

**MOSES LAKE PLANNING COMMISSION**  
July 26, 2012

**3493**

**Commissioners Present:** Todd Voth, Vicki Heimark, Nathan Nofziger, Charles Hepburn, Kevin Starcher, Rick Penhallurick, Steve Schield, Carly Griffith Hotvedt, and, Todd Lengenfelder

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

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

**Staff Present:** Joseph K. Gavinski, Gilbert Alvarado, Anne Henning, Billie Jo Muñoz, and Sue Mahaney

**CONSENT AGENDA**

**Minutes:** The minutes of the July 12 meeting were presented.

**Moses Lake School District 161 Preliminary Major Plat - Findings of Fact:** The Findings of Fact for the Moses Lake School District 161 Preliminary Major Plat were presented.

**Blue Heron Major Plat and Shoreline Substantial Development Permit- Findings of Fact:** The Findings of Fact for the Blue Heron Major Plat and Shoreline Management Substantial Development Permit were presented.

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

**LAKE POINTE MOBILE MANOR - NON-CONFORMING USE REVIEW**

The Lake Pointe Mobile Manor is located at 936 South Division Street on Parcel 'A' of Lingg Addition Alteration Plat. City staff declared the park a non-conforming use in August 26, 1993 as it was not a permitted nor a conditional use since it did not conform to the requirements of Moses Lake Municipal Code, Chapter 18.65, Manufactured Home Parks. The park contains 35 mobile homes units.

Billie Jo Muñoz, Assistant Planer, stated that during the inspection of the park by city staff several violations were found and have been corrected.

Harvey Koeplin, park owner, stated that he has owned the park for 20 years and there are 73 residents in the park. They provide good, clean, affordable housing. The water, sewer, and garbage charges are included in the space rent.

**Action Taken;** Mr. Schield moved that the non-conforming use be allowed to continue with the following conditions:

1. The permitted uses in Lake Pointe Mobile Manor shall be manufactured homes and accessory uses as listed in MLMC 18.650030
2. The setback and separation requirements of Moses Lake Municipal Code Section 18.65.080 apply to Lake Pointe Mobile Manor, except that the manufactured home setback from the park boundary not

abutting public right-of-way be 3', the private drive setback be 5', and that this apply to future placements of manufactured homes in the park.

seconded by Mr. Nofziger, and passed unanimously.

**COLUMBIA BASIN WALLEYE CLUB - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT - PUBLIC HEARING**

The Columbia Basin Walleye Club requested a Shoreline Substantial Development Permit and a C-R Zone Conditional Use Permit to build a public 20' x 40' fishing dock connected to the shoreline by a 8' x 100' floating walkway. The site is zoned public and is located at Blue Heron Pak. The Comprehensive Plan Designation is Public and the Shoreline Designation is Natural.

Billie Jo Muñoz, Assistant Planner, explained the project.

Behr Turner, 111 G Street SE, Ephrata, representing the Walleye Club, stated that the dock has to be anchored down and they will be working with the Department of Natural Resources since they do not want concrete anchors to be used.

Janet Baker, 503 Sycamore, stated that the Club has collected about \$80,000 and still need about \$9,000. They have applied for self help funds from the City. Once the dock is complete, it will be given to the City.

The public hearing was opened.

Mike Schlauter, 4528 Road F NE, was in favor of the dock as it will support youth fishing and enhance the fishing opportunities on Moses Lake.

**Action Taken:** Mr. Schield moved that the public hearing be closed, seconded by Ms. Hotvedt, and passed unanimously.

**Action Taken:** Mr. Lengenfelder moved that the Shoreline Management Substantial Development Permit be approved and forwarded to the Department of Ecology with the following conditions:

1. The project shall be located and constructed per the site plan and in a manner that meets the requirements of agencies with jurisdiction.
2. The contractor shall notify City staff at least 24 hours before start of construction and within three business days after completion of construction to check that the work meets permit approval.
3. The comments of the Building Official and the Washington State Department of Ecology shall be addressed.

and passed with Ms. Hotvedt and Ms. Heimark opposed.

**Action Taken:** Mr. Starcher moved that the C-R Zone Conditional Use Permit be approved, seconded by Mr. Schield.

Ms. Heimark felt that the concrete issue could be addressed with the Department of Natural Resources.

There was considerable discussion by the Commission on the comments of the Department of Natural Resources concerning the use of concrete anchors.

The motion passed with Mr. Hotvedt, Ms. Heimark, Mr. Hepburn, and Mr. Nofziger were opposed as they felt the comments of the Department of Natural Resources should be addressed.

**KIRKENDALL - C-R ZONE CONDITIONAL USE PERMIT - PUBLIC HEARING**

Paul Kirkendall submitted an application for a Shoreline Exemption and C-R Zone Conditional Use Permit to

install a 168 square foot cantilevered dock and boat lift and a path to provide access to the dock and boat lift. The site is located at 1102 Eastlake.

Billie Jo Muñoz, Assistant Planner, pointed out that the conditional use permit is needed because of the length of dock. Because of the bulrushes on the property, the dock will have to extend out about 30' from the shoreline. That exceeds the length allowed and triggers the conditional use permit.

John Hermann, representing the property owner, stated that the retaining wall separates the lawn from the shoreline area and is not part of this permit.

The public hearing was opened.

Paul Kirkendall, owner, stated that he contacted his neighbors about the dock and has satisfied their concerns.

Action Taken: Mr. Penhallurick moved that the public hearing be closed, seconded by Mr. Nofziger, and passed unanimously.

Ms. Hotvedt suggested that Mr. Kirkendall may wish to have a more formal document from the Eastlake Drive LLC that grants him permission to place his dock across their property.

Anne Henning, Senior Planner, pointed out that, according to the legal description, the LLC owns the 1/4 section east of the lake. The letter from the LLC states that it appears the dock would be located over their land but the legal descriptions researched by the City does not appear to show any ownership of the lakebed by the LLC.

Action Taken: Ms. Hotvedt moved that the conditional use permit be granted with the following conditions:

1. The project shall be located and constructed per the site plan, and other submitted construction plans.
2. The contractor shall notify City staff at least 24 hours before start of construction and within three business days after completion of construction to check that the work meets permit approval.
3. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or ANY human remains be observed during project activities, all work in the immediate vicinity will stop. The County Coroner, the State Department of Archaeology and Historic Preservation (360-586-3065), the City planning office, and the affected Tribe(s) should be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). All materials must be left in place. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required. Failure to comply with this requirement could constitute a Class C Felony.

seconded by Ms. Heimark, and passed unanimously.

#### MASONIC LODGE - SIGN

Cascade Sign, Inc. on behalf of the Masonic Lodge, has submitted an application for a 48 square foot free standing sign located at 811 E. Hill Avenue. The property is zoned R-3, Multi-family Residential.

Billie Jo Muñoz, Assistant Planner, stated that the sign requires Planning Commission approval because the building is in an R-3 Zone and signage cannot exceed 12 square feet without Commission approval. The sign is 48 square feet in size and 18 feet tall. The site is surrounded by commercial uses including Dairy Queen and an apartment building.

Action Taken: Ms. Hotvedt moved that the request be granted with the condition that the sign and landscaping be located and constructed per the site and landscape plans, seconded by Mr. Nofziger, and passed unanimously.

#### COMPREHENSIVE PLAN - MAPS

Billie Jo Muñoz, Assistant Planner, stated that the areas presented for discussion at this meeting need to be changed so that the City's Land Use Designations are consistent with Grant County.

There was some discussion by the Commissioners but it was the consensus to approve the changes of the City's Land Use Designation to correspond to the County's Land Use Designations.

#### CAPITAL FACILITIES ELEMENT

The Capital Facilities Element of the Comprehensive Plan was presented.

Anne Henning, Senior Planner, stated that this element of the Plan is mainly factual so there should not be many changes needed. She pointed out that it is missing the parks and schools section. Those sections will be provided at a later date.

There was some discussion about traffic improvements and it was pointed out that the traffic will be addressed in the Transportation Element.

There was some discussion on the proposed facilities such as new police and fire stations but no changes were made to the Capital Facilities Element

#### FEATHER/TEAR DROP SIGNS

Gilbert Alvarado, Community Development Director, reported that the Council has adopted the change to allow feather and/or tear drop signs.

#### RESIDENTIAL ZONE

Gilbert Alvarado, Community Development Director, reported that last year a change was made to the regulations in the residential zone in order to allow awnings and such to encroach into the rear yard setback. However, the ordinance did not specify the rear yard setback. Recently the Community Development Department received a request to encroach into the front yard setback. Because the intent was to allow the encroachment in the rear yard only, the ordinance was changed to reflect that.

#### SHORELINE MASTER PROGRAM

The study session on the Shoreline Master Program was rescheduled to after the August 16 meeting.

#### SHORT COURSE ON LOCAL PLANNING

Gilbert Alvarado, Community Development Director, reminded the Commission of the Short Course on Local Planning on Wednesday, September 12, at 7 p.m. He explained what would be discussed during this seminar.

The regular meeting was adjourned at 9:20 p.m.

  
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Todd Voth, Planning Commission Chairman