

MOSES LAKE PLANNING COMMISSION

September 15, 2016

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

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

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

Staff Present: Senior Planner, Anne Henning; Assistant Planner, Billie Jo Muñoz; Recording Secretary, Lori Witters

Chair Heimark called the meeting to order at 7 p.m.

Chair Heimark called the roll. The following were:

Present: Chair Heimark, Co-Chair Nofziger, and Commissioners Adams, Eck, Hepburn, Penhallurick, and Schmig.

Absent: Commissioner Mann, and Lengenfelder

Action Taken: Chair Heimark moved to excuse Commissioner Mann and Legenfelder from the meeting, seconded by Commissioner Hepburn. Motion carried unanimously.

Consent Agenda:

- A. Meeting Minutes for August 25, 2016

Action: Commissioner Nofziger moved to approve the consent agenda, seconded by Commissioner Eck. Motion carried unanimously.

Buescher Shoreline Substantial Development Permit and Conditional Use Permit

Assistant Planner, Billie Jo Muñoz presented the staff report and visual attachments; Joshua and Karrie Buescher submitted an application for a Shoreline Substantial Development Permit and a C-R Zone Conditional Use Permit to install a 300 square foot cantilevered dock and a 90 square foot boatlift, and to widen the existing path. The site is zoned R-1, Single-Family Residential, and is located at 602 N. Crestview Drive. The Comprehensive Plan Designation is Low-Density Residential.

The Shoreline Designation is Conservancy. The C-R Zone (Conservation and Reclamation Zone), regulates land below 1,050 feet in elevation, and because the proposed dock is over 200 square feet in size, and extends more than 25 feet from the shoreline bulkhead, a conditional use permit is required. The Determination of Non-Significance was issued on August 31, 2016.

Further, Planner Muñoz explained that the existing dirt path would be widened to six feet, and would remain as a dirt path. The proponent has not provided an erosion control plan at this time.

Presentation by Proponent: Karrie Buescher of 602 N. Cresetview Drive. Mrs. Buescher was available for questions from the Planning Commissioners

Chair Heimark opened the public hearing for public comment.

There being no public comment, Chair Heimark closed the public hearing.

First Action: Commissioner Hepburn moved to approve the Shoreline Substantial Development Permit with the following conditions:

- A. That any approvals and/or permits from agencies with jurisdiction, including the Washington State Department of Fish and Wildlife, are obtained prior to the beginning of any construction.
- B. The project shall be located and constructed per the site plan, and other submitted construction drawings.
- C. The proponent shall work with staff to mitigate any erosion issues pertaining to the construction of widening the path.
- D. The contractor shall notify the City Staff at least 24 hours before the start of construction and within three business days after completion of construction to check that the work meets permit approval.

Seconded by Commissioner Nofziger. Motion passed unanimously.

Second Action: Commissioner Hepburn moved to approve the Shoreline Substantial Development Permit with the following conditions:

- A. That any approvals and/or permits from agencies with jurisdiction, including the Washington State Department of Fish and Wildlife, are obtained prior to the beginning of any construction.
- B. The project shall be located and constructed per the site plan, and other submitted construction drawings.
- C. The contractor shall notify the City Staff at least 24 hours before the start of construction and within three business days after completion of construction to check that the work meets permit approval.

Seconded by Commissioner Nofziger. Motion passed unanimously.

Sun Terrace No. 4 Major Plat and Findings of Fact

Senior Planner, Anne Henning provided the staff report and visual attachments; The preliminary plats for Sun Terrace 1 through 8 was approved December 11, 2007 by the Planning Commission and City Council. Aho Construction has submitted a final plat application for a 27-lot plat located north of I-90 and west of Fairway Drive and Moses Lake Country Club.

The area is zoned R-1, Single Family Residential which corresponds with the Comprehensive Plan Land Use Designation of Low Density Residential.

The final plat corresponds to the plat alteration that was reviewed and approved by the Planning Commission and City Council in late 2015 and early 2016.

First Action: Commissioner Penhallurick moved to approve the Sun Terrace No. 4 Final Major Plat with the following conditions:

1. The comments of the Development Engineer shall be addressed.
2. The plat shall not be recorded until the city fees and reimbursements are paid to the City of Moses Lake. This includes the fees noted in the MNDS, including the intersection improvement fee and wastewater capacity upgrade fee.
3. Since the park land is not proposed to be dedicated until after the plat is recorded, a bond or other form of security is required until the park land is dedicated.

Seconded by Commissioner Eck. Motion passed unanimously.

Second Action: Commissioner Hepburn moved to approve the Findings of Fact as presented. Seconded by Commissioner Nofziger. Motion passed unanimously.

AAA Non-Conforming Use Review.

Assistant Planner Muñoz provided the staff report and visual attachments; The AAA Mobile Home Park is located at 2022 W. Broadway Avenue, and has been determined to be a Non-Conforming Use. In 1993 The Planning Commission determined through a review process that the Mobile Home Park was not permitted outright nor given a Conditional Use Permit to operate.

The Building Inspector, Code Enforcement Officer, and Planner Muñoz toured the park with the owner Ms. Chung on August 25, 2016, and found two minor violations, and corrections were made the same day.

Presentation by Proponent: Proponent Representative, Kene Larson of 821 E Broadway, Suite A was available for questions by the Planning Commission.

Action: Commissioner Hepburn moved to approve the continuance of Shorewood Non-Conforming Use with the following conditions:

1. Garbage service is maintained at three (3), two (2) yard containers picked up three (3) times per week. This amount should not be reduced; however, the amount may be increased to maintain adequate garbage services in the future. Sufficient garbage containers must remain on site for the length of the Non-Conforming Use.
2. The existing 6' high fence shall be maintained around the perimeter of the park.
3. All units shall maintain a 10' unit-to-unit separation, exclusive of porches, additions, etc.
4. MLMC 18.20.060.F.6, states that the accessory building shall be at least five feet (5') the State Building Code. Any accessory building 200 square feet or larger, requires a building permit.
5. All units must maintain required skirting materials such as, metal, vinyl, pressure treated wood, exterior grade siding material, or other materials approved by the City Building Division. Unacceptable materials such as plywood, hay bales, rocks, and the like materials, shall not be maintained or installed.
6. The non-conforming use shall be continued for twenty-four months.

Seconded by Commissioner Eck. Motion carried unanimously.

Comprehensive Plan Update – Land Use Designation Change – The Greens

Senior Planner, Anne Henning provided the staff report and visual attachments; The Growth Management Act allows the Comprehensive Plan to be amended only once a year, so that cumulative effects of the changes can be evaluated. The public hearings for this year's amendments will be held in the fall and winter.

Michael Norman of Lee/Norman Development LLC has submitted an application to change 7 acres from Low Density Residential to High Density Residential within The Greens Planned Unit Residential Development located at 123 Ninth Avenue.

The Greens currently is a Planned Unit Development and the action proposed would change the undeveloped portion to High Density Residential.

Planner Henning detailed the information that was provided in the agenda packet; the land use data table describing the types of land use by density historically to present, the excerpts from the Growth Management Act, Land Use Designation from the Comprehensive Plan (pg. 20-22), and MRSC query "what is spot zoning and is it always illegal?"

There was considerable discussion, including that the area has changed since it was first designated, though the construction of the Heron Creek Apartments and the Pioneer Meadows Apartments currently under construction, that the hillside forms a natural break, that the neighbors in the area historically have been concerned about high density development, the designation criteria for Low and High Density Residential, whether there was a need for more High Density Residential land, whether any precedents would be set, whether traffic impacts of the future high density development could be considered, that action might be needed to overcome the stalled development of the PURD, and the need for City Attorney guidance on the spot zoning issue.

Presentation by Proponent: Michael Norman of 123 E. Ninth Avenue. Mr. Norman confirmed that the PUD had stalled out, and the future demand in housing lends more to multi-family housing, with the leasing market being very strong. The surrounding area shows a variety of residential density types. This site close to downtown is better suited to high density residential than more outlying areas are.

Non Agenda Item:

None

Staff Reports and Comment

Update on SMP

Planning Commission Questions and Comments

Chair Heimark mentioned she was at an event where the Grant County Treasurer spoke about cities, including Moses Lake, not taking sufficient action to require consolidation of parcels.

There being no further business, Chair Heimark adjourned the meeting at 8:10 p.m.



Vicki Heimark, Planning Commission Chair