

**City of Benton City
Planning Commission Board Meeting Minutes
June 24th, 2013**

CALL TO ORDER – (85/4/244*Audio recording begins) Commission Chairman Norris called the June 24th, 2013 Planning Commission Board Meeting to order at 6:00 p.m.

ROLL CALL – (87/3/546*) **Commissioners Present:**

Commission Chair Kyle Norris
Commissioner Don Allen
Commissioner Linda Lehman
Commissioner J.D. Howard

Commissioners Absent:

Commissioner Ivan Howard (Unexcused)

City Professionals Present:

Stephanie Haug, Clerk of Board

Other Professionals Present:

Ferdouse Oneza, AICP, Oneza and Associates
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 - (86/4/235*)

APPROVAL OF MINUTES FOR MAY 20TH, 2013 PLANNING COMMISSION BOARD MEETING
(114/4/387*)

Commissioner Allen: I make a motion that we approve the Minutes as written.

Commissioner Lehman: I second.

MOTION #1 - Commissioner D. Allen moved and Commissioner L. Lehman seconded to approve the Minutes of the May 20th, 2013 Planning Commission Board Meeting as written.

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

SHORELINE MASTER PROGRAM UPDATE - (132/1/775*)

Ferdouse Oneza, AICP, Oneza and Associates
Ben Floyd, Anchor QEA
Information in packets

Mr. Floyd – Several items in front of you tonight – Complete draft of SMP – Tried to highlight changes made since last discussion – In blue – Also have complete map-folio – Show different maps put together – Environment Designations Map – After SMP – Shows specific environment designations going through – Regulations in SMP correlate with designations – End of SMP – Map #11 – Memo follows regarding Riparian Buffers – May meeting – Questions about basis for buffers – Requirements for – Can discuss tonight – Restoration Table – Walking through that – Covers information we'll be talking about tonight – Oneza is going to walk through a presentation – Covers highlights of SMP – Interactive – Please ask questions as we go – Any specific provisions you'd like to cover – What we're here for tonight – To share update information

Commission Chair Norris – At end of this discussion – Will this be considered the finished product?

Mr. Floyd – Draft product – If make a lot of changes – Difficulty understanding – Delay – If minor tweaks – Probably say approve as amended for tonight's meeting – Go forward with approval – We'll make those updates and provide to City Council for their approval – Meeting set for July 8th – Council Workshop to discuss – Anticipate sometime shortly after that – Beginning the adoption process – May be time in between for Council to provide us with additional comments – Likely to be some DOE comments – May come back to you for modifications - May not be completely done - Good start

A. DRAFT SMP

B. ENVIRONMENTAL DESIGNATIONS MAP

C. RIPARIAN BUFFERS MEMO

D. RESTORATION PLAN TABLE

Ms. Oneza – Information has been seen before – Refresh memories – What process is – Why we're doing that – Tonight's agenda for SMP process – Will talk about SMP planning process and content – Modifications and regulations – Critical Areas – Restoration Plan Tables – State statutes – We are following – Required – Key principals of SMP – Balance between environmental protections, public access and water oriented uses – Follows state guidelines – Balance of laws of ecological functions and preferred uses – Overall processes – Completing all processes now – Working towards local adoption now – What constitutes shoreline jurisdiction for Benton City – Floodways – 200 ft. from OHWM – Shoreline Jurisdiction and Inventory – Had prepared Inventory – Reviewed, provided comments and been updated – DOE to review and provide comments – City Land Use Map – Looked at state guidelines – Goals and Policies follow state guidelines to address elements – Economic Development – Public Access – All these are outlined in the state law – Environment Designation – City currently have 1975 SMP document already – Still have to comply – New one will replace old one – We have proposed more tailored environment designations after looking at land use and ecological functions and existing uses are – Shoreline environment developed based on City's land use and ecological function – Matches with Floodway, existing land use – This is not going to affect any existing uses – Applies to new development and new shoreline uses – Environment designations – Aquatic – Water-ward from OHWM – Protects and manages the characteristics of the natural resources – Urban Conservancy – Public an unimproved land – City Park areas – Provides some recreational uses – Agricultural Conservancy - Mostly Ag Suburban in City – Matches – Protects existing ecological functions – Some of the low intensity uses like agricultural uses there now would be allowed – Shoreline Residential – Residential Uses – Existing uses will be consistent – High Intensity – Commercial areas outside Floodway – Within Floodway – Proposed urban conservancy – Outside Floodway would be High Intensity – Commercial uses will continue – With consideration of ecological protections – General standards – No Net Loss of Ecological Functions – Water dependent Uses shall be preferred – Given priority over water related and water enjoyment would be second priority – Single Family Residential Use is preferred use – Guidelines – Public Access of shoreline is priority under state guidelines – Regulations under all these items – Looks at all sorts of regulations that do not apply to Benton City and removed – Agriculture – Existing and future Ag uses shall be allowed – Where agriculture SMP provisions would apply – If ongoing Ag use, would not apply – If any changes being made – New document would apply – Fertilizer and pesticides usages – Water quality protections – Boat facilities – Existing boat launches to continue – New boating facilities – Non-motorized boats to be allowed – Standards for Accessory Uses and Environmental protections – Highlighting key areas – Commercial developments – Standards for water oriented commercial development would be prioritized – Criteria for non-water oriented uses when allowed – Added some application review criteria – Commercial Uses has to be compatible with surrounding uses – Public Access – Standards for fill and excavation – Should be minimal unless necessary – Excavations shall not be located where stabilization required – Shoreline erosion – Recreational Developments – One of Preferred Uses – Talks about access to shoreline, enjoyment and use of shoreline – Passive or active recreational development – Trails and water oriented recreational uses (5:13:4/587* Audio recording ends) (-0:38:26** Video recording begins) – Preference and

state law – Non-motorized access such as trails preferred – Residential development preferred – Accessory uses and structures outside Riparian Buffers – New Shoreline requirements – Shall insure stabilization and flood control structures not necessary – Bulkhead – Could affect shoreline – State guidelines would try to be consistent with Comp Plan and land use – Density – Critical Areas – Five types of Critical Areas

Mr. Floyd – Took existing Critical Areas code – Stripped those not applicable – Included additional provisions – 2003 – New requirements – Deleted certain provisions – Included in Shoreline Reasonable Use exception – Questions? – (528/3/186*Audio recording begins) (-0:35:48**Video recording ends)
Trees, shrubs and things along shoreline used by small animals – Provides vegetation and organic material going into stream to improve habitat – Provides shade and cover – Controls erosion – Vegetation holding soil in place – Provides water quality treatment – Identified – Different widths to provide what is needed to protect area - Riparian Vegetation in City can be as little as ten feet – Some areas have river, slope and vegetation – Might have few trees and shrubs here – Two or three feet in elevation above river – Into sagebrush, cheat grass – Very narrow Riparian area – In other areas with lower elevation – River – Gradual increase where flood waters can come up and hit area – More vegetation – Cottonwoods, willows and rose bushes grow – Reason for wide range – Tried to split difference in some of our buffer recommendations – Different dimensions associated with each different functions – Came up with Urban Conservancy – Basically 75 ft. for all of these – Primarily based upon water quality protection and typical vegetation seen on shoreline – Some provisions could use – Have provisions to use buffer averaging can be brought in for certain areas – Average number – Not maximum or minimum – Can be wider in some areas and more narrow in others – Riparian Buffer to protect riparian vegetation – If steep slope or has wetland in area – Buffer for wetlands – Buffer for streams – Whichever is widest to capture everything – Overlapping requirements depending on what's on ground – Restoration Plan Table – Any questions or comments?

Commissioner Lehman – More concerned about implementation and enforcement – How it fits together – Have number of land owners asking questions – Not clear on enforcement

Mr. Floyd – Doesn't affect existing uses whether conforming or non-conforming – Affects change of use or expansion of use – Mitigation to meet No Net Loss – Baseline is where it is today

Commissioner Lehman – Cut down overgrown bushes – Have to replace?

Mr. Floyd – Depends on function – Manage non-native, invasive, noxious weeds – Provisions for these allowing management – Sections 16.04.240 – Page 29 – Item D – Page 30 – Specific to development

Commissioner Lehman – Should we add something specific to existing conditions

Commissioner D. Allen – What about natural disaster destruction of native trees – Would homeowner be responsible to replace?

Mr. Floyd – FEMA likely to provide money to restore

Commissioner Lehman - Should make it simpler – Cover letter

Mr. Floyd – Perhaps ordinance – Resolution providing specific language to protect existing property – Have section on existing property rights – Maybe create summary

Ms. Haug – Page 62

Mr. Floyd – Allowed areas within Critical Areas provisions – Accepted vegetation removal areas

Commissioner Lehman – Think I should be printed upfront in plain language for citizens –

Commission Chair Norris – Would be hard to simplify

Commissioner Lehman – Cover letter or summary to guide homeowners – Limits and terms of regulations – Protection from unintended citations

Mr. Floyd – FAQs section up on website addresses many of these concerns

Commissioner D. Allen – Handout for property owners – Big issue - What can I do/not do? Needs to be spelled out

Commissioner Lehman – How/who decides when restoration needed or required?

Mr. Floyd – City has Restoration Plan to be approved as part of this process – Set of actions that can be implemented to improve shoreline ecological function – Table in packet – 12 pages - Non binding document – Do best can to follow – Much of City's shoreline already protected by Floodway regulations

Commissioner Lehman – Overview - Can Stephanie just decide what happens where?

Mr. Floyd – New project or development as mitigation – Or conservation district may approach with offer – Would homeowner be interested – Possible lease payment

Commissioner D. Allen – Would homeowner be required?

Mr. Floyd – No – Strictly voluntary

Commissioner Lehman – What can you do to improve (utilize restoration plan)? Appeals back to Planning Commission from City Council

Commission Chair Norris – You won't catch every issue

Mr. Floyd – But there are some common ones

Ms. Oneza – Example – Park property – Develop another boat launch area – Mutual restoration possible – Restoration Plan has identified particular actions could be used to enhance area

Commission Chair Norris – Comes right down to this document doesn't coerce private owners to doing anything other than maintain what they have – City can only control City ground – Private property grandfathered in unless new developments are applied for

Mr. Floyd – Provisions already in place through Critical Areas Code – However City manage, enforce or implement – Focuses on Shoreline but provisions pretty close to what City has – Something to share with citizens - Environmental Map #11 – Questions? Riparian Buffers – City already has wider buffers than required - Change from 200 ft. (existing) to more accurate to 75 ft. – Less restrictive area - Restoration Plan table – General actions – Less detailed than other Shoreline Management Program Updates – Benton City smaller area – Not many of these issues – Developed more general set of standards to be included – Page 1 of 12 in 12 page table – List of general actions identified within different reaches and functions they meet – Starting point for future actions – As part of project or willing participant on voluntary action

Commission Chair Norris – Any questions? On Restoration Table or memo? I think we'll go to our Public Hearing at this time - It's 6:45, Public Hearing is open – Would anyone like to make any comments?

PUBLIC HEARING – SHORELINE MASTER PROGRAM UPDATE - (1425/1/475*)

**** PUBLIC HEARING ****

**** Public Hearing opens at 6:45 p.m. ****

No Public Comments

**** Public Hearing closes at 6:45 p.m. ****

Commission Chair Norris – Pretty well into draft – Getting finalized product – At this time – Do we need to move it on to City Council – One more meeting?

Ms. Haug – You can make recommendation to Council

Commission Chair Norris: I would ascertain a motion whether to move this on to City Council with a yes or no or a positive or negative recommendation at this time.

Commissioner J.D. Howard: I make a recommendation that...I move to make a recommendation to move this to the City Council...with a positive recommendation for adoption send to Council with a positive recommendation for adoption.

Commissioner Lehman: I'll second.

MOTION #2 – C. J.D. Howard moved and C. L. Lehman seconded to recommend sending the Shoreline Management Program Update to the City of Benton City Council for adoption.

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

NEXT MEETING – MONDAY, JULY 22ND, 2013 – 6 P.M. (1490/3/400*)

ADJOURNMENT (1504/2/665*)

Commission Chair Norris adjourned the June 24th, 2013 Planning Commission Board Meeting at 6:48 p.m.

Planning Commission Meeting ended at 6:48 p.m. (1505/1/419*)


Stephanie Haug
Clerk of Board


Kyle Norris, Commission Chair
Planning Commission Board

Date: 7/22/13