

MOSES LAKE PLANNING COMMISSION
June 13, 2013

3537

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

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

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

Staff Present: Joseph K. Gavinski, Gilbert Alvarado, Anne Henning, and Sue Mahaney

CONSENT AGENDA

Minutes: The minutes of the May 30 meeting were presented.

Granco Federal Credit Union - Site Plan Review - Findings of Fact: The Findings of Fact for the Granco Federal Credit Union were presented.

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

CROSSROADS PHASE 5 FINAL MAJOR PLAT AND FINDINGS OF FACT

Hayden Homes has submitted a final plat application for a 31-lot residential plat on 8 acres located directly east of Highway 17, north of Crossroads Phase 2, and approximately 2000' south of Wheeler Road. The site is zoned R-1, Single Family Residential, which corresponds with the underlying Comprehensive Plan Land Use Designation of Low Density Residential.

Anne Henning, Senior Planner, pointed out the location and mentioned that an existing easement to provide irrigation water to the farm units being platted is still in place and could be an issue, so staff is recommending that it be abandoned.

Action Taken: Mr. Schield moved that it be recommended to the City Council that the final plat be approved with the following conditions:

1. The comments of the Development Engineer, USBR, and ECBID shall be addressed.
2. The plat shall not be recorded until the city fees and reimbursements are paid to the City of Moses Lake.

3. Before the plat is recorded, the proponent shall abandon the easement recorded under AFN 584560 and remove it from the face of the plat.

seconded by Ms. Heimark, and passed unanimously.

Action Taken: Ms. Heimark moved that the Findings of Fact be accepted, seconded by Mr. Hepburn, and passed unanimously.

MOSES LAKE IRRIGATION & REHABILITATION DISTRICT - PARKER HORN DREDGING - SHORELINE CONDITIONAL USE PERMIT - REVISION

The Moses Lake Irrigation & Rehabilitation District (MLIRD) has submitted an application to revise their permit to dredge sediment from Parker Horn. The revision is to create a channel to return water to the lake. This channel would be used when water is not infiltrating fast enough in the basins MLIRD created.

Anne Henning, Senior Planner, explained that because the water from the dredged material is not draining fast enough from their settling basins, MLIRD is proposing to create a channel to return water to the lake.

Ryan Walker, Grette Associates Environmental Consultants, representing the Moses Lake Irrigation & Rehabilitation District, stated that the test holes that were dug did not reveal the variations in the dewatering area and the infiltration is not performing as fast as expected. The solution is to dig a channel for the water to return to the lake. He explained the operation of the dredge and the dewatering system.

There was considerable discussion on the history and proposed changes to the permit.

Action Taken: Mr. Schield moved that the revision to the Shoreline Conditional use Permit be granted with the following conditions and forwarded to the Department of Ecology:

1. Before start of construction, the proponent must obtain all required permits, including but not limited to:
 - A. City of Moses Lake grading permit
 - B. Shoreline permit revision, signed by the Department of Ecology
 - C. Construction stormwater permit
 - D. Corps of Engineers permit
 - E. Hydraulic Project Approval
 - F. Water Quality Certification
2. The proponent shall ensure that a professional archaeological monitor be present during all ground-disturbing activities. The monitor shall be one adequately trained to recognize organic remains in a wet-site environment and fishing trap/weir remnants. The proponent shall provide a copy of the monitoring plan to the City.
3. The proponent shall mitigate any disturbance or impacts to the shoreline fringe wetlands.
4. The proponent shall work with the City Engineering Division to find a location for the return water channel which does not impact the proposed stormwater swale to the southwest.

5. At project completion, the site 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.
6. The proponent shall protect the lake, wetland, and buffer from construction impacts using sediment control measures during construction. The sediment control measures shall be installed before the start of any earthwork and shall remain in place until all earthwork is finished. The proponent shall ensure that the sediment control measures are inspected frequently, and that the sediment control measures are maintained when necessary to ensure proper function.
7. 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. A stabilization plan shall be submitted to the Community Development Department before any site disturbance is authorized. The plan shall address dust, erosion, and sediment control measures, both during construction and to permanently stabilize disturbed areas. At a minimum, the plan shall identify the limits of disturbance, provide an area for sediment collection for on-site stormwater, address dust control during construction and non-working hours until project completion, identify and protect down-gradient areas from stormwater impacts, identify cut and fill slopes and possible check dams in ditched areas, identify and use secondary containment for on-site fueling tanks if present, and address construction entrance, stabilization after construction, inspection and maintenance of erosion control measures, and prevention of tracking sediment onto City streets and/or sidewalks. Temporary control measures are to be removed within 30 days of project completion. Disturbed areas that will not be built on, paved, removed, or landscaped for more than 45 days shall be stabilized through long-term methods such as establishing dryland grasses or native shrub/steppe. No grading permit shall be issued until the plan has been approved by the Building Official. The proponent shall ensure that nuisances, such as weeds and dust, do not develop. If the erosion control measures proposed by the applicant are found to be insufficient during the course of the project, the proponent shall immediately implement further erosion control measures.
8. The proponent shall notify the Community Development Department and arrange for inspections, including prior to beginning site disturbance, during channel operations, and at completion of dredging each season.
9. Other than the work authorized in this revision, the proponent shall not 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.
10. During construction, any release of oil, hydraulic fluids, fuels, other petroleum products, paints, solvents, or other deleterious materials must be contained and removed in a manner that will prevent their discharge into water or soil. The cleanup of spills shall take precedence over other work on the site.
 11. The proponent shall ensure that all contractors and subcontractors are aware of the relevant conditions.

seconded by Ms. Heimark, and passed unanimously.

FENCE REGULATIONS

Anne Henning, Senior Planner, stated that 6' fences are not allowed on an exterior side yard of corner lots. Placing a 6' fence 25' back from the sidewalk substantially reduces the amount of back yard on corner lots and so property owners are requesting they be allowed a 6' fence adjacent to the sidewalk. She pointed out that a 6' fence adjacent to a sidewalk does not create an inviting area to walk. She mentioned that other cities have addressed the issue by requiring landscaping between the fence and the sidewalk to make a more appealing area to walk.

Victoria Podolyan, 437 N. Crestview, stated that they live on a corner lot and because of the location of the 6' fence the back yard is really small. She requested the Planning Commission review the fencing regulations with the idea of amending them to allow a 6' fence in an exterior side yard of a corner lot.


There was considerable discussion and staff was directed to investigate the issue keeping in mind the need for landscaping.

LEGAL RESPONSIBILITIES

Gilbert Alvarado, Community Development Director, provided a memo from the City Attorney which discusses the legal duties and responsibilities of the Planning Commission member. The memo deals with the appearance of fairness and exparte communications and what is appropriate and what is not.

There was some discussion concerning the ramifications of what was in the memo.

The regular meeting was adjourned at 8:30 p.m.



Todd Voth, Planning Commission Chairman