



## Moses Lake Planning Commission

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### 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/94729848915>

**Thursday April 15, 2021 @ 6PM**

### Regular Meeting Agenda

Call to Order – 6 p.m.

1. Roll Call
2. Agenda Items:
  - A. Approval of Minutes from March 11 Meeting
  - B. Fee Schedule-Melissa Bethel
3. *Public Hearing:* Neighborhood Meeting Ordinance
4. Staff and Commission Questions
5. 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>

Call In: 1 253 215 8782 ID: 947 2984 8915



## **MOSES LAKE PLANNING COMMISSION MINUTES OF March 11, 2021**

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

Commissioners Absent:

Staff Present: Community Development Director Melissa Bethel, Planning Manager Vivian Ramsey, Planning Permit Technician Michelene Torrey

The meeting was called to order at 6:00 p.m.

Motion to approve as February minutes amended by Commissioner Mann and seconded by Commissioner Skaug. The amendment being a small change to verbiage on the motion for the sleep center, showing that the motion was passed with one nay.

### Item # 1 (Updated Draft Neighborhood Meeting Ordinance)

Bethel drafted and supplied an updated sample Neighborhood Meeting Ordinance that would require certain projects to hold a neighborhood meeting for an upcoming project. The update included locations for the meetings as well as looking for solutions for an accurate traffic count. Discussion regarding the location of the meetings as well as the cost for the developer and staff involvement was at the forefront.

### Public Comment: Danielle Escamilla (Western Pacific Engineering)

Ms. Escamilla voiced concerns regarding the location and cost of holding the neighborhood meetings.

Planning Commission Questions and Comments:

Director Bethel thanks the commission for their comments on the neighborhood meeting. Bethel also introduced the Creative District as well as a Gateway feature on Broadway. Updates were given to the Planning Commission on the Comprehensive Plan status. Commissioner Henning mentioned that the Commission size was small for Moses Lake's growing population.

Meeting adjourned at 7:10 PM by Chair Nofziger.

\_\_\_\_\_  
Nathan Nofziger

Chair,

**RESOLUTION NO. 21-01**

**A RESOLUTION OF THE CITY OF MOSES LAKE, WASHINGTON, AMENDING DEVELOPMENT CODE RATES, FEES,  
AND CHARGES SCHEDULE F**

BE IT RESOLVED by the Mayor and the City Council of Moses Lake, as follows:

**SECTION 1.** The rates, fees and charges set forth on the attached Exhibit "A" which is incorporated herein, are adopted by this reference and new charges, fees, and rates will be effective xx, 2021 unless otherwise noted within a specific item/section.

**SECTION 2.** Resolution 01-2021 is hereby amended to be consistent with this resolution and updates Schedule F of the City of Moses Lake's Rate Resolution effective through Res. xx-xxx, adopted xxxx, 2021.

**SECTION 3.** This resolution and any amendment thereto shall be published in summary form in the official newspaper of the City of Moses Lake.

Passed by the City Council of the City of Moses Lake and approved by the Mayor in an open public meeting on the xx day of xx, 2021.

APPROVED:

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David Curnel Mayor

ATTEST:

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Cindy Jensen, Finance Director

CITY OF MOSES LAKE

FEE SCHEDULE

EXHIBIT A – Schedule **F** Updates

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## SCHEDULE F

### City of Moses Lake Rate Resolution

#### Development Code Rates, Fees and Charges

**See UPDATED SCHEDULE F to REPLACE THIS TABLE BELOW**

<b>1. <u>Legislative Actions:</u></b>	<b>Existing Fee</b>	<b>Proposed Fee</b>
a. Comprehensive Plan Amendment Request <b>Phase 1 – Initial Application</b> <b>Phase 2 – If approved, fee for process</b>	\$500.00	<b>\$500.00</b> <b>\$500.00</b>
b. Annexation Request	\$500.00	<b>\$1,500.00</b>
c. Zoning/Code Text Amendment Request	\$500.00	<b>\$600.00</b>
<b>d. Developer Reimbursement Agreement</b>	\$300.00	<b>\$1,100.00</b>
<b>2. <u>Quasi-judicial and Administrative Actions:</u></b>		
a. Site-Specific Rezones	\$500.00	<b>\$500</b>
b. Zoning Variance or Conditional Use Permit	\$300.00	<b>\$1,650.00</b>
c. Home Occupation	\$100.00	<b>\$100.00</b>
d. Boundary Line Adjustment	\$150.00	<b>\$300.00</b>
e. Binding Site Plans Plus, per lot fee	\$150.00 \$50.00	<b>\$800.00</b> <b>\$50.00</b>
f. Short Subdivision Application Fee Plus, per lot fee	\$150.00 \$50.00	<b>\$800.00</b> <b>\$50.00</b>
g. Planned Development	\$500.00	<b>\$1,650.00</b>
h. Major Subdivision Application Fee Plus, per lot fee	\$300.00 \$50.00	<b>\$1,650.00</b> <b>\$50.00</b>
i. Plat Alternations, Amendments or Vacations	\$200.00	<b>\$650</b>
j. Revisions to Subdivisions, Short Subdivisions, Binding Site Plans After Preliminary Approval Plus, per lot fee	\$150.00 \$25.00	<b>50% of original fee</b>
k. Rehearing Fee and Final Review of Subdivisions, Binding Site Plan and Preliminary Subdivision (per lot)	\$50.00	<b>\$150/hr</b>
l. SEPA Checklist Review w/out Public Notice <b>(Exemption)</b>	\$100.00	<b>\$100.00</b>
m. SEPA Checklist Review w/ Public Notice <b>(Non-Exemption) (DNS)</b>	\$200.00	<b>\$350.00</b>
n. SEPA Checklist Review w/ Public Notice <b>(Non-Exemption) (DNS)</b>	\$300	<b>\$350.00</b>
o. <b>SEPA Co-Lead or Assumption of Lead Agency</b>	\$0	<b>\$50/hr</b>
p. SEPA EIS	\$500.00	<b>\$1,000</b>

q. Appeals of Code Interpretations, SS, BSP, Other Admin. Decisions	\$300.00	<b>\$800</b>
r. Appeal of SEPA Administrative Decisions	\$300	<b>\$50/hr</b>
<b>s. Revisions to Approved Land Use Permits</b>	<b>\$0.00</b>	<b>50% of original fee</b>
t. Hearing Examiner Flat Rate	\$800.00	<b>\$800</b>
u. Hearing Examiner Special Hearing Hourly Rate	\$150.00	<b>\$150/hr</b>
v. Construction Site Plan Review Fee	\$100.00	<b>\$50/hr</b>
1) First 1 to 5 acres	\$100.00	
2) Each additional acre	\$10.00	

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**Recommended Organization with Fees Below to REPLACE THE TABLE ABOVE**

**UPDATED SCHEDULE F**

**City of Moses Lake Rate Resolution  
Development Code Rates, Fees and Charges**

**Pre-Application Review (Required for all Subdivisions and Planned Developments)**

- |  |           |
|--|-----------|
| 1. A 30-minute, Pre-Application Discussion (Planning Staff only)   | No Charge |
| 2. Pre-Application Meeting (Multiple department reps)<br>(Pre-application meeting notes provided to applicant with 14 days of meeting) | \$150.00  |

**Legislative Action**

- |  |                     |
|--|---------------------|
| 1. Comprehensive Plan Amendment/Rezone         |                     |
| a. Initial application                         | \$500.00            |
| b. If approved, fee for process                | \$500.00            |
| 2. Annexation                                  | \$1,500.00          |
| 3. Developer Reimbursement and Collection Fees | \$1,100.00          |
| 4. Right-of-Way Vacation                       | \$100.00            |
| 5. MLMC Text Amendments                        | \$1,100.00          |
| 6. Revisions to Approved Permits               | 50% of Original Fee |

**Subdivision Permits**

- |  |                               |
|--|-------------------------------|
| 1. Short Subdivisions                      | \$800.00, plus \$50 per lot   |
| 2. Major Subdivisions                      | \$1,650.00, plus \$50 per lot |
| 3. Final Plat (Short or Major Subdivision) | \$100                         |
| 4. Binding Site Plans                      | \$800.00, plus \$50 per lot   |
| 5. Planned Unit Development                | \$1,650.00, plus \$50 per lot |
| 6. Plat Alteration                         | \$650.00                      |
| 7. Boundary Line Adjustments               | \$300.00                      |
| 8. Revisions to Approved Permits           | 50% of Original Fee           |

**State Environmental Policy Act Review (SEPA/NEPA)**

- |                                |          |
|--------------------------------|----------|
| 1. SEPA Review (Exempt)        | \$100.00 |
| 2. SEPA Compliance (DNS; MDNS) | \$350.00 |
| 3. SEPA Co-Lead                | \$50/hr  |



- |  |                                     |
|--|-------------------------------------|
| 4. NEPA/SEPA Environmental Assessments<br>(Recovery of all consultant costs will be billed<br>in addition to the fee per a prearranged<br>agreement) | \$1,000.00                          |
| 5. Environmental Impact Statement<br>(Recovery of all consultant costs will be billed<br>in addition to the fee per a prearranged<br>agreement)      | \$1,000. 00                         |
| 6. SEPA Appeals  | <i>See Hearing Examiner Section</i> |
| 7. Revisions to SEPA Review  | 50% of Original Fee                 |

**Other Land Use Actions/Permits**

- |                                  |                     |
|----------------------------------|---------------------|
| 1. Conditional Use Permit        | \$1,650.00          |
| 2. Home Occupation               | \$100.00            |
| 3. Variances                     | \$1,650.00          |
| 4. Development Agreement         | \$1,800.00          |
| 5. Critical Areas Review         | \$100.00            |
| 6. Administration Interpretation | \$800.00            |
| 7. Revisions to Approved Permits | 50% of Original Fee |

**Pre and Post Construction Site Plan Review**

- |                                    |         |
|------------------------------------|---------|
| 1. Building Department Hourly Rate | \$50/hr |
| 2. Planning Department Hourly Rate | \$50/hr |

**Hearing Examiner**

- |   |            |
|---|------------|
| 1. Hearing Examiner Flat Fee                    | \$800.00   |
| 2. Hearing Examiner Special Hearing Hourly Rate | \$150/hr   |
| 3. Appeal                                       | \$1,500.00 |
| 4. Motion for Reconsideration                   | \$100.00   |

**1. City's Actual Costs for Notice.** In addition to the fixed fees for project permit applications above, the Applicant shall reimburse the City for the actual costs incurred by the City in providing such notice of the development application as is required by law.

**2. City's Actual Costs for Review – Advance Deposit of Funds.**

a. In the event the City, at the City's sole discretion, requires assistance in the review of a development application, including but not limited to engineering, planning and legal services, including any extraordinary fees associated with the City's Hearing Examiner, any cost incurred to obtain such assistance shall constitute an additional fee, and shall be paid by the applicant.

b. When the City determines that it will require outside professional assistance, it shall notify the applicant thereof, and shall require the applicant to deposit with the City an amount to

secure the payment of the fees for the outside professional assistance, in an amount determined by the City, in its sole discretion, prior to commencing or continuing the review of the development permit application. The City may also establish a minimum balance of funds which the Applicant shall maintain with the City; not to exceed \$50 per hour for City staff.

c. The City may draw from the deposited funds to pay the actual costs of outside professional assistance or costs for notice, and shall provide the Applicant with notice of such payment.

d. If the balance of funds on deposit is less than the minimum balance established by the City, the Applicant shall deposit additional funds, within thirty (30) days of notice therefore given by the City, or the processing of the development permit application by the City shall cease until such time as the City has received the required amount of funds from the Applicant.

e. When the City does not require the deposit of funds to secure the payment of the cost of outside professional assistance or notice, the Applicant shall pay the City the amount of said costs within thirty (30) days of being billed by the City, during which time the processing of the project permit application by the City will cease.

f. Final approval of a development permit application will be contingent upon the payment to the City of all outstanding fees and costs incurred by the City pursuant to this section.

g. Upon final approval of a development permit application, the City shall return any funds on deposit with the City to the Applicant.



## STAFF REPORT

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To: Planning Commission  
From: Melissa Bethel, CDD  
Date: April 15, 2021  
Proceeding Type: Discussion  
Subject: Neighborhood Meeting Ordinance

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### Legislative History:

- |                        |                         |
|------------------------|-------------------------|
| • First Presentation:  | Discussions PC 2/11/21; |
| • Second Presentation: | 3/11/21                 |
| • Action:              | PC PH 3/15/21           |
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### Overview

Commissioners,

At the request of the City Council, staff has prepared a Neighborhood meeting ordinance which would require developers to host a neighborhood meeting when certain types of development take place. The purpose of the neighborhood meeting is to provide an opportunity for the applicant to inform the neighborhood about the project early in its planning stages and ensure the applicant pursue early citizen participation. The idea is to give property owners in the area an opportunity to learn about the proposals that affect them and to try to identify concerns in the early stages of the application process. This enables the applicant an opportunity to address any issues identified at the meeting before preparing plans for application.

The Commission discussed the Ordinance on February 11, 2021 and March 11, 2021 and made comments expressing a desire to reduce the requirements for neighborhood meetings, defining “infill” and logistics of where meetings would be held.

Staff has reduced the list of land uses which would trigger the meeting requirement. In addition, the requirement for the meeting to be within the city limits was added to help be as accommodating as possible. A definition of “infill” has been provided.

### Council Committee Reviews

The City Finance Committee reviewed the Ordinance on March 9, 2021.

**Legal Review**

<b>Type of Document</b>	<b>Title of Document</b>	<b>Date Reviewed</b>
Ordinance	Neighborhood Meeting Ordinance	January 27, 2021

**Suggested motion:**

I move the City of Moses Lake Planning Commission recommend approval of the Neighborhood Meeting Ordinance (with the following changes, corrections, additions) to the City Council.

## 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; Where the development is substantial (i.e.: a new subdivision) or a different use than a majority of the surrounding built environment.

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 within the city limits 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~~ may 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:

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Katherine L. Kenison, City Attorney

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

Date Published:

Date Effective: