

MOSES LAKE PLANNING COMMISSION MEETING

401 S. BALSAM - CIVIC CENTER, COUNCIL CHAMBERS

January 24, 2019

7:00 p.m.

NATHAN NOFZIGER
CHAIR

LORI WITTERS
SECRETARY

JASON AVILA
RODERICK DAVIS
DAVID ECK
CHARLES HEPBURN

GARY MANN
W. TODD LENGENFELDER
RICK PENHALLURICK
DON SCHMIG

AGENDA

1. Approval of Consent Agenda
 - A. [Meeting Minutes for January 10, 2019](#)
 - B. [Harbor Freight Tools SSDP & Shoreline Conditional Use Permit Findings of Fact](#)
2. Non-Agenda Item – Public Comment
3. Administrative Report
4. Planning Commission Questions and Comments
5. Adjourn

John Williams City Manager	Gilbert Alvarado Com. Dev. Director / Deputy City Manager	Daniel Leavitt Associate Planner	Kris Robbins Associate Planner
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MOSES LAKE PLANNING COMMISSION
January 10, 2018

Commissioners Present: Chair Nathan Nofziger, Vice-Chair Charles Hepburn, Commissioners, Jason Avila, Roderick Davis, David Eck, Gary Mann, Don Schmig. And Todd Lengenfelder

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

Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Avila	P											
Davis	P											
Eck	P											
Hepburn	P											
Lengenfelder	P											
Mann	P											
Nofziger	P											
Penhallurick	P											
Schmig	P											

Staff Present: Associate Planner, Daniel Leavitt; Associate Planner, Kris Robins and Recording Secretary, Lori Witters.

Chair Nofziger called the meeting to order at 7:00 p.m.

Recording Secretary, Lori Witters called the roll. All Commissioners were present.

Election of 2019 Chair and Vice-Chair

Action: Commissioner Eck moved to nominate Nathan Nofziger for Chair. Seconded by Commissioner Mann, motion carried unanimously.

Commissioner Eck moved to nominate Charles Hepburn for Vice-Chair. Seconded by Commissioner Mann, motion carried unanimously.

Consent Agenda:

- A. Minutes for Special Meeting on December 10, 2018**
- B. Minutes for Meeting on December 13, 2018**
- C. North Point CUP Findings of Fact**

Action: Commissioner Eck moved to approve the consent agenda as presented. Seconded by Commissioner Avila, motion carried unanimously.

Pure Country Harvest – Non-Conforming Use Review and Findings of Fact

Pure Country Harvest is a legal non-conforming use located at 2721 Peninsula Drive and operates a slaughterhouse and meat packing company. Previously Vern’s Meats, the facility has been in operation since 1951. The Non-Conforming Use is subject to a compliance review by staff every two years.

Prior to the biennial review a request was received by an authorized agent of Pure Country for expansion to the of the existing facility for a 2,500 square foot cooler, and 400 square foot loading ramp addition.

Associate Planner Kris Robbins provided a staff report to address both the non-compliance review and the requested addition. MLMC18.69.050 provides in part that City Council may, after a public hearing before the Planning Commission, issue a permit for replacement, rebuilding or addition to an existing non-conforming building or structure.

Presentation by Proponent: Owner Paul Klingeman of 2721 W. Peninsula explained the need and use of the proposed additions.

Chair Nofziger opened the public hearing.

Tammy Hieronymus of 2506 W. Lakeside Drive requested clarification on the loading zone. No loading will be conducted on the Winona Street side of the property.

Abel Sabedra Sr. expressed concern over the current noise level and if the addition would create more.

May Pugh 2837 W. Lakeside Drive requested clarification if trucks would be allowed to use the rear property as a turn-around.

Nieves Hernandez of 727 Winona Street expressed concern over increase in noise and additionally, if the proponent would consider changes to the entrance sign for higher visibility.

Owner Paul Klingeman thanked the residents for their comments as he was unaware of some of the noise issues and will seek measure to mitigate them.

Commissioner Eck moved to close the Public Hearing. Seconded by Commissioner Davis. Motion carried unanimously.

Action: Commissioner Penhallurick moved to approve the non-conforming use for an additional two years, with the requirement that measures for sound attenuation be initiated prior to the next regular review. Seconded by Commissioner Eck, motion carried unanimously.

Action: Commissioner Hepburn moved to approve the addition and recommend to City Council for building permit, provided expansion meets all aspects of the Building Code. Seconded by Commissioner Avila, motion carried unanimously.

Harbor Freight Tools Shoreline Substantial Development Permit and Shoreline Conditional Use Permit

Harbor Freight Tools has requested a 5,000 square foot addition to the existing 10, 000

square foot building and create a 42-space parking lot. The property is located at 304 E. Broadway Avenue, previously Able Building Supply.

The site is separated from the lake by a separate parcel, railroad tracks, and railroad right-of-way, but is within the 200-foot wide shoreline jurisdiction area.

Chair Nofziger opened the Public Hearing. There were no public comments.

Presentation by Proponent: Owner representative, John Walker of Kennewick Washington was available for any questions from the Planning Commission. There were no questions.

Commissioner Eck moved to close the public hearing. Seconded by Commissioner Avila, motion carried unanimously.

Action: Commissioner Mann moved to approve the Harbor Freight Tools Shoreline Substantial Development Permit and Shoreline Conditional Use Permit with staff recommendation:

- A. The building will be constructed and the site developed essentially as presented.

Seconded by Commissioner Eck, motion carried unanimously.

Administrative Reports

Associate Planner, Kris Robbins discussed the latest information regarding the impact fee assessment.

Adjourned at 8:11 p.m.

Nathan Nofziger, Planning Commission Chair

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

IN THE MATTER OF THE HARBOR FREIGHT
SHORELINE SUBSTANTIAL DEVELOPMENT
PERMIT AND SHORELINE CONDITIONAL
USE PERMIT

FINDINGS OF FACT, CONCLUSIONS,
AND DECISION

1. HEARING BEFORE THE PLANNING COMMISSION.

- 1.1 Date. A public hearing was held upon proper notice before the Commission on January 10, 2019.
- 1.2 Proponent. GGD Oakdale LLC is the proponent of this project.
- 1.3 Purpose. GGD Oakdale LLC submitted an application for a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit to add 5,000 square feet to an existing 10,000 square foot building and to create a 42-space parking lot at 304 E. Broadway Avenue.
- 1.4 Evidence. The Commission considered the following materials in reaching its decision:
 - A. The proponent's application for the Shoreline Substantial Development Permit and Shoreline Conditional Use Permit.
 - B. Staff report and attachments.
 - C. Testimony from Daniel Leavitt, staff.

2. FINDINGS OF FACT BY THE PLANNING COMMISSION.

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

- 2.1 The property is legally described as Lot 1 of the Able Building Supply Short Plat.
- 2.2 The site is zoned C-1A, Transitional Commercial Zone. The Comprehensive Plan designation is Commercial. The Shoreline designation is High Intensity-Resource.
- 2.3 No portion of the lot has been classified as an environmentally sensitive area. No culturally or geographically sensitive areas or wetlands have been identified on the site. A portion of the site is within the shoreline jurisdiction, which includes property within 200ft of the shoreline of Moses Lake.
- 2.4 The project site is approximately 1.03 acres and is separated from the lake by a separate parcel, railroad tracks, and railroad right-of-way.
- 2.5 Surrounding uses are retail, offices, restaurants, Neppel Park, and railroad right-of-way. The railroad is located to the north between the lake and the site. Existing site access is primarily from Broadway Avenue.

- 2.6 The Department of Ecology commented on proper handling and disposal of construction materials, debris, and waste. Ecology further states that proper erosion and sediment control practices must be used on the construction site and adjacent areas to prevent upland sediments and stormwater from entering surface water.
- 2.7 The Confederated Tribes of the Colville Reservation commented that the location of the proposed development lies within the traditional territory of the Moses-Columbia Tribe and is within 615 feet of the historic road from White Bluffs to Chelan. They stated further that proper steps should be taken to protect any cultural resources that are discovered during project implementation.
- 2.8 A Mitigated Determination of Non-Significance (MDNS) with 5 conditions was issued on January 2, 2019 under the State Environmental Policy Act Rules (WAC 197-11). The conditions are related to the discovery of archaeological resources, stormwater control and pollution prevention, and containment and cleanup of accidental spills. The conditions of the MDNS automatically become conditions of the project approval.
- 2.9 Relevant Comprehensive Plan Goals and Policies:
 1. General Land Use Policy 4: Infill developments that are scaled and designed to fit their surroundings are encouraged on properties suited to urban development.
 2. Commercial Land Uses Goal 7: Create an attractive and well-distributed system of commercial locations to serve community needs.
 3. Commercial Land Uses Policy 39: New commercial development should be encouraged to locate within existing commercial areas in order to enhance the area's economic viability.
3. CONCLUSIONS BY THE PLANNING COMMISSION: From the foregoing findings of fact the Commission makes the following conclusions:
 1. **Consistency with Comprehensive Plan:** The development is consistent with the Comprehensive Plan Goals 7 and Policies 4 and 39 because it will serve a community need while occupying a vacant building in a commercial zone and will enhance the area's economic viability.
 2. **Requirements and Intent of Municipal Code:** With regard to use, height, appearance, noise, lighting, or other features, the project will meet the requirements and intent of the Municipal Code.
 3. **Impacts:** No adverse impacts have been identified under MLMC Titles 14 through 19 that will not be mitigated by existing regulation.
 4. **Public health, safety, welfare, and interest:** The development is beneficial to the public health, safety, and welfare, and is in the public interest because it provides a useful service to the public and the use will occupy an existing vacant building.
 5. **Transportation Level of service:** The development does not lower the level of service of transportation facilities below the minimum standards established

in the Comprehensive Plan.

6. **Level of service:** The development fronts on Broadway Avenue, a WSDOT controlled roadway, and does not lower the level of service of transportation facilities below the minimum standards established in the Comprehensive Plan for this area.
7. **Conditional Use Criteria:** The proposal furthers the intent of the zone and conforms to the general plan.
8. **Shoreline Management Requirements:** The development will not go beyond the southern property of the railroad right-of-way so it will not have an impact on the shoreline, buffers, or wetlands. Provisions will be made to screen the loading and service areas from the shoreline. The parking lot is landward of the proposed building site.

4. DECISION OF THE PLANNING COMMISSION.

On the basis of the foregoing findings of fact and conclusions, it is the decision of the Planning Commission that the Shoreline Substantial Development Permit and Shoreline Conditional Use Permit be approved with the following condition:

1. The building will be constructed and the sited developed essentially as presented.

Approved by the Planning Commission on January 24, 2019

Planning Commission Chair