

August 20, 2014

TO: City Manager for Council Consideration

FROM: Finance Director

SUBJECT: Ordinance - Water, Sewer, and Stormwater Rates - 2nd Reading

Attached is a proposed ordinance amending Chapter 13.12, entitled Water, Sewer, and Stormwater Rates, to increase rates for service charges.

The proposed ordinance is presented for Council consideration. This is the second reading of the ordinance.

Respectfully submitted

A handwritten signature in blue ink, appearing to read "W. Robert Taylor", is written over the printed name and title.

W. Robert Taylor
Finance Director

WRT:jt

ORDINANCE NO. 2724

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "WATER, SEWER, AND STORMWATER RATES"

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

Section 1. Chapter 13.12 of the Moses Lake Municipal Code entitled "Water, Sewer, and Stormwater Rates" is amended as follows:

13.12.053 Water Service Termination Procedures:

- A. The provisions of this section shall govern all terminations of water service for non-payment of city charge and/or installments and surcharges.
- B. If by the payment date shown on a water, sewer, garbage, ambulance, and stormwater bill, the city has not received complete payment of the amount shown on the bill the city shall mail to, or personally serve upon, the customer a notice of termination. The notice of termination shall be sent with the current month's bill. The notice shall indicate the amount past due.
- C. The notice of termination shall contain the following:
 1. The amount past due and the amount of the current month's billing.
 2. The date of the notice of termination.
 3. The date of termination, which shall be no less than ten (10) days from the date of the notice of termination.
 4. Notice that unless the city receives complete payment of the amount past due prior to the date of termination, water service shall be terminated.
 5. Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the city that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute.
 6. Notice that ~~thirty seven~~ dollars (\$307) will be assessed as a delinquent service charge if not paid and received by the Finance Department, Utilities Division, by 5 p.m. on the day prior to the date shown on the delinquent notice and that ~~twelve dollars (\$12)~~ will be assessed as an additional service charge if not paid by the date and time shown on the delinquent notice provided no formal dispute has been filed with the Finance Department ~~the payment is not extended~~ as set forth in this section.
 7. An informational telephone number.
 8. Notice that ~~eighty thirty~~ dollars (\$8030) will be assessed as a service charge for all water turn-ons or turn-offs after 4:00 p.m. and before 8:00 a.m. and at any other time which is not a normal working day of the city, such as weekends or legal holidays.
- D. If the city receives payment of the past due amount shown on the notice of termination, such payment shall be considered a timely and complete payment for purposes of this ordinance.

13.12.060 Payment of Accounts:

- A. Water, sewer, garbage, and stormwater bills shall be the responsibility of and billed directly to the property owner, unless the property owner wishes the bill sent to another address, the

same shall be due and payable within thirty (30) days of the billing date. If the property owner wishes the bill sent to another address, the property owner first must execute a form provided by the City of Moses Lake indicating the property owner's desires. The form shall include the property owner's name and address, the address to which the bill shall be sent, and a statement that if the person at the address to which the bill is sent moves and leaves an unpaid balance, the property owner assumes responsibility for the bill. The billing dates for utility accounts shall be as follows:

Routes 1 through 15 on the 20th of each month

Routes 16 through 29 on the 30th of each month

Routes 50 through 60, 70, and 71 on the 10th of each month

- B. The property owners of commercial accounts and governmental agencies may sign agreements requesting that their monthly statements be mailed to service addresses. The statement will contain the same information referred to in subsection A.
- C. The city reserves the right to cut off the water supply from the premises. The water supply may be cut off if either the water charge, sewer charge, garbage charge, ambulance charge, or the stormwater charge is delinquent, and should the water supply be turned off for failure to pay either the sewer charge, water charge, garbage charge, ambulance charge, or stormwater charge when due, the water supply shall not be turned on until all delinquent charges have been paid in full. A service charge shall be assessed as set forth in Subsection B of 13.12.085 and shall be added to the amount past due and will be billed on the next month's statement.
- D. The city shall have a lien against the premises for unpaid water, sewer, garbage, ambulance, and stormwater charges as provided by the laws of the state.
- E. Advance payments may be made on any water, sewer, garbage, ambulance, or stormwater account.
- F. Water service will not be terminated if there is a past due water, sewer, garbage, ambulance, or stormwater charge of twenty ten dollars (\$20+0) or less, subject to subsection G.
- G. No water, sewer, garbage, ambulance, or stormwater bills shall be allowed to be more than sixty (60) days past due regardless of the past due amount. If a water, sewer, garbage, ambulance, or stormwater account is to become sixty (60) days past due, water service shall be terminated as provided herein before the sixtieth (60th) day ends.
- H. No water, sewer, garbage, ambulance, or stormwater account will be transferred to another person, partnership, corporation, or other entity unless the account is brought current prior to the requested transfer.
- I. Property served by more than one (1) meter must keep all accounts current in accordance with this chapter in order to avoid water service being terminated to all meters serving the property.

13.12.085 Service Charge:

- A. The service charge for all water turn-ons or turn-offs after 4 p.m. and before 8 a.m. and at any other time which is not a normal working day for the city shall be eighty thirty dollars (\$8030). This fee is in addition to the fee imposed by this section.
- B. A delinquent service charge of thirty seven dollars (\$307) will be assessed on each water, sewer, garbage, ambulance, or stormwater account or any combination of water, sewer, garbage, ambulance, or stormwater service which is billed on one (1) account if not paid and received by the Finance Department, Utilities Division, by 5 p.m. on the day prior to date shown

~~upon~~ on the delinquent notice provided no ~~disputes~~ have been filed with the Finance Department ~~extensions are granted as set forth in Section 13.12.053. The assessment of the seven dollars (\$7) delinquent service charge shall be waived once a calendar year on each and every account. An additional delinquent service charge of twelve dollars (\$12) will be assessed on each water, sewer, garbage, ambulance, or stormwater account or any combination of water, sewer, garbage, ambulance, or stormwater service which is billed on one (1) account if not paid by the date and time shown upon the delinquent notice provided no extensions are granted as set forth in Section 13.12.053. The thirty seven dollar (\$307) and twelve dollar (\$12) service charges are~~ is subject to the limitations of Subsections F and G of Section 13.12.060. If water service is terminated for non-payment of the account, the thirty twelve dollar (\$3012) charge shall include turning the water back on from 8 a.m. to 4 p.m. on normal city working days provided the occupant does not change. This fee is in addition to the fee imposed by Subsection C.

- C. A service fee of fifteen ~~eight~~ dollars (\$158) shall be added to each new water, sewer, garbage, ambulance, or stormwater account or any combination of water, sewer, garbage, ambulance, or stormwater service which is billed on one (1) account. A service fee of fifteen ~~eight~~ dollars (\$158) shall be added for each change of service to another occupant. This fee shall include one (1) water turn-on if applicable from 8 a.m. to 4 p.m. on normal city working days.

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 August 26, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney



August 20, 2014

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached is a proposed ordinance amending Chapter 2.48 of the Moses Lake Municipal Code entitled "Planning Commission". In reviewing the City's ordinance establishing a Planning Commission and providing for appointment, it was noted that the regulations did not reference that the nine voting members of the Commission must be City residents. The proposed ordinance adds the language to provide such a requirement.

The nine voting members of the Commission were always intended to be City residents. That intent is reflected by the additional language in Moses Lake Municipal Code Section 2.48.010 that states that up to two ex officio members, not City residents, may be appointed to the Commission.

The proposed ordinance is presented for Council consideration. This is the first reading of the ordinance.

Respectfully submitted



Joseph K. Gavinski
City Manager

JKG:jt

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2.48 OF THE MOSES LAKE MUNICIPAL
CODE ENTITLED "PLANNING COMMISSION"

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

Section 1. Chapter 2.48 of the Moses Lake Municipal Code entitled "Planning Commission" is amended as follows:

2.48.010 Commission Established: The Planning Commission of the City shall consist of nine (9) members, who shall reside within the City limits, who shall be appointed by the Mayor and confirmed by the City Council, pursuant to MLMC 2.08.040. Additionally, up to two (2) ex officio members may be appointed by the Mayor and confirmed by the City Council who reside in the city's urban growth area but outside the corporate limits of the city. The ex officio members shall have no vote.

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 September 9, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney



August 20, 2014

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached is a proposed ordinance amending Chapter 3.30 of the Moses Lake Municipal Code entitled "Utility Occupational Tax". The amendments include a definition of "voluntary payment" and adds a time limitation for refunds on tax payments.

The proposed amendment limits refunds on voluntary tax payments to one year from the date the payment is made.

The proposed amendment is intended to provide certainty regarding voluntary tax payments made to the City. Otherwise the City could receive refund requests for many years past, long after those monies have been spent.

The proposed ordinance is presented to you for your consideration. This is the first reading of the ordinance.

Respectfully submitted



Joseph K. Gavinski
City Manager

JKG:jt

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 3.30 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "UTILITY OCCUPATIONAL TAX"

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

Section 1. Chapter 3.30 of the Moses Lake Municipal Code entitled "Utility Occupational Tax" is amended as follows:

3.30.020 Definitions: In construing the provisions of this chapter, save when otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

- A. Competitive Telephone Service means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.
- B. Gross Operating Income means the value proceeding or accruing from the sale of tangible property or service, installation fees, and receipts by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however, designated (excluding receipts or proceeds from the use or sale of notes, bonds, mortgages, or other evidences of indebtedness, or stock and the like) and without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest or discount paid or any expense whatsoever.
- C. Person or Persons means persons of either sex, firms, co-partnerships, corporations and other associations of natural persons, whether acting by themselves or by servants, agents or employees.
- D. Taxpayer means any person liable for the license fee or tax imposed by this chapter.
- E. Tax Year or Taxable Year means the year commencing January first and ending on the last day of December of the same year, or in lieu thereof, the taxpayer's fiscal year when permission is obtained from the Finance Director to use the same as the tax period.
- F. Telephone means every primary station and shall exclude extensions.
- G. Telephone Business means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line, or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. The term does not include the providing of competitive telephone service, nor the providing of cable television service.
- H. Voluntary Payment means a payment made to the City of Moses Lake without written protest setting forth the reasons the payment is made in protest.

3.30.110 Underpayment and Time Limitation on Corrections, Adjustments, and Refunds Overpayment or Underpayment of Tax: If the Finance Director upon investigation or upon checking returns finds that the fee or tax paid is more than the amount required of the taxpayer, he shall, upon request of the taxpayer, refund the amount overpaid by warrant upon the General Fund, or credit the amount against any tax due or to become due from such taxpayer hereunder. If the Finance Director finds that the fee or tax paid is less than required, he shall send a statement to the taxpayer showing the balance due, who shall within ten (10) days of the receipt of the statement

pay the amount shown thereon. Except as provided for herein, in all cases of the voluntary payment of any tax imposed by this chapter, resulting in an overpayment of the true amount due, whether or not the result of mistake of law, mistake of fact, inadvertence, or error, such payments may be adjusted or corrected only within one year (365 days) of payment. The correction, adjustment, or refund of all or any portion of such payment is barred one year (365 days) following payment to the City.

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 September 9, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney



August 20, 2014

Honorable Mayor and
Moses Lake City Council

Dear Council Members

A City Council member requested City staff to provide an amendment to the noise ordinance which exempted temporary construction sites in commercial zones from the provisions of the noise ordinance.

The proposed ordinance is presented to you for consideration. This is the first reading of the ordinance.

Respectfully submitted

Joseph K. Gavinski
City Manager

JKG:jt

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 8.28 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "NOISE CONTROL"

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

Section 1. Chapter 8.28 of the Moses Lake Municipal Code entitled "Noise Control" is amended as follows:

8.28.050 Noises Exempt - Completely or Partially:

- A. The following noises are exempt from the provisions of this chapter at all times, provided, that nothing in these exemptions is intended to preclude the possible reduction of noise consistent with economic feasibility.
 - 1. Noise originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;
 - 2. Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety relief intent of the device;
 - 3. Noise created by fire alarms, or noise created by emergency equipment, including but not limited to emergency standby or back-up equipment, and emergency work necessary in the interests of law enforcement or of the health, safety, or welfare of the community, and including, but not limited to, any emergency work necessary to replace or repair essential utility services;
 - 4. Noise created by auxiliary equipment on motor vehicles used for highway maintenance;
 - 5. Noise originating from officially sanctioned parades, sporting events, and other public events;
 - 6. Noise created by warning devices not operated continuously for more than 30 minutes per incident;
 - 7. Noise created by motor vehicles when regulated by Section 8.28.030;
 - 8. Noise created by natural phenomenon and unamplified human voices;
 - 9. Noise created by motor vehicles, licensed or unlicensed when operated off public highways except when such sounds are received in residential zones of the city;
 - 10. Noise created by existing stationary equipment used in the conveyance of water by utilities and noise created by existing electrical substations;
 - 11. Noise created by sources in industrial districts which over the previous three years have consistently operated in excess of 15 hours per day as a demonstrated routine or as a consequence of process necessity.
- B. The following sources of noise are exempt or partially exempt from the provisions of this chapter:
 - 1. Noise created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad;
 - 2. Noise created by aircraft and float planes;

3. Noise emanating from the temporary construction sites in residential zones except between the hours of 10 p.m. and 7 a.m. ~~except as~~ unless otherwise approved by the City Council;
 4. Noise emanating from temporary construction sites in commercial zones.
 54. Noise created by aircraft engine testing and maintenance not related to flight operations except between the hours of 10 p.m. and 7 a.m.;
 65. Noise originating from motor vehicle racing events at existing authorized facilities.
- C. It is the intention of City Council to consider amendments to this chapter controlling the sources exempted in subsection B of this section whenever the Washington State Department of Ecology promulgates specific regulations relating to the specific sources in the future.

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 September 9, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

August 20, 2014

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Perdue - Build on Unplatted Property

The Community Development Department has received a request to build on unplatted property from William Perdue, to allow the construction of a 28,000 square foot facility to house a portion of the Sonico, Inc. facility. The property is located at the southwest corner of Patton Boulevard and Randolph Road. The proponent understands that the platting process is triggered by the building permit request and acknowledges that they are in the process of platting the subject property.

Attached for Council consideration is a resolution granting permission for the William Perdue to build on unplatted property with the stipulation that the property be platted within one year.

Respectfully submitted

A handwritten signature in blue ink, appearing to be 'GA', is written below the text 'Respectfully submitted'.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3461

A RESOLUTION ALLOWING THE WILLIAM PERDUE TO BUILD ON UNPLATTED PROPERTY

RECITALS:

1. Moses Lake Municipal Code 16.12.030 allows for the issuance of a building permit to a proponent who wishes to build on unplatted property after a resolution from the City Council.
2. The City of Moses Lake requested the City Council to allow it to build on unplatted property described as follows:

Tax# 5863 a parcel of land located in Section 32, Township 20 North, Range 28 E.W.M, Grant County, Washington, described as: beginning at a point 2410.26 feet north and 5856.08 feet west of the southeast corner of Section 33 of said Township and Range (whose Washington State Grid South Zone coordinates are Y=674,047.08, X=2,298,909.20 and are referred to U.S.C. & G.S. Station "spad" whose Washington State grid south zone coordinates are Y=676,911.66, X=2,288,625.74) and said point of beginning being the intersection of a county road known as Dover Street and a private road known as 5th Avenue; thence S89°07'35" W along the centerline of Dover Street, 420.00 feet to the intersection of 6th Avenue; thence S00°56'55" E along the centerline of 6th Avenue 724.00 feet to the centerline of Elgin Street; thence N89°07'35" E along the centerline of Elgin Street, 420.00 feet to the centerline of 5th Avenue; thence N00°56'55" W, 724.00 feet to the point of beginning. Excepting therefrom the north 30 feet for county roads

RESOLVED:

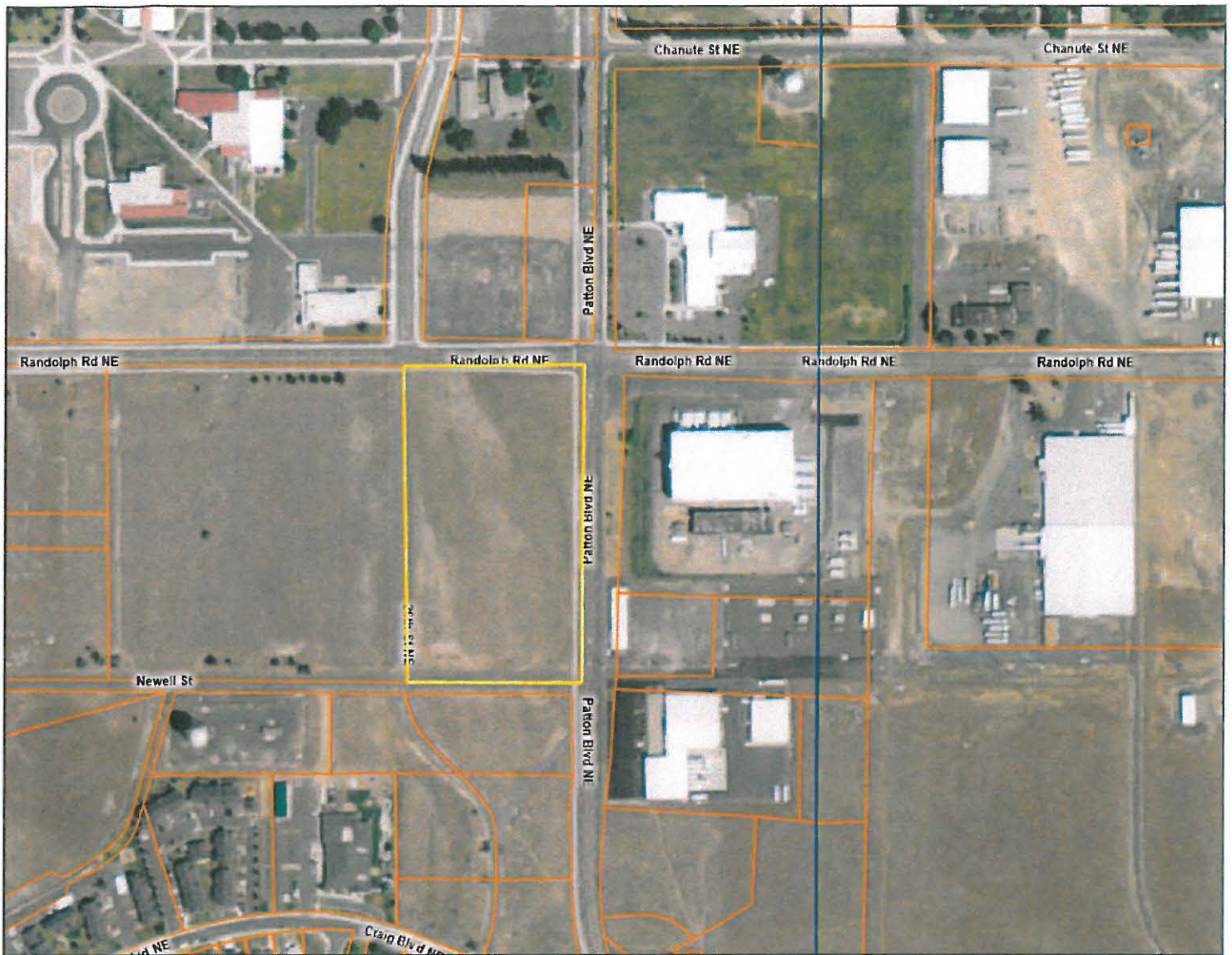
1. That William Perdue be allowed to construct 28,000 square foot facility on unplatted property described above with the stipulation that the property be platted within one year.

Adopted by the City Council on August 26, 2014.

ATTEST:

Dick Deane, Mayor

W. Robert Taylor, Finance Director

**Parcels**

Parcel 171039000

Owner

Address

August 20, 2014

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement Costs - Pence

Attached is a resolution which affirms the Council's prior authorization to staff to collect the funds expended for the nuisance abatement at 2118 Spruce. The property is owned by Lorange Pence.

Respectfully submitted



Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3462

A RESOLUTION ESTABLISHING THE BILLING TO BE IMPOSED AGAINST LORANCE PENCE AS THE OWNER OF CERTAIN REAL PROPERTY UPON WHICH THE CITY CAUSED ABATEMENT OF A NUISANCE TO BE PERFORMED AFTER A FAILURE OF THE PROPERTY OWNER TO ABATE THE SAME.

RECITALS:

1. **Real Property Location and Ownership.** The records of Grant County show that Lorance Pence is the owner of property within the city limits located at 2118 Spruce. The parcel number of this property is 909670000. Lorance Pence was provided notice of a hearing held before the City Council on June 24, 2014, to consider the allegations of the Code Enforcement Officer that a nuisance requiring abatement existed on property owned by Lorance Pence.
2. On June 24, 2014 the City Council conducted a hearing to determine if a nuisance existed on the property at 2118 Spruce. At the conclusion of that hearing, the City Council adopted Resolution No. 3448 which provided a nuisance existed on the property at 2118 Spruce, that the owner had fifteen (15) days to abate such nuisance and if the nuisance was not abated within fifteen (15) days of adoption of that resolution, the City would cause the nuisance to be abated and the costs of that abatement to be charged against the property owner.
3. The nuisance identified in Resolution No. 3448 was not abated by the property owner within fifteen (15) days of the adoption of that resolution. On August 8, 2014 the City caused the nuisance identified to be abated through the use of contracted and/or City labor and equipment.

RESOLVED:

1. The costs to the City to abate the nuisance identified in Resolution 3448 on the property at 2118 Spruce are set forth below. Those costs are derived from the attached documents which detail the costs incurred.
2. The costs to be recovered from Lorance Pence are:

City labor and equipment costs	\$0.00
Contracted labor and equipment (company)	\$161.85
Total	\$161.85
3. This charge is certified by the City Council as due and owing the City. This charge shall be forwarded in writing to Lorraine Pence for payment. If payment is not received within thirty (30) days of submittal, the same shall be submitted for collection with other unpaid billings of the City and collected or reduced to judgment on the rolls of Grant County Clerk.

Adopted by the City Council on August 26, 2014.

ATTEST:

Dick Deane, Mayor

W. Robert Taylor, Finance Director

Tatum Lawn Care
P O Box 155
Moses Lake, WA 98837

RECEIVED

AUG 11 2014

**COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE**

Invoice #

48426

8/8/2014

City of Moses Lake
Attn: *CLAIR HARDIN*
P O Box 1579
Moses Lake WA 98837

As our effort to help with going green, we would like to email our invoices. Please, feel free to include an email address with your payment.

P.O. No. Due Upon Receipt

RE:

2118 Spruce

Service Provided	Quantity (#, sq ft, lbs, gal)	Rate (per)	Total (below) Item totals
Mow down lot at 2118 Spruce st		150.00	150.00

Balances 30 days past due are subject to 1.5% interest charge per month.

*Thank you for allowing us to be of service.
Questions? Call 509-762-6771*

Subtotal	\$150.00
Sales Tax (7.9%)	\$11.85
Total	\$161.85



August 21, 2014

Honorable Mayor and
Moses Lake City Council

Dear Council Members

Attached is a proposed resolution repealing Resolution 3396 and adopting a new resolution setting forth the policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City. This resolution added new language in paragraph number 7 as follows:

“except that there shall be no limitation for residential properties up to nine (9) lots”

The added language is suggested so as to extend the connection time only for residential properties. The idea behind limiting the connection period for industrial and commercial properties is to not reserve the capacities into the future.

The proposed resolution is presented to you for your consideration.

Respectfully submitted

Joseph K. Gavinski
City Manager

JKG:jt

RESOLUTION NO. 3463

A RESOLUTION REPEALING RESOLUTION 3396 AND ADOPTING A NEW RESOLUTION SETTING FORTH A POLICY WITH REGARD TO THE PROVISION OF WATER AND/OR SEWER UTILITIES OUTSIDE THE CORPORATE LIMITS OF THE CITY AND SETTING FORTH AN ANNEXATION POLICY FOR THE CITY OF MOSES LAKE, WASHINGTON

Recitals:

1. Previously the City Council adopted Resolution No. 3396 setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City and setting forth an annexation policy for the City of Moses Lake, Washington.
2. That policy is now repealed by this resolution which adopts a new resolution setting forth a policy with regard to the provision of water and/or sewer utilities outside the corporate limits of the City and setting forth an annexation policy for the City of Moses Lake, Washington.

Resolved:

1. The following definitions shall be applicable to the terms used in this resolution.

Contiguous Lands means any lands touching or abutting the corporate limits of the City and any lands within one half mile of the corporate limits of the City as measured at the point the corporate limits and the involved lands are closest together.

Non-Contiguous Lands means any lands beyond one half mile of the corporate limits of the City as measured at the point the corporate limits and the involved lands are closest together.

Provision, Delivery, or Furnishing City Water and/or Sewer Utilities means the extension of water and/or sewer mains, or tapping into an existing water and/or sewer main by a lateral to serve a customer, or the expansion of an existing water and/or sewer use, or any combination of these.

City Water means potable water delivered from the water utility system operated by the City.

City Sewer means the sanitary sewerage collection utility system operated by the City.

City Utility Service or Water and/or Sewer Utilities means City water and/or City sewer.

Adjacent Lands means any lands located immediately adjacent to a city water and/or city sewer main within the city's Urban Growth Area (UGA) and which lands are contiguous lands as defined herein.

2. Requests for Extensions: The Moses Lake City Council shall review all requests for the provision of water and/or sewer utilities whether the request involves property which is contiguous or non-contiguous. Only the City Council can grant permission for the provision, delivery, or furnishing of water and/or sewer utilities to anyone beyond the corporate limits of the City, such permission being evidenced by a formal commitment noted in the minutes of a regular City Council meeting. All extensions of water and/or sewer utilities beyond the corporate limits of the City shall be made by the City Council within their sole and complete discretion.
3. Washington statutes and case law provide that cities are not legally required to provide water or sewer or other utility services to properties located outside the city limits, but that cities have the discretion to provide such utilities within its urban growth area as a legislative decision, on terms and conditions set forth in a contract.

4. The City is not the sole or exclusive provider of sewer or water service in any area outside of the City's corporate limits. The city shall not be considered or construed as being the sole or exclusive utility purveyor for any properties outside of the city's corporate limits or within the city's urban growth area.
5. Delivery of City Water and/or Sewer Utilities to Contiguous Lands:
 - A. The City of Moses Lake will only deliver water and/or sewer utilities to contiguous lands if the owner of those lands annexes those lands into the City, except, if the public's health, safety, and welfare is an issue, as determined by the Grant County Health District, the City may deliver City water and/or City sewer utilities subject to the same conditions applicable to the delivery of City water and/or City sewer utilities to non-contiguous lands. Once within the City the lands will be delivered City utilities as provided by City ordinance. If those contiguous lands are not annexed into the City, the City will deliver neither City water nor City sewer services, except as set forth in subsection b below.
 - B. The City Council may permit the provision of water and/or sewer service to adjacent lands where the water and/or sewer main is adjacent to the property, the property is contiguous lands as defined in this resolution and it is impractical for the property owner to annex the owner's property into the city because of the previous subdivision of the land or other like condition. Each such request will be considered by the City Council on an individual basis and no uniform result as respects such requests is expected where each will be determined by the unique circumstance of each property seeking permission to connect to city water and/or sewer. If the City Council permits adjacent lands to connect to the city water and/or sewer system, the property owner shall first comply with the procedure for the delivery of water and/or sewer to non-contiguous lands as set forth below in Section 6.
6. Delivery of City Water and/or Sewer Utilities to Non-Contiguous Lands: The City of Moses Lake will consider the provision of water utilities and/or the provision of sewer utilities to non-contiguous lands when such water is available or when such sewerage capacity is available in the City sewerage system as determined by the City Council upon the conditions listed below:
 - A. The execution of a contract document between the land owner and the City containing the essential elements of the water and/or sewer provision agreement as outlined below.
 - B. The water and/or sewer system to be built and connected to the City water utility or City sewer utility will be built to City standards.
 - C. The execution of necessary document(s) as determined by the City's legal department from the land owner to the City stating in essence that the land owner agrees to have non-contiguous lands annexed to the City at the City's discretion when those lands can be annexed.

Further, the document(s) will provide as a condition of receiving City water and/or City sewer that the non-contiguous lands will not be used in any manner inconsistent with the land use controls in place.
 - D. The land owner will survey the non-contiguous lands to be provided City water and/or City sewer if requested to do so by City staff.
 - E. The City water and/or sewer utility services provided to the non-contiguous land will not be changed as to either the scope, nature, or intensity of the use without further approval from the Moses Lake City Council as such change is considered an expansion of the commitment given unless such expansion has already been provided for in the commitment given by the Moses Lake City Council.

- F. Such other conditions as City staff may negotiate as being necessary and as approved by the Moses Lake City Council.
 - G. Failure to comply with any of the conditions of the water and/or sewer provision agreement shall terminate the delivery of water and/or sewer utility services to the non-contiguous land.
7. Any formal commitment given by the City Council to provide water and/or sewer utilities outside the corporate limits of the City shall remain in effect for two (2) years except there shall be no limitation for residential properties up to nine (9) lots from the date the commitment is given. Within the two (2) year commitment period, the lands involved must actually be tapped into the City's water and/or sewer utilities or the commitment given by the City Council shall be considered automatically withdrawn without further consideration by the City Council. Any documents prepared and delivered by a party pursuant to Section 6. A. and C. shall be returned to the land owner if the commitment is terminated.

Effective Date: This policy shall control all extensions of City water and sewer utilities after August 26, 2014.

Adopted by the City Council on August 26, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

August 20, 2014

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Abandon Easement - 1625 Filmore

Mitko and Elka Keranov have requested the abandonment of a portion of the easements located along the rear and interior side lot lines of Lot 9, Block 1, Crossroads Phase 4, 1625 E. Filmore Drive.

Public utilities were notified and no comments were received.

Attached is a resolution which abandons a portion of the easements. The resolution is presented for Council consideration.

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'G. Alvarado', with a stylized flourish at the end.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3464

A RESOLUTION AUTHORIZING ABANDONMENT OF EASEMENTS

RECITALS:

1. Mitko and Elka Keranov have requested the City of Moses Lake to abandon the easements described as follows:

A portion of Lot 9, Block 1, Crossroads Phase 4 Major Plat, per the plat thereof, found in Book 28, pages 100 through 104, Auditor's File Number 1284323, records of Grant County, Washington, more particularly described as follows:

The Southerly 25 feet of the Westerly 5 feet of said Lot 9

and

The Westerly 25 feet of the Southerly 5 feet of said Lot 9.

2. Potential users of the easement have been notified of the proposed abandonment and no comments were received.

RESOLVED:

1. The City Council of the City of Moses Lake does resolve that the easements described above will be abandoned and that the City Manager is authorized to execute the necessary documents in order to accomplish that abandonment.

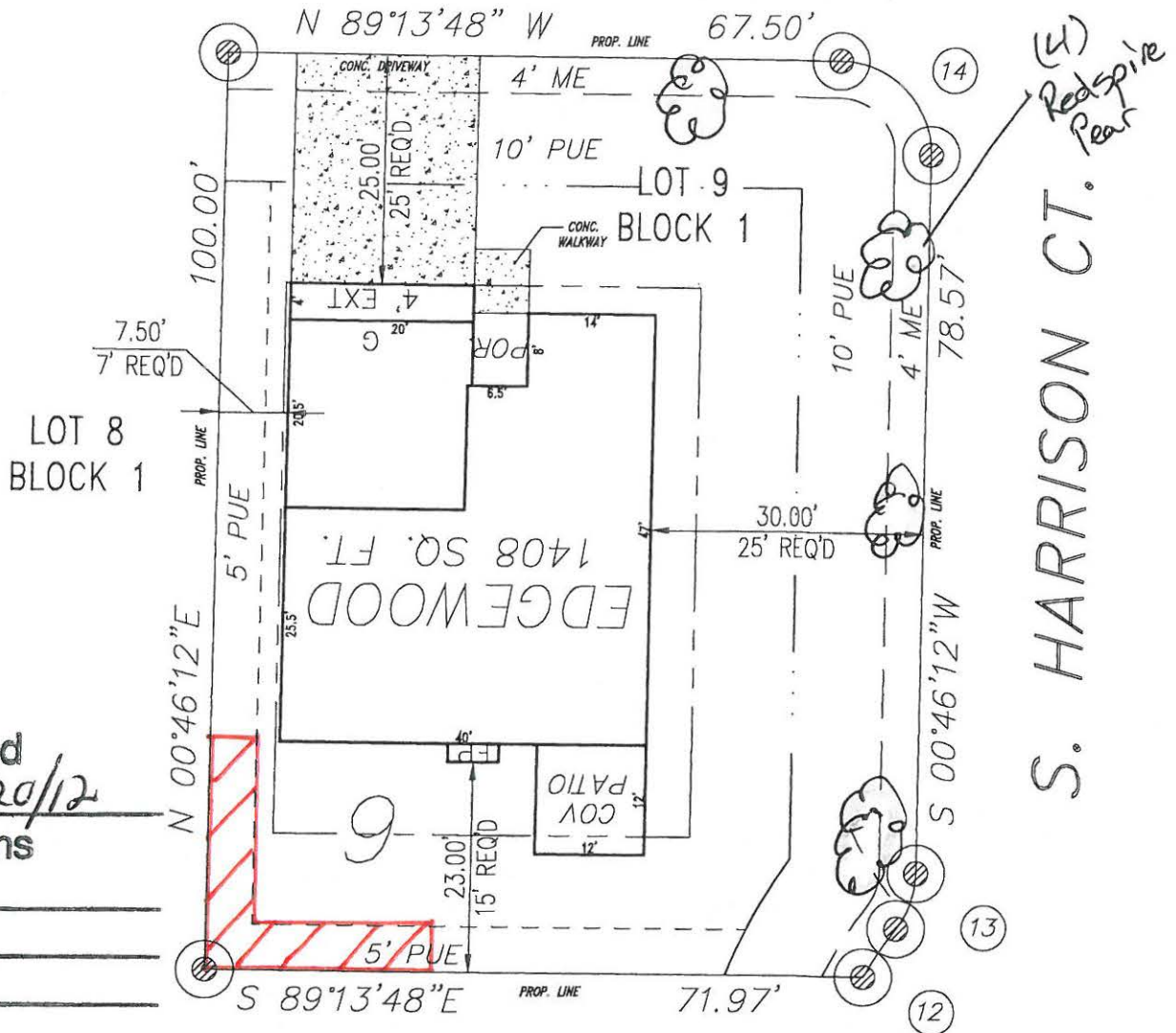
Adopted by the City Council on August 26, 2014.

ATTEST:

Dick Deane, Mayor

W. Robert Taylor, Finance Director

E. FILMORE DRIVE



Scanned
11/20/11
Revisions



SCALE: 1:20

LOT 10
BLOCK 1

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C12	6.38'	41.00	8°55'19"
C13	6.53'	10.00	37°25'41"
C14	15.71'	10.00	90°00'00"

R-3 BUILDING SETBACKS

FRONT/CORNER	15' (FROM PL)
FRONT GARAGE	20' (FROM PL)
SIDE	5' (FROM PL)
REAR	5' (FROM PL)

HAYDEN HOMES
2464 SW GLACIER PLACE, SUITE 110
REDMOND, OR 97756
(541) 923-6607

LOT 9 BLOCK 1

ADDRESS: 1625 EAST FILMORE DRIVE
CROSSROADS - PHASE 4
MOSES LAKE, WASHINGTON

August 25, 2014

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Resolution - Nuisance Abatement - Gibson

Attached is a resolution providing for the abatement of nuisances at 2404 W. Lakeside Drive, owned by Vona Gibson. The Council should hold a hearing to consider the allegations of the Code Enforcement Officer that the property contains a public nuisance which has not been corrected. If the Council concurs that a public nuisance exists, the resolution should be adopted allowing the City to remove the public nuisance.

The resolution is attached for Council consideration.

Respectfully submitted

A handwritten signature in dark ink, appearing to read "Gilbert Alvarado", with a stylized flourish at the end.

Gilbert Alvarado
Community Development Director

GA:jt

RESOLUTION NO. 3465

A RESOLUTION DETERMINING THAT VONA GIBSON IS THE OWNER OF CERTAIN REAL PROPERTY WITHIN THE CITY; THAT A NUISANCE REQUIRING ABATEMENT BY CITY FORCES OR FORCES CONTRACTED BY THE CITY EXISTS ON SUCH PROPERTY; AND DIRECTING THE USE OF SUCH FORCES TO ABATE THE NUISANCE FOUND

Recitals:

1. Real Property Location and Ownership. It is alleged by a Code Enforcement Officer of the City, a person authorized to enforce the ordinances and municipal code of the City, that the real property located at Lot 2, less street and Nely 10' of Lot 3, Block 3, Pleasant View Deferral, Parcel #110890000, Moses Lake, Washington, is the site of public nuisance violations of Moses Lake Municipal Code (MLMC) 8.14.030 U. The records of Grant County show the owners of the subject property to be Vona Gibson, 2404 W. Lakeside, Moses Lake, WA 98837.
2. Notice. On May 12, 2014, the Code Enforcement Officer caused to be delivered by regular mail and certified mail to the owner of record of the subject property a Notice of Violation and Order to Correct or Cease Activity. No appeal was filed to challenge that order. The time to comply under that order has passed. The nuisance described in that order has not been abated by correction of the condition of the property and a nuisance continues to exist on the subject property. On August 4, 2014, the Code Enforcement Officer caused to be delivered to Vona Gibson a notice of the intent of the City Council to consider adoption of a resolution such as this at its meeting of August 26, 2014. Such notice was in writing, in the English language and was delivered by return receipt mail and regular mail to the record owner of the subject property.
3. Violations. It has been established by the Notice of Violation and Order to Correct or Cease Activity that the following violations exist on the subject property and have not been corrected:
 - 3.1. A violation of MLMC 8.14.030.U: Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
4. Hearing. On August 26, 2014 the Moses Lake City Council conducted a hearing to consider the allegations of the Code Enforcement Officer that the subject property contains a public nuisance ordered corrected which remains uncorrected and that the record owner is responsible for the costs of correcting and abating such violations if such corrections and abatement is accomplished by City forces or forces contracted by the City for such purpose. All interested persons were permitted to provide written or oral evidence relevant to the issue.
5. Evidence:
 - 5.1. The following persons testified under oath:

Clair Harden, Moses Lake Code Enforcement Officer
 - 5.2. The following exhibits were made a part of the record of the proceedings:

EXHIBIT #1: Moses Lake Municipal Code Chapter 8.14.030 U.

EXHIBIT #2: Notice of Violation and Order to Correct or Cease Activity dated May 12, 2014 from the Code Enforcement Officer addressed to Vona Gibson, 2404 W. Lakeside Drive, Moses Lake, WA 98837

EXHIBIT #3: Pictures taken by Code Enforcement Officer of the property located at 2404 W. Lakeside, Moses Lake, Washington.

EXHIBIT #4: Letter dated August 4, 2014, from the Code Enforcement Officer to Vona Gibson advising the property owner of the hearing regarding abatement of property, scheduled for August 26, 2014.

Resolved:

1. A public nuisance in violation of MLMC 8.13.030 U exists on the subject property at 2404 W. Lakeside, Moses Lake, Washington. Vona Gibson, 2404 W. Lakeside, Moses Lake, WA 98837 is the record contract owner of the subject property per the records of Grant County.
2. The public nuisance located upon the subject property consists of:
 - 2.1. grasses and weeds in excess of 12" in height are covering the back yard and the sidewalk planter strip
3. The maintenance of these public nuisance violations on the subject property by the record owner is detrimental to the health, safety, welfare, peace and tranquility of the residents of the City impacting the quality of life and diminishing property values.
4. Vona Gibson, the record contract owner, has fifteen (15) days from the date of the adoption of this resolution to cause the nuisance violations listed herein to be removed to the satisfaction of the Code Enforcement Officer. Those improvements include the following:
 - 4.1 grasses and weeds must be cut down and removed from these areas
5. City staff shall provide a status report to City Council on the progress of the record contract owners and occupant to make the clean up required on the subject property. If the improvements, as listed above, are not to the satisfaction of the Code Enforcement Officer, the City is authorized to use City forces or contract forces to cause the identified public nuisances to be removed from the subject property to the satisfaction of the City Manager. All costs of any removal of the identified public nuisances done at City expense shall be recovered by the City Manager by all reasonable means including immediate assignment of the costs so incurred for collection.
6. A copy of this resolution shall be provided to the record contract owner by return receipt and regular mail after its approval by the City Council.

Adopted by the City Council on August 26, 2014.

Dick Deane, Mayor

ATTEST:

W. Robert Taylor, Finance Director

- 8.14.030 Nuisance Defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Code Enforcement Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter.
- A. The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.
 - B. Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor.
 - C. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
 - D. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Health Officer.
 - E. All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public.
 - F. All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street.
 - G. All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or have otherwise deteriorated or become dilapidated so as to endanger the safety of the public.
 - H. All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.
 - I. The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large in violation of Chapter 6.05 of the Moses Lake Municipal Code entitled "Animal Control".
 - J. Making or causing to be made by any means whatsoever any noise of any kind which is a violation of Chapters 8.28 of the Moses Lake Municipal Code entitled "Noise Control".
 - K. The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.
 - L. Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the city.
 - M. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
 - 1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal

matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles.

2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.
 3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.
 4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.
 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, as defined by Chapter 8.22 of the Moses Lake Municipal Code entitled "Noxious Weed Control" whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
 6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles.
 7. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.
- N. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight contained, which does not have the door, lid or other locking device removed.
- O. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- P. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.
- Q. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the city.
- R. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public.
- S. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.
- T. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.

- U. Except for any designated public park land, natural area, or environmentally sensitive area, or any undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes, all grasses, weeds, or other vegetation growing or which has grown and died, which is determined to be a fire or safety hazard or a nuisance to persons, shall not exceed twelve inches (12") in height measured above the ground.
 - 1. The above exception may be waived and additional maintenance required by the Code Enforcement Officer if he determines such action is necessary to protect the safety of persons or adjoining property.
 - 2. All maintenance shall be done in a manner so that soil stability will not be disrupted or disturbed. Grass, weed, or vegetation control shall not include plowing, discing, or scraping the soil to eliminate the grasses, weeds, or other vegetation unless a soil stabilization plan, which will minimize blowing dust and maintain soil stability and which shall be approved by the city prior to any plowing, discing, or scraping, is implemented immediately.
- V. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.
- W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.
- X. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.
- Y. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section 8.14.010 (F), whose retail cost new would exceed one hundred dollars, without a special permit from the building official; provided, that nothing herein shall:
 - 1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
 - 2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.
 - 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws.
- Z. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof.
- AA. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- BB. The keeping, permitting or harboring of any fowl, pigeons, rabbits, hooved or cloven footed animals, except for caged birds kept within a residence or business.

- CC. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind, provided that in residential zones that shall include garbage cans or refuse containers in the alleys of the city, except on garbage pickup day.
- DD. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.
- EE. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller.
- FF. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.
- GG. The existence on any premise any unsecured, unused, or abandoned building or structures.
- HH. For any building the existence of any broken glass in windows or doors for more than thirty (30) days.
- II. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty (30) days.
- JJ. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the buildings exterior or remains boarded up for more than sixty (60) days.
- KK. Any boarded up building that remains boarded up for more than ninety (90) days.
- LL. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.
- MM. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of property by, a criminal street gang, with the owner's knowledge or consent, constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property.



CITY OF MOSES LAKE

NOTICE OF VIOLATION AND ORDER TO CORRECT OR CEASE ACTIVITY

TO: Vona Gibson
2404 W Lakeside Dr
Moses Lake, WA 98837

NOTICE OF VIOLATION

Provisions of the City of Moses Lake Code Violated:

Moses Lake Municipal Code 8.14.030U

Street Address of Violation:

2404 W Lakeside Dr, Moses Lake, WA 98837

Brief Legal Description of Property Where Violation Exists:

Lot 2 LS ST & NELY 10' Of Lot 3 Block 3 Pleasant View Defferal #13-0014 110890000

YOU ARE HEREBY ORDERED TO CORRECT OR CEASE THE ACTIVITY AS FOLLOWS:

Action Necessary to Correct Violation:

Grasses and weeds must be cut down and or removed from these areas.

Time by Which Violation is to be Corrected or Activty Ceased

The City is requiring these corrections listed on this Notice and Order be accomplished by

Thursday, May, 22, 2014

YOU ARE FURTHER NOTIFIED THAT THE MOSES LAKE CITY CODE PROVIDES FOR THE FOLLOWING PENALTIES:


Exhibit 2
Page 1 of 2

1. Any violation for which a Notice of Violation and Order to Correct or Cease Activity has been issued but which has not been corrected within the the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation. [1.20.050(E)(1)].
2. If a penalty has been assessed pursuant to 1.20.050(E)(1), a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.

YOU MAY APPEAL THIS NOTICE AND ORDER TO THE HEARING EXAMINER WITHIN TEN (10) DAYS, PURSUANT TO SECTION 20.03.050 OF THE MOSES LAKE CITY CODE AND BY PAYMENT OF AN \$800 FEE.

YOU ARE FURTHER NOTIFIED THAT IF THE AFOREMENTIONED VIOLATION IS NOT CORRECTED AS SPECIFIED HERIN THIS MATTER WILL BE REFERRED TO THE CITY ATTORNEY FOR CIVIL ENFORCEMENT BY INJUNCTION OR OTHER APROPRIATE ACTION.

Dated this Monday, May 12, 2014



Brett Hollen
Code Enforcement
City of Moses Lake
509-764-3748





August, 04, 2014

Vona Gibson C/O Stewart Gibson
2404 W Lakeside Dr
Moses Lake, WA 98837

Re: Hearing to Permit City Abatement of Nuisance

Property located at: 2404 W Lakeside Dr, Parcel 110890000, Moses Lake, WA 98837

Via Regular Mail and Return Receipt Mail

Vona Gibson C/O Stewart Gibson

You are identified in the records of the Grant County Assessor as the record owner of real property located within the City of Moses Lake described as: Lot 2 LS ST & NELY 10' Of Lot 3 Block 3 Pleasant View Defferal #13-0014.

This property is located at: 2404 W Lakeside Dr, Parcel 110890000, Moses Lake, WA 98837

On Monday, May 12, 2014 the City of Moses Lake mailed to you by regular mail and return receipt mail a Notice of Violation and Order to Correct or Cease Activity within the time allowed by the City Code. The time specified in that Notice of Violation and Order to Correct or Cease Activity has expired without compliance. As of August 04, 2014, the nuisance located on the subject property has not been corrected or removed.

Pursuant to Moses Lake Municipal Code (MLMC) 8.14.070 the City of Moses Lake is giving you notice that it will conduct a hearing before the Moses Lake City Council at the Council's regular meeting on Tuesday, August 26, 2014 which is more than ten days from the date of this letter. That meeting will begin at 7:00 p.m. in the Council Chambers in the Moses Lake Civic Center. The purpose of this hearing is for the City Council to determine if a nuisance exists on your property and if a nuisance is found to exist to direct the abatement of that nuisance by use of City contracted forces. The cost of that abatement will be assessed against you as the owner of the subject property. At that hearing all persons interested in the abatement of the nuisance existing on the subject property will have the opportunity to be heard under oath. At that time, you may present all relevant evidence you wish for the City Council to consider, whether that be documents, photos, or live testimony from yourself or others. At the conclusion of that hearing, it is expected the City Council will determine if an abatement of a nuisance located on the subject property should take place and when.

**THIS HEARING IS IMPORTANT. YOUR FAILURE TO PARTICIPATE MAY IMPACT
IMPORTANT RIGHTS IN YOUR PROPERTY.**

If you have any questions, you may contact the City Manager's Office at the Moses Lake Civic Center, 401 S. Balsam, Moses Lake, WA, phone 509-764-3701.

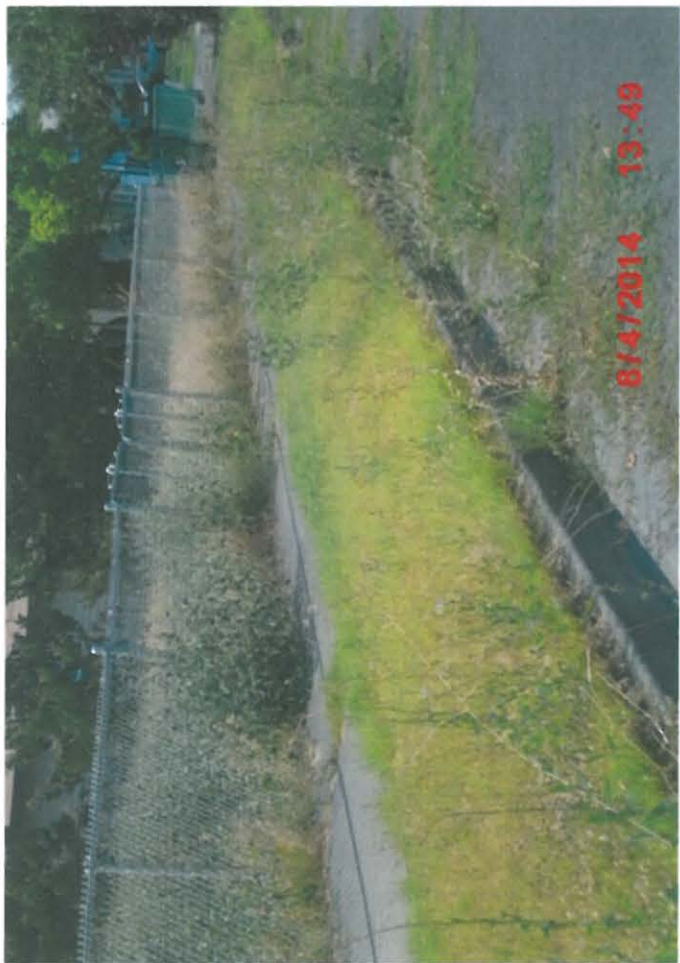
Sincerely,

Clair Harden

Code Enforcement Officer 1

cc: City Manager
City Attorney
Community Development Director

Exhibit 4







August 21, 2014

TO: City Manager for Council Consideration
FROM: Community Development Director
SUBJECT: Desert Golf, LLC - Annexation Request

Attached is a Notice of Intent to Commence Annexation Proceedings and a Petition for Annexation. The documents have been signed by Pamp Maiers and Lawrence Jacobsen on behalf of Desert Golf, LLC.

This proposed annexation is for approximately 7.2 acres of property located north of I-90 and off of Road F.2.

At this time it is suggested to the Council that it receipt the Notice of Intention to Commence Annexation Proceedings, accept the Notice of Intention to Commence Annexation Proceedings, and accept the Petition for Annexation. If the Council agrees with the suggestion, then the Petition for Annexation will be forwarded to the Grant County Auditor with a request for a Sufficiency Certificate. Once the Sufficiency Certificate is received, the City will schedule the first reading of an annexation ordinance at the next available meeting.

Respectfully submitted

Gilbert Alvarado
Community Development Director

GA:jt

DESERT GOLF, LLC

PO BOX 850
MOSES LAKE, WASHINGTON 98837
(509) 765-5885
(509) 765-8052 - Fax

RECEIVED

JUL 10 2014

COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

July 9, 2014

Gilbert Alvarado
Community Development Director
City of Moses Lake
PO Drawer 1579
Moses Lake, Washington, 98837

Subject: Request for City Services

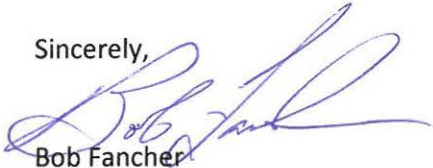
Dear Gil:

Desert Golf LLC recently completed a Boundary Line Adjustment and Legal Segregation for the property containing the Pillar Rock Grill restaurant. The segregated parcel is adjacent easterly of the residential development known as Sun Terrace that is annexed to the City of Moses Lake. Please see attached drawing.

Desert Golf would like to connect the Pillar Rock Grill to City water and sewer services which are presently stubbed to the subject property. Desert Golf is prepared to annex the subject segregated parcel. At this time we are engineering the proposed water and sewer service lines and connections which will be presented to Municipal Services engineers when completed for their approval.

Please accept this communication as formal application for those services.

Sincerely,



Bob Fancher
Desert Golf, LLC

COUNTRY CLUB ANNEX.

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

TO: The City Council of the City of Moses Lake

Comes now Randy Morris and Jake Jacobson

and hereby notifies the City Council of the City of Moses Lake that it intends to commence proceedings to have the real property owned by Desert Golf, Inc. and described below annexed to the City of Moses Lake, that it is the owner of in excess of ten percent (10%) in value according to the assessed valuation thereof, of the property for which annexation will be petitioned; and that it respectfully requests the City Council within sixty (60) days to determine whether the city accepts the proposed annexation.

Legal Description:

SEE ATTACHED

Dated: 8-4-14

By [Signature]
Owner

RECEIVED

AUG 7 2014

COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

RECEIVED

AUG 7 2014

EXHIBIT A

COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

That portion of the Southwest Quarter of Section 30, Township 19 North, Range 28 East, W.M., County of Grant, State of Washington, as delineated and described on the Boundary Line Adjustment Record of Survey drawing prepared by Western Pacific Engineering and Survey, Inc., dated June, 2014, and as described as follows:

BEGINNING at the southwest corner of Parcel 2 as described in the Hansen/Moses Lake Golf Club Record of Survey recorded under Grant County Auditor's file number 840420, said corner bears South 00°22'51" West, coincident with the west boundary line of the east half of the southwest quarter of said Section 30, a distance of 828.66 feet; thence North 89°37'14" West a distance of 121.77 feet to the easterly right of way of Fairway Drive as described on the Country Club Estates No. 2 plat, as recorded in Grant County's Plat Book 9, page 10, and to the beginning of a non-tangent curve whose radius point of said curve bears North 89°32'48" West a distance of 250.00 feet; thence southerly and southwesterly on a 250.00-foot radius curve concave to the west, coincident with the easterly right of way of said Fairway Drive, a distance of 156.96 feet, coincident with the arc of said curve through a central angle of 35°58'19" to the right, the long chord of said curve bears South 18°26'21" West a distance of 154.39 feet; thence South 36°25'29" West, coincident with the easterly right of way of said Fairway Drive, a distance of 224.89 feet, to the beginning of a curve, said curve's radius point bears South 53°34'31" East a distance of 120.00 feet; thence southwesterly, southerly and southeasterly on a 120.00-foot radius curve concave to the east, coincident with the easterly and northeasterly right of way of said Fairway Drive, a distance of 200.54 feet, coincident with the arc of said curve through a central angle of 95°45'04" to the left, the long chord of said curve bears South 11°27'03" East a distance of 178.01 feet; thence South 59°19'31" East, coincident with the northeasterly right of way of said Fairway Drive, a distance of 41.83 feet, to the northwesterly right of way for Road F.2 as described in Grant County Auditor file number 397048 and to the beginning of a non-tangent curve whose radius point of said curve bears South 52°52'56" East a distance of 430.00 feet; thence northeasterly and easterly, coincident with the said northwesterly right of way for Road F.2, on a 430.00-foot radius curve concave to the southeast a distance of 234.94 feet, coincident with the arc of said curve through a central angle of 31°18'17" to the right, the long chord of said curve bears North 52°46'12" East a distance of 232.03 feet; thence North 68°25'21" East, coincident with the said northwesterly right of way for Road F.2, a distance of 49.10 feet, to a point on the west boundary line of the east half of the southwest quarter of said Section 30; thence South 00°22'51" West, coincident with the west boundary line of the east half of the southwest quarter of said Section 30, a distance of 0.18 feet to the northwest corner of the parcel described under Grant County Auditor file number 411282; thence North 69°14'21" East, coincident with the said parcel described under Grant County Auditor file number 411282, a distance of 206.80 feet; thence South 20°45'39" East, coincident with the said parcel described under Grant County Auditor file number 411282, a distance of 60.00 feet; thence North 70°32'06" East a distance of 209.82 feet; thence North 72°31'10" East a distance of 257.53 feet; thence North 17°28'50" West a distance of 90.00 feet; thence North 78°03'00" West a distance of 63.93 feet; thence North 16°50'00" East a distance of 11.43 feet; thence North 38°31'00" West a distance of 19.37 feet; thence North 05°00'00" East a distance of 43.93 feet; thence North 42°20'32" East a distance of 57.98 feet; thence North 49°17'31" East a distance of 47.60 feet; thence North 01°39'00" East a distance of 41.11 feet; thence North 84°44'48" West a distance of 133.80 feet; thence North 12°34'00" West a distance of 28.00 feet; thence South 85°25'44" West a distance of 173.57 feet; thence South 03°36'57" East a



distance of 43.84 feet; thence South 31°30'58" West a distance of 63.73 feet; thence South 87°41'06" West a distance of 85.00 feet to the southeast corner of Parcel 2 as described on the Hansen/Moses Lake Golf Club Record of Survey recorded under Grant County Auditor's file number 840420; thence South 87°41'06" West, coincident with the south boundary line of the said Parcel 2, a distance of 209.85 feet, to the POINT OF BEGINNING;

GRANT COUNTY TITLE COMPANY
HAS PLACED THIS DOCUMENT OF RECORD AS A CUSTOMER COURTESY
AND ACCEPTS NO LIABILITY FOR ACCURACY OR VALIDITY OF THE
DOCUMENT.

1334925 07/10/2014 03:35 PM QCD
Page 5 of 5 R 76.00 Grant Co, WA
GRANT COUNTY TITLE



PETITION FOR ANNEXATION

TO: City Council, City of Moses Lake

Date: 8/6/14

We, the undersigned, the legal owners of property, according to the records of the Grant County Assessor, do hereby petition the below described property be annexed by the City of Moses Lake, and be included within the boundaries of said city. Said annexation is sought pursuant to RCW 35A.14.120 - .150.

Legal Description:

See Attached

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Signature

Name and Address and Date

1. [Signature] 8-6-14 Randy Mayers
P.O. Box 850
Moses Lake, WA 98837
2. [Signature] 8/6/14 Lawrence D. Jacobsen
8568 Dune Lake Rd SE
Moses Lake, WA 98837
3. _____
4. _____

RECEIVED

AUG 7 2014

COMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

May 12, 2005

RECEIVED

AUG 7 2014

EXHIBIT ACOMMUNITY DEVELOPMENT
PLANNING & BUILDING
CITY OF MOSES LAKE

That portion of the Southwest Quarter of Section 30, Township 19 North, Range 28 East, W.M. County of Grant, State of Washington, as delineated and described on the Boundary Line Adjustment Record of Survey drawing prepared by Western Pacific Engineering and Survey, Inc., dated June, 2014, and as described as follows:

BEGINNING at the southwest corner of Parcel 2 as described in the Hansen/Moses Lake Golf Club Record of Survey recorded under Grant County Auditor's file number 840420, said corner bears South 00°22'51" West, coincident with the west boundary line of the east half of the southwest quarter of said Section 30, a distance of 828.66 feet; thence North 89°37'14" West a distance of 121.77 feet to the easterly right of way of Fairway Drive as described on the Country Club Estates No. 2 plat, as recorded in Grant County's Plat Book 9, page 10, and to the beginning of a non-tangent curve whose radius point of said curve bears North 89°32'48" West a distance of 250.00 feet; thence southerly and southwesterly on a 250.00-foot radius curve concave to the west, coincident with the easterly right of way of said Fairway Drive, a distance of 156.96 feet, coincident with the arc of said curve through a central angle of 35°58'19" to the right, the long chord of said curve bears South 18°26'21" West a distance of 154.39 feet; thence South 36°25'29" West, coincident with the easterly right of way of said Fairway Drive, a distance of 224.89 feet, to the beginning of a curve, said curve's radius point bears South 53°34'31" East a distance of 120.00 feet; thence southwesterly, southerly and southeasterly on a 120.00-foot radius curve concave to the east, coincident with the easterly and northeasterly right of way of said Fairway Drive, a distance of 200.54 feet, coincident with the arc of said curve through a central angle of 95°45'04" to the left, the long chord of said curve bears South 11°27'03" East a distance of 178.01 feet; thence South 59°19'31" East, coincident with the northeasterly right of way of said Fairway Drive, a distance of 41.83 feet, to the northwesterly right of way for Road F.2 as described in Grant County Auditor file number 397048 and to the beginning of a non-tangent curve whose radius point of said curve bears South 52°52'56" East a distance of 430.00 feet; thence northeasterly and easterly, coincident with the said northwesterly right of way for Road F.2, on a 430.00-foot radius curve concave to the southeast a distance of 234.94 feet, coincident with the arc of said curve through a central angle of 31°18'17" to the right, the long chord of said curve bears North 52°46'12" East a distance of 232.03 feet; thence North 68°25'21" East, coincident with the said northwesterly right of way for Road F.2, a distance of 49.10 feet, to a point on the west boundary line of the east half of the southwest quarter of said Section 30; thence South 00°22'51" West, coincident with the west boundary line of the east half of the southwest quarter of said Section 30, a distance of 0.18 feet to the northwest corner of the parcel described under Grant County Auditor file number 411282; thence North 69°14'21" East, coincident with the said parcel described under Grant County Auditor file number 411282, a distance of 206.80 feet; thence South 20°45'39" East, coincident with the said parcel described under Grant County Auditor file number 411282, a distance of 60.00 feet; thence North 70°32'06" East a distance of 209.82 feet; thence North 72°31'10" East a distance of 257.53 feet; thence North 17°28'50" West a distance of 90.00 feet; thence North 78°03'00" West a distance of 63.93 feet; thence North 16°50'00" East a distance of 11.43 feet; thence North 38°31'00" West a distance of 19.37 feet; thence North 05°00'00" East a distance of 43.93 feet; thence North 42°20'32" East a distance of 57.98 feet; thence North 49°17'31" East a distance of 47.60 feet; thence North 01°39'00" East a distance of 41.11 feet; thence North 84°44'48" West a distance of 133.80 feet; thence North 12°34'00" West a distance of 28.00 feet; thence South 85°25'44" West a distance of 173.57 feet; thence South 03°36'57" East a



distance of 43.84 feet; thence South 31°30'58" West a distance of 63.73 feet; thence South 87°41'06" West a distance of 85.00 feet to the southeast corner of Parcel 2 as described on the Hansen/Moses Lake Golf Club Record of Survey recorded under Grant County Auditor's file number 840420; thence South 87°41'06" West, coincident with the south boundary line of the said Parcel 2, a distance of 209.85 feet, to the POINT OF BEGINNING;

GRANT COUNTY TITLE COMPANY
HAS PLACED THIS DOCUMENT OF RECORD AS A CUSTOMER COURTESY
AND ACCEPTS NO LIABILITY FOR ACCURACY OR VALIDITY OF THE
DOCUMENT.

1334925 07/10/2014 03:35 PM QCD
Page 5 of 5 R 76.00 Grant Co, WA
GRANT COUNTY TITLE



Self Service Government MapSifter

Search

Examples:
Parcel: 130005000
Address: 109 W Division
Owner: Washington Mutual
Section: T11R29S30
Wildcards:
% - all characters
12% court
_ (underscore) - one character
2__ N 4th

Distance Area Done Clear

Parcel 170861014
District Information
Owner Deseri Golf LLC
Address

Legend

47.1088N, 119.3595W Scale: 1:1,939

Print Help About

**MAIERS
DEVELOPMENT
CORPORATION**

COPY

P.O. Box 1245 • 843 E. Kittleson Road • Moses Lake, WA 98837

Office: (509) 765-7927 • Fax: (509) 765-8052

July 10, 2014

Joe Gavinski, City Manager
Moses Lake City Council
PO Drawer 1579
Moses Lake, WA 98837

Subject: Block Street

Dear Mr Gavinski and Council Members;

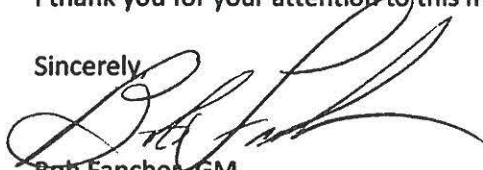
On behalf of Maiers Development Corporation and Maiers Enterprises, LLC, I am writing this letter as a request for the City of Moses Lake to improve Block Street to City Standards from Fifth Avenue to Wheeler Road. Maiers Development improved Block Street from East Broadway to Fifth Avenue to City Standards in 1996 when it developed Broadway Business Park. Since that time, we have attracted many new businesses and professional offices including the movie theater, two 18000 sq ft office buildings, and several retail outlets on East Broadway.

We have recently signed long term leases with two large medical firms, namely Fresenius Medical Care (dialysis center) and Providence Physicians Services, that sometimes require quick access to Samaritan Hospital. In addition we are discussing a new facility with a potential customer that also requires immediate response to the hospital. Presently, Block Street is not a good option because it is not improved with hard surface and because there are stop signs at the intersection of Penn Street. Because Penn has very little traffic since the City has moved their facilities, we request that the stop signs be reversed so that the stop is on Penn.

If this item could be placed on the City Council agenda sometime in the near future, I will be happy to attend and make a presentation. I will bring representatives from the various entities that also want the improvements done.

I thank you for your attention to this matter and await a reply.

Sincerely,



Bob Fancher, GM
Maiers Development Corp.

City of Moses Lake Shoreline Master Program Update City Council Public Hearing and Comments Responsiveness Summary

Please Note: This report summarizes all of the comments received in response to the draft Shoreline Master Program (SMP) recommendation from the Planning Commission to the City Council on March 27, 2014 . This includes both oral testimony provided at the continued public hearing through June 24, 2014 and written testimony received prior to the comment deadline on June 30, 2014. The responses provided are City Council and staff responses to these public comments and for certain key policy issues the Planning Commission's response and recommendation is also provided.

Notes:

1. Bracketed information [x] identifies who made each comment. Some comments have been summarized or edited for clarity, some are reproduced verbatim and are shown in *italics*. Numbers correspond to the list of Commentors at the end of this document.
2. Where there is a simple change where language is proposed to be modified, it is shown in the response column as "Proposed:" and then the actual provisions with underlines for additions and ~~strikeouts~~ for deletions.
3. Abbreviations used in this document:
 CUP = Conditional Use Permit
 GMA = Growth Management Act, RCW 36.70A
 MLIRD = Moses Lake Irrigation and Rehabilitation District
 PC = Planning Commission
 SMA = Shoreline Management Act, RCW 90.58
 SMP = Shoreline Master Program
 WDFW = Washington State Department of Fish and Wildlife

Comment	Response
Chapter 6, General Policies and Regulations	
p.16. 6-30-070-C-5-e-iii. Objection to wording of provision "Applicants shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor any proposed or required wetland mitigation project." <i>This would be difficult for applicants to demonstrate, and the wording is a bit confusing where when there are clear requirements for a qualified professional above in section 5.d.1 on p.14. It should not be expected that an applicant have such technical expertise, rather refer to section 5.d.1. [1]</i>	The point here is not that the applicant would have the technical expertise personally, but that s/he can prove that s/he has retained the appropriate professionals and that the work will be completed as proposed.
p.16. 6-30-070-C-5-e-iv (list of possible wetland mitigation options). Comment: Add an option to use the Credit/Debit method, which is more specific. [1]	Proposed: Mitigation actions that require compensation by restoration of a former wetland, enhancement of a degraded wetland, or creation of new wetlands shall <u>use the Credit/Debit method or shall</u> occur in the following order of preference: a. Restoring a former wetland or creating a new wetland on the site of the project; b. Restoring a former wetland or creating a new wetland in the same sub-basin as the project site; c. Creating wetlands from disturbed upland sites outside of the subbasin; d. Enhancing degraded wetlands; e. Preserving high quality wetlands that are under imminent threat.

Comment	Response
<p>p.16. 6-30-070-C-5-e-v (mitigation ratios). <i>While the provisions are generally well written and thorough, this compensatory mitigation standard does not reflect the most current science on wetland mitigation, and per the Cumulative Impacts Analysis (Watershed Co. 2013) will result in net loss of ecological function. Ratios should be similar to those found in Wetlands in Washington State Vol. 2 or Ecology's Small Cities Guidance which was the source for many of the wetland provisions in this SMP. Wetland impacts from fill also require authorization from Ecology and possibly from the US Army Corps of Engineers. Mitigation ratios...were co-developed by Ecology and the Corps, and would be required for an applicant to obtain the needed permits. Revising the SMP to align with federal and state requirements will ensure that applicants have a predictable process to follow when they wish to do a project that will impact wetlands.</i> [1]</p>	<p>The Planning Commission recommendation of not requiring mitigation for any larger area than has been impacted is supported by the City Council.</p>
<p>p.17. 6-30-070-C-5-e-vii (list of agencies to send compensatory mitigation reports to). <i>It would be beneficial to applicants to be informed that permits from the Corps and Ecology may be required as well.</i> [1]</p>	<p>We agree that applicants should be informed of other agencies that may require permits, but within our regulations is not the right place to put it.</p>
<p>p.18. Table 6.1. Buffers for Category 3 and 4 wetlands have been reduced arbitrarily from 60' (with additional buffers of 30' and 60') and 40'; to 25' for both categories with no additional area for higher scores. [1]</p>	<p>The Planning Commission recommendation of a 25' buffer for Category 3 and 4 wetlands is supported by the City Council and has been determined to be adequate based on the Cumulative Impact Analysis developed by The Watershed Company.</p>
<p>p.22. 6-50-030-7. Add Dept. of Ecology to the list of agencies that would have permit requirements for dredging. [1]</p>	<p>Proposed: Any dredging or filling activities shall be conducted in such a way as to minimize the effects on water quality from the addition of suspended solids, leaching of contaminants, or disturbances to habitat, and shall be consistent with this master program, including the dredging and filling provisions in Chapter 8, as well as the requirements of applicable regulatory agencies, including but not limited to the Washington Department of Fish and Wildlife, <u>Washington Department of Ecology</u>, and the U. S. Army Corps of Engineers.</p>
<p>Chapter 7: Specific Shoreline Use Policies and Regulations</p>	
<p>p.4. 7-30-030-1. (Boating facilities) 1. The requirement that "boating facilities need to be in character and scale with the surrounding shoreline" is entirely subjective unless there are standards against which to judge. 2. Need to add a reference to the mitigation chapter, or provide specific standards and methods. [1]</p>	<p>Proposed: Boating facilities, including minor accessory buildings and haul-out facilities, shall be in character and scale with the surrounding shoreline and shall be designed so their structures and operations will be aesthetically compatible with or will enhance existing shoreline features and uses. Boating facilities shall mitigate for adverse development impacts on-site <u>in compliance with Appendix A: Mitigation</u>. Adverse development impacts to adjacent properties shall not be allowed.</p>

Comment	Response
<p>p.4. 7-30-030-4. <i>This regulation is difficult to understand. Is this referring to managing construction stormwater runoff with "stabilization" meaning BMPs (Best Management Practices), or is this requiring that a project permanently stabilize shorelines where the new facility will create erosion? If the latter, this seems to contradict other regulations prohibiting new structures that will require bank stabilization. Consider clarifying that this is specific to construction runoff.</i> [1]</p>	<p>Proposed: Where installation will cause erosion <u>during construction</u>, shoreline embankments of all boating facilities shall be stabilized both landward and waterward of the ordinary high water mark both during and after construction, using methods consistent with the policies and regulations of this SMP <u>and best management practices</u>.</p>
<p>p.4. 7-30-030-8. (Dredging for boating facilities). <i>This appears to conflict with #2 above prohibiting new dredging for boating facilities; and with WAC 173-26-231(3)(f) allowing dredging only to accommodate existing navigational uses.</i> [1]</p>	<p>Proposed: Marinas and launch ramps shall locate on stable shorelines where no or a minimal amount of shoreline stabilization will be necessary and where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging; maintenance dredging, spoil disposal, filling, beach enhancement, and other maintenance activities, <u>and eliminate the need for offshore or foreshore channel construction dredging</u>.</p>
<p>p.6. 7-40-030-8. The statement "Plants that may compromise shoreline values shall be prohibited" is not possible to implement without some description of what this means or standards by which to compare. Delete statement or add reference to approved vegetation list or consultation with agencies. [1]</p>	<p>Proposed: Commercial developments shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall include a landscape plan that identifies the size, location, and species of plants that will be used.</p>
<p>p.6. 7-50-020 (Dock Policies). <i>Per RCW 173-26-231(3)(b), SMPs should* contain a provision that "requires new residential development of two or more dwelling units to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence." The recently adopted Grant County SMP provides clear language and feasibility review standards to this effect, and was developed specifically for Moses Lake (See May 2012 Grant County Draft SMP Section 24.12.390 Private Moorage Facilities, p.64-66)</i></p> <p><i>*Note that when used in the context of an SMP update, "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action (WAC 173-26-020(35)).</i> [1]</p>	<p>The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.</p>
<p>p.7. 7-50-020-9. Add "only" before "one dock" [1]</p>	<p>Proposed: Each single family residence should be allowed <u>only one</u> dock.</p>
<p>p.7. 7-50-030 (Dock Regulations). See comments above about joint-use docks. [1]</p>	<p>The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.</p>
<p>p.9. 7-50-030-C (Joint-use community docks). Expand this section to include developments of two or more dwellings. [1]</p>	<p>The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.</p>

Comment	Response
<p>p.9. 7-50-030-C-1. Questions about the provision "...if the additional facility will have no net impact on shoreline ecological resources." <i>While we support this provision, it is not clear how this would be determined. Would this analysis be conducted by the (shoreline) administrator? Would the applicant be required to hire a qualified professional?</i> [1]</p>	<p>Proposed: All multi-family residences proposing to provide moorage facilities shall be limited to a single, joint-use moorage facility, provided that the City may authorize more than one joint-use dock if, based on conditions specific to the site, a single facility would be inappropriate for reasons of safety, security, or impact to the shoreline environment; and if the additional facility or facilities will have no net impact on shoreline ecological resources.</p>
<p>p.9. 7-50-030-C-3 (limiting the size of docks in certain environment designations). <i>Per WAC 173-26-231(3)(b) new piers and docks must be restricted to the minimum size necessary to serve a proposed water-dependent use.</i> This restriction cannot be limited only to the environment designations specified in 7-50-030-C-3. [1]</p>	<p>Proposed: In Shoreline Environments designated as "High Intensity Resource Area", "Shoreline Residential Dunes Area", "Shoreline Residential Special Resource Area", and Shoreline Residential Resource Area", the maximum size of a dock shall be the minimum necessary to accomplish moorage for one boat for each residence served, and the dock shall be configured to cause minimal disturbance to shoreline resources.</p>
<p>p.12. 7-80 (Municipal Offices). Questions about what this category is and why it is regulated differently than commercial or residential. [1]</p>	<p>The consultant for the Cumulative Impacts Analysis also questioned the usefulness of this section, and suggested that it be combined with the Commercial section. The Municipal Offices section will be deleted, and any future municipal offices in shoreline jurisdiction will be regulated the same as commercial uses.</p>
<p>p.14. 7-90-030 (Recreation Regulations). Need to add requirement for mitigation of unavoidable impacts related to recreational development. [1]</p>	<p>Proposed, modify Regulation #3 in 7-90-030: Shoreline recreational developments shall maintain, and, when feasible, enhance or restore desirable shoreline features including those that contribute to shoreline ecological functions and processes, scenic vistas, and aesthetic values. Removal of native vegetation to enhance views shall be discouraged. <u>Any unavoidable impacts shall be mitigated as specified in Appendix A: Mitigation.</u></p>
<p>p.14. 7-90-030-6. Add Mitigation Appendix to this of referenced sections. [1]</p>	<p>Proposed: Each development proposal shall include a landscape plan that uses primarily native, self-sustaining vegetation. Campsites, selected view points, or other permitted structures or facilities shall be located so as to not require damage or destruction of native vegetation. Removal of existing native vegetation shall be the minimum amount necessary to accommodate the permitted use. Refer also to Clearing and Grading and Vegetation Conservation in Chapter 8, <u>and Appendix A: Mitigation.</u></p>
<p>p.15. 7-100-020-6 (Residential). <i>New multi-unit residential development (including subdivision of land for more than 4 parcels) is required to provide community and/or public access in conformance to local public access plans per WAC 173-26-241(3)(j).</i> [1]</p>	<p>There are only 3 large parcels remaining in the City that this provision would apply to, plus possibly a few smaller ones on the lower Peninsula (see vacant land map).</p>
<p>p.15. 7-100-020-7 (Residential). Statement "Individual docks should be allowed for lots in subdivisions with joint-use or community docks" is not consistent with the WAC requirements. See above comments regarding the requirement to provide for joint-use docks on developments of 2 or more dwelling units. [1]</p>	<p>There are currently only 3 developments in city limits where individual docks were limited and joint use (1 development) or community (2 developments) docks were planned. See above comments for limited extent of provisions that affect new shoreline subdivisions.</p>

Comment	Response
p.16. 7-100-030 (Residential Regulations). <i>New multi-unit residential development (including subdivision of land for more than 4 parcels) is required to provide community and/or public access in conformance to local public access plans per WAC 173-26-241(3)(j).</i> [1]	There are only 3 large parcels remaining in the City that this provision would apply to, plus possibly a few smaller ones on the lower Peninsula (see vacant land map).
p.16. 7-100-030-9. Common Line Setbacks. <i>Ecology has previously only approved common line setback language for 150' on each side of a structure for the purpose of providing for comparable views. The distance measured should be the minimum needed to encompass a similar view corridor on either side of a residence, and with the application of mitigation requirements. Please see example language from Spokane County.</i> [1]	The 300' distance for common line setbacks has been in our draft since at least Dec. 2005. Previous Ecology reviewers (Doug Pineo and Clynda Case) did not raise any question about it.
p.16. 7-100-030-10 (reduced shoreline buffer for lots with less than 60' of buildable area from reduced zoning setback line to shoreline buffer). <i>Any buffer reduction must be conducted through a variance (WAC 173-27-170) and mitigation must be required to achieve no net loss of shoreline function.</i> [1]	The provision states that there must be no net loss of shoreline ecological function. This implies that mitigation would be required.
p.17. 7-100-030-11 (plats with wetland or shoreline buffers set during the platting process prior to adoption of updated SMP). <i>This section requires some additional discussion between the City and Ecology, and may need to be refined.</i> [1]	Additional discussion between Ecology and City of Moses Lake shall take place prior to local approval of SMP.
p.17. 7-100-030-12-c. <i>This provision establishes a de facto 25' buffer anywhere fences are proposed. Areas landward of a fence built parallel to the shoreline within the buffer would be subject to intensified use and changes in vegetation. This contravenes wetland buffer and other shoreline buffer provisions and should be revised or deleted.</i> [1]	This provision was written at a time when the proposed shoreline buffer for all residential was 25', and then this section was not updated after the shoreline buffers were updated. The intent was that the fence not be within the required buffer. Proposed: New fences established parallel to the shoreline shall be set back a minimum of 25' from the OHWM <u>outside of the shoreline and wetland buffers</u> and shall require native vegetative plantings within that 25' buffer if lawn or weeds currently exist within the area. The 25' fence setback may be reduced if the applicant is participating in a shoreline public access plan or if there is intervening ownership (e.g. railroad, conservancy trail, etc.) The applicant shall submit a planting plan along with the fence permit.

Chapter 8: Shoreline Modification Policies and Regulations	
Comment	Response
p.3. 8-10-030-4-a. Clarify that this refers to the season, not the weather on given day. [1]	Proposed: If weather conditions at the time of year does not permit immediate restoration, replanting shall be completed during the next planting season.
p.3. 8-10-030-4-b. "A planting plan shall be submitted to the City for review and approval". <i>Should this plan simply be part of the Clearing and Grading Plan described above in section 2?</i> [1]	We prefer to have the planting plan requirements in #4, with the other vegetation restoration requirements.

Comment	Response
<p>p.3. 8-10-030-4-b. <i>This should probably be "certified weed-free". Temporary cover crops are a notorious vector for nasty invasive plants.</i> [1]</p>	<p>Proposed: A planting plan shall be submitted to the City for review and approval. Plants that may compromise shoreline values shall be prohibited. If necessary, a temporary sterile <u>certified weed-free</u> cover crop (e.g., a sterile non-persistent member of the grass family such as sterile Triticale, barley, or oats) shall be planted to prevent erosion during the establishment period; said cover crop shall be maintained until the permanent vegetation is sufficiently established to prevent erosion.</p>
<p>p.4. 8-10-030-6. Objection to the statement "If the site will fully re-vegetate with plants that will support healthy shoreline function on its own within three growing seasons". <i>How will this be determined? Consider deleting this part, or give clear guidelines for how an applicant would demonstrate this.</i> [1]</p>	<p>Upon review, it seems unlikely that a site that has invaded by noxious weeds could revegetate on its own with beneficial plants, when there are likely so many noxious weed seeds present in the soil.</p> <p>Proposed: Clearing by hand-held equipment of invasive non-native vegetation on the State Noxious Weed List is permitted in shoreline areas provided the disturbed area is promptly replanted with vegetation from the recommended list or if the site will fully re-vegetate with plants that will support healthy shoreline function on its own within three growing seasons.</p>
<p>p.4. 8-10-030-7. <i>I am not clear where this information is contained. Is a report required of all clearing and grading projects? If so, it would be helpful to cross reference here (along with the revegetation plan) so an applicant for a project clearly understands what is expected and what the contents of their application must include. This appears to be describing an Erosion and Sediment Control Plan. Is this intended to be only related to construction stormwater impacts? Is so, it should acknowledge that Construction Stormwater Permits from Ecology may be needed. If this is supposed to deal with stormwater from the site conversion, then there should be reference to the E. WA stormwater manual.</i> [1]</p>	<p>Proposed: All shoreline development and activity shall use effective measures to minimize increases in surface water runoff and sedimentation that may result from clearing and grading activity, <u>in compliance with the Eastern Washington Stormwater Manual.</u> <u>With the required clearing and grading plan submittal,</u> the applicant must include in the proposal the methods that will be used to control, treat, and release runoff so that receiving water quality and shore properties and features shall not be adversely affected. Such measures may include but are not limited to dikes, berms, catch basins or settling ponds, installation and maintenance of oil/water separators, grassy swales, interceptor drains, and landscaped buffers.</p>
<p>p.4. 8-10-030-10. <i>Is Clearing and Grading the best place to address runoff from new development?</i> [1]</p>	<p>How the site is graded significantly impacts the runoff pattern, so we feel this is the appropriate place for this provision. The Building Official reviews both temporary and permanent stormwater controls in his review of the grading permit (if there is one) and the building permit.</p>

Comment	Response
<p>p.5. 8-15-030-3 (mitigation for dredging). <i>This requirement is appropriate but without more guidance, difficult to ascertain. How are "all feasible measures" decided? By whom? Is there a requirement for a report that includes analysis of these items? Please see the Draft Grant County SMP for a good example of application requirements that could answer some of these questions.</i> [1]</p>	<p>We will add the list of submittal requirements from the Grant County draft and remove our list (8-15-030-1).</p> <p>Proposed:</p> <p>Dredging shall only be permitted as part of the implementation of the Sediment Management element of the Restoration Plan (Chapter 11 of this Shoreline Master Program). The City shall require and use the following information in its review of shoreline dredging and dredge material disposal proposals:</p> <ul style="list-style-type: none"> a. Dredging volumes, methods, schedules, frequency, hours of operation, and procedures. b. Method of disposal, including the location, size, capacity, and physical characteristics of the disposal site, transportation methods and routes, hours of operation, and schedule. c. Stability of bedlands adjacent to the proposed dredging site. d. Stability of geologically hazardous areas in the vicinity of the proposed dredging site. e. Assessment of water quality impacts. f. Habitat assessment meeting the standards prescribed for Fish and Wildlife Habitat Conservation Areas in Chapter 6, including migratory, seasonal, and spawning use areas. g. <u>A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.</u> h. <u>A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including:</u> <ul style="list-style-type: none"> <u>1. A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry (water depths that indicate the topography below the OHWM) and have data points at a minimum of 2' depth increments.</u> <u>2. A critical areas report.</u> <u>3. A mitigation plan if necessary to address any identified adverse impacts on ecological functions or processes.</u> <u>4. Information on stability of areas adjacent to proposed dredging and spoils disposal areas.</u> i. <u>A detailed description of the physical, chemical, and biological characteristics of the dredge material to be removed, including:</u> <ul style="list-style-type: none"> <u>1. Physical analysis of material to be dredged (material composition and amount, grain size, organic material present, source of material, etc.)</u> <u>2. Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content; mercury, lead, and zinc content, etc.)</u> <u>3. Biological analysis of material to be dredged.</u> j. <u>A description of the method of materials removal, including facilities for settlement and movement.</u>

Comment	Response
	<p><u>k. Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.</u></p> <p><u>l. Frequency and quantity of project maintenance dredging.</u></p> <p><u>m. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including but not limited to:</u></p> <ol style="list-style-type: none"> <u>1. Dredge material disposal area</u> <u>2. Physical characteristics including location, topography, existing drainage patterns, surface and ground water</u> <u>3. Size and capacity of disposal site</u> <u>4. Means of transportation to the disposal site</u> <u>5. Proposed dewatering and stabilization of dredged material</u> <u>6. Methods of controlling erosion and sedimentation</u> <u>7. Future use of the site and conformance with land use policies and regulations</u> <u>8. total estimated initial dredge volume</u> <u>9. Plan for disposal of maintenance spoils for at least a 20-year period, if applicable</u> <u>10. Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.</u>
<p>p.8. 8-20-030-6 (“Placing fill in water bodies or wetlands to create usable land is prohibited.”) <i>We support this provision, but it might require a bit more specificity. A person could argue that all of the above allowed fills “create usable land.” Perhaps the intent is to disallow fills for private recreational use or to facilitate single family residential construction closer to the shoreline? [1]</i></p>	<p>Proposed: Fills shall be allowed only as part of a specific proposal for a use or activity that is permitted by this master program. Placing fill in water bodies or wetlands to create usable land is prohibited.</p>
<p>p.9. 8-30-030 (Shoreline Stabilization Regulations). <i>This section appears to be missing the allowance for stabilization for water dependent development articulated in WAC 173-26-231(3)(a)(iii)(B)(III). Is section 1 below intended to cover that provision? Also (B)(IV) Ecological Restoration appears not to be addressed as well. It might be cleaner to simply copy the WAC language directly rather than paraphrase as you’ve done throughout Section 8-30. [1]</i></p>	<p>We prefer not to copy the WAC when possible, to make the SMP more user-friendly.</p> <p>Proposed 8-30-030-1: New structural stabilization measures shall not be allowed except to protect or support an existing or approved use, or for the restoration of ecological functions, or for hazardous substance remediation projects pursuant to RCW 70.105D, when non-structural or vegetative methods are not feasible or are not sufficient. New or enlarged “hard” stabilization methods shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the primary structure or water dependent use is in danger from shoreline erosion caused by current or waves, and that the proposed “hard” stabilization measure is the least impacting method that will protect the structure. Use of shoreline stabilization measures to create usable land is prohibited.</p> <p>Note that 8-30-030-2 addresses the other part of WAC 173-26-231(3)(a)(iii)(B)(III).</p>

Comment	Response
<p>p.10. 8-30-030-3 (shoreline stabilization). <i>This is laudable but very difficult for an applicant or the City to determine. Consider making this policy language instead or provide clear standards for how this is demonstrated.</i> [1]</p>	<p>Proposed: Delete Regulation #3. Shoreline stabilization shall not be allowed for new uses if it would cause a net loss of shoreline ecological functions on the site, within the city, or within the watershed; or if it would cause significant ecological impacts to adjacent properties or shoreline areas. Those impacts include accelerated erosion of adjacent properties caused by the stabilization measures.</p> <p>Add Policy #6 to 8-30-020: <u>Shoreline stabilization should not be allowed for new uses if it would cause a net loss of shoreline ecological functions on the site, within the city, or within the watershed; or if it would cause significant ecological impacts to adjacent properties or shoreline areas. Those impacts include accelerated erosion of adjacent properties caused by the stabilization measures.</u></p>
<p>p.12. 8-30-070 (bulkhead regulations: "A bulkhead-type structure used to stabilize a dock may be permitted, but the size shall be limited to the minimum necessary for the dock. The stabilization structure shall not exceed 2' wider than the dock on each side nor shall it exceed 14' in total width along the shoreline.") <i>There are a number of problems with this provision (list)...Consider removing this provision, or providing detailed standards by which a project that incorporates a mini-bulkhead demonstrates need, avoids impacts, and mitigates for unavoidable impacts, and tie it more to the dock construction process.</i> [1]</p>	<p>This provision was added at the suggestion of Doug Pineo, when he was the Department of Ecology reviewer of shoreline master programs. It can be deleted.</p>
<p>p.13. 8-35-030-1. <i>This is a sensible regulation that should also appear in section 6-90. WAC 173-26-231(3)(a)(iii)(A) requires that new development is not permitted where it would require the need for shoreline stabilization. The addition of the phrase "Whenever possible" renders this regulation pointless without clear standards by which it would be judged. Consider removing "Whenever possible".</i> [1]</p>	<p>Proposed: Whenever possible, development shall be located away from shorelines where the Erosion Hazard has been identified as "Very High" or the Shoreline Exposure Range is shown as greater than ten (10) meters in the <i>Shoreline Inventory and Characterization</i>.</p>
<p>p.13. 8-35-030-7 (no disturbance in shoreline buffer, exceptions). <i>This would be a good place to cross reference the wetland and shoreline buffer standards; consider moving the buffer tables or duplicating them here.</i> [1]</p>	<p>For ease of using the document, we would prefer to keep the buffer requirements together with all the other numerical requirements in Chapter 9. We do not want to have the actual standards in more than one place in the document, because that creates difficulty in updating the document, if one section is changed and another is not. But a reference to where to find the standards would be appropriate.</p> <p>Proposed: Within the required shoreline buffer <u>specified in Chapter 9 Table 2</u>, no disturbance is allowed, with the following exceptions:</p>

Comment	Response
p.13. 8-35-030-7-C (exception to no disturbance of shoreline buffer for a path wider than 4' for a property owner with a disability). <i>This provision should clarify trail construction standards, and set limits on disturbance. Disability allowances for greater levels of disturbance pose serious problems in that the jurisdiction becomes responsible and liable to determine what a disability "is", and of what type and severity warrants the additional impact to the shoreline environment, and how much additional disturbance is permissible. The SMP should have trail construction and siting standards. Consider trail language from the Grant County Draft SMP – Trails and Levees on p. 46 or in Allowed Buffer Uses on p.107. [1]</i>	Proposed: Creation of a path no wider than 4' 5' which provides access to an approved dock, except that a wider path may be permitted if needed for a property owner with a disability.
p.13. 8-35-030-9 (Removal of emergent plants like bulrush). <i>Emergent plant communities are wetlands by definition, and are subject to Critical Areas provisions, and State and Federal wetland protection laws and permit requirements. Consider adding cross reference here for wetlands provisions and a mention of Ecology/ Corps/DNR/WDFW jurisdiction. [1]</i>	Proposed: Emergent plants such as bulrushes absorb wave energy and protect the shoreline from erosion. These plants shall be preserved to the greatest extent possible and shall not be removed, uprooted, trimmed, or burned. Limited removal may be allowed for access, such as immediately adjacent to a dock, <u>subject to local, state, and federal regulations.</u>

Chapter 9: Shoreline Environment Designations	
Comment	Response
p.15, Table 9.3, Boating Facilities. <i>You might consider including side yard setbacks from section 7-50-030, just so all the information is in one location for applicants. [1]</i>	Section 7-30 is specific to Docks, which we distinguish from Boating Facilities. The Dock section of Table 9.3 (10 lines down from the highlighted portion of this comment) already refers applicants to the Docks section of Chapter 7. The dimensional standards for docks are too complicated to be captured in this table. The section number could be added to direct applicants to the specific regulations.
p. 15, Table 9.3, Municipal use. <i>See comments on Chapter 7 p.12 regarding Municipal uses (Offices?) It is not clear what would constitute a water-dependent municipal use that is not recreation or utilities related. This section of the buffer table should reflect those prohibited activities from Table 9.2 (for example there is a buffer for Municipal Uses in the SR-r designation, but they are prohibited in that environment. [1]</i>	These lines of the table will be deleted. Municipal uses other than recreation, transportation, or utility systems will be regulated the same as a non-municipal use.

Comment	Response
<p>Shoreline Residential Special Resource (SR-S) Environment, p.11 to 16 Table 9.2 & 9.3. <i>Shoreline areas designed SR-S within the City of Moses Lake demonstrate some ecological impairments, but "...they also retain important ecological functions and have high potential for ecological protection and restoration because they include relatively large tracts that have not been subdivided or include large wetland areas." (Table 9.1) Some of the proposed buffers listed in Table 9.3 for the SR-S designated areas could significantly hinder properly functioning ecological conditions or interfere with future restoration efforts. The buffer width for water-dependent uses associated with Aquaculture, Boating Facilities, Municipal, and Recreation uses are allowed to be reduced to 0 ft., and buffer reductions to 15 ft. wide are allowed for trails in the Recreation use areas. Due to the rare occurrence of SR-S designated areas in the City of Moses Lake, WDFW recommends Aquaculture, Boating Facilities, Municipal and Recreation water-dependent uses not be allowed unless absolutely necessary and required buffers for recreational trails be expanded to a minimum of 25 ft. [2]</i></p>	<p>Aquaculture: Based on Table 9.2, Aquaculture is allowed only in the Aquatic Environment, so only in the lake and not on land. However, it seems likely that there would need to be some land-based support facilities. The standards for Aquaculture in Table 9.2 and 9.3 need further review.</p> <p>Boating Facilities: Based on Table 9.2, the only type of Boating Facility allowed in the SR-S Environment is a boat lift, so the buffer for Boat Facilities in the SR-S is irrelevant. Additionally, the height limit for Boating Facilities in the SR-S can be deleted, since none of these uses are allowed.</p> <p>Municipal: Based on other comments received, Municipal Uses will be deleted from Table 9.2. Municipal uses other than recreation, transportation, or utility systems will be regulated the same as a non-municipal use.</p> <p>Recreation: Based on Table 9.2, Recreational uses are allowed in SR-S only by Shoreline Conditional Use Permit, so would need to meet all the criteria, including no cumulative impact for approving similar projects. Water-dependent uses are those that by their nature could not exist without the water. While it would be preferable not to have these uses located within the SR-S environment, that might be the only suitable location. The Cumulative Impacts Analysis (p.30) found that no net loss of functions is anticipated from recreational uses.</p> <p>Trail: The Planning Commission specifically reduced the recreational trail distance from the initially proposed 50' to 15'.</p>

Comment	Response
<p>Shoreline Residential Resource (SR-R) Environment, p.11 to 16 Table 9.2 & 9.3. <i>SR-R designated lands demonstrate impairment to ecological functions, but "They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration" (Table 9.1).... WDFW recommends buffers for water-related structures and facilities in areas that are properly functioning ecologically or may be restored should be set at a minimum of 65' and buffer widths for paths and trails should only be allowed to be reduced to 25'. SR-R areas having Residential uses should have the buffers expanded to a minimum of 65' to retain most functioning ecological conditions and allow for adequate restoration of degraded areas.</i></p>	<p>Aquaculture: Based on Table 9.2, Aquaculture is allowed only in the Aquatic Environment, so only in the lake and not on land. However, it seems likely that there would need to be some land-based support facilities. The standards for Aquaculture in Table 9.2 and 9.3 need further review.</p> <p>Commercial: These uses are only allowed in the SR-R environment by CUP, which should provide adequate protection. In addition SR-R areas would be zoned almost exclusively residential, so a commercial use would be rare. The Cumulative Impacts Analysis (p.27) found that commercial development was not expected to result in a loss of shoreline functions.</p> <p>Municipal: Based on other comments received, Municipal Uses will be deleted from Table 9.2. Municipal uses other than recreation, transportation, or utility systems will be regulated the same as a non-municipal use.</p> <p>Recreation: These uses are only allowed in the Natural environment by CUP, which should provide adequate protection. The Cumulative Impacts Analysis (p.30) found that no net loss of functions is anticipated from recreational uses.</p> <p>Residential: The residential buffers are based on the Cumulative Impacts Analysis and Recommendations, which found no cumulative impacts for the 25' and 50' buffers as proposed. Most shoreline residential lots have already been developed—see Vacant Incorporated Residential Lots map.</p> <p>Buffer for paths and trails: The Planning Commission specifically reduced the recreational trail distance from the initially proposed 50' to 10'.</p>

Comment	Response
<p>High-Intensity Resource (H-R) Environment, p.14 to 16, Table 9.3. <i>H-R designated lands demonstrate impairments to ecological functions but "They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration" (Table 1). Recommended buffers of 65' for water-related and water enjoyment uses for Aquaculture, Commercial, Municipal, Recreation, and Residential. Buffer for paths and trails should be 65'. [2]</i></p>	<p>Aquaculture: Based on Table 9.2, Aquaculture is allowed only in the Aquatic Environment, so only in the lake and not on land. However, it seems likely that there would need to be some land-based support facilities. The standards for Aquaculture in Table 9.2 and 9.3 need further review.</p> <p>Commercial: The proposed buffer of 50' is not far from WDFW's recommendation of 65'. The Cumulative Impacts Analysis (p.27) found that commercial development was not expected to result in a loss of shoreline functions.</p> <p>Municipal: Based on other comments received, Municipal Uses will be deleted from Table 9.2. Municipal uses other than recreation, transportation, or utility systems will be regulated the same as a non-municipal use.</p> <p>Recreation: The Cumulative Impacts Analysis (p.30) found that no net loss of functions is anticipated from recreational uses.</p> <p>Residential: The Planning Commission recommendation of a 25' buffer in the H-R matched the 25' buffer allowed in SR and portions of SR-R is supported by the City Council and has been found to be adequate.</p> <p>Buffer for paths and trails: The Planning Commission specifically reduced the recreational trail distance from the initially proposed 50' to 10'.</p>
<p>Shoreline Residential Dunes (SR-D), p.14 to 16, Table 9.3. <i>Table 9.3 indicates ecological functions and restoration potentials are being adequately protected in most cases....WDFW recommends that a 65' buffer be required to retain most functioning ecological conditions and allow for adequate restoration of degraded areas. [2]</i></p>	<p>The Cumulative Impacts Analysis and Recommendations documents recommended specific standards (Recommendations p.10) for the SR-D Environment; however, the Planning Commission chose to regulate this area through the Planned Unit Development process. Specific guidance will be requested from commenting agencies at the time the property is proposed for development.</p>

Commentors:

Jeremy Sikes, Washington State Department of Ecology
Eric Pentico, Washington State Department of Fish & Wildlife