



City of Clarkston

City Hall: (509) 758-5541 • Police: (509) 758-1680 • Fire: (509) 758-8681 • Fax: (509) 769-6018

829 5th Street • Clarkston, WA 99403 • www.clarkston-wa.com

PLANNING COMMISSION

AGENDA

May 19, 2014

CITY HALL

829 5TH STREET

CALL TO ORDER: 6:00 P.M.

ROLL CALL:

APPROVAL OF MINUTES:

April 21, 2014

REGULAR BUSINESS:

- A. Discussion – Addition of New Zoning Designation – Neighborhood Commercial
- B. Zoning Matrix Changes
- C. Update of Recreational Vehicle Use – Hardship Exception

UNFINISHED BUSINESS:

COMMUNICATIONS:

- A. From Public
- B. Written
- C. From Planning Commission
- D. Staff Reports

ADJOURN:



TREE CITY USA.

CITY OF CLARKSTON
PLANNING COMMISSION MINUTES
April 21, 2014

CALL TO ORDER: 6:00 P.M., Clarkston City Hall, McCroskey (acting chair)
ROLL CALL: Bob Gilbertson, Margo McCroskey, Jim Merrill
John Murray, excused

Staff: Jim Martin, Vickie Storey, Chief Hastings

McCroskey announced that Larry Moser has resigned from the commission.

APPROVAL OF MINUTES:

Minutes of the March 3, 2014 meeting were approved on a motion by GILBERTSON/MERRILL. Motion carried.

PUBLIC HEARING:

Proposed Changes to the Zoning Matrix, additional Definitions, Recreational Marijuana

McCroskey opened the public hearing at 7:02 p.m. PWD Martin reminded the commission and the audience that the purpose of the hearing is to take testimony on the proposed changes to the zoning code. He pointed out that the items in the matrix that are shown in red are the changes being considered at this hearing.

McCroskey invited anyone who wanted to speak to come to the podium and state their name and address.

Kelly Jackson, 1045 Liberty Drive, spoke about medical marijuana. He showed samples of asthma inhalers. He said they cost about \$300 and they don't work. He commented that long term use can cause death. He said his doctor recommended he try medical cannabis extracts. He said it cured his asthma and allowed him to go back to work and only costs \$40 for a vial and you don't have to use it every day. He said there is no THC in the product he uses, it is the CBD's from the plant. He said it is not legal to purchase now, but when it is, it will be labeled with the THC content. He said it also works for arthritis, glaucoma and other diseases. He said 400 families have moved to Colorado so they can obtain it for their children with epilepsy. Jackson showed a jar of crème with cannabis extract in it that is used for treating arthritis. He commented that when it is legal to sell in Washington, he believes that people from Idaho will be coming over to purchase the product. Jackson said he is an applicant to open a retail shop in Clarkston. He suggested an advisory board to help regulate how business is conducted.

Chief Hastings asked about the zones that would allow retail sales. PWD Martin said it is in Downtown Commercial, Service Commercial and Port Commercial. Jackson asked about the Stonehouse Coffee location on Highland. Martin said that is in Medical Commercial and would not be allowed.

John Evans, representing the Boys and Girls Clubs, 1414 Highland, said the County's maps show some overlap of the city limits. He asked how that will impact the allowed areas. Merrill said if it falls within the state buffer, that will take precedence. He is concerned that a business might be located close to the Club.

Sherry Greenup, a member of EPIC and a parent, said she spent seven years as Asotin County Substance Abuse and Mental Health coordinator. She said that marijuana has been shown to be a gateway drug and leads to other drugs. She reminded the commission that while it is legal to possess, there is nothing that requires the city to allow its sale and growth. She said that legalizing marijuana gives a false impression that there is no harm. She is opposed to allowing its sale in areas that children and adolescents frequent. She said if sale is allowed, it should be confined to a less conspicuous location. Having the sale legal and visible makes it seem like it is okay.

Chief Hastings said he agrees that the small commercial zone at 13th & Highland is not a good location because of the location of the Boys & Girls Club and Highland School and it is primarily a residential area. He feels allowing it in that area would change the character of the neighborhood.

McCroskey closed the Public Hearing at 6:30 p.m. on a motion by Merrill/Gilbertson.

Martin said the next step would be for the commission to discuss and develop findings of fact and a recommendation.

REGULAR BUSINESS:

Discussion of Proposed Changes.

Gilbertson asked if marijuana business can be excluded from a portion of a zone. Martin said one option would be to eliminate marijuana retail sales as an allowed use in the Service Commercial zone. Martin said it would be a question for legal counsel as to whether a use could be excluded from just a portion of a zone. Merrill was concerned that after all the discussion and development of the matrix, it might be too late to change it now.

Martin said the options he is hearing is to try and restrict a portion of a zone or to change the zone for that area and make the existing businesses non-conforming.

Merrill said this is going to be a way of life and we may just have to learn to live with it.

Gilbertson asked what happens if service commercial was eliminated and applications were processed as a variance. Martin said it would be a conditional use and takes an approval process. The process is time consuming for applicants.

McCroskey asked if the 13th & Highland location is the only option in the SC zone. McCroskey said that marijuana retail sales could be removed as an approved use in SC.

The Commission asked Martin to get an opinion from legal counsel.

Kristi Sharp, EPIC, said she missed the public hearing because of misinformation about the time. She said the County Commissioners requiring a conditional use permit for any marijuana related activity. Retail sales have been restricted to the Industrial Zone to keep it away from the youth. She asked the commission to consider that.

Martin reminded the commission that all the proposed changes to the matrix are under consideration at this meeting. The commission confirmed that they have reviewed the rest of the matrix and are in agreement with those changes.

COMMUNICATIONS:

Staff:

ADJOURNMENT:

Meeting adjourned at 6:46 p.m.

Margo McCroskey, Acting Chair

City of Clarkston
Public Works Director
829 5th St.
(509) 758-1662
(509) 769-6019fax

Memo

To: Planning Commission

From: James E. Martin, PWD

CC: Mayor Warren

Date: May 14, 2014

Re: May 19th Meeting

As my last memo explained, I believe we have a way to eliminate marijuana use in those areas discussed that are located in the predominately residential neighborhoods. We can establish a new name for those Service Commercial zones south of Maple Street. That would maintain possible use in the remaining portion of Service Commercial that was determined usable earlier. We could rename those Service Commercial zones south of Maple Street something like "Neighborhood Commercial" with a new column on the matrix that would define the possible uses. I've reviewed a number of jurisdictional examples and Neighborhood Commercial is pretty common. They are established to serve residential areas with commercial uses that positively contribute to life in those areas. Convenience stores, dry cleaners, barbershops and the like are common. I would suggest moving in that direction and review our current uses allowed in Service Commercial to fit a more restrictive version for the new Neighborhood Commercial.

It will be necessary to conduct another public hearing in the future to establish the new zones but I have some other corrections needed anyway. Would you please review the matrix closely and consider what you see as neighborhood friendly in a commercial way so we can discuss what commercial uses we may want to restrict. I'm thinking the larger uses

like large stores, car lots or other uses we want to keep in the main body of the Service Commercial zone in the north part of town.

I am providing some examples from other cities and a definition of the new zone along with other items I can think of that will help us along if you agree that this would be the direction to go. We can establish a new date for the next public hearing once we iron out the details. Unlike those opposing the marijuana uses, others are telling Council to get a "move on" and get a decision made.

Please review the matrix and be ready for discussion.

Thanks,

A handwritten signature in blue ink, appearing to be 'Jim', with a stylized flourish.

Jim

NSC Zone: Neighborhood Service Commercial Zone (DRAFT)

This zone provides commercial uses for the day to day needs of the immediate neighborhood. This zone is intended to be small while still providing commercial uses to those living nearby. Convenience goods (e.g. food, drugs, and sundries) along with personal services (e.g. dry cleaning, barbershops or beauty shops) are common goods and services offered.

LOCAL COMMERCIAL ZONE C-1

Sec. 37-58. Local Commercial Zone C-1.

(a) *Purpose:* To permit the establishment of convenience business uses while minimizing their impacts on nearby residential uses. Such zones shall be located along collector and arterial streets. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 23, 10-25-99)

Sec. 37-59. Uses permitted outright.

In a C-1 Zone, the following uses and their accessory uses are permitted outright subject to the provisions of Article IV:

- (1) Car wash, subject to the special conditions of section 37-60.1(1) of this code;
- (2) Convenience food store;
- (3) Day care center, subject to the special conditions of section 37-20.1(5) of this code;
- (4) Drugstore;
- (5) Personal service uses;
- (6) Preschool, subject to the special conditions of section 37-20.1(6) of this code;
- (7) Professional offices;
- (8) Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this zone;
- (9) Residential uses legally established as of December 31, 2004;
- (10) Service station, subject to the special conditions of section 37-60.1(2) of this code;
- (11) Telecommunications towers, subject to the standards of section 37-13.1(4) of this code;
- (12) Alternative telecommunications towers, subject to the standards of section 37-163(2) of this code. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 24, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4390, § 1, 2-14-05)

Sec. 37-60. Conditional uses.

In a C-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with standards and requirements of Articles IV and IX:

- (1) Public/semi-public use;
- (2) Other neighborhood commercial services which are not permitted outright but which are consistent with the purpose of the C-1 Zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses nor to nearby residential uses;
- (3) Replacement of a nonconforming commercial use located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to standards of section 37-163(17) of this code;
- (4) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 Zone;
- (5) A nonconforming commercial use may expand to bring that use into compliance with the requirements of this chapter, Article VII, Off-Street Parking and Loading. Such nonconforming commercial use may expand onto a separate parcel containing a conforming use where that parcel is abutting the nonconforming use for purposes of parking only. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 25, 10-25-99; Ord. No. 4328, § 2, 3-24-03)

EXCLUSIONARY ZONING

17.03.030

	R-1	R-2	R-3	S-C	NC	D-C	M-C	P-C	H-I	Parking
Aircraft Hanger	N	N	N	N		N	N	Y	Y	Q
Adult Concession										
Adult Family Home	Y	Y	Y	N		N	Y	N	N	D
Apartment houses	N	Y	Y	N		N	Y	Y	N	B
Arcade	N	N	N	Y		Y	N	N	N	Q
Asphalt plant	N	N	N	N		N	N	N	Y	O
Automobile body repair shop	N	N	N	Y		N	N	Y	N	M
Automobile rental	N	N	N	Y		N	N	Y	N	M
Automobile sales or service	N	N	N	Y		N	N	Y	N	M
Automobile storage	N	N	N	Y		N	N	Y	Y	O
Bakery	N	N	N	Y		Y	N	Y	N	N
Bank/financial institution	N	N	N	Y		Y	N	N	N	L
Bar, tavern or cocktail lounge	N	N	N	Y		Y	N	Y	N	P
Beauty, barbershop	N	N	N	Y		Y	Y	N	N	K
Bed and breakfast inn	CU	CU	Y	Y		Y	Y	N	N	C
Billboard	N	N	N	N		N	N	N	N	
Boat building or repair	N	N	N	Y		N	N	Y	Y	N
Boat/mobile home sales/service	N	N	N	Y		N	N	Y	N	M
Boat Moorage Commercial	N	N	N	Y		N	N	Y	Y	L
Bottling plant	N	N	N	N		N	N	N	Y	O
Bowling alley/emrel amusement	N	N	N	Y		Y	N	Y	N	I
Brewery/Distillery/Winery	N	N	N	Y		Y	N	Y	Y	Q
Building supply outlet	N	N	N	Y		Y	N	Y	Y	L
Business or professional office	N	N	CU	Y		Y	Y	Y*	N	K
Cabinet/furniture shop	N	N	N	Y		N	N	Y	Y	N
Car wash	N	N	N	Y		N	N	N	N	Q
Cement/clay products mfg	N	N	N	N		N	N	N	Y	O
Cemetery	Y	Y	Y	Y		Y	Y	N	N	Q
Chemical storage and mfg	N	N	N	N		N	N	N	Y	O
Child day care center	CU	CU	CU	CU		CU	CU	N	N	H
Church	Y	Y	Y	Y		Y	Y	N	N	E
Concrete batch plant	N	N	N	N		N	N	N	Y	N
Congregate housing										
Contractors' storage yard	N	N	N	N		N	N	Y	Y	L

	R-1	R-2	R-3	S-C	NC	D-C	M-C	P-C	H-I	Parking
Ice manufacturer-Cold storage plant	N	N	N	N		N	N	Y	Y	O
Industrial use, heavy	N	N	N	N		N	N	N	Y	O
Industrial use, light	N	N	N	Y		N	N	Y	Y	O
Junkyard	N	N	N	N		N	N	N	N	
Kennel	N	N	N	N		N	N	N	Y	M
Laundry / Commercial / Industrial	N	N	N	Y		N	N	Y	N	K
Laundry / Self Serve	N	N	N	Y		Y	N	Y	N	J
Machine shop	N	N	N	Y		N	N	Y	Y	N
Manufacturing	N	N	N	N		N	N	Y	Y	O
Manufactured house	Y	Y	Y	N		N	Y	N	N	A
Manufactured housing park	N	N	Y*	N		N	N	N	N	A
Marijuana Retail Sales*	N	N	N	Y		Y	N	Y	N	K
Marijuana Production*	N	N	N	N		N	N	N	N	
Marijuana Processing*	N	N	N	N		N	N	N	N	
Marina	N	N	N	N		N	N	Y	Y	L
Meat packing plant	N	N	N	N		N	N	Y	Y	O
Medically related professional office	N	N	Y*	Y		Y	Y	Y	N	K
Medical, dental, optical laboratory	N	N	N	Y		Y	Y	Y	N	K
Mobile home park	N	N	Y*	N		N	N	N	N	A
Monument works	N	N	N	Y		Y	N	Y	Y	N
Mortuary	N	N	N	Y		N	Y	N	N	L
Motel	N	N	N	Y		N	N	Y	N	C
Multifamily dwelling (see Apts)	N	Y**	Y	N		N	N	N	N	B
Nursery for flowers and plants	N	N	N	Y		N	N	Y	Y	M
Nursing home	Y	Y	Y	N		N	Y	N	N	D
Parking lot	N	N	CU	Y		Y	Y	Y	Y	Q
Petroleum storage	N	N	N	N		N	N	N	Y	Q
Photo studio	N	N	N	Y		Y	N	Y	N	K
Planned development	Y	Y	Y	Y		Y	Y	N	N	A
Print shop	N	N	N	Y		Y	N	Y	N	M
Public utility yard	N	N	N	N		N	N	Y	Y	Q
Recreational Facility / Public	CU	CU	CU	CU		N	N	CU	N	Q
Recreational vehicle park	N	N	CU	Y		N	N	N	N	B**
Recycling center	N	N	N	N		N	N	N	Y	Q

	R-1	R-2	R-3	S-C	NC	D-C	M-C	P-C	H-I	Parking
Recycling collection point	Y	Y	Y	Y		Y	Y	Y	Y	Q
Recycling plant	N	N	N	N		N	N	N	Y	O
Rendering plant	N	N	N	N		N	N	N	N	
Research laboratory	N	N	N	Y		N	Y	Y	Y	L
Restaurant	N	N	N	Y		Y	N	Y	N	P
Restaurant, Drive-in	N	N	N	Y		N	N	N	N	P***
Retail store	N	N	N	Y		Y	N	Y	N	M
Sanitary landfill	N	N	N	N		N	N	N	N	Q
Sales / Occasional	N	N	N	Y		Y	N	Y	N	K
Schools (College)	N	N	N	Y		N	Y	N	N	H
Schools (K-12)	Y	Y	Y	Y		N	N	N	N	H
Second-floor apartment (all zones)	Y	Y	Y	Y		Y	Y	Y	N	B
Service Station	N	N	N	Y		N	N	Y	N	L
Sign shop	N	N	N	Y		Y	N	Y	N	N
Single-family dwelling	Y	Y	Y	N		N	Y	N	N	A
Storage rental unit	N	N	N	Y		N	N	Y	N	Q
Terminal yard, trucking	N	N	N	N		N	N	Y	Y	Q
Tire shop	N	N	N	Y		N	N	Y	Y	M
Theater, Drive-in	N	N	N	Y		N	N	Y	N	Q
Theater / Interior	N	N	N	Y		Y	N	N	N	E
Transportation facilities	N	N	N	N		N	N	Y	Y	Q
Truck and tractor repair	N	N	N	N		N	N	Y	Y	M
Upholstery shop	N	N	N	Y		Y	N	Y	Y	N
Veterinary clinic	N	N	N	Y		N	N	Y	Y	M
Warehouse	N	N	N	Y		N	N	Y	Y	O
Wholesale distributing facility	N	N	N	Y		N	N	Y	Y	O
Wireless Telecommunication facility	Y*	Y*	Y*	Y*		Y*	Y*	Y*	Y*	CU
Wood processing plant	N	N	N	N		N	N	Y	Y	O
Wrecking yard	N	N	N	N		N	N	N	N	

*As regulated by State Law

** Maximum of four (4) attached units (four-plex).

*** In addition to the parking requirement, eight stacking spaces for the drive up window, with a minimum of four such spaces designated for the ordering station. Such spaces shall be designed so as not to impede pedestrian or vehicular Circulation on the site or on any abutting streets.

To a maximum of 2 units contained within a single structure (Duplex), and one structure per lot.

² *To a maximum of four (4) units contained within a single structure, and one structure per lot.*

³ *The larger setback is required where the yard adjoins a residential property.*

⁴ *The larger setback is required where no alley adjoins the rear lot lot. The larger setback also applies to garages on alleys where the vehicular*

access to the garage is perpendicular to the alley or at an angle between 45 and 90 degrees to the alley, to allow for safe visibility.

⁵ *Seven foot setback required on each side if alley access, 7 on one side & 10 on the other if no alley access.*

NOTE: *The maximum eave overhang or other building projection allowed is four inches for every twelve inches of required setback.*

The required setback is measured from the property line to the outside of the foundation wall.

17.03.060 Recreational Vehicle Use.

A recreational vehicle shall not be used in any zoning district within the city of Clarkston for living or sleeping when the RV is located outside of a permitted RV Park or permitted MH Park except under the following conditions:

(1) Construction Exception. For residential occupancy during the period of construction of a dwelling unit on the same site, within the corporate limits of the city upon the following conditions:

- (A) The unit shall be connected to the city sewer;
- (B) A permit shall be obtained from the City;
- (C) The cost of the permit shall be \$50.00;
- (D) The permit shall authorize the temporary occupancy of the unit for a 90 day term. The term shall begin when the permit is issued;
- (E) An additional permit may be issued when a 90 day term expires upon payment of an additional \$50.00 permit fee. However, no more than three (3) permits may be issued to any individual in any 12 month period;
- (F) A permit will not be issued until a building permit has been issued for the dwelling unit;
- (G) The RV shall be located off the public right-of-way at all times.

(2) Hardship Exception. **Relates to the need for on-site care of a family member with the use of an RV by either the care giver or the recipient of the care.** Such exception will be reviewed and acted upon on a case-by-case basis. The approval of a hardship exception will be based on one or more of the following criteria:

- (A) The unit shall be connected to the city sewer;
- (B) A permit shall be obtained from the city;
- (C) The cost of the permit shall be fifty dollars (\$50.00);
- (D) A doctor's statement verifying need of continual care due to a person's physical or mental health may be required;
- (E) Utilization by family members only;
- (F) No income may be derived from the temporary mobile home;
- (G) Property owner must renew each hardship exception **annually every six (6) months.** Renewal will be based on the criteria herein;
- (H) The RV shall be located off the public right-of-way at all times **and shall be located on the property where the care is given or received.**

(3) Non-Resident Visitor. This restriction shall apply when the user of the recreational vehicle is not a resident of the city, but is visiting a resident of the city, in which event the recreational vehicle may be lived in for a period not to exceed fourteen (14) consecutive days. Specific exceptions may be granted under this section. The RV shall not be permanently connected to separately metered gas, water or sewer service, but may be temporarily connected to existing water service and electric service. The RV shall be located off the public right-of-way at all times.

To a maximum of 2 units contained within a single structure (Duplex), and one structure per lot.

² *To a maximum of four (4) units contained within a single structure, and one structure per lot.*

³ *The larger setback is required where the yard adjoins a residential property.*

⁴ *The larger setback is required where no alley adjoins the rear lot lot. The larger setback also applies to garages on alleys where the vehicular*

access to the garage is perpendicular to the alley or at an angle between 45 and 90 degrees to the alley, to allow for safe visibility.

⁵ *Seven foot setback required on each side if alley access, 7 on one side & 10 on the other if no alley access.*

NOTE: *The maximum eave overhang or other building projection allowed is four inches for every twelve inches of required setback.*

The required setback is measured from the property line to the outside of the foundation wall.

Sec. 37-60.1. Special conditions.

(1) *Car wash.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Parking and access to the site meets all applicable ordinances.
- (c) Surrounding property will not otherwise be adversely affected.
- (d) Any exterior lighting shall be directed or shrouded so as to not shine onto any adjacent properties.
- (e) Requirements of Chapter 24, Article II of this code, Noise Control and Regulation, shall be met.
- (f) If located adjacent to residential use property, a sight-obscuring fence, a minimum of six (6) feet in height or a landscape buffer with an eighty (80) percent opacity rating, shall be installed on the outer perimeter of the lot and extending the full distance of the residential adjacency.

(2) *Service station.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Parking and access to the site meets all applicable ordinances.
- (c) The surrounding property will not otherwise be adversely affected.
- (d) Any exterior lighting shall be directed or shrouded so as to not shine onto any adjacent properties.
- (e) Requirements of Chapter 24, Article II of this code, Noise Control and Regulation shall be met.
- (f) If located adjacent to residential use property, a sight-obscuring fence, a minimum of six (6) feet in height or a landscape buffer with an eighty (80) percent opacity rating, shall be installed on the outer perimeter of the lot and extending the full distance of the residential adjacency. (Ord. No. 4249, § 26, 10-25-99)

Sec. 37-61. Development standards.

In a C-1 Zone, the following development standards shall apply and be in force:

- (1) Maximum combined building footprint of all uses shall not exceed a total square footage of four thousand (4,000) square feet.
- (2) Maximum height for buildings: Thirty-five (35) feet.
- (3) Maximum lot coverage: Fifty-five (55) percent.
- (4) Minimum lot size: None.
- (5) Minimum front yard: Twenty (20) feet (except as provided in Article VIII).
- (6) Minimum side yard: None except twenty (20) feet when a property abuts a residential zone (except as provided for in Article VIII).
- (7) Minimum rear yard: None except twenty (20) feet when a property abuts a residential zone (except as provided for in Article VIII).
- (8) Signs: Signs shall be subject to the sign ordinance of the city.
- (9) Off-street parking: Off-street parking is subject to the requirements provided in Article VII.
- (10) Sidewalks: Portland cement concrete sidewalks shall be required in all commercial zones. See section 32-45(c) of this code. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-62. Development limitations.

In a C-1 Zone, the following limitations shall apply:

- (1) In considering the plans for a proposed use, the zoning official shall consider the effect of the use on the surrounding residential property and may impose conditions which in his or her judgment are necessary to protect such property from any adverse effects of the proposed use. Such conditions may include but need not be limited to:
 - (a) Measures to reduce glare from roofs or siding into nearby residences.

(2) All activity in connection with a use permitted outright, other than off-street parking or off-street loading, shall be wholly within an enclosed building.

(3) Minimum screening: Side or rear yards abutting residential zones shall be screened by means of a sight-obscuring fence, approved landscaping materials or a combination thereof. Such required screening shall be installed prior to the issuance of an occupancy permit. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4382, § 1, 1-24-05; Ord. No. 4531, § 7, 7-13-09)

COMMUNITY COMMERCIAL ZONE C-3

Sec. 37-67. Community Commercial Zone C-3.

(a) *Purpose:* To provide for development of commercial and service uses designed to serve community wide needs. Such areas shall provide for uses which because of size, operating characteristics, or need for major street accessibility, may not be suitable in the central business district or local commercial areas. Provisions of this zone shall ensure compatibility of design with any adjacent residential development. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 30, 10-25-99)

Sec. 37-68. Uses permitted outright.

In a C-3 Zone, the following uses and their accessory uses are permitted outright subject to the provisions of Article IV:

- (1) Auto, boat, manufactured home, recreational vehicle sales and service;
- (2) Car wash, subject to the special conditions of section 37-60.1(1) of this code;
- (3) Commercial entertainment facility, subject to the special conditions of section 37-69.1(3) of this code;
- (4) Day care center, subject to the special conditions of section 37-20.1(5) of this code;
- (5) Drinking establishments;
- (6) Eating establishments;
- (7) Financial institutions;
- (8) Mini-storage, subject to the special conditions of section 37-69.1(1) of this code;
- (9) Personal services;
- (10) Preschool, subject to the special conditions of section 37-20.1(6) of this code;
- (11) Professional and business offices;
- (12) Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this zone;
- (13) Residential uses legally established as of December 31, 2004;
- (14) Retail sales and services;
- (15) Service station, subject to the special conditions of section 37-60.1(2) of this code;
- (16) Small animal hospital, clinic or kennel, subject to the special conditions of section 37-69.1(2) of this code;
- (17) Telecommunications towers, subject to the standards of section 37-13.1(4) of this code;
- (18) Alternative telecommunications towers, subject to the standards of section 37-163(2) of this code;
- (19) Temporary vendors operating for sixteen (16) days or less;
- (20) Church. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 31, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4390, § 3, 2-14-05; Ord. No. 4531, § 8, 7-13-09)

Sec. 37-69. Conditional uses.

In a C-3 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements of Articles IV and IX:

- (1) Other public or semi-public use;
- (2) Temporary vendors operating in excess of sixteen (16) days as defined by Chapter 21 of this code;

(3) Other limited commercial uses which are not permitted outright but which are consistent with the purpose of the C-3 Zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses;

(4) Replacement of a nonconforming commercial use located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to standards of section ~~37-163~~(17) of this code;

(5) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 Zone;

(6) A nonconforming commercial use may expand to bring that use into compliance with the requirements of this chapter, Article VII, Off-Street Parking and Loading. Such nonconforming commercial use may expand onto a separate parcel containing a conforming use where that parcel is abutting the nonconforming use for purposes of parking only. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 32, 10-25-99; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4346, § 2, 11-17-03)

Sec. 37-69.1. Special conditions.

(1) *Mini-storage.* Where a mini-storage complex abuts a residential use, the portion of the site abutting the residential use shall be fenced and/or landscaped. The underlying zoning, parking and landscaping standards shall determine the extent to which landscaping and fencing is required.

(a) Where a mini-storage complex abuts a commercial zone, outdoor storage areas must be fenced along the perimeter of the outdoor storage area with a sight-obscuring fence.

(b) Asphalt or portland cement paving shall be required on all areas designated for vehicular movement, on- or off-loading, or parking.

(c) On-site area for on- and off-loading of vehicles shall be provided so that such operations do not take place on or interfere with public right-of-way.

(d) Exterior security lighting shall be provided.

(2) *Small animal hospital, clinic or kennel.*

(a) The floor of an indoor kennel shall be made or covered with a durable, impervious surface sloped to a floor drain to allow the area to be cleaned and disinfected.

(b) The outdoor dog runs shall be enclosed with fences or walls of a minimum of eight (8) feet in height.

(c) All laws applicable to the public health shall be complied with for the entire period of the operation of the kennel.

(d) Outdoor kennels, play yards or pens associated with the kennel shall be located only in the side or rear yard and shall be set back one hundred (100) feet from any residentially zoned property.

(e) A minimum ten (10) foot wide landscaped buffer shall be installed along any side or rear property line adjacent to residentially zoned property. Landscaping shall consist of one (1) one-and-one-half (1-1/2) inch caliper deciduous tree or one (1) six (6) foot evergreen tree and five (5) one (1) gallon shrubs per thirty-five (35) linear feet.

(3) *Commercial entertainment facility.*

(a) The size of the site is shown to be reasonable for the intended use.

(b) Parking and access to the site meets all applicable ordinances.

(c) The surrounding property will not otherwise be adversely affected.

(d) Any exterior lighting shall be directed or shrouded so as to not shine onto any adjacent properties.

(e) Requirements of Chapter 24, Article II of this code, Noise Control and Regulation, shall be met.

(f) If located adjacent to residential use property, a sight-obscuring fence, a minimum of six (6) feet in height, or a landscape buffer with a minimum eighty (80)

percent opacity rating shall be installed on the perimeter of the portion of the lot abutting the residential use. (Ord. No. 4249, § 33, 10-25-99; Ord. No. 4399, § 1, 7-11-2005; Ord. No. 4440, § 2, 8-14-06)

Sec. 37-69.2. Development standards.²

In a C-3 Zone, the following development standards shall apply and be in force:

- (1) Maximum height for buildings: Forty-five (45) feet.
 - (2) Maximum lot coverage: None.
 - (3) Minimum lot size: None.
 - (4) Minimum front yard: Twenty (20) feet measured from the front property line or forty-five (45) feet from the center line of the street, whichever is greater.
 - (5) Minimum side yard: None except fifteen (15) feet when a property abuts a residential zone.
 - (6) Minimum rear yard: None except fifteen (15) feet when a property abuts a residential zone.
 - (7) Signs: Signs shall be subject to the restrictions enumerated in the sign ordinance of the city.
 - (8) Off-street parking: Off-street parking shall be subject to the requirements enumerated in Article VII.
 - (9) Minimum screening: Side or rear yards abutting residential zones shall be screened by means of a sight obscuring fence or approved landscaping materials. Such screening shall be installed prior to the issuance of a certificate of occupancy.
 - (10) Sidewalks: Portland cement concrete sidewalks shall be required in all commercial zones. See section 32-45(c) of this code. (Ord. No. 4108, § 2, 8-15-94)
-

A. **Purpose.** The purpose of the Neighborhood Commercial 1 (NC-1) zone is to provide for attractively designed small-scale shopping areas that offer convenience goods and professional and personal services for the daily needs of nearby neighborhoods and that serve as neighborhood gathering places. The intent is to ensure compatibility with the vicinity neighborhood character and to reduce trip length and frequency by allowing only those uses that primarily serve the neighborhood and that do not have a tendency to draw traffic from outside the neighborhood. Location on transit routes and near pedestrian facilities and bike paths is intended to encourage transit use, walking, and biking and to promote convenient access within the shopping area and to and from the neighborhood. Neighborhood Commercial developments should be compatible in height, size, bulk, and design with adjacent residential uses. Mixed-use development is encouraged.

18.18.010 Intent.

The intent of the neighborhood commercial (NC) zone district is:

- A. To establish and preserve areas suitable for transitional uses between more intensive commercial activities and residential uses. The uses are intended to be those which provide professional and personal services, and general retail sales which generate small numbers of people and small volumes of traffic.
- B. Ensure that development in this district is characterized by human scale buildings, low traffic generation, considerable walk-in-trade and quiet operations.
- C. Protect existing neighborhood retail districts and permit new establishments where local economic demand and appropriate design can ensure compatibility with the neighborhood.
- D. Limit the size, scale and expansion of neighborhood commercial uses in order to minimize traffic volumes and congestion, and other adverse impacts on the neighborhoods in which said establishments are located.

(Ord. O95-035, Added, 12/19/1995)

18.18.020 Permitted uses.

Permitted uses in the NC district are as follows:

- A. Personal and professional services or sales occupying no more than three thousand square feet in floor area;
- B. Recreational facilities;
- C. Support facilities;
- D. Post office, library, museum, art gallery;
- E. Parks and open space areas;
- F. Planned unit development;
- G. General retail sales occupying no more than three thousand square feet in floor area and for which operating hours are limited to between 6:00 a.m. and 10:00 p.m.;
- H. A single four-hose fuel pump island in conjunction with general retail sales occupying no more than three thousand square feet in floor area and for which operating hours are limited to between 6:00 a.m. and 10:00 p.m.;
- I. Medical clinics;
- J. Child day care center; child mini-day care center;
- K. Adult family homes, residential care facilities;

- L. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;
- M. Used motor oil recycling collection point;
- N. Restaurants without drive-in windows;
- O. Offices;
- P. Park and ride lots;
- Q. Family child care homes;
- R. Mixed use: commercial/residential structure;
- S. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- T. Electric vehicle infrastructure;
- U. Community gardens;
- V. Farmers markets.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Communication Antennas and Towers.

(Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.18.030 Accessory uses.

Accessory uses in the NC district are as follows:

- A. Parking lots are permitted as an accessory use. The proposed parking lot shall exclusively serve specifically identified uses and must be contiguous to the primary use. The uses served by the lot may change over time;
- B. Home occupation, as approved by the director of community development;
- C. Preschool child care facility;
- D. Energy systems;
- E. On-site hazardous waste treatment and storage facilities;
- F. Residential uses;
- G. Accessory wireless communication antenna.*

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and furthermore both uses are

subject to provisions for wireless communication facilities in TMC Chapter 11.20, Communication Antennas and Towers.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.18.040 Conditional uses.

Conditional uses in the NC district are as follows:

- A. Animal clinic or hospital;
- B. Group foster home, convalescent center, rest home, nursing home;
- C. Off-premises signs;
- D. Cemeteries;
- E. Public and private schools;
- F. The following essential public facilities:
 - 1. Emergency communication towers and antennas;*
 - 2. Mental health facilities (including but not limited to congregate care facilities; adult residential treatment facilities; evaluation and treatment centers);
 - 3. Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities);
- G. General retail sales occupying no more than three thousand square feet in floor area for which operating hours include 10:00 p.m. to 6:00 a.m.;
- H. Freestanding wireless communication facilities;**
- I. Senior housing facilities.

*Subject to Federal Aviation Administration (FAA) standards and approval if they apply.

**Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and furthermore that both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Communication Antennas and Towers.

(Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.18.050 Development standards.

Development standards in the NC district are as follows:

- A. Site area: no minimum, except the lot shall be adequate to provide for required parking, yards, and landscaping.

- B. No more than eighty-five percent of the square footage of the site may be covered by buildings and parking.
- C. Structure height: thirty-five feet; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part C.F.R.. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.
- D. Maximum building size (gross square feet): three thousand for single use; six thousand for mixed use with residential. Combined size of all buildings on an individual lot shall not exceed ten thousand gross square feet.
- E. Yards.*
1. Front: the minimum setback shall be ten feet from frontage property line. The maximum setback shall be fifteen feet from the abutting right-of-way;
 2. Side: five feet from property line, or if on an alley located to the side, the setback shall be ten feet from the side property line;
 3. Rear: five feet, or if an alley is located to the rear, the setback shall be ten feet from the rear property line.

Where structures or portions of structures are adjacent to the RSR, SFL, SFM or MFM zoning districts, and where structures are constructed over one story, the structural setback from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be screened from view in accordance with TMC Chapter 18.47.

F. Pedestrian Access.

1. An on-site pedestrian circulation system, which links the street and the primary entrance(s) of the structure(s), shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments if adequate safety and security can be maintained.
2. Sidewalks shall be required and constructed according to the city's road development standards.
3. Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the community development director. Striping may be permitted only in conjunction with at least one of the preceding methods.
4. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Site lighting shall be directed downward and inward or other techniques may be utilized to minimize impacts on off-site uses.

*See TMC 18.04.230.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-024, Amended, 03/03/1998; Ord. O96-022, Amended, 12/19/1996; Ord. O95-035, Added, 12/17/1995)

TABLE 18.18
COMMERCIAL ZONE DISTRICTS PERMITTED
AND CONDITIONAL USES

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the town center (TC zone district)	NC	CS	MU	CBC	GC	BP	HC	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P		P	<u>18.53</u> ; <u>18.56</u>
Animal clinics	C		C	C	C			<u>18.56</u>
Animal kennels					C			<u>18.56</u>
Appliance equipment repair/sales					P			
Attached wireless communication facilities	P	P	P		P	P		<u>11.20</u> ; Figure <u>11.20.030-1</u>
Auto repair facility					C			<u>18.56</u>
Automobile service stations			C		P			<u>18.56</u>
Buildings higher than 50 feet			C	P	C			<u>18.21</u> ; <u>18.56</u>
Campgrounds					P			
Cemeteries	C							<u>18.56</u>
Centers for senior citizens, youth, general community and similar groups			P	P				
Child day care center	P	P	P	P	P	P	P	<u>18.52</u>
Child mini-day care center	P	P	P	P	P	P	P	<u>18.52</u>
Churches		C	C	P				<u>18.56</u>
Civic center complex			P	P				
Community center		P						
Community gardens	P	P	P	P	P	P	P	

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the town center (TC zone district)	NC	CS	MU	CBC	GC	BP	HC	Applicable Regulations
Convalescent center, rest home, nursing home	C		C	C	C			<u>18.56</u>
Crematories						P		
Dance clubs				P				<u>18.21.030</u>
Educational institutions/services (other than state education facilities)		P					P	
Electric vehicle infrastructure	P	P	P	P	P	P	P	
Emergency communication towers or antennas	C	C	C		C	C		<u>18.56</u>
Entertainment facility		P	P	P	P			
Equipment rental and sales facility					P			
Existing uses, legally established prior to adoption	P	P	P				P	
Family child care home	P	P	P	P	P		P	<u>18.52</u>
Farmers markets	P	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances, and related interpretive centers							P	
Freestanding wireless communication facilities	C	C	C		C	C		<u>11.20; Figure 11.20.030-1; 18.56</u>
Gas station (4-hose in conjunction with retail sales of no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P							
Group foster homes	C	P	P	P	P			<u>18.56</u>
High-rise residential (five stories or more)				P	C			<u>18.21; 18.56</u>
Inpatient facilities	C		C	C	C			<u>18.56</u>
Library, museum, art gallery	P	P	P	P	P		P	

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the town center (TC zone district)	NC	CS	MU	CBC	GC	BP	HC	Applicable Regulations
Manufacturing, assembly, processing and/or fabrication activities entirely within a building and ancillary to primary office use (less than 25 percent of building)						P		
Marijuana retailer				P	P			<u>18.42.080</u>
Medical clinics	P		P	P	P			
Mental health facilities	C		C	C	C			<u>18.56</u>
Mini-storage, wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or other handling of such products and equipment					C			<u>18.56</u>
Mixed use structures	P		P	P	P			
Motels, hotels			P	P	P		P	
Motor vehicle sales facilities					C			<u>18.56</u>
Motorsports sales facility					P			<u>18.22.020</u>
Movie theaters, playhouses and similar performance and assembly facilities				P				
Multifamily dwellings			P				P	
Nurseries			P	C	P			<u>18.21.050</u>
Off-premises signs	C		C	C	C			<u>18.56</u>
Offices	P	P	P	P	P	P	P	
Parcel delivery facility		P						
Park and ride lots	P	P	C	P	P			<u>18.21.030(D);</u> <u>18.56</u>
Parking lots, parking structures		P	C	P & C	P			<u>18.19.020(R);</u> <u>18.21.030;</u> <u>18.21.050;</u> <u>18.56</u>
Parks and open space areas	P	P	P	P	P	P	P	
Personal and professional services		P	P	P	P		P	

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the town center (TC zone district)	NC	CS	MU	CBC	GC	BP	HC	Applicable Regulations
Personal and professional services or sales (no more than 3,000 square feet)	P							
Planned unit developments	P	P	P	P	P	P		<u>18.36</u>
Post office	P	P	P	P	P		P	
Prisons, jails and other correctional facilities		C			C			<u>18.56</u>
Private clubs and lodges		C	P	P	P			<u>18.56</u>
Private educational facilities				P	C			
Public and/or private schools (other than state education facilities)	C	P	C	P	C			<u>18.56</u>
Recreation facilities	P	P	P	P	P	P	P	
Recreational vehicle park					P			
Residential uses			P	P	P		P	<u>18.20.030</u>
Restaurants		P	P	P	P	P	P	
Restaurants (without drive-in windows)	P							
Retail sales			P	P	P		P	
Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P							
Retail sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)	C							
Retail sales (no more than 15,000 square feet)		P						
Riding academies					P			
Senior housing facilities	C		P	P				<u>18.56</u>
Sewage treatment facilities						C		<u>18.56</u>
State education facilities		C	C	C	C			<u>18.56</u>
Support facilities	P	P	P	P	P	P	P	
Taverns, cocktail lounges		C	C	P	C		P	<u>18.56</u>

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the town center (TC zone district)	NC	CS	MU	CBC	GC	BP	HC	Applicable Regulations
Transportation facilities, large scale state or regional		C			C	C		<u>18.56</u>
Transportation terminals					C			<u>18.56</u>
Used motor oil recycling collection point	P		P		P			
Wholesale business establishments, including warehousing and storage located entirely within a building but not more than fifty percent of any one building						P		
Wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or other handling of products entirely within a building							P	

LEGEND

P = Permitted Use

C = Conditional Use

NC = Neighborhood Commercial

CS = Community Services

MU = Mixed Use

CBC = Capitol Boulevard Community

GC = General Commercial

BP = Business Park

HC = Historic Commercial

Note: Accessory uses are listed in each zone district chapter.

(Ord. O2013-025, Amended, 01/07/2014; Ord. O2012-003, Amended, 07/17/2012; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2003-001, Amended, 02/18/2003)

18.05.050 Commercial and industrial zones.

The purpose of the commercial, industrial, and high technology zones are to provide services and employment primarily to residents. These areas are zoned according to the services they provide. As a result, each zone has different characteristics as summarized below:

- A. NC Neighborhood Commercial. This zone provides for the day-to-day needs of the immediate neighborhood. This zone is intended to be small, but fairly numerous throughout the city. Convenience goods (e.g., food, drugs and sundries), along with personal services (e.g., dry cleaning, barbershop or beauty shop), are common goods and services offered.
- B. CC Community Commercial. This zone provides for the goods and services of longer-term consumption, and tend to be higher-priced items than the neighborhood commercial zone district. Typical goods include clothing, hardware and appliance sales. Some professional services are offered, e.g., real estate office or bank. Eating and drinking establishments may also be provided. This zone tends to vary in size, but is larger than the neighborhood commercial zone.
- C. RC Regional Commercial. This zone provides apparel, home furnishings, and general merchandise in depth and variety, as well as providing services for food clusters and some recreational activities. Regional commercial is the largest of the commercial zones and is designed to serve the region or a significant portion of the region's population.
- D. DC Downtown Commercial. This zone is designated as a large community commercial area, providing a large range of goods and services. This area is designed to promote commercial diversification to serve the immediate residential and office uses in the surrounding areas. Compact development is encouraged that is supportive of transit and pedestrian travel, through higher building heights and floor area ratios than those found in other commercial districts.
- E. LI Light Industrial. This zone provides for uses that are more compatible with commercial, residential, or multifamily uses. Typical uses in this zone include assembly and manufacturing of electronic and precision instruments. More intensive industry, e.g., metal fabrication, is excluded.
- F. LI/BP Light Industrial/Business Park. This zone provides for uses such as, offices related to industrial usage, research and development, limited commercial, and associated warehousing uses, including the provision of employee recreation opportunities. Development in campus-like setting with generous landscaping, well-designed buildings and near major traffic corridors is anticipated.
- G. HI Heavy Industrial. This zone provides for a wide range of industrial and manufacturing uses. Types of activities in this zone include assembly, manufacturing, fabrication, processing, bulk handling and storage, research facilities, associated warehousing, and heavy trucking.
- H. MX Mixed Use. This zone provides for a wide range of commercial and residential uses. Compact development is encouraged that is supportive of transit and pedestrian travel

18.07.010 Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. The use is considered permanently established when that use will, or has been, in continuous operation for a period exceeding sixty days. A use which will operate for less than one hundred eighty days is considered a temporary use, and shall be governed by Chapter 18.47 "Temporary Use Permits." All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the city.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

18.07.020 Interpretation of land use tables.

The land use tables in this chapter determine whether a specific use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal rows of these tables.

- A. If the letter "X" appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.
- B. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to review procedures in accordance with CMC Chapter 18.55 "Administration and Procedures."
- C. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapter 18.43 "Conditional Use Permits," and the general requirements of the Camas Municipal Code.
- D. If the letter "T" appears in the box at the intersection of the row, the use is temporarily permitted under the procedures of Chapter 18.47 "Temporary Use Permits." Other temporary uses not listed may be authorized as provided in Chapter 18.47.
- E. If a number appears in a box at the intersection of the column and the row, the use is subject to the requirements specified in the note corresponding with the number immediately following the table.
- F. Uses accessory to a use permitted or conditionally permitted in any zone may be authorized subject only to those criteria and/or processes deemed applicable by the head of the planning department.
- G. If a use is not listed under either Section 18.07.030 Table 1 or 18.07.040 Table 2, and is not an accessory or temporary use, then the use shall be subject to a zoning code text amendment, or whatever review process is deemed more applicable by the community development director.

A use listed in one table but not the other shall be considered a prohibited use in the latter.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011; Ord. No. 2691, § 1(Exh. A), 1-21-2014)

18.07.030 Table 1—Commercial and industrial land uses.

KEY: P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
Animal kennel, commercial/boarding ⁶	X	X	X	C	X	C	X	X	X
Animal shelter ⁶	X	X	X	C	X	C	X	C	P
Antique shop ⁶	P	P	P	P	P	C	X	X	P
Appliance sales and service ⁶	X	P	P	P	P	P	X	C	P
Automobile repair (garage) ⁶	X	P	C	P	X	P	X	P	P
Automobile sales, new or used ⁶	X	P	X	P	X	P	X	P	P
Automobile service station ⁶	X	P	C	P	X	P	X	P	P
Automobile wrecking ⁶	X	X	X	X	X	X	X	X	C
Bakery (wholesale) ⁶	X	X	X	P	X	P	p ⁵	P	P
Bakery (retail) ⁶	P	P	P	P	P	P	p ⁵	P	P
Banks, savings and loan	X	P	P	P	P	P	p ⁵	P	P
Barber and beauty shops ⁶	P	P	P	P	P	P	p ⁵	P	P
Boat building ⁶	X	X	X	C	X	C	X	C	P
Boat repair and sales ⁶	X	P	X	P	X	P	X	P	P
Book store ⁶	C	P	P	P	P	P	p ⁵	P	P
Bowling alley/billiards ⁶	X	P	X	P	P	P	X	P	P
Building, hardware and garden supply store ⁶	X	P	C	P	P	P	X	P	P
Bus station ⁶	X	C	C	P	C	P	X	P	P
Cabinet and carpentry shop ⁶	X	P	C	P	C	P	p ⁵	P	P
Candy; confectionery store ⁶	P	P	P	P	P	P	p ⁵	P	P
Cart vendors ⁶	C	P	C	P	C	P	p ⁵	P	P
Cemetery ⁶	X	X	X	C	X	X	X	C	P
Clothing store ⁶	C	P	P	P	P	P	X	P	P
Coffee shop, cafe ⁶ or kiosk	P	P	P	P	P	P	p ⁵	P	P
Convention center ⁶	X	P	X	C	C	P	P	C	X
Day care center ⁶	C	P	P	C	P	C	p ⁵	C	C
Day care, adult	P	P	P	P	P	P	P	P	P
Day care, family home ⁶	P	P	P	P	P	X	p ⁵	P	X
Day care, mini-center ⁶	P	P	P	P	P	P	p ⁵	P	X
Delicatessen (deli) ⁶	P	P	P	P	P	P	p ⁵	P	P
Department store ⁶	X	P	C	P	P	P	X	P	X
Electric vehicle battery charging station and rapid charging stations	P	P	P	P	P	P	P	P	P
Equipment rental ⁶	C	P	C	C	C	P	p ⁵	P	P

Event center	X	P	C	P	C	P	P	P	P
Feed store ⁶	X	X	X	P	X	C	X	P	P
Fitness center/sports club ⁶	X	P	P	P	P	P	p ⁵	P	P
Funeral home ⁶	X	P	C	P	P	X	X	X	X
Florist shop ⁶	P	P	P	P	P	P	p ⁵	P	X
Food delivery business ⁶	X	P	C	P	C	P	X	P	X
Furniture repair; upholstery ⁶	X	P	C	P	P	P	X	P	P
Furniture store ⁶	X	P	C	P	P	P	X	P	X
Gas/fuel station ⁶	X	P	C	P	X	P	X	P	P
Gas/fuel station with mini market ⁶	X	P	C	P	X	P	X	P	P
Grocery, large scale ⁶	X	P	C	P	P	C ⁸	X	P	P
Grocery, small scale ⁶	P	P	C	P	P	P	X	P	P
Grocery, neighborhood scale ⁶	P	P	P	P	P	P	p ⁵	P	X
Hospital, emergency care ⁶	X	C	P	P	P	P	X	P	X
Hotel, motel ⁶	X	C	C	P	P	P	X	P	X
Household appliance repair ⁶	X	P	C	P	P	P	X	P	P
Industrial supplies store ⁶	X	P	X	C	C	C	X	C	P
Laundry/dry cleaning (industrial)	X	X	X	P	X	X	X	P	P
Laundry/dry cleaning (retail) ⁶	P	P	P	P	P	P	p ⁵	P	P
Laundry (self-serve)	P	P	P	P	P	P	X	P	P
Liquor store ⁶	X	P	C	P	C	C	X	C	C
Machine shop ⁶	X	X	C	C	C	C	p ⁵	C	P
Medical or dental clinics (outpatient) ⁶	C	P	P	P	P	P	p ⁵	P	P
Mini-storage/vehicular storage ⁶	X	X	C	C	X	P	X	P	P
Manufactured home sales lot ⁶	X	X	X	P	X	X	X	P	P
Newspaper printing plant ⁶	X	P	C	C	X	X	X	P	P
Nursery, plant ⁶	X	P	C	C	C	C	X	C	P
Nursing, rest, convalescent, retirement home ⁶	C	P	P	P	P	X	X	X	X
Office supply store ⁶	X	P	P	P	P	X	p ⁵	P	P
Pawnshop ⁶	X	X	X	X	X	X	X	C	C
Parcel freight depots ⁶	X	P	X	P	X	P	p ⁵	P	P
Pet shops ⁶	X	P	P	P	P	P	X	P	C
Pharmacy ⁶	X	P	P	P	P	P	p ⁵	P	P
Photographic/electronics store ⁶	X	P	P	P	P	P	p ⁵	P	P
Plumbing, or mechanical service ⁶	X	X	X	P	C	P	X	P	P
Printing, binding, blue printing ⁶	C	P	P	P	P	P	p ⁵	P	P
Professional office(s) ⁶	C	P	P	P	P	P	P	P	P

Public agency ⁶	C	P	P	P	P	P	P	P	P
Real estate office ⁶	C	P	P	P	P	P	T	P	P
Recycling center ⁶	X	X	X	X	X	X	X	P	P
Recycling collection point ⁶	T or C	P	T or C	T or C	C	C	p ⁵	P	P
Recycling plant ⁶	X	X	X	X	X	X	X	C	P
Research facility ⁶	X	P	C	C	X	P	P	P	P
Restaurant ⁶	C	P	P	P	C	P	p ⁵	P	P
Restaurant, fast food ⁶	X	P	C	P	C	P	p ⁵	P	P
Roadside produce stand ⁶	T	T	T	T	C	X	T	T	T
Sand, soil, gravel sales and storage ⁶	X	X	X	X	X	X	X	C	P
Second-hand/consignment store ⁶	C	P	P	P	P	P	X	P	P
Sexually Oriented Business ^{1,5}	X	X	X	X	X	X	P	X	X
Shoe repair and sales ⁶	P	P	P	P	P	P	X	P	P
Stock broker, brokerage firm	P	P	P	P	P	P	P	P	P
Specialty goods production (e.g. brew pub)	P	P	P	P	P	P	P	P	P
Taverns ⁶	X	P	C	P	C	P	X	P	P
Theater, except drive-in ⁶	X	P	C	P	P	P	X	P	P
Truck terminals ⁶	X	C	X	C	X	X	X	C	P
Veterinary clinic ⁶	X	P	C	P	P	P	X	P	P
Video rental store ⁶	P	P	P	P	P	P	X	P	X
Warehousing, wholesale and trade ⁶	X	X	X	C	C	P	p ⁵	P	P
Warehousing, bulk retail ⁶	X	X	X	C	C	X	X	P	P
Manufacturing and/or processing of the following:									
Cotton, wool, other fibrous material	X	X	X	X	X	P	X	P	P
Food production or treatment	X	X	X	C	C	P	X	P	C
Foundry	X	X	X	X	X	X	X	C	C
Furniture manufacturing	X	P	X	X	C	C	X	P	P
Gas, all kinds (natural, liquefied)	X	X	X	X	X	X	X	X	C
Gravel pits/rock quarries	X	X	X	X	X	X	X	C	P
Hazardous waste treatment—Off-site	X	X	X	X	X	X	X	X	P
Hazardous waste treatment—On-site	X	X	X	X	X	X	X	X	P
Junkyard/wrecking yard	X	X	X	X	X	X	X	X	C
Metal fabrication and assembly	X	X	X	X	X	C	X	X	P
Hazardous waste treatment—On-site	X	X	X	X	X	X	X	X	P
Paper, pulp or related products	X	X	X	X	X	X	X	X	P
Signs or other advertising structures	X	X	X	C	C	C	P	C	P
Electronic equipment	X	P	X	X	X	X	P	P	P
Industrial Uses									

High-tech industry	X	P	X	X	P	P	p ²	X	X
Manufacturing of miscellaneous goods (e.g. musical instruments, toys, vehicle parts)	X	X	X	X	C	X	X	P	P
Optical goods	X	C	C	C	C	P	p ⁵	P	P
Packaging of prepared materials	X	X	C	P	C	C	p ⁵	C	P
Scientific and precision instruments	X	P	X	X	X	P	P	P	P
Recreational, Religious, Cultural Uses									
Auditorium ⁶	C	P	P	P	P	P	X	P	P
Community club ⁶	C	P	P	P	P	P	X	P	P
Church ⁶	P	P	P	P	P	P	X	P	P
Golf course/driving range ⁶	P	X	P	P	X	P	p ⁵	P	P
Library ⁶	C	P	P	P	P	P	X	P	P
Museum ⁶	C	P	P	P	P	P	X	P	P
Recreational vehicle park ⁶	X	X	X	C	X	X	X	P	P
Open space ⁶	P	P	P	P	P	P	P	P	P
Park or playground	P	P	P	P	P	P	P	P	P
Sports fields ⁶	C	X	P	P	P	P	X	P	P
Trails	P	P	P	P	P	P	P	P	P
Educational Uses									
College/university ⁶	P	P	P	P	P	P	X	P	P
Elementary school ⁶	P	P	P	P	P	P	X	P	P
Junior or senior high school ⁶	P	P	P	P	P	P	X	P	P
Private, public or parochial school ⁶	P	P	P	P	P	P	X	P	P
Trade, technical or business college ⁶	P	P	P	P	P	P	P	P	P
Residential Uses									
Adult family home	C	P	P	X	P	X	X	P	X
Assisted living	C	P	P	X	P	X	X	X	X
Bed and breakfast	P	P	P	X	P	X	X	P	X
Designated manufactured home	X	X	X	X	P	X	X	X	X
Duplex or two-family dwelling	X	C/P ⁷	X	X	P	X	X	P	X
Group home	C	P	P	X	P	X	X	P	X
Home occupation	P	P	P	X	P	X	X	P	X
Housing for the disabled	P	P	P	X	P	X	X	X	X
Apartment	X	P	X	X	P	X	X	P	X
Residence accessory to and connected with a business	P	P	P	X	P	X	X	P	X
Single-family attached (e.g. rowhouses)	X	C/P ⁷	X	X	P	X	X	X	X
Single-family dwelling	X	X	X	X	P	X	X	X	X
Communication, Utilities and Facilities									

Electrical vehicle infrastructure	P	P	P	P	P	P	P	P	P
Major telecommunication facility ⁶	X	X	X	X	X	X	X	X	C
Minor telecommunication facility	P	P	P	P	P	P	P	C	P
Wireless communications facility ^{3,6}	X	C	C	P	C	P	P	P	P
Facilities, minor public	P	P	P	P	C	P	P	C	P
Facility, essential ⁶	X	X	C	C	C	C	P	C	C
Railroad tracks and facilities ⁶	C	X	C	C	C	X	X	C	C
Temporary Uses									
Temporary sales office for a development ⁴	T	T	T	T	T	T	T	T	T

Notes:

1. See CMC Chapter 5.36 Sexually Oriented Businesses for additional regulations for siting sexually oriented business facilities.
2. Similar uses are permitted in the zone district only at the discretion of the community development director or designee.
3. See CMC Chapter 18.35 "Telecommunication Ordinance" for wireless communication uses permitted according to the zone district.
4. See CMC Chapter 18.47 "Temporary Uses" for additional regulations.
5. See secondary use provisions of LI/BP zone.
6. See CMC Chapter 18.19 "Design Review" for additional regulations. CMC Chapter 18.19 is not applicable to development in the LI/BP zone.
7. Residential uses may be outright permitted if part of a mixed use building, where residential use is not located on the ground level; otherwise it shall be a conditional use.
8. If grocery store is less than one hundred thousand square feet then use is outright permitted. If one hundred thousand square feet or over then a conditional use permit is required.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2545, § III, 5-4-2009; Ord. No. 2547, § IV(Exh. D), 5-18-2009; Ord. No. 2584, § II, 5-3-2010; Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2656, § I(Exh. A), 7-16-2012; Ord. No. 2667, § III, 12-17-2012; Ord. No. 2672, § II(Exh. B), 1-22-2013; Ord. No. 2691, § I(Exh. A), 1-21-2014)

18.07.040 Table 2—Residential and multifamily land uses.

KEY: P = Permitted Use
C = Conditional Use
X = Prohibited Use
T = Temporary Use

The war on drugs is over. The weed won the war. I-502 is a new approach that will work. It is designed to keep marijuana from kids. It establishes a tax rate on products sold by state licensed growers and retailers. The taxes which the State estimates could be 1.5 billion first year. That is based on capturing only 13 -25% of cartel sales the first year. Every year will give us more tax money, and less cartel profits. 40% of the taxes received from sales will go to the State general fund and local budgets and the remainder goes to substance abuse, research, education, and health care. It also helps law enforcement by establishing a DUI standard similar to alcohol. Advertising by retailers is restricted. I-502 is an awesome new approach and everyone should take the time to read the law in it's entirety.

Groups like EPIC stand to gain the most from the law. In the first year, substance abuse prevention will receive up to 200 million dollars for their budgets.

In Asotin County the economic stimulus will be felt on the first day of retail sales. With 2 retail shops, 3 growers and processors, we will add 80 jobs for our little town.

Tourism in Colorado has exploded, and we can expect this locally too. 50% of Colorado sales are from out of state tourists and vacationers. Our local merchants can all expect to expand or add new staff to take on the increase in their sales. New businesses will be created with the increase in tourism dollars and the taxes collected and jobs produced will help the City of Clarkston and the City of Lewiston.

Currently in Asotin County there are about 150 medical marijuana growers which produce zero taxes. Medical marijuana is proven to work on many diseases and illnesses, and more and more doctors are prescribing cannabis extracts instead of harmful and ineffective pharmaceutical drugs. This is sweeping through our local senior citizens, and it is estimated we have over 2,000 seniors using cannabis extracts with good results that improve their lives. 85-90% of Americans now believe in the medicinal benefits of cannabis. I-502 guarantees our seniors of being able to purchase cannabis products locally that are tested and certified by the state.

I am excited to be a part of the new legal industry that has been created with the passing of I-502. The industry is being called the fastest growing industry in the nation. In our Trillion dollar farm bill there is a provision to start the research for industrial uses of hemp. Canada is out in front of us with hemp production. This will effect all of our local wheat farmers in the future. One day soon, they will be producing hemp at greater profit margins than their

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conventional farm crops. Keep in mind, our constitution is written on hemp paper, and Christopher Columbus's sails were made from hemp. In biblical times, most clothing and sandals were made from hemp.

I heard it mentioned at the last city council meeting that approving I-502 was a moral issue. I used to think that too, until cannabis extracts cured my asthma symptoms, and then I started to research how and why it works. Let me explain:

Inside our bodies, we have an Endo Cannabinoid system. The cannabis plant has 2 main components. THC and Cannabinoids or abbreviated to CBD's. It was discovered by 2 Israeli scientists, in 1988 that in our brains we have CBD receptors. It was then discovered that we also have CBD's in our lungs, liver, kidneys, and CBD's are also found in mothers milk. When we take in CBD's to our bodies, whether it is smoked or ingested the CBD's travel up through the area around our neck bones in what is called the periductal grey matter, and then attaches to the CBD receptors in the brain, from that point, it is too complicated for me to explain. What is important to mention is that the Endo Cannabinoid system and it's healing powers is only activated by the cannabis plant. God made our bodies with CBD's included and God made the cannabis plant with CBD's.

As we implement I-502, it's easy to see that the state has it so regulated and controlled, that it doesn't leave much for local input, but I did find 2 areas that are important locally:

1. applicants can be denied a license with warranted reasons like their background checks
2. hours of operation for a retailer can be limited, and I believe we should have the stores close at 8 or 9 pm. This is for the benefit of law enforcement, By staying open late, the retailers would have people coming out of the bars, full of alcohol, and heading to a marijuana store just before closing time. The retailers should close early and eliminate the problem for our local police..

As a planning commission, as you implement our new law, any no vote is really a yes vote for the cartels to continue controlling our country.

Kelly Jackson
Canna4Life Owner.