

**CITY OF CLARKSTON  
CITY COUNCIL AGENDA  
829 5<sup>th</sup> Street  
MONDAY, MAY 14, 2018**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. AGENDA CHANGES:**
- 4. APPROVAL OF MINUTES:  
April 23, 2018 Regular Meeting**
  
- 5. COMMUNICATIONS:**
  - A. From the Public:** (Please limit comments to 3 minutes)
  - B. From the Mayor:**
  - C. From Staff or Employees:**
  
- 6. COMMITTEE REPORTS:**
  - A. Finance/Admin – Audit Report on Current Bills – May 14**
  - B. Public Safety – May 1**
  - C. Public Works – May 1**
  - D. Outside Organizations – Health District, EMS Council, Valley Vision, PTBA, SEWEDA, MPO, Regional Stormwater, Lodging Tax Advisory**
  
- 7. PUBLIC HEARING: 2018 Sidewalk Project**
  
- 8. UNFINISHED BUSINESS:**
  - A. Ordinance 1602 – Amend 16.32.060 Maintenance of Sidewalks and Driveways 2<sup>nd</sup> Reading (Public Works)**
  
- 9. NEW BUSINESS:**
  - A. Presentation of “Spare Change for Real Change” (Public Safety)**
  - B. Findings of Fact & Conclusion of Law: VAR-2018-01, 1022 10th Street (Public Works)**
  - C. Announcement of 2018 Sidewalk Project Bid Award (Public Works)**
  
- 10. COUNCIL COMMENTS:**
  
- 11. QUESTIONS FROM THE PRESS:**
  
- 12. EXECUTIVE SESSION: None**
  
- 13. ADJOURN:**

Time limits for addressing the council have been established by council direction. Presentations are limited to 15 minutes and public comments are limited to 3 minutes per person, per topic.

**CLARKSTON CITY COUNCIL MINUTES**  
**April 23, 2018**

ROLL CALL: Pat Holman, Russ Evans, Joel Profitt, Skate Pierce, John Murray, Brian Kolstad, Belinda Campbell.

STAFF: Chief Hastings, Chief Cooper, PWD Poole, Clerk Austin, Attorney Richardson.

**AGENDA CHANGES:** None

**APPROVAL OF MINUTES:** Minutes of the April 9, 2018 Regular Meeting were approved as distributed.

**COMMUNICATIONS:**

**A. From the Public:** Todd Snarr - 1867 Fredrickson Drive, Clarkston  
Lorrie Scoles - 915 Cypress Street, Lewiston

**B. From Mayor:** Mayor Lawrence reminded the Council that the second meeting in May will be on Tuesday due to Memorial Day. Information was given to Council regarding the progress of the GEMT program. The City received a thank-you letter from the Guardian Foundation for supporting their money-raising functions.

**C. From Staff or Employees:** Attorney Richardson advised Council that the City will be incarcerating more individuals that are arrested for misdemeanor crimes like Theft 3<sup>rd</sup> Degree for repeat offenders. PWD Poole announced that the Governor has declared two of Clarkston Census Tracts as an "opportunity zone." This allows for incentives for private investors to develop properties in this zone. PWD Poole advised that the Relight 6<sup>th</sup> Street Bid will open on May 3<sup>rd</sup> with work to begin around June 1<sup>st</sup>. He also advised that Dr. Robin Henderson will have an open house at 535 5<sup>th</sup> Street. The older chiropractor facility has been rehabilitated into a state of the art dental office. PWD Poole advised that bids had been received on the Sidewalk Project. Attorney Richardson advised that of the two bids received, the lowest bidder did not include all of the paperwork. PWD Poole advised that McCalls Classic Construction will be awarded the contract for the sidewalk project.

**D. Regional Stormwater Presentation** – Asotin County Public Works Director Dustin Johnson and Stormwater Coordinator Matt Carlson updated Council on the Regional Stormwater Program. Johnson advised that Regional Stormwater is updating the partners with the most current information to promote dialogue to shape the program going forward. Carlson gave a utility snapshot of the Stormwater Program, providing the history of the program detailing the rate as initially introduced at \$5 per ERU monthly that was subsidized at some level by the City of Clarkston from 2011 through 2014. Carlson detailed the reduction to \$4 per ERU monthly because there was a surplus of funds that had been carried over from year to year. However, by 2014 those funds had been depleted, and it was projected that the rate would need to be increased to \$5 per ERU monthly in 2016. The budget was cut to balance the costs at the current rate, but is unsustainable. Councilmember Murray asked what projects would be cut. Carlson advised it would be stormwater projects that are outlined in the Capital Improvement Plan. Murray asked if it would affect maintenance of the current system. Carlson replied that it wouldn't, it would be just the replacement of failing systems and building of new systems. Murray asked if it would increase our exposure to not meeting stormwater compliance. Carlson said it would not affect compliance in the short term. Councilmember Profitt asked how long would it be before the stormwater system would fail to meet compliance. Carlson advised that there would need to be additional analysis to determine that information.

**COMMITTEE REPORTS:**

**Finance/Admin:** Councilmember Murray reported that the Committee discussed Resolution 2018-02 regarding Surplus SCBA tank valves (Agenda Item). The bills were reviewed and approved for payment. Total expenditures for the April 23, 2018 period of \$258,021.34. MOTION BY HOLMAN/EVANS to approve the bills as read. Motion Carried

**Public Safety:** Councilmember Campbell reported that Chief Cooper reminded us there will be civil service testing on May 4th and 5th for a Paramedic Firefighter and Firefighter EMT. Since Captain Sokoloski's retirement, we are able to use reserves until June 1st. There was a nice article in the Tribune regarding when to call 911. Chief Cooper would like to remind everyone that although we want to know when to call, we don't want to discourage anyone either. Our senior community, specifically, continues to need our help and should not be afraid to pick up the phone. Our levy money that is voted on every year is designed to help keep our community safe. Chief Cooper has also been working on ambulance specs for either a new ambulance or chase down the costs to remount an ambulance box onto a new chassis. Per the conversation at the last Public Safety meeting, Chief Cooper took a drive along 18th Ave. in Lewiston and agrees that we (Clarkston) could use some of the same type of traffic calming devices for our streets. There are three or four streets in Clarkston where traffic calming might help to alleviate or reduce the number of accidents and push traffic to use main thoroughfares rather than residential streets. A couple of areas mentioned included Highland 8th street, between Freshman Way and Highland. Also 5th and 6th Street areas coming from Asotin and Riverview. Hopefully, this could be the year to implement some changes, or at least budget for them for next year.

Chief Hastings has asked that we add to the agenda the request from the Corps of Engineers to provide extra patrols along the levy, and in particular the Beachview area. We have helped the Corps through the summer months with these patrols for the past several years. We receive money to pay our officers for these extra patrols that they then perform on their non-scheduled days. Chief Hastings attended a jail task force meeting. They set out to define the task forces goals and objectives. Also up for discussion, would there be enough interest for a regional jail rather than just one entity owning and then charging for use. This might be a more affordable alternative to share the costs with other jurisdictions. Chief Hastings also discussed mandatory training for our officers. Last week was firearm training and this next week they will be updated on current and updated laws coming from legislative actions.

Campbell reminder the Council that the Red Wolf Bridge will be closed due to construction from April 23rd to May 25th. This will cause a diversion of about 4,600 vehicles per day on Bridge Street. We can expect to see reminders and notifications regarding this closure throughout the Valley.

**Public Works:** Councilmember Pierce reported that a presentation on the Regional Stormwater Project will be presented to the full Council and the public. The current Stormwater Project estimate will be presented to Council to pay, and we've already been reimbursed. We're waiting on reimbursement for the next project before we approve the payment. Council must pass a resolution approving the Sidewalk Project. Then there will be a public hearing 2 weeks after. After the hearing the council must act on the proposed plan or choose not to. We have a 80% agreement compliance with the project. Property owners who don't comply with the city's request to join the larger project or complete the work themselves will face a lien on their property. The imposition of the lien will require council action. This was a long and involved conversation, and will undoubtedly reach the full council for discussion once all wrinkles have been ironed out. Plans are to do a second project in the Fall.

We need the Council to approve this fire inspection and plan review agreement. At this time we do not have anyone on staff certified for fire inspection and review of fire alarm/sprinkler plans. This contract with Washington State Police (WSP) provides for inspection and plan review of fire protection related items. WSP costs will be paid through plan review fees and special inspection permits. These costs will cover staff time and WSP costs.

**Outside Organizations:** Councilmember Evans advised that the April 10 EMS meeting there was a discussion on the pressure at the State level to increase funding. Councilmember Pierce advised that the Health District meeting reported that WIC numbers are down. The Health District Officer discussed the future plans for addressing the Opioid epidemic.

### **UNFINISHED BUSINESS:**

A. **Announcement of FIT Radio Grant Award (Finance/Admin)** PWD Poole advised that the City was successful in the application for \$10,000 toward a fitness center. This is seed money that we

can use to get community partners to buy in to build a \$100,000 fitness facility at Beachview Park. PWD Poole will approach the Rotary to see if they will spearhead the project. If the funds cannot be raised, there is no obligation to the City. Mayor Lawrence asked when the deadline was for grant acceptance. PWD Poole advised it was this Friday. Councilmember Campbell asked for clarification of the type of fitness equipment and if there was any liability to the City. PWD Poole explained the equipment stations. Attorney Richardson said that the liability is covered by the current City recreation clause. Motion by PIERCE/CAMPBELL to accept the grant. Motion carried.

**NEW BUSINESS:**

**A. Consideration of Proclamation of May as Older American’s Month** Mayor Lawrence introduced Nancy Fontaine, Chair of the Southeast Washington Aging and Long Term Care/Asotin County Advisory Council to introduce the Proclamation. Fontaine proposed a proclamation to declare May 2018 as Older Americans Month. Motion by KOLSTAD/MURRAY to proclaim May as Older Americans Month. Motion carried.

**B. Consideration of Contract for Corps Patrol (Public Safety)** Chief Hastings presented the contract with the Army Corps of Engineers for summer patrols along the Greenbelt Trail. Motion by EVANS/CAMPBELL to approve the contract. Councilmember Murray asked if the cost of patrol is covered by the contract. Chief Hastings advised that the Corps is paying the overtime costs for the officers working patrol. Motion carried.

**C. Consideration of WSP Fire Plan Review Contract (Public Works)** PWD Poole presented the contract with Washington State Patrol for Fire Plan Review for the next five years. Motion by KOLSTAD/PROFITT to approve the contract. Motion carried.

**D. Resolution 2018-01 2018 Sidewalk Project and Public Hearing (Public Works)** PWD Poole explained the resolution to provide the public hearing for the 2018 Sidewalk Project. Motion by PIERCE/HOLMAN to authorize resolution. Councilmember Campbell asked for clarification on setting the public hearing date. Attorney Richardson advised that setting of the hearing for next meeting to provide for publishing for two weeks prior and sending out letters to affected landowners. Motion carried.

**E. Resolution 2018-02 Surplus SCBA Equipment (Finance/Admin)** Chief Cooper explained the resolution to surplus SCBA equipment to trade in for new equipment. Motion by EVANS/KOLSTAD to authorize the resolution. Motion carried.

**F. Ordinance 1602 – Amend 16.32.060 Maintenance of Sidewalks and Driveways 1st Reading (Public Works)** Vote at next Council Meeting.

**COUNCIL COMMENTS:** None

**PRESS QUESTIONS:** Tribune reporter Kerri Sandaine asked if the charge of Theft 3/Shoplifting is a Gross Misdemeanor and inquired if there would be room in the jail to hold the individuals. Chief Hastings advised that the process will add time through the Court process. Attorney Richardson advised that he will meet with the Court to also try to get repeat offenders held when arrested.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

Meeting adjourned at 7:58p.m.

\_\_\_\_\_  
Steve Austin, City Clerk

\_\_\_\_\_  
Monika Lawrence, Mayor

Total Fund Expenditures, 04/23/18	Ck # 66121-66165	\$131,679.38
Payroll 04/5/18	Ck # 66107-66120	\$126,342.96

Public Safety Meeting 05-01-2018

In attendance: Chief Joel Hastings, Councilmembers Russ Evans, Pat Holman, Belinda Larsen

Belinda discussed some solutions to educate the public about the panhandlers in Clarkston which she will discuss during the Council Comments portion of the agenda. Chief Hastings will also bring some ideas back from his Police Chiefs and Sherriffs Association conference at the end of the month.

Chief Hastings recognized Officer John Morbeck as Officer of the Year at the Clarkston Rotary April 24<sup>th</sup> luncheon meeting. As a dedicated City of Clarkston Police Officer for over 30 years, Officer Morbeck deserves this recognition for his outstanding work with the Clarkston School District and the community at large.

Chief Hastings is currently filling two positions. One officer the Chief has hired is currently attending the academy in Spokane. The second officer the Chief is looking at is currently meeting the standard requirements to fill the position.

Thursday all officers were updated on new and current laws.

The Chief is expecting the new patrol vehicle to arrive this month. Everything has been purchased to update and install equipment once the vehicle arrives.

Public Works Committee Notes 5/1/18

Attending: Kevin Poole, Joel Profitt and Skate Pierce

- 1) We've been awarded the \$10,000 grant toward the National Fitness Challenge. We're looking into other grants and local business sponsorship. A grant through the AARP has been identified and is perfect for this project.
- 2) Council will be asked to approve a shared sewer connection. Council is being asked, since this is outside of our established ordinances.
- 3) We've received preliminary plans for an entrance on Fair St. into the WalMart parking lot. The new entrance would be between 6th and 7th St. Approval of the Fair St. entrance is contingent on a Memorandum of Understanding with CostCo and WalMart to improve the intersection of 5th and Fair and the intersection of the 5th St entrances to both businesses. The modification would place two mini roundabouts, one in each intersection. This would allow for over 1,000 vehicles an hour to move through that area. And, would allow the City of Clarkston to remove its sole traffic light. We're asking that each entity pay one-third of the cost of the project.
- 4) Grants - TAP Grant - Safe routes to schools grant for the Poplar St project will be before council soon for approval.  
CDBG(Community Development Block Grant) - We would like the Community Action Partnership to partner with us and administer the CDBG home improvement loan program.

## ORDINANCE NO. 1602

An ordinance of the City of Clarkston, Washington, amending Clarkston Municipal Code Chapter 16.32, adopting State of Washington law RCW 35.68; providing authority to the City for reimbursement of costs and expenses incurred to repair, replace or reconstruct sidewalks and driveways by collection of payment agreement or lien process; amending the penalty for noncompliant sidewalks and driveways therefore,

The City Council of the City of Clarkston does ordain as follows:

### SECTION 1.0 AMENDMENT OF CHAPTER 16.32.060

Clarkston Municipal Code Chapter 16.32 is hereby amended as follows:

16.32.060 Adopted.

(1) It shall be unlawful for any person, persons, firm or corporation to keep or retain a public sidewalk or driveway area fronting his property which is in a state of disrepair and dangerous for use by the public. ~~Within 30 days subsequent to a notice in writing given to such person, persons, firm or corporation by the DPW of the city the sidewalk shall be repaired or reconstructed by the fronting owner in conformance with the terms hereof.~~

(2) It shall be illegal to paint upon, deface or mark in any manner a public sidewalk without permission of the city council.

(3) Each day any sidewalk or driveway is permitted to remain in a condition contrary to the terms of this chapter shall be considered AN INFRACTION AS DEFINED IN CLARKSTON MUNICIPAL CODE 1.01.110 and shall constitute a separate and distinct violation thereof. [Ord. 649 Ch. VIII, § 6, 1967.]

### SECTION 2.0 ADDING SECTION 16.32.070- AUTHORIZATION FOR THE CITY TO MAKE REPAIRS

AFTER INSPECTION, WHERE THE DEPARTMENT OF PUBLIC WORKS DIRECTOR DETERMINES THERE EXISTS A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION, MAIL NOTICE SHALL BE SENT TO THE OWNER OF THE ABUTTING PROPERTY, AS SHOWN ON THE ROLLS OF THE COUNTY ASSESSOR, DIRECTED TO THE ADDRESS SHOWN THEREON. THE NOTICE SHALL CONTAIN A DESCRIPTION OF THE VIOLATION, A REASONABLE TIME BY WHICH TO REPAIR, REPLACE OR RECONSTRUCT THE SIDEWALK OR DRIVEWAY, AND EXPLANATION OF REQUIREMENTS AND PROVISIONS WHICH THE OWNER MUST COMPLY TO REMEDY THE VIOLATION. THE NOTICE SHALL CONTAIN LANGUAGE NOTIFYING THE OWNER'S RESPONSIBILITY TO REMEDY THE VIOLATION AT THE OWNERS COST OR EXPENSE, AND IF THE VIOLATION IS

NOT PROPERLY REMEDIED BY THE DATE SPECIFIED, THEN THE CITY MAY PROCEED TO HAVE THE WORK DONE TO REPAIR, REPLACE OR RECONSTRUCT THE SIDEWALK OR DRIVEWAY AT THE OWNERS SOLE EXPENSE AND TO ASSESS THE COST OF SUCH WORK AGAINST THE PROPERTY AND PROPERTY OWNER.

**SECTION 3.0 ADDING SECTION 16.32.080 - LIEN AGAINST PROPERTY FOR COSTS OF REPAIR**

THE CITY CLERK SHALL FILE WITH THE ASOTIN COUNTY AUDITOR A LIEN FOR THE COST OF ANY REPAIRS UNDERTAKEN BY THE CITY PURSUANT TO 16.32.070. THE LIEN SHALL BE FORECLOSED IN THE SUPERIOR COURT OF ASOTIN COUNTY IN THE MANNER PROVIDED BY LAW FOR MORTGAGES.

**SECTION 4.0 EFFECTIVE DATE**

This ordinance shall take effect thirty days after its passage, approval, and publication.

**Section 5. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Monika Lawrence, Mayor

Authenticated by:

Approved as to form:

\_\_\_\_\_

\_\_\_\_\_

Steve Austin, City Clerk

Todd Richardson, City Attorney

Publication Date:

I loved this idea Courtney Kramer of Beautiful Downtown Lewiston suggested during our LC Valley Chamber Board meeting when Kristin Kemak, President of the Chamber asked, "what can we do about the panhandlers?" I wanted to expand on it just a little more. Check out this video at <http://downtownbillings.com> and [www.4realchange.org](http://www.4realchange.org). Their campaign is "Spare Change for Real Change".

In a true statement of cooperation, the LC Valley Chamber, Beautiful Downtown Lewiston, the City of Lewiston and the City of Clarkston could possibly team up to make a difference by making a commitment to changing the way our communities view homelessness and panhandlers. There is a difference. We would like to approach businesses where panhandling is rampant and disruptive. If these particular businesses would be willing to put some buckets on their counters or somewhere in their stores, we could wrap signs around them that say "Help the Homeless, not the Panhandlers". If for example, Walmart wanted to team up on something like this, we could educate them, they could educate their employees and more specifically, their cashiers, as to what we are trying to accomplish. Talk to the customers about giving their "change" to our local charitable organizations, churches and other social services to distribute needed items to the homeless population or to give them a place to stay a night or two, get cleaned up and help them get on their way. Do Not Feed the Panhandlers would be the message we would try to get across to the customer. Off the top of my head, some of the businesses we would like to reach out to include Walmart, Tomato Brothers, Columbia Bank, Community Bank, Albertsons, McDonalds, Taco Bell, and Mattress Firm. We would also need to approach Twin County United Way who could be a valuable resource educating the entities that provide social services to the homeless such as; The Roc, Family Promise, and Salvation Army to name a few. Perhaps Twin County United Way would be the appropriate entity to collect the funds and distribute them to the social service organizations that directly impact the homeless. I really like the idea of educating the community, especially the ones who feel like they are doing something good for the homeless when really, they are not.

This would be a committed campaign that would include billboards, radio and television public service announcements and newspaper education. We want to make sure that the community at large is aware of how their donations would be making a difference when their change is put in the right hands, the hands of the homeless, not the panhandlers.

CITY OF CLARKSTON, WASHINGTON  
LAND USE ADMINISTRATIVE PROCEEDING

IN THE MATTER OF: )  
Application for Variance Submitted by: )  
Dennis Montoya )  
Date of Application: 02/07/2018 )  
Property: 1022 10<sup>th</sup> Street )  
Clarkston, WA 99403 )

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DECISION

COPY

Dennis Montoya (hereinafter “Applicant”) submitted to the City of Clarkston (hereinafter “City”) an Application for Variance regarding real property located at 1022 10<sup>th</sup> Street, Clarkston Washington 99403.

Upon receipt of the Applicant’s application, this Hearing Officer engaged in *ex parte* communications with Tim Lynch, the Applicant’s architect with regards to the project at issue. Such *ex parte* communications addressed only the procedural issue of the scheduling of a hearing with regards to the Applicant’s application, did not concern the merits or any factually-related

matter with regards to the Applicant's application, and are disclosed here pursuant to Clarkston Municipal Code §17.90.020(3).

A Land Use Hearing was conducted at the Clarkston City Hall on the 13<sup>th</sup> day of April, 2018 regarding the Applicant's application. At the hearing, Kevin Poole, Public Work's Director for the City, reported the City's position with regards to the Applicant's application and submitted a Staff Report which recommends approval of the Applicant's application. Also, the Applicant and his witnesses testified in support of the application, and subsequently submitted a written statement addressing each of the six circumstances enumerated in Clarkston Municipal Code §17.35.020. No letters were received from the public in opposition to the application. An electronic recording was made of the hearing and is part of the record, in addition to: (1) the Applicant's application; (2) any departmental staff reports; (3) all evidence received, including all exhibits and other materials admitted as evidence; (4) a statement of all matters officially noticed, if any; (5) a recommended decision containing the findings and conclusions of a land use decision maker; (6) an environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), if applicable; and (7) an affidavit attesting to the notice given of a public hearing (including dates and places of publication, list of those emailed to, and where posted).

This Hearing Officer, having considered the testimony of the parties, as well as the materials that are a part of the record in this proceeding, and good cause now appearing makes the following findings of fact, conclusions of law, and decision:

#### I. FINDINGS OF FACT

The following facts are found by this Hearing Officer to have been established in this proceeding:

1. The real property that is the subject of this proceeding is located at 1022 10<sup>th</sup> Street, Clarkston, Washington 99403 (hereinafter "Subject Property"). The Subject Property is rectangular shaped and relatively level.

2. The Subject Property contains a single family residence that is 901 square feet in size and is located on a lot which is approximately 9,450 square feet in size.

3. The Subject Property is located in an R-2 Zone, which requires a 7 foot setback on the south side of said real property and a 10 foot setback on the north side of said real property.

4. The Applicant has proposed an expansion of the residence located on the Subject Property, which would result in an 8 foot setback on the north side of said real property.

5. The Applicant applied for a variance to allow a 2 foot reduction in the setback requirement on the north side of the Subject Property.

6. A 10 foot or greater fire separation between structures is required. If the requested variance is approved, the fire separation that would exist upon completion of the proposed expansion of the residence would be 12 feet.

7. No impacts to the surrounding neighborhood have been identified by the City's Public Works Department by the requested variance.

8. No environmental impacts have been identified by the City's Public Works Department by the requested variance or proposed expansion of the residence located on the Subject Property.

9. The City's Public Works Department has determined that the proposed expansion of the residence located on the Subject Property complies with the Comprehensive Land Use Plan Goals by encouraging the availability of affordable housing to all economic segments of the

population of the state, by promoting a variety of residential densities and housing types, and by encouraging the preservation of the existing housing stock.

10. The City's Public Works Department has recommended approval of the requested variance.

11. No residents who reside in the vicinity of the Subject Property have voiced any opposition to the granting of the requested variance.

## II. CONCLUSIONS OF LAW

The City's Public Works Department has determined that in the event that the variance that has been requested by the Applicant is approved, the purposes of the setback requirements would be served since the required fire separation distance would be met. It therefore appears that the variance that has been requested complies with the purposes of the law, if not the letter of the law.

However, in determining whether a variance shall be approved, the Clarkston Municipal Code provides that:

No variance shall be granted unless it can be shown that all of the following circumstances exist:

- (1) Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control;
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity;
- (3) The authorization of the variance will not be materially detrimental to the purposes of this title, be injurious to property in the zone or vicinity in which the property is located or otherwise conflict with the objectives of city development plans or policies;
- (4) The variance requested is the minimum variance which will alleviate the hardship;
- (5) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the zone;
- (6) The special conditions requiring a variance do not result from the actions of the applicant.

CMC §17.35.020.

In order for a variance to be granted in this proceeding, the Applicants have the burden of showing that *all* of the above-listed circumstances have been met. *Id.* The Applicants have introduced into evidence written materials which address each of the above-listed circumstances.

With regards to the first listed circumstance, the facts show that the neighborhood in which the Subject Property is located was established prior to the overlay of the current setback requirements, and that other properties in the neighborhood are not held to the new requirements. It therefore appears that the first circumstance listed in Clarkston Municipal Code §17.35.020 has been shown.

With regards to the second listed circumstance, as noted above, the new setback requirements were imposed upon an existing neighborhood which contains the Subject property. As a result, the owners of adjacent parcels of real property that do not comply with the setback requirements thereby enjoy a greater use of their properties. It therefore appears that the second circumstance listed in Clarkston Municipal Code §17.35.020 has been shown.

With regards to the third listed circumstance, the facts show that in the event that the variance is approved, the actual separation that will be maintained between structures will comply with building codes. Also, no impacts to the surrounding neighborhood or environmental impacts have been identified by the City's Public Works Department by the requested variance or proposed expansion of the residence located on the Subject Property. Furthermore, the proposed expansion of the residence located on the Subject Property complies with the Comprehensive Land Use Plan Goals by encouraging the availability of affordable housing to all economic segments of the population of the state, by promoting a variety of residential densities and housing types, and by encouraging the preservation of the existing

housing stock. It therefore appears that the third circumstance listed in Clarkston Municipal Code §17.35.020 has been shown.

With regards to the fourth listed circumstance, the Applicant asserts that the dimensions of the proposed expansion of the residence located on the Subject Property is the minimum required to maintain the required structural stability of the residence, as required by the Clarkston Municipal Code. Neither the City nor any members of the public have contested this assertion. It therefore appears that the fourth circumstance listed in Clarkston Municipal Code §17.35.020 has been shown.

With regards to the fifth listed circumstance, since the current setback requirements were imposed upon an established neighborhood where adjacent parcels of real property some of which do not comply with said requirements, the requested variance would not constitute a privilege to the Applicant that is not enjoyed by some adjacent properties. It therefore appears that the fifth circumstance listed in Clarkston Municipal Code §17.35.020 has been shown.

With regards to the sixth and final listed circumstance, the facts show that imposition of the setback requirements upon the neighborhood and the inexplicable lack of an alley from the block at issue has resulted in the need for the requested variance in order to complete the proposed expansion of the residence located on the Subject Property. There is no evidence in the record that indicates that the Applicant has engaged in any actions which have resulted in the need for the requested variance. It therefore appears that the sixth circumstance listed in Clarkston Municipal Code §17.35.020 has been shown.

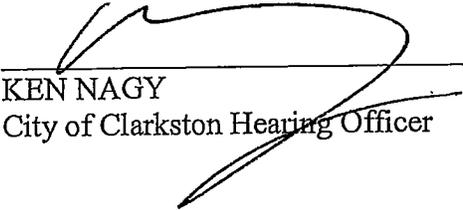
Given that all of the circumstances contained in Clarkston Municipal Code §17.35.020 have been shown, the requested variance at issue shall be approved.

### III. DECISION

For the reasons stated above, the variance for which the Applicant has applied is APPROVED. The setback on the north side of the parcel of real property that is the subject of this proceeding shall be maintained at 8 (eight) feet upon completion of the proposed expansion of the residence that is located on said real property parcel.

**YOU ARE HEREBY ON NOTICE** that any person aggrieved by the above decision shall have the right to appeal the decision to the Clarkston City Council. The appeal shall be in writing and delivered to the City Clerk within fourteen (14) calendar days of this decision. CMC §17.65.040.

DATED this 25<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
KEN NAGY  
City of Clarkston Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25<sup>th</sup> day of April, 2018, I caused to be delivered by U.S. Mail a full, true and accurate copy of the foregoing to the following:

Steve Austin  
Clarkston City Clerk  
829 Fifth St.  
Clarkston, WA 99403

Dennis Montoya  
1601 6<sup>th</sup> Ave.  
Clarkston, WA 99403

Tim Lynch  
My Architect  
504 Main St., Suite 480  
Lewiston, ID 83501

Kevin Poole  
Public Works Director/Building Official  
City of Clarkston  
829 Fifth St.  
Clarkston, WA 99403

  
\_\_\_\_\_  
Ken Nagy

City of Clarkston

829 5th Street

## Local Agency Contract

THIS AGREEMENT, made and entered into this 15th day of May, 2018,  
between the City of Clarkston, and the  
McCall's Classic Construction under and by virtue of Title 47 RCW, as amended and

hereinafter called the Contractor.

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this agreement, the parties hereto covenant and agree as follows:

I. The Contractor shall do all work and furnish all tools, materials, and equipment for:

2018 SIDEWALK REPAIR PROJECT  
City of Clarkston, WA

in accordance with and as described in the attached plans and specifications, and the standard specifications of the City of Clarkston which are by this reference incorporated herein and made part hereof and, shall perform any changes in the work in accord with the Contract Documents.

The Contractor shall provide and bear the expense of all equipment, work and labor, of any sort whatsoever that may be required for the transfer of materials and for constructing and completing the work provided for in these Contract Documents except those items mentioned therein to be furnished by City of Clarkston.

II. City of Clarkston hereby promises and agrees with the Contractor to employ, and does employ the Contractor to provide the materials and to do and cause to be done the above described work and to complete and finish the same in accord with the attached plans and specifications and the terms and conditions herein contained and hereby contracts to pay for the same according to the attached specifications and the schedule of unit or itemized prices at the time and in the manner and upon the conditions provided for in this contract.

III. The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, and assigns, does hereby agree to full performance of all covenants required of the Contractor in the contract.

IV. It is further provided that no liability shall attach to the State by reason of entering into this contract, except as provided herein.

IN WITNESS WHEREOF, the Contractor has executed this instrument, on the day and year first below written and City of Clarkston has caused this instrument to be executed by and in the name of City of Clarkston the day and year first above written.

Executed by the Contractor May 15, 2018.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Contractor)

Local Agency: City of Clarkston

Title: Mayor

By: \_\_\_\_\_

Date: May 15, 2018

BID SCHEDULE - BID RESULTS

(SALES TAX TO BE INCLUDED IN THE BID ITEM PRICES)

2018 Clarkston Sidewalk Maintenance Project.										Russell Const. & Exc.		McCall's Const.		Morgan Industries		Knox Concrete		
ITEM NO.	WSDOT Std. Item No.	ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	0001	MOBILIZATION	1	L.S.	\$6,000.00	\$6,000.00	\$32,808.15	\$32,808.15	\$2,500.00	\$2,500.00	\$1,800.00	\$1,800.00	\$4,500.00	\$4,500.00				
2	0080	REMOVING BITUMINOUS PAVEMENT	68	S.Y.	\$3.00	\$204.00	\$25.00	\$1,700.00	\$18.00	\$1,224.00	\$18.00	\$1,224.00	\$26.00	\$1,768.00				
3	0090	REMOVING CEMENT CONCRETE SIDEWALK	821	S.Y.	\$25.00	\$20,525.00	\$8.00	\$6,568.00	\$32.00	\$26,272.00	\$18.00	\$14,778.00	\$23.00	\$18,883.00				
4	0108	REMOVING CEMENT CONC. CURB AND GUTTER	360	L.F.	\$2.00	\$720.00	\$30.00	\$10,800.00	\$14.00	\$5,040.00	\$4.00	\$1,440.00	\$16.00	\$5,760.00				
5	1065	CEMENT CONC. CURB AND GUTTER	360	L.F.	\$22.00	\$7,920.00	\$50.00	\$18,000.00	\$23.00	\$8,280.00	\$21.00	\$7,560.00	\$38.00	\$13,680.00				
6	6971	PROJECT TEMPORARY TRAFFIC CONTROL	1	L.S.	\$3,000.00	\$3,000.00	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00				
7	6971	PROJECT TEMPORARY TRAFFIC CONTROL (BRIDGE ST.)	1	L.S.	\$3,000.00	\$3,000.00	\$7,162.00	\$7,162.00	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00				
8	6980	FLAGGERS (BRIDGE ST.)	80	HR	\$40.00	\$3,200.00	\$120.00	\$9,600.00	\$45.00	\$3,600.00	\$45.00	\$3,600.00	\$80.00	\$6,400.00				
9	5875	COMMERCIAL HMA	12	TN	\$200.00	\$2,400.00	\$6,000.00	\$72,000.00	\$280.00	\$3,360.00	\$125.00	\$1,500.00	\$520.00	\$6,240.00				
10	7055	CEMENT CONCRETE SIDEWALK	821	S.Y.	\$65.00	\$53,365.00	\$90.00	\$73,890.00	\$43.50	\$35,713.50	\$54.00	\$44,334.00	\$98.00	\$80,458.00				
10	7058	CEMENT CONC. CURB RAMP TYPE PERPENDICULAR A	3	EACH	\$2,500.00	\$7,500.00	\$3,500.00	\$10,500.00	\$3,250.00	\$9,750.00	\$1,700.00	\$5,100.00	\$2,400.00	\$7,200.00				
						\$107,834.00	\$243,528.15	\$98,739.50	\$86,336.00	\$148,889.00								
						TOTAL PRICE (Including Tax):												
						WAGE COMPLIANCE	YES		YES		YES		YES		YES		YES	
						DBE UTILIZATION	YES		YES		YES		YES		YES		YES	
						PREQUALIFICATION	YES		YES		YES		YES		YES		YES	
						NON-COLLUSION	YES		YES		MISSING		YES		YES		YES	
						PROPOSAL ADDENDUM	YES		YES		YES		YES		YES		YES	
						BID SCHEDULE	YES		YES		YES		YES		YES		YES	
						SIGNATURE PAGE	YES		YES		YES		YES		YES		YES	
						PROPOSAL BOND	YES		YES	Cashiers Check	YES		YES		YES		YES	