

MOSES LAKE PLANNING COMMISSION
March 15, 2012

3470

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

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

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

Staff Present: Joseph K. Gavinski, Anne Henning, Billie Jo Muñoz, Dan Leavitt, and Sue Mahaney

CONSENT AGENDA

Minutes: The minutes of the March 1 meeting were presented.

Dunlap - Shoreline Management Substantial Development Permit/CR Zone Conditional Use Permit - Findings of Fact: Findings of Fact were presented for the Dunlap Shoreline Management Substantial Development Permit and CR Zone Conditional Use Permit.

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

MOLITOR NON-CONFORMING USE - REVIEW

The Molitors live at 4104 W. Peninsula Drive in the R-1, Single Family Residential Zone. Keeping of livestock is not allowed in this zone. The Molitors currently have two horses on the their property in a 3.2-acre fenced area. A 5' chain link fence surrounds the entire area where the horses are kept and is maintained in good condition. The only structure within the pasture area is a small barn that is used for storage and shelter for the horses. Access to the pasture is off of Molitors' private drive.

Billie Jo Muñoz, Assistant Planner, stated that the property has had a non-conforming use for the keeping of horses since 1977.

There was some discussion by the Commission.

Marilyn Molitor stated that they would like to have no conditions on the non-conforming use and that it be reviewed only a complaint basis so that a review would not be required every two years.

Ms. Muñoz pointed out that if the horses are gone from the property for six months the non-conforming use becomes null and void and horses would no longer be allowed on the property. If there is no review period there is very little chance the City would know when the horses have been removed for at least six months.

Action Taken: Mr. Lengenfelder moved that the non-conforming use be allowed to continue without conditions, seconded by Mr. Schield, and passed unanimously.

Findings of Fact:

1. No complaints have ever been received by the City.

SHOREWOOD MOBILE HOME PARK - NON-CONFORMING USE REVIEW

The Shorewood Mobile Home Park is a non-conforming use located at 1844 W. Broadway. The property is currently zoned R-3, Multi-family, and C-2, General Commercial and Business. The Comprehensive Plan designations match the zoning.

Billie Jo Muñoz, Assistant Planner, gave the background on this non-conforming use. She mentioned that at the recent staff visit there were 14 violations found. She stated that the violations have been corrected. Staff is recommending that the previous condition which prohibited new RVs from using the park be eliminated because the state has adopted a law which states that cities and towns cannot prohibit the entry or require the removal of recreational vehicles if they are used as a primary residence in manufactured home parks.

There was some discussion by the Commission on the violations.

Hy Do, owner of the park, stated that he checks on the park every two weeks and attempts to keep the park clean and maintained. He stated that he appreciates the city checking on the park.

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

- A. The owner will ensure that all units and buildings will comply with the current building codes and regulations regarding: emergency egress, exits, all steps and landings, and utility hookups.
- B. Setbacks shall be no less than the minimum requirements as stated in the Uniform Housing Code for any additional manufactured homes that are brought into the park.
- C. All units must maintain required skirting materials such as, metal, vinyl, pressure treated wood, exterior grade siding material, or other materials approved by the City Building Department. Unacceptable materials such as plywood, hay bales, rocks, and the like materials, shall not be maintained or installed.

seconded by Mr. Lengenfelder, and passed unanimously.

BLUE PALM YOGURT - SIGN

Blue Palm Yogurt submitted a permit application for a sandwich board sign, located at 1035 S. Stratford Road. The site is in the C-2 General Commercial and Business zone, Lot 2, Penn Plaza #4 Short Plat. The sign doesn't meet any specific criteria in Moses Lake Municipal Code (MLMC) 18.58. The sign is shaped like a surf board on an "A" frame support system.

Billie Jo Muñoz, Assistant Planner, stated that under the existing sign code, staff would consider this as a portable sign. The proponents have indicated that the base of the sign would remain in place and the surfboard portion of the sign would be taken in at the end of the day. The base of the sign would be weighted down so that it would not be blown away. If it is classified as a portable sign, the entire sign, including the base, would have to be taken in and out each day. She also mentioned that a site is only allowed 32 square feet total for all portable and temporary signs. The business is located in a strip mall, and the other tenants have already used up the sign allowance for portable and temporary signs. The proposed sign does not meet the requirements for a sandwich board sign, which is limited to four feet in height.

There was considerable discussion by the Commission concerning the sign and the current sign regulations.

It was the consensus of the Commission that staff should draft a change to the sign ordinance to address the situation.

LANDSCAPING ORDINANCE

Daniel Leavitt, Assistant Planner, presented proposed changes to the landscaping regulations. These changes address the issue of development of a small portion of a large parcel; amendment to the point values; elimination of site points; and staff given authority in some cases to approve a landscape alteration.

There was some discussion and the Commission was in favor of the proposed changes.

Anne Henning, Senior Planner, suggested that the section that allows staff to approve a variation when the points are met but the width of buffer is not be amended to reflect that it would only apply to developed sites.

Mr. Penhallurick pointed out that trees absorb a great deal of water and suggested that the point value of trees be increased by 10% to 15% which would reduce the number of trees required and thus reduce the amount of water being used.

Action Taken: Mr. Penhallurick moved that it be recommended to the City Council that the amendments be approved and recommended that the point value of trees be increased an additional 20%, that 18.57.070 D be amended to stated that staff can approve an alteration if the points are met but not the buffer width on a developed piece of property, and that a definition of "partially developed" be added, seconded by Mr. Molitor, and passed unanimously.

SIGN ORDINANCE

Daniel Leavitt, Assistant Planner, stated that the City received notification from a sign company about redoing all the signs for the Samaritan Hospital. Some of these signs are considered directional signs and the code does not allow them to be more than 6' tall and 8 square feet. The proposed amendment would create a new category for public facility directional signs. These signs would only be allowed in the Public Zone.

There was some discussion by the Commissioners.

Action Taken: Mr. Molitor moved that it be recommended to the Council that the ordinance be adopted, seconded by Mr. Penhallurick, and passed unanimously.

SHORELINE MASTER PROGRAM

A study session was set for March 28 at noon in the City Hall Conference Room.

The meeting was adjourned at 8:15 p.m.



Todd Voth, Planning Commission Chairman