



Moses Lake Planning Commission

REMOTE ACCESS ONLY

Citizens can join this meeting via phone by calling the numbers listed at the bottom of the agenda or by audio only option online: <https://cityofml.zoom.us/j/97194590281>

Thursday February 11, 2021 @ 7PM

Regular Meeting Agenda

Call to Order – 7 p.m.

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Agenda Items:**
 - A. Approval of Minutes from January 14 Meeting
 - B. Draft Neighborhood Meeting Ordinance- Melissa Bethel
 - C. Sleep Shelters Presentation- Taylor Burton
- 4. Public Hearing:**
 1. Sleep Center Code Amendment- will provide a definition of “sleeping shelter” in the zoning code as an allowed use in the C2-Commercial zone- Vivian Ramsey
- 5. Staff and Commission Questions**
- 6. Adjourn**

*Citizens who would like to address the Planning Commission can submit written comments to the Planning Commission Secretary no later than 3 p.m. on the day of the meeting. Comments will be provided to Commission electronically and recorded in the meeting minutes. Citizens who would like to speak on matters during the meeting will need to complete the following form no later than 3 p.m. on the day of the meeting. There will be a five-minute limit per speaker. <https://lweb.cityofml.com/Forms/Planning-Commission-Speaker-Request>



MOSES LAKE PLANNING COMMISSION MINUTES OF JANUARY 14, 2021

Commissioners Present (Virtually): Nathan Nofziger (Chair), Gary Mann, Anne Henning, Eric Skaug, Charles Hepburn

Commissioners Absent:

Staff Present: Community Development Director Melissa Bethel, Planning Manager Vivian Ramsey, Secretary Michelene Torrey, Associate Planner Amy Harris, SCJ Alliance Contract Planners Charity Duffy and Alicia Ayars.

The meeting was called to order at 7:00 p.m.

Motion:

Nominations for Chair and Vice Chair were heard and Charles Hepburn nominated Nathan Nofziger as Chair and the nomination was seconded by Gary Mann. A vote was taken and a unanimous decision was made to re-elect Chair Nofziger.

Gary Mann nominated Charles Hepburn as vice chair and the nomination was seconded by Anne Henning. A unanimous decision was made to re-elect Vice Chair Hepburn.

Minutes for October 15, 2020 meeting were motioned to approval by Gary Mann and seconded by Charles Hepburn.

Welcoming New Commission Member

Nathan introduced the newest member of the Planning Commission, Eric Skaug.

Item # 1 (Shoreline Presentation)

Alicia Ayars and Amy Harris presented a slideshow on Shoreline and the upcoming project of updating the Shoreline Master Plan in the near future. Discussion centered around current issues with the SMP including habitat and existing lots on the lake.

Item #2: Comprehensive Plan Video:

Community Development Director Melissa Bethel provided a video for the commission to watch prior to the meeting, she then gave us a brief update on the progress of the Comprehensive Plan currently being updated by the City. There was also discussion of a code update after the comprehensive plan has been completed.

Planning Commission Questions and Comments:

Director Melissa Bethel requested a different start time for the Commission meetings, a start time of 6:00PM was agreed to by Commission members.

Charles Hepburn commented about having more study sessions in the coming months regarding Comprehensive plan.

Meeting adjourned at 8:13 PM by Chair Nofziger.

Nathan Nofziger

Chair,



STAFF REPORT

To: Planning Commission
From: Melissa Bethel, CDD
Date: February 5, 2021
Proceeding Type: Discussion
Subject: Neighborhood Meeting Ordinance

Legislative History:

- | | |
|------------------------|------------|
| • First Presentation: | PC 2/11/21 |
| • Second Presentation: | |
| • Action: | |
-

Overview

Commissioners,

Attached you will find an Ordinance for the requirement of neighborhood meetings for new development when adjacent to residential zoning. As you are all aware, the City is experiencing massive growth and some projects may impact residential areas more than others. These projects can be contentious when discovered by adjoining neighbors or property owners. Presently, our code does not allow for Site Plan Approval with notification on commercial projects. This means larger commercial projects go straight to building permit with no notice to adjoining or nearby residents. Requirements for neighborhood meetings are common among cities and help resolve many of the conflicts or questions neighbors might have before the application is submitted.

Staff is seeking comments and discussion on the attached Ordinance. Staff plans to bring the Ordinance to the Commission for public hearing and a recommendation to City Council in the future.

Council Committee Reviews

The City Finance Committee will review the Ordinance on February 9, 2021. The Municipal Services, Community Development Committee will review the Ordinance on February 17, 2021.

Legal Review

Type of Document	Title of Document	Date Reviewed
Ordinance	Neighborhood Meeting Ordinance	January 27, 2021

ORDINANCE – First Presentation

**AN ORDINANCE AMENDING CHAPTER 20.09 TITLED
“REVIEW AND APPROVAL PROCESS” TO ADD A NEW
SECTION 20.09.015 TITLED “NEIGHBORHOOD MEETINGS”**

Recitals:

1. The City of Moses Lake is currently undergoing a Comprehensive Plan update; and
2. Neighborhood meetings as part of a Land Use Application are commonplace among cities; and,
3. The City of Moses Lake is experiencing unprecedented growth; and,
4. Neighborhood meetings provide the public and nearby residents an opportunity for the applicant to inform the neighborhood about the project early in its planning stages and ensure early citizen participation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOSES LAKE,
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Moses Lake Municipal Chapter 20.09, “Review and Approval Process”, is amended to add a new section 20.09.015, titled “Neighborhood Meetings”, as follows:

20.09.015 Neighborhood meetings.

A. The purpose of neighborhood meetings is to:

1. Provide a forum for interested individuals to meet with the applicant to learn about the proposal early in the review process.
2. Provide an opportunity for meaningful public input.
3. Provide a dialogue between the applicant, citizens, and city officials whereby issues can be identified.
4. Provide an opportunity for applicants to address concerns generated by individuals and incorporate possible changes.

B. A neighborhood meeting will be required for the following when adjacent to or in residential zoning:

1. Conditional use permits;
2. Infill development;
3. Planned residential developments; PUD’s, PURD’s

4. Mixed use developments;
5. Preliminary plats; Subdivisions, Short Plats
6. Commercial Developments

C. When a neighborhood meeting is required, it shall be conducted by the applicant prior to submittal of a counter complete application. The applicant shall notify the city of the date and time of the meeting. At least one representative from city staff shall be in attendance. The applicant shall mail notice of the neighborhood meeting to the same individuals to whom notice is required for the notice of application Section 20.07.020 at least fourteen calendar days in advance of the meeting. The applicant shall provide the city with an affidavit of mailing. A sign-in sheet shall be provided at the meeting, giving attendees the option of establishing themselves as a party of record. A summary of the attendees and comments received by the applicant shall be included in the application submittal.

D. Applicants may choose to hold additional neighborhood meetings in order to provide an opportunity to address concerns generated, provide additional information, propose changes to plans, or provide further resolution of issues. If the applicant holds additional meetings, there is no specific requirement of notice or city attendance. However, the city shall make effort to attend meetings where appropriate and when the applicant has notified the city that additional meetings are taking place.

Section 2. Severability. If any section of this ordinance is found to be unconstitutional or invalid as written or as applied to any particular person or circumstances, no other section of the ordinance shall be deemed to be invalid, but rather, should be deemed to have been enacted independently and without regard to the section affected.

Section 3. Effective Date. 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 of the City of Moses Lake, WA and signed by its Mayor on _____, 2021.

David Curnel, Mayor

ATTEST:

Debbie Burke, City Clerk

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

Vote:	Riggs	Liebrecht	Myers	Jackson	Curnel	Eck	Hankins
Aye							
Nay							
Abstain							
Absent							

Date Published:

Date Effective:

January 28, 2021



To: City of Moses Lake Planning Commission
From: Vivian Ramsey, Planning Manager

RE: Public Hearing amending Title 18 to include a definition of “Sleeping Shelters” and allowing the use Sleeping Shelters in the C2-Commercial zone.

Background

In May 2019, the City Council approved Resolution 3764, electing the City to operate a homeless program. The need for a site to operate a homeless program was reviewed with the City Council in May and August of 2020, with a site identified in August of 2020.

On September 22, 2019, City Council approved the City Manager execute a lease for the site location on which the City would operate the first project of its homeless program. The Sleep Center (Project Open Doors) started operations on December 11, 2020. The site is administered by the City of Moses Lake, and managed by HopeSource through a contractual obligation.

The original siting decision and type of shelter used was made under the emergency provisions declared by the City of Moses Lake related to the COVID-19 crisis and associated grant funding. As it is anticipated that the need for assistance to the homeless will outlive the current crisis, staff is recommending codifying the use of the shelter structures for lodging.

Under current Moses Lake Municipal Code (MLMC) and Building Code, the sleeping shelters used at the Project Open Doors do not meet the definition of habitable structures. In order to operate Project Open Doors as part of the City’s Homeless Program, the MLMC must be amended to authorize the use of “sleeping shelters” and regulate future uses to be administered by a public agency or non-profit organization in conjunction with a public agency. The proposed amendment to the MLMC permits these uninhabitable structures (per Building Code) to be used as “sleeping shelters.” As proposed, the structures will not be allowed by private entities as a habitable structure and are not permitted to be used as Accessory Dwelling Units (ADUs.)

Proposal Summary

This proposal will provide a definition of “sleeping shelter” in the zoning code as an allowed use in the C2-Commercial zone. As proposed, sleeping shelter is defined in MLMC 18.03.040 as:

MLMC 18.03.03.040 “Sleeping Shelter” means a structure not exceeding 96 square feet in area without utilities, that is used for the purpose of sleeping by indigent persons on a temporary basis.

In MLMC 18.30.030 Allowed Uses, the Land Uses in Commercial Zones table will be updated with footnote #25 to the C2 column of the “Lodging and assembly” Use Category. The MLMC is proposed to be amended as:

	C-1	C-2	CI-A	NC
Services				
Service uses (other than those listed below)	A	A	A	A ¹¹
Professional offices, other than medical/dental/psychiatric	A	A	A	A ¹²
Medical/dental/psychiatric office or clinic	C	A	A	C ¹²
Hospitals	X	C	C	X
Clubs, lodges, assembly halls	A	A	A	X
Lodging and assembly	A	A ²⁵	A	X
Recreational vehicle parks (in compliance with Chapter 18.71)	X	C	C	X
Banking and financial services	A	A	A	C ¹²

25. "Sleeping Shelters, as defined in MLMC 18.03.040, shall be permissible for use in C-2 Zones when such shelters are administered by a Public Agency and/or Non-Profit Organization in conjunction with a Public Agency, when such Public Agency and/or Non-Profit Organization shall administer the use of Sleeping Shelters for the purpose of housing indigent people. The Building and Planning Officials may exempt any applicable Building Code Regulations, Planning Regulations and/or Permitting Requirements as deemed necessary for such use after review"

Planning Commission Action

After closing the public hearing, the Planning Commission should discuss the proposal and make a recommendation to City Council to the approve, deny, or modify the proposal.

Respectfully submitted,

Vivian Ramsey
Planning Manager

Enc:
DNS
State Agency Review

DETERMINATION OF NON-SIGNIFICANCE



Proposal: Non-Project Action amending MLMC Title 18

Description of proposal: Proposal to amend zoning regulations to provide for a definition of “sleeping shelters” and allowing such use in the C2-Commercial zone.

Proponent: City of Moses Lake

Location of proposal: C-2 Commercial Zone

Lead agency: City of Moses Lake

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2)(c). The decision was made after review of a completed checklist and other information on file with the lead agency. This information is available to the public upon request.

Determination of Non-Significance (DNS) Comment Period: This DNS is issued under 197-11-33355 (Optional DNS) and does not have a comment period.

Responsible Official: Melissa Bethel, P.O. Box 1579, Moses Lake, WA, 98837; (509)764-3751

Date: November 4, 2020

Signature: 
Community Development Director

Appeals

You may appeal this determination to the Moses Lake Hearing Examiner, P. O. Box 1579 (321 S. Balsam), Moses Lake, WA 98837, no later than **November 18, 2020** by writing to the Responsible Official at the above address. You should be prepared to make specific factual objections. Contact Vivian Ramsey (509) 764-3749 or vramsey@cityofml.com to read or ask about the procedures for SEPA appeals.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

10/15/2020

Ms. Vivian Ramsey
Planning Manager
City of Moses Lake
401 S Balsam
Post Office Box 1579
Moses Lake, WA 98837

Sent Via Electronic Mail

Re: City of Moses Lake--2020-S-1914--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Ms. Ramsey:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed Ordinance amending the zoning code adding a definition for "sleeping shelters" and permitting such in the C2 Zone.

We received your submittal on 10/15/2020 and processed it with the Submittal ID 2020-S-1914. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 12/14/2020.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call William Simpson, (509) 280-3602.

Sincerely,

Review Team
Growth Management Services