

**City of Benton City  
Planning Commission Board Meeting Minutes  
April 29<sup>th</sup>, 2013**

**CALL TO ORDER** – (120/2/000\*Audio recording begins) Commission Chairman Norris called the April 29<sup>th</sup>, 2013 Planning Commission Board Meeting to order at 6:00 p.m.

**ROLL CALL** – (121/4/459\*) **Commissioners Present:**

**Commission Chairman Kyle Norris  
Commissioner Don Allen  
Commissioner Ivan Howard**

**Commissioners Absent:**

**Commissioner Linda Lehman** (Notified)  
**Commissioner J.D. Howard** (Notified)

**City Professionals Present:**

**Stephanie Haug, Clerk of Board**

**Other Professionals Present:**

**Ferdouse Oneza, AICP, Oneza and Associates** (via telephone)  
**Ben Floyd, Anchor QEA**

**PLEDGE OF ALLEGIANCE TO THE FLAG/U.S.** – Commission Chair Norris lead the Board and audience in the Pledge of Allegiance - (133/3/478\*)

**APPROVAL OF MINUTES FOR MARCH 25<sup>TH</sup>, 2013 PLANNING COMMISSION BOARD MEETING** (148/3/858\*)

**Commissioner Allen:** I go along with that. I think we ought to do that. Let's approve the Minutes as read.

**Commissioner I. Howard:** I'll second.

**MOTION #1** - Commissioner D. Allen moved and Commissioner I. Howard seconded to approve the Minutes of the March 25<sup>th</sup>, 2013 Planning Commission Board Meeting as written.

**VOICE VOTE #1** – C. K. Norris, C. D. Allen, C. I. Howard  
**ALL YEAS.** Motion carried.

**SHORELINE MASTER PROGRAM UPDATE – DRAFT S.M.P.** (164/3/909\*)

**Ben Floyd, Anchor QEA  
Ferdouse Oneza, AICP, Oneza and Associates** (via telephone)

**Commission Chair Norris** – Question regarding what constitutes a Shoreline Administrator?

**Mr. Floyd** – Probably be (CC/T) - Need to know who it is – Define

**Ms. Haug** – Usually the Mayor or his designee

**Commission Chair Norris** – Needs to be defined – Avoid confusion

**Ms. Ozena** – Page 55 of Shore Line Master Document – Administration and Enforcement –

**Mr. Floyd** – The Mayor or his designee – Keep general enough to be flexibility – One clear person to implement

**Commission Chair Norris** – Someone who knows something about this – Some thought should be put into this – Title comes up a lot

**Mr. Floyd** – One Shoreline application in seven years – Not major workload item – Does need to be handled correctly – Done in coordination with Ecology

**Ms. Haug** – Currently our shoreline jurisdiction is only 200 feet from the O.H.W.M. – Now more area included in the Shoreline

**Mr. Floyd** – Which will bump up number of permits

**Ms. Haug** – Majority of that space developed already

**Mr. Floyd** – Begin on Page 56

**Ms. Oneza** – Done with Shoreline Administrator Section – Roles and Responsibilities – Moving on to Hearing Examiner – Benton City already has Hearing Examiner in place

**Ms. Haug** – Land Use Appeal goes to City Council – Will send you code regarding this – Appeal of Administrative Decisions also go to Council – The Hearing Examiner does not hear Conditional Use Permit Applications – Planning Commission does – All in 2.70 of City Code – Breakdown regarding Appeals

**Ms. Oneza** - We'll look at that – We'll use that same process - We'll update this Section then

**Mr. Floyd** – Comfortable with that language? Is it consistent? Hearing process at Planning Commission level?

**Ms. Haug** – Yes – Any zoning amendments, etc. – Findings of Fact done at Planning Commission level with all the hearings – The recommendation to Council for final approval

**Ms. Oneza** – Most likely add a Section describing Planning Commissioner's role – Interpretation is next section – Describes role Shoreline Administrator would have ability to interpret – Regulations – Questions and confusion – Can discuss with Ecology to get their interpretation – Move on Statutory Noticing Requirements – Referring to W.A.C. Section required by law to comply with – Applications Requirements – Simply describes what is required for all types of applications – Shoreline Administrator has option to waive or add requirements - Shoreline Substantial Development Permits and Shoreline Conditional Use Permit – Most permit types likely to receive for Shoreline Administrator review – Criteria available to comply – Major difference between two permits is steps in process – As City – Would approve Shoreline Substantial Development Permit – With Conditional Use Permit – City would review and forward to Department of Ecology – Would need both City and D.O.E. approval – Shoreline Conditional Use Permit – Criteria – Site design compatible – Public interest – Shoreline Variance Permit – Similar in terms – Hardship – Review criteria – Not a particular favor to any one property owner – When applies – Conditions need to be demonstrated by applicant – Duration of Permits – Exemptions from Shoreline Substantial Development Permits – List of what is exempt and what isn't – Before you exempt any particular use – Compliance is mandatory – Just because use is exempt does mean don't need to comply – Exempt from permit process – Letter of Exemption – Process when exemptions should be given to a particular use – Interpretation of exemptions – Listing all uses generally exempt from permit process but not compliance of S.M.P. – If none of the apply to City – Can be removed – Initiation of Development – After permit issued – When to start development – Review Process – Appeals Process

**Ms. Haug** – Appeals go to City Council at this time

**Ms. Oneza** – Then goes to Shoreline Hearing Board and then to Superior Court and Court of Appeals – Typical – Amendments – Process described – Enforcement – Little bit more than typical Code Enforcement – Gives City little bit more authority – Cumulative Effects for Shoreline Developments – Periodically assess effectiveness of S.M.P. – Cumulative Impact Assessment Report – Keep note each new development – Measures of the effect – Amendments to Shoreline Master Program – Major finding – Was not available in original process – Needs amendment – Process for this amendment – Definitions

**Mr. Floyd** – In outline of Shoreline Master Program – Section Critical Areas left blank – Took City's existing Critical Areas Ordinances combined into one document – Edited to make applicable to City's Shoreline Master Program and to meet State requirements – Changes – Reasonable Use Exception – Piece of property – Wetlands – Riparian Vegetation along stream – Leaves small area to develop – Could impact Wetlands and Riparian Vegetation to make that property developable – Under Shoreline Master Plan – Reasonable Use Exception goes away – Provision of No Net Loss of ecological functions needed to meet as part of S.M.P. – Can still impact but must make some other improvement to Shoreline or to Wetland or Riparian vegetation – No net loss – One difference between Critical Areas Code outside the Shoreline jurisdiction and the code within the Shoreline jurisdiction – Make up for effect you have - Example – Information – Up front sections – Took out some provisions – Relationships to other provisions – Shoreline Administrator – Page 4 – Section 80 – Took out items related to effects on building permits – Administrative stuff redundant or not applicable – Took out – Removed best available science – Different standard under S.M.P. – Allowed activities – Few changes – Use Matrix – Already process to permit trail in Shoreline jurisdiction – Critical Areas acts as overlay to that Shoreline Substantial Development or Conditional Use Process – Covered through separate processes – Page 8 – Reasonable Use Exception struck – General Review Process updated – Same with different types of report requirements – Have wetland on property – State species identified – Have to put together report based on current critical areas code for function and how to protect – Not many changes of significance – Page 16 – Removed penalties provision – Already in S.M.P. – Building setbacks deleted – Working on it – Setbacks required for certain types of facilities and constructions – Inconsistent

**Ms. Oneza** – Will try to use same numbers used in Critical Areas – All in one place

**Mr. Floyd** - Page 18 – Code updated 2003 or 2004?

**Ms. Haug** – 2010

**Mr. Floyd** – Based on language put together for starting discussions with Planning Commission in 2002 – There are some late and greater provisions State would like to see – City may want to go back and amend City's Critical Areas Code for outside Shoreline jurisdiction

**Ms. Haug** – I think all our Critical Areas are Shoreline

**Mr. Floyd** – Thought you had couple wetlands outside – Will have to look at map – Floodway on map – Another 200 foot – Shoreline jurisdiction area – Also buffer – Buffer doesn't have to be to edge of floodway – Some Riparian function here – 99% along river – Grazing, structures – Proposed more narrow buffer – Example of area might want to amend – Same with Wetlands – Wetlands more complicated – Evaluation process identified by State – Based upon U.S. Army Corp of Engineers – Semi arid lands – Information included here – Category of Wetlands same – Page 19 – Deleted definitions – Already included – Table format – Buffers Page 24 & 25 – High intensity use – Hotel – Lots of light – Noise – Restaurant – Higher impact than trail – Category I, II & III – Wider buffer for high intensity use – Buffers vary based on type of wetland – Simply wetland – Buffers 25 – 50 ft. – As get higher in functionality – Buffers get wider – More to protect – Same process applies – Report – Functions of wetland – Standard for Eastern Washington – What D.O.E. expects – Tool to be more

precise – Works well – Other area updated – Allowed buffer uses – Took out several activities – Also covered in Uses Table – Page 28 & 29 – Next area in Wetlands – Mitigation Ratios – Deleted items on pages 33, 34 & 35 – Added in new ratios – Updated as well – Most wetlands right along river – Unlikely to ever be impacted – But if so – Process in place based upon latest scientific information – Proven process applied to Easter Washington to use – Page 33 – Out of Kind Mitigation – Meet No Net Loss of Ecological Function – Can't replace a Wetland with more Riparian vegetation – Performs different functions – Deleted Mitigation Sequencing – Covered in other areas – Not much change in frequently flooded areas except to add Channel Migration Zone – Inventory and Characterization Report – Area regulated same as floodway – Map 2 – See where Channel Migration Zone – Yellow dashed line – Somewhat follows floodway – Over time – Based upon soils – River could move – See if can't match City's floodway – Area regulated just like floodway – Geologically hazardous areas – Basically not changing – Fish & Wildlife Habitat Areas – Few changes – Biggest change to buffers – How these buffers apply – Overlaid – All provisions apply – If just riparian buffer – Few areas along river – Urban Conservancy environment – Buffer only has to be 100 ft. – Picks up all vegetation and Riparian function along river – Or 25 ft. outside the floodway or Channel Migration Zone – Right now shows 200 ft. – Can probably just be 25 ft. – Other streams along south side of City and river behind Conoco and drops into river – Directly behind coffee place – Intermittent stream – Doesn't flow a lot – May be able to reduce a little – Basically 50 ft. setback either side of stream – Could get by with 35 ft. – Doesn't flow that much – Not a lot of function there – Flows out of Weber Canyon – Only flows for a few weeks a year if at all – Dependent upon rain and snow fall – 50 ft. out of City's current code – Can justify less – Pages 58 & 59 – Removed provisions didn't apply – Covered in Use Tables – Took out violations, limitations – All in S.M.P. – Gets folded into Master Program – Doubles language in Code – Must be addressed

**Commission Chair Norris** – Pretty well spelled out

**Mr. Floyd** – Standards based on professional judgments – Only thing missing is Bulk and Dimensions Table – Not talking Restoration Plan and Cumulative Impact – Headed there next – Will get this information in May

**Ms. Oneza** – Should get Bulk and Dimensional at May meeting – More understanding at May meeting

**Commission Chair Norris** – Are you going to have a Public Hearing at the next meeting?

**Mr. Floyd** – I don't think the next meeting

**Ms. Haug** – Next meeting will be moved up a week due to Memorial Day – Scheduled for 20<sup>th</sup> instead of the 27<sup>th</sup>

**Mr. Floyd** – Packet needs to be ready – Can we have until the 15<sup>th</sup>?

**Ms. Oneza** – Restoration Plan and Cumulative Impact – Don't need to be adopted – Informational

**Mr. Floyd** – Need to see to know what we're sending to State – Good clarification – At meeting on May 20<sup>th</sup> – Will look at Bulk and Dimensions Table – Will have draft Cumulative document – Will have a draft Restorations Plan – Will have whole program compiled – Probably won't give compiled document – Have the pieces – Wait until Public Hearing – Should have well in advance of June meeting

**Commission Chair Norris** – If no more interest in Public Hearing as there is in these hearings – Won't matter too much – Would be nice to have final copy of packet

**Mr. Floyd** – Will also be Shoreline Environment Designations Map included – Already identified the areas – Will be shown on map

\*\*\* NEXT MEETING – MONDAY, MAY 20<sup>TH</sup>, 2013 – 6 P.M. \*\*\*

**ADJOURNMENT** (1822/4/425\*)

**Commissioner I. Howard:** I move to adjourn

**Commissioner Allen** – We've got something else coming up soon?

**Ms. Haug** – Next meeting – Will have Variance and Conditional Use Application to process – In order for Conditional Use Application to be approve – Variance Application will need to be approved – Did not apply for Variance in time for Public Hearing – Postponed

**Commission Chair Norris:** I have a motion to adjourn the meeting; is there a second?

**Commissioner Allen:** I think I can second that.

**Commission Chair Norris:** It's been moved and seconded; all in favor?

**MOTION #2** - Commissioner I. Howard moved and Commissioner D. Allen seconded to adjourn the April 29<sup>th</sup>, 2013 Planning Commission Board Meeting.

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

Planning Commission Meeting ended at 6:57 p.m. (1847/4/322\*)

  
Stephanie Haug  
Clerk of Board

  
Kyle Norris, Commission Chair  
Planning Commission Board

Date: 5/20/13