

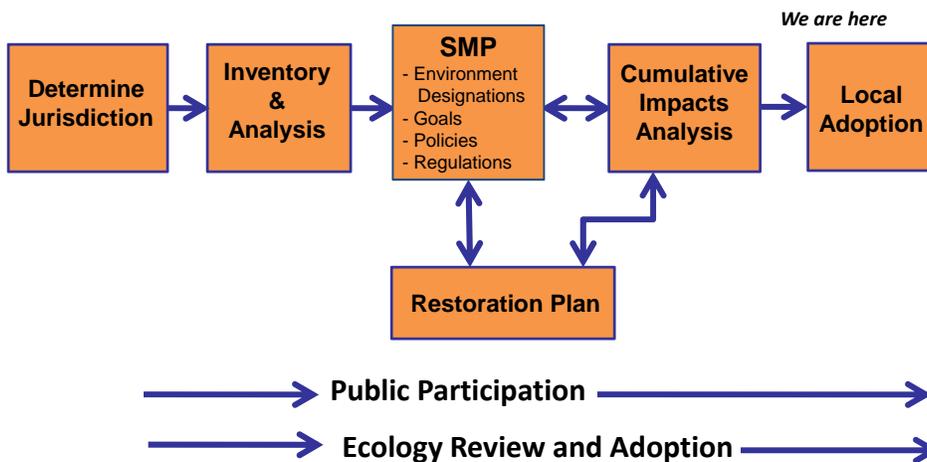


Benton County Shoreline Master Program Update

SMP Workshop
March 11, 2014



What is the Process?



SMP Update Process

(Ecology figure)

SMP UPDATE PROCESS	SPECIFIC PLANNING TASKS	PRODUCTS
Phase 1: Preliminary Shoreline Jurisdiction and Public Participation Plan	Task 1.1: Identify preliminary shoreline jurisdiction - shorelines & shorelands Task 1.2: Develop public participation plan (letters, technical, Ecology, other stakeholders) Task 1.3: Demonstrate how Phase 1 complies with Guidelines	Product 1.1: Preliminary map of local shorelines & shorelands subject to the SMP Product 1.2: Public participation plan Product 1.3: Documentation in SMP submittal checklist
Phase 2: Shoreline Inventory & Shoreline Analysis & Characterization	Task 2.1: Complete shoreline inventory Task 2.2: Conduct shoreline analysis Task 2.2.1: Characterize ecosystem wide processes Task 2.2.2: Characterize shoreline functions Task 2.2.3: Conduct shoreline use analysis Task 2.2.4: Analyze public access opportunities Task 2.3: Prepare shoreline inventory and characterization report Task 2.4: Demonstrate how Phase 2 complies with Guidelines	Product 2.1: Draft list of inventory data sources, digital maps of inventory information Product 2.2: Shoreline inventory and characterization report with map portfolio & GIS data, including: <ul style="list-style-type: none"> • Characterization of ecosystem-wide processes • Characterization of shoreline functions • Identification of potential protection and restoration areas • Shoreline use & public access analyses • Shoreline management recommendations Product 2.4: Documentation in SMP submittal checklist
Phase 3: Shoreline Environment Designation, Policy & Regulation Development, Cumulative Impacts Analysis	Task 3.1: Conduct community visioning process Task 3.2: Develop general goals, policies & regulations Task 3.3: Develop environment designations Task 3.4: Develop shoreline use & modifications policies, regulations & standards Task 3.5: Develop administrative provisions Task 3.6: Prepare preliminary cumulative impacts analysis Task 3.7: Demonstrate how Phase 3 complies with Guidelines	Product 3.1: Community visioning report Product 3.2-3.5: Complete Draft SMP, including: <ul style="list-style-type: none"> • Draft general goals, policies & regulations • Draft environment designations • Draft shoreline use & modifications policies, regulations & standards • Draft administrative provisions Product 3.6: Preliminary cumulative impacts analysis Product 3.7: Documentation in SMP submittal checklist
Phase 4: Restoration Plan; Reviving Phase 3 Products as Necessary	Task 4.1: Prepare restoration plan Task 4.2: Revise environment designations, policies and regulations; finalize jurisdiction maps Task 4.3: Demonstrate how Phase 4 complies with Guidelines Task 4.4: Demonstrate how Phase 4 complies with Guidelines	Product 4.1: Restoration plan Product 4.2: Revised SMP, cumulative impacts analysis & jurisdiction maps Product 4.3: Final map report Product 4.4: Documentation in SMP submittal checklist
Phase 5: Local Approval	Task 5.1: Assemble complete draft SMP and submit to Ecology for informal review Task 5.2: Complete SIPA review, documentation Task 5.3: Provide GMA 60-day notice of intent to adopt Task 5.4: Hold public hearing Task 5.5: Prepare responsiveness summary and respond to public comments Task 5.6: Adopt SMP and submit to Ecology Task 5.7: Demonstrate how Phase 5 complies with Guidelines	Product 5.1: Final draft SMP Product 5.2: SIPA products (checklist, MINUTE, GMA notice) Product 5.3: Evidence of compliance with GMA notice requirements Product 5.4: Public hearing record Product 5.5: Responsiveness summary Product 5.6: Complete SMP submittal package Product 5.7: Documentation in SMP submittal checklist
Phase 6: State Approval	Task 6.1: Provide public notice & opportunity for comment; respond to comments received Task 6.2: Prepare decision packet including findings & conclusions, transmittal letter, conditions of approval (if any), & responsiveness summary Task 6.3: Work with local government to finalize local adoption	Product 6.1: Responsiveness summary Product 6.2: Decision package submitted to local government Product 6.3: Final SMP adoption incorporating any Ecology conditions of approval; SMP takes effect

Where Does this Apply?

- **Minimum Shoreline Jurisdiction**
 - Stream \geq 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



Jurisdiction Illustration

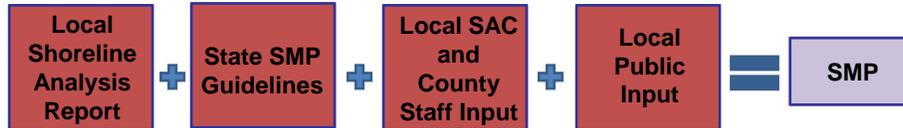


What are the Basic Principles of the SMA?

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



SMP Development Process

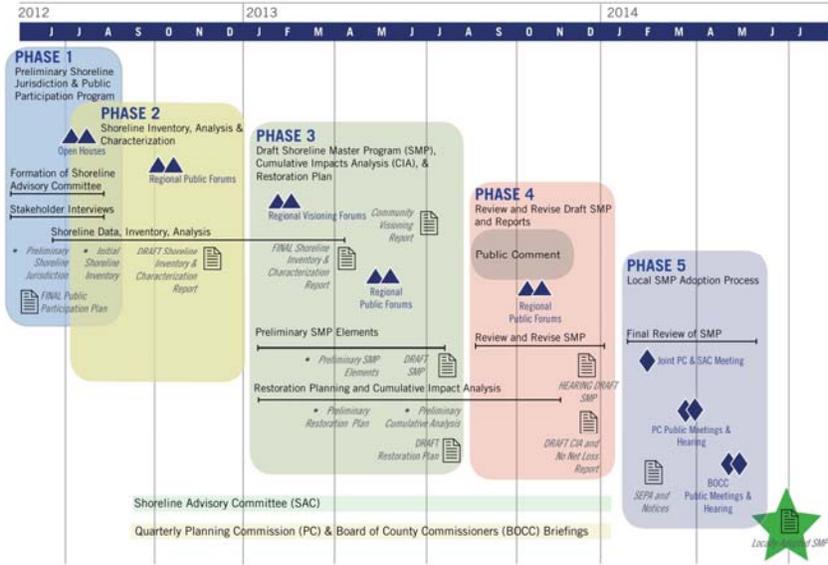


How has the Public been Involved?

- ✓ Open Houses & Forums (4 sets)
 - Inventory & Analysis
 - Visioning
 - Draft SMP
 - Revised Draft SMP
- ✓ Shoreline Advisory Committee (14 meetings)
- ✓ Public Access Focus Group
- Planning Commission Meetings & Hearing
- BOCC Meetings & Hearing

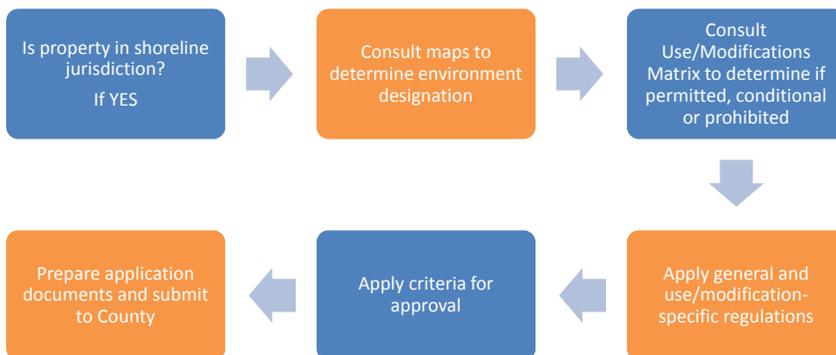


Benton County Shoreline Master Program Update Public Participation Approach



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How to Use the SMP



Key Features of the SMP

- Recognizes existing conditions
 - Environment designations
 - Shoreline buffers
- Special attention paid to agriculture and single-family residential uses
- Consistent with relevant state and federal regulations
- Flexible, clear and concise



What are Environment Designations?

- A system to classify shoreline areas into different “districts” where particular activities are preferred, e.g. Residential, Rural Industrial
- Functions as an overlay to help manage the shoreline character
- Underlying zoning and development regulations still apply



Proposed Environment Designations

- Rural (existing)
- Conservancy (existing)
- Natural (existing)
- Urban Transition Area (new)
- Rural Industrial (new)
- Residential (new)
- Hanford (new)
- Aquatic (new)



Proposed Environment Designations

Rural Industrial



Rural

Use and Modification Matrix

- Use allowances
 - Permitted & Exempt
 - Conditionally Permitted
 - Prohibited
- Based on
 - County plans & zoning
 - State laws/rules

Table 04.110-1 Use and Modification Matrix

Shoreline-Use-or-Modification	Urban-Transition-Areas	Rural-Industrial	Rural	Residential	Conservation	Natural	Heritage	Aquatics
Key:								
S = Shoreline Substantial-Development Permit or Exemption								
C = Shoreline Conditional-Use Permit								
X = Not allowed → N/A = Not Applicable								
Agriculture								
Agricultural Activities, Existing and New	S	S	S	S	S	C	X	N/A
Commercial Dairying, Poultry-Raising, Commercial-Hog Ranches, Animal Feedlots and Stockyards	X	X	X	X	X	X	X	N/A
Agricultural Stands	S	S	S	S	X	X	X	N/A
Agricultural-Related Industries	C	S	S	X	X	X	X	N/A
Agri-tourism	C	S	S	X	X	X	X	N/A
Aquaculture								
Commercial	X	C	C	X	X	X	X	see adjacent upland environments
Non-commercial	S	C	S	X	C	C	S	see adjacent upland environments
Boating and Private Moorage Facilities								
Boat Launches								
Public	S	X	S	C	C	X	X	see adjacent upland environments
Commercial/Industrial	C	S	C	X	C	X	X	see adjacent upland environments

Shoreline Vegetation and Buffers



- Requirements do not apply retroactively to *existing* uses and developments
- Alterations allowed for views and safety
- Buffers:
 - Based on existing conditions
 - Flexibility for water-dependent uses
 - Flexibility for accessory uses and structures
 - Conservancy environment – design standards in lieu of a one-size-fits-all buffer.
 - Existing legal single-family residential development in buffer is a conforming structure.

Current Buffers

- Rivers:
 - 100'
 - OR to the top of the bank where there is one that is 50' or more in height, as measured along its incline from the toe, with a slope of 5:1 or greater, and covered predominantly with native vegetation
- Creeks: 50'

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Proposed Shoreline Buffers

Environment Designation	Columbia River	Yakima River
Urban Transition Area	Consistent with interlocal agreement to apply city SMP. If no agreement is in place: <ul style="list-style-type: none"> • Water-dependent: 0 • Water-related: 50 • Other: 50 	Consistent with interlocal agreement to apply city SMP. If no agreement is in place: <ul style="list-style-type: none"> • Water-dependent: 0 • Water-related: 50 • Other: 50
Rural Industrial	<ul style="list-style-type: none"> • Water-dependent: 0 • Water-related: 50 • Nonwater-oriented: 100 	NA
Residential	50 buffer + 50 building setback	75 buffer + 25 building setback
Rural	<ul style="list-style-type: none"> • Water-dependent: 0 • Water-related: 50 • Other: 100 	Water-dependent: 0 Water-related: 75 Other: 100
Hanford	200	NA
Conservancy	Water-dependent: 0 Other water-oriented: see Section 06.030(e)(4) Nonwater-oriented: 200	<ul style="list-style-type: none"> • Water-dependent: 0 • Other water-oriented: see Section 06.030(e)(4) • Nonwater-oriented: 150
Natural	200	NA

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Shoreline Buffers



Columbia River – Residential environment

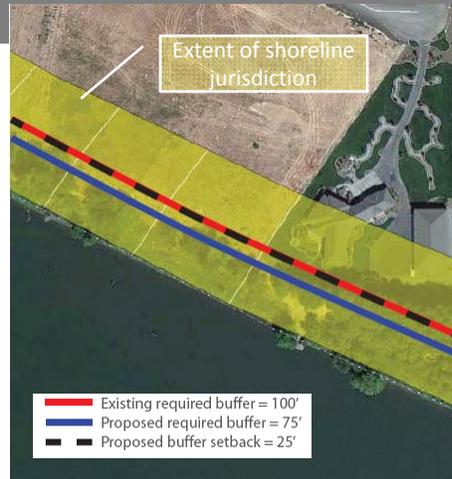
"Buffer" means a designated area used to separate incompatible uses or protect resources or development. Buffers are generally undeveloped areas.

"Building Setback" means a line which establishes a definite point beyond which the foundation of a building shall not extend; this line is measured from the upland edge of the shoreline buffer.

Shoreline Buffers



Yakima River – Rural environment



Yakima River – Residential environment

Shoreline Buffers and Setbacks

- Allowed in Buffers and Building Setbacks
 - Water-dependent uses
 - Accessories to water-dependent uses when certain criteria are met
 - Residential pathway to access water
- Allowed in Residential Building Setbacks
 - lawn, landscaping, decks, patios and other alterations that are no taller than 36"
 - Minor non-permanent structures taller than 36" that are normal residential accessories, such as play structures, picnic tables and benches, or trellises

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



Shoreline Public Access Visioning

- Visioning Survey
 - Current and desired future shoreline uses
 - Physical and Visual Access
 - Preservation and restoration options and tools
- Public Access Focus Group
- Public Access Plan/Framework
- Public Access SMP Regulations

SMP Public Access Regulations

- Based on Public Trust Doctrine and Respectful of Private Property Rights
 - Waters of the State are a common resource available to all.
 - Does not allow trespass over private property.
- Public Access Plan details areas with potential to be developed for public access.
- Protects publicly-owned access points from interference by nearby development.

4/12/2014

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SMP Public Access Requirements

- Public access required for certain uses:
 - New shoreline recreation or water-enjoyment uses associated with a marina.
 - Development proposed or financed by a public agency, or commercial uses on public land.
 - Nonwater-oriented uses.
 - Development likely to generate demand for access.
 - Uses that would otherwise interfere with public use of the shoreline.
 - New public flood hazard reduction measures (dikes, levees, etc.).

4/12/2014

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SMP Public Access Requirements

- Public access not required if:
 - Public Access Plan does not indicate a need in the area.
 - Public access already available within ¼ mile, or elsewhere within the overall development.
 - Economic cost of access is unreasonably disproportionate to the value of the development.
 - Development of fewer than 4 single-family residences.
 - Purely agricultural use.
 - Infeasible due to health, safety, or security requirements.
 - Providing public access would harm the shoreline environment or be detrimental to an Endangered Species.

3/21/2014

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SMP Public Access Standards

- Physical access is preferred to visual access.
- Shared community access for multi-lot or multifamily developments is preferred over individual access.
- Off-site access may be permitted if it results in greater or equal public benefit.
- The County may assess a fee-in-lieu where improvements can be better accomplished by a public agency.
- Public access shall be compatible with adjacent properties (vegetation, fencing/screening, etc.).

3/21/2014

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Summary of Next Steps

- Planning Commission
 - Workshop, March 2014 (today)
 - Hearing and Deliberation, April 2014
- Board of County Commissioners
 - Workshop, May 2014
 - Hearing and Deliberation, June 2014