



Moses Lake City Council

Todd Voth, Mayor | Karen Liebrecht, Deputy Mayor | Bill Ecret, Council Member | Ryann Leonard, Council Member | David Curnel, Council Member | Don Myer, Council Member | Mike Norman, Council Member

February 9, 2016 – 6:00 pm

Budget/Council Policy Study Session

City Council Meeting Agenda

Call to Order – 7:00 pm

Roll Call

Pledge of Allegiance

Citizen's Communications – Identification

Citizens who would like to address the council during Public Questions/Comments or during a Public Hearing, should complete one of the blue speaker request cards and submit it to the Executive Secretary. Public Questions/Comments is a time in which you may address Council on any topic RELATED TO CITY MATTERS that is not already on tonight's agenda. Any public hearings that are noted on tonight's agenda will be announced when opened.

Presentations and Awards

Employee presentation from Community Development Department

Consent Agenda

All items listed below are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests specific items to be removed from the Consent Agenda for discussion prior to the time Council votes on the motion to adopt the Consent Agenda.

#1

- a. Approval of Minutes – January 26, 2016
- b. Approval Bills and Checks Issued
- c. Lakeview Park Major Plat & Findings of Fact
- d. Set Date for Public Hearing – 2016 Park & Recreation Comprehensive & Open Space Plan

Consent Agenda - continued

- e. Set Date for Public Hearing – MLMC 6.07 Animals – Chicken
- f. Set Date for Public Hearing – MLMC 18.20 Residential Zone – Manufacturing Homes

Commission Appointments

Consideration of Bids & Quotes

Petitions/Communications/Public Hearings

#2

- a. Public Hearing - Ordinance – Amend MLMC 18.40 Industrial Zones – Surface Mining

Ordinances/Resolutions

Request to Call for Bids

Referrals from Commissions

Other Items for Council Consideration

#3

- a. Establish Water Use Efficiency Goals
- b. Cascade Park Day Use Restroom Arson
- c. WinCo Binding Site Plan - Appeal

Public Questions/Comments – Non-Agenda Items

Council Communications

City Manager Reports

Executive Session

Discuss with Legal Counsel Representing the Agency Litigation – RCW 42.30.110(i)

Adjournment

MOSES LAKE CITY COUNCIL
January 26, 2016

DRAFT

Council Present: Todd Voth, Karen Liebrecht, Bill Ecret, David Curnel, Don Myers, Mike Norman, and Ryann Leonard

The meeting was called to order at 7 p.m. by Mayor Voth.

PLEDGE OF ALLEGIANCE: Richard Bisnett, Human Resources Director, led the Council in the flag salute.

CITIZEN COMMUNICATION - None

PRESENTATION AND AWARDS

Police Department: Bradley Zook, Police Officer, was introduced to the Council, and given the oath of office..

Community Development: Lori Witters, Department Secretary, was introduced to the Council.

Public Works: Mike Moro, Public Works Superintendent, and Joey Clifner, Mechanic, were introduced to the Council.

CONSENT AGENDA

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

Approval of Claims, Prepaid Claims, Checks, and Payroll: Vouchers audited and certified by the Finance Director as required by RCW 42.24.080, and those expense reimbursement claims, certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Council for approval and is retained for public inspection at the Civic Center. As of January 26, 2016 the Council does approve for payment claims in the amount of \$981,625.62; prepaid claims in the amounts of \$64,892.09 and \$3,511.28; claim checks in the amount of \$1,697,760.63; and payroll in the amount of \$390,145.24.

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

COMMISSION APPOINTMENTS - None

CONSIDERATION OF BIDS AND QUOTES - None

PETITIONS, COMMUNICATIONS, OR PUBLIC HEARINGS

WATER USE EFFICIENCY GOALS

The Municipal Water Law requires municipal water suppliers to publicly establish water use efficiency goals which should run concurrently with the updates of the Water System Plan. The Water Division has recommended that the goal for the Moses Lake Water System be to continue to reduce the average annual consumption per residential connection by 2% by 2022.

The public hearing was opened. There were no comments.

Action Taken: Mr. Ecret moved that the public hearing be closed, seconded by Mr. Curnel, and passed unanimously.

Mike Moro, Public Works Superintendent, gave some background on the Water System Comprehensive Plan and the goal of conserving water. The City's goal is to conserve 2% per year for the next 6 years, which is a reasonable goal to accomplish with new technology and user education.

After some discussion by Council, staff was requested to review the City's current rate structure with the possibility of changing from the more water used the less is charged to the more water used the more is charged.

It was pointed out that the water use efficiency goal and the rate structure are different issues and will be provided to Council separately.

ORDINANCES AND RESOLUTIONS

ORDINANCE - AMEND 18.20 - RESIDENTIAL ZONES - 1ST READING

An ordinance was presented which amends Chapter 18.20, Residential Zones, to bring it into compliance with state law regarding the placement of manufactured homes. This amendment would allow manufactured homes in all residential zones.

Gilbert Alvarado, Community Development Director, pointed out that in 2004 the legislature passed a bill that stated that cities could no longer distinguish between manufactured housing and traditional stick built housing. Changes were made to the Single Family and Two Family Residential Zone and the Multi-Family Residential Zone to allow manufactured homes but they were still prohibited in the Single Family Residential Zone. In 2014 the City's was notified of the non-compliance by the City's insurance carrier. The City has until March 1 to become compliant with the state law.

There was some discussion concerning any requirements that should be placed on manufactured homes in single family residential zones.

The ordinance amending Chapter 18.20 of the Moses Lake Municipal Code entitled "Residential Zones" was read by title only. Staff was requested to include development standards for the manufactured homes in the Single Family Residential Zone.

REQUEST TO CALL FOR BIDS - None

REFERRALS FROM COMMISSIONS - None

OTHER ITEMS FOR COUNCIL CONSIDERATION

GRANT COUNTY ECONOMIC DEVELOPMENT COUNCIL - APPOINTMENT

The Grant County Economic Development Council requested a representative from the City Council to serve on their board.

Action Taken: Mr. Curnel moved that Mr. Norman be appointed to the Grant County Economic Development Council, seconded by Mrs. Liebrecht, and passed unanimously.

WATER/SEWER SERVICE - NAKONECHNYY

Aleksey and Maria Nakonechnyy requested permission to connect Lot 14, Block 2, Lincoln Plat, located at 9126 Space Street, to the City's water and sewer system without annexing the property to the City. The property is within one half mile of the City's limits but it would be impractical to annex since there are additional parcels and right-of-way between the lot and the City's limits.

Action Taken: Mr. Ecret moved that the request for City services be granted without requiring annexation but with the stipulation that an Extra Territorial Utility Agreement be required, seconded by Mr. Norman, and passed unanimously.

PLATTING DEEMED INSUFFICIENT - 621 EWING

Fabian Pimentel, submitted a building permit application for Lot 35, lock 1, Lakeview Terrace #2, located at 621 Ewing Place, which is a legally platted parcel, and requested a deferral of the required improvements.

Gilbert Alvarado, Community Development Director, mentioned that property platted years ago was not required to install municipal improvements that are now required with current plats. In order to rectify the deficiencies, staff cannot issue a building permit for improvements on insufficiently platted property unless the properties are brought into conformance with the current codes or the City Council grants a waiver, deferral, or deviation from the requirements to install the deficient plat improvements. He mentioned that if the Council approves a waiver, a covenant for the additional improvements would be required of the owner.

Action Taken: Mrs. Liebrecht moved that the request be granted with the stipulation that a covenant be required for construction of the improvements in the future, seconded by Mr. Curnel, and passed unanimously.

PLATTING DEEMED INSUFFICIENT - 721 IRONWOOD

Michael Fabian submitted a building permit application for Lot 4, North Terrace Addition #3, located at 721 Ironwood, which is a legally platted parcel, and requested a deferral of the required improvements.

Gilbert Alvarado, Community Development Director, mentioned that property platted years ago was not required to install municipal improvements that are now required with current plats. In order to rectify the deficiencies, staff cannot issue a building permit for improvements on insufficiently platted property unless the properties are brought into conformance with the current codes or the City Council grants a waiver, deferral, or deviation from the requirements to install the deficient plat improvements. He mentioned that if the Council approves a deferral, a covenant for the additional improvements would be required of the owner.

Action Taken: Mrs. Leonard moved that the request be granted with the stipulation that a covenant be required for construction of the improvements in the future, seconded by Mr. Norman, and passed unanimously.

NON-AGENDA ITEMS AND PUBLIC QUESTIONS AND COMMENTS - None

COUNCIL QUESTIONS AND COMMENTS - None

CITY MANAGER REPORTS AND COMMENTS - None

The regular meeting was adjourned at 7:50 p.m.

ATTEST

Todd Voth, Mayor

W. Robert Taylor, Finance Director

DATE 2/04/16
TIME 14:24:19

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CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 02/09/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
2M COMPANY INC	00004450	0000076235	547.89	MISC SUPPLIES
		TOTAL:	547.89	
ACE HARDWARE	00006538	0000076178	23.72	MISC SUPPLIES
		0000076178	34.48	MISC SUPPLIES
		0000076178	37.69	MISC SUPPLIES
		0000076067	70.07	MISC SUPPLIES
		0000076232	53.31	MASKING TAPE/PAINT TRAY LINER
		TOTAL:	219.27	
AMERICAN LINEN	00004927	0000076244	299.30	
		TOTAL:	299.30	
CASCADE ANALYTICAL INC	00005014	0000076203	557.23	SAMPLE TESTING
		0000076203	1,421.06	SAMPLE TESTING
		TOTAL:	1,978.29	
CINTAS CORPORATION LOC 607	00000271	0000076241	22.44	SHOP TOWELS/UNIFORMS
		0000076241	22.44	SHOP TOWELS/UNIFORMS
		0000076241	325.93	SHOP TOWELS/UNIFORMS
		TOTAL:	370.81	
COMMERCIAL TIRE	00005968	0000076207	684.06	TIRES/WHEEL BALANCE/REPAIR
		TOTAL:	684.06	
CSWW, INC dba NO 40 OUTFITTERS	00001701	0000076170	11.32	MISC SUPPLIES
		0000076170	349.86	MISC SUPPLIES
		0000076036	21.54	MISC SUPPLIES

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CITY OF MOSES LAKE
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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000076036	32.68	MISC SUPPLIES
		0000076036	7.54	MISC SUPPLIES
		0000076223	86.29	MISC SUPPLIES
		0000076223	225.43	MISC SUPPLIES
		0000076223	75.52	MISC SUPPLIES
		0000076223	16.17	MISC SUPPLIES
		0000076105	3.86	MISC AMBULANCE SUPPLIES
		0000076223	296.03	MISC SUPPLIES
		0000076223	21.30	MISC SUPPLIES
		=====		
		TOTAL:	1,147.54	
DATABAR	00007974			
		0000076295	774.06	MAIL UTILITY BILLS
		0000076295	774.04	MAIL UTILITY BILLS
		0000076295	790.56	MAIL UTILITY BILLS
		0000076295	774.06	MAIL UTILITY BILLS
		0000076295	774.06	MAIL UTILITY BILLS
		=====		
		TOTAL:	3,886.78	
EVERGREEN IMPLEMENT INC	00005234			
		0000076209	813.75	MISC R&M PARTS
		=====		
		TOTAL:	813.75	
FERGUSON ENTERPRISES INC #3007	00005482			
		0000076213	435.07	MISC SUPPLIES
		=====		
		TOTAL:	435.07	
INLAND PIPE & SUPPLY COMPANY	00003727			
		0000076216	9.11	MISC SUPPLIES
		=====		
		TOTAL:	9.11	
LAKE AUTO PARTS	00001102			

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
LAKE AUTO PARTS	00001102	0000076187	821.38	MISC SUPPLIES
		0000076218	10.56	MISC SUPPLIES
		0000076218	46.71	MISC SUPPLIES
		0000076218	22.43	MISC SUPPLIES
		0000076218	152.17	MISC SUPPLIES
		=====		
		TOTAL:	1,053.25	
LEE CREIGLOW CBO	00005899	0000076285	5,220.00	PROF SERVICE/PLAN CHECKING
		=====		
		TOTAL:	5,220.00	
LES SCHWAB TIRE CENTER	00003519	0000076242	19.97	FLAT REPAIR
		=====		
		TOTAL:	19.97	
NORCO ENTERPRISES INC	00006590	0000076265	389.56	CYLINDER RENTAL/MISC SUPPLIES
		0000076222	171.97	FIRST AID SUPPLIES
		=====		
		TOTAL:	561.53	
PENHALLURICKS EXPRESS BUILDING	00006579	0000076240	758.34	
		0000076229	13.90	MISC SUPPLIES
		0000076229	65.59	MISC SUPPLIES
		=====		
		TOTAL:	837.83	
PLATT ELECTRIC COMPANY	00001549	0000076039	14.50	MISC SUPPLIES
		0000076184	100.51	MISC SUPPLIES
		0000076227	75.93	MISC SUPPLIES
		0000076227	940.90	MISC SUPPLIES
		0000076227	194.16	MISC SUPPLIES
		=====		
		TOTAL:	1,326.00	
RATHBONE SALES INC	00005021	0000076230	55.87	MISC SUPPLIES

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		0000076230	36.96	MISC SUPPLIES
		TOTAL:	92.83	
UNITED PARCEL SERVICE	00005456	0000076293	75.00	SHIPPING CHARGES
		0000076293	8.49	SHIPPING CHARGES
		TOTAL:	83.49	
		REPORT TOTAL:	19,586.77	

CITY OF MOSES LAKE
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TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	7,085.23
116	STREET	857.72
410	WATER/SEWER	5,778.57
490	SANITATION	790.56
493	STORM WATER	846.10
498	AMBULANCE FUND	1,077.22
519	EQUIPMENT RENTAL	2,500.84
528	BUILD MAINTENANCE	650.53
	TOTAL	19,586.77

CHANGES TO BE MADE SHOULD BE LISTED BELOW

VEND NO.	P.O. NO.	AMT LISTED	CORRECTED AMT	ACTION TO BE TAKEN
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CORRECT AMOUNT TO BE PAID

CLAIMS APPROVAL

WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT IN THE AMOUNT OF \$19,586.77 THIS 9TH DAY OF FEBRUARY, 2016

.....

COUNCIL MEMBER COUNCIL MEMBER

.....

COUNCIL MEMBER FINANCE DIRECTOR

CITY OF MOSES LAKE
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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
A & H PRINTERS	00000001	0000076172	140.28	BUSINESS CARDS/VOTH
		0000076267	93.33	PRINTING
		0000076268	390.06	INSPECTION FORMS
		=====		
		TOTAL:	623.67	
A T & T MOBILITY	00004826	0000076282	117.95	CHARGES/GPS SERVICE
		=====		
		TOTAL:	117.95	
AG WEST DISTRIBUTING CO INC	00006842	0000076197	28.05	GASKET-VITON
		=====		
		TOTAL:	28.05	
ALPINE PRODUCTS INC	00005052	0000076196	1,110.25	COLD PATCH
		=====		
		TOTAL:	1,110.25	
ARROW INTERNATIONAL INC	00007629	0000076160	560.79	MEDICAL SUPPLIES
		=====		
		TOTAL:	560.79	
ASSOC OF GRANT CO CITIES	00004953	0000076294	25.00	ANNUAL DUES/2016
		=====		
		TOTAL:	25.00	
BASIN LOCK & SECURITY	00003714	0000076247	113.30	KEY / VEHICLE 170
		0000076199	9.71	GAS KEYS
		=====		
		TOTAL:	123.01	
BASIN PROPANE LLC	00007006	0000076200	8.09	PROPANE
		=====		
		TOTAL:	8.09	
BATTERY SYSTEMS	00004673	0000076198	27.12	BATTERIES
		=====		
		TOTAL:	27.12	
BOUND TREE MEDICAL LLC	00006022	0000076248	928.37	MEDICAL SUPPLIES
		=====		
		TOTAL:	928.37	
BUD CLARY FORD	00006454	0000076202	134.97	SCREEN ASSEMBLY

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
		=====	
		TOTAL: 134.97	
BUD CLARY TOYOTA CHEVROLET	00000150	0000076201 54.29	MISC REPAIR PARTS
		=====	
		TOTAL: 54.29	
BUSINESS INTERIORS & EQUIPMENT	00003619	0000076289 2,760.60	MAINT AGREEMENTS/COPIERS
		=====	
		TOTAL: 2,760.60	
CAROL CROSS	00004253	0000076192 189.70	MAC CONSIGNMENT SALES
		=====	
		TOTAL: 189.70	
CAROL HOHN	00006772	0000076182 175.00	BUILDING MAINTENANCE
		=====	
		TOTAL: 175.00	
CENTURYLINK	00003599	0000076177 8.00	LONG DISTANCE TEL SERVICE
		0000076177 8.00	LONG DISTANCE TEL SERVICE
		0000076177 40.00	LONG DISTANCE TEL SERVICE
		0000076177 40.00	LONG DISTANCE TEL SERVICE
		=====	
		TOTAL: 96.00	
	00001502	0000076175 44.59	TELEPHONE SERVICE
		0000076174 155.48	TELEPHONE SERVICE
		=====	
		TOTAL: 200.07	
	00003599	0000076177 90.00	LONG DISTANCE TEL SERVICE
		=====	
		TOTAL: 90.00	
	00001502	0000076175 455.08	TELEPHONE SERVICE
		=====	
		TOTAL: 455.08	
	00003599	0000076177 20.50	LONG DISTANCE TEL SERVICE
		=====	
		TOTAL: 20.50	
	00001502		

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number P.O. Amount	Purpose of Purchase
		0000076175 184.96	TELEPHONE SERVICE
		=====	
		TOTAL: 184.96	
	00003599		
		0000076177 4.00	LONG DISTANCE TEL SERVICE
		=====	
		TOTAL: 4.00	
	00001502		
		0000076175 275.84	TELEPHONE SERVICE
		=====	
		TOTAL: 275.84	
	00003599		
		0000076177 10.00	LONG DISTANCE TEL SERVICE
		=====	
		TOTAL: 10.00	
	00001502		
		0000076175 127.26	TELEPHONE SERVICE
		=====	
		TOTAL: 127.26	
	00003599		
		0000076177 69.90	LONG DISTANCE TEL SERVICE
		0000076177 65.90	LONG DISTANCE TEL SERVICE
		0000076173 61.90	WATER TURN OFF NOTIFICATIONS
		0000076173 61.90	WATER TURN OFF NOTIFICATIONS
		=====	
		TOTAL: 259.60	
	00001502		
		0000076174 46.84	TELEPHONE SERVICE
		=====	
		TOTAL: 46.84	
	00003599		
		0000076173 61.92	WATER TURN OFF NOTIFICATIONS
		=====	
		TOTAL: 61.92	
	00001502		
		0000076175 44.59	TELEPHONE SERVICE
		=====	
		TOTAL: 44.59	
	00003599		
		0000076177 8.00	LONG DISTANCE TEL SERVICE
		=====	
		TOTAL: 8.00	
	00001502		

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		0000076175	2,801.67	TELEPHONE SERVICE
		=====		
		TOTAL:	2,801.67	
	00003599			
		0000076177	17.90	LONG DISTANCE TEL SERVICE
		0000076177	4.00	LONG DISTANCE TEL SERVICE
		=====		
		TOTAL:	21.90	
	00001502			
		0000076175	183.89	TELEPHONE SERVICE
		=====		
		TOTAL:	183.89	
	00003599			
		0000076177	4.00	LONG DISTANCE TEL SERVICE
		=====		
		TOTAL:	4.00	
CHICAGO DISTRIBUTION CENTER	00007397			
		0000076270	51.07	MAC RESALE
		=====		
		TOTAL:	51.07	
CITY OF MOSES LAKE	00008201			
		0000076298	127.44	WATER SERVICE
		0000076298	413.05	WATER SERVICE
		=====		
		TOTAL:	540.49	
	00008106			
		0000076276	8,638.05	RETAIN PE2 POW MAE VLLY SWR
		0000076273	11,649.13	RETN PE3 FPMRS ELE SWR GEN 15
		=====		
		TOTAL:	20,287.18	
COLUMBIA BASIN DAILY HERALD	00000210			
		0000076162	610.00	PUBLICATIONS
		=====		
		TOTAL:	610.00	
COLUMBIA BEARING BDI	00000274			
		0000076205	31.98	BELT
		=====		
		TOTAL:	31.98	
CONFLUENCE HEALTH	00005069			
		0000076254	277.76	SERVICES
		=====		
		TOTAL:	277.76	
CONSOLIDATED DISPOSAL SERVICE	00006284			
		0000076288	68.85	TRANS STATION/DISPOSAL LOADS
		0000076288	18,128.03	TRANS STATION/DISPOSAL LOADS

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NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
CONSOLIDATED DISPOSAL SERVICE	00006284	0000076288	9,223.50	TRANS STATION/DISPOSAL LOADS
		TOTAL:	27,420.38	
CONSOLIDATED ELECTRIC DIST	00000819	0000076204	135.91	LAMPS/T5 STRIPPER/CLAMP METER
		0000076204	48.41	LAMPS/T5 STRIPPER/CLAMP METER
		TOTAL:	184.32	
COUNTRY FABRICS	00006265	0000076277	384.00	SEWING CLASS INSTRUCTION
		TOTAL:	384.00	
CROWN PAPER & JANITORIAL	00007120	0000076208	679.99	JANITORIAL SUPPLIES
		TOTAL:	679.99	
D & L SUPPLY COMPANY INC	00006974	0000076210	5,650.40	LIDS/RINGS/VALVE BOX TOPS/BTMS
		TOTAL:	5,650.40	
DEPT OF LICENSING	00005162	0000076206	232.00	PROF LICENSE RENEWAL
		TOTAL:	232.00	
DURHAM GEO SLOPE INDICATOR	00007809	0000076183	583.70	WATER LEVEL INDICATOR
		TOTAL:	583.70	
E F RECOVERY	00007244	0000076159	808.50	EPCR HOSTED / NOVEMBER
		TOTAL:	808.50	
EASTERN CASCADE DIST	00006909	0000076260	80.50	DRINKING WATER
		TOTAL:	80.50	
EMPLOYMENT SECURITY DEPT	00005914	0000076259	15.00	SERVICES
		TOTAL:	15.00	
ERIKA MUELLER	00006078	0000076193	385.00	MAC CONSIGNMENT SALES
		TOTAL:	385.00	
FABER INDUSTRIAL SUPPLY	00000501	0000076239	77.31	MISC SUPPLIES

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NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		0000076211	49.98	FLOOR DRY
		0000076211	27.84	FLOOR DRY
		0000076211	48.67	FLOOR DRY
		=====		
		TOTAL:	203.80	
FARMERS ELECTRIC II LLC	00006596			
		0000076272	239,739.15	PE 3 SEWER GENERATOR PROJ 2015
		=====		
		TOTAL:	239,739.15	
FASTENAL COMPANY	00007372			
		0000076212	842.35	MISC SUPPLIES/FIRST AID
		=====		
		TOTAL:	842.35	
FERRELLGAS	00002207			
		0000076214	129.15	DOCK CYLINDERS
		=====		
		TOTAL:	129.15	
GALLS, LLC	00000133			
		0000076266	2,076.13	UNIFORMS
		0000076251	345.13	UNIFORM PANTS / PYPER
		=====		
		TOTAL:	2,421.26	
GARRY OTTMAR	00004434			
		0000076249	9.00	MISC DUMPING
		=====		
		TOTAL:	9.00	
GEMPLERS INC	00000609			
		0000076271	786.45	SUPPLIES/SHIPPING SAVER
		0000076271	727.45	SUPPLIES/SHIPPING SAVER
		=====		
		TOTAL:	1,513.90	
GINGER OAKES	00005100			
		0000076194	350.00	MAC CONSIGNMENT SALES
		=====		
		TOTAL:	350.00	
GRAINGER PARTS OPERATIONS	00002755			
		0000076215	153.18	MAINT & JANITORIAL SUPPLIES
		0000076215	101.81	MAINT & JANITORIAL SUPPLIES
		0000076215	30.82	MAINT & JANITORIAL SUPPLIES
		=====		
		TOTAL:	285.81	
GRANT COUNTY TECHNOLOGY	00005535			
		0000076255	60.00	SERVICES

DATE 2/05/16
TIME 09:46:40

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XAPPRVD

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 02/09/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account P.O. Number	P.O. Amount	Purpose of Purchase
		TOTAL:	60.00	
GRANT COUNTY TREASURER	00000607	0000076283	467.92	2% LIQUOR EXCISE TAX
		TOTAL:	467.92	
HACHETTE BOOK GROUP	00008039	0000076228	217.80	MAC RESALE
		TOTAL:	217.80	
HOCHSTATTER ELECTRIC	00000705	0000076269	138.86	WATER HEATER ELEMENT/REPAIR
		TOTAL:	138.86	
INTL ASSOC OF POLICE CHIEFS	00000803	0000076253	150.00	MEMBERSHIP
		TOTAL:	150.00	
JACKSON FLIGHT CENTER	00005419	0000076238	647.40	SNOW PLOWING
		TOTAL:	647.40	
JERRYS AUTO SUPPLY	00005835	0000076158	51.20	OIL
		0000076217	33.38	MISC SUPPLIES
		0000076217	1,324.71	MISC SUPPLIES
		TOTAL:	1,409.29	
KAMAN FLUID POWER LLC	00001302	0000076225	20.37	FITTING
		TOTAL:	20.37	
KRIS CHUDOMELKA	00007058	0000076191	28.35	MAC CONSIGNMENT SALES
		TOTAL:	28.35	
LAKE BOWL	00001109	0000076190	87.13	HOT SPOT COMP MEDALS
		TOTAL:	87.13	
LAKESIDE DISPOSAL	00004080	0000076301	176,845.27	CONTRACT PAYMENT
		TOTAL:	176,845.27	
LAND SURVEYORS ASSOC OF WASH	00005713	0000076181	1,090.00	LSAW REGISTRATION

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 02/09/2016

NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		=====		
		TOTAL:	1,090.00	
LINDSAY/CULLIGAN	00005289			
		0000076189	26.16	MAC/PR WATER
		0000076189	20.16	MAC/PR WATER
		0000076219	25.08	BOTTLED WATER
		=====		
		TOTAL:	71.40	
LOCALTEL COMMUNICATIONS	00004374			
		0000076180	916.75	INTERNET SERVICE
		=====		
		TOTAL:	916.75	
LYNN PEAVEY COMPANY	00003799			
		0000076257	213.80	INVESTIGATION SUPPLIES
		=====		
		TOTAL:	213.80	
MAYFIELD FITNESS	00007251			
		0000076287	723.73	MAINT/EXERCISE EQUIP
		=====		
		TOTAL:	723.73	
MOBILE FLEET SERVICE	00006815			
		0000076221	84.70	AIR SPRING
		=====		
		TOTAL:	84.70	
MOON SECURITY SERVICES INC	00006510			
		0000076258	51.50	MONTHLY MONITORING
		=====		
		TOTAL:	51.50	
MOSES LAKE STEEL SUPPLY	00001268			
		0000076179	2,443.85	MISC SUPPLIES
		0000076179	53.51	MISC SUPPLIES
		0000076179	23.55	MISC SUPPLIES
		0000076179	6.37	MISC SUPPLIES
		0000076179	147.57	MISC SUPPLIES
		=====		
		TOTAL:	2,674.85	
MULTI AGENCY COMM CENTER E911	00006695			
		0000076256	41,197.94	USER FEE
		0000076246	1,014.20	USER FEES / FEBRUARY
		0000076246	8,613.54	USER FEES / FEBRUARY

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 02/09/2016

NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		=====		
		TOTAL:	50,825.68	
NAEGELI DEPOSITION AND TRIAL	00007683	0000076281	7,591.08	WINCO TRANSCRIPTION / RECORDER
		=====		
		TOTAL:	7,591.08	
NATIONAL BOOK NETWORK	00006534	0000076263	84.35	MAC RESALE
		=====		
		TOTAL:	84.35	
NORTHWEST SIGN RECYCLING	00007608	0000076224	847.27	SIGN MATERIAL
		=====		
		TOTAL:	847.27	
OGDEN MURPHY WALLACE INC	00006727	0000076185	3,844.97	PROF SERV/WASTEWATER INVEST
		=====		
		TOTAL:	3,844.97	
OREILLY AUTO PARTS	00004593	0000076226	196.52	MISC SUPPLIES
		=====		
		TOTAL:	196.52	
PENGUIN RANDOM HOUSE LLC	00004865	0000076264	132.23	MAC RESALE
		=====		
		TOTAL:	132.23	
PITNEY BOWES INC	00005702	0000076291	152.12	INK/POSTAGE MACHINE
		=====		
		TOTAL:	152.12	
POW CONTRACTING	00005344	0000076274	177,770.96	PE2 MAE VALLEY SEWER 2015
		=====		
		TOTAL:	177,770.96	
PROTECT YOUTH SPORTS	00004626	0000076261	99.00	COACH BACKGROUND CHECKS
		=====		
		TOTAL:	99.00	
QUILL CORPORATION	00004811	0000076245	75.40	MISC OFFICE SUPPLIES
		0000076245	75.40	MISC OFFICE SUPPLIES
		=====		
		TOTAL:	150.80	
REBEKKA VAN DER DOES	00004973	0000076195	42.00	MAC CONSIGNMENT SALES
		=====		
		TOTAL:	42.00	
SHERWIN-WILLIAMS	00006229			

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 02/09/2016

NAME OF VENDOR	VENDOR NO	Expenditure Account		
Department	Object Description	P.O. Number	P.O. Amount	Purpose of Purchase
=====				
		0000076176	255.00	MISC SUPPLIES
		0000076176	214.67	MISC SUPPLIES
		0000076231	181.89	PAINT
		=====		
		TOTAL:	651.56	
SIGNS NOW	00007051			
		0000076188	802.37	PARK SIGNS
		0000076188	526.88	PARK SIGNS
		=====		
		TOTAL:	1,329.25	
SIMON & SCHUSTER INC	00005202			
		0000076262	129.52	MAC RESALE
		=====		
		TOTAL:	129.52	
SIRENNET.COM	00007692			
		0000076243	415.70	LED LIGHTS BLUE & RED
		=====		
		TOTAL:	415.70	
STAPLES CREDIT PLAN	00007570			
		0000076164	2,445.56	COPIER PAPER, COMP SUPPLIES
		0000076164	1,505.96	COPIER PAPER, COMP SUPPLIES
		=====		
		TOTAL:	3,951.52	
SUNTRUST	00007361			
		0000076165	105,312.36	#40A LEASE PYMT/2016
		0000076165	5,241.81	#40A LEASE PYMT/2016
		0000076165	1,176.65	#40A LEASE PYMT/2016
		0000076165	58.59	#40A LEASE PYMT/2016
		=====		
		TOTAL:	111,789.41	
SUPPLYWORKS	00003053			
		0000076233	1,520.62	JANITORIAL SUPPLIES
		=====		
		TOTAL:	1,520.62	
THE WESLEY GROUP	00004986			
		0000076186	100.00	LABOR RELATIONS CONSULT
		=====		
		TOTAL:	100.00	
TIM RICH CONSULTING LLC	00003351			
		0000076234	420.00	TROUBLESHOOTING/REPROGRAMMING
		=====		
		TOTAL:	420.00	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 02/09/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
TOTER, LLC C/O WASTEQUIP LLC	00004048	0000076299	5,198.96	LIDS/GARBAGE CANS
		=====		
		TOTAL:	5,198.96	
U S BANK - EFT	00007071	0000076166	2,936.25	DEBT SERVICE PYMT/2006 GO BOND
		0000076166	1,468.13	DEBT SERVICE PYMT/2006 GO BOND
		0000076297	57,982.74	DEBT SERVICE PYMT/15GO BONDS
		0000076166	1,468.12	DEBT SERVICE PYMT/2006 GO BOND
		0000076297	11,596.56	DEBT SERVICE PYMT/15GO BONDS
		=====		
		TOTAL:	75,451.80	
US BANCORP	00005477	0000076284	111,975.33	#39 LEASE PYMT/2016
		=====		
		TOTAL:	111,975.33	
	00007308	0000076171	63,703.66	#41 LEASE PYMT/2016
		=====		
		TOTAL:	63,703.66	
	00005477	0000076284	3,373.67	#39 LEASE PYMT/2016
		=====		
		TOTAL:	3,373.67	
	00007308	0000076171	4,633.34	#41 LEASE PYMT/2016
		=====		
		TOTAL:	4,633.34	
VERIZON WIRELESS	00002107	0000076286	54.37	CELL PHONE SERVICE
		0000076286	31.17	CELL PHONE SERVICE
		0000076286	68.78	CELL PHONE SERVICE
		0000076286	19.03	CELL PHONE SERVICE
		0000076286	662.19	CELL PHONE SERVICE
		0000076286	70.11	CELL PHONE SERVICE
		0000076286	13.21	CELL PHONE SERVICE
		0000076286	38.88	CELL PHONE SERVICE

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 02/09/2016

NAME OF VENDOR Department	VENDOR NO Object Description	Expenditure Account		Purpose of Purchase
		P.O. Number	P.O. Amount	
		0000076286	19.46	CELL PHONE SERVICE
		0000076286	58.30	CELL PHONE SERVICE
		0000076286	9.71	CELL PHONE SERVICE
		=====		
		TOTAL:	1,045.21	
WA ASSN SHERIFF POLICE CHIEFS	00002250	0000076252	305.00	MEMBERSHIP
		=====		
		TOTAL:	305.00	
WA CITIES INSURANCE AUTHORITY	00006720	0000076292	156.00	INSURANCE DEDUCTIBLE
		=====		
		TOTAL:	156.00	
WASH FINANCE OFFICERS ASSOC	00002208	0000076169	150.00	MEMBERSHIP DUES
		=====		
		TOTAL:	150.00	
WESTERN PETERBILT INC	00006802	0000076236	207.14	AIR FILTER
		=====		
		TOTAL:	207.14	
WM RECYCLE AMERICA	00006595	0000076168	723.20	TIPPING FEE
		=====		
		TOTAL:	723.20	
WSU PRESS CONTROLLER	00004684	0000076220	101.08	MAC RESALE
		=====		
		TOTAL:	101.08	
ZIGGYS #13	00006567	0000076237	68.24	MISC SUPPLIES
		0000076237	84.65	MISC SUPPLIES
		=====		
		TOTAL:	152.89	
		=====		
		REPORT TOTAL:	1,130,600.63	

CITY OF MOSES LAKE
TABULATION OF CLAIMS TO BE APPROVED
COUNCIL MEETING OF 02/09/2016

TOTALS BY FUND

FUND NO	FUND NAME	AMOUNT
000	GENERAL FUND	70,676.10
103	GRANTS AND DONATIONS	20.16
116	STREET	3,715.95
281	G.O.B. 2006 REDEMPTION	4,404.38
286	2015 REFUNDING GO BONDS	57,982.74
410	WATER/SEWER	8,980.39
477	WATER SEWER CONSTRUCTION	437,797.29
486	G.O.B. 2006 REDEMPTION	1,468.12
487	2015 GO BONDS REDEMPTION	11,596.56
490	SANITATION	210,180.86
493	STORM WATER	89.74
495	AIRPORT	869.24
498	AMBULANCE FUND	11,159.41
503	SELF-INSURANCE	156.00
517	CENTRAL SERVICES	10,600.56
519	EQUIPMENT RENTAL	296,903.48
528	BUILD MAINTENANCE	3,999.65
	TOTAL	1,130,600.63

CHANGES TO BE MADE SHOULD BE LISTED BELOW

VEND NO.	P.O. NO.	AMT LISTED	CORRECTED AMT	ACTION TO BE TAKEN
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.....
.....
.....

CORRECT AMOUNT TO BE PAID

CLAIMS APPROVAL

WE, THE UNDERSIGNED COUNCILMEN OF THE CITY OF MOSES LAKE, WASHINGTON, DO HEREBY CERTIFY THAT THE MERCHANDISE OR SERVICES SPECIFIED HAVE BEEN RECEIVED AND THAT ABOVE CLAIMS ARE APPROVED, AS NOTED, FOR PAYMENT IN THE AMOUNT OF \$1,130,600.63 THIS 9TH DAY OF FEBRUARY, 2016

.....

COUNCIL MEMBER	COUNCIL MEMBER
.....
COUNCIL MEMBER	FINANCE DIRECTOR



CITY OF MOSES LAKE STAFF REPORT

To: John Williams, City Manager
From: Gilbert Alvarado, Community Development Director
Date: February 3, 2016
Proceeding Type: MOTION
Subject: Lakeview Park Major Plat

Legislative History:

• First Presentation:	February 9, 2016
• Second presentation:	
• Action:	Consent/Motion

Staff Report Summary

The Municipal Services Department has submitted an application for a one-lot preliminary plat of 3.56 acres. The site is the existing Lakeview Park at 840 S. Clover Drive. The site is zoned Public, which corresponds to the Comprehensive Plan Land Use Designation of Public Facilities.

The Planning Commission recommended that the preliminary plat be approved with conditions. Attached are the Findings, Conclusions and Decision of the Planning Commission. As no appeal was taken from this decision of the Planning Commission, the Council's approval of this decision incorporates and adopts the Findings, Conclusion and Decision of the Planning Commission.

Background

N/A

Fiscal and Policy Implications

The City Council has adopted a policy that City of Moses Lake property ownership shall be platted parcels. All unplatted parcels shall be platted as time permits.

Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none">• <i>Approve a motion to adopt the Lakeview Park Preliminary Plat</i>	<i>Achieve City Council policy of platting property owned by the City of Moses Lake.</i>
<ul style="list-style-type: none">• <i>Take no action.</i>	<i>Delay meeting the intent of City Council policy.</i>

Staff Recommendation

Staff recommends the City Council approve the preliminary plat and accept the Findings, Conclusions, and Decision

Attachments

A.	Findings of Fact
B.	Map

Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none">• None		

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

IN THE MATTER OF THE LAKEVIEW PARK
MAJOR PLAT AND WAIVER REQUESTS

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 10, 2015.
- 1.2 Proponent. The Municipal Services Department of the City of Moses Lake is the proponent of this plat.
- 1.3 Purpose. The proponent has submitted an application for a one-lot preliminary plat of 3.56 acres. Waivers were requested for all street and utility improvements. The site is the existing Lakeview Park at 840 S. Clover Drive; Assessor Parcel #11-0333-000. The property is more fully described on the face of the plat.
- 1.4 Evidence. The Commission considered the following materials in reaching its decision:
 - A. The plat application submitted 9-25-15.
 - B. Staff report dated 12-2-15, and attachments.
 - C. Testimony from Anne Henning, staff; and Wayne Ostler, staff representing the proponent.

2. FINDINGS OF FACT BY THE PLANNING COMMISSION.

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

- 2.1 The proponent is the owner of the property legally described above located within City limits.
- 2.2 The site contains an existing developed City park and water reservoir. No additional development is planned at this time. The site is very flat, from an elevation of 1178' at the western boundary to 1180' near the eastern boundary. No portion of the site has been classified as an environmentally sensitive area.
- 2.3 Clover Drive and Lark Avenue are classified as tertiary streets. Dahlia Drive is classified as a residential street. All three streets are paved with curb, gutter, and sidewalk, however, Clover Drive does not have curb or sidewalk on the east (non-project) side. Water mains in Lark and Dahlia are 6" instead of the standard 8". Sewer main are lacking in Lark, Clover, and a portion of Dahlia. However, all properties in the area are adequately served with water and sewer, so no improvements are necessary, and there are no pedestrian destinations on the east side of Clover Drive, so no sidewalk is needed.
- 2.4 The site is zoned Public, which corresponds to the Comprehensive Plan Land Use Designation of Public Facilities. To the north of the park is Lakeview Elementary School. To the east is a sound barrier wall and then SR-17. To the south and west is a residential neighborhood zoned R-1, Single Family Residential.
- 2.5 The Development Engineering Manager provided a list of comments and corrections that must be addressed before the final plat is submitted for review.
- 2.6 The Bureau of Reclamation commented on an error in the Township number in the title of

the plat. Since the project is within the Moses Lake Irrigation District and does not involve any Columbia Basin Project facilities, they had no other comments at this time.

- 2.7 The East Columbia Basin Irrigation District commented that the plat is outside ECBID boundaries and does not have any District facilities running through it. Therefore, they have no comment.
- 2.8 The Grant County Assessor's office commented on an error in the Township number in the title of the plat. They had no other comments.
- 2.9 The Stormwater Program Manager commented that this plat is within a sub-basin that drains directly to the lake. Therefore, they look for opportunities to localize stormwater controls and reduce the total amount of stormwater that reaches the lake. If streets were being constructed or modified, they would ask for stormwater best management practices for the right-of-way. However, since no street construction will be done, no stormwater improvements are being requested.
- 2.10 A Determination of Non-Significance (DNS) was issued on November 24, 2015, under the State Environmental Policy Act Rules (WAC 197-11).
- 2.11 The nearest intersections for which the Comprehensive Plan sets a specific transportation level of service (LOS) are Pioneer/Wheeler/5th, Pioneer/Hill, and Pioneer Nelson, which are set at D, C, and D, respectively. The LOS as of 2010 were C, B, and B. For the remaining intersections, where the Comprehensive Plan does not set a specific LOS, the LOS is set at D. Platting the property will not change the traffic generated by the site.
- 2.12 Comprehensive Plan Residential Policy 4.3 is that residential neighborhoods should provide for appropriately-scaled schools, churches, home occupations, small-scale neighborhood commercial uses, parks, open spaces, day care facilities, and other appropriate uses.
- 2.13 Parks/Open Space Goal 11 is to preserve open spaces which contribute to community character, protect resources and environmentally sensitive areas, and enhance recreational, educational, and aesthetic opportunities.
- 2.14 Community Image and Design Policy 15.2 is for the area to continue to provide high quality and attractive parks and recreational areas throughout the City.
- 2.15 General Capital Facilities Goal 1 is to provide public facilities and services in a manner that protects investment in existing facilities, maximizes the use of existing facilities, expands facilities in a cost-efficient manner, and promotes orderly urban growth.
- 2.16 Capital Facilities-Parks and Recreation Goal 2 is for the City to provide an integrated system of parks, recreation facilities, trails, greenbelts, and open space as community assets, both in form and function.

3. CONCLUSIONS BY THE PLANNING COMMISSION.

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

- 3.1 The decision of the Planning Commission must be supported by the evidence presented and must be consistent with the standards and criteria for review specified in state statutes and city ordinances. The standards and criteria for review of preliminary plat applications are found in Chapter 58.17 of the Revised Code of Washington (RCW), Title 17 of the Moses Lake Municipal Code (MLMC), and Title 20 MLMC.
- 3.2 The requirements of MLMC 20.09.020 are met:

1. **Comprehensive Plan/Municipal Code:** The development is consistent with Comprehensive Plan goals and policies on parks, including parks in residential areas, preserving open space, high quality parks, and capital facilities. If waivers are granted for street and utility improvements, the development meets the requirements and intent of Titles 17 and 18 of the Municipal Code.
 2. **Adequate provisions for necessary improvements:** The necessary improvements already exist.
 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 because it plats and formalizes existing City-owned property into a major plat in compliance with state law and makes it suitable for further future development consistent with the intent of the Public Zone.
 5. **Transportation Level of Service:** Platting the property will not affect the traffic generated by the site, therefore it will not affect the level of service of transportation facilities.
 6. **Parks Level of Service:** The development does not lower the level of service of neighborhood park facilities below the minimum standards established in the Comprehensive Plan because it will continue to be a park to serve the local area.
 7. **Dedications:** All required street rights-of-way have previously been dedicated.
- 3.3 The waiver of street improvements, including sidewalks on the east side of Clover Drive is justified since there are no other pedestrian facilities on that side of Clover Drive, and there are no destinations for a pedestrian since the street abuts a sound wall next to SR-17. Pedestrians on Clover would use the existing sidewalk on the west side of Clover.
 - 3.4 The waiver of upsizing water mains is justified because the surrounding area is adequately served by the existing 6" water mains, so there would be no benefit to the public or the surrounding residents to requiring new water mains.
 - 3.5 The waiver of installing sewer mains is justified because the surrounding area is adequately served by the existing sewer mains, so there would be no benefit to the public or the surrounding residents to requiring additional sewer mains.
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 a preliminary major plat as submitted on the property designated above be approved with the following conditions:
 - 4.1 The comments of the Development Engineer shall be addressed before final plat submittal.
 - 4.2. The requested waivers of street and utility improvements shall be granted.

Approved by the Planning Commission on January 14, 2016.

Vicki Heimark, Planning Commission Chair

LAKEVIEW PARK MAJOR PLAT

A PARTIAL REPEAT OF LAKEVIEW TERRACE SCHOOL PLAT AND PORTIONS OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 20 NORTH, RANGE 28 EAST, W.M., GRANT COUNTY, WASHINGTON.

—

A hand-drawn diagram of a cell. It features a large, irregular outer boundary representing the cell membrane. Inside, there is a smaller, more rounded structure representing the nucleus. A small circle labeled 'C' is drawn near the nucleus, with a line connecting it to the nucleus. The diagram is drawn on lined paper.

1.86
2.60

102.70	418235.50	212.85
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SV 00 2

PROPERTY LINE
RAY CENTER, INC.

1119

—

CITY OF MOBILE LAKE

STATE OF _____
COUNTY OF _____
I CERTIFY THAT I KNOW OR
BEFORE THIS INSTRUMENT AND
FREE AND VOLUNTARY ACT
MENTIONED IN THE INSTRUMENT
SIGNATURE OF NOTARY PUBLIC _____
PRINTED NAME _____
MY COMMISSION EXPIRES _____

APPROVED	APPROVED
EXAMINED AND APPROVED BY	EXAMINED AND APPROVED BY
<u>OTR HENDER</u>	<u>TRAINING COMMISSION CHIEF</u>
EXAMINED AND APPROVED BY	EXAMINED AND APPROVED BY

GRANT COUNTY
EXAMINED AND APPROVED BY

GRANT COUNTY AUDITOR/C

TREASURER'S
I HEREBY CERTIFY THAT ALL
ARE NOW DUE AND PAYABLE
GRANT COUNTY INCLUDING
BEING FULLY PAID.

GRANT COUNTY TREASURER

Attachment 2

1



CITY OF MOSES LAKE
STAFF REPORT

To: John Williams, City Manager
From: Spencer Grigg, Parks and Recreation Department Director
Date: February 4, 2016
Proceeding Type: MOTION
Subject: Request to set public hearing for presentation of 2016
Parks and Recreation Park, Comprehensive and Open Space Plan

Legislative History:

- | | |
|--|--------|
| <ul style="list-style-type: none">• First Presentation:• Second presentation:• Action: | Motion |
|--|--------|

Staff Report Summary

Staff is requesting approval from the Moses Lake City Council to set a public hearing on February 23, 2016, to present our 2016 Parks and Recreation Park, Comprehensive and Open Space Plan.

Background

The current Parks and Recreation Park, Comprehensive and Open Space Plan was adopted on February 23, 2010 and will expire on February 23, 2016.

Fiscal and Policy Implications

The Parks and Recreation Department must submit their new 2016 Park, Comprehensive and Open Space Plan to the Washington State Recreation and Conservation Office (RCO) by March 1, 2016, in order for the City to remain eligible for grants-in-aid.

Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><i>Motion</i>	The Parks and Recreation Department is allowed to set a public hearing to be held February 23, 2016, to present their 2016 Parks and Recreation Park, Comprehensive and Open Space Plan.
<ul style="list-style-type: none"><i>Take no action.</i>	The Parks and Recreation Department cannot set a public hearing on February 23, 2016, to present their 2016 Parks and Recreation Park, Comprehensive and Open Space Plan. The department would miss the RCO deadline for submission of their updated 2016 Comprehensive Plan, which will result in the City being ineligible for grants-in-aid.

Staff Recommendation

Staff recommends that the Moses Lake City Council approve the Parks and Recreation Department scheduling a public hearing on February 23, 2016, to present their 2016 Parks and Recreation Park, Comprehensive and Open Space Plan.

Attachments

N/A	
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Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
N/A		



CITY OF MOSES LAKE
STAFF REPORT

To: John Williams, City Manager
From: Gilbert Alvarado, Community Development Director
Date: February 3, 2016
Proceeding Type: MOTION
Subject: Set Date for Public Hearing - Amend MLMC Title 6 Animals

Legislative History:

• First Presentation:	
• Second presentation:	
• Action:	Consent/Set Date for Public Hearing

Staff Report Summary

Staff has drafted a proposed Ordinance that would permit the keeping of chickens in the Residential Zones within the city limits. The Ordinance has been presented as requested by City Council at previous regular City Council meetings.

Background

A local citizen made presentations to the City Council on the topic of permitting chickens within the city limits. Initially the Council did not act on the presentations and request to permit chickens. In 2015 the Council directed staff to bring back an Ordinance what would permit chickens in the Residential Zones within the city limits.

Fiscal and Policy Implications

None

Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none">• <i>Set Date for Public Hearing</i>	<i>Public Hearing would permit the general public to provide testimony on the proposed Ordinance.</i>
<ul style="list-style-type: none">• <i>Take no action.</i>	<i>The proposed Ordinance would not be considered until such time as directed by the City Council.</i>

Staff Recommendation

Staff recommends that City Council set a public hearing date for February 23, 2016.

Attachments

A.	
B.	

Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none">• None		



CITY OF MOSES LAKE STAFF REPORT

To: John Williams, City Manager
From: Gilbert Alvarado, Community Development Director
Date: February 3, 2016
Proceeding Type: MOTION
Subject: Set Date for Public Hearing - Amend 18.20, Residential Zones

Legislative History:

• First Presentation:	January 26, 2016
• Second presentation:	
• Action:	Consent/Set Date for Public Hearing

Staff Report Summary

A public hearing to consider the proposed amendments to MLMC, 18.20, Residential Zones to permit manufactured housing in all Residential Zones should be set. The public hearing is a follow-up to the January 26th City Council meeting where the proposed amendments were discussed. The Council gave staff direction with regards to drafting new development regulations that would balance traditional stick-built construction with manufactured housing construction.

Background

Currently the City of Moses Lake prohibits manufactured housing in the R-1 Zone, which is no longer permitted under the provisions of SB 6593 passed by the Washington State Legislature in 2004.

The city's insurance carrier, Washington Cities Insurance Authority (WCIA), has also indicated that compliance with the provisions of SB 6593 is mandated by State law. Compliance will need to occur by March 1, 2016 in order to meet the requirements of our compact with WCIA.

Fiscal and Policy Implications

None

Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none">Set Date for Public Hearing	<i>Consideration of proposed amendments as mandated by State law.</i>
<ul style="list-style-type: none">Take no action.	<i>Violate state law RCW 35.21.684 and WCIA insurance compact compliance</i>

Staff Recommendation

Staff recommends that City Council set a public hearing date for February 23, 2016.

Attachments

A.	
B.	

Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none">N?A		



CITY OF MOSES LAKE
STAFF REPORT

To: John Williams, City Manager
From: Gilbert Alvarado, Community Development Director
Date: February 3, 2016
Proceeding Type: MOTION
Subject: Public Hearing – Ordinance Amend MLMC 18.40, Industrial Zone

Legislative History:

• First Presentation:	December 8, 2015
• Second presentation:	January 12, 2016
• Action:	Public Hearing

Staff Report Summary

A public hearing has been scheduled to consider the proposed amendments to MLMC, 18.40, Industrial Zones to permit Surface Mining as a Conditional Use Permit. The proposed amendment would not outright permit Surface Mining but rather the land use would be reviewed in accordance with MLMC 18.51, Conditional and Unmentioned Uses for appropriateness on a case by case basis.

Background

The City Council received a communication from Kevin Richards, Western Pacific Engineering on behalf of the Port of Moses Lake which proposed an amendment to the Municipal Code to allow Surface Mining as a permitted land use in the Heavy Industrial Zone. There was discussion by the Council on the request and directed staff to bring back an Ordinance to allow Surface Mining as a Conditional Use Permit.

Fiscal and Policy Implications

The fiscal implications apply to the Port of Moses Lake and City of Moses Lake. The Port would benefit from the revenues from the surface mining operation and the City of Moses Lake would benefit from any sales tax generated.

None

Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><i>Open the public hearing to consider the proposed amendments to MLMC 18.40, Industrial Zones.</i>	<i>The Port of Moses Lake would initiate an application for a surface mining operation.</i>
<ul style="list-style-type: none"><i>Take no action.</i>	<i>A surface mining operation remains an unpermitted land use within the corporate limits.</i>

Staff Recommendation

Staff recommends that City Council open the public hearing and consider the merits of the proposed amendments to the MLMC 18.40, Industrial Zones. Staff would also recommend approval of the amendments as proposed.

Attachments

A.	Ordinance
B.	SEPA Determination

Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none">N/A		

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 18.40 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "INDUSTRIAL ZONES"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 18.40 of the Moses Lake Municipal Code entitled "Industrial Zones" is amended as follows:

18.40.030 Allowed Uses:

- A. The Industrial Land Uses table indicates where categories of land uses may be permitted and whether those uses are allowed outright or by conditional use permit. Only industrial zones are included in this table. Land uses not listed are prohibited unless allowed through the process specified in MLMC 18.40.030.E. Further interpretation of these zones may be obtained as specified in MLMC 20.03.020.B. Land uses are also subject to any footnotes contained within this chapter.
- B. The uses are arranged in three (3) categories. There are primary uses, those uses the industrial zones were designed to accommodate; accessory uses; and other uses that are compatible with or support the primary uses, or are not appropriate for other zones because of impacts.
- C. The symbols used in the table represent the following:
 1. An "A" in a table cell indicates that the use is allowed subject to the applicable standards in this code in the zone listed at the top of the table.
 2. A "C" in a table cell indicates that the use is allowed by conditional use permit, subject to the conditional use provisions in MLMC 18.51 and any additional standards specified.
 3. An "X" in a table cell indicates the use is not allowed in the zone listed at the top of the table.
- D. Procedural requirements for permits are described in MLMC Title 20.
- E. Uses similar to those listed may be established as allowed or conditionally allowed through the interpretation procedures in MLMC 20.03.020.B. In determining whether a use should be permitted, the Community Development Director shall refer to the purpose statements found in 18.40.010 and the 1987 version of the Standard Industrial Classification Manual.

TABLE 1: LAND USES IN INDUSTRIAL ZONES			
USE CATEGORIES	MLIP	L-I	H-I
Primary uses			
Assembly of parts	A	A	C
Bus barns and maintenance facilities	C	A	X
Hazardous waste treatment and storage, from off-site	X	X	C
Hazardous waste treatment and storage, generated on-site ¹	A	A	A
Machine shop	A	A	A

TABLE 1: LAND USES IN INDUSTRIAL ZONES

USE CATEGORIES	MLIP	L-I	H-I
Manufacturing, processing, or packaging of products using raw materials	C	C	C
Manufacturing, processing, or packaging of previously prepared materials ²	A	A	A
Manufacturing, processing, or packaging of food products, excluding meat products, seafood products, distilling, fermenting, canning, slaughtering, rendering, curing, and tanning	C	A	A
Manufacturing, processing, or packaging of food products such as meat products, seafood products, distilling, fermenting, and canning. Excludes slaughtering, rendering, curing, and tanning	X	C	A
Slaughtering, rendering, curing, and tanning	X	X	C
Outside storage as a primary use ³	X	A	A
Printing, publishing, and allied products manufacturing including such processes as lithography, etching, engraving, binding, and blueprinting	A	A	A
Recycling collection site and recycling facilities	C	A	A
Solid waste processing facilities	X	X	C
Storage, warehousing, and distribution facilities	A	A	A
Technological uses such as scientific research, testing and experimental development laboratories	C	A	A
Transportation services such as freight consolidation, shipping documents preparation, rental of railroad cars, packing and crating	A	A	A
Uses that serve the agricultural industry, such as feed and seed stores, farm equipment repair and sales, and agricultural services such as soil preparation services, lawn care services, potato curing, seed cleaning, and sorting, grading, packing, and packaging of fruits and vegetables	A	A	A
Welding or metal fabrication	A	A	A
Wrecking yards, salvage yards, or junk yards	X	A	A
Accessory Uses			
Accessory use appurtenant to any primary use and not otherwise prohibited	A	A	A
Construction site storage in cargo containers or semi-trailers ⁴	A	A	A
Day care, primarily for children of on-site employees or customers	C	A	A
Dwelling unit for on-site security or maintenance personnel and family ⁵	C	A	A
Offices related to permitted uses conducted on the same site	A	A	A
Storage in cargo container, in compliance with MLMC 18.76	C	C	C

TABLE 1: LAND USES IN INDUSTRIAL ZONES

USE CATEGORIES	MLIP	L-I	H-I
Other allowed uses			
Animal shelter, kennel, or veterinary clinic with outdoor boarding of animals or care of livestock	C	A	C
Building material or lumber yard, retail or wholesale	X	A	X
Commercial and service uses that are permitted in the C-2 Zone shall be allowed within 1,000' of West Broadway or Marina	X	A or C ⁶	X
Commercial recreation requiring large land area and/or generating noise, such as go-carts, target shooting, race tracks, etc	X	C	C
Contractors establishments, including offices, shops, and storage yards	A	A	X
Government or public facilities compatible with the intent of the zone, such as maintenance shops, substations, well houses, lift stations, local and regional utilities	A	A	A
Industrial laundry or dry cleaning plant	C	A	A
Mini-storage	A	A	X
Nurseries and greenhouses for the growing and sale of plants	A ⁷	A	X
Power generating facilities	X	C	A
Public park	A	A	A
Repair and service of vehicles and equipment	A	A	X
Retail and wholesale sales of goods or products manufactured on site, or utilized in manufacturing, repairing, or servicing activities which are permitted in the zone	A	A	A
Sales or service use, which primarily serve the needs of the industrial district or its employees without attracting a significant number of patrons from outside the district, are compatible with the permitted types of industrial uses, and will not interfere with the orderly development of the industrial area, including but not limited to the following examples: 1. Sale and rental of electronic equipment, forklifts, heavy equipment, trucks, and office equipment 2. Services: dry cleaner, barber shop, shoe repair, sandwich shop, restaurant, espresso stand, vehicle wash, gas station, convenience store. These uses must be located on an arterial street or within 1000' of similar types of uses. ⁸ 3. Professional and business services, such as engineering, mailing, copying, fumigating, servicing of fire extinguishers, sign painting and lettering 4. Other retail and service uses within the same structure as a permitted manufacturing, warehousing, distribution, or office use and occupying no more than 20% of the floor area, unless a larger area is approved by the Planning Commission	A	A	C
Storage buildings for private use	A	X	X

TABLE 1: LAND USES IN INDUSTRIAL ZONES			
USE CATEGORIES	MLIP	L-I	H-I
Surface mining, including extraction from deposits of rock, gravel, sand, earth, and minerals, along with rock crushing and related accessory activities. ⁹	X	X	C
Towing services or vehicle impound yards	A	A	A
Wireless communication facility, in compliance with MLMC 18.78	A	A	A

Footnotes for Table 1

1. In compliance with the performance standards of the State of Washington siting criteria for on-site hazardous waste treatment and storage facilities and the requirements of this chapter; provided that, on-site hazardous waste treatment and storage facilities are accessory to and subordinate to a primary use which is a generator of hazardous waste.
2. Previously prepared materials are those which have been subjected to a process of dilution, blending, separation, waste extraction, refinement, or similar process so that further preparation, treatment, or processing does not generate raw refuse matter in quantity or form which would preclude prompt and effective removal of such matter from the site.
3. Other than contractors yards.
4. Construction storage facilities may be located ten (10) days prior to start of construction and shall be removed within ten (10) days of finish of construction. Start of construction shall be defined as ten (10) days prior to the physical presence of construction activity on the site for which a building permit has been issued. Finish of construction shall be defined as the date of issuance of a Certificate of Occupancy.
5. The sole purpose of the dwelling is to furnish housing for an employee, including family, engaged in on-site security or maintenance. Only one such residence is allowed per site.
6. Allowed if allowed in the C-2 and conditional use if a conditional use in the C-2.
7. Wholesale sales only.
8. In the H-I Zone these uses shall not exceed one thousand (1,000) square feet in total per lot area.
9. The submission requirements of a conditional use permit for surface mining, rock crushing, and related accessory activities shall include the following information:
 - A. Vicinity Map. General vicinity map of the proposed area.
 - B. Topography and site map. Property limits and accurate contours of existing ground details of terrain and area drainage as well as the boundaries and dimensions of the site.
 - C. Grading Plan. Dimensions, elevations or finished contours to be achieved by the grading, proposed drainage channels, and related construction.
 - D. Storm Drainage and Erosion Control Plan. A conceptual storm drainage and erosion control plan shall be submitted with each application and shall be approved by the City prior to the mining permit being approved. A final storm drainage and erosion control plan must be approved prior to any materials being removed. The plan must also address the

continued maintenance and operation of the storm drainage and erosion control system, and, if determined necessary by the city, a performance bond or similar financial guarantee shall also be provided to guarantee the maintenance and operation of the system.

- E. Location of development. Location of any crushers, sorters, scales, buildings, or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within 50' of the property, or which may be affected by the proposed operation.
- F. Dust Control. A dust control plan shall be submitted which shows how dust or other particulate matter will be controlled within the mining site and on the public streets. Reasonable precautions shall be taken with storage, transportation, processing, roadways and other open areas so as to prevent dust or other particulate matter from becoming airborne.
- G. Department of Natural Resources Permit. Prior to a surface mining operations permit being applied for the owner/operator shall submit evidence from the State of Washington Department of Natural Resources that the state considers the proposal as a surface mine and will require a permit and reclamation plan.
- H. A written statement describing how the proposal meets the requirements of MLMC 18.51.010, Conditional and Unmentioned Uses.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on February 23, 2016.

Todd Voth, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

DETERMINATION OF NON-SIGNIFICANCE



Name of proposal: Amend Moses Lake Municipal Code 18.40, Industrial Zones

Description of proposal: Amend the Industrial Zones to allow surface mining and rock crushing as a conditional use within the Heavy Industrial Zone. Conditions are required in the submittal of the conditional use permit application, and a Department of Natural Resources permit and reclamation plan will be required.

Proponent: City of Moses Lake

Location of proposal: Within the Heavy Industrial Zones, including south and east of the Grant County International Airport, the Wheeler Corridor, and East Broadway Extended.

Lead agency: City of Moses Lake

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

Determination of Non-Significance (DNS) Comment Period: This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. **Comments must be submitted by February 9, 2016, to the Responsible Official.**

Responsible Official: Anne Henning, P.O. Box 1579, Moses Lake, WA, 98837; (509)764-3747

Date: January 25, 2016

Signature:

Appeals

You may appeal this determination to the Moses Lake Planning Commission, P. O. Box 1579 (321 S. Balsam), Moses Lake, WA 98837, no later than 5:00 p.m. on February 9, 2016, by writing to the Responsible Official at the above address. You should be prepared to make specific factual objections. Contact the Responsible Official to read or ask about the procedures for SEPA appeals.



CITY OF MOSES LAKE
STAFF REPORT

To: John Williams, City Manager
From: Gary Harer, Municipal Services Director
Date: February 9, 2016
Proceeding Type: Motion
Subject: Establish Water Use Efficiency Goals

Legislative History:

• First Presentation:	January 12, 2016 – Set Public Hearing
• Public Hearing:	January 26, 2016
• Second Presentation	February 9, 2016
• Action	Motion

Staff Report Summary

A public meeting must be held to provide an opportunity for consumers and the public to participate and comment on proposed water use efficiency goals. The City Council should review and consider all comments received from the public while evaluating the water use efficiency goals. The Water Division has suggested the following goal for the Moses Lake Water System:

To continue to reduce the average annual consumption per residential connection by 2 percent by 2022.

Background

The Municipal Water Law requires municipal water suppliers to publicly establish water use efficiency goals for their customers. The goals should run concurrently with the updates of the system's Water System Plan and promote good stewardship of the State's water resources. Staff is addressing the Department of Health's comments on our draft Water System Plan and the water use efficiency goal is one of the final comments left before submitting the final product.

Fiscal and Policy Implications

The Department of Health requires the City's Water System Plan to be updated every six years to meet the requirements of the City's water system permit.

Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none">• <i>Approve a motion to adopt the suggested goal, a modified goal, or additional goals</i>	The City will meet this requirement from the DOH, the Water System Plan can be submitted and approved, and the City can maintain a Green Operating Permit.
<ul style="list-style-type: none">• <i>Take no action.</i>	The City's water system will be out of compliance and the operating permit will be downgraded.

Staff Recommendation

Staff recommends the City Council adopts a water use efficiency goal based on staff's suggestion and any public comments that are received.

Attachments

A.	None
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Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none">• None		



CITY OF MOSES LAKE
STAFF REPORT

To: John Williams, City Manager
From: Spencer Grigg, Parks & Recreation Director
Date: January 28, 2016
Proceeding Type: MOTION
Subject: Cascade Park Day Use Restroom Arson

Legislative History:

• First Presentation:	February 9, 2016
• Second presentation:	
• Action:	Motion

Staff Report Summary

On October 8th, 2015 the day use restroom at Cascade Park received extensive fire damage due to arson. Staff is requesting direction from the City Council regarding which of the potential options would be the best choice for the city to pursue to either repair or replace the damaged building

Background

This is a highly used park with a campground, boat launch, soccer complex and multi-activity day use area. While the campground has a restroom, it is a significant distance from the other park amenities and our current policy prohibits entry into the campground by non-registered campers (*i.e. day users*). WCIA reimbursed the city \$67,610.54 (*repair estimate minus depreciation and deductible*).

Fiscal and Policy Implications

As the park restrooms are actually purchased and owned by the city's Sewer Division, this purchase would not directly impact the general fund as their budget fund is a proprietary fund which has adequate funds to pay to either repair or replace the structure. Council has previously taken action and dedicated rental revenues from the cellular antennas mounted on city water towers to purchase or construct restrooms from this proprietary fund. Kvamme Soccer Complex, which is part of the day use area, is heavily utilized by the community for numerous soccer tournaments, T-Ball programs, etc. Loss of use of the area for these programs could reduce the financial impacts from out of town soccer tournament teams and registrations for existing community recreation programs. Again, WCIA reimbursed the city \$67,610.54 (*repair estimate minus depreciation and deductible*) for this incident. Additionally, the new facility will be connected to a city sewer main and existing septic tank and drain field will be abandoned as required by City Code.

Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none">• <i>Repair existing structure with comparable materials (combustible) and features.</i>	Estimate for repair at prevailing wage came in at \$88,996. This would require demolishing all but the external walls and rebuilding a like (<i>combustible</i>) structure.
<ul style="list-style-type: none">• <i>Build a new restroom with comparable materials (combustible) and features.</i>	Estimate for construction of a comparable building at prevailing wage came in at \$103,095. This would require demolition of the damaged building and rebuilding of a like (<i>combustible</i>) structure.
<ul style="list-style-type: none">• <i>Rebuild a new restroom with non-combustible materials (i.e. concrete block) and features.</i>	Estimate for reconstruction at prevailing wage came in at \$91,000. This would require demolition of the damaged building and rebuilding a concrete block (<i>non-combustible</i>) building.
<ul style="list-style-type: none">• <i>Purchase a (State Bid Item, no bidding packet required) a CXT pre-fabricated concrete restroom and install onsite.</i>	Estimate for purchase is \$135,000. This option would add to the existing CXT restrooms in the city's inventory (10 existing). This would require demolition of the existing building (additional expense) of the damaged building.
<ul style="list-style-type: none">• <i>Demolish the damaged structure and rent and pay for numerous portable</i>	<i>This would require demolition (additional expense) of the damaged building. This would</i>

chemical toilets during the Spring, Summer & Fall seasons.

also require rental or purchase of no less than 6 portable units to provide a comparable number of commodes. At least of the units would need to be ADA accessible. Service would be determined by level of use but a minimum of weekly servicing would be anticipated. Additionally, aside from not having sinks and hand wash capability, there would be no way around the odor challenges and most years at least one portable toilet is vandalized beyond repair, including arson in several cases.

Staff Recommendation

Staff recommends purchase and installation of a CXT pre-fabricated concrete restroom. We have 10 of these units already in use at a variety of locations and have found them to be very well designed and constructed (fire-proof). They would likely have a usable life of at least double any of the other options. Additionally, the funding mechanism for the cost of this project is already active and in motion with annual revenues from cell antenna space on city properties. We see arson attempts every year in one or more of our restrooms and this is the second time that we've lost a stick-built restroom as a result of criminal activities.

Attachments

A.	Police Report
B.	Investigation Report from Evergreen Adjustment Services, Inc.
C.	CXT Taos Restroom Drawing

Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
• n/a		

10/08/15
08:36

Moses Lake Police Department
Offense Report

Page: 321
1

Incident Number: 15ML14282
Nature: Assist Agency

Case Numbers:

Addr: 2001 W VALLEY RD; Cascade Park Area: GS103 GS103
City: MOSES LAKE St: WA Zip: 98837 Contact: ULYANCHUK

Complainant: 115541 Alert Codes:

Lst: ULYANCHUK Fst: NADEZHDA Mid: IVANOVNA
Adr: 3087 SNOW GOOSE ST NE
Rac: W Sx: F Tel: (509)765-0959 Cty: MOSES LAKE St: WA Zip: 98837

Reported: ASST Agency Assist
Observed:
Offense
Codes: ASST Agency Assist

Circumstances:

Responding Officers: Montgomery Beau 124
Rspnsbl Officer: Montgomery Beau Agency: MLPD
Received By: M17 Last RadLog: 08:46:36 10/06/15 CMPLT
How Received: T Telephone Clearance: OR

When Reported: 07:32:49 10/06/15 Disposition: Disp Date: 10/06/15
Occurrd between: 07:32:03 10/06/15 Judicial Sts:
and: 07:32:03 10/06/15 Misc Entry:

Modus Operandi:

Factor	Description	Method
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INVOLVEMENTS:

Date	Description	Relationship
------	-------------	--------------

10/08/15
08:36

Moses Lake Police Department
Offense Report

321
Page: 2

Suspect started a fire in the Women's side of the restrooms located near the boat launch at Cascade Park. ML Fire is conducting an investigation and will coordinate with law enforcement with any new information. The suspect lit toilet paper and toilet seats on fire. The fire spread to the structure of the building which is damaged beyond use. No suspect identified at this time.

Tue Oct 06 11:57:58 PDT 2015/124

Tue Oct 06 14:38:15 PDT 2015/104

Responsible LEO:

Approved by:

Date



Wednesday, November 11, 2015

Gordy Van, Senior Adjuster
Washington Cities Insurance Authority
PO Box 88030
Tukwila, WA 98138

Payment Request

REPORT OF INVESTIGATION

MEMBER / INSURED: Moses Lake, City of
DATE OF LOSS: October 6, 2015
COMPANY FILE: N/A
LOSS LOCATION: 2001 West Valley Rd., Moses Lake, Washington 98837
OUR FILE: D15-2217

RESERVES / ESTIMATE:

Kind	Member / Insured	Indemnity Reserve	Amount Paid
REAL/Building	Moses Lake, City of	95,000.00	[67,610.54]

Reserve is based upon the EAS repair estimate, plus a contingency factor. Amount paid includes the payment request contained within this report.

ASSIGNMENT:

We received this assignment on 10/7/2015. We made contact with the City, and General Adjuster Keith Gorman completed his site inspection on 10/9/2015.

COVERAGE:

In reference to the Washington Cities Insurance Authority [WCIA] "Property Joint Protection Program" and the Underwriter's Policy, we note the effective dates are December 1, 2014 to December 1, 2015. We understand the "Individual Member Deductible" is \$5,000 with a second coverage layer provided by the WCIA at a \$750,000, per occurrence limit. Excess this amount, the "Underwriters" provide a final layer that covers property loss to a \$300,000,000 aggregate occurrence limit, for all combined members. All risk perils apply, subject to the described exclusions. Replacement Cost Valuation [RCV] is in effect, subject to the Members actual repair and/or replacement of damaged property, as described under section "12. VALUATION".

RISK:

The property involved in this event is the "Comfort Station" located within City's Cascade Park property. It is comprised of approximately 600 SF area, and contains a Men and Women restroom facilities, separated by a central mechanical room. The stick frame-structure has

Evergreen Adjustment Service, Inc.
9750 Greenwood Ave. N, Suite 103
Seattle, WA 98103

email: office@evergreenadjustment.com
Phone: 800-933-4235 / 206-297-2030
Fax: 206-297-2033

T1-11 siding and a metal roof system. It was constructed in 1999, and was in good condition at the time of the event.

OWNERSHIP/LEGAL INTEREST:

Ownership of this building rests with the City; no other ownership interests have been identified.

CAUSE OF LOSS:

We understand this fire event was reported to the City FD by a witness, who observed smoke emanating from the Cascade Park "comfort station". The City fire department quickly responded and successfully extinguished the fire.

Based upon the initial information received from the City, we understand the City FD believes this to be an incendiary event. During our inspection, we noted a single point of origin, located within the Woman's restroom. It would appear someone ignited the plastic toilet seat protection dispenser, mounted above the toilet on north end of west partition wall¹. It is suspected a butane lighter was the source of ignition.² The burning plastic dripped down, flowing behind the FRP³ wall panels. It ignited the wall framing and spread up the wet-wall chase, and into the attic space, causing extensive damage to the roof truss system. Fire, heat and smoke traveled through electrical and plumbing runs, affecting the mechanical room and Men's restroom, before the fire was extinguished.

From information obtained from City personnel, we understand there were no witnesses who might have observed a responsible party. We requested a copy of the City FD report; our receipt is still pending.

LOSS/DAMAGE INFORMATION:

BLDG/REAL: There was extensive fire and smoke damage sustained to the roof system, requiring its complete replacement. The fire spread caused extensive damage throughout the structure, requiring a complete interior gut to framing. Given the severity of the damage, it was necessary to assess the damage from both a repair and replacement point of view. We developed the enclosed repair and replacement estimates, in the amounts of \$88,996.08 and \$103,095.05 respectively. With the repair cost verified to be less than replacement, it will be utilized as the basis of the City's claim. The estimate accounts for the State prevailing wage requirement for Grant County.

Both estimates have been forwarded to the City for review. Rather than repair the building, we understand the City will likely replace it with a modular concrete structure, at a budgeted cost of approximately \$200,000.

¹ See sketch; page 16 of the EAS repair estimate

² EAS image "23", located on page 12

³ Fiberglass Reinforced Plastic [FRP] paneling

As exhibited in the repair estimate and our loss statement, applicable depreciation equates to \$16,385.54⁴. Accounting for the City's deductible, we have derived a net ACV repair cost of \$67,610.54.

RECOVERY:

Presently, a responsible party has not been identified. Our receipt of the requested City Fire Department report is pending; we will comment further if there are any avenues to pursue. There are no salvage opportunities involved.

PAYMENT REQUEST:

Based upon our loss statement and support documents, we recommend an initial payment be distributed as follows:

Payee	Ref:	Check Amount
City of Moses Lake Gilbert Alvarado, CDD PO Box 1579 Moses Lake, WA 98837-0244	ACV cost to repair the Cascade Park comfort station, less a \$5,000 deductible	\$67,610.54

INTENDED DISPOSITION:

We have placed our file on a 60-day diary, pending our receipt of:

- City Fire Department report
- City expense to secure building
- Replacement cost documentation

Best regards,

EVERGREEN ADJUSTMENT SERVICE, INC.

Arlan R. Danner, G.A.

direct: 425.922.6100 | f: 425.642.5475 | adanner@evergreenadjustment.com

Enclosed with this Report

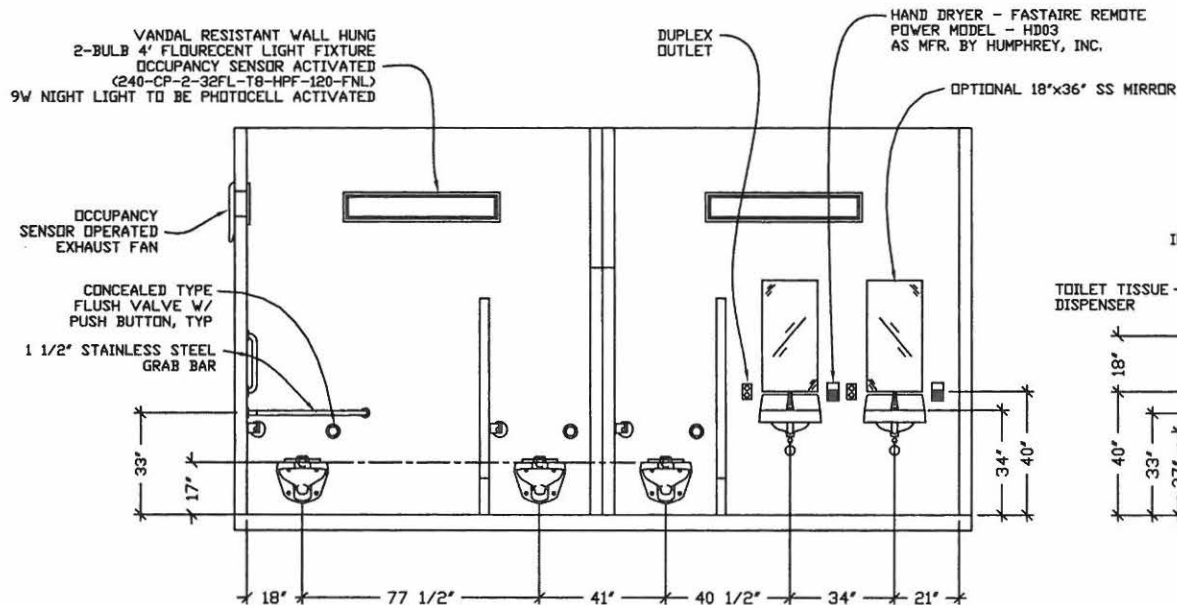
EAS Loss Statement - version 1	EAS Estimate to Replace
EAS Estimate to Repair	EAS Images
EAS Overview Images	

E-mail Communications Available Upon Request

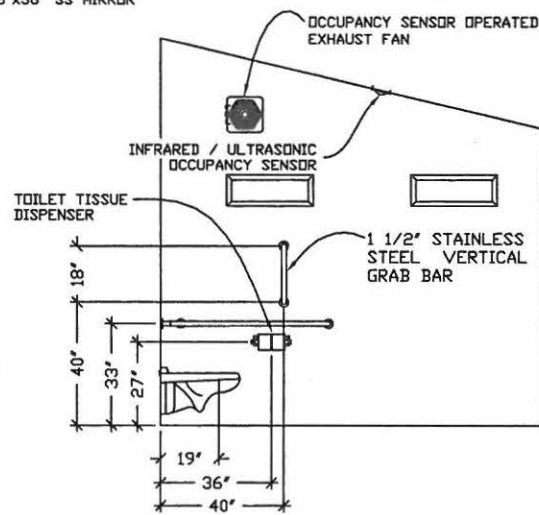
c: Gilbert Alvarado, Community Development Dir. - Moses Lake, City of
mailto: galvarado@cityofml.com

AD/adD15-2217r

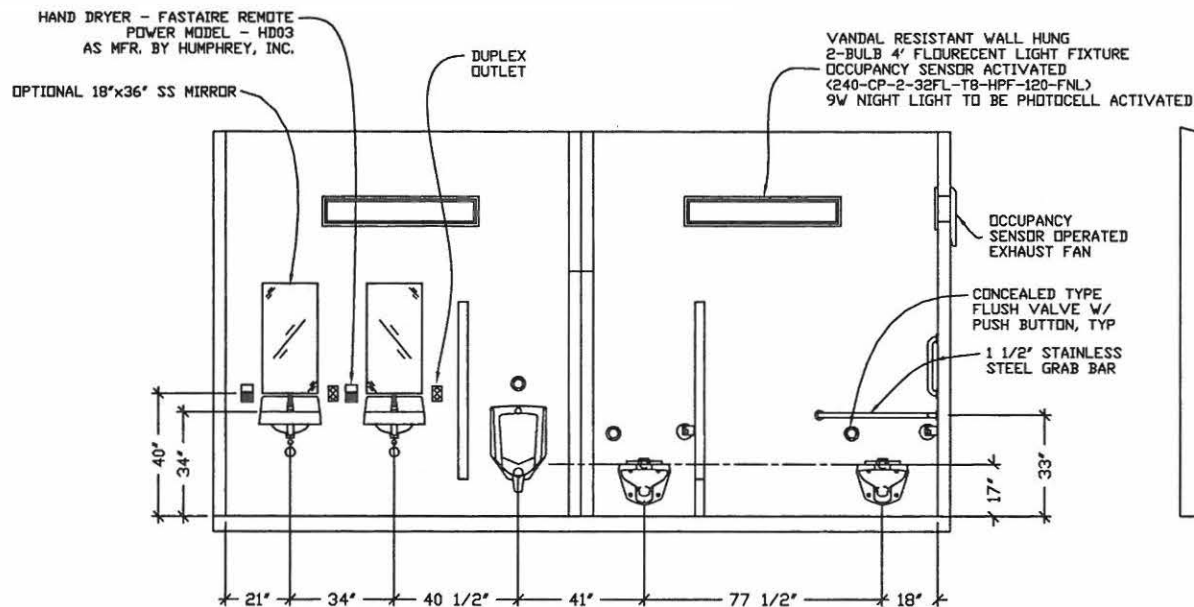
⁴ Potential RCV claim



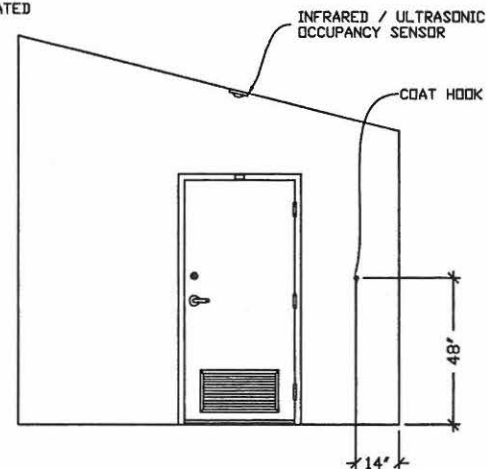
INTERIOR ELEVATION - WOMEN'S RESTROOM



INTERIOR ELEVATION - MEN'S RESTROOM
WOMENS OPPOSITE HAND



INTERIOR ELEVATION - MEN'S RESTROOM



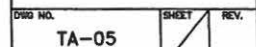
FOR
REFERENCE
ONLY

CXT			
Precast Products			
PROJECT NAME TAOS			
CXT STANDARD BUILDING			
NOTICE			
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CXT Incorporated			
DATE	REVISION	APPROVAL	DATE
SCALE	1/8" = 1'-0"	DATE	03-28-08
DRAWN	FILE NO.	PD-TA06	
CHECKED	PLOT	32	
INTERIOR ELEVATIONS			
DRG NO.	SHEET	REV.	
TA-06			

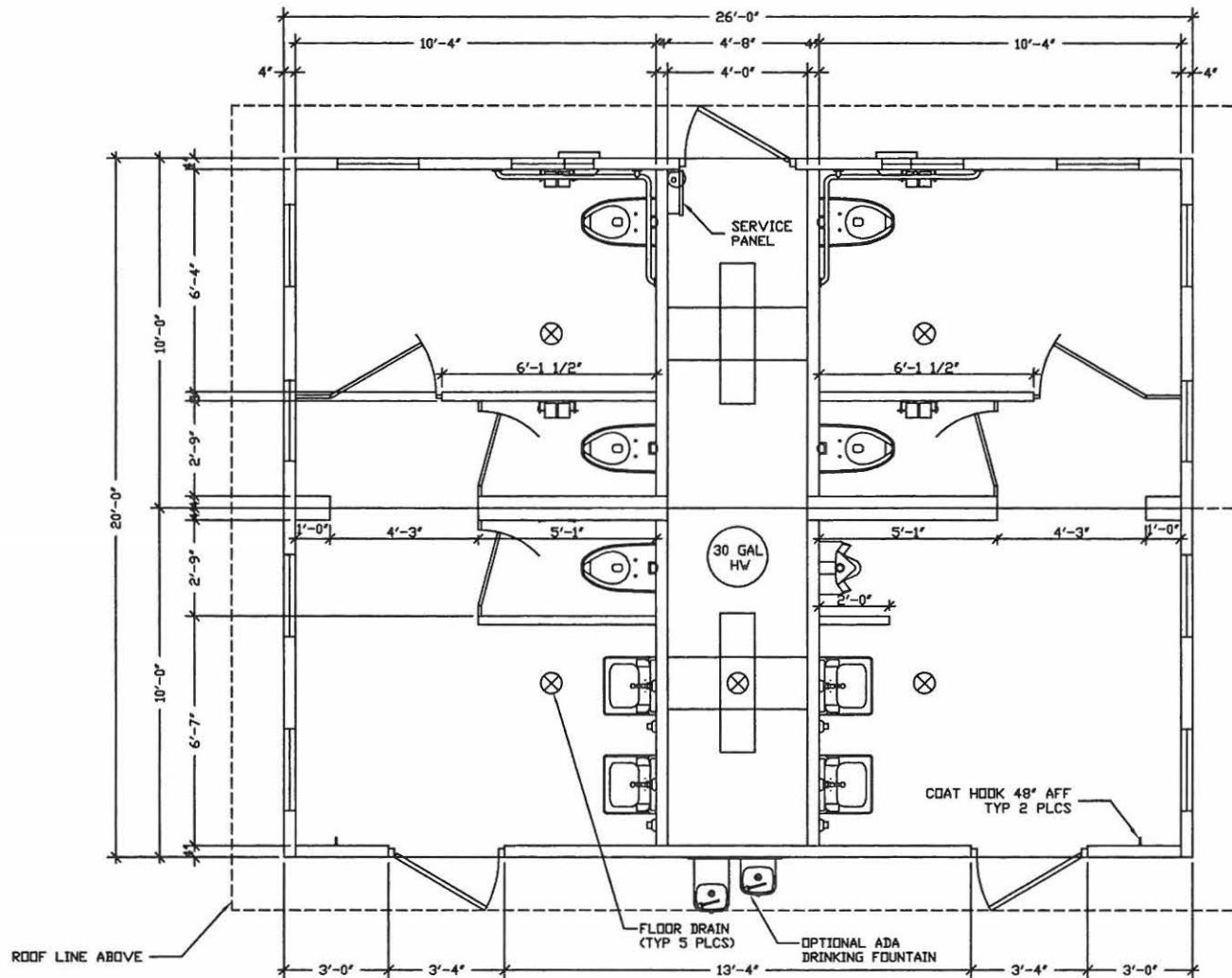


Architectural elevation drawing of a building facade. The drawing shows a roof with a "SIMULATED SHAKE ROOF" texture and two skylights. The main wall is covered in vertical siding and features four rectangular windows. The base of the wall has two square vents. Dimensions are provided for the overall height (12'-0" +/-), the base height (5'-0"), and the horizontal segments (1'-6", 10'-0", 10'-0", 1'-6"), totaling 23'-0" in width.

LH SIDE ELEVATION



FOR
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PROJECT NAME
TAOS
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DATE	REVISION	BY	DATE
3/28/10	1	DATE	03-28-10
SCALE	FILE NO.	PO	TA03
CHECKED	PLOT	32	

FLOOR PLAN

DWG NO.	SHEET	REV.
TA-03		

NOTES: 1. SEE DRAWING TA-27 FOR SIZE AND LOCATION OF FLOOR BLOCKOUTS



CITY OF MOSES LAKE
STAFF REPORT

To: John Williams, City Manager
From: Gil Alvarado, Community Development Director
Date: February 5, 2016
Proceeding Type: MOTION
Subject: Winco Binding Site Plan - Appeal

Legislative History:

• First Presentation:	02/09/2016
• Second presentation:	
• Action:	Motion

Staff Report Summary

Attached are the Moses Lake Planning Commission Finding of Fact, Conclusions of Law and Final Decision on SEPA Appeal and Recommended Decision on Appeal of Big Bend Binding Site Plan Amendment. The Findings are a recommended decision by the Commission to the City Council in accordance with MLMC Chapter 20.03, Administration. The Findings are before the City Council for their review and deliberation.

Background

On July 28, 2015 Winco Foods filed an application for amendment to the Big Binding Site Plan to segregate three (3) parcels, one of which is for the proposed Winco Foods store. Staff reviewed and approved the Binding Site Plan application in accordance with MLMC Chapter 17.10, Binding Site Plan.

On November 13, 2015 the City of Moses Lake received an appeal of the Big Bend Binding Site approval from Donna Anderson and A Stronger Moses Lake

Fiscal and Policy Implications

The consideration of the attached Findings of Fact of the Big Bend Binding Site Plan approval does not have any fiscal and policy implications with regards to the City Council's deliberation.

Options

<i>Option</i>	<i>Results</i>
<ul style="list-style-type: none"><i>Review and uphold the Planning Commission's Recommended Decision on the Big Bend Binding Site Plan appeal.</i>	<i>The Winco Foods project continues with this segment of the development process.</i>
<ul style="list-style-type: none"><i>Review and deny the Planning Commission's Recommended Decision of the Big Bend Binding Site Plan appeal.</i>	<i>The Winco Foods project would not continue under the current Binding Site Plan application and would not continue with the development process.</i>

Staff Recommendation

Staff would recommend that the City Council uphold the Planning Commission's recommended decision to deny the Appellants appeal of the Big Bend Binding Site Plan.

Attachments

A.	Findings of Fact, Conclusions of Law, and Final Decision of SEPA Appeal and Recommended Decision of Appeal on Appeal of Big Bend Binding Site Plan
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Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
<ul style="list-style-type: none">Complete Record of Appeal Previously distributed		

CITY OF MOSES LAKE PLANNING COMMISSION

DONNA ANDERSON)	
)	
and)	
)	NOS. 15-01, and 15-02
A STRONGER MOSES LAKE,)	
)	
Appellants)	
)	FINDINGS OF FACT,
v.)	CONCLUSIONS OF LAW, AND
)	FINAL DECISION ON SEPA APPEAL
)	AND RECOMMENDED DECISION
CITY OF MOSES LAKE,)	ON APPEAL OF BIG BEND BINDING
)	SITE PLAN AMENDMENT
Respondent)	
)	
and)	
)	
WINCO FOODS, LLC)	
)	
Respondent/Applicant.)	
)	
)	

Based upon the consolidated record, exhibits therein, and three (3) nights of testimony, the City of Moses Lake Planning Commission enters the following findings of fact, conclusions of law, decision, and recommendation.

I. FINAL DECISION- SEPA APPEAL

The City of Moses Lake ("City") Planning Commission ("Planning Commission") hereby enters this final decision to DENY the appeal of the City's Mitigated Determination of Non-Significance ("MDNS") under the State Environmental Policy Act ("SEPA") issued on October 2nd, 2015 for the Big Bend Binding Site Plan Amendment by a vote of 8-0 based upon the findings of fact and conclusions of law as set forth herein.

II. RECOMMENDED DECISION-BIG BEND BINDING SITE PLAN AMENDMENT

The City of Moses Lake Planning Commission by a vote of 8-0 recommends that the City Council for the City of Moses Lake DENY the appeal of the approval of the Big Bend Binding Site Plan Amendment application ("Decision") issued on October 30, 2015 based upon the findings of fact and conclusions of law set forth herein.

III. SUMMARY

1. Proposal Overview: On July 28, 2015 WinCo Foods LLC ("WinCo" or "Applicant") filed an application for an amendment to the Big Bend Binding Site Plan to further divide the existing Parcel J into three (3) parcels. See Ex 6. The new parcels would be an approximately six point six-three (6.63) acre parcel for a WinCo grocery store, a one point two-one (1.21) acre

parcel for an access drive, and the remaining nine point zero-five (9.05) acre parcel open for future unspecified commercial development. The property is a portion of Grant County parcel 090629011 located in the City of Moses Lake. See Ex 7. On August 5, 2015 WinCo revised that application to amend the Big Bend Binding Site Plan application to include environmental review for a proposed fifty-eight thousand two hundred eighty-five (58,285) square foot grocery store with three hundred forty-seven (347) parking spaces (the "Proposal" or the "Application"). See Ex 16. The site has access to both Stratford Road and Central Drive. Public services were available to the site and the grocery store is an allowed use within the General Commercial (C-2) zoning district. The site is designated under the Moses Lake Comprehensive Plan ("Comprehensive Plan") as General Commercial. The site is zoned C2 – General Commercial. See Ex 6.

2. **Appeals.** The Appellants challenge the City of Moses Lake Mitigated Determination of Non-Significance ("MDNS") under the State Environmental Policy Act ("SEPA") issued on October 2nd, 2015 for the Proposal. See MDNS Ex. No. 44. (Appeal No. 15-01). The Appellants also challenge the City's administrative decision to approve the Proposal issued on October 30, 2015 (See Exhibit No. 43- Decision). (Appeal No. 15-02) Collectively Appeals 15-01 and 15-02 are referred to herein as the "Appeals".

3. **Hearing Dates:** The Planning Commission conducted open record appeal hearings on January 6th and 7th from 6:30pm to approximately 10:30pm, and on January 8th from 6pm to approximately 10:45pm at the City of Moses Lake City Council Chambers. The open record appeal hearings were chaired by the Planning Commission Chair, Vicki Heimark. Planning Commission members in attendance at the hearing and participating in this decision were Tim Adams, David Eck, Richard Penhallurick, Gary Mann, Don Schmig, Charles Hepburn, and Nathan Nofziger. A final work session was held on January 14th, 2016 to review and approve the Planning Commission's Finding of Facts, Conclusions of Law, Final Decision and Recommended Decision.

4. **Parties and Attorneys:**

Parties	Counsel for Parties
APPELLANTS: Donna Anderson and A Stronger Moses Lake	Michael Whipple Whipple Law Group, PLLC
RESPONDENT CITY OF MOSES LAKE:	James Carmody of Meyer, Fluegge and Tenney, P.S.
RESPONDENT/APPLICANT WINCO FOODS LLC	Jon Sitkin, Chmelik Sitkin & Davis P.S.

5. **Appellants' Witness:**

- a. Spencer Montgomery, planner, JUB Engineers

6. **Respondent-City of Moses Lake Witnesses:**

- a. Anne Henning, Senior Planner and SEPA Responsible Official, City of Moses Lake Community Development Department;
- b. Gary Harer, P.E., Director, Municipal Services Department, City of Moses Lake

7. Respondents/Applicant-WinCo Food's Witnesses:

- a. Nate Coombs, Petersen-Staggs Architects, LLP; and
- b. Eric Johnston, P.E, traffic engineer, SCJ Alliance

8. Exhibits: The exhibits referenced on the Exhibit List attached hereto as Attachment A are incorporated herein by this reference. The pleadings and documents listed on the City of Moses Lake Exhibit List that was provided to the Planning Commission and the parties' counsel are referenced in the Attachment B and are incorporated herein by this reference. In addition, the Planning Commission takes notice of the City of Moses Lake Comprehensive Plan, the City Municipal Code, WAC 197-11, the Department of Ecology SEPA Handbook, and related applicable laws and records in the public domain. All exhibits were admitted by stipulation of the parties. At the commencement of the open record appeal hearing on January 6, 2016, the parties stipulated to a consolidated record for the Appeals.

9. Timeline: A summary timeline of the key actions related to the processing of the MDNS and the Decision is set forth as information in Exhibit H-4.

10. Pre-Hearing Orders: Prior to commencing the open record appeal hearing, the Planning Commission considered two Motions.

First, the Planning Commission considered the Appellants' Motion For Review of Adopted Rules of Procedure and Objection and Request for Reconsideration and Revision of Order, and denied that motion.

Second, the Planning Commission considered the Applicant's Motion in Limine to limit the issues in the appeal to those issues raised in the comments to the MDNS filed by Ms. Anderson consistent with the Commission's Order on Pre-Hearing Motions dated December 22, 2015 ("Pre-Hearing Order"), and to limit the Appellants' expert testimony to Spencer Montgomery, traffic planner with JUB Engineering. The City joined in the Applicant's Motion. The Appellants filed no opposition to the Motion in Limine and represented to the Commission that their sole witness would be Mr. Montgomery. The Commission deferred ruling on the Motion in Limine to limit the issues until after the conclusion of the hearing, and granted the Motion in Limine to limit the Appellants' expert testimony to Mr. Montgomery. The Planning Commission proceeded without restriction on the issues as presented in the open record appeal hearing and in the Appellants' Hearing Memorandum.

11. Issues:

a. Whether the City SEPA Responsible Official properly considered and evaluated the WinCo Proposal when issuing the MDNS?

1. In regard to this issue, the only elements of the environment addressed by the Appellants at the hearing or in their briefing was whether the City SEPA Responsible Official properly considered and evaluated the WinCo Proposal to determine if it caused significant adverse impacts to the City's transportation system and/or bicycle and pedestrian safety?

b. Whether the City erred in determining that the WinCo Proposal was consistent with the City's Comprehensive Plan?

c. Whether the MDNS must be overturned due to an erroneous date listed in the MDNS for the deadline for filing an appeal of the MDNS, and due to a letter issued by the City Attorney to four (4) parties filing a Notice of Appeal of the MDNS.

III. FINDINGS OF FACT

The following Findings of Fact are based upon the Planning Commission's consideration of the exhibits entered into the record, testimony presented at the open record appeal hearings and the reasonable inferences therefrom. The Planning Commission reviewed the entire record and testimony prior to entering the Findings of Fact. The references to exhibit numbers and testimony below are intended to be of general assistance to the reader, and not a limitation on the evidence considered when entering a specific Finding of Fact.

1. The Summary set forth above is incorporated as if fully set forth herein. Any Conclusion of Law that is deemed a Finding of Fact is hereby adopted as such.
2. On July 28, 2015, WinCo submitted an application to amend the Big Bend Binding Site Plan ("Initial Application") to the City Community Development Department ("Department"). See *Exhibit ("Ex.") 6*. On July 30, 2015 the Department issued a Notice of Application for the Initial Application. *Ex. 10*. On July 30, 2015, the Department reviewed the application and determined that it was complete for processing on July 30, 2015. *Ex. 9*. On July 30, 2015, the Department also sent a copy of the Initial Application to the Municipal Services Director, and other City Departments. *Ex. 11*. On July 30, 2015 the City posted a link to Initial Application on the City website. *Ex. 12*.
3. The Department received comments on the initial application. See *Exhibits ("Exs.") 13-15*. One of the comments was from William Gould of Washington State Department of Transportation ("WSDOT"). *Ex. 14*. City staff reviewed and considered all comments with regard to the initial application.
4. The City met with the Applicant to review the revised application and determine a scope of environmental review. See *Testimony of A. Henning, G. Harer, and E. Johnston*. City staff provided information regarding preparation of a Traffic Memo or Traffic Impact Analysis ("TIA"). *Ex. 17, and see Testimony of A. Henning, G. Harer, and E. Johnston*. City required that a TIA be prepared for this larger project. A TIA is a more detailed traffic analysis prepared in accordance with recognized engineering and planning standards. The TIA was a requirement of the City to supplement the submission of an Environmental Checklist as required by ordinance and regulation.
5. On September 3, 2015 WinCo submitted a Revised Application with a SEPA Checklist to the Department. See *Exs. 16 and 21*. Accompanying the Revised Application and SEPA Checklist was a Traffic Impact Analysis prepared by SCJ Alliance, and signed by Traffic Engineer, Eric Johnston, P.E. (the Traffic Impact Analysis is referred to herein as the "TIA"). *Exs. 20 and 21*.
6. Since the application was modified, City determined that it was appropriate to reinstitute the notification and review process. The Revised Application was deemed complete for review by the Department on September 4, 2015. See *Ex. 23*. A Revised Notice of Application was circulated to municipal departments, agencies with jurisdiction, and made available to the public in accordance with applicable ordinance requirements. See *Exs. 24-30*. Notice was specifically circulated to Washington State Department of Ecology, Washington State Department of

Transportation, Washington State Department of Fish and Wildlife, Grant County Health District and Grant County Assessor's Office. See Exs. 28-31. All environmental and application file documents were available for public inspection. The Revised Notice of Application allowed for an extended comment period which ended on September 24, 2015.

7. On September 7, 2015 WinCo posted the Notice of the Revised Application at the property at locations as required by City Code. See Ex. 32. On September 10, 2015 notice of the Revised Application was published in the Columbia Basin Herald, as required by the City Code. See Ex. 31.

8. On September 24, 2015, Donna Anderson submitted a letter in response to the Revised Notice of Application ("Anderson Letter"). See Ex. 37. The Anderson Letter contained five (5) comments on the Revised Application, SEPA Checklist and TIA. Ms. Henning testified that after review and consideration of the Anderson Letter, that same day she sent a copy of that letter to the Applicant's representative, SCJ Alliance. See Ex. 38. SCJ Alliance responded to the Anderson Letter by letter dated September 25, 2015. See Ex. 39. The Anderson Letter and SCJ Alliance's response are further addressed below.

9. Gary Harer, City Municipal Services Director testified that he followed up with the WSDOT comment and determined that WSDOT would not seek any contribution to the SR 17 interchange, and was not concerned with the WinCo proposal. Mr. Harer responded to Ms. Henning's request for comments by memo. Ex. 40.

10. Approximately a month after issuing the Revised Notice of Application, Ms. Henning completed her review of the SEPA checklist and the comments thereto. Exs. 41-43. Ms. Henning testified that she made notes on the original SEPA checklist where she would typically identify errors, or matters that required follow up. Ms. Henning's testimony indicates that there were no material errors in the SEPA checklist. Ms. Henning received and considered follow-up comments from the Applicant regarding the Anderson letter and from Mr. Harer regarding the TIA. Ms. Henning also discussed transportation and mitigation issues with Mr. Harer. Ms. Henning documented her evaluation of the WinCo proposal and her SEPA Threshold Determination by issuing a SEPA MDNS on October 2, 2015. See Ex. 44. On that same day, pursuant to WAC 197-11-340(2)(d), Ms. Henning made the SEPA MDNS available for public review and delivered the SEPA MDNS to the Department of Ecology. See Ex. 45-49. SEPA Responsible Official testified that she personally called Donna Anderson and specifically advised her of the environmental determination.

11. Pursuant to WAC 197-11-340 and 350, the City SEPA Responsible Official provided a fourteen (14) day comment period on the MDNS commencing on the date of issuance of the SEPA MDNS. See WAC 197-11-340(2)(d). The SEPA Comment period ended on October 16, 2015.

12. On October 16, 2015, the City received a letter that "serves as our appeal of the City's 'final determination of non-significance,'..." dated October 15, 2015 from Duke Wood, Ann Shults, Jennifer Valdez, and Donna Anderson ("Notice of Appeal-10/16/15"). See Ex. 50. Notice of Appeal-10/16/15 attached the Anderson Letter "as to the factual basis for the appeal".

13. Other than the Notice of Appeal-10/16/15, no other comments on the MDNS were received by the City after the issuance of the MDNS from any party, agency, entity, or individual.

14. The City was required by the SEPA Rules, WAC 197-11-340(2)(a) not to take action on the Application for fourteen (14) days from the date of issuance of the MDNS. The date of issuance of the MDNS was October 2, 2015, thus the fourteen (14) day period prohibiting action expired on October 16, 2015.

15. On October 29, 2015 the City Attorney sent individual letters to each of the four individuals signing the October 15, 2015 Notice of Appeal (Duke Wood, Ann Shults, Jennifer Valdez, and Donna Anderson) stating that their appeal was not ripe for review because the City had not issued a decision on the underlying land use application. *See the four (4) letters comprising Ex. No. 52.*

16. The City issued an administrative determination approving the Proposal by issuance of a Notice of Decision on October 30, 2015 ("Notice of Decision"). *See Ex. 53.*

17. Prior to the issuance of the Notice of Decision the City received no other comments regarding the MDNS, and no party contacted the City SEPA Responsible Official or City Attorney raising any questions or concerns regarding any procedural errors regarding the issuance of the MDNS nor did any party assert any prejudice or harm from the notice provided in the MDNS.

18. The Notice of Decision was issued and made available to the public in accordance with applicable ordinance standards. In addition, the Notice of Decision was specifically mailed to each of the parties filing the prior administrative appeal, i.e. Donna Anderson, Ann Shults, Jennifer Valdez and D. Wood. *Ex. 53.*

19. The Notice of Decision included instructions on the appeal of the Notice of Decision and the MDNS, including the timing for filing and the content of such appeals. *Ex 53.*

20. A Notice of Appeal was filed on November 13, 2015 by The Whipple Law Group, PLLC filed an appeal on behalf of Donna Anderson and a group entitled "A Stronger Moses Lake" ("11/13/15 Notice of Appeal"). The appeal was filed on behalf of "A Stronger Moses Lake" and signed by Peggy Vines. The Notice of Appeal challenges the following administrative determinations. *See Ex. 57:*

a. The City's "approval decision of the Big Bend Binding Site Plan, 1st Amendment" ("WinCo/Big Bend BSP Approval") and, projected related; and

b. "SEPA review, Mitigated Determination of Non-Significance" ("MDNS"), October 2, 2015.

21. The open record appeal hearing on the appeal was conducted over the dates and times provided in the Summary above.

22. At the hearing, the Appellants addressed only the three (3) issues identified in the Summary above. No testimony was provided identifying members of A Stronger Moses Lake, legal formation of the entity or any other aspect related to the purported association. There is no factual basis establishing this legal entity, its members or interests in this proceeding. No testimony was provided by association members or individual appellants. No evidence was received with respect to purported adverse impacts as to the alleged notice or process deficiencies. Appellants were not denied the opportunity to present member testimony and evidence.

Analysis of Traffic Impacts

23. For new commercial projects the City requires a simple traffic memo or a more detailed Traffic Impact Analysis ("TIA") to provide an analysis of traffic impacts of a proposal. In this case the City required a TIA. Like many cities, the City requires that any TIA must be submitted by a licensed engineer. See *Testimony of Gary Harer and Eric Johnston*.

24. Prior to the submission of the Revised Application and the TIA, the City and Applicant's representatives discussed and determined the scope of the traffic analysis. City determined that the study would evaluate PM peak hour conditions as well as analysis of four (4) intersections and the proposed driveway sites. SEPA Responsible Official (Anne Henning) and Municipal Services Director (Gary Harer) reviewed the proposal and determined the need and scope of additional information. The City followed adopted policy and required the TIA to be stamped by a licensed professional engineer.

25. WinCo had a TIA for the Proposal prepared and stamped by a licensed professional engineer, Eric Johnston, P.E., with SCJ Alliance as required by the City. Mr. Johnston's engineering practice specializes in traffic engineering. Mr. Johnston is an experienced and well qualified traffic engineer and member of the Institute of Traffic Engineers ("ITE"). Among the projects undertaken by Mr. Johnston and SCJ Alliance was preparation of detailed studies for discount grocery stores and other commercial projects. In addition, Mr. Johnston provides traffic engineering consulting services to a number of municipal governments. Mr. Johnston testified that he participated in the development of the trip generation study for a Discount Retail Grocery Store that was adopted by the ITE and included in their trip generation manual. See *Ex. No. 20 for the TIA, and the testimony of E. Johnston*.

26. The TIA included the following determinations:

(a) TIA included three (3) traffic volume scenarios:

(i) Existing 2015 Traffic Volume;

(ii) Projected 2016 background traffic volumes without the *Moses Lake WinCo Foods* project; and

(iii) Projected 2016 traffic volumes with the *Moses Lake WinCo Foods* project. Traffic projections were prepared in accordance with accepted engineering standards and certified by a licensed engineer. Each of the identified intersections functioned within accepted level of service ("LOS") standards during PM peak hours. The sole exception is SR 17 EB Ramps/N Stratford Road which drops to LOS E with or without the project. The LOS E is based on the eastbound to northbound left turn movement within the intersection. The WinCo Foods project does not contribute to this turning movement.

(b) TIA included collision reports for the identified intersections. The collision rates were within a reasonable range for urban setting and did not suggest roadway geometric deficiencies.

(c) TIA utilized a "pass-by" rate in accordance with standards established by the ITE *Trip Generation Handbook Third Edition*. "Pass-by" rate was estimated to be twenty-one percent (21%) of existing traffic. Both City and Appellants' expert opined that the

pass-by rate was conservative and a higher rate would have been justified for the analysis.

27. Based on that direction from City staff regarding the scope of the TIA, the TIA was based on a one (1) year horizon year with a two point five percent (2.5%) growth rate for four existing intersections and projected trips for the WinCo curb connection at Central Dr. In addition to the collision history analysis, the TIA included existing data counts from August, 2015 that was determined to be one of the five highest traffic months of the year. The TIA modeled the projected traffic considering new to the network trips (400 trips) and pass-by trips (106 trips) at peak hour for a total peak hour projected trips of five hundred six (506) trips generated from the WinCo proposal. The TIA then analyzed the addition of these trips to the City's transportation network to ascertain whether the addition of the WinCo foods proposal would cause the existing LOS to cause the studied intersections to operate at conditions below the LOS standard established in the City's Comprehensive Plan. For the intersections studied in the TIA, the TIA concluded that with the addition of WinCo no intersection studied would cause the transportation LOS to fall below the standards established in the City's Comprehensive Plan.

28. On September 3, 2015, the City's SEPA Responsible Official, Anne Henning, routed the TIA to the City's Municipal Services Director. Ex. 22. The Department's practice is to coordinate environmental review regarding project transportation impacts between the SEPA Responsible Official and the Municipal Services Director. Mr. Harer, a professional engineer who has reviewed traffic impact analysis reports and the simpler traffic memos for the City for approximately twenty-four (24) years reviewed the TIA. The memoranda requested review of the TIA; advice regarding additional required traffic information; consideration and recommendation with respect to traffic mitigation; and impact to the proposed project on adopted transportation LOS. Ex. 22. Ms. Henning identified adopted LOS standards at Comprehensive Plan Table TE-6 and TE-8 and noted that LOS for intersections not specifically listed has been set at LOS D. Also noted was the adopted LOS standard for Valley & Stratford LOS F.

29. Gary Harer testified that he reviewed the TIA in detail and analyzed the need for additional information, potential for mitigation, and impact on adopted LOS. He also testified that he and Anne Henning discussed the TIA before making final environmental determinations. Mr. Harer also testified that he discussed the TIA with William Gould (WSDOT) prior to providing his final comments to Ms. Henning. Discussions with Mr. Gould confirmed (i) the adequacy and completeness of the TIA; (ii) absence of deterioration in accepted levels of service caused by the project proposal; (iii) the adequate functioning of Stratford/Broadway intersection; and (iv) the lack of any direct adverse impact on the transportation system which would support a "fair share" economic contribution. See *Testimony of G. Harer*. This is confirmed by the fact that WSDOT did not provide any comments in response to the SEPA MDNS. WAC 197-11-545(2) provides that where an agency does provide comments to a DNS or MDNS the SEPA Responsible Official may consider the agency as having no objections to the project. See WAC 197-11-545 (2).

30. Mr. Harer also testified that he considered queue lengths and impacts on public roadways as well as a potential Stratford Road to Central connector. Mr. Harer concluded that there was not a significant adverse impact on public roadways associated the Proposal and that a connector road at Mart Intersection (Valley/Commercial) was not feasible or supportable nor was it reasonable or supported by analysis.

31. The Municipal Services Director advised the SEPA Responsible Official that the TIA was complete and that no additional information was required for further analysis; the existing street infrastructure is adequate for additional traffic; and the applicable LOS standards will not be lowered as a result of the development. Each of these conclusions are reasonable and supported by the testimony at the hearing. *Ex. 40 and testimony of G. Harer.*

32. The Appellants' only evidence presented supporting their claim that the City erred by not requiring an Environmental Impact Statement ("EIS") based upon transportation impacts was a letter review of the TIA prepared by Spencer Montgomery, a planner with the JUB Engineering Group ("Montgomery Letter") (*See Ex. No. 62*), and the testimony of Mr. Montgomery ("Montgomery Testimony"). Mr. Montgomery is not a licensed traffic engineer. He is a transportation planner and his report would not be compliant with adopted city traffic report requirements nor would the City accept a TIA from Mr. Montgomery as he is not a licensed engineer. Neither the Montgomery Letter nor the Montgomery Testimony provided an independent analysis of the WinCo project compliant with City requirements. Mr. Montgomery did not perform his own traffic impact analysis or any study of similar scope and depth to the TIA, and he provided no evidence with which to challenge the data contained in the TIA or the methodology or analysis used by Mr. Johnston.. Mr. Montgomery was unable to identify any clear errors or mistakes in the TIA. Mr. Montgomery was unable to identify a single significant adverse environmental traffic impact caused by the Proposal. His testimony offered only that in his professional judgment he may have analyzed some questions addressed in the TIA differently, but that the report was reasonable, consistent with industry standards, and his difference of opinion was a matter of professional judgement.

33. Generally, the Appellants challenged the TIA approved by the City based on the City's selected horizon year, the area of study or intersections studied, the Peak Hour Factor, the consideration of queue lengths in the report, and the City's consideration of the WinCo project on bicycle and pedestrian movements. *See Ex. 62 and Montgomery Testimony.*

34. As to the horizon year, the TIA used a one (1) year horizon year with a two point five percent (2.5%) growth rate. The evidence in the record establishes that a one-year horizon year is consistent with applicable professional and industry standards. *See Exs. 63, 64, and testimony of E. Johnston.* Moreover, a five (5) year growth rate would be based on speculation given the growth rates. Mr. Harer, the City's Municipal Services Director concurred in this analysis. Mr. Montgomery testified that he believed that a longer horizon year might be appropriate, but also acknowledged that other jurisdictions only require a one (1) year horizon year for this size of project, and that a one-year horizon year as used for the TIA is consistent with the guidelines of the Institute of Traffic Engineers. *See Montgomery Testimony.*

35. The project is not an interdependent part of a larger proposal and no evidence was presented that other projects are dependent on this proposal or will be developed in conjunction with or as a result of this proposal.

36. The City of Moses Lake's Comprehensive Plan establishes the LOS for the designated City controlled intersections. The City pursuant to the Growth Management Act adopted this Comprehensive Plan. No party challenged the City's adoption of the LOS standards in its comprehensive plan. Much of the Appellants argument, including the Montgomery Letter and Montgomery Testimony dealt with the policy decisions of the City in its comprehensive plan. At project level review, the City staff does not review those policy and regulatory decisions. While the Appellants or Mr. Montgomery may make different policy choices, those questions are not before the Commission on this appeal.

37. The City has adopted an extensive transportation element as part of its Comprehensive Plan. See *Chapter 6 of the City's Comprehensive Plan*. That plan provides for the evaluation of projects by adopting level of service standards. Those levels of service standards are designed, in part, with the object of emphasizing "transportation system performance as a whole rather than focusing on individual locations. See *Policy 5.1.A, Chapter 6, City Comprehensive Plan*.

38. The project is consistent with Comprehensive Plan land use designation as general commercial, and is consistent with the goals and policies of the Comprehensive Plan. The project site and design also avoids strip commercial development consistent with City's Comprehensive Plan Land Use Element Policy 7.3. Further, the WinCo project site is located within existing commercial areas consistent with the City's Comprehensive Plan Land Use Element Policy 7.4. See *Comprehensive Plan, pages 3-10*. The proposal is infill development consistent with scale and design of surrounding commercial areas. Comprehensive Plan Land Use Element Goal 7 and Policies 1.1, 1.3, 1.5 and 1.5.

39. As to the geographic scope of the TIA, the four studied intersections and the site access to Central Dr. were evaluated for the level of service with and without the Proposal as compared to the existing designated LOS. City staff determined that study of the Stratford/Broadway intersection was unnecessary because the project proposal would have insignificant impacts on that intersection. Further, WSDOT has jurisdiction over SR 17 and access ramps as well as Broadway Avenue. See *Testimony of G. Harer*. Mr. Montgomery speculated in his testimony that there could be a possible impact to the Broadway/Stratford intersection. Broadway is a state highway. Testimony confirmed that the project generated between sixty (60) PM peak hour trips to the Broadway/Stratford intersection – 1 car per minute. However, the uncontroverted testimony was also provided that the Broadway/Stratford intersection presently operated at LOS C and no empirical or anecdotal evidence was presented that indicated a deficiency or adverse condition at the intersection. Appellants argued that the Broadway/Stratford intersection had a classification of an LOS D standard since a standard was not assigned in the Comprehensive Plan. Uncontroverted testimony was provided that the Broadway/Stratford intersection would operate at an LOS D or better with the Proposal. As a state highway, this intersection is not required to meet concurrency requirements. Thus, the uncontroverted evidence is that the Stratford/Broadway intersection will not be adversely impacted by the Proposal.

40. At the signalized intersections, there is an insignificant increase in delays at PM Peak hour. The highest increase in delay during the PM Peak period with the WinCo project is 4.4 seconds at the W. Valley Dr./N. Stratford Road intersection. A 4.4 second increase in delay is insignificant. See *Ex. 20, Table 6*. The City did not err in issuing an MDNS effectively determining that a 4.4 second delay is not a significant adverse impact on traffic operations when the WinCo project also does not cause any intersection to fall below the applicable concurrency level of service standards.

41. As to the Peak Hour Factor, Mr. Montgomery questioned the Peak Hour Factor (PHF) and related methodology utilized by SCJ Alliance in the TIA. SCJ Alliance utilized a PHF of 0.95 based upon actual traffic counts and such factor and methodology was reasonable and supported by empirical evidence referenced in the TIA. The Appellants provided no empirical evidence to support a deviation from the adopted factor.

42. Mr. Montgomery suggested that the TIA did not include some appendixes that were available to be reproduced in the software program used by SCJ Alliance to model future traffic conditions limiting his review of the TIA to determine if the queue lengths were appropriately

studied by SCJ Alliance. The Appellants argued that this indicated that the queuing lengths were not appropriately studied in the environmental and traffic review. This contention is not supported by the record. Mr. Johnston testified that the inclusion of the queue lengths appendix in the final TIA was not consistent with professional practices. This was confirmed by Mr. Montgomery. Mr. Montgomery also testified that the omission of this appendix did not mean that the analysis was in error, and its conclusion was a matter of professional judgment. There is no evidence that Mr. Montgomery contacted the City or SCJ Alliance requesting copies of the desired appendix. The uncontroverted testimony is that the TIA and its appendixes were prepared and submitted consistent with the Highway Capacity Manual and the appendixes that are required to be submitted for a TIA. Moreover, the uncontroverted testimony was that queue lengths were in fact considered in preparing of the TIA but not included in the final report because there was no adverse determination. Mr. Harer, the City's Municipal Services Director also reviewed queue lengths and found that there was no adverse impact associated with such conditions. It was also recognized that queue lengths on private property are not matters of public consideration in the project review process. The omission of that appendix from the TIA was not a mistake, nor clearly erroneous in terms of the City's review and evaluation of the Proposal under SEPA.

43. The Proposal will contribute some traffic to the City's traffic system. However, just because traffic is contributed to the system, does not mean that such traffic causes a significant adverse environmental impact. The analysis of whether a project causes a significant impact is focused on whether the contribution of traffic from the project causes the traffic system to fall below the designated level of service at an intersection, or even in relation to a turning movement within an intersection. This is consistent with the State Department of Ecology guidance contained in the SEPA Handbook. See *Ex. H-10*. The traffic generated by the Proposal will not cause any intersection or turning movement to fail nor will the traffic cause queuing in a manner that would cause any intersection or turning movement to fall below applicable operating standards established in the City's Comprehensive Plan or become unsafe. Accordingly, although the store will contribute traffic to the transportation network, the traffic contribution from the store will not cause a significant impact.

44. The TIA included analysis of existing and projected bicycle trips to and from the site. Those trips were insignificant. *Ex. 20, and Testimony of E. Johnston*. The proposal is providing on-site pedestrian circulation ways as required by City standards from the vehicle travel areas. These will connect to existing public pedestrian ways, and potential future pedestrian ways off-site. The design and alignment of the WinCo parking lot will provide safe bicycle travel onsite and will allow for connection to future bicycle paths or lanes should those be developed by the City. Accordingly, the WinCo store will not cause or create any safety hazard to pedestrian or bicycles based on their design consistent with City standards. Non-motorized transportation methods of access are adequately provided consistent with the Comprehensive Plan – Transportation Element, policy 4.1. See *Comprehensive Plan Map TE-5*.

45. Appellants asserted that a "fair share" mitigation for transportation impact should have been exacted from the Applicant. Appellants provided no substantive factual evidence to support a basis for imposition of mitigation. The record fails to establish any identified adverse environmental impact associated with the project that would support a fair share mitigation. City has not adopted an impact fee ordinance or established a Local Improvement District (LID) or Transportation Benefit District for the subject area. No factual basis was established for the imposition of monetary mitigation or other form of exaction.

46. The City's Comprehensive Plan requires that any development which would cause the level of service to fall below adopted service standards for any identified corridor or intersection

shall not be approved. See *Policy 5.4 Chapter 6, City Comprehensive Plan*. The City of Moses Lake Transportation Element of the Comprehensive Plan has identified a group of intersections to be used to measure concurrency within the City found at Table TE-6 in the City Comprehensive Plan Transportation Element. See *pages 6-29, City Comprehensive Plan Transportation Element*. Table TE-6 establishes the Level of Service Standard for Signalized Corridors. See *pages 6-29, City Comprehensive Plan Transportation Element*. The evidence in the record supports a finding that the Proposal would not cause the level of service to fall below adopted service standards for any identified corridor or intersection. Accordingly, the City did not err or make a mistake that the Proposal would not cause a significant adverse impact.

47. The SEPA responsible official conducted a thorough and complete review of the application and environmental determinations. No adverse comments were received from either municipal departments or agencies with jurisdiction. The sole negative comment was filed by Donna Anderson on September 24, 2015. The adverse comments are not credible or supported by evidence.

(a) No evidence was presented to support a request for a full biological assessment. There were no identified priority species, critical/priority habitats, or critical areas within the project area. WDFW registered no objections or comments with regard to the environmental documentation.

(b) Pass by rates were conservative and within the range of reasonable engineering judgment. Industry standard methodologies were followed in estimating primary and non-primary traffic generation. The TIA gave consideration to the existing traffic flows on N Stratford Road to ensure that an adequate supply of traffic was available to allow for the twenty-one percent (21%) pass-by rate (106 pass-by trip ends during the PM peak hour). The predicted PM peak hour pass-by trips (106) represent approximately six point five percent (6.5%) of the total PM peak hour traffic flow on Stratford Road (1,640) which is well within reasonable levels. Appellants' expert confirmed that such rates were reasonable and conservative. Mr. Harer, the City's Municipal Services Director also testified that such rates were reasonable and conservative.

(c) The study area for the TIA was reasonable and consistent with empirical evidence. Areas outside of the study intersections will experience minimal change in traffic volumes. Moreover, the analysis was conducted for PM peak hour commute volumes (between 4 and 6 PM) which represents the highest traffic volume period throughout the day. School traffic has little impact on traffic during this time period. Testimony also confirmed that traffic counts were taken during August 2015 – a month of higher traffic levels. There was no basis for expansion of the study area around schools and mobile home areas north of the project site. Uncontroverted testimony also confirmed that there were not significant impacts on the intersection of Stratford/Broadway.

(d) No evidence was presented with respect to adverse impacts on public services. The proposed site is zoned C-2 General Commercial. In Chapter 18.30 of the City of Moses Lake's municipal code, C-2 zoning is specifically noted as an "area for large scale shopping centers and other uses oriented to vehicle traffic". The project site and design avoids strip commercial development consistent with City's Comprehensive Plan Land Use Element policy 7.3. Further, the WinCo project site is located within existing commercial areas consistent with the City's Comprehensive Plan Land Use Element policy 7.4. See *Comprehensive Plan*, page 3-10. As such, the proposed use is a prime example of what the zoning is intended for. Furthermore, the impacts to Capital

Facilities, such as Police services, have been evaluated city-wide as part of Chapter 7 of the City's Comprehensive Plan. Further, the City of Moses Lake Fire Department did provide comments in response to the Notice of Application. Those comments indicated that the proposed structure does not generate significant impact call volume, but an increase in medicals calls may occur. The Fire Department did not indicate, and there is no testimony in the record, that such an increase would be significant or have a significant effect on the response times of the Fire Department or Emergency Medical Personnel. The Fire Department did indicate that there would be requirements for fire sprinklers and construction access requirements which are addressed during the building permit review process. See *Ex. 34*. These requirements were included in the MDNS further indicating that the City's SEPA Responsible Official considered the potential environmental effects of the WinCo Proposal and imposed conditions on potential significant adverse impacts. See *Ex. 44- Condition Number 8*.

(e) Appellants provided no evidence with respect to adverse impacts on competing businesses and grocers. Moreover, such consideration is not permitted in the SEPA review.

48. The MDNS was issued following a full and complete review of the application, Environmental Checklist, TIA, and comments. Appellants failed to identify any significant adverse environmental impact that was not reviewed and evaluated during the environmental review process.

49. The City evaluated and considered all reasonable and available information, and made further inquiry seeking additional information to evaluate probable significant impacts caused by the Proposal. The MDNS was based upon information reasonably sufficient to determine the environmental impact of the proposal.

50. The City SEPA Responsible Official did not make a mistake or otherwise error in issuing the MDNS and determining that the WinCo proposal did not cause a probable significant adverse impact in relation to the off-site or on-site transportation and traffic system, nor does the project cause a probable significant adverse impact to public safety on or off the site.

51. Much of the Appellants' argument were challenges to the policy decisions made when adopting the City's Comprehensive Plan; challenges to the policies themselves, not whether the project was consistent with the City's Comprehensive Plan. At project level review a City must not second guess policy and regulatory decisions contained in the City's Comprehensive Plan, and it cannot use that second guessing to be the basis of requiring an EIS.

Binding Site Plan Approval

52. The only Binding Site Plan approval criteria challenged by the Appellants was the criterion concerning consistency with the Comprehensive Plan in regard to traffic and bicycle and pedestrian transportation.

53. As addressed in the above findings the Proposal is consistent with the applicable City's Comprehensive Plan policies. The Proposal does not cause the transportation network's operation to fall below the applicable LOS standard set forth in the City's Comprehensive Plan. The WinCo store will not cause or create any safety hazard to pedestrian or bicycles based on

their design consistent with City standards. Non-motorized transportation methods of access are adequately provided consistent with the Comprehensive Plan –Transportation Element, policy 4.1.

54. The City's decision to approve the Proposal is supported by substantial evidence, was not clearly erroneous, and was consistent with law. The Proposal meets the criteria for approval for a binding site plan amendment.

Procedural Error Claims

55. The SEPA review fulfilled all procedural requirements.

56. Appellants were not denied the opportunity to comment, nor was there a limitation imposed on the nature of the Appellants' SEPA comments. Indeed, Donna Anderson was the only party that submitted SEPA comments and filed an appeal of the Notice of Decision and provided argument through legal counsel in briefing and at the open record hearing, but elected not to testify. The other three (3) parties that filed the Notice of Appeal-10/16/2015 made no effort to pursue that appeal, did not make any further contact with any City representative, nor did they appear at the open record appeal hearing. These parties and Ms. Peggy Vines were not harmed or prejudiced by any claimed procedural error.

IV. CONCLUSIONS OF LAW

The following Conclusions of Law are based upon consideration of the exhibits admitted herein and the evidence and testimony presented at the public hearings.

1. Any Finding of Fact that is deemed a Conclusion of Law is hereby adopted as such. All Conclusions of Law set forth in the Summary are incorporated by reference herein.

2. The Planning Commission has jurisdiction over this appeal pursuant to MLMC 14.06.070, 17.18.080, and Title 20. The Code directs the Commission to give substantial weight to Ms. Henning's SEPA decision. MLMC 14.06.070(C)(9). This is a deferential standard of review, and Appellants bear the burden of proving that the decision is "clearly erroneous." MLMC 14.06.070(C)(9); *Brown v. Tacoma*, 30 Wn.App 762, 637 P.2d 1005 (1981). Ms. Henning's decision may be reversed only if the Commission, on review of the entire record, is left with the definite and firm conviction that a mistake has been made. *Moss v. Bellingham*, 109 Wn. App. 6, 13, 31 P.3d 703 (2001). When a MDNS is challenged, it must be shown that environmental factors were considered in a manner sufficient to amount to prima facie compliance with the procedural requirements of SEPA. *Chuckanut Conservancy v. Department of Natural Resources*, 156 Wn. App. 274, 286 87, 232 P.3d 1154 (2010), quoting *Juanita Bay Valley Cmnty. Assoc. v. City of Kirkland*, 9 Wn. App. 711, 718, 47 P.3d 137 (2002) (citation omitted).

Once a prima facie showing is made that the SEPA Official considered the environmental impacts of a proposal, it is the Appellants' burden to show that the DNS is flawed. See *Juanita Bay Valley Cmnty. Ass'n v. Kirkland*, 9 Wn. App. 59, 74 510 P. 2d 1140 (2002). Here, the evidence is overwhelming that the City's SEPA Official considered the environmental impacts of the proposal. This is evident by the notes made by Ms. Henning on the SEPA Checklist, her requirement that an additional traffic study be provided as a condition of development review, and that after review of the TIA and the SEPA Checklist she required a supplemental response to the TIA to address Ms. Anderson's comments on the TIA and SEPA Checklist. These facts, as found above, are prima facie evidence that the City's SEPA Official considered the

environmental effects of the Proposal. It is therefore the Appellants' burden of proof to establish that the City erred. The Appellants have failed to meet their burden of proof.

3. While a project proposal may have environmental impacts, SEPA requires consideration of only "significant adverse environmental impacts." A significant impact occurs "whenever more than a moderate effect on the quality of the environment is a reasonable probability." "Impacts" are defined as "...the effects or consequences of actions." WAC 197-11-752. SEPA does not require consideration of "every remote and speculative consequence of an action." Appellants did not meet their burden of proof in establishing a violation of SEPA. The City made its threshold determination based upon information reasonably sufficient to evaluate the environmental impact of the Proposal. Testimony supported the review process and the adequacy of environmental review. No adverse comments were received from agencies, municipal departments or the public (with the exception of Donna Anderson).

4. WinCo's Proposal does not generate traffic sufficient to cause a significant adverse impact on the City's transportation network based upon the adopted LOS standards contained in the City's Comprehensive Plan policies, which are also the City's SEPA policies. See *MLMC 14.06.070.4.a(1)*. There is no basis for requiring mitigation for non-significant traffic effects arising from the WinCo Proposal. Moreover, there are no identified plans for future development to properties adjacent to the proposed WinCo Foods site. Thus, there are no probable traffic impacts from other projects to consider in terms of evaluating cumulative impacts. It is not unusual for experts to disagree on the appropriate analytical approach to a given assignment. Appellants have expressed frustration with existing congested conditions at some of the intersections and Stratford Road and have raised some questions, but a SEPA challenge requires more than an expression of concern or questions raised. It requires an affirmative showing through objective, substantive evidence that additional mitigation is required. The Appellants have not made that showing and thus have not demonstrated that Ms. Henning's decision on traffic impacts is clearly erroneous. The Appellants have not shown that the TIA should have been done any differently; they have not shown that the analysis used in the TIA failed to meet industry standards or that it failed to present the City with a reasonably thorough discussion of the significant aspects of the Proposal's probable transportation impacts. The transportation impacts of the Proposal were disclosed, discussed and substantiated by well-researched data and opinion.

5. The City complied with the procedural requirements in the City Code when issuing the SEPA MDNS and the Decision. The Revised Notice of Application met the notice requirements contained in *MLMC 20.07.010.A* by listing the existing environmental documents and identifying where persons could obtain additional information. Moreover, when the City issued the MDNS, a separate notice and comment period was provided specific to the MDNS. Indeed, Ms. Anderson resubmitted as comments to the MDNS her prior comments filed in response to the Notice of Application. Thus, the application comment period was not the only opportunity for citizens to comment as would be the case under the optional SEPA – DNS process. See *WAC 197-11-355*. To the extent that any errors occurred with regard to the SEPA MDNS or on the processing and issuance of the Decision, such errors were harmless. There is no credible evidence in the record that either the public or the Appellants were confused by any of the notices. As a harmless error, under State Court decisions, the SEPA MDNS would not be overturned. The MDNS was issued pursuant to *WAC 197-11-340(2)* and *MLMC 14.06.030(E)*. Pursuant to the City Code and the SEPA Rules (*WAC 197-11*), the SEPA MDNS comment period commences on the date of issuance of the MDNS, not the date of publication as argued by the Appellants. See *WAC 197-11-340, incorporated into the City Code by MLMC 14.06.030.A, MLMC 20.07.010.A*. The City complied with the City's requirements for the

issuance of the SEPA MDNS, as well as the notice requirements related to the Big Bend Binding Site Plan Application.

6. Ms. Anderson timely filed comments to the SEPA MDNS. See *Ex. 51*. Accordingly, to the extent that the SEPA MDNS contained an erroneous SEPA Appeal deadline, the erroneous SEPA appeal date in the MDNS is harmless error. Washington Courts have determined that where a procedural error in the issuance of a DNS occurs, and that error is harmless, the DNS would not be overturned. See *Moss v. Bellingham*, 109 Wn. App. 6, (2001), and *Thornton Creek Legal Defense Fund v. City of Seattle*, 113 W. App. 34, 54 (2002). All of the issues identified in the Anderson Letter were considered by the City when issuing the MDNS and the Notice of Decision. Therefore, to the extent that the error of the date for appeal stated in the SEPA MDNS or the City Attorney's letter were in error, there is no harm or prejudice to Ms. Anderson or A Stronger Moses Lake or any other party. Indeed, no other individuals or entity expressed any harm or prejudice prior to or during the open record hearing arising from the notice of appeal language in the MDNS or as a result of the letter from the City Attorney. See *Exs. 44 and 51*. Moreover, the failure of any party to make a comment to the City regarding the MDNS process and the notice of appeal deadline expressed in the MDNS prior to the Notice of Decision denied the City the opportunity to remedy any errors through a withdrawal and re-issuance of the MDNS prior to the issuance of the Decision.

7. For purposes of a DNS, SEPA does not provide for consideration of economic impacts. See *SEAPC v. Cammack II Orchards*, 49 Wn. App. 609, 615, 744 P.2d 1101 (1997); *Concerned Olympia Residents for Environment v. City of Olympia*, 33 Wn. App. 677, 682, 657 P.2d 790 (1983). Therefore, Appellants' challenge to the MDNS based upon the alleged economic impact to other commercial establishments has not only been waived by Appellants' failure to address the issue during the hearing process but is also improper.

8. Appellants presented no evidence on several of their appeal issues: a) impacts on wildlife and habitat; b) impacts on police and fire services; and c) economic impacts on existing commercial establishments. Accordingly, those claims are waived.

9. Land use decisions contained in the City's Comprehensive Plan and development regulations are not proper in the project level review. See *Woods v. Kittitas County*, 162 Wn.2d 597, 614, 174 P.3d 25, 34 (2007). "Project review...shall be used to make individual project decisions, not land use planning decisions...the permitting process shall not be used as a comprehensive planning process [and the] project review shall continue." *RCW 36.70A.470 (1)*; see also *RCW 36.70B.030 (3)*.

10. The Appellants' sole challenge to the approval of the Big Bend Binding Site Plan is to whether the City erred in determining that the Binding Site Plan Amendment application met the applicable criteria and whether the Application is consistent with the City's Comprehensive Plan. See *MLMC 17.18.020.A.10*. It is improper to use this project review process to challenge the propriety of the various provisions of the Moses Lake Comprehensive Plan. As addressed above, the Application is consistent with the City's Comprehensive Plan. The approval of the Big Bend Binding Site Plan Amendment was and is supported by substantial evidence, and is consistent with applicable laws as detailed above. The City did not err in approving the Big Bend Binding Site Plan Amendment.

11. The Planning Commission concludes as a matter of law that the City was not clearly erroneous under the law when it issued the MDNS or when it approved the Application. The

City did not make a mistake under the law or facts when it issued the MDNS or when it issued the Notice of Decision. The City had before it substantial evidence supporting its decisions to issue the Notice of Decision at the time it made its decisions to issue the Approvals and City staff conducted a thorough and comprehensive review of the evidence. Moreover, the evidence of record before the Planning Commission fully supports the decision of the City to issue the MDNS and approve the BSP Application.

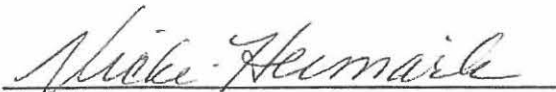
Based on the foregoing Findings of Fact and Conclusions of Law, the following is entered:

V. DECISION AND RECOMMENDED DECISION

For the reasons set forth herein, the City of Moses Lake Planning Commission denies the SEPA Appeal, and recommends that the appeal of the Big Bend Binding Site Plan Amendment be denied.

For the reasons set forth herein, the City of Moses Lake Planning Commission voted 7-0 in open session on January 14, 2016, to approve these Findings of Fact, Conclusions of Law, Decision and Recommended Decision.

DATED this day 14 of January, 2016.



Vicki Heimark,
Chair, City of Moses Lake Planning Commission

NOTICE RE: APPEAL

Pursuant to MLMC 20.11.050.A Appeals of the final decision of the Planning Commission or the City Council shall be made to the Grant County Superior Court within twenty-one (21) days of the issuance of the decision, as provided in Chapter 36.07C RCW. Appeals may be made only by a party of record with standing to file a land use petition in Grant County Superior Court.

Pursuant to MLMC 20.11.050.B, Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City Clerk, City Zoning Administrator, and City Attorney within applicable time period. This requirement is jurisdictional.

ATTACHMENT A

WINCO FOODS, LLC PRELIMINARY EXHIBIT LIST

No.	Title of Document	Date of Document	Name and Address of Person Whom Document Originated From
1	Big Bend Center Binding Site Plan Plat Revised 2/21/1991 - 2 pages	2/21/1991	City of Moses Lake - Anne Henning
2	Moses Lake City Council Study Session Agenda	12/10/2002	Jon Sitkin Declaration 12/14/15 labeled Exhibit C
3	Moses Lake City Ordinance No. 2105	12/23/2002	Jon Sitkin Declaration 12/14/15 labeled Exhibit A
4	Moses Lake City Council Meeting Notes	12/23/2002	Jon Sitkin Declaration 12/14/15 labeled Exhibit B
5	Site Development Plan Drawing	4/27/2015	Bruce C. Petersen, Architect Petersen & Staggs
6	Land Use Application for Big Bend Binding Site Plan Amendment - 8 pages	7/28/2015	Applicant - WinCo Foods LLC attn: Ron Schrieber Authorized Rep - KM Engineering attn: Aaron Ballard
7	Grant County Assessor information on Tract J (submitted with application)	7/28/2015	Submitted by Brandon Johnson with application
8	Aerial Photo of Site	7/28/2015	Submitted by Brandon Johnson with application
9	Notice of Completeness - Big Bend Binding Site Plan Amendment Application	7/30/2015	Anne Henning
10	Notice of Application - Big Bend Binding Site Plan Amendment of Tract J	7/30/2015	Anne Henning
11	Notice of Application - Big Bend Binding Site Plan Amendment of Tract J sent via memo to City Departments, emailed to Community Development Director, and mailed to County, Regional, State, and U.S. Departments - 4 pages	7/30/2015	Anne Henning
12	Screen shot of Moses Lake Official Website - Land Use Notices - including Big Bend Binding Site Plan Amendment	7/30/2015	Anne Henning
13	City of Moses Lake Development Engineering Division Comments on Big Bend Binding Site Plan Amendment Application (commented on the first application before it was revised)	8/3/2015	David L. Thompson, Engineering Tech. III

14	Washington State Department of Transportation Comments on Big Bend Binding Site Plan Amendment Application (commented on the first application before it was revised)	8/3/2015	Bill Gould
15	East Columbia Basin Irrigation District (commented on the first application before it was revised)	8/3/2015	Linda Randall
16	Revised Land Use Application for Big Bend Binding Site Plan Amendment (added environmental checklist)	8/5/2015	Applicant - WinCo Foods LLC attn: Ron Schrieber Authorized Rep - KM Engineering attn: Aaron Ballard
17	Example Traffic Memo for City of Moses Lake	8/10/2015	Anne Henning
18	Comments from the United States Department of the Interior - Bureau of Reclamation (commented on the first application before it was revised)	8/14/2015	Clinton Wertz
19	WinCo Title insurance on Tract J (submitted as part of application) - 2 pages	8/18/2015	Submitted by Brandon Johnson with application
20	Traffic Impact Analysis	8/28/2015	SCJ Alliance George Smith - Senior Transportation Planner, and Eric Johnston - PE, Principal
21	Environmental Checklist	9/2/2015	SCJ Alliance
22	Memorandum from Anne Henning to Gary Harer re requested review of Traffic Impact Analysis submitted by SCJ on WinCo Project	9/3/2015	Anne Henning
23	Letter Notice of Completeness - WinCo Foods/Big Bend Binding Site Plan Amendment for revised application and Standard Notice Board Specifications for Development Applications - Posting Requirements for Tract J - 3 pages	9/4/2015	Anne Henning
24	Email from Anne Henning to Sue Mahaney re instructions on posting revised notice of application	9/4/2015	Anne Henning
25	Revised Notice of Application - Big Bend Binding Site Plan Amendment of Tract J	9/4/2015	Anne Henning

26	Screen shot of Moses Lake Official Website - Land Use Notices - including revised Big Bend Binding Site Plan Amendment Revised Application	9/4/2015	Anne Henning
27	Notice to Moses Lake Departments re Revised Application	9/4/2015	Anne Henning
28	Notice to Dept. of Ecology re Revised Application	9/4/2015	Anne Henning & Sue Mahaney
29	Notice to Dept. of Fish & Wildlife re Revised Application	9/4/2015	Anne Henning & Sue Mahaney
30	Notice to Depts. Of Ecology, Transportation, Fish & Wildlife, Health District, and Grant County Assessor re Revised Application	9/4/2015	Anne Henning & Sue Mahaney
31	Comments on revised application from Bill Aukett - Stormwater Program Manager	9/8/2015	Bill Aukett, Stormwater Program Manager City of Moses Lake
32	Affidavit of Publication WinCo/Big Bend Binding Site Plan Amendment Revised Application - 5 pages	9/14/2015	Rebecca Jones, Columbia Basin Herald
33	Affidavit of Posting of Big Bend Binding Site Plan Amendment Revised Application on site on 09/07/2015	9/15/2015	Molly Linville
34	Moses Lake Fire Department Comments on Big Bend Binding Site Plan Amendment Revised Application	9/18/2015	Fire Prevention Specialist Beach
35	Grant County Heath District Comments on Big Bend Binding Site Plan Amendment Application	9/22/2015	Jon Ness, RS
36	City of Moses Lake Development Engineering Division Comments on Big Bend Binding Site Plan Amendment Revised Application	9/23/2015	David L. Thompson, Development Engineering Manager
37	Donna Anderson Comments on Big Bend Binding Site Plan Amendment Revised Application	9/24/2015	Donna Anderson
38	Email from Anne Henning to Brandon Johnson re Donna Anderson Comments on Big Bend Binding Site Plan Amendment Revised Application	9/24/2015	Anne Henning

39	SCJ Response to comments received from Anne Henning - 6 pages	9/25/2015	Brandon Johnson
40	Traffic Impact Analysis Review Letter from Moses Lake Municipal Services Director	9/25/2015	Gary Harer, Municipal Services Director
41	Comments on revised application from Moses Lake Fire Department	9/28/2015	Moses Lake Acting Fire Chief
42	Email summary of comments received sent to Brandon Johnson	9/28/2015	Anne Henning
43	Comments on revised application from Municipal Services Director	9/30/2015	Gary Harer, Municipal Services Director
44	MDNS	10/2/2015	Anne Henning
45	Email from Anne Henning to Sue Mahaney re posting and publication of MDNS	10/2/2015	Anne Henning
46	Email from Anne Henning to the Department of Ecology SEPA Register, William Gould, and Jon Ness	10/2/2015	Anne Henning
47	Environmental Review Letter to WinCo from Moses Lake City Development Director	10/2/2015	Anne Henning
48	Notice of MDNS	10/2/2015	Anne Henning
49	Affidavit of Publishing of Notice of MDNS on October 7, 2015 - 4 pages	10/9/2015	Rebecca Jones, Columbia Basin Herald
50	Comment and Appeal Letter from Donna Anderson, Ann Shults, Jennifer Valdez, and Duke Wood re Big Bend Binding Site Plan Amendment MDNS	10/15/2015	Donna Anderson, Ann Shults, Jennifer Valdez, and Duke Wood
51	Notice of Appeal and Public Hearing	10/26/2015	Anne Henning
52	Letters to Donna Anderson, Ann Shults, Jennifer Valdez, and Duke Wood re MDNS Appeal - 4 pages	10/29/2015	Katherine Kenison - City Attorney Moses Lake
53	Big Bend Binding Site Plan Amendment Notice of Decision - 4 pages	10/30/2015	Anne Henning
54	Community comments on pending appeal in support of approving WinCo's application - 4 pages	11/2/2015	Larry and Stephanie Dagnon; Lisa Zeilenga; Sheryl Cassella; Deanna Danise

55	Email from Brandon Johnson to Anne Henning re driveway off of Central Drive	11/3/2015	Brandon Johnson
56	Email from Anne Henning to WinCo re variance for the driveway on Central Drive	11/6/2015	Anne Henning
57	Appeal letter for SEPA and Big Bend Binding Site Plan Amendment Revised Application - 4 pages	11/13/2015	Whipple Law Group - Donna Anderson, Peggy Vines, and A Stronger Moses Lake
58	Email from Jon Sitkin serving WinCo's Pre-Hearing Motions	12/1/2015	Jon Sitkin Declaration 12/14/15 labeled Exhibit D
59	Revised Notice of Special Meeting of Moses Lake Planning Commission	12/1/2015	Jon Sitkin Declaration 12/14/15 labeled Exhibit E
60	Email from Katherine Kenison to Applicant's and Appellants' Counsels re attached Rules of Procedure - 3 pages	12/4/2015	Jon Sitkin Declaration 12/14/15 labeled Exhibit G
61	Forwarded email from Jon Sitkin to Michael Whipple re Rules of Procedure	12/4/2015	Jon Sitkin Declaration 12/14/15 labeled Exhibit H
62	Appellants' Traffic Review Study by J-U-B Engineering, Inc.	12/18/2015	Spencer Montgomery, Transportation Planner J-U-B Engineering, Inc.
63	ITE Transportaion and Land Development 2nd Ed.	12/28/2015	Jon Sitkin Declaration 12/28/15 labeled Exhibit B
64	WDOT Design Manual, Chapter 320 - Traffic Analysis	12/28/2015	Jon Sitkin Declaration 12/28/15 labeled Exhibit C

APPELLANT PRELIMINARY EXHIBIT LIST

No.	Title of Document	Date of Document	Name and Address of Person Whom Document Originated From
65	Big Bend Center Binding Site Plan Amendment of Tract J	April 2015	KM Engineering 9233 W. State Street Boise, ID 83714 Ladd F. Cluff 4500 Village Drive SE Olympia, WA 98501
66	Letter to SCJ Alliance from Henning re: Additional Information	July 30, 2015	Anne Henning
67	Email from Henning to Sue Mahaney re: notice of application	July 30, 2015	Anne Henning
68	Title Insurance	Unknown	Chicago Title Insurance Company 6416 W. Okanogan Ave. Kennewick, WA 99336
69	Email from/to Henning and Ronald Schrieber re: environmental review	August 20, 2015	Anne Henning, Ronald Schrieber
70	Email from/to Henning and Aaron Ballard	August 20, 2015	Anne Henning, Aaron Ballard
71	Email from Mahaney to Columbia Basin Herald re: Legal Publication	September 04, 2015	Sue Mahaney
72	Columbia Basin Herald Legal Publication of Notice	September 10, 2015	Columbia Basin Herald PO Box 910 Moses Lake, WA 98837
73	Moses Lake Website Screenshot of Public Hearing	October 26, 2015	Unknown
74	Email from Sitkin to Henning re: appeal	October 27, 2015	Jon Sitkin
75	Email from SJC Alliance to Henning re: Central Drive Driveway	November 03, 2015	Anne Henning, Brandon Johnson

HEARING EXHIBIT LIST-INTRODUCED AT THE HEARING

No.	Title of Document	Date of Document	Name and Address of Person Whom Document Originated From
H-1	Big Bend Center Binding Site Plan Amendment of Tract J	undated	Appellant; Spencer Montgomery Testimony
H-3	Spencer Montgomery Bio-Webpage	2015	Appellant; Spencer Montgomery Testimony
H-3	City of Spokane Valley Street Standards-Chapter 3	December 2009	WinCo; Cross Examination of Spencer Montgomery
H-4- Informational Only	Event Chronology	Undated	Stipulated as information only
H-5	WinCo Site Plan		Stipulated
H-6	Aerial Photo	Undated	Stipulated
H-7	Figure 5 from SCJ Alliance Traffic Impact Analysis	Undated	Stipulated
H-8	Figure 6 from SCJ Alliance Traffic Impact Analysis	Undated	Stipulated
H-9	Moses Lake Comprehensive Plan Transportation Chapter pages 6-2 to 6-8, and 6-29 to 6-34	September 2014	Anne Henning Testimony
H-10	Excerpts from Department of Ecology SEPA Handbook, page 101	Undated	Jon Sitkin
H-11	Notice of Mitigated Determination of Non-Significance	Dated October 2, 2015	Anne Henning Testimony
H-12	City of Moses Lake Municipal Services Stratford Road Bridge Crossing Cars Per day chart-annual comparison	Undated	Eric Johnson Testimony

ATTACHMENT B

City of Moses Lake Exhibit List

No	Title of Document	Date of Document	Name & Address of Person From Whom Document Originated
1	Big Bend Center Binding Site Plan Amendment (2 pages)	Submitted 7-28-15	Aaron Ballard, KM Engineering
2	Email to staff, forwarding Donna Anderson comment letter and requesting responses	9-24-15	Anne Henning
3	Winco Foods, Inc's Pre-Hearing Motions (13 pages) (Attachments A-G were all documents previously provided)	12-1-15	Jonathon K. Sitkin, Tim Schermetzler, Attorneys for WinCo Foods, Chmelik Sitkin & Davis, 1500 Railroad Ave, Bellingham
4	Planning Commission Rules of Procedure for Contested Appeals	Approved 12-3-15 Distributed 12-4-15	Moses Lake Planning Commission
5	Pre-Hearing Order (6 pages)	12-4-15	Vicki Heimark, Chair, Moses Lake Planning Commission
6	Appellants Clarification of Legal and Factual Issues (5 pages)	12-8-15	Michael D. Whipple
7	City Response to Appellant Clarification of Legal and Factual Issues (2 pages)	12-9-15	Anne Henning
8	Winco Foods, LLC's Response to Appellant's Legal and Factual Issues and Motion to Limit Appeals (5 pages)	12-9-15	Jonathan K. Sitkin
9	Pre-Hearing Order Re Appellants' Statement of Clarification of Legal and Factual Issues (5 pages)	12-10-15	Vicki Heimark, Planning Commission Chair
10	Appellants' Disclosure of Expert Witnesses (2 pages)	12-10-15	Michael D. Whipple
11	Declaration of Michael D. Whipple in Support of Appellants' Motion for Review of Adopted Rules of Procedure and Objection and Request for Reconsideration and Revision of Order, (6 pages) along with Certificate of Service, (page 7), Exhibit List, (page 8), Exhibit A, (page 9), Rules of Procedure, Exhibit B, (page 10), Rules of Procedure	12-10-15	Michael D. Whipple
12	Appellants' Motion For Review of Adopted Rules of Procedure and Objection and Request for Reconsideration and Revision of Order, (7 pages) along with Certificate of Service (page 8), December 10, 2015 signed by Michael D. Whipple, Exhibit List (page 9), Exhibit A (page 10), and Proposed Order Granting Motion for Review of Adopted Rules of Procedure and Reconsideration and Revision of Order	12-10-15	Michael D. Whipple

	(2 pages)		
13	Notice of Appearance (3 pages)	12-10-15	James C. Carmody, Attorney for Plaintiff, Meyer, Fluegge & Tenney, 230 S. Second St, Yakima
14	City of Moses Lake's Traffic Expert Disclosure	12-10-15	James C. Carmody
15	Winco Foods, LLC's Traffic Expert Disclosure (2 pages)	12-10-15	Jonathan K. Sitkin
16	Winco Foods, LLC's Pre-Hearing Motion in Response to Appellants' Expert Disclosure (2 pages)	12-10-15	Jonathan K. Sitkin
17	Appellant's Motion Seeking Stay of Pre-Hearing Order Re: Appellants' Statement of Clarification of Legal and Factual Issues or for an Extension to Supplement, and Certificate of Service, Exhibit List, Exhibit A, (6 pages) along with Advance Care Planning seminar	12-11-15	Michael D. Whipple
18	Appellant's Response to WinCo Food's Prehearing Motions, 10 pages, including Certificate of Service	12-14-15	Michael D. Whipple
19	WinCo Foods LLC's Response to Appellant's Motion for Review of Adopted Rules of Procedure and Objections and Request for Reconsideration and Revision of Order, 12 pages	12-14-15	Jonathon K. Sitkin
20	Declaration of Jon Sitkin in Support of Applicant's Response to Appellant's Motion for Review of Adopted Rules of Procedure and Objection and Request for Reconsideration and Revision of Order (3 pages) with Attachments A thru H, as listed in the Declaration	12-14-15	Jonathon K. Sitkin
21	City of Moses Lake's Response to WinCo Food's Pre- Hearing Motions, 11 pages, including Certificate of Service	12-14-15	James M. Carmody
22	Appellant's Reply to Applicant's Response to Appellant's Legal and Factual Motion to Limit Appeals and City Response to Appellant Clarification of Legal and Factual Issues, 3 pages, including Certificate of Service	12-15-15	Michael D. Whipple
23	WinCo's Disclosure of Non-Traffic Expert Witnesses, 2 pages, plus 3 page Certificate of Service	12-17-15	Jonathon K. Sitkin
24	Appearance of Fairness Disclosure	12-18-15	Katherine Kenison
25	WinCo's Disclosure and Identification of Witnesses. 2 pages	12-18-15	Jonathon K. Sitkin
26	WinCo's Expert Reports Disclosure. 88 pages. (P.1: cover. P.2: Blank. P.3-50: Original Traffic Impact Analysis. P.51-56: 9-25-15 Letter from SCJ Alliance to Anne Henning. P.57-58: Email from Anne Henning to	12-18-15	Jonathon K. Sitkin

	SCJ Alliance. P.59-68: Sample traffic memo. P.69-70: Email from SCJ Alliance to Anne Henning. P.71-72: Email from Anne Henning to SCJ Alliance. P.73-88: Environmental Checklist and maps.)		
27	Email RE: Disclosure & Identification of Witnesses	12-18-15	James Carmody
28	WinCo Food's Motion For Leave To File Reply To (1) Appellants' Response To WinCo Food's Prehearing Motions and (2) Appellants' Reply To Applicant's Response To Appellants' Legal and Factual Issues, 3 pages	12-21-15	Jonathon K. Sitkin
29	WinCo Food's Reply To (1) Appellants' Response To WinCo Food's Prehearing Motions and (2) Appellants' Reply To Applicant's Response To Appellants' Legal and Factual Issues, 7 pages	12-21-15	Jonathon K. Sitkin
30	Declaration of Jon Sitkin In Support of WinCo Food's Reply to (1) Appellants' Response To Winco Food's Prehearing Motions and (2) Appellants' Reply to Applicant's Response to Appellants' Legal and Factual Issues, 2 pages plus Exhibit A: 10-16-15 Appeal document and 10-24-15 Letter from Donna Anderson	12-21-15	Jonathon K. Sitkin
31	City of Moses Lake's Motion For Leave To File Reply To (1) Appellants' Response To Winco Food's Prehearing Motions and (2) Appellants' Reply to Applicant's Response to Appellants' Legal and Factual Issues, 3 pages including Certificate of Service	12-21-15	James C. Carmody
32	City of Moses Lake's Reply To Appellants' Response To Winco Food's Pre-hearing Motions; and (2) Appellants' Reply to Applicant Response to Appellants Legal and Factual Issues, 7 pages including Certificate of Service	12-21-15	James C. Carmody
33	Objection to Applicant's Motion for Leave, 3 pages	12-21-15	Michael D. Whipple
34	Hearing Memorandum In Support of Appeals, 39 pages including Certificate of Service and Exhibit A: Appellants' Legal Authority	12-21-15	Michael D. Whipple
35	Declaration of Michael D. Whipple In Support of Hearing Memorandum In Support of Appeals, 6 pages including Certificate of Service	12-21-15	Michael D. Whipple
36	Objection to Respondent's Motion for Leave, 4 pages including Certificate of Service	12-22-15	Michael D. Whipple
37	Order on Pre-Hearing Motions, 10 pages	12-22-15	Vicki Heimark, Planning Commission Chair
38	Appellant's Motion for Review of Adopted Rules of Procedure and Objection and Request for Reconsideration and Revision of Order, 14 pages including Certificate of Service	12-28-15	Michael D. Whipple

39	Hearing Memorandum of City of Moses Lake, 41 pages including Certificate of Service	12-28-15	James C. Carmody
40	Winco Foods, LLC's Hearing Memorandum, 24 pages	12-28-15	Jonathon K. Sitkin
41	Declaration of Jon K. Sitkin in Support of Winco Foods LLC's Hearing Memorandum, 22 pages including exhibits Exhibits: A. 9-24-15 email from Anne Henning to Brandon Johnson, SCJ Alliance B. Excerpts from the Institute of Traffic Engineers Transportation and Land Development Manual C. Chapter 320-Traffic Analysis from WSDOT Design Manual	12-28-15	Jonathon K. Sitkin
42	Winco Foods LLC's Expert Reports Disclosure (non-traffic), 1 page	12-28-15	Jonathon K. Sitkin
43	WinCo Food's Response to Appellant's Second Motion for Review of Adopted Rules of Procedure and Objection and Request for Reconsideration and Review of Order, 3 pages	12-30-15	Jonathon K. Sitkin.
44	WinCo Food's Motions in Limine, 3 pages	12-30-15	Jonathon K. Sitkin
45	Appellants' Reply to WinCo Foods, LLC and City's Hearing Memorandums, 8 pages including Certificate of Service	12-31-15	Michael D. Whipple