

MOSES LAKE PLANNING COMMISSION
April 14, 2016

Commissioners Present: Vicki Heimark, Nathan Nofziger, Charles Hepburn, Gary Mann, Todd Lengenfelder, Rick Penhallurick, and Don Schmig. **Absent:** Tim Adams, David Eck

Name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Eck	E	P	E	P	P	C	E					
Schmig	P	P	P	P	P	C	P					
Lengenfelder	P	P	P	P	P	C	P					
Adams	p	p	P	P	P	C	E					
Heimark	P	p	p	P	E	C	P					
Penhallurick	P	A	E	P	P	C	P					
Hepburn	P	P	P	P	P	C	P					
Nofziger	P	P	P	P	P	C	P					
Mann	E	E	P	P	E	C	p					

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

Staff Present: Senior Planner, Anne Henning; Associate Planner, Dan Leavitt; Recording Secretary, Judy Thompson.

Chair Heimark called the meeting to order.

CONSENT AGENDA

Minutes: Regular Meeting Minutes for March 10, 2016

Action Taken: Commissioner Nofziger moved to approve the consent agenda, seconded by Commissioner Hepburn. Motion passed unanimously.

Parker Horn Dredging Project – Shoreline Substantial Development Permit

Associate Planner, Dan Leavitt presented the staff report and visual attachments; in 2011 the Planning Commission approved a shoreline conditional use permit for Moses Lake Irrigation District to dredge approximately 300,000 cubic yards of sediment from Parker Horn with a request to continue to future dredging as sediment accumulated. The subject area is located mostly upstream from Neppel Crossing.

Under the requested permits, sediment will continue to be dredged using a floating dredge equipped with a 10-inch centrifugal pump and 20 ft boom known as a ladder. Sediment collected by the head on the end of the ladder is delivered through a completely contained, temporary pipe to an upland disposal basin for the dewatering and reclamation process. During dredging, certain portions of the lakebed would deepen to create a trap to catch arriving sediment from Crab Creek before it enters the rest of the lake. This trap will be dredged periodically to remove the accumulated sediment.

Collected sediment will go through a dewatering process on a site originally constructed in 2011 and located on the waterward side of the railroad tracks, on parcel 110475013. The return water path constructed in 2014, will be used with the addition of similar constructed second return water trench, located next to the first water trench. The current sediment bar in the lake meets the state definition of wetland; however, the Department of Ecology has determined that the work proposed will be self-mitigating, so impacts to the wetlands will be allowed and no additional mitigation is required.

Proponent representative, Ryan Walker from Grette and Associates located at 151 Werthin Street, Wenatchee Washington, stated that he was the original engineer on the first project, and with the exception of the addition of the second return water path, nothing has changed. The appropriate agencies have been contacted, and the proponent and himself have read through the conditions of approval presented by Associate Planner Leavitt and find them within reason.

Proponent representative Chris Overland from the Moses Lake Irrigation and Rehabilitation District located at 932 E Wheeler Road explained the historic concerns of the project, specifically dust control, disposal, and future sediment extraction. He also discussed the removal of the sediment stockpile and the challenges of doing so.

Chair Heimark opened the public hearing, and asked for public comment.

Citizen Ms. Sherril Dormaler residing at 253 W Northshore Drive asked if there would be a plan to remove sediment on the eastside of the fill. Ms Dormaler was advised by Commission to speak with the proponent regarding her concerns after the meeting

With no further public comment, Commissioner Hepburn moved to close the public hearing, Commissioner Mann seconded. Motion passed unanimously.

Chair Heimark requested the Commission should consider the Conservation & Reclamation Zone Conditional Use Permit for dredging and approve, conditionally approve, or deny the permit. The decision must be supported by findings and conclusions.

First Action Taken: Commissioner Nofziger made a motion to approve Conservation & Reclamation Zone Conditional Use Permit with the following conditions.

1. At project completion, all dredged material shall be removed from the dewatering site, stockpiles, and re-handling area, and these areas shall be restored to a natural state to prevent problems with dust and/or weeds. Before any plantings are installed, the proponent shall provide the Community Development Department with a planting plan for review and approval, including location, species, and installation size of proposed plantings. Minimum size at planting for shrubs shall be one gallon. The plan shall also address any proposed permanent or temporary irrigation, and maintenance of the project after completion. The proponent is responsible for maintaining the plantings, and shall assess the plantings at least twice a year (May and July) for the first three growing seasons after installation and shall replace all dead or dying plant materials in a timely manner. By September 1 of each year, the proponent shall submit to the Community Development Department a report of the status of the restored area. The report shall document plant conditions, identify actions taken, or that will be taken in the event that not all plantings survive, and identify a contact person. If at the end of three years, the vegetation does not yet provide dense cover in the restored area, the proponent shall continue to replant and maintain the plantings and provide monitoring reports until the vegetation is well-established.
2. All work within the water shall be limited to the work windows approved by the Washington Department of Fish & Wildlife.

3. Since ground disturbance leads to weeds and dust, the portions of the site not proposed for development as part of the current project shall remain undisturbed as much as possible. The proponent shall ensure that nuisances, such as weeds and dust, do not develop. If the erosion control measures in place are found to be insufficient during the course of the project, the proponent shall immediately implement further erosion control measures
4. Storm water shall be retained on site, using best management practices, both during construction and afterwards. No untreated storm drainage, either overland or by pipe, shall be allowed to the lake, wetland, or buffer. The proponent shall continue to follow the storm water management plan submitted with the 2011 approval.
5. The proponent shall notify the Community Development Department and arrange for inspections, including prior to beginning site disturbance, prior to beginning dredging, at dredging start up, periodically during dredging operations, and at completion of dredging each season
6. Neither the proponent nor future property owners shall grade, fill, or otherwise disturb the area within 200' of the shoreline, including the wetland and its associated buffer, with any activity which materially affects the existing shoreline condition, unless the applicable shoreline permit has been obtained, or the activity has been determined to be exempt pursuant to the City of Moses Lake Shorelines Management Master Plan and/or WAC 173-27-040. Potentially disturbing construction activities such as vehicle and foot traffic, and material and waste storage cannot take place in the shoreline zone.

Seconded by Commissioner Mann. Motion carried 6-1 with Commissioner Hepburn opposing.

Second Action Taken: Commissioner Nofziger made a motion to approve the Shoreline Substantial Development Permit with the following conditions:

1. At project completion, all dredged material shall be removed from the dewatering site, stockpiles, and re-handling area, and these areas shall be restored to a natural state to prevent problems with dust and/or weeds. Before any plantings are installed, the proponent shall provide the Community Development Department with a planting plan for review and approval, including location, species, and installation size of proposed plantings. Minimum size at planting for shrubs shall be one gallon. The plan shall also address any proposed permanent or temporary irrigation, and maintenance of the project after completion. The proponent is responsible for maintaining the plantings, and shall assess the plantings at least twice a year (May and July) for the first three growing seasons after installation and shall replace all dead or dying plant materials in a timely manner. By September 1 of each year, the proponent shall submit to the Community Development Department a report of the status of the restored area. The report shall document plant conditions, identify actions taken, or that will be taken in the event that not all plantings survive, and identify a contact person. If at the end of three years, the vegetation does not yet provide dense cover in the restored area, the proponent shall continue to replant and maintain the plantings and provide monitoring reports until the vegetation is well-established.
2. All work within the water shall be limited to the work windows approved by the Washington Department of Fish & Wildlife.
3. Since ground disturbance leads to weeds and dust, the portions of the site not proposed for development as part of the current project shall remain undisturbed as much as possible. The proponent shall ensure that nuisances, such as weeds and dust, do not develop. If the erosion control measures in place are found to be insufficient during the

course of the project, the proponent shall immediately implement further erosion control measures

4. Storm water shall be retained on site, using best management practices, both during construction and afterwards. No untreated storm drainage, either overland or by pipe, shall be allowed to the lake, wetland, or buffer. The proponent shall continue to follow the storm water management plan submitted with the 2011 approval.
5. The proponent shall notify the Community Development Department and arrange for inspections, including prior to beginning site disturbance, prior to beginning dredging, at dredging start up, periodically during dredging operations, and at completion of dredging each season
6. Neither the proponent nor future property owners shall grade, fill, or otherwise disturb the area within 200' of the shoreline, including the wetland and its associated buffer, with any activity which materially affects the existing shoreline condition, unless the applicable shoreline permit has been obtained, or the activity has been determined to be exempt pursuant to the City of Moses Lake Shorelines Management Master Plan and/or WAC 173-27-040. Potentially disturbing construction activities such as vehicle and foot traffic, and material and waste storage cannot take place in the shoreline zone.

Seconded by Commissioner Mann. Motion carried 6-1 with Commissioner Hepburn opposing.

WINCO – LANDSCAPING ALTERATION

Associate Planner, Dan Leavitt presented the staff report and visual attachments; The landscaping alteration request is for the new WinCo Store proposed at 960 N. Stratford Road. Landscaping is required with the development of the grocery store that is planned for the site. The property is located in the C-2, General Business and Commercial Zone.

Moses Lake Municipal Code 18.57 requires every parking space to be within 50' of a tree. The proposed landscaping plan revealed 26 parking spaces proposed that do not meet the Municipal Code requirement. However, the plan showed that some of the subject parking spaces were not a considerable distance away from the required 50-foot rule.

The parking lot landscaping plan does exceed the required landscaping points, with 1,530 points proposed, with only 628 points required.

Chair Heimark requested that the Planning Commission approve or deny the landscaping alteration with support of its decision with findings of fact.

Action Taken 1: Commissioner Hepburn motioned to approve the landscaping alteration

Action Taken 2: Findings of Fact

1. The alteration would be in keeping with and preserve the intent of the landscaping chapter;
2. The alteration would not be contrary to the public interest;
3. The alteration is justified because the proposed landscaping represents a superior result or is more effective than that which would be achieved by strictly following requirements of MLMC 18.57.

Commissioner Nofziger seconded the motion. Motioned passed unanimously.

SHORELINE MASTER PROGRAM UPDATE

Senior Planner, Anne Henning provided an update regarding the Shoreline Master Program draft comments received from the Department of Ecology.

There being no further business, Chair Heimark adjourned the meeting at 7:55 p.m.

Vicki Heimark, Planning Commission Chair

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

IN THE MATTER OF THE MOSES LAKE
IRRIGATION AND REHABILITATION
DISTRICT SHORELINE CONDITIONAL USE
AND C-R ZONE CONDITIONAL USE
PERMITS

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 April 14, 2016.
- 1.2 Proponent. The Moses Lake Irrigation and Rehabilitation District is the proponent of this project.
- 1.3 Purpose. The Moses Lake Irrigation & Rehabilitation District (MLIRD) has submitted an application to continue dredging up to 300,000 cubic yards of sediment from Parker Horn, mostly upstream of Neppel Crossing.
- 1.4 Evidence. The Commission considered the following materials in reaching its decision:
 - A. The application of the proponent for the Shoreline Conditional Use and C-R Zone Conditional Use Permits.
 - B. Staff report and attachments.
 - C. Testimony from Daniel Leavitt, staff; Ryan Walker and Chris Overland, representing the MLIRD; Sherril Dormaier, neighboring property owner.

2. FINDINGS OF FACT BY THE PLANNING COMMISSION.

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

- 2.1 The lake and its surrounding land, up to the 1050' elevation, are zoned Conservation and Reclamation (C-R Zone). Dredging is allowed as a conditional use in the C-R Zone. The lake does not have a Comprehensive Plan designation.
- 2.2 Land uses surrounding the portion of Upper Parker Horn to be dredged include commercial, residential, and vacant land. The dewatering basin is proposed between the railroad tracks and the lake, with an apartment building to the southwest and commercial land across the tracks to the east.
- 2.3 In 2011, the Planning Commission approved a shoreline conditional use permit for MLIRD to dredge approximately 300,000 cubic yards of sediment from Parker Horn, mostly from upstream of Neppel Crossing. Under the requested permits, the sediment would continue to be dredged with a floating hydraulic dredge equipped with a 10-inch centrifugal pump and 20 ft boom known as a ladder. The sediment

would be collected by the head on the end of the ladder and pumped through a completely contained, temporary pipe that would deliver the sediment to upland disposal basins for dewatering and reclamation. The temporary pipe would connect to the dredge pump and float upon the lake or rest upon the ground (when not over the lake) along its route to the dewatering area. The temporary pipe would travel north from the floating dredge to the dewatering site. During dredging, some portions of the lakebed would be deepened to create a trap to catch sediment arriving from Crab Creek before it enters the rest of the lake. This trap would need to be dredged periodically to remove the accumulated sediment.

- 2.4 The dewatering site was constructed in 2011 on the waterward side of the railroad tracks on parcel 110475013. A return water path was constructed in 2014 and would be used in the same manner as during the dredging operations that are currently underway. As part of this dredge effort, an additional return water trench (similar in construction to the first trench) would be constructed.
- 2.5 The sediment from the dewatering area will be loaded and transported over the railroad tracks via a permitted crossing that has been constructed for this project. The sediment would not be hauled across the railroad tracks until it is sufficiently dewatered such that all free water was removed. Further drying would be by evaporation; no free water would be transported or drain from the site. Dewatered sediment would be removed from the site as needed by dump trucks that would haul from the project site and connect with East Broadway Avenue. The sediment will be sold, given away, or delivered to an approved location. The sediment stockpiles and haul road would be watered as necessary to control dust. Water for dust control would be pumped from the dewatering basin and sprinkled on the appropriate areas. MLIRD has a Certificate of Water Right to store 50,000 acre feet of water. Upon completion of the project, the property will be leveled and hydroseeded.
- 2.7 The current sediment bar in the lake meets the state definition of a wetland; however, the Department of Ecology has determined that the work proposed will be self-mitigating, so impacts to the wetland will be allowed and no additional mitigation will be required. There is a Category III lake-fringe wetland around most of this portion of Parker Horn; therefore, the return water channel that is existing and the new one proposed, are at and will be at a point that was previously disturbed, so that it does not cause additional disturbance of the wetland. The dewatering basin and stockpiles are at least 200' from the ordinary high water mark, so are outside of the required wetland buffer of the lake-fringe wetland.
- 2.8 Monitoring of dredging operations and sediment accumulation would be accomplished by probing the lake bottom. The sediment probing would occur along the established cross section transects, to determine the elevation of the sediment surface and the depth to the underlying cobble substrate in the sediment trap and channel before and after regular dredging. Additional sediment probing would also occur, in the same areas described above, at specified seasons that correspond to expected periods of sediment accumulation. This activity is intended to refine and optimize the dredging period at that sediment trap.
- 2.9 In order to reduce the potential for a spill during fueling, the dredge is equipped with an overflow catch basin around the fuel tank that would catch any spill or overflow. The catch basin would be lined with absorbent pads designed for such use. The pads absorb petroleum products but do not absorb water so that they can be appropriately disposed of in the event they contact petroleum.

- 2.10 In addition to the main dredging area, some dredging is also proposed in two locations southwest of Neppel Crossing. One site is adjacent to MLIRD's water pump intake for pumping between Parker Horn and Pelican Horn. The other site is west of the bridge on the north shore of the lake, adjacent to single family homes.
- 2.11 A Mitigated Determination of Non-Significance (MDNS) with 3 conditions was issued on October 22, 2015 under the State Environmental Policy Act Rules (WAC 197-11). As a District, MLIRD was its own lead agency for the project.
- 2.12 Ryan Walker from Grette and Associates stated that he was the original engineer on the first project, and with the exception of the addition of the second return water path, nothing has changed. He further stated that the appropriate State agencies have been contacted, and that he and the proponent have read the conditions of approval presented by Associate Planner Leavitt and find them within reason.
- 2.13 Proponent representative, Chris Overland, from Moses Lake Irrigation District located at 932 E Wheeler Road, explained the historic concerns of the project, specifically dust control, disposal, and future sediment extraction. He also discussed the removal of the sediment stockpile and the challenges of doing so.
- 2.14 Neighboring property owner, Sherril Dormaier asked if there would be a plan to remove sediment on the west side of the fill. Ms Doormeyer was advised by the Commission to speak with the proponent regarding her concerns after the meeting.

Relevant Comprehensive Plan Goals and Policies:

General Land Use Policy 6: All development shall consider the natural setting of the City and shall be required to preserve its natural assets, including viewsheds, sensitive and critical areas.

3. CONCLUSIONS BY THE PLANNING COMMISSION: From the foregoing findings of fact the Commission makes the following conclusions:

- 3.1 The requirements of MLMC 20.09.020 are met:
 1. **Comprehensive Plan/Municipal Code:** The development is consistent with the Comprehensive Plan policy on the natural setting of the City by preserving and improving the lake and improving a main view of the lake. The proposal is consistent with the intent of the C-R Zone by having positive effects on the lake quality and encouraging recreational use of the lake, adding to its usability and attractiveness.
 2. **Adequate provisions for necessary improvements:** The proposal does not require any additional street, sewer, or water improvements.
 3. **Impacts:** Conditions have been placed to mitigate impacts of the project.
 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 creates a more attractive environment in a very visible area of the lake, and reduces further impacts to the rest of the lake.

5. **Transportation Level of Service:** The development does not lower the level of service of transportation facilities below the minimum standards established in the Comprehensive Plan because no level of service standards have been set in this area. While the project will generate a substantial number of truck trips over its lifetime, relatively few trips will be added in any given day.
6. **Parks Level of Service:** The development will not affect the level of service of neighborhood park facilities.
7. **Dedications:** No dedications are required for this project.

3.2. City of Moses Lake Shorelines Management Master Plan:

Shorelines Management Master Plan compliance for dredging:

1. MLIRD has stated that the proposed dredging is for the purpose of removing sediment to deepen the lake, not for the purpose of obtaining fill material.
2. The proposed dredging is in an environment designated Urban, not one designated Natural.
3. Dredging is proposed using a method which causes only a small amount of turbidity, so it is not expected to cause pollution of shoreline wells.
4. The conditions placed ensure that adequate precautions have been taken so that silt removal can be permitted.
5. The geological and ecological studies that have been done are sufficient to determine that conditions are needed to minimize damage to existing ecological values and natural resources of the both the area to be dredged and the area for the deposit of dredged materials.
6. With conditions, disposal of dredged material will be done in a manner which does not destroy or threaten ecology, and does not degrade the aesthetic quality of the area.
7. A conditional use permit was required.

3.3 City of Moses Lake Shorelines Management Master Plan compliance for a shoreline conditional use permit.

1. Dredging by its nature must occur within shoreline jurisdiction.
2. With conditions, the project design, maintenance, and management are adequate to adhere to the goals and policies of the Master Program.
3. Conditions have been placed to ensure the surrounding uses of the shoreline will not be adversely affected by the project.

3.4 Shoreline Management Act Compliance: The conditional use permit criteria of WAC 173-27-160 are met in the following ways for the proposed dredging:

1. The proposed dredging and return channels are consistent with the policies of RCW 90.58.020 and the master program.
2. Once completed, the proposed project will improve the normal public use of public shorelines.
3. The proposed dredging operation and end result will be compatible with other authorized uses in the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program.
4. Sufficient conditions can be attached to ensure that the proposed dredging will cause no significant adverse effects to the shoreline environment.
5. The proposed dredging will not cause significant adverse effects to the shoreline environment.

3.5 Conditional Use Permit criteria in MLC 18.51 for the C-R Zone Conditional Use Permit:

1. The continued dredging furthers the intent of the C-R Zone by having positive effects on the lake quality and encouraging recreational use of the lake, by adding to its usability and attractiveness.
2. The use will not create undesirable traffic congestion or parking problems because, while the project will generate a substantial number of truck trips over its lifetime, relatively few trips will be added in any given day, and no areas currently used for parking will be affected by the project.
3. Conditions have been attached to ensure the use will not be detrimental to surrounding properties or their uses because of appearances, noise, use, or other undesirable features.
4. The use will be required to meet all standards and regulations for the zone.
5. The proposed dredging will not create undesirable environmental problems.

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 that the Shoreline Conditional Use Permit and the C-R Zone Conditional Use Permit be approved with the following conditions:

1. At project completion, all dredged material shall be removed from the dewatering site, stockpiles, and rehandling area, and these areas shall be restored to a natural state to prevent problems with dust and/or weeds. Before any plantings are installed, the proponent shall provide the Community Development Department with a planting plan for review and approval, including location, species, and installation size of proposed plantings. Minimum size at planting for shrubs shall be one gallon. The plan shall also address any proposed permanent or temporary irrigation, and maintenance of the project after completion. The proponent is responsible for maintaining the plantings, and shall assess the plantings at least

twice a year (May and July) for the first three growing seasons after installation and shall replace all dead or dying plant materials in a timely manner. By September 1 of each year, the proponent shall submit to the Community Development Department a report of the status of the restored area. The report shall document plant conditions, identify actions taken, or that will be taken in the event that not all plantings survive, and identify a contact person. If at the end of three years, the vegetation does not yet provide dense cover in the restored area, the proponent shall continue to replant and maintain the plantings and provide monitoring reports until the vegetation is well-established.

2. All work within the water shall be limited to the work windows approved by the Washington Department of Fish & Wildlife.
3. Since ground disturbance leads to weeds and dust, the portions of the site not proposed for development as part of the current project shall remain undisturbed as much as possible. The proponent shall ensure that nuisances, such as weeds and dust, do not develop. If the erosion control measures in place are found to be insufficient during the course of the project, the proponent shall immediately implement further erosion control measures.
4. Storm water shall be retained on site, using best management practices, both during construction and afterwards. No untreated storm drainage, either overland or by pipe, shall be allowed to the lake, wetland, or buffer. The proponent shall continue to follow the storm water management plan submitted with the 2011 approval.
5. The proponent shall notify the Community Development Department and arrange for inspections, including prior to beginning site disturbance, prior to beginning dredging, at dredging start up, periodically during dredging operations, and at completion of dredging each season.
6. Neither the proponent nor future property owners shall grade, fill, or otherwise disturb the area within 200' of the shoreline, including the wetland and its associated buffer, with any activity which materially affects the existing shoreline condition, unless the applicable shoreline permit has been obtained, or the activity has been determined to be exempt pursuant to the City of Moses Lake Shorelines Management Master Plan and/or WAC 173-27-040. Potentially disturbing construction activities such as vehicle and foot traffic, and material and waste storage cannot take place in the shoreline zone.

Approved by the Planning Commission on April 28, 2016



Planning Commission Chair