



MOSES LAKE PLANNING COMMISSION

Nathan Nofziger, Chair | Charles Hepburn, Vice-Chair | Roderick Davis, Commissioner
Gary Mann, Commissioner | Don Schmig, Commissioner

Moses Lake Civic Center – 401 S. Balsam Street
Regular Meeting Agenda
March 12, 2020 at 7:00 p.m.

AGENDA

1. Executive Session - RCW 42.30.110 (i) to discuss potential litigation
2. Approval of Consent Agenda
 - A. Meeting Minutes for February 27, 2020
3. New Business:
 - A. The Green's Phase II PURD Presentation
4. Old Business:
 - A. Sydney Plat - Findings of Fact
5. Planning Commission Questions and Comments
6. Adjourn

City Manager Allison Williams	Community Development Director Kris Robbins	Associate Planner Lori Witters	Associate Planner Amy Harris	Associate Planner Vivian Ramsey
----------------------------------	---	-----------------------------------	---------------------------------	------------------------------------

MOSES LAKE PLANNING COMMISSION
Meeting on February 27, 2020

Commissioners Present: Chair Nathan Nofziger, Vice-Chair Charles Hepburn, Commissioners, Gary Mann, Don Schmig, Commissioner, Roderick Davis.

Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Davis	E P	P P										
Hepburn	P P	P P										
Mann	P P	E E										
Nofziger	P P	P P										
Schmig	P P	P P										

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

Staff Present: Community Development Director, Kris Robbins; Associate Planner, Vivian Ramsey, Secretary, Jovita Cantu.

The meeting was called to order at 7:00 p.m.

Secretary Jovita Cantu called roll. The following were:

Absent: Commissioner Mann.

Action: Commissioner Hepburn moved to accept absence due to vacation. Seconded by Commissioner Davis, motion carried unanimously.

Consent Agenda:

A. Minutes for December February 13, 2020.

Action: Commissioner Davis moved to approve consent agenda with an amendment to change his “Absence” in January to “Excused”. Seconded, motion carried unanimously. (Chair Nofziger recused himself)

Sydney Major Plat:

Commissioner Hepburn opened up the public hearing and moved to take this matter off the table. Seconded by Commissioner Davis, motion carried unanimously.

Public hearing reopened.

Associate planner Vivian Ramsey stated they received a letter from the proponent confirming previous discussion points. The proposed Grace Street has been changed to Grace Taylor Street. Staff agrees with their request and support the project.

Kevin Richards (1328 Hunter Place): He stated he feels that staff has reached a recommendation for approval. They have also satisfied the setback requirements.

Clyde Carpenter (451 E Nelson Road): He is concerned about the road North and it's access. There was a letter that was sent out by his son regarding their concerns. The phone number with 7-6-6 is incorrect. The other concern was with the city sewer and water availability and if there had been a study of the traffic conducted.

Kevin Richards: He clarified that the traffic has been reviewed and feels they have done their due diligence. All water and sewer standards will be met and he would like to move forward in good faith.

Commissioner Davis moved to close the public hearing. Seconded by Commissioner Schmig.

Action:

Commissioner Hepburn stated they don't have jurisdiction over SEPA in this project. Commissioner Schmig stated he lived in Moses Lake for 43 years and has never seen a plat like this before. He spoke about his concerns regarding the traffic and all the children that walk to school every morning.

Commissioners discuss their thoughts and concerns regarding the access and what the issues are. There is a procedural concern whether or not a motion can be made due to the quorum. It is confirmed that it can be made.

The discussion continues and Commissioner Davis moved to approve with compliance with staff recommendations 1,2,3,4,5,6,7-11.

1. Meet the mitigation measures identified in the MDNS prior to submittal of final plat review.
2. MLMC 17.03.060 requires that the owner of a new subdivision shall assign and transfer to the City any perfected application, certificate, permit or right of withdrawal of ground or surface waters, or such other water rights as may be appurtenant to such property in such quantities as is sufficient to serve the real property. In the event there are no water rights, the property owner or developer shall pay to the City, in lieu thereof, a water rights acquisition fee of \$1,200 per equivalent residential unit. The rights or water rights acquisition fee must be paid before the plat is recorded.
3. Complete an archeological survey prior to disturbing ground.
4. Remove structures from Lot 23.
5. Design for the possibility of secondary access to Quintanilla Dr. and the extension of Madison St.
6. Show the 10' utility easement from the front lot line on the plat.
7. Rename Grace St.
8. Coordinate with the Grant PUD and Cascade Natural Gas to resolve easement issues.
9. To facilitate orderly flow of traffic, provide safe pedestrian facilities, and provide sufficient utility connections, the developer **can deviate from the standard and develop** shall 53' wide streets with 4' utility **easements abutting each side of**

the street as requested. ~~on the sides,~~ and Utility improvements **will be built** to Community Standards for all streets within the plat and shall connect the streets and utilities to existing improved City streets and utilities.

10. Address the comments of the Development Engineer and the City Surveyor prior to submittal of final plat.
11. Pay a park fee of \$9,528 (5% of the assessed value.)

Seconded by Commissioner Hepburn. Motion passes with two ayes and one nay (Commissioner Schmig).

Commissioner Nofziger returned to the meeting.

Stratford Road Booster Pump:

Associate Planner Vivian Ramsey stated that the City of Moses Lake submitted an application for a Shoreline Substantial Development Permit to install for the Stratford Rd. Booster Pump 2019 project. Components of this project include installing a water booster pump and vault, connecting pipes, and install fencing, concrete, and an electric vault. An 8" water pipe will be connected to a 12" pipe to improve water service to the neighborhood west of Stratford Rd. A request was made by the Colville Tribe to monitor while digging.

Questions/Comments:

Commissioner Hepburn commented on the archaeological study being made and Chair Nofziger asked what will become of the park that is there at the moment. Associate Planner Vivian Ramsey stated those areas that will be maintained with sod and grass and they are not planning on removing the benches. This will be an below ground project with parking.

Meeting opened up to a public hearing. There were no comments.

Action: Commissioner Hepburn moved to close the public hearing, seconded by Commissioner Davis. Motion carried unanimously.

Commissioner Schmig moved to approve the Stratford Road Booster Pump Project, seconded by Commissioner Hepburn. Motion carried unanimously.

Administrative Report:

Community Development Director, Kris Robbins discussed the Housing Grant Work Plan and how that draft ties in with the Legislative Updates. Staff chose to work on an overall update to the Comprehensive Plan and focusing on the Housing Action Plan.

She spoke about the water quality and how it has been an issue in Moses Lake over the last while. The Conservation District has been working with multiple agencies though Ecology to do a Watershed Council. In these first few months of starting from scratch, they found they have some responsibilities and decisions that have to be made and can only meet once a month for about two hours. She spoke about the committee and their

responsibilities and how the data will be centralized. The watershed council is a big entity with roughly 20-30 members with a benefit of obtaining more structure.

Commissioner Hepburn asked about the proportion of people that are elected to office in the council as opposed to people that are unelected. Community Development Director, Kris Robbins said she is uncertain at this time. He commented that they should be elected due to the fact that they will be making decisions that will directly affect the common people.

She also relayed information from the Council Meeting that week.

The Larson Rec Center was approved to move forward with the design work. It was originally proposed at 14,000 sq ft and is now a 30,000 sq ft proposed complex due to the existing building and the need for expansion of the Police Department. Bid numbers should also begin to come through soon. She stated that the Census is coming up so be sure to respond.

Planning Commission Questions and Comment

Commissioner Hepburn commented on the zones for Parks & Rec and his concern for making big projects as opposed to smaller ones.

Commissioner Davis asked about cargo containers and the one specifically on City property. He also mentioned the DNS published for two for the ones going in on Craig Street and what the requirements are for them.

Community Development Director, Kris Robbins stated they have been allowed in the code for quite some time. Commissioner Hepburn commented that there are local companies that sell these containers and asked why the City isn't requiring them as part of the selling of them that if a Conditional Use Permit is required that it should be attached to the sale of the unit. Community Development Director, Kris Robbins responded that they have tried but they disclose "permits may be required".

Commissioner Schmig asked how the City is preparing for the Coronavirus and that something should be published in the paper to avoid panic.

Commissioner Davis expressed his concern again about the traffic on Yonezawa when the Hospital and the Mormon Temple are built. Community Development Director, Kris Robbins stated that Yonezawa was built for this kind of proposed traffic.

Meeting adjourned at 8:15 PM by Chair Nofziger.

Chair, Nathan Nofziger

BEFORE THE CITY OF MOSES LAKE PLANNING COMMISSION

IN THE MATTER OF) FINDINGS OF FACT,
)
) CONCLUSIONS, DECISION, AND
SYDNEY PRELIMINARY) CONDITIONS OF APPROVAL
MAJOR PLAT)
LUA2019-0126)

THIS MATTER having come before the City of Moses Lake Planning Commission on February 13, 2020 the Planning Commission having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision, and Conditions of Approval as follows:

FINDINGS OF FACT

1. This is an application for a preliminary major subdivision and is subject to requirements of Moses Lake Municipal Codes Titles 17, 18, and 20, as well as the City’s Comprehensive Plan.
2. The subject site is approximately 7.8 acres.
3. The subject property is at the end of Roberta St and contains seven parcels:
311652000 110318000
110176000 110475119
110161000 110163000
110164000
4. The owners of the property is Groundworks Five, LLC. (All parcels are now in the ownership of CAD Homes, LLC.)
5. The Applicant for the project is CAD Homes.
6. The Authorized Representative is Western Pacific Engineering, 1328 E. Hunter Pl., contact is Sara Prather.
7. The Comprehensive Plan Land Use Designation is Residential, Low Density. Pertinent elements of the Comprehensive Plan include:
 - a. Land Use: The proposal is located with reasonable access to schools, shopping, and recreational areas. The densities are provided at a density that will promote a range of housing types and affordability
 - b. Housing: The proposal contributes to the diversity in type, density, and location of housing within the city. The proposal supports the policy that a variety of housing types

and densities should be available in residential areas to provide all residents with location and price/rent choices.

- c. Utilities: As proposed, the development will meet the requirement for concurrency in that utilities will be available as the project is developed. The proponent recommends removal and/or relocation of natural gas line and Grant PUD easements. The proponent can meet the utility concurrency requirement by coordinating with Cascade Natural Gas and Grant PUD to resolve issues prior to start of development and final approval.
 - d. Transportation: The proposal provides for access to each lot, which is consistent with Transportation policies. However, as there is no secondary access to the subdivision, it conflicts with the Comprehensive Policies that promotes the continuity of street patterns by avoiding half streets and dead-end streets; encourages grid street patterns to provide better connections for all travel modes; and provide for bicycle and pedestrian facilities. The project can be consistent with the policies by designing the development to extend to Quintanilla Dr. and extend Madison St.
 - e. Parks and Recreation: The proponent does not intend to dedicate open space or a pedestrian pathway. The proponent will meet the consistency requirement by paying a fee in lieu of open space dedication per MLMC 17.27.060.
8. The property is zoned R1-Single Family Residential.
 9. As conditioned the proposed building lots meet and/or exceed the 7,000 square foot minimum lot size in Title 18 Zoning.
 10. The proposal as conditioned, is consistent with the requirements of Title 17 Subdivisions. Applicable provision have been made for, but not limited to, the public health,, safety, and general welfare, for open spaces, drainage ways, streets, other public ways, transit stops, potable water supplies, sanitary wastes, park and recreation, playgrounds, schools and school grounds, and have considered all other relevant facts, including sidewalks.
 11. The surrounding properties are zoned R1-Single Family Residential.
 12. The current use of the surrounding properties are single family residential to the east, west, and south. The property to the north is vacant, and a parcel to the east is also vacant.
 13. Public access to the property is Roberta St.
 14. The request is for a 31-lot subdivision.
 15. The applicant requested the use of an alternative scale for the plat map drawings. . The proponent has requested page one of the drawings be at 1"=120' scale and the Lot Detail page be at 1"=50' scale. The request was granted by the Municipal Services Director.
 16. The proponent requested the city participate in costs associated with the construction of the sidewalks on Roberta Street. It is recommended the sidewalk design for the existing portion Roberta match the design on Sharon Ave, the sidewalk can transition to 5' planter 5' sidewalk once it reaches the new development. The City agreed to this cost sharing.
 17. The proponent requested a waiver to improvements in front of Lot 31, which fronts on Sharon Ave. The proposed Lots 23 and 31 are within Lot 1 of Kastanis SP. There is an existing residence and outbuildings on the Kastanis SP and Sharon Ave is improved. The city agreed to the waiver regarding Sharon Ave. improvements.
 18. As proposed, a non-conforming use will be created with the outbuildings on a lot with no primary structure. City staff recommended the removal of the non-conforming use before final plat approval.

19. The proponent requested the following deviations:
 - a. Vacate an existing 14' PUD easement and relocated to the exterior 10' public utility easement that surrounds the subdivision. The subdivision process cannot be used to vacate an easement owned by another entity.
 - b. Allow proposed Lots 27 and 19 to be nonconforming. The lots meet the minimum size and dimension for lots. The applicant testified due to the difficulties the general shape of the lots is nonconforming. Site plans illustrating how a residence can be sited conforming to setback requirements.
 - c. Allow a reduced size roadway to 53' width and 4' municipal easements abutting each side of the street. This alternate is allowed.
 - d. The proposal does not provide a secondary access. The proposal should be designed for the possibility of secondary access to Quintanilla Drive and/or north towards Nelson Rd.
 - e. Proposed Lots 4, 6, 13, 14, 21, and 23 proposed as flag lots. The Community Development Director has approved the lot configuration.
20. A 10' easement is proposed to be shown on the face of the plat to accommodate a natural gas line.
21. No pedestrian pathway or open space is proposed. The applicant is required to pay a fee in lieu of open space.
22. A Notice of Application, Public Hearing, and Optional DNS was published in the Columbia Basin Herald on 12/19/19.
23. A Mitigated Determination of Non-Significance was issued on January 16, 2020.
24. A Notice of Public Hearing and MDNS was published on February 4, 2020.
25. An open record public hearing after due legal notice was held on February 13, 2020 and extended to February 27, 2020.
26. Notification was sent out to city staff, agencies with jurisdiction, and surrounding property owners within 500'.
27. Written comments were received from the Washington Department of Archeological and Historic Preservation, and the Department of Ecology.
28. Written comments were received from the following city of Moses Lake departments: Surveyor, Development Engineer, Municipal Services Director, and the City Engineer.
29. Written comments were received from Cascade Natural Gas.
30. Written public comments were received from Anne Henning and Angela Jackson.
31. The staff report, application materials, agency comments and the entire file of record were admitted into the record.
32. Appearing and testifying on behalf of the applicant were the following individuals were:
 - a. Kevin Richards: (Western Pacific & Survey 1328 E Hunter Place) He purchased this property in 2007 at the height of the last market and found it was a hard market to sell. He stated that marketing these kinds of properties is more difficult due to their size. With this infill property, they are asking to have an affordable product and not have extraneous requirements that make this not economically viable.
Mr. Richards noted that since the pre-app meeting, his staff had taken a collaborative approach with city staff. He also mentioned that his bank was not sitting at the table. The pre application meeting took place on November 12, and staff provided packets to follow along with. We had 32 lots proposed and tried to get them approved. The fire department was set on 30 lots so we reduced our plat count to 30. They said we could get a second access or sprinkler the whole

unit. Mr. Richards spoke with Kim Foster from the ASPI Group they said they do not want to sell me their project. Grace Church has not been negotiated to go to the North. Mr. Richards stated he believed they are in alignment with the Comprehensive Plan. At our pre app meeting, we thought we had resolved the fire issue with the reduction of units. We are trying to understand the comments that were made on the Staff Report.

- b. Danielle Escamilla: (Western Pacific & Survey 1328 E Hunter Place) directly quoted, "If communities are to succeed in promoting infill develop they will need to recognize and overcome impediments to such development. Neighborhood opposition, financing challenges, inflexible building code/ development regulations, lengthy permit processes, substandard infrastructure, difficult land assembly, site contamination and other conditions may need to be addressed to attract infill development."
 - c. The applicant submitted materials.
33. Testifying from the public were the following individuals: Curt Carpenter (12097 Rd 5.6 NE): He is here on behalf of Carpenter Trust which is his mother and father and they were not properly notified. As far as he is concerned, this hearing shouldn't even be taking place. He handed the Commissioners an envelope showing what was sent. He is not against the development, but would appreciate due process.
- a. Anne Henning (1623 Legend Lane): She asked if everyone received a copy of her letter. It's important to consider the access, and providing the possibility for it in the future. If the plat is going to be redesigned would there be review of that? There are four houses to the West of this property that have been accessing this property to get there. Lot 19 and 27 sample layouts that she saw do not meet setback requirements. And that is a problem for her because it doesn't meet the current standards. The park fee being collected- \$9000 to provide parks for 30 homes doesn't go far.
 - b. Mark Fancher (301 E Inglewood Drive): He is a real estate broker here in Moses Lake. In fill projects is a hot button. He is working with the same issue on another project at the moment. In fill is an opportunity to do affordable housing because the land is valued less. It's hard to move people in brand new houses next to old houses. These are challenging projects and would like to look at the project being approved. We are losing the ability to qualify everyone. There is a new energy code and we have to live with it. He hopes we take a hard look at this. He wants the opportunity for affordable housing for everyone, like his kids. They are first time homebuyers and it's a great opportunity for them.
 - c. Oralia Perez (1314-1324 Monroe Street): She was born and raised there. They used to cut across the fields to go to Garden Heights, Chief Mo, and the High School. Their concern is the traffic and the children. It is a nightmare right now.
 - d. Clyde Carpenter (451 E Nelson Road): Stated he was not contacted and is not against the development but wasn't given any time to make any comments. He was handed this at 4:30 yesterday so there was not any time to go down there and comment. He has been at this address for 53 years and the City has never missed a bill.
34. The public hearing was extended to the Planning Commission meeting on February 27, 2020.
35. Written comments were received from the Carpenter Family Trust.
36. During the extended public hearing the following testified on behalf of the proponent:

- a. Kevin Richards (1328 Hunter Place): He stated he feels that staff has reached a recommendation for approval. They have also satisfied the setback requirements.
37. Testifying from the public at the February 27 meeting were:
- a. Clyde Carpenter (451 E Nelson Road): He is concerned about the road north and its access. There was a letter that was sent out by his son regarding their concerns. The phone number with 7-6-6 is incorrect. The other concern was with the city sewer and water availability and if there had been a study of the traffic conducted.
 - b. Kevin Richards: (Proponent) He clarified that the traffic has been reviewed and feels they have done their due diligence. All water and sewer standards will be met and he would like to move forward in good faith.
38. The City of Moses Lake Planning Commission considered all evidence within the record in rendering this decision.
39. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

CONCLUSIONS OF LAW

1. The Planning Commission has been granted authority to make a recommendation to the Moses Lake City Council regarding this application.
2. The application is consistent with the Moses Lake Municipal Code as conditioned.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

DECISION

Based upon the above noted Findings of Fact and Conclusion of Law, the request for to recommend to City Council approval of the Sydney Major Preliminary Plat is granted subject to the conditions below.

CONDITIONS OF APPROVAL

1. Meet the mitigation measures identified in the MDNS prior to submittal of final plat review.
2. MLMC 17.03.060 requires that the owner of a new subdivision shall assign and transfer to the City any perfected application, certificate, permit or right of withdrawal of ground or surface waters, or such other water rights as may be appurtenant to such property in such quantities as is sufficient to serve the real property. In the event there are no water rights, the property owner or developer shall pay to the City, in lieu thereof, a water rights acquisition fee of \$1,200

per equivalent residential unit. The rights or water rights acquisition fee must be paid before the plat is recorded.

3. Complete an archeological survey prior to disturbing ground.
4. Remove structures from Lot 23.
5. Design for the possibility of secondary access to Quintanilla Dr. and the extension of Madison St.
6. Show the front utility easement on the plat.
7. Rename Grace St.
8. Coordinate with the Grant PUD and Cascade Natural Gas to resolve easement issues.
9. To facilitate orderly flow of traffic, provide safe pedestrian facilities, and provide sufficient utility connections, the developer shall construct full-width street and utility improvements to Community Standards for all streets within the plat and shall connect the streets and utilities to existing improved City streets and utilities. For each plat/phase, improvements shall be constructed and accepted by the City Council or a form of security acceptable to the City Attorney shall be provided before the final plat is submitted for review.
10. Address the comments of the Development Engineer and the City Surveyor prior to submittal of final plat.
11. Pay a park fee of \$9, 528 (5% of the assessed value.)

Dated this 12th day of March, 2020

Chairman, Moses Lake Planning Commission

This Decision is subject to reconsideration pursuant to the Moses Lake Municipal Code.