

ORDINANCE NO. 2575

AN ORDINANCE AMENDING CHAPTER 19.03 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "CLASSIFICATION AND DESIGNATION OF RESOURCE LANDS AND CRITICAL AREAS AND REGULATIONS FOR THE CONSERVATION AND PROTECTION OF RESOURCE LANDS AND CRITICAL AREAS"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 19.03 of the Moses Lake Municipal Code entitled "Classification and Designation of Resource Lands and Critical Areas and Regulations for the Conservation and Protection of Resource Lands and Critical Areas" is amended as follows:

19.03.200 Reasonable Use Exception to Allow for Reasonable Economic Use:

- A. If the application of this chapter will prevent any reasonable economic use of the owner's property, then the applicant may apply to the Community Development Department for an exception from the requirements of this chapter. The request for an exception may be applied for in accordance with the provisions of Chapter 20.05 entitled "Consolidated Application Process"
- B. The Community Development Director shall forward the application, along with the record submitted to the City and the Director's recommendation, to the Hearing Examiner for a decision.
- C. The Hearing Examiner shall grant an exception only if:
 - 1. Application of the requirements of this chapter will deny all reasonable economic use of the property.
 - 2. There is no other reasonable economic use with less impact on the sensitive area.
 - 3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the proposed site, and is consistent with the general purposes of this chapter and the Comprehensive Plan.
 - 4. Any alteration is the minimum necessary to allow for reasonable economic use of the property.
- D. The Hearing Examiner shall grant an exemption from the requirements of this chapter only to the minimum necessary extent to allow for reasonable economic use of the applicant's property.
- E. the Hearing Examiner shall condition any exception from the requirements of this chapter upon conditions recommended by the City and upon compliance with any mitigation plan approved by the City.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on July 27, 2010.

ATTEST:



Ronald R. Cone, Finance Director



Jon Lane, Mayor

APPROVED AS TO FORM:


James A. Whitaker, City Attorney