

# MOSES LAKE PLANNING COMMISSION

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MITCH MOLITOR  
RICK PENHALLURICK

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## AGENDA

PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS

March 1, 2012  
7 P.M.

### Identification of Citizens Wanting to Discuss Agenda Items

1. Consent Agenda
  - A. Approval of Minutes of the February 16 Meeting
2. Dunlap Shoreline Permit/CR Zone Conditional Use Permit - Con't Public Hearing
3. Suko Investments - Landscape Alteration
4. Staff Reports and Comments
5. Planning Commission Questions and Comments

### Study Session - Shoreline Master Program

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**  
February 16, 2012

**3464**

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

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

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

**Staff Present:** Gilbert Alvarado, Anne Henning, Billie Jo Muñoz, Dan Leavitt, and Sue Mahaney

**CONSENT AGENDA**

**Minutes:** The minutes of the January 26 meeting were presented.

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

**DUNLAP - SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT PERMIT - CON'T 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 public hearing was continued to March 1, 2012.

**PIONEER COMMERCIAL PARK 4<sup>TH</sup> 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.

Anne Henning, Senior Planner, explained that a portion of the previous cul-de-sac has been vacated and the vacated portion has been excluded from this final plat, and the planter strips on the adjacent developed property need to be landscaped.

Phillip Bloom, Columbia Northwest Engineering, representing the developer, stated that they are in agreement with the conditions of the final plat except for the requirement to install landscaping as now is not the time to install plants. He stated that they would be willing to bond for those improvements.

**Action Taken:** Ms. Heimark moved that it be recommended to the City Council that the final plat be approved with the following conditions:

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 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 MLMC 18.57. The developer shall submit a landscape plan to the Community Development Department before installation.

and the findings of Fact be adopted, seconded by Mr. Schield, and passed unanimously.

#### 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.

Billie Jo Muñoz, Assistant Planner, stated that staff inspected the site and explained the violations and the corrective measures taken.

Action Taken: Mr. Schield moved that the non-conforming use be allowed to continue for two years with the following conditions:

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.
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.

seconded by Mr. Lengenfelder, and passed unanimously.

**SUKO - 508 E THIRD AVENUE - LANDSCAPE ALTERATION**

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.

Billie Jo Muñoz, Assistant Planner, explained the landscaping required and mentioned that 104 total points are needed. She mentioned that there is currently no landscaping and they are proposing two potted plants in front of the building. Placing objects on the sidewalk will require a sidewalk use license, with a \$75 yearly application fee and the need for liability insurance.

Gary Suko, representing Suko Investments, stated that considerable work has been done on the building but because this building was constructed in the 1950's there is really no room for landscaping and no water available on the outside of the building.

There was considerable discussion on how the site could be landscaped.

**Action Taken:** Mr. Schield moved that the request be tabled, seconded by Ms. Heimark, and passed unanimously.

**SHORELINE MASTER PLAN**

Gilbert Alvarado, Community Development Director, introduced Jaime Short from the Department of Ecology.

Ms. Short stated that she is the new Shoreline Planner out of the Spokane office. She gave a brief background on the shoreline master plan updates which must be done by December 2013. She mentioned that she is also working with Grant County and six towns and cities within Grant County on a coordinated update. She requested information on what is holding up Moses Lake's update and a schedule to discuss and work through the problems. She pointed out that the Department of Ecology and the City do not have to agree on everything in order for the process to move forward and that they can agree to disagree on what the law requires.

There was some discussion and staff was directed to provide an updated draft Shoreline Master Plan to the Commission and then discuss it at the next meeting. Once the list of issues to be discussed is provided, arrangements will be made to have Ms. Short to return to discuss the unresolved issues with the Commission.

**ZONE CHANGE**

Gilbert Alvarado, Community Development Director, stated that at the Council meeting, Lanny Ferguson requested an amendment to the Heavy Industrial Zone in order to allow eating establishments. He mentioned that there is a request for a small portable building to be located at the intersection of Wheeler Road and Road M. The building would be used as a drive through food stand. He pointed out that the Light Industrial Zone allows for food establishments but it is not allowed in the Heavy Industrial Zone.

Lanny Ferguson, 4548 Road K NE, stated that they could not find any locations in the Light Industrial Zone but that there is a location available in the Heavy Industrial Zone which has water and power. He felt that there is a need for food service in the area.

There was considerable discussion, and it was the consensus of the Commission that staff provide information on how other jurisdictions deal with this issue.

**TRIBAL LANDS**

Gilbert Alvarado, Community Development Director, stated that the City has received a request from the Department of the Interior, Bureau of Indian Affairs, asking for comments concerning the Coville Confederated Tribes' request to place in trust a 7 acre piece of property located on Wanapum Drive and Wapato Drive. The property was purchased by the Tribes last year. The property is proposed to be developed as a travel plaza, or a truck stop, convenience store, and gas station. The Council has sent a letter to the Bureau of Indian Affairs outlining the City's concerns with this development. He mentioned that the zoning is C-2 which allows this type of development, but the City would have no ability to discuss such issues as traffic impacts, permitting, police services, etc. with the Tribes. The Council felt that the property should be developed under the same rules as every other developer has to use.

Mr. Voth pointed out that if the property is designated as trust lands, the Tribes do not have to meet any development codes of the City, would not have to pay any permitting fees, and there would be no inspections by the City's building and planning staff. He felt that the Commission should also let the Bureau of Indian Affairs know their position on this matter.

Mr. Alvarado pointed out that the consulting firm that did a site analysis on the property for the Tribes pointed out that it was not a good site for truck trip generation, but the Tribes are still moving forward with this project.

There was some discussion and it was the consensus of the Commission that staff draft a letter to be sent to the Council stating the Commission's opposition to the Tribe's desire to convert their property to trust lands.

The meeting was adjourned at 9 p.m.

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Todd Voth, Chairman

February 23, 2012

**TO:** Planning Commission

**SUBJECT:** Dunlap dock, boat lift, rock wall, and access path- Shoreline Substantial Development Permit and C-R Zone Conditional Use Permit- Public Hearing

Michael Mahovlich and Debbie Dunlap submitted an application for a Shoreline Substantial Development Permit and C-R Zone Conditional Use Permit to build a 250 square foot dock, boat lift, rock wall, and access path. The site is located at 426 Crestview Drive, Lot 29, Crestview Estates #2. The site is zoned R-1, Single-family residential. The Comprehensive Plan Designation is R-1, Single-family residential. The Shoreline Designation is Conservancy.

Agencies and City Departments Contacted: Moses Lake Irrigation and Rehabilitation District, Washington State Department of Natural Resources, Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Washington State Department of Archaeology and Historic Preservation, Army Corp of Engineers, City of Moses Lake Municipal Services Director, Planning, and Development Engineering Divisions.

Attachments:

- Attachment 1: Vicinity map/aerial photo
- Attachment 2: Land use application
- Attachment 3: Shoreline permit application (2 pages)
- Attachment 4: Letter from Pat Gilday (dated 1-18-12)
- Attachment 5: Letter from Jack and Kay Hendrix (dated 2-15-12)
- Attachment 6: Comments from the Department of Fish and Wildlife (date 2-2-12)
- Attachment 7: Comments from the Washington State Department of Archaeology and Historic Preservation (dated 2-13-12)
- Attachment 8: Site plan as submitted in the proposed mitigation plan.
- Attachment 9: Mitigated Determination of Non-Significance dated 2-14-12 (3 pages)
- Attachment 10: Photos of the site (3 pages)
- Attachment 11: Pages 1-5 of the proposed mitigation plan.

Findings

A. Site and Project Information:

The site is zoned R-1, Single-family residential and is legally described as Lot 29 Crestview Estates #2. The Comprehensive Plan Designation is Single-family residential and the Shoreline Designation is Conservancy. The site is .48 acres. The site slopes steeply to the west toward the lake.

While conducting a routine, onsite visit, it was discovered that the rock wall and access path were existing. During the construction of the path, most, if not all of the hillside was destabilized and some of the material from the hillside was pushed into the 25' wetland buffer. The public hearing that was originally scheduled for January 26, 2012, was then postponed until a mitigation plan was submitted to, and reviewed by the City.

The proponent has secured the services of a qualified wetland-biologist and a mitigation plan to address the adverse impacts to the hillside and wetland buffer has been submitted to the City for review. Various State agencies were sent copies of the proposed mitigation plan for comment and review.

#### Vicinity Data

The surrounding uses are a vacant land, and residential areas zoned R-1. Moses Lake borders the property on the west side.

#### B. Applicable Codes:

**MLMC 14.06, State Environmental Policy Act**, contains the basic requirements that apply to the SEPA process.

**MLMC 18.45 Conservation and Reclamation Zone**, docks over 200 square feet require a conditional use permit.

**MLMC 19.06, Wetlands**, regulates impacts to wetlands and mitigation for those impacts.

**MLMC Title 20, Development Review Process**, regulates the permit review process. Relevant findings and conclusions from Section 20.09.020 that must be made are as follows:

1. The development is consistent with the Comprehensive Plan and meets the requirements and intent of the Municipal Code.
2. The development adequately mitigates impacts identified under Chapters 14 through 19.
3. The development is beneficial to the public health, safety, and welfare, and is in the public interest.
4. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan.

**RCW 90.58, the Shoreline Management Act, WAC 173-26 and 173-27** regulate development within 200 feet of the shoreline.

**The City of Moses Lake Shoreline Management Master Plan**, contains the local regulations that implement the Shoreline Management Act.

C. Department, Agency, and Public Responses:

1. The Department of Fish and Wildlife commented on the replanting of the disturbed hillside and buffer with appropriate native grasses, grasses, and riparian plants.
2. The Washington State Department of Archaeology and Historic Preservation commented that most archaeological sites in the area are not associated with steep slopes, but that if archaeological materials are observed during project activities, they should be contacted.
3. Pat Gilday, 510 N. Crestview, sent a letter urging approval for the construction of the dock and boat lift.
4. Jack and Kay Hendrix, 414 N. Crestview Drive, sent a letter supporting the installation of a new dock and lakeside improvements for this site.

D. A Mitigated Determination of Non-Significance (MDNS) was issued on February 14, 2012 under the State Environmental Policy Act Rules (WAC 197-11). There are 12 conditions related to implementation of the an approved mitigation plan, discovery of archaeological resources, access path width, hillside and shoreline vegetation, maintenance of plantings, construction work below the ordinary high water mark, obtaining the required permits or authorization for construction, deleterious materials spills, temporary fencing to prevent impact on wetlands and buffer, sediment control, protection of existing wetland buffer vegetation and trees, and ensuring that all contractors and subcontractors are aware of the MDNS conditions. The conditions of the MDNS automatically become conditions of project approval.

E. Relevant Comprehensive Plan Goals and Policies:

**Comprehensive Plan Policy Vision Statement:** The 2001 Comprehensive Plan Vision Statement (Pages 2-6 &2-7) encourages lakeshore beautification while maintaining the shoreline habitat, increasing public access to the lake, and increasing recreational opportunities.

**Land Use Goal 13:** Encourage the identification and protection of archaeological and significant sites and structures.

**Land Use Policy 92:** Ensure that archaeological and significant historic sites are not disturbed or destroyed through any action of the City, or through any action permitted by the City.

**Conclusions:** The facts and findings support the following conclusions:

1. **Comprehensive Plan/Municipal Code:** The development is consistent with the Comprehensive Plan goals and policies. It creates access to, and encourages use of the lake while maintaining and enhancing the shoreline. The development meets the requirements and intent of the Municipal Code.



2. **Impacts:** With the conditions of the MDNS there will be no negative impact to the nearby wetlands, buffers, and shoreline. No other impacts have been identified under Chapters 14 through 19 that will not be mitigated through existing regulations.
3. **Public health, safety, welfare, and interest:** The development is beneficial to the public health safety, and welfare and is in the public interest by encouraging lakeshore beautification and increases recreational opportunities
4. **Shoreline Management Master Plan:** With the conditions of the MDNS the cumulative impacts of similar projects remain consistent with the policies of RCW90.58 and the Shoreline Management Act and does not produce adverse effects to the shoreline environment.

**Staff Recommendations:** Staff recommends that the Planning Commission approve the shoreline substantial development permit subject to the following conditions and any other conditions the Commission deems appropriate:

1. The project shall be located and constructed per the site plan, and other submitted construction plans.
2. The contractor shall notify City staff at least 24 hours before start of construction and within three business days after completion of construction to check that the work meets permit approval.
3. The comments of the Washington State Department of Fish and Wildlife and the Washington State Department of Archaeology and Historic Preservation shall be addressed.
4. All aspects of the approved mitigation plan will be implemented. Any deviation from the approved plan will require prior approval from the Department of Community Development.

**Staff Recommendations:** Staff recommends that the Planning Commission approve the C-R Zone conditional use permit subject to the above conditions and any other conditions the Commission deems appropriate:

**Public Hearing:** A public hearing has been scheduled. Public notices have been published and posted and property owners and residents within 500' of the project area have been notified. The Commission should hold a public hearing and take testimony on the proposed project.

**Action:** The Planning Commission should review the application for a Shoreline Management Substantial Development Permit and C-R Zone Conditional Use Permit and approve, conditionally approve, or deny each permit.

Respectfully submitted,

Daniel Leavitt  
Assistant Planner  
Community Development Department

February 23, 2012

TO: Planning Commission

SUBJECT: Suko - Landscape Alteration

Gary Suko, the owner of 508 E. Third Avenue, has requested that an alternate landscape plan substitute for the landscaping required by the specific standards of Moses Lake Municipal Code (MLMC) 18.57, Landscaping. Landscaping is being triggered by a change of occupancy of this building in the C-2 General Commercial Zone.

This item was tabled at the February 16 Planning Commission meeting. Mr. Suko submitted a new proposal on February 22.

Attachments:

- Attachment 1: Aerial photograph
- Attachment 2: Site drawing received 2-22-12
- Attachment 3: Proposed landscaping photos (2 pgs)
- Attachment 4: Site photo during construction

Staff Comments:

1. Although the site is in the C-2 Zone, this area has been developed with buildings abutting the sidewalk, leaving no room in front of the buildings for the 10'-wide street frontage buffer specified by MLMC 18.57. Placing objects such as flower pots and planter boxes on the sidewalk requires a sidewalk use license with a yearly application, \$75 fee, and liability insurance requirement.
2. After the feedback received at the 2-16-12 meeting, Mr. Suko has had the required parking area next to the building paved, but has retained a planter area behind the sidewalk on both sides of the driveway. The proposal is to install river rock and some drought-tolerant plantings, such as yucca and/or bunch grasses. Facilities for drip irrigation were also installed, including a faucet at the building and PVC pipe under the driveway. The rest of the irrigation system will be completed when the plants are installed.
3. Per MLMC 18.57, required landscaping for this project is:
  - A. Street Frontage: A 10'-wide Type IV street frontage "see through" buffer to provide visual relief and to soften the appearance of streets. Type IV landscaping shall consist primarily of trees and include shrubs and/or groundcover, with 18 points for every 25' of street frontage. Excluding the access points, this site has approximately 100 feet of street frontage for a requirement of 72 points.

- B. **Site Points:** For sites more than 10,000 square feet, required site points are 50 points plus 1 point for every 500 SF over 10,000. For this site with approximately 15,000 SF, 60 site points are required. However, 6,000 of the square feet are contained within the building or the area between the building and the alley, so are not visible to the public.
- C. **Bonus for Drought-Tolerant Landscaping:** Points are reduced by 30% for using approved methods of drought-tolerant landscaping.
- D. **Total points required by the code for this site are:**

$$72 + 60 = 132$$

$$\text{Drought Tolerant Bonus: } 132 - 30\% = 92 \text{ points required}$$

- 4. Staff did not calculate the landscape points proposed, since the number and type of plants have not yet been specified. However, the site is not likely to be able to provide the 92 required points in the small space available for landscaping. Staff would suggest that in this highly urbanized area, full compliance with the points is not appropriate. At one time, due to the existing development pattern in the area, the Planning Commission considered rezoning this area to a C-1A Zone, which would not require any landscaping other than for new parking lots.
- 5. 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 of the following:
    - i. Requirements of the chapter would result in more than 15% of the site being 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.  
*Note: 15% of the site would be 2321 square feet. The street frontage requirement alone would be 2930 square feet.*
    - ii. The inclusion of significant existing vegetation would result in as good as or better satisfaction of the purposes of the landscape chapter.

- iii. 3' berms or 6' architectural barriers are incorporated into the landscape design. Adjacent to the berm or barrier, the width of the perimeter landscaping strip may be reduced up to 25% if the landscaping materials are incorporated elsewhere on site.
- iv. Existing conditions on or adjacent to the site, such as significant topographical differences, vegetation, structures, or utilities would render application of the chapter ineffective.
- v. An existing or proposed structure precludes installation of the total amount of required landscaping. In such cases, the landscaping material shall be incorporated on another portion of the site.  
*Note: The existing building is located within the street frontage buffer area. The proposal landscapes all of the available street frontage.*
- vi. The proposed landscaping represents a superior result or is more effective than that which would be achieved by strictly following requirements of the landscape chapter.

**Action:** The Planning Commission should remove this item from the table.

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

Respectfully submitted,

Anne Henning  
Senior Planner  
Community Development Department

AH:jt