

MOSES LAKE PLANNING COMMISSION

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MITCH MOLITOR
RICK PENHALLURICK

AGENDA

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, CIVIC CENTER

February 16, 2012
7 P.M.

Identification of Citizens Wanting to Discuss Agenda Items

1. Consent Agenda
 - A. Approval of Minutes of the January 26, 2012 Meeting
2. Dunlap Shoreline Substantial Development Permit/CR Zone Conditional Use Permit - Public Hearing - Continued to March 1, 2012
3. Pioneer Commercial Park 4th Addition Final Major Plat and Findings of Fact
4. Vern's Meats Non-Conforming Use - Review
5. Suko Investments - 508 E. Third - Landscape Alteration request
6. Staff Reports and Comments
 - A. Introduction: Jaime Short, Shoreline Planner with the Department of Ecology
7. Planning Commission Questions and Comments

Joseph K. Gavinski City Manager	Gilbert Alvarado Com. Dev. Director	Anne Henning Senior Planner	Billie Jo Muñoz Assistant Planner	Daniel Leavitt Assistant Planner
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MOSES LAKE PLANNING COMMISSION
January 26, 2012

3462

Commissioners Present: Todd Voth, Nathan Nofziger, Charles Hepburn, Vicki Heimark, Kevin Starcher, Steve Shield, Rick Penhallurick, and Todd Lengenfelder, **Absent:** Mitch Molitor

Name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Molitor	P	A										
Starcher	P	P										
Lengenfelder	P	P										
Shield	A	P										
Heimark	P	P										
Penhallurick	P	P										
Hepburn	P	P										
Nofziger	P	P										
Voth	P	P										

P = Present E = Excused A = Absent C = Canceled

Staff Present: Joseph K. Gavinski, Anne Henning, and Sue Mahaney

CONSENT AGENDA

Minutes: The minutes of the January 12 meeting were presented.

International Paper Preliminary Major Plat - Findings of Fact: The Findings of Fact for the International Paper Preliminary Major Plat were presented.

National Frozen Foods Preliminary Major Plat - Findings of Fact: The Findings of Fact for the National Frozen Foods Preliminary Major Plat were presented.

Action Taken: Mr. Hepburn moved that the Consent Agenda be approved, seconded by Mr. Nofziger, and passed unanimously.

ASPI COMMERCE PARK #2 MAJOR PLAT - FINAL PLAT AND FINDINGS OF FACT

North American Foreign Trade Zone Industries, LLC, submitted a final plat application for a three-lot plat of 17.32 acres. The site is located east of Patton Blvd and north of Doolittle Drive, and is zoned C-2, General Commercial.

Mr. Nofziger declared a conflict of interest and exited the room.

Anne Henning, Senior Planner, stated that there has been no significant changes from the preliminary plat.

Action Taken: Mr. Starcher moved that it be recommended to the City Council at the final plat be approved with the following conditions:

1. The comments of the Development Engineer shall be addressed.
2. The easement for shared use of the stormwater basin that crosses the property line between Lots 1 and 2 shall be recorded prior to or concurrently with the plat. The easement shall be noted on the plat.

seconded by Ms. Heimark, and passed unanimously.

Action Taken: Ms. Heimark moved that the Findings of Fact be approved, seconded by Mr. Hepburn, and passed unanimously.

DUNLAP - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT - PUBLIC HEARING - CONTINUED

Michael Mahovlich and Debbie Dunlap submitted an application to build a 250 square foot dock, boatlift, retaining wall, and hillside access path at 426 Crestview Drive. A public hearing was advertised for January 26, 2012. However, during a visit to the site it was discovered that work on the path and rock wall had started and that material from the hillside had been pushed into the wetland buffer. Enforcement measures to correct these violations have been taken.

The Planning Commission should not open the public hearing or take any testimony on the proposal. The Commission should postpone the public hearing on this project to February 16, 2012.

The meeting was adjourned at 7:10 p.m.

Todd Voth, Planning Commission Chairman

February 9, 2012

TO: Planning Commission

SUBJECT: Dunlap dock, boatlift, retaining wall, and access path, Shoreline Substantial Development Permit -Public Hearing

Michael Mahovlich and Debbie Dunlap submitted an application to build a 250 square foot dock, boatlift, retaining wall, and hillside access path at 426 Crestview Drive. A public hearing was continued to February 16, 2012. A mitigation plan has been submitted and is currently being reviewed by Planning staff and appropriate state agencies.

The Planning Commission should not open the public hearing or take any testimony on the proposal. The Commission should postpone the public hearing on this project to March 1, 2012.

Respectfully submitted,

Daniel Leavitt
Assistant Planner
Community Development Department

February 7, 2012

TO: Planning Commission

SUBJECT: Pioneer Commercial Park 4th Addition Major Plat - Final Plat and Findings of Fact

John Hobbs of Pioneer Way Associates has submitted a final plat application for a two-lot plat of 10 acres. The project extends Pilgrim Street from south of Colonial Avenue to Clover Drive. The site is zoned C-2, General Commercial. The only significant changes from the preliminary plat have been to comply with the conditions of approval.

Background

The street and utility improvements within the plat was constructed by the developer and accepted by City Council on September 27, 2011. The preliminary plat was approved on November 24, 2009, with the following conditions:

1. The comments of the Development Engineer in the memo received 10-2-09 shall be addressed before final plat submittal.
2. Tract 1 is not approved as originally proposed. Either Tract 1 shall be attached to Lot 1 and a deviation shall be granted for lot lines not straight and not perpendicular to the front lot line, or Tract 1 shall be excluded from the plat and remain right-of-way, if sufficient guarantee is provided that a right-of-way vacation will be completed. *(Note: The developer chose the second option, and has completed as much of the right-of-way vacation process as can be done before the plat is recorded, including paying for the vacated right-of-way. The vacation will proceed as soon as the plat is recorded).*
3. The comments of the East Columbia Basin Irrigation District shall be addressed before final plat submittal.
4. If Pilgrim Street is constructed with planter strips, the developer shall install street frontage landscaping within the planter strip where the new street abuts developed property. *(Note: Pilgrim Street was constructed with planter strips. A time frame for landscaping these planter strips should be set. MLMC 18.57.040.C.4 has regulations for timing of landscaping within planter strips in residential areas, but MLMC 18.57 does not have this specific guidance for planter strips in commercial areas. The planter strips abutting undeveloped land will be required to be landscaped when the abutting property is landscaped.)*

City of Moses Lake Departments and/or Agencies Contacted: Cascade Natural Gas, Century Link (formerly Qwest Communications), Grant County PUD, Northland Cable, Grant County Health District, Grant County Assessor's Office, Grant County Auditor's Office, Grant County Treasurer, United States Postal Service, East Columbia Basin Irrigation District, United States Bureau of Reclamation, and City of Moses Lake Municipal Services Department, Fire Department, Police Department, Development Engineering Division, Building Division, and Public Works Division.

Attachments:

- Attachment 1: Aerial photo/vicinity map
- Attachment 2: Plat received 1-10-12 (4 pgs)
- Attachment 3: Submittal letter from Columbia NW Engineering received 1-10-12 (3 pgs)
- Attachment 4: Development Engineer memo dated 1-27-12 (2 pgs)
- Attachment 5: East Columbia Basin Irrigation District comments received 1-18-12
- Attachment 6: USBR comments received 1-24-12 (2 pgs)

Attachment 7: City of Moses Lake Land Use Application

Findings:

A. **Applicable Codes:**

RCW Chapter 58.17, Plats–Subdivisions–Dedications, is the state law that regulates subdivisions.

Moses Lake Municipal Code (MLMC) Title 17, Subdivisions regulates the subdivision of land to promote the health, safety, and general welfare, to prevent overcrowding of land, to lessen congestion in the streets and highways, to provide for adequate light and air, to facilitate adequate provision for water, sewerage, park and recreation areas, sites for schools and school grounds, and other public requirements; to provide for proper ingress and egress; and to require uniform monumenting of land subdivisions and conveying by accurate legal descriptions.

MLMC Chapter 18.30, Commercial Zones, is intended to provide for a well-distributed system of community-based retail, service, neighborhood convenience, and regional-based retail uses; to provide land uses that meet the needs of local residents and attract regional populations, and provide land areas within the city to meet the needs of commercial development. The C-2 Zone is intended to provide for the general commercial and business activity of the city and to preserve land for such uses. It is intended to complement the downtown and help meet the other community needs, as well as provide an area for large scale shopping centers and other uses oriented to vehicle traffic.

MLMC Title 20, Development Review Process, regulates the permit review process for preliminary plats. Final plat review is not subject to the Title 20 review process.

B. **Public, Department and Agency Responses:**

1. The Development Engineer provided comments that must be addressed prior to submitting plat mylars.
 2. East Columbia Basin Irrigation District commented that “road” needed to be changed to “street” in the approval statement.
 3. The Bureau of Reclamation commented that the pertinent survey data was shown, that any encroachments (including temporary improvements such as paving, fencing, and landscaping) on Project facilities or right-of-way requires approval, that permits are required for withdrawing ground water, and that the Irrigation District must sign the plat before it is submitted to USBR for signature.
- C. A Mitigated Determination of Non-Significance (MDNS) was issued on September 29, 2009 under the State Environmental Policy Act Rules (WAC 197-11). There were 12 conditions, related to accommodating an existing drainage course, cleanup of deleterious materials spills, stormwater, fill, sewer stubs, site stabilization, street and utility improvements, burrowing owl assessment, water rights, and tracking of dirt onto public streets. The conditions of the MDNS automatically become conditions of the project approval.

Conclusions: The facts and findings support the following conclusions:

1. With conditions, the final plat is consistent with the preliminary plat approval.
2. The timing of installation of the planter strip landscaping required in the preliminary plat approval needs to be clarified.

Staff Recommendations: Staff recommends that the final plat be approved with the following conditions and any other conditions the Planning Commission deems appropriate:

1. The comments of the Development Engineer shall be addressed before the plat is recorded.
2. The comments of the Bureau of Reclamation and East Columbia Basin Irrigation District shall be addressed before the plat is recorded.
3. Before the plat is recorded, the developer shall install landscaping within the planter strip that abuts Parcel B of the binding site plan of Lot 1, Block 1, Pioneer Commercial Park Second Addition. The purposes of this landscaping are to provide an aesthetic street frontage, to prevent weeds and dust, and to comply with the street frontage landscaping requirements of MLMC 18.57. The developer shall submit a landscape plan to the Community Development Department before installation.

Action: The Commission should consider the final major plat and recommend to the Council to approve, conditionally approve, or deny the final plat.

Action: The Commission should consider the findings of fact and approve or modify them.

Respectfully submitted,

Anne Henning
Senior Planner
Community Development Department

BEFORE THE PLANNING COMMISSION/CITY COUNCIL OF THE
CITY OF MOSES LAKE, WASHINGTON

IN THE MATTER OF THE PIONEER
COMMERCIAL PARK 4TH ADDITION FINAL
PLAT

FINDINGS OF FACT, CONCLUSIONS, AND
DECISION

1. HEARING BEFORE THE PLANNING COMMISSION.

- 1.1 Date. A public meeting was held upon proper notice before the Commission on February 16, 2012.
- 1.2 Proponent. Pioneer Way Associates LP is the proponent of this plat.
- 1.3 Purpose. The proponent has submitted a final plat application for a two-lot plat of 9.99 acres for property which is legally described upon the plat. City staff has confirmed the property described on the plat is the property submitted for platting.
- 1.4 Evidence. The Commission considered the following materials in reaching its decision:
 - A. The final plat submitted January 10, 2012.
 - B. Staff report and attachments.

2. FINDINGS OF FACT BY THE PLANNING COMMISSION.

Based upon the evidence presented to them, the Commission makes the following findings of fact:

- 2.1 The proponent is the owner of the property.
- 2.2 The property is zoned C-2, General Commercial.
- 2.3 The only significant changes between the preliminary plat and final plat were those required by the conditions of preliminary plat approval.
- 2.4 The preliminary plat approval required that the developer install the planter strip landscaping abutting the developed lot, but did not clarify when this landscaping was to be installed.
- 2.5 The planter strips abutting undeveloped land in the plat will be required to be landscaped at the time the abutting property is developed.

3. CONCLUSIONS BY THE PLANNING COMMISSION.

From the foregoing findings of fact the Commission makes the following conclusions:

- 3.1 The Planning Commission of the City of Moses Lake is vested with the authority to determine approval of plats.
- 3.2 It is in the best interests and welfare of the city's citizens to plat the property as proposed.
- 3.3 With conditions, the final plat is consistent with the preliminary plat approval.
- 3.4 The timing of installation of the planter strip landscaping required in the preliminary plat approval needs to be clarified.

4. DECISION OF THE PLANNING COMMISSION.

On the basis of the foregoing findings of fact and conclusions, it is the recommendation of the Planning Commission that the plat be approved with the following conditions:

- 4.1 The comments of the Development Engineer shall be addressed before the plat is recorded.
- 4.2 The comments of the Bureau of Reclamation and East Columbia Basin Irrigation District shall be addressed before the plat is recorded.
- 4.3 Before the plat is recorded, the developer shall bond for or install landscaping within the planter strip that abuts Parcel B of the binding site plan of Lot 1, Block 1, Pioneer Commercial Park Second Addition. The purposes of this landscaping are to provide an aesthetic street frontage, to prevent weeds and dust, and to comply with the street frontage landscaping requirements of MLC 18.57. The developer shall submit a landscape plan to the Community Development Department before installation.

Approved by the Planning Commission on February 16, 2012.

Todd Voth
Planning Commission Chairman

Date: February 10, 2012
TO: Planning Commission
Subject: Vern's Moses Lake Meats - Review of Non-Conforming Use

Vern's Moses Lake Meat Company is a non-conforming use in the R-3, Multi-Family Zone. The slaughter house and meat packing company is located at 2721 Peninsula Drive and is surrounded by residential development. The Comprehensive Land Use Designation for the area is residential. Moses Lake Municipal Code Chapter 18.69, entitled "Non-Conforming Uses," requires that a non-conforming use is to be reviewed by the Planning Commission no less frequently than every two years and/or upon change of ownership.

Background Information:

1. Vern's was operational prior to the annexation of the area in 1951. Vern's Moses Lake Meats was considered a non-conforming use in 1961 and given 20 years to discontinue the use. At the end of the 20 year sunset period Ordinance #1017 was adopted which amended MLMC Chapter 18.69 Non-Conforming Uses to allow non-conforming uses to continue subject to the conditions of the Planning Commission and a biennial review.
2. Vern's was reviewed by the Planning Commission in 1981, 1983, 1985, 1987, 1989, 1993, 1995, 1998, 2000, 2002, 2004, 2007, and 2009. Vern's has been allowed to continue operations uninterrupted subsequent to each review with conditions.
3. On January 13, 2012, an inspection was completed with the Building Inspector and planning staff, two violations were noted. The Fire Inspector reviewed the site on January 26, 2012, with no violations noted.
 - A. The building inspector noted that a portion of the fence was leaning and needed to be repaired and the grease interceptor needed a water tight lid.
 - B. Temporary repairs to the fence have been made, to keep it from falling over. They have requested additional time to complete the permanent repairs.
 - C. They have scheduled for the grease interceptor lids to be installed by 2/13/12. Staff will complete another inspection by 2/14/12.
 - D. There were eleven days that cows remained onsite overnight.

Attachments:

Attachment 1: Vicinity Map

Moses Lake Municipal Code (MLMC)

Section 18.69.010 of Chapter 18.69, entitled Non-Conforming Uses states, "The conditions prescribed by the Planning Commission for the continued use of a non-conforming use must bear a substantial relation to the alleviation of a hazard to the health, morals, safety, or general welfare of the entire affected community and in particular that of surrounding inhabitants . . . If, in fact, conditions are prescribed by the Planning Commission because of the continuation of the non-conforming use, the matter is to be reviewed by the Planning Commission no less frequently than two years and/or upon change of ownership."

Section 18.69.015.H states, "Any non-conforming use found to be required to be conditioned, will be allowed to continue as long as the person, firm, partnership, or corporation responsible for that non-conforming use agrees to abide by and be governed by the conditions imposed by the Planning Commission within the time limit set by the Planning Commission. The conditions imposed by the Planning Commission may be for a period of up to 24 months. The Planning Commission may require more frequent review of the conditions imposed on the use as it may direct at the initial public hearing or any subsequent review."

Staff Recommendations: Staff recommends that the Commission consider the following conditions for the continuation of Vern's Moses Lake Meats as a non-conforming use:

1. The driveway and parking area must be treated for dust control with an approved oil-based treatment as needed, but no less than once a year.
2. Landscaping and fencing shall be continually maintained.
3. All structures shall be maintained according to Federal Food and Drug Administration regulations.
4. The corral drains must be cleaned weekly when holding stalls are in use.
5. Livestock will be allowed on the premises from 5 a.m. to 8 p.m. Keeping livestock overnight for an emergency will be allowed. No livestock will be kept over a weekend. Records are to be kept and submitted to the Community Development Director.
6. Cattle trucks are not to be washed down on the site.
7. Comply with the best management practices to eliminate excessive blood from entering the city sewer system. The Wastewater Division tests the Winona Lift Wet Well bi-weekly and maintains a blood record at the well site. Community Development will not follow unless a complaint or the Wastewater Division informs us of any issues.
8. Service tank no less than every 90 days, and submit a load ticket to Public Works attached to the quarterly discharge report. Community Development can request copies from Public Works. *(The department of Ecology is also requiring Vern's meat to have the tank serviced every 90 days.)*
9. Test samples may be required at the request of the Building Official or Wastewater Plant Treatment Supervisor and submitted to a state approved lab. Based on test results the tank service time frame may be modified.

Action: The Planning Commission should review the above conditions for continuance of Vern's Moses Lake Meats as a non-conforming use to determine if the conditions should be continued for two (2) years or for a more frequent review.

Respectfully Submitted,

Billie Jo Muñoz
Assistant Planner
Community Development Department

February 10, 2012

TO: Planning Commission

SUBJECT: Gary Suko - 508 E Third Avenue - Alteration of Landscape Requirements

Gary Suko has requested an alternate landscape plan substitute for the landscaping required at 508 E. Third Avenue. Landscaping is being triggered by the change of occupancy in a building that used to be a clothing store but is now going to be used as a computer/appliance repair shop. The property is zoned C-2 General Commercial and Business Zone.

Attachments:

Attachment 1: Landscape Alteration letter dated February 8, 2012

Attachment 2: Site Plan

Attachment 3: Vicinity Map

Staff Comments:

1. The site is located on Lot 17-19, Block 101 of the Suko Penhallurick Addition.
2. The building is adjacent to a 10-foot sidewalk. The area to the northeast is going to be utilized for the required parking stalls for the new business.
3. **Per MLMC 18.57**, the required landscaping for this project is:
 - A. Site Points - 5,000 to 10,000 square feet *Note: The site is 9,000 square feet for a total of 50 site points.*
 - B. The site fronts on E. Third Avenue so a 10'-wide Type IV buffer (a see through buffer) is required to provide visual relief and to soften the appearance of streets. Type IV landscaping shall consist primarily of trees and include shrubs/groundcover. The requirement is 18 points of landscaping to be installed for every twenty-five feet (25') of street frontage. *Note: Street frontage along E. Third Avenue is 75 lineal feet for a total of 54 points required.*
 - C. There is a total of 104 points required for the entire project.
 - D. There is no landscaping currently on this site. The surrounding buildings are adjacent to the sidewalk with a driveway access between two of the building. The proponent is proposing two planted pots in front of the building's main entryway on the sidewalk.
 - E. The Moses Lake Municipal Code 12.14, Sidewalk Use License, states that a license shall be required for all sidewalk uses. In which, the placement of the proposed pots would require a sidewalk license. A sidewalk license requires a yearly application, a license fee, insurance, the proponent owns the property and drawings of the proposed location of the pots.
4. **MLMC 18.57.110** specifies the findings the Commission must make in order to approve an alternate plan. The findings are:

- A. The alteration would be in keeping with and preserve the intent of the landscaping chapter.

Note: the purpose and intent of the landscape ordinance includes to provide a smooth transition between adjacent properties and buffer different intensities of land use, to maintain and enhance the character and appearance of the city, and to provide shade.

- B. The alteration would not be contrary to the public interest.

- C. The alteration is justified based on at least one (1) of the following:

1. The requirements of MLMC 18.57 would result in more than 15% of the site to be landscaped. In such cases, the Planning Commission may modify the requirements so that not more than 15% of the site must be landscaped provided that the landscaping required is the most beneficial to the public. More intensive landscaping may be required if the reduction in area would reduce the effectiveness of landscaping to a point where the intent of the landscaping type cannot be satisfied.
2. The inclusion of significant existing vegetation located on the site would result in as good as or better satisfaction of the purposes of MLMC 18.57.
3. 3' berms or 6' architectural barriers are incorporated into the landscape design. Adjacent to the berm or barrier the width of the perimeter landscape strip may be reduced up to 25% if the landscape materials are incorporated elsewhere on site.
4. Existing conditions on or adjacent to the site, such as significant topographical differences, vegetation, structures, or utilities would render application of the chapter ineffective.
5. An existing or proposed structure precludes installation of the total amount of required perimeter landscaping. In such cases, the landscaping materials shall be incorporated on another portion of the site.
6. The proposed landscaping represents a superior result or is more effective than that which would be achieved by strictly following requirements of MLMC 18.57.

Action: The Planning Commission should consider the proposed landscape alteration request and approve or deny the alteration. The Planning Commission should make findings of fact in support of its decision.

Respectfully submitted,

Billie Jo Muñoz
Assistant Planner
Community Development Department