



# City of Clarkston

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## PLANNING COMMISSION

### AGENDA

June 2, 2014

CITY HALL

829 5<sup>TH</sup> STREET

**CALL TO ORDER:            6:00 P.M.**

**ROLL CALL:**

**APPROVAL OF MINUTES:**

May 19, 2014

### REGULAR BUSINESS:

- A. Discussion – Addition of New Zoning Designation – Neighborhood Commercial and Zoning Matrix Changes
- B. 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  
May 19, 2014**

**CALL TO ORDER:** 6:00 P.M., Clarkston City Hall, Chair Murray  
**ROLL CALL:** Bob Gilbertson, Jim Merrill  
John Murray, Margo McCroskey, excused  
Staff: Jim Martin, Vickie Storey

**APPROVAL OF MINUTES:**

Minutes of the April 19, 2014 meeting were approved on a motion by GILBERTSON/MERRILL with a correction to the time for the public hearing. Motion carried.

Motion by Murray/Gilbertson to move Public comment to the beginning of the meeting. Motion carried.

**PUBLIC COMMENT:**

Matt Plemmons, 1316 12<sup>th</sup> Street, said he is the applicant for a retail medical marijuana store under the business name of Greenfield. He said there are strains of cannabis that have as high as 80% CBD's and as low as 3% THC. CBD is the compound that is used for medical purposes. He said it appears the commission is considering adopting zoning that will allow the city to pick and choose what kind of businesses can locate on Highland Avenue. Plemmons commented that his proposed business location is across the street from Tri State Hospital on Highland. He thinks it is a good location for selling a substance with medicinal uses. Murray asked Plemmons if he envisions his business as primarily medical marijuana. Plemmons said there will be products that are high in THC, but there will also be products that people will purchase for medicinal use. Murray asked if Plemmons has invested money in the proposed property. Plemmons said he has not. Merrill explained that even if the Commission does not move forward with the new zone, the location Plemmons is considering is in Medical Commercial and will not allow marijuana business. Plemmons asked where pharmaceutical sales fall. Murray said that hasn't been discussed, but might limit a business to only medical marijuana. Gilbertson said that question might require legal counsel.

PWD Martin stated that state regulations will supersede local regulations in many cases. Murray urged Plemmons to carefully check regulations before investing in any property.

David Domolecny, 1430 Chestnut, said he has appeared before the council and the county commissioners several times on this topic. He commented that Asotin County did not vote in favor of I-502. He said that I-502 did not address medical marijuana. He asked if there will be purchasing tracking for those who purchase medical marijuana so they can't purchase both. He said he is in favor of extending the moratorium. He also commented that there are still questions about how revenue will be handled because of federal banking regulations.

Robin Spooner, 1232 Highland, said she owns the Stonehouse Coffee building that is a potential site for a retail store. She is in support of those who have applied for a state permit and hopes the commission and council can move forward in a timely manner. She thinks this is a way to create jobs and business growth.

Kelly Jackson, 1045 Liberty Drive, distributed copies of a letter he prepared. He said the country has spent over \$1 trillion on the "war on drugs". He believes that I-502 is a new approach that will work. It is designed to keep marijuana from children. Estimated tax revenue for the first year is as high as \$1.5 billion. 40% of that will go to the state general fund and the rest goes to substance abuse research and education and health care. It has also created a DUI standard for marijuana use. Tourism in Colorado has exploded and we should expect to see an increase in tourism locally too. He said there are about 150 medical marijuana growers who pay no taxes. Jackson talked about the medical benefits of marijuana. He suggested that hours of operation should be limited and thinks that would help with law enforcement.

Melissa Welter spoke on behalf of EPIC. She said she does not believe the black market will go away. While some of the tax revenue is targeted for prevention and education, she said that prevention funding should come before, not during or after legalization. She said the brain can't tell the difference between CBD and THC. The call time for police to handle a DUI will be at least 1 ½ hours per call because of the testing requirements. She mentioned a recent court case in Kent, WA, where the city won their case for banning medical marijuana. Murray commented that Highland Market sells alcohol asked if EPIC is concerned about that. Welter said that Highland Market is the only retail alcohol outlet in the county that locks up the alcohol and purchasers have to ask for it. Welter said EPIC understands that the state has legalized marijuana, but she thinks there are ways to restrict it even more to keep it away from our youth.

Brian Kolstad, 1316 12<sup>th</sup> Street, said he is a Clarkston City Councilor. He referred to the memo from PWD Martin that is in the agenda packet. He said it looks like the City is actively trying to discourage this business. Kolstad said he lives around the corner from Stonehouse Coffee and there are other businesses located in the area. He thinks the proposed

neighborhood commercial zone is a way to pass moral judgment on whether I-502 is something that should be allowed in the City. He said the majority of voters in Clarkston voted in favor of I-502. He said he thinks it is his job as an elected official to see that the wishes of the voters are carried out. Murray paraphrased that Kolstad's concern is that the Planning Commission is trying to find a way to eliminate a single use from a particular location. Kolstad agreed.

## **REGULAR BUSINESS:**

### **Discussion – Addition of New Zoning Designation – Neighborhood Commercial and Zoning Matrix Changes**

PWD Martin said the new zoning designation and the zoning matrix changes are related. He said at the last meeting, there was a lot of discussion about allowing marijuana business in the area of 13<sup>th</sup> & Highland because of the number of children who walk that route to Highland Elementary and the Boys & Girls Club. The Planning Commission asked for legal advice on whether a use could be allowed in some parts of a particular zone and not in others. Martin said his research indicated that the best legal approach would be to allow the use somewhere. He said it makes more sense to designate those certain areas as "neighborhood commercial" since they are predominately residential areas. It is a way to restrict uses in those areas to more "neighborhood" type of commercial uses and eliminate some uses that are not so neighborhood friendly. He said his research has found a neighborhood commercial type zone in many cities. It usually allows things like small retail, diners, dry cleaners, banks and similar uses that fit with residential life.

Martin said in conjunction with this idea, the Planning Commission could take the matrix and suggest which uses they would like to see allowed in a new Neighborhood Commercial zone if it were adopted.

Merrill said he thinks this is a good solution to the direction staff was given at the prior meeting.

Murray said he believes creating a neighborhood commercial zone is a good planning tool for the City. He said it could also be a solution for the non-conforming uses in the 6<sup>th</sup> & Highland area. He said he believes that placing the 13<sup>th</sup> & Highland area in a new zone in order to restrict marijuana business is a poor use of the Planning Commission's authority. Murray said there are other standards that would have to be developed along with a new zone, such as parking, landscaping, etc. He thinks that would be a time consuming process. Martin said the planning commission could say marijuana is an okay use in neighborhood commercial if they felt that it was an appropriate use.

Martin agreed that it would take some time. Murray asked how this would impact the moratorium.

Clerk Storey explained that the council probably needs to extend the moratorium since they don't have a recommendation yet from the planning commission and the current moratorium expires on May 25. She said the council doesn't want to delay a decision so if regulations are adopted before the end of the moratorium, they council can rescind it.

Merrill asked if the City is ready to move ahead if the moratorium is not extended. Martin said there is nothing in place right now that addresses the issues. Murray disagreed. He said it could be treated as any other retail.

Martin said he doesn't see how the council can move forward until the Planning commission has made a recommendation and the City can adopt regulations.

Merrill said he is pro business, but feels there is a need to address the concerns of the people who have children they don't want exposed. But he doesn't think the commission is ready to recommend.

**MOTION BY MURRAY** to adopt the changes to the zoning matrix as presented at the public hearing. There was no second to the motion.

Gilbertson said it has already been pretty much decided that retail marijuana will be allowed in the SC and DC zones. What would be wrong with making the use a Conditional Use?

**MOTION BY MERRILL/GILBERTSON** to recommend the moratorium be extended for an additional six months. Motion carried, 2-1, Merrill and Gilbertson in favor; Murray opposed.

Murray said a meeting should be scheduled to discuss creation of neighborhood commercial zone. Martin asked the commission to work on what uses they would like to see allowed in the new zone and be ready to discuss at the next meeting.

### **Update of Recreational Vehicle Use – Hardship Exception**

PWD Martin explained that the rules now in existence for a hardship exception to live in a recreational vehicle have always been interpreted in a certain way. However, the rules do not explicitly say that the RV has to be located on the same property as the person being cared for. We now have a situation where the caregiver is living in an RV located several blocks from the person being cared for. The suggested language change would specify that the RV "shall be located on the property where the care is given or received". He also suggested that the permit be issued for a six month period instead of annually for better control. Murray said there should be some setbacks established also. Martin will revise the proposed language and bring it back to the commission.

**COMMUNICATIONS:**

**Staff:**

**ADJOURNMENT:**

Meeting adjourned at 7:13 p.m.

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John Murray, Chair

DRAFT

**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	Y	N	Y	N	N
Bank/financial institution	N	N	N	Y	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	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/entertainment	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	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	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	CU	N	N	H
Church	Y	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	Y	N	Y	N	J
Machine shop	N	N	N	Y		N	N	Y	Y	N
<b>Manufacturing</b>	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
<b>Marijuana Retail Sales*</b>	N	N	N	Y		Y	N	Y	N	K
<b>Marijuana Production*</b>	N	N	N	N		N	N	N	N	
<b>Marijuana Processing*</b>	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	Y	N	K
Medical, dental, optical laboratory	N	N	N	Y		Y	Y	Y	N	K
<del>Mobile home park</del>	<del>N</del>	<del>N</del>	<del>Y*</del>	<del>N</del>		<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>A</del>
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
<b>Multifamily dwelling (see Apts)</b>	<del>N</del>	<del>Y**</del>	<del>Y</del>	<del>N</del>		<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>B</del>
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	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
<b>Recreational Facility / Public</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>		<b>N</b>	<b>N</b>	<b>CU</b>	<b>N</b>	<b>Q</b>
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	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	Y	N	Y	N	P
Restaurant, Drive-in	N	N	N	Y	Y	N	N	N	N	P***
Retail store	N	N	N	Y	Y	Y	N	Y	N	M
Sanitary landfill	N	N	N	N		N	N	N	N	Q
Sales / Occasional	N	N	N	Y	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*	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.

	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	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	Y	N	Y	N	P
Restaurant, Drive-in	N	N	N	Y	Y	N	N	N	N	P***
Retail store	N	N	N	Y	Y	Y	N	Y	N	M
Sanitary landfill	N	N	N	N		N	N	N	N	Q
Sales / Occasional	N	N	N	Y	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*	Y*	CU
Wood processing plant	N	N	N	N		N	N	Y	Y	O
Wrecking yard	N	N	N	N		N	N	N	N	

\*Review special requirements

\*\* 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.

	R-1	R-2	R-3	S-C	N-C	D-C	M-C
Minimum Lot Size	5,000 s.f.	5,000 s.f.	5,000 s.f.	5,000 s.f.	5,000 s.f.	NA	5,000s
Area required for additional dwelling units	3,500 s.f. <sup>1</sup>	2,500 s.f. <sup>2</sup>	1,500 s.f.	NA	NA	NA	NA
Minimum lot width	50	50	50	50	50	NA	NA
Minimum lot depth	100	100	100	100	100	NA	NA
<b>Primary building:</b>							
Front yard setback	25	20	20	15	15	0	20
Rear yard setback	15	15	15	15	15	0	15
Side yard setback	7 or 10 <sup>5</sup>	7 or 10 <sup>5</sup>	7 or 10 <sup>5</sup>	5	5	0	5
Side yard setback, corner lot, street side	15	15	15	0	0	0	0
<b>Auxiliary building: (less than 120 s.f.)</b>							
Front yard setback	25	20	20	15	15	0	20
Rear yard setback	3	3	3	0 or 15 <sup>3</sup>	0 or 15 <sup>3</sup>	0	0 or 15
Side yard setback	3	3	3	0 or 15 <sup>3</sup>	0 or 15 <sup>3</sup>	0	0 or 15
<b>Auxiliary building: (more than 120 s.f.)</b>							
Front yard setback	25	20	20	15	15	0	20
Rear yard setback	3 or 10 <sup>4</sup>	3 or 10 <sup>4</sup>	3 or 10 <sup>4</sup>	0 or 15 <sup>3</sup>	0 or 15 <sup>3</sup>	0	0 or 15
Side yard setback	5	5	5	0 or 15 <sup>3</sup>	0 or 15 <sup>3</sup>	0	0 or 15
Maximum lot coverage by structures	40%	45%	50%	60%	60%	100%	60%
Building height limit	35	35	35	35	35	35	35

<sup>1</sup> To a maximum of 2 units contained within a single structure (Duplex), and one structure per lot.

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

<sup>3</sup> The larger setback is required where the yard adjoins a residential property.

<sup>4</sup> The larger setback is required where no alley adjoins the rear lot lot. The larger setback also applies to garages on alleys where the 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.

<sup>5</sup> 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 and located no closer than 5 ft. to property lines.

(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. 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.
- (I) The RV shall not be allowed in the front setback area of the home and shall be no closer than 5 ft. from a side or rear property line.

(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.