

MOSES LAKE PLANNING COMMISSION

MITCH MOLITOR
CHAIRMAN

SUE MAHANEY
SECRETARY

VICKI HEIMARK
STEVE SCHIELD
W. TODD LENGENFELDER
CHARLES HEPBURN

NATHAN NOFZIGER
KEVIN STARCHER
TODD VOTH
RICK PENHALLURICK

AGENDA

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

January 12, 2012
7 P.M.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Identification of Citizens Wanting to Discuss Agenda Items

1. Consent Agenda
 - A. Approval of Minutes of the December 15, 2011 Meeting
 - B. Dental Village Site Plan Review - Findings of Fact
2. National Frozen Foods Preliminary Major Plat and Deviation Requests - Public Hearing
3. International Paper Preliminary Major Plat and Deferral Requests - Public Hearing
4. Harrison K. Dano Park Final Major Plat and Findings of Fact
5. Staff Reports and Comments
6. 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
December 15, 2011

3457

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

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

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

Staff Present: Gilbert Alvarado, Daniel Leavitt, and Sue Mahaney

CONSENT AGENDA

Minutes: The minutes of the November 10 meeting were presented.

Action Taken: Mrs. Heimark moved that the Consent Agenda be approved, seconded by Mr. Voth, and passed unanimously.

DENTAL VILLAGE SITE PLAN - PUBLIC HEARING

Paul Harrington requested a site plan review for a proposed 5,010 square foot dental clinic on Parcel B, Amick Addition, Lot 1, Commercial Binding Site Plan located at 967 E. Nelson Road. The site is zoned C-2, General Commercial and Business.

Daniel Leavitt, Assistant Planner, described the project and mentioned that there is adequate parking and landscaping.

The public hearing was opened. There were no comments.

Action Taken: Mr. Voth moved that the public hearing be closed, seconded by Mrs. Heimark, and passed unanimously.

Action Taken: Mr. Voth moved that the site plan be approved with the following conditions:

- A. The comments of the Assistant Fire chief and Building Official shall be addressed.
- B. The building, when constructed, appears essentially as presented.

seconded by Mr. Starcher, and passed unanimously.

DECEMBER COMMISSION MEETING

Gilbert Alvarado, Community Development Director, pointed out that the second meeting in December is scheduled for December 29 and typically the Commission holds only one meeting in December.

It was the consensus of the Commission that the December 29 meeting be canceled.

TRAILS PLANNING TEAM

Daniel Leavitt, Assistant Planner, distributed information from the Moses Lake Trails Planning Team which described what they have done and what is being worked on.

The meeting was adjourned at 7:30 p.m.

Charles Hepburn, Vice-Chairman

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

IN THE MATTER OF THE CHILDREN'S
DENTAL VILLAGE SITE PLAN REVIEW

FINDINGS OF FACT, CONCLUSIONS, AND
DECISION

1. HEARING BEFORE THE PLANNING COMMISSION.

- 1.1 Date. A public hearing was held upon proper notice before the Commission on December 15, 2011.
- 1.2 Proponent. Paul Harrington, of South Henry Studios, representing the owner, is the proponent of this project.
- 1.3 Purpose. The proponent has submitted an application for a Site Plan Review to build a 5,010 square foot dental clinic at 967 E. Nelson Road. The site is legally described as Parcel B, Amick Addition, Lot 1, Commercial Binding Site Plan, First Amendment. The site is zoned C-2, General Commercial and Business. The Comprehensive Plan designation is Commercial.
- 1.4 Evidence. The Commission considered the following materials in reaching its decision:
 - A. The application of the proponent for a site plan review.
 - B. Staff report and attachments.
 - C. Testimony from Daniel Leavitt, staff.

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 represents the owner of the property.
- 2.2 The property is currently zoned C-2 General Commercial and Business.
- 2.3 The project site is approximately 24,828 square feet.
- 2.4 Surrounding uses are commercial offices, residential, athletic fields, Chief Moses Middle School, and vacant land.
- 2.5 The site fronts on a private driveway that connects to Nelson Road.
- 2.6 City water and sewer is available to serve the site.
- 2.7 No portion of the site has been classified as an environmentally sensitive area.
- 2.8 The Building Official commented on stormwater design, accessible parking, building

plans being stamped by an architect, and medical gas.

- 2.9 The Assistant Fire Chief commented on addressing on Nelson Road, fire apparatus access, hydrants, and fire flow.
 - 2.10 The Municipal Services Director commented that the existing infrastructure is adequate for the additional traffic.
 - 2.11 The Development Engineer commented on water, sewer, and the access road.
 - 2.12 The site plan meets the requirements of MLMC 18.30.
 - 2.13 Applicable Comprehensive Plan Goals and Policies:
 - A. Commercial Land Uses Goal 7: Create an attractive and well-distributed system of commercial locations to serve community needs.
 - B. Community Image and Design Goal 16: A high quality of design for private developments and buildings will be encouraged.
 - C. General Land Use Policy 4: Infill developments that are scaled and designed to fit their surroundings are encouraged on properties suited to urban development.
 - D. Commercial Land Use Policy 39: New commercial development should be encouraged to locate within existing commercial areas in order to enhance the area's economic vitality.
 - E. Policy 99: Promote excellence in site planning, architecture, and the design of landscaping, lighting, and signage in all commercial and residential development.
3. CONCLUSIONS: From the foregoing findings of fact the Commission makes the following conclusions:
- 3.1 The requirements of MLMC 20.90.020 are met:
 - A. **Consistency with Comprehensive Plan:** The development is consistent with the Comprehensive Plan Goals 7 and 16, and Policies 4, 39, and 99 because it provides infill in a commercial zone with appropriately scaled buildings to meet the needs of the community while also demonstrating a high quality of building design, architecture and landscaping.
 - B. **Requirements and Intent of Municipal Code:** With regard to traffic, noise, appearance, lighting, or other undesirable features, this project meets the requirements and intent of the Municipal Code.

- C. **Impacts:** No adverse impacts have been identified under MLMC Titles 14 through 19 that will not be mitigated by existing regulations.
- D. **Public health, safety, welfare, and interest:** The proposed use of the site is beneficial to the public health, safety, and welfare, and is in the public interest because it provides a useful service to the public.
- E. **Level of service:** The existing street infrastructure is adequate for the additional traffic that will be generated by this development.

4. DECISION OF THE PLANNING COMMISSION.

On the basis of the foregoing findings of fact and conclusions, it is the decision of the Planning Commission of the City of Moses Lake that the request for site plan review to construct a new 5010 square foot dental clinic be approved with the following conditions:

- A. The comments of the Assistant Fire Chief and Building Official shall be addressed.
- B. The building, when constructed, appears essentially as presented.

Approved by the Planning Commission on January 12, 2012

Charles Hepburn
Planning Commission Vice-Chairman

January 3, 2012

TO: Planning Commission

SUBJECT: National Frozen Foods Major Plat and Deviation Requests - Public Hearing

National Frozen Foods Corporation has submitted an application for a one-lot plat of 63.76 acres at the existing plant site. The site is located at 14406 Wheeler Road, and is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial.

A deviation was requested from the requirement that platted lots front on a street. The site has no street frontage and is accessed via easements.

Site and Project Information:

The site is currently described as a tax number. The south half of the site contains the existing National Frozen Foods vegetable processing plant and associated buildings and parking. The north half of the site is being used for agriculture. No portion of the site has been classified as an environmentally sensitive area, and no wetlands have been identified on the site. The notice of application was routed to the Department of Fish & Wildlife for any comments on potential habitat for burrowing owls, and no comments were received.

The site is being platted to meet the requirement set by the Council when National Frozen Foods requested permission to build on unplatted property to add on to an existing building. The request was approved, but the Council required that the site be platted within one year.

Wheeler Road is classified as a primary street, and Road N is classified as a secondary street. Existing street improvements do not meet Community Standards; however the site does not have any frontage on either of these streets other than the access easements, so no improvements are triggered by platting.

Vicinity Data: Surrounding land uses are industrial, agricultural, and vacant.

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 Planning, Grant County Assessor's Office, Grant County Auditor's Office, Grant County Public Works, Grant County Emergency Management, US Postal Service, East Columbia Irrigation District, United States Bureau of Reclamation, Washington State Department of Ecology, Washington State Department of Fish & Wildlife, and City of Moses Lake Municipal Services Department, Fire Department, Police Department, Parks & Recreation Department, Development Engineering Division, Public Works Division, Stormwater Division, and Building Division.

Attachments:

- Attachment 1: Aerial photograph
- Attachment 2: Plat received 11-4-11 (4 pgs)
- Attachment 3: Plat site Plan received 11-4-11 (2 pgs)
- Attachment 4: Narrative Description received 11-4-11 (2 pgs)
- Attachment 5: Development Engineer memo dated 12-13-11 (4 pgs)
- Attachment 6: ECBID comments dated 11-10-11 (2 pgs)
- Attachment 7: USBR comments dated 11-21-11 (2 pgs)
- Attachment 8: 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 17.12, Major Subdivisions, regulates subdivisions to provide for the orderly and efficient division of land within the city, promote public health, safety and general welfare, and to comply with the provisions of RCW Chapter 58.17.

MLMC Chapter 17.21, Design Standards, regulates street, block, and lot layout; and establishes minimum street right-of-way and curve requirements.

MLMC 17.21.030.D states, "Every lot shall abut municipal streets, county roads, or state highways; which streets, roads, and highways have approvable access points to the lot from the respective agency with jurisdiction."

MLMC Chapter 17.24, Improvements, specifies that all improvements shall be installed per Community Street and Utility Standards that are current at the time of plat application, except that deferred improvements shall be constructed per the standards at the time the City calls for the improvements.

MLMC Chapter 17.33, Waivers, Deferrals, and Deviations, establishes the procedure for granting a waiver, deferral, or deviation of the regulations contained in the subdivision title. 17.33.010.B states:

The Planning Commission shall not recommend a waiver, deferral, or deviation of the subdivision regulations unless it shall find the following condition exists in each case of a request:

Where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existing of unusual physical conditions, the strict compliance with the provisions of this title would cause an unusual and unnecessary hardship on the subdivider, the Planning Commission may waive, defer, or deviate from the requirements set forth in this title.

In recommending a waiver, deferral, or deviation, the Planning Commission may require such conditions as will secure, in so far as practicable, the objectives of the requirement waived, deferred, or deviated from. Any waiver, deferral, or deviation authorized shall be entered in the minutes of the Planning Commission together with the circumstances that justify the waiver, deferral, or deviation granted.

MLMC Chapter 18.40, Industrial Zones, has as its purposes to provide business and manufacturing employment opportunities, to provide for a variety of industrial uses, in limited and appropriate areas, to minimize adverse impacts to the environment and surrounding uses; to protect residential and other uses from adverse impacts from manufacturing and industrial uses, and to protect industrial areas from other uses that may interfere with the purpose and efficient operation of those areas. The Heavy Industrial Zone is intended to accommodate heavy industrial uses and to preserve land for such uses at locations that will permit less restrictive industrial performance standards and bulk regulations than the Light Industrial Zone, thereby providing greater flexibility to accommodate a variety of heavy industrial uses including but not limited to manufacturing, fabricating, processing, warehousing, distribution, and assembly. To achieve the stated purpose and intent, the allowed uses in the Heavy Industrial Zone are primarily limited to those that need and would benefit from locating in the Heavy Industrial Zone.

MLMC Chapter 18.57, Landscaping, establishes landscaping provisions to provide a smooth transition between adjacent properties, buffer different intensities of land uses, enhance the character

and appearance of the city, soften the visual impact of paved surfaces, reduce the effects of light, noise, glare, exhaust fumes, heat, wind, erosion, and other adverse effects; and provide shade. Street frontage, buffer, and parking lot landscaping are required with building permits and are not triggered by platting.

MLMC Title 20, Development Review Process, regulates the permit review process. Section 20.09.020 stipulates that the following findings and conclusions must be made:

1. The development is consistent with the Comprehensive Plan and meets the requirements and intent of the Municipal Code.
2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, and sanitary wastes, parks and recreation facilities, playgrounds, and sites for schools and school grounds.
3. The development adequately mitigates impacts identified under Chapters 14 through 19.
4. The development is beneficial to the public health, safety and welfare and is in the public interest.
5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established in the Comprehensive Plan.
6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

B. Public, Department and Agency Responses:

1. The Development Engineer provided a list of comments and corrections that must be addressed before the final plat is submitted for review.
2. The East Columbia Basin Irrigation District (ECBID) commented that the water allotment must be released before they will sign the plat, that there will need to be irrigation facilities installed to get water to the remainder of Farm Unit 80, that there are underground drains that should be abandoned, and to change "road" to "street".
3. The Bureau of Reclamation (USBR) 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 the proponent must contact Reclamation prior to construction within drain rights-of-way, that the proponent may wish to have the agricultural water supply released from this site, and that permits are required for withdrawing groundwater.
4. Planning comments:
 - a. Requested deviation for site plan sheet size: MLMC 17.15.040.D requires a 18" x 24" sheet for the site plan, unless the Municipal Services Director approves an alternate sheet size. For this plat, the site plan was submitted on a 24" x 36" sheet, and a deviation requested, due to the large size of the site. The Municipal Services Director has approved the alternate sheet size. No action by the Commission is needed on this item.
 - b. Requested deviation for street frontage: The provision that all lots front on a street is normally required for a plat, to provide for vehicular access as well as access to municipal utilities (water & sewer). However, in this case, the property exists without any street frontage, the plat owners do not own the property between the plat and the street, and there are easements in place for vehicular and utility access. The only alternatives to granting the deviation for street frontage are to require the owners to coordinate with an adjoining property owner to plat their property too (so the plat extends to the

street), or to eliminate the requirement that the property be platted.

- c. **Sewer:** Per the letter from the applicant's representative, connection to City sewer is under construction, and the existing septic system will be abandoned upon connection to sewer. In order to remain in compliance with the Municipal Code, completion of these items before plat recording should be required.

C. **SEPA:** A Determination of Non-Significance (DNS) was issued on November 30, 2011 under the State Environmental Policy Act Rules (WAC 197-11). No significant adverse environmental impacts were expected as a result of platting; therefore no mitigation was required.

D. **Relevant Comprehensive Plan Goals and Policies:**

General Land Use Policy 1: The City shall encourage cost effective development adjacent to urban areas where adequate public facilities and services exist or can be provided in a timely and efficient manner.

General Land Use Policy 4: Infill developments that are scaled and designed to fit their surroundings are encouraged on properties suited to urban development.

Industrial Land Use Goal 10: Encourage the development of diversified industrial and manufacturing activities to provide employment in the area, strengthen the economy and the tax base.

Industrial Policy 54: Industrial and manufacturing recruitment efforts shall be supported by a range of procurable large, open, attractive light- and heavy-industrial-zoned development sites located within the UGA.

Industrial Policy 56: Industrial lands shall be located in areas that maximize available and planned infrastructure, including major transportation corridors.

The Comprehensive Plan sets a minimum acceptable transportation level of service for the Wheeler Road corridor. Following are LOS standards and existing conditions as of 1999, when the Comprehensive Plan was prepared:

Intersections	Standards	1999 Existing Conditions
Wheeler & Road L	C	C (northbound left) C (southbound left)
Wheeler & Road N	C	C (northbound left) B (southbound)
Wheeler & SR-17	D	C

Conclusions: The facts and findings support the following conclusions:

1. **Comprehensive Plan/Municipal Code:** The development is consistent with Comprehensive Plan goals and policies on infill and industrial uses by platting a site in an industrial area and making it suitable for continued industrial development. With a deviation to not front on a street and a condition that the sewer connection be completed, the development meets the requirements and intent of the Municipal Code.
2. **Adequate provisions for necessary improvements:** The only places the property fronts on any public right-of-way is at the access easements; therefore, no street improvements are appropriate. The site is currently connected to City water, and a connection to City sewer is

- in progress and is a condition of approval.
3. **Impacts:** No impacts have been identified under Chapters 14 through 19 that will not be mitigated through existing regulations and conditions.
 4. **Public health, safety, welfare, and interest:** The development is beneficial to the public health, safety and welfare and is in the public interest by platting land consistent with the intent of the Heavy Industrial Zone.
 5. **Transportation Level of Service:** The development does not lower the level of service of transportation facilities below the minimum standards established in the Comprehensive Plan because platting the property does not change the traffic generated by the site.
 6. **Parks Level of Service:** This project will not affect parks level of service.
 7. **Dedications:** No street right-of-way is proposed for dedication with this development proposal.
 8. **Deviation:** Because of the existing unusual condition of the property that it does not have street frontage, granting a deviation is justified. The purpose of requiring street frontage is met, since the site has existing easements for vehicular access and utilities.
 9. **Even though connection to the City sewer and abandonment of the septic system is in progress, in order to properly approve the plat at this time, a condition for completion of these items is required.**

Staff Recommendations: Staff recommends that the 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 final plat submittal.
2. The comments of the East Columbia Irrigation District and USBR shall be addressed before final plat submittal.
3. The requested deviation to not front on a street shall be granted.
4. Before the plat is recorded, the proponent shall complete the connection to City sewer and abandon the existing septic system.

Public Hearing: A public hearing was scheduled and properly postponed. Public notices were published and posted and property owners and residents within 500' of the plat were notified. The Commission should hold a public hearing and take testimony on the proposed preliminary major plat and deviation.

Action: The Commission should consider the proposed preliminary major plat and its associated deviation and recommend to the Council to approve, conditionally approve, or deny the preliminary plat and deviation.

Respectfully submitted,

Anne Henning
Senior Planner
Community Development Department

January 3, 2012

TO: Planning Commission

SUBJECT: International Paper Major Plat and Deferral Request - Public Hearing

International Paper has submitted an application for a one-lot plat of 17.96 acres at 13594 Wheeler Road, the existing plant location. The site is zoned Heavy Industrial, which corresponds with the Comprehensive Plan Land Use Designation of Industrial.

Deferrals were requested for street lighting and street improvements for Wheeler Road.

Site and Project Information:

The site is comprised of three tax parcels that will be combined into one platted lot containing buildings, asphalt, and gravel for the existing corrugated box factory. The site is being platted to meet the requirement of the City Council when International Paper requested permission to build on unplatted property for a building addition for a water treatment facility to remove excess starch, ink solids, and other contaminants from process water before it is discharged to the city sewer.

No portion of the site has been classified as an environmentally sensitive area, and no wetlands have been identified on the site.

Wheeler Road is classified as a primary street. Existing improvements do not meet Community Standards for curb, gutter, sidewalk, asphalt, stormwater, and street lights. The developer has requested a deferral of these improvements.

Vicinity Data:

Surrounding land uses are industrial and vacant.

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

Attachments:

- Attachment 1: Plat received 12-5-11 (3 pgs)
- Attachment 2: Plat site plan
- Attachment 3: Deferral request letter from PLSA, received 12-5-11
- Attachment 4: Development Engineer memo dated 12-22-11 (4 pgs)
- Attachment 5: USBR comments received 12-22-11 (2 pgs)
- Attachment 6: 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 17.12, Major Subdivisions, regulates subdivisions to provide for the orderly and efficient division of land within the city, promote public health, safety and general welfare, and to comply with the provisions of RCW Chapter 58.17.

MLMC Chapter 17.21, Design Standards, regulates street, block, and lot layout; and establishes minimum street right-of-way and curve requirements.

MLMC Chapter 17.24, Improvements, specifies that all improvements shall be installed per Community Street and Utility Standards that are current at the time of plat application, except that deferred improvements shall be constructed per the standards at the time the City calls for the improvements.

MLMC Chapter 17.33, Waivers, Deferrals, and Deviations, establishes the procedure for granting a waiver, deferral, or deviation of the regulations contained in the subdivision title. 17.33.010.B states:

The Planning Commission shall not recommend a waiver, deferral, or deviation of the subdivision regulations unless it shall find the following condition exists in each case of a request:

Where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existing of unusual physical conditions, the strict compliance with the provisions of this title would cause an unusual and unnecessary hardship on the subdivider, the Planning Commission may waive, defer, or deviate from the requirements set forth in this title.

In recommending a waiver, deferral, or deviation, the Planning Commission may require such conditions as will secure, in so far as practicable, the objectives of the requirement waived, deferred, or deviated from. Any waiver, deferral, or deviation authorized shall be entered in the minutes of the Planning Commission together with the circumstances that justify the waiver, deferral, or deviation granted.

MLMC Chapter 18.40, Industrial Zones, has as its purposes to provide business and manufacturing employment opportunities, to provide for a variety of industrial uses, in limited and appropriate areas, to minimize adverse impacts to the environment and surrounding uses; to protect residential and other uses from adverse impacts from manufacturing and industrial uses, and to protect industrial areas from other uses that may interfere with the purpose and efficient operation of those areas. The Heavy Industrial Zone is intended to accommodate heavy industrial uses and to preserve land for such uses at locations that will permit less restrictive industrial performance standards and bulk regulations than the Light Industrial Zone, thereby providing greater flexibility to accommodate a variety of heavy industrial uses including but not limited to manufacturing, fabricating, processing, warehousing, distribution, and assembly. To achieve the stated purpose and intent, the allowed uses in the Heavy Industrial Zone are primarily limited to those that need and would benefit from locating in the Heavy Industrial Zone.

MLMC Chapter 18.57, Landscaping, establishes landscaping provisions to provide a smooth transition between adjacent properties, buffer different intensities of land uses, enhance the character and appearance of the city, soften the visual impact of paved surfaces, reduce the effects of light, noise, glare, exhaust fumes, heat, wind, erosion, and other adverse effects; and provide shade. Street frontage, buffer, and parking lot landscaping are required with building permits and are not triggered by platting.

MLMC Title 20, Development Review Process, regulates the permit review process. Section 20.09.020 stipulates that the following findings and conclusions must be made:

1. The development is consistent with the Comprehensive Plan and meets the requirements and intent of the Municipal Code.

2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, and sanitary wastes, parks and recreation facilities, playgrounds, and sites for schools and school grounds.
3. The development adequately mitigates impacts identified under Chapters 14 through 19.
4. The development is beneficial to the public health, safety and welfare and is in the public interest.
5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established in the Comprehensive Plan.
6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

B. Public, Department and Agency Responses:

1. The Development Engineer provided a list of comments and corrections that must be addressed before the final plat is submitted for review, including a list of documents that must be provided.
2. The Bureau of Reclamation (USBR) 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 the proponent may wish to have the agricultural water supply released from this site, that permits are required for withdrawing groundwater, and that the Irrigation District must sign the plat before it is submitted to USBR for signature.
3. The East Columbia Basin Irrigation District (ECBID) did not provide comments before the end of the comment period; however, ECBID has jurisdiction over the plat, and any corrections or comments must be addressed before they will sign the plat. Therefore, addressing the ECBID comments has been included as a recommended condition of approval.
4. Planning comments on the requested deviation, waiver, and deferrals:
 - a. Improvements to Wheeler Road will be more efficient and provide a better result for the public if they are done in a large project, rather than piecemeal. A deferral should be granted, and a covenant required for the proponent to participate in the cost of the improvements when they are installed. This has been included as a recommended condition of approval.
 - b. The requested deferral of street lighting should be granted. Grant County PUD has previously requested that for projects in the Wheeler Corridor, street lighting should be deferred until sidewalks are installed. The street lighting deferral has been included along with the deferral of other street improvements in the recommended conditions of approval.

C. SEPA: A Determination of Non-Significance (DNS) for the building addition and plat was issued on October 21, 2011 under the State Environmental Policy Act Rules (WAC 197-11).

D. Relevant Comprehensive Plan Goals and Policies:

General Land Use Policy 1: The City shall encourage cost effective development adjacent to urban areas where adequate public facilities and services exist or can be provided in a timely and efficient manner.

General Land Use Policy 4: Infill developments that are scaled and designed to fit their surroundings are encouraged on properties suited to urban development.

Industrial Land Use Goal 10: Encourage the development of diversified industrial and manufacturing activities to provide employment in the area, strengthen the economy and the tax base.

Industrial Policy 54: Industrial and manufacturing recruitment efforts shall be supported by a range of procurable large, open, attractive light- and heavy-industrial-zoned development sites located within the UGA.

Industrial Policy 55: Industrial lands should not attract land uses which are more appropriate in commercial areas.

Industrial Policy 56: Industrial lands shall be located in areas that maximize available and planned infrastructure, including major transportation corridors.

The Comprehensive Plan sets a minimum acceptable transportation level of service for the Wheeler Road corridor. Following are LOS standards and existing conditions as of 1999, when the Comprehensive Plan was prepared:

Intersections	Standards	1999 Existing Conditions
Wheeler & Road L	C	C (northbound left) C (southbound left)
Wheeler & Road N	C	C (northbound left) B (southbound)
Wheeler & SR-17	D	C

Conclusions: The facts and findings support the following conclusions:

1. **Comprehensive Plan/Municipal Code:** The development is consistent with Comprehensive Plan goals and policies on infill and industrial uses by platting a site in an industrial area and making it suitable for continued industrial development. With deferral of street improvements, the development meets the requirements and intent of the Municipal Code.
2. **Adequate provisions for necessary improvements:** Adequate provisions for streets and other public ways, water supply, and sanitary wastes exist currently. A covenant will be required for improvements to Community Standards in the future.
3. **Impacts:** No impacts have been identified under Chapters 14 through 19 that will not be mitigated through existing regulations and conditions.
4. **Public health, safety, welfare, and interest:** The development is beneficial to the public health, safety and welfare and is in the public interest by platting land consistent with the intent of the Heavy Industrial Zone.
5. **Transportation Level of Service:** The development does not lower the level of service of transportation facilities below the minimum standards established in the Comprehensive Plan because platting the property does not change the traffic generated by the site.
6. **Parks Level of Service:** This project will not affect parks level of service.
7. **Dedications:** The street right-of-way proposed for dedication is a direct result of the development proposal and is needed to serve the development.
8. The deferral of street improvements is reasonable so that improvements to Wheeler Road can be constructed in one large project rather than multiple small projects as each property is platted. One large project will be more economical and will be a better result for the public that uses the street than constructing the street piecemeal would be.
9. The deferral of street lighting has been requested by Grant County PUD.

Staff Recommendations: Staff recommends that the 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 final plat submittal.
2. The comments of the East Columbia Irrigation District and USBR shall be addressed before final plat submittal.
3. A deferral shall be granted for design and construction of street improvements, including street lighting for Wheeler Road, and curb, gutter, asphalt widening, sidewalk, and storm drainage for the north side of Wheeler Road. Improvements shall be to Community Standards current at the time of construction, and a covenant shall be recorded with the plat to guarantee installation of required improvements.

Public Hearing: A public hearing has been scheduled. Public notices were published and posted and property owners and residents within 500' of the plat were notified. The Commission should hold a public hearing and take testimony on the proposed preliminary major plat with deferrals.

Action: The Commission should consider the proposed preliminary major plat and its associated deferral and recommend to the Council to approve, conditionally approve, or deny the preliminary plat and deferral.

Respectfully submitted,

Anne Henning
Senior Planner
Community Development Department

January 3, 2012

TO: Planning Commission

SUBJECT: Harrison K. Dano Park Final Major Plat and Findings of Fact

The City of Moses Lake Municipal Services Department has submitted a final plat application for a one-lot plat on 4.48 acres located adjacent to Virginia Street, east of Paxson Drive and north of Park Orchard Elementary. The site is zoned R-1, Single Family Residential. The zoning corresponds with the underlying Comprehensive Plan Land Use Designation of Low Density Residential. The final plat is consistent with the preliminary plat.

Background

1. Municipal improvements (cul-de-sac at the end of Virginia Street) were allowed to be deferred. Clarification of the conditions of the deferral, specifically the type and extent of traffic barriers, resulted in a delay of processing the final plat. Proper notification procedures were followed.
2. The preliminary plat was approved on July 14, 2009 with the following conditions:
 - A. The comments of the Building Official shall be addressed before final plat submittal. *(These comments had to do with informing him who would review and inspect water lines for irrigation, that accessible parking spaces will be required if and when a parking lot is built, that review and inspection would be required for any signage, and that standard care and precautions need to be taken to control dust and tracking of sediment onto streets during grading and landscaping).*
 - B. The comments of the Development Engineer shall be addressed before final plat submittal. *(These comments were about the deferral of street improvements, other improvements, that all reimbursements have been paid, requirements before the plat is completed, and corrections that need to be made to the drawings. The Development Engineer has reviewed the final plat and provided comments that should be attached as conditions of approval of the final plat).*
 - C. The comments of the Park & Recreation Director shall be addressed before the final plat submittal. *(This comment was that the family that donated the land requested that any matter related to the park, such as the name of the plat, use the full name Harrison K. Dano).*
 - D. The deferral of the construction of the cul-de-sac at the end of Virginia Street shall be granted with the conditions that traffic barriers or a temporary cul-de-sac with an approved berm be constructed before the plat is recorded and that improvements to current Community Standards be completed within 5 years. *(The Municipal Services Director has determined that the installed type III traffic barricades are sufficient to meet this condition, and that additional barricades will be installed in the future if there are problems with vehicles entering the park).*
3. At the time of the last major update to land use designations, this site was still privately owned and so designated Low Density Residential, consistent with the surrounding area. Eventually, this site will be redesignated in the Comprehensive Plan as Parks and Open

Space, and rezoned to Public. However, parks, playgrounds, athletic fields, and other non-commercial recreational uses are outright permitted in all residential zones, so the current R-1 zoning does not create any problems.

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, US Postal Service, and City of Moses Lake Municipal Services Department, Fire Department, Police Department, Parks & Recreation Department, Development Engineering Division, Public Works Division, Stormwater Division, and Building Division.

Attachments:

- Attachment 1: Final Plat received 1-26-10 (2 pgs)
- Attachment 2: Development Engineer memo dated 12-29-11
- Attachment 3: 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. 20, Residential Zones, states that the R-1 Zone is intended to accommodate low density residential uses and to preserve land for such uses. Parks, playgrounds, athletic fields, and other non-commercial recreational uses are allowed uses in the R-1 Zone.

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.

C. A Determination of Non-Significance (DNS) was issued on May 13, 2009 under the State Environmental Policy Act Rules (WAC 197-11).

Conclusions: The facts and findings support the following conclusions:

1. With conditions, the final plat is consistent with the preliminary plat approval.

Staff Recommendations: Staff recommends that the Harrison K. Dano Park Major 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.

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 HARRISON K. DANO
PARK 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 January 12, 2012.
- 1.2 Proponent. The City of Moses Lake is the proponent of this plat.
- 1.3 Purpose. The proponent has submitted a final plat application to create one platted lot of 4.48 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 26, 2010.
 - 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 R-1, Single Family Residential.
- 2.3 There were no significant changes between the preliminary plat and final plat.

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.

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.

Approved by the Planning Commission on January 12, 2012.

Planning Commission Chairperson