Mr. Rutledge – I understand that – Didn't understand term Low Intensity Commercial Uses – Once written down – Go to do something as property owner – Start finding definitions different than normal Commercial Uses – Bring it up to understand what that means

Ms. Oneza – We could re-word that – Probably say Commercial Uses that are not highly intense

Mr. Floyd – All we're trying to do is describe what's out there currently

Mr. Rutledge – I understand – Once written down – Three years from now when starts to get interpreted – Been on the river – That language can bite you when the bureaucrat comes down (inaudible) – Interpretation that way

Mr. Floyd – We could say some – With some Commercial Uses

Mr. Rutledge – Don't know what they have planned down there

Mr. Floyd – Your question about the trees and things – It's a State project probably got some Federal money associated with it – Probably biological Assessment that is also prepared – Will identified whether removing trees – If not – Just says "No Effect" related to the repair and vegetation

Commission Chair Norris – That's what I was after – How was going to be designated – Seem like good place to bring up question

Mr. Carnahan – Roundabout is State project – Not directly federally funded – Two state highways

Commission Chair Norris – Process – How would it effect – Developments for City – How meshes

Mr. Carnahan – Fish & Game Dept. and Ecology people – When Cornerstone went in – Had to take trees out – Required to replace trees

Mr. Floyd – That's the kind of mitigation – Beauty of this – Will write it so that if they have other permits to get requiring more detail – You can accept as documentation – If they put together biological assessment - Won't require them separate habitat report – Take biological assessment – Use that – Use the provisions – Should have identified mitigation and minimization measures – Reference those in permit – Any questions? Think about this as being conservation focused – Allow some activity to occur – Lower Intensity – Not going to have something on corner between bridge and park – Not going to have hotel there – Takes out all vegetation – Affects all that function – Public land – Not likely to happen – In floodway – Conservation focus with some uses allowed in it

Ms. Oneza – Recreational uses

Mr. Floyd – Recreation – Limited Commercial – Commercial away from – Red area – House for sale

Mr. Sheeran – My place – May go back to Residential – Agricultural Residential

Mr. Floyd – It's in the floodway

Mr. Sheeran – (Yes) – Port of Benton pulled out of deal

Mr. Floyd – Agricultural Conservancy – Where floodway exists – Anyone below elevation – Today can't really develop due to floodway – Can do agricultural activities – Grazing – Irrigation

Mr. Carnahan – Quit Agricultural – Go with Suburban Agricultural – Don't have Agricultural zone in town

Mr. Floyd – Suburban Agricultural – Allowing variety of compatible Suburban Agricultural uses – We'll add that everywhere – Unless Planning Commission sees it differently

Commission Chair Norris – Haven't had time to read – Would prefer additional time to review before we put anything in stone

Mr. Floyd – Nothing is in stone – Reason for draft water mark – For discussion purposes – Any questions about any areas in Ag Suburban – Ag Conservancy

Commission Chair Norris – Haven't had time to read – Don't know if I have any questions or not – I might have some questions at our next meeting – (Inaudible) – Would like to have some time to go over and pick it apart

Ms. Oneza – Could we get your comments back in the next few weeks or so – Move on

Commission Chair Norris – Imagine we'll have another meeting before too long – (Inaudible) - don't know if I'll have any comments - (Inaudible) – Pig in a poke

Mr. Floyd – Would like some time to digest – Last one – Shoreline Residential – Areas along – West and south of us – Existing shoreline residential areas that occur – Primary purpose of these area – For Residential Uses – Lots of area in floodway – Not necessarily resource industries in areas – Planned or platted for residential use – Trying to achieve no net loss of ecological functions – Not taking it back to the way something thinks it should be – Way it is today – Why this document Inventory and Characterization really describes how it exists today – Joint dock facilities or recreational facilities – Trying to put access and utilities outside these areas if possible – Commercial Development should be limited to water oriented uses or part of a mixed use development – Overview of the Environment Designation – All we have for you tonight – Review information – Write down questions – Have comments – If you want – We count set deadline of two weeks – You could provide Stephanie questions and comments – We could have responses and be ready to talk about those at next meeting – Works for you

Commissioner Lehman – (Inaudible)

Ms. Haug – It hasn't been set – Twenty day notice period – (Inaudible) – Monday, February 25th

Mr. Floyd – On the 25th – You'll be out of town

Unidentified Female – Would like to ask question – On the map – Would appear my property is Shoreline Residential for part of way – Agricultural Conservancy the rest of way – How exactly would I in practical way be affected by this

Mr. Floyd – How big is your property?

Unidentified Female – Five acres

Mr. Floyd – Pretty much follows the shoreline?

Unidentified Female – It's a strip – I'd be in Reach 3 – Its right here

Mr. Floyd – We haven't necessarily mapped everything - That's all Ag Suburban –

Unidentified Female - Little gray lines – Ones in orange my property lines – Little chunk there

Ms. Haug – Reason it's half and Half – Portion in green is in designated floodway – This is just a land use map – The actual zoning of your property is Ag Suburban - That's entire parcel – On this map here – All dark green – On zoning

Unidentified Female – Never be any effect of Shoreline Management on what I could do with my property?

Ms. Haug – Shoreline jurisdiction is the designated floodway – All property in designated floodway would be affected by these regulations – Then 200 feet

Mr. Floyd – 200 feet from the Ordinary High Water Mark

Ms. Haug – Could potentially be farther up on your parcel

Commissioner Allen – The high water runs about 13 feet – Anything past that to 65 gets over the bank after 13 feet

Ms. Haug – Right – I would need to compare the 200 feet to (inaudible)

Mr. Floyd – I think she's right – Portion of her property is within the both the Residential and the Ag Suburban – We will have to consider that

Unidentified Female - Not that I have any immediate plans

Mr. Floyd – Example – One thing we do – Split designation – Ag Suburban part is a conservancy designation – Residential part is Shoreline Residential Designation – Front of property is conservancy – Back of property more development focused – Might be good candidate area for split designation – Looked at generally at 10,000 foot level – Haven't look at it parcel by parcel, area by area yet

Unidentified Female - May come up quite a bit – Nice little strip – Hawks hang out – May have nesting birds also

Mr. Floyd – This whole area in residential area and outside floodway – Good area to have split designation – Front half conservancy – Back half residential

Unidentified Female - So that would restrict how I use my property

Mr. Floyd – Different rules for different parts of property

Mr. Dittmore - First meeting – Property that had dropped off into river – Talk about it later – Has two trees – Half root system are half out showing – Big trees – Every flood we get takes a little more

Mr. Floyd – One of things in shoreline Master Program – Restoration Plan – Could be in that area – Before you leave – Anyone know of areas where you have erosion issues – To mark those – Is the whole shoreline erosion? Maybe what we'll propose or include in the restoration plan is some soft shoreline stabilization measures to still maintain habitat function in those areas – Hold shoreline in place

Mr. Dittmore - Lot of that erosion – Two big trees – Roots showing – Water roars down high speed – Goes underneath root system – Hits the bank – Every year – Been there two years – Caved in foot and a half loss right now

Mr. Floyd – Want to make sure we capture these areas in the Inventory and Characterizations document – Will look at that in terms of restoration measures – We can propose some actions related to that – Doesn't mean it will be funded

Commission Chair Norris – It is a river bank – City not responsible for river – Would set up process so you could restore if you wanted to – Be like something to do with riprap or protection – (Inaudible)

Unidentified Male - First meeting – Company in Richland wanted \$40,000 just for permits

Commission Chair Norris – We don't really have any control over State of WA permitting process for their waterways

Unidentified Male - Let her drop in the river then

Commission Chair Norris – Would be route to go within this program to be able to save that or restore – City being responsible – Out on a limb – Don't think City would be

Unidentified Male - I could hire company to do it – Want four times money just for permits

Commission Chair Norris – That would be what would affect you with this process now – As far as funding – Don't believe you're going to be there

Mr. Floyd – If identified as a restoration action – You could go to Benton Conservation District – Ask if doing project on property – If they can come up with money – Dedicate Right-of-Way for it – Potential – Be willing to plant more vegetation in the area as long as it will stabilize my shoreline

Mr. Carnahan – One thing that causes erosion – Water in summertime – Starts growing weeds – Makes an island – Have island never used to be there – Backs up water constantly – Starts a swirl – Cuts the thing in the bank – If the Fish & Game would come down and dig that out – It wouldn't erode

Mr. Floyd – Changes the hydraulics

IV. Q AND A

V. NEXT STEPS

DISCUSSION – NONCONFORMING USE (3161/4/694*)

Ms. Haug – At last meeting – Discussion about Non-Conforming Use and footprint verification – Provided in packet – Copy of Uses, Buildings, Structures and Lots Code – Just for a simplistic conversation – Quoting what code says – Essentially if property is damaged – One year to rebuild – Must acquire Building Permit within six months of damage – Has to be rebuilt as was – Can't expand or extend use – If single story – Has to be rebuilt as single story – Can't expand the square footage – Also

in flood code – If damaged more than 50% of value – Have to update to current Codes – If in flood code

Commissioner Lehman – Guess I'm just too tired to figure this out tonight

Commission Chair Norris – We can go over it next time - Discuss it later

Commissioner Lehman – I'm not going to be here next time

Ms. Haug – You're always welcome to come into City Hall

NEXT MEETING – Monday, February 25th, 2013 at 6 p.m. – Packet Information available Wednesday, February 20th, 2013 – Information on website

ADJOURNMENT (2927/1/798*)

Commission Chair Norris – Anything else before we adjourn? Planning Commission Meeting is adjourned

Meeting adjourned at 7:42 p.m. (3254/3/788*)

Stephanie Haug
Clerk of Board



Kyle Norris, Commission Chair
Planning Commission Board

Date: _____

3/25/13