

**CITY OF CLARKSTON
CITY COUNCIL AGENDA
829 5th Street
MONDAY, JUNE 10, 2019**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. AGENDA CHANGES:**
- 4. APPROVAL OF MINUTES: May 28, 2019 Regular Meeting**

- 5. PUBLIC HEARING: Fireworks Ordinance**

- 6. COMMUNICATIONS:**
 - A. From the Public:**
 - B. From the Mayor:**
 - C. From Staff or Employees:**

- 7. COMMITTEE REPORTS:**
 - A. Finance/Admin – Audit Report on Current Bills – June 10**
 - B. Public Safety – June 4**
 - C. Public Works – June 4**
 - D. Outside Organizations – Health District, EMS Council, Valley Vision, PTBA, SEWEDA, MPO, Regional Stormwater, Lodging Tax Advisory**

- 8. UNFINISHED BUSINESS:**
 - A. Ordinance 1625, Budget Modification, 2nd Reading (Finance/Admin)**
 - B. Ordinance 1626, Amend CMC 17.01.040, 2nd Reading (Public Works)**
 - C. Ordinance 1627, Amend CMC 17.10, 2nd Reading (Public Works)**
 - D. Ordinance 1628, Amend CMC 17.15, 2nd Reading (Public Works)**
 - E. Ordinance 1629, Amend CMC 17.20, 2nd Reading (Public Works)**
 - F. Ordinance 1630, Adopt CMC 17.21, 2nd Reading (Public Works)**
 - G. Ordinance 1631, Amend CMC 9.16 Fireworks, 2nd Reading (Public Safety)**

- 9. CONSENT AGENDA:**
 - A. GEMT Annual Provider Participation Agreement (Public Safety)**
 - B. Addendum Exhibit B to Service Agreement: Don Brigham (Public Works)**
 - C. 2019 Street Maintenance Bid Award: Poe Asphalt (Public Works)**

- 10. NEW BUSINESS:**
 - A. Discussion on Dept of Commerce Energy Efficiency Grant (Public Works)**

- 11. COUNCIL COMMENTS:**

- 12. QUESTIONS FROM THE PRESS:**

- 13. EXECUTIVE SESSION: Negotiations & Real Estate**

- 14. 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.

Individuals with disabilities may request reasonable accommodations by calling (509) 769-0131 at least three days prior to meeting.

CLARKSTON CITY COUNCIL MINUTES
May 28, 2019

ROLL CALL: Russ Evans, Pat Holman, Skate Pierce, Joel Profitt, John Murray and Melyssa Andrews. Belinda Larsen excused on MOTION BY PROFITT/ANDREWS. Motion Carried.

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

AGENDA CHANGES: Add Item H, Special Event Permit – Clarkston Farmers’ Market to New Business and Personnel to Executive Session. Correct clerical errors of incorrect dates in Committee meetings. Correct Item F under New Business to Ordinance 1630.

APPROVAL OF MINUTES: Minutes of the May 13, 2019 Regular Meeting were approved as distributed.

PUBLIC HEARING: Surplus Property: WWTP, Sanitation

Mayor Lawrence opened the Public Hearing at 7:05 p.m.

PWD Poole presented Council with the information on the 2009 Chevy Pickup being surplus from the WWTP. Mayor Lawrence opened the floor to comments from the public.

PUBLIC COMMENT: None

PWD Poole presented Council with the information on the 1997 Mack Garbage Truck being surplus from Sanitation Department. Mayor Lawrence opened the floor to comments from the public.

PUBLIC COMMENT: None

PWD Poole presented Council with the information on the 1986 Ford Garbage Truck being surplus from Sanitation Department. Mayor Lawrence opened the floor to comments from the public.

PUBLIC COMMENT: None

The public hearing was closed at 7:10 p.m.

PUBLIC HEARING: Planned Development: 1388 Poplar Street

Mayor Lawrence opened the Public Hearing at 7:10 p.m.

PWD Poole presented council with the information on the Planned Development at 1388 Poplar Street. He introduced Tom Denlea the property developer. Mr Denlea presented Council with information on the project. Councilmember Murray asked what the rental price point would be anticipated to be. Mr Denlea advised that it would be in the range of \$700-\$800 for a single bedroom and around \$1000 for a two-bedroom unit. PWD Poole presented the Staff Report to Council. Murray asked if landscaping would be included in the parking area to include trees. PWD Poole advised that it would, and all development would be completed according to code. Councilmember Andrews asked if this would be open to any residents, or specific to income or other factors. Mr Denlea advised that they did not have a target resident in mind. Councilmember Pierce asked why this was a Planned Development if Zone R-3 allows for apartments. PWD Poole advised that the number of units in this development would not be allowed unless it was a planned development.

Mayor Lawrence opened the floor to comments from the public.

PUBLIC COMMENT: None

The public hearing was closed at 7:30 p.m.

MOTION BY PIERCE/PROFITT to Approve the planned development at 1388 Poplar Street. Councilmember Pierce asked PWD Poole if there were any further conditions required. PWD Poole advised that the development would have to follow the building code, so that will take care of any issues. Councilmember Profitt commented that it makes sense for this transition zone. PWD Poole agreed that a planned development is made for this type of situation, and that this is a good transition between Service Commercial and Residential. Councilmember Andrews advised that she approves of adding more housing in the City. Councilmember Murray advised that his only opposition is the rental prices. Motion Carried.

COMMUNICATIONS:

- A. From the Public:** Wendy Stelmack, 2nd Street near Beachview Park
Robert Dunn, 1040 Bridger Lane
Mike Stover, 1264 Bridge Street
Sgt Bo Tanner, 600 10th Street
Danielle Evans, Clarkston Farmers Market
Ian Smith, 1108 Boston Street

B. From Mayor: Mayor Lawrence announced that May 29 is Tribune Reporter Sandaine's Birthday.

C. From Staff or Employees: None

D. Presentation from TNT Fireworks: Beckie Burger: Mayor Lawrence introduced Beckie Burger from TNT Fireworks. Ms Burger introduced Jason Trout to present examples of safe and sane fireworks to the Council for consideration on the Fireworks Ordinance. Mr Trout advised he had been to multiple council meetings and commission meetings throughout the region discussing concerns that local governments have with fireworks sales and usage. Councilmember Profitt asked for clarification on the dates of sale in the RCW. Trout advised that sale dates were June 28-July 5, and Dec 27-31. The dates to use fireworks are June 28-July 5, and Dec 31-Jan 1. Councilmember Pierce asked which fireworks cause the most personal injuries. Trout advised that sparklers are probably the least safe and cause the most injury because they are often used without supervision and burn extremely hot. He advised that bottle rockets and firecrackers are probably next for most injuries. Councilmember Evans asked if all fireworks are manufactured in china. Trout advised that about 85% are. There are some that are made in Thailand, and some in Mexico. Evans asked if the manufacture process was governed by Federal Law. Trout advised that it was, and that a lot of the regulation came from the 1980's when the fireworks industry began to self-regulate. Test in China to sell here. Councilmember Murray asked what some of the other local governments were proposing from the times that Trout visited them. Trout advised that some were looking at very similar proposals to what is in the draft City ordinance. He advised that some were going to just change dates of sale or usage. Some cities wanted to ban all fireworks but that would stop sparkler sales and use also. Evans asked if Reservation sales fall under federal law like a City. Trout said it was a gray area. Councilmember Andrews mentioned that it is hard to regulate and prove who is the responsible party if the police investigate reports of illegal fireworks. She asked if the regulations are stricter, do the issues remain the same. Trout advised it is a two-part process, if the City is committed, and allocates resources to police for enforcement, then it can make an impact. Murray asked if private homeowner insurance covers damage from fireworks. Chief Cooper advised that it depends on the individual policy. He advised that in Lewiston the enforcement is good, but it took a couple of years. Cooper said we don't want to wait until a catastrophe happens to make a change. Andrews asked Commissioner Shinn if it would provide more problems for the County if the City changed the ordinance. Shinn advised it is already a problem, but the Sheriff shuts down public areas at midnight. He advised that there is no desire for further restrictions in the County, because the inconsistency will make it more of a problem for the County.

COMMITTEE REPORTS:

Finance/Admin: Councilmember Murray reported that the Committee discussed New Business Item A: Ordinance 1625, Budget Amendment and reviewed and approved the bills for payment. Total expenditures for the May 13, 2019 period of \$249,963.52. MOTION BY HOLMAN/ANDREWS to approve the bills as read. Motion Carried

Public Safety: Councilmember Evans reported on the May 21st meeting. The meeting started with a review of the draft ordinances Attorney Richardson had written. The Committee would like to present these ordinances for a first reading at the May 28th meeting with a second reading and a public hearing at our June 10th meeting. Beckie Burger will give us a presentation on safe and sane fireworks at our May 28th meeting. (Agenda item.) Chief Cooper reviewed the Payer Production Statistics of 2017 and 2018 with the Committee. This led to the discussion about the supplemental money we will be receiving from the Ground Emergency Medical Transportation program for the 2017 fiscal year. After paying our share of costs for the program, \$66,239.43, we will, in return, receive \$195,952.93 for our participation. Once we subtract the \$66,239.43, 15% for administration and management costs, we should gross close to over \$100,320.57. We have received some moneys has not been calculated in that amount. We will need a budget amendment and ordinance to pay the initial \$66,239.43. (Agenda item.) Chief Hastings was absent as he was attending a meeting in Spokane. Chief Cooper explained the breakdown of the GEMT funding. Councilmember Proffitt asked when the funding will be available. Cooper advised it would be the last week of July or first of August. Councilmember Pierce asked about other costs. Cooper advised there are payments to the consultant group but is offset by revenue that we wouldn't have received otherwise.

Public Works: Councilmember Pierce reported on the May 21st meeting. The Committee discussed the Update on the WWTP Transfer, and our potential Solar project on that property. If we get the grants, and back out of the deal we will owe Apollo Solutions 18,000-36,000 based on the level of the grants awarded. Mr. Simpson, with PUD, is going to discuss the solar project with the PUD board. The 2019 Street Maintenance Project is ready to head out to bid. Bid advertising will run on May 24 and 31st. The bid opening will be on June 4th at 11am. Earlier, the Committee discussed using a slurry coat on some sections of City streets. We have been advised it would be best to do the slurry coat and standard seal coat as two separate bids next year. We had an update on the remediation of 1513 8th St. We've been given judicial approval to demolish the buildings. We have a bid that was given earlier by a contractor on the small works roster. We will need to identify where we will source the funds to pay for the initial work. We will need to place a lien on the property to repay the loan. The demolition cost will be \$38,650. This will be on the agenda for Tuesday night's meeting. The Committee had a review of the pamphlets for Fats, Oils and Grease (FOG). FOGs are damaging to our public sewer lines. There was a discussion on the billboard at Bridge and Confluence Way. The Port informed the city that they are not interested in renting the space. We were given a sample Request For Proposal. We would have to advertise to potential companies who would like to lease the land and put up their own billboard. Council will need to decide how to proceed with this deal. The committee recommends that we allow this property to be a revenue generator for the city. We recommend a longer lease with regular updates to the rates. We were given an update on PD-2018-01. This planned development refers to the apartment complex located behind the future hotel on the corner of Bridge and 14th Street. It is a 36 Unit apartment complex with the entrance situated on Poplar Street. We were also informed of a planned development at 920 7th Street. Also, there is a large list of plan reviews coming up this summer. We had a review of Ordinances 17.20 and 17.21 for fencing. Currently the fencing ordinances are a subsection of Exceptions and should have their own section. We would like to improve the traffic safety of at intersections and improve language of our fencing ordinances to make the rules clearer for homeowners and more enforceable for the city.

Outside Organizations: None

UNFINISHED BUSINESS:

- A. Ordinance 1617, Zone Change – Fair Street, 2nd Reading (Public Works) MOTION BY Murray/Holman to adopt the ordinance. Motion Carried.**
- B. Ordinance 1618, Zone Change – Poplar Street, 2nd Reading (Public Works) MOTION BY ANDREWS/PROFITT to adopt the ordinance. Motion Carried.**
- C. Ordinance 1619, Zone Change – 1303 6th Street, 2nd Reading (Public Works) MOTION BY /PIERCE/Andrews to adopt the ordinance. Motion Carried.**
- D. Ordinance 1620, Zone Change – 1313 6th Street, 2nd Reading (Public Works) MOTION BY EVANS/HOLMAN to adopt the ordinance. Motion Carried.**
- E. Ordinance 1621, Zone Change – 1336 5th Street, 2nd Reading (Public Works) MOTION BY MURRAY/EVANS to adopt the ordinance. Motion Carried.**
- F. Ordinance 1622, Alley Vacation – Block 18, Lot 11-12, 2nd Reading (Public Works) MOTION BY HOLMAN/ANDREWS to adopt the ordinance. Motion Carried.**
- G. Ordinance 1623, Alley Vacation – Block 18, Lot 23-24, 2nd Reading (Public Works) MOTION BY EVANS/PROFITT to adopt the ordinance. Motion Carried.**
- H. Ordinance 1624, Alley Vacation – Block 18, Lot 33-34, 2nd Reading (Public Works) MOTION BY PROFITT/PIERCE to adopt the ordinance. Motion Carried.**

CONSENT AGENDA: MOTION BY PIERCE/PROFITT to approve the consent items. Motion Carried

- A. Local Agency Contract – McCall’s Classic Construction (Public Works)**
- B. Resolution 2019-08 – Transfer Vehicle from WWTP to Building (Public Works)**
- C. Resolution 2019-09 – Transfer Vehicle from Building to Parks (Public Works)**
- D. Resolution 2019-10 – Transfer Vehicle from Sanitation to WWTP (Public Works)**
- E. Resolution 2019-11 – Surplus Property (Public Works)**
- F. Quit Claim Deed – V-2019-01 Pring (Public Works)**
- G. Quit Claim Deed – V-2019-01 Ewing (Public Works)**
- H. Quit Claim Deed – V-2019-02 EGSRCL Clarkston, LLC (Public Works)**
- I. Quit Claim Deed – V-2019-02 Paasch (Public Works)**
- J. Quit Claim Deed – V-2019-03 Canna4Life (Public Works)**
- K. Quit Claim Deed – V-2019-03 Wahlberg (Public Works)**
- L. Authorization to pay GEMT Invoice – WA State HCA (Public Safety)**

NEW BUSINESS:

- A. Ordinance 1625, Budget Modification, 1st Reading (Finance/Admin) 1st Reading, Motion will be at next meeting.**
- B. Ordinance 1626, Amend CMC 17.01.040, 1st Reading (Public Works) 1st Reading, Motion will be at next meeting.**
- C. Ordinance 1627, Amend CMC 17.10, 1st Reading (Public Works) 1st Reading, Motion will be at next meeting.**
- D. Ordinance 1628, Amend CMC 17.15, 1st Reading (Public Works) 1st Reading, Motion will be at next meeting.**
- E. Ordinance 1629, Amend CMC 17.20, 1st Reading (Public Works) 1st Reading, Motion will be at next meeting.**
- F. Ordinance 1630, Adopt CMC 17.21, 1st Reading (Public Works) 1st Reading, Motion will be at next meeting.**
- G. Ordinance 1631, Amend CMC 9.16 Fireworks, 1st Reading (Public Safety) 1st Reading, Motion will be at next meeting.**
- H. Special Event Permit – Clarkston Farmers’ Market**
MOTION by PROFITT/EVANS to approve the permit with condition of the insurance being in place before the June 1, 2019. Motion carried.

COUNCIL COMMENTS: Councilmember Murray asked why ordinances couldn't be on the consent agenda. Clerk/Treasurer Austin advised it was due to our code and the discussion and vote that is on the second reading. Councilmember Andrews wished a belated Memorial Day to all who served.

PRESS QUESTIONS: None

EXECUTIVE SESSION: Personnel. Mayor Lawrence that the Council would be in executive session for 5 minutes beginning at 8:38pm. She advised that it would be for 5 minutes and no action to be taken in executive session. At 8:43pm the session was extended for 2 minutes. The session ended at 8:45pm.

ADJOURNMENT:

Meeting adjourned at 8:45pm.

Steve Austin, City Clerk

Monika Lawrence, Mayor

Total Fund Expenditures 5/28/19	Ck # 68466-68517	\$104,180.46
Payroll 5/20/19	Ck # 68450-68463	\$145,783.06

,Public Works Notes 6/4/19

Attending: Steve Austin, Danielle Evans, Joel Proffit, John Murray, Jason Ewing, Mayor Lawrence, Kevin Poole and Skate Pierce

- 1) Danielle Evans from the Farmer's Market gave us an update on the market, with banners and feedback from the first weekend of the market. There were some concerns about ADA accessibility. Director Poole informed us that compacted gravel is ADA compliant, we could use some $MgCl_2$. Turnout was estimated to be much higher than previous years. With many vendors selling out early. We're going to compile a list of wants and needs from the Farmer's Market to improve the experience.
- 2) Update on the WWTP transfer. The mayor, Director Poole and Clerk/Treasurer Austin and Attorney Richardson went and met with representatives from Foster Pepper to discuss contract details.
- 3) We got a letter awarding us the grant for the Energy Efficiency project. The total project will cost \$209,911. The grant is valued at \$52,695. The total cost to us will be \$157,216 with a later rebate of \$23,915. There are a number of concerns and considerations that we need to assess before we proceed with this. We should have a discussion as a full council on whether we should just pay for the audit fee and decline the grant. Or, try and budget to cover the costs. This was an in-depth conversation, and the finer details will be covered in council.
- 4) 2019 Street Maintenance Project bid opening was done today. It is recommended that we award the project to Poe Asphalt, with a change order to remove the Alley Overlay to get it within the projected costs.
- 5) We received a letter from Chip Wahlberg taking issue with the cost of the alley vacation. Each of the quit claim deeds were already approved by council.
- 6) The committee is directing Director Poole to move forward with a draft RFP to submit to Attorney Richardson, regarding the property at Bridge and Confluence Way.
- 7) Department of Commerce has requested that we update our ordinances regarding Resource Lands and Critical Areas. We are going to revise the existing ordinance 17.85 to include the state language .
- 8) We have a request for a supplement to the existing contract with Don Brigham concerning his work on our Comprehensive Plan Update. The cost of \$4000 has already been budgeted.

ORDINANCE NO. 1625

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, AMENDING ORDINANCE NO. 1613 WHICH ADOPTED THE 2019 BUDGET, AND AUTHORIZING THE NECESSARY ADJUSTMENTS.

WHEREAS, the City Council has determined that the 2019 budget should be amended to take into account variations in actual revenues and expenditures from those projected at the time of adoption of the 2019 budget, now therefore,

THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Budget Amended. Section 2 of Ordinance No. 1613 passed by the City Council on December 20, 2018, shall be increased and amended as follows:

	EXPENDITURES	OTHER FINANCING USES
CURRENT EXPENSE (001)	1,250	
COMMUNITY PROJECTS (007)	\$38,650	
VEHICLE/EQUIP (016)		1,250
AMBULANCE FUND (120)	\$66,293	
SEWER O & M FUND (400)		750
SANITATION (410)		1,000
TOTALS	106,193	3,000

Section 2. Duties of City Treasurer. The City Treasurer of the City of Clarkston, Washington, is authorized to make the necessary changes to the 2019 budget on or before December 31, 2019, as set forth in attached Exhibit A.

Section 3. Severability Clause. 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 portion of this ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect upon the signing hereof by the Mayor, attestation by the City Clerk and publication as required by law.

DATED the ____ day of _____, 2019.

Authenticated:

Monika Lawrence, Mayor

Steve Austin, City Clerk

**BUDGET AMENDMENT No 1 - 2019
ORDINANCE NO. 1625**

Account Description	Adopted Bdgt	Amendment	Amended Bdgt	Explanation
EXPENDITURES				
GENERAL FUND				
001 000 090 594 58 64 10	\$ -	\$ 750	\$ 750	Purchase Vehicle from WWTP
001 000 110 594 76 64 10	\$ -	\$ 500	\$ 500	Purchase Vehicle from Econ Develop
001 999 001 508 80 00 00	\$ 743,019	\$ (1,250)	\$ 741,769	Adjust End Bal
TTL EXPENDITURES		\$ 1,250		
COMMUNITY PROJECTS FUND				
007 000 043 594 76 63 00	\$ -	\$ 38,650	\$ 38,650	1513 8th Remediation
103 999 130 508 80 00 00	\$ 40,019	\$ (38,650)	\$ 1,369	Adjust End Bal
TTL EXPENDITURES		\$ 38,650		
VEHICLE/EQUIP REPLACEMENT FUND				
016 000 220 597 21 00 20	\$ 43,000	\$ 1,250	\$ 44,250	Vehicles for 090 / 110
120 999 084 508 80 00 00	\$ 505,532	\$ (1,250)	\$ 504,282	Adjust End Bal
TTL EXPENDITURES		\$ 1,250		
AMBULANCE / EMS FUND				
120 000 084 522 70 41 90	\$ 54,925	\$ 66,239	\$ 121,164	GEMT State share
400 999 140 508 80 00 00	\$ 277,113	\$ (66,239)	\$ 210,874	Adjust End Bal
TOTAL EXPENDITURES		\$ 66,239		
REVENUES				
GENERAL FUND				
001 000 001 395 10 00 00	\$ -	\$ 1,250	\$ 1,250	Vehicles for 090 / 110
TOTAL REVENUES		\$ 1,250		
SANITATION O&M FUND				
410 000 150 395 10 00 00	\$ -	\$ 1,000	\$ 1,000	Vehicle for 400
TOTAL REVENUES		\$ 1,000		

ORDINANCE 1626

**AN ORDINANCE OF THE CITY OF CLARKSTON, WASHINGTON,
AMENDING CLARKSTON MUNICIPAL CODE 17.01.040 TO AMEND THE
DEFINITIONS TO ZONING GENERAL PROVISIONS**

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CLARKSTON,
WASHINGTON ORDAINS AS FOLLOWS:

SECTION 1.0 AMENDMENT OF CHAPTER 17.01.040

Clarkston Municipal Code Chapter 17.01.040 is hereby amended as follows:

“Front lot line” means the property line separating the lot from the street, other than an alley. In the case of a corner lot, ~~this means the shortest property line along a street~~ the building official shall designate the front lot line; on an interior lot, the lot line abutting the street; on a through lot, the lot line abutting a street providing the primary access to the lot; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

“Height of building” means the vertical distance from the grade to the highest point of the coping of a flat roof to the deck lines of a mansard roof, or the ~~average height of the highest gable of a pitch or hip~~ point of the roof.

“Town house” means a single-family house of two or sometimes three stories that is usually connected to a similar house by a common sidewall. Sometimes referred to as a row house.

SECTION 2.0 EFFECTIVE DATE

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

Dated this _____ day of _____, 2019.

Monika Lawrence, Mayor

Authenticated by:

Approved as to form:

Steve Austin, City Clerk

Todd Richardson, City Attorney

Publication Date:

AN ORDINANCE OF THE CITY OF CLARKSTON, WASHINGTON, AMENDING CLARKSTON MUNICIPAL CODE 17.10 TO AMEND THE ZONING USE ZONES

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON ORDAINS AS FOLLOWS:

SECTION 1.0 AMENDMENT OF CHAPTER 17.10.010

Clarkston Municipal Code Chapter 17.10.10 is hereby amended as follows:

(10) Neighborhood Commercial – N-C Zone. The neighborhood commercial zone is intended to provide 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. 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. *The use of existing buildings in the neighborhood is encouraged to retain the nature and character of the existing neighborhood.* Convenience goods (e.g., goods, pharmacy, and sundries) along with personal services (e.g., dry cleaning, barbershops or beauty shops) are common goods and services offered. [Ord. 1528 § 1, 2014; Ord. 1392 § 1, 2004; Ord. 1138 § 1, 1992. Code 1966 § 17.03.010.]

SECTION 2.0 AMENDMENT OF CHAPTER 17.10.030

Exclusionary Zoning

	R-1	R-2	R-3	S-C	N-C	D-C	M-C	P-C	H-I	Parking
Aircraft hangar	N	N	N	N	N	N	N	Y	Y	Q
Adult family home	Y	Y	Y	N	N	N	Y	N	N	D
Apartment houses	N	Y**	Y	N	N	YN	Y	Y	N	B
Arcade	N	N	N	Y	Y	Y	N	N	N	Q
Asphalt plant	N	N	N	N	N	N	N	N	Y	O
Automobile body repair shop	N	N	N	Y	N	N	N	Y	N	M
Automobile rental	N	N	N	Y	N	N	N	Y	N	M
Automobile sales or service	N	N	N	Y	N	N	N	Y	N	M
Automobile storage	N	N	N	Y	N	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	N	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	YN	Y	Y	N	N	C
Billboard	N	N	N	N	N	N	N	N	N	
Boat building or repair	N	N	N	Y	N	N	N	Y	Y	N
Boat/mobile home	N	N	N	Y	N	N	N	Y	N	M
Boat moorage, commercial	N	N	N	Y	N	N	N	Y	Y	L
Bottling plant	N	N	N	N	N	N	N	N	Y	O
Bowling alley	N	N	N	Y	N	Y	N	Y	N	I
Brewery/distillery/winery	N	N	N	Y	N	Y	N	Y	Y	Q
Building supply outlet	N	N	N	Y	N	Y	N	Y	Y	L

	R-1	R-2	R-3	S-C	N-C	D-C	M-C	P-C	H-I	Parking
Furniture refinishing	N	N	N	Y	N	N	N	Y	Y	M
Garage, private	Y	Y	Y	Y	N	N	Y	N	N	Q
Garage, repair	N	N	N	Y	N	N	N	Y	Y	N
Gas station	N	N	N	Y	Y	N	N	Y	Y	L
Gift shop	N	N	N	Y	Y	Y	N	Y	N	L
Grain storage	N	N	N	N	N	N	N	Y	Y	Q
Hazardous waste facility	N	N	N	N	N	N	N	N	Y	O
Health club, private	N	N	N	Y	Y	Y	N	Y	N	L
Home occupation	Y	Y	Y	N	N	N	N	N	N	Q
Hospital	N	N	N	N	N	N	Y	N	N	D
Hotel	N	N	N	Y	N	Y	Y	Y	N	C
Ice manufacturer – Cold storage plant	N	N	N	N	N	N	N	Y	Y	O
Industrial use, heavy	N	N	N	N	N	N	N	N	Y	O
Industrial use, light	N	N	N	Y	N	N	N	Y	Y	O
Junkyard	N	N	N	N	N	N	N	N	N	
Kennel	N	N	N	N	N	N	N	N	Y	M
Laundry, commercial/industrial	N	N	N	Y	N	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	N	Y	Y	N
Manufacturing	N	N	N	N	N	N	N	Y	Y	O
Manufactured house	Y	Y	Y	N	N	N	Y	N	N	A
Manufactured housing park	N	N	Y*	N	N	N	N	N	N	A
Marijuana, retail/medical processing ¹	N	N	N	N	N	N	N	N	Y	O
Marijuana, retail/medical production ¹	N	N	N	N	N	N	N	N	Y	O
Marijuana, retail/medical retail sales ¹	N	N	N	Y	N	Y	N	Y	N	K
Marina	N	N	N	N	N	N	N	Y	Y	L
Meat packing plant	N	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	N	Y	Y	Y	N	K
Mobile home park	N	N	Y*	N	N	N	N	N	N	A
Monument works	N	N	N	Y	N	Y	N	Y	Y	N

	R-1	R-2	R-3	S-C	N-C	D-C	M-C	P-C	H-I	Parking
Mortuary	N	N	N	Y	N	N	Y	N	N	L
Motel	N	N	N	Y	N	N	N	Y	N	C
Nursery for flowers and	N	N	N	Y	Y	N	N	Y	Y	M
Nursing home	Y	Y	Y	N	N	N	Y	N	N	D
Parking lot	N	N	CU	Y	Y	Y	Y	Y	Y	Q
Petroleum storage	N	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	Y	N	N	A
Print shop	N	N	N	Y	N	Y	N	Y	N	M
Public utility yard	N	N	N	N	N	N	N	Y	Y	Q
Recreational facility, public	CU	CU	CU	CU	N	N	N	CU	N	Q
Recreational vehicle park	N	N	CU	Y	N	N	N	N	N	B
Recycling center	N	N	N	N	N	N	N	N	Y	Q
Recycling collection point	Y	Y	Y	Y	Y	Y	Y	Y	Y	Q
Recycling plant	N	N	N	N	N	N	N	N	Y	O
Rendering plant	N	N	N	N	N	N	N	N	N	
Research laboratory	N	N	N	Y	N	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 (floor area <2,500 sq. ft.)	N	N	N	Y	Y	Y	N	Y	N	M
Retail store (floor area >2,500 sq. ft.)	N	N	N	Y	N	Y	N	Y	N	M
Sanitary landfill	N	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	N	Y	N	N	H
Schools (K – 12)	Y	Y	Y	Y	N	N	N	N	N	H
Second-floor apartment	Y	Y	Y	Y	Y	Y	Y	Y	N	B
Service station	N	N	N	Y	N	N	N	Y	N	L
Sign shop	N	N	N	Y	N	Y	N	Y	N	N
Single-family dwelling	Y	Y	Y	N	N	N	Y	N	N	A
Storage rental unit	N	N	N	Y	N	N	N	Y	N	Q
Terminal yard, trucking	N	N	N	N	N	N	N	Y	Y	Q
<u>Townhouse</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>A</u>
Tire shop	N	N	N	Y	N	N	N	Y	Y	M
Theater, interior	N	N	N	Y	N	Y	N	N	N	E
Transportation facility	N	N	N	N	N	N	N	Y	Y	Q

	R-1	R-2	R-3	S-C	N-C	D-C	M-C	P-C	H-I	Parking
Truck and tractor repair	N	N	N	N	N	N	N	Y	Y	M
Upholstery shop	N	N	N	Y	N	Y	N	Y	Y	N
Veterinary clinic	N	N	N	Y	N	N	N	Y	Y	M
Warehouse	N	N	N	Y	N	N	N	Y	Y	O
Wholesale distributing facility	N	N	N	Y	N	N	N	Y	Y	O
Wireless telecommunication facility	Y*	CU								
Wood processing plant	N	N	N	N	N	N	N	Y	Y	O
Wrecking yard	N	N	N	N	N	N	N	N	N	O

* Review special requirements.

** Maximum of four 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.

1 Review special state requirements.

(2) Distinction Between Downtown Commercial Area and Service Commercial Area. Clarkston's downtown business district is a concentrated mix of commercial uses which are primarily pedestrian-oriented. This orientation is complemented by generous on-street and off-street parking.

The service commercial areas are primarily one-stop activities which are vehicular-oriented. This orientation is complemented by ready access from and locations on major arterial streets.

Recognizing these distinctions, certain land uses are appropriately located in the service commercial area which are not appropriate or compatible with the downtown commercial area. These uses are:

- Auto body repair shop
- Auto sales and service
- Auto storage
- Boat building or repair
- Boat and mobile home sales/service
- Bottling plant
- Cabinet/furniture shop
- Car wash
- Commercial boat moorage
- Convenience store
- Dependent mobile home park
- Drive-in theater
- Farm or heavy equipment sales/service
- Food store -> 2,500 square feet
- Frozen food locker
- Furniture refinishing
- Garage, private
- Garage, repair

Kennel
 Marina
 Motel
 Nursery for flowers and plants
 Recreational vehicle park
 Recycling center
 Schools (college)
 Service station
 Storage rental unit
 Tire shop
 Veterinary clinic
 Warehouse
 Wholesale distributing facility

REQUIREMENTS

	R-1	R-2	R-3	S-C	N-C	D-C	M-C	H-I P-C
General requirements:								
Minimum lot size in square feet	5,000	5,000 ₆	5,000 ₆	5,000	5,000 ₆	NA	5,000 ₆	NA
Area required for additional dwelling units (s.f.)	3,500 ¹	2,500 ₂ <u>2000 2.6</u>	1,500 <u>0₆</u>	NA	NA	NA	NA	NA
Minimum lot width	50	50	50	50	50	NA	NA	NA
Minimum lot depth	100	100	100	100	100	NA	NA	NA
Primary building:								
Front yard setback	25	20	20	15	15	0	20	0

	R-1	R-2	R-3	S-C	N-C	D-C	M-C	H-I P-C
Rear yard setback	15	15	15	15	15	0	15	0
Side yard setback	7 or 40 ⁵	7 ₅ or 40 ⁵	7 ₅ or 40 ⁵	5	5 ₅	0	5 ₅	0
Side yard setback, corner lot, street side	15	15	15	0	0	0	0	0
Auxiliary building: (less than 120 s.f.)								
Front yard setback	25	20	20	15	15	0	20	0
Rear yard setback	3	3	3	0 or 15 ³	0 or 15 ₃	0	0 or 15 ₃	0
Side yard setback	3	3	3	0 or 15 ³	0 or 15 ₃	0	0 or 15 ₃	0

Auxiliary building: (more than 120 s.f.)								
Front yard setback	25	20	20	15	15	0	20	0
Rear yard setback	3 or 10 ⁴	3 or 10 ⁴	3 or 10 ⁴	0 or 15 ³	0 or 15 ³	0	0 or 15 ³	0
Side yard setback	5	5	5	0 or 15 ³	0 or 15 ³	0	0 or 15 ³	0
Maximum lot coverage by structures	40%	<u>50</u> 45%	50%	60%	60%	100%	60%	100%
Building height limit	35 ₇	35 ₇	35 ₇	<u>50</u> ₇ 35	35 ₇	<u>50</u> ₇ 35	<u>50</u> ₇ 35	<u>50</u> ₇ 35

- 1 To a maximum of two units contained within a single structure (duplex), and one structure per lot.
- 2 To a maximum of four 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. 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, seven on one side and 10 on the other if no alley access. Townhouse common wall (fire separated wall) may have a zero foot setback. The exposed end walls (non-fire rated assembly) shall meet the setback as described in respective zone.~~
- 6 Individual townhouses are exempt from the minimum lot size. The total land area the townhouse complex is located on must meet the minimum lot size and additional dwelling unit area requirements.
- 7 Building height limit is for primary structures in R-1, R-2, R-3, and NC zones. Auxiliary building height in R-1, R-2, R-3, and NC zones are restricted to 16 foot wall height. Any building in SC, PC, MC, and HI zones are limited to a maximum height of 50 feet. Building height in an MC zone is limited to 35 feet if the building property borders an R-1, R-2, or R-3 zone

NOTE: The maximum eave overhang or other building projection allowed is four inches for every 12 inches of required setback. The required setback is measured from the property line to the outside of the foundation wall.

SECTION 3.0 AMENDMENT OF CHAPTER 17.10.060

- (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 as outlined in CMC 15.40.;
 - (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 *as outlined in CMC 15.40*. However, no more than three 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 five feet 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 \$50.00 *as outlined in CMC 15.40* and authorizes use for a six-month period;
 - (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 may renew for an additional six-month period. Renewal will require an additional \$50.00 permit fee. 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;

SECTION 4.0 EFFECTIVE DATE

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

Dated this _____ day of _____, 2019.

Monika Lawrence, Mayor

Authenticated by:

Approved as to form:

Steve Austin, City Clerk

Todd Richardson, City Attorney

Publication Date:

ORDINANCE 1628

AN ORDINANCE OF THE CITY OF CLARKSTON, WASHINGTON, AMENDING CLARKSTON MUNICIPAL CODE 17.15 TO AMEND THE DEFINITIONS TO ZONING SUPPLEMENTARY REGULATIONS

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON ORDAINS AS FOLLOWS:

SECTION 1.0 AMENDMENT OF CHAPTER 17.15.020

Clarkston Municipal Code Chapter 17.15.020 is hereby amended as follows:

A clear-vision area shall be maintained on the corners of all property adjacent to the intersection of two streets. A clear-vision area shall contain no planting, fence or other temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or where no curb exists from the established centerline grade of the street, except that trees exceeding three feet *in height* may be permitted if *the property owner meets requirements in CMC 13.20* ~~all branches and foliage to a height of eight feet above the top of the curb or established centerline grade are removed.~~

SECTION 2.0 AMENDMENT OF CHAPTER 17.15.030

A clear-vision area shall consist of a triangular area two sides of which are street lines and the third side of which is a line across the corner of the lot connecting the ends of the other two sides. The size of a clear-vision area is determined by the distance from the intersection of the two street lines to the third side, measured along the street *along the face of curb or as determined by the Public Works Director if no curb is present.* The size shall be as follows:

SECTION 3.0 ADDITION OF CHAPTER 17.15.035

17.15.035 Building Height

Building height shall be no greater than 35 feet in an R-1 Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential, or NC Neighborhood Commercial zone. Building height shall be no greater than 50 feet in an DC Downtown Commercial, PC Port Commercial, SC Service Commercial, or HI Heavy Industrial zone. Building height in an MC Medical Commercial zone shall be no greater than 50 feet. If the building in an MC Medical Commercial zone is shares a property line with a property zoned R-1 Low Density Residential, R-2 Medium Density Residential, or R-3 High Density Residential, the building height shall be no greater than 35 feet.

SECTION 4.0 AMENDMENT OF CHAPTER 17.15.040

(4) No portion of an accessory building located in a *R1 Low Density Residential* residential zone shall be used for the conduct of a home occupation. *Accessory building in an R2 Medium Density Residential zone and R3 High Density Residential may be used for the conduct of a home occupation business as defined in CMC 17.01.*

(5) Accessory uses shall be permitted in the rear yard areas only. A private garage may be located in front and side yards if all setback requirements for the principal use structure and the accessory building are met for the accessory use.

(6) Subject to the following restrictions and limitations specified, the following accessory buildings and uses shall be permitted in residential R-1 Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential, and NC Neighborhood Commercial zones:

(a) Detached garages and carports, storage buildings, workshops, hobby shops, recreation rooms and other similar uses;

(b) Accessory buildings shall not exceed 16 feet in wall height. ~~“Building height,” as used in this section, means the vertical distance from the grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.~~ The reference datum shall be the elevation of the highest adjoining ground surface within a five-foot horizontal distance of the exterior wall of the building.

(7) No accessory building shall exceed one story in height in R-1 Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential, and NC Neighborhood Commercial zones.

SECTION 5.0 AMENDMENT OF CHAPTER 17.15.050

(1) The requirements of this section shall apply to all new land uses in any commercial or industrial zone or land uses in any commercial zone which have an expansion or addition amounting to more than 40 25 percent of the total square foot area of the primary building within a five-year period or amount of improvement meets or exceeds cost of \$10,000.00. Furthermore, the requirements of this section shall apply to all new commercial land uses or expansions and additions (as described above) where such commercial land uses are located in residential zones. Furthermore, these requirements shall also apply to any changes of use (as applicable to the above circumstances) when the existing parking is not in conformance with these requirements.

SECTION 5.0 AMENDMENT OF CHAPTER 17.15.080

~~(7) Except for single family and duplex dwellings and unless otherwise provided, required parking and loading spaces shall not be located in a yard required by this title. (RESERVED)~~

SECTION 6.0 EFFECTIVE DATE

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

Dated this _____ day of _____, 2019.

Monika Lawrence, Mayor

Authenticated by:

Approved as to form:

Steve Austin, City Clerk
Publication Date:

Todd Richardson, City Attorney

ORDINANCE 1629

AN ORDINANCE OF THE CITY OF CLARKSTON, WASHINGTON, AMENDING CLARKSTON MUNICIPAL CODE 17.20 TO AMEND THE ZONING EXCEPTIONS

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON ORDAINS AS FOLLOWS:

SECTION 1.0 AMENDMENT OF CHAPTER 17.20

Clarkston Municipal Code Chapter 17.20 is hereby amended as follows:

17.20.050 Fences.

~~(1) Fencing in a residential, commercial or industrial zone shall not exceed six feet in height, except as permitted in subsection (4) of this section. Such fencing may be placed anywhere on the lot provided it shall be no closer to a public street right of way than the building setback requirements for the zone.~~

~~(2) Non-sight-obscuring fencing, not exceeding four feet in height, may be placed anywhere on the lot.~~

~~(3) Sight-obscuring fencing, wall or hedges, not exceeding three feet in height, may be placed anywhere on the lot.~~

~~(4) Fencing in a commercial or industrial zone, or in conjunction with a public facility, when required to provide security around unattended outdoor storage areas or to protect the public from contact with hazardous conditions, materials or equipment, may exceed six feet in height, but in no instance shall exceed 10 feet in height; and further provided, it shall be placed no closer to a public street right of way line than the building setback requirements set out in this title.~~

~~(5) The use of electrically charged fencing is prohibited. The use of barbed wire fencing is prohibited, except to provide security around unattended outdoor storage areas or public facilities which could cause injury if accessible to public contact. When permitted, such fencing shall be located no closer than four feet to any street, sidewalk, alley or other public right of way.~~

~~(6) For purposes of this section, the grade from which the height of all fences placed adjacent to a street right-of-way shall be measured is the elevation of the centerline of the street or the top of the curb. For fences and walls placed elsewhere on the site, the grade from which the height shall be measured shall be either the existing groundline elevation of that fence or wall location or a new groundline. Any new groundline shall be no higher than the grade of the primary structure on the site. [Ord. 1201 § 1, 1995; Ord. 1138 § 1, 1992. Code 1966 § 17.05.050.]~~

SECTION 2.0 EFFECTIVE DATE

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

Dated this _____ day of _____, 2019.

Monika Lawrence, Mayor

Authenticated by:

Approved as to form:

Steve Austin, City Clerk

Todd Richardson, City Attorney

Publication Date:

ORDINANCE 1630

**AN ORDINANCE OF THE CITY OF CLARKSTON, WASHINGTON, ADOPTING
CLARKSTON MUNICIPAL CODE 17.21 TO AMEND ZONING**

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON
ORDAINS AS FOLLOWS:

SECTION 1.0 ADOPTION OF CHAPTER 17.21

Clarkston Municipal Code Chapter 17.20 is hereby adopted:

Chapter 17.21
FENCING

Sections:

17.21.010 General Requirements.

17.21.020 Fencing by Zones.

17.21.030 Non-Complaint Fencing.

17.21.040 Prohibited Fencing.

17.21.050 Fencing Height Measurement.

17.21.060 Penalties.

17.21.010 Fencing.

- (1) A building permit is required to construct, alter, and/or modify fencing in the City of Clarkston, as outlined in CMC 15.40.
- (2) Fencing shall be constructed on private property not on public right-of-way. It shall be the property owner's responsibility and obligation to identify the property lines when proposing to construct fencing. A property survey may be required by the City.
- (3) Fencing shall not conflict with the requirements for Clear-vision Area as outlined in CMC 17.15.020.
- (4) To obtain a fencing permit the applicant shall provide, a site map of the property, indicating the location of the fence, the height, the material (type) of fencing, a North arrow, and the City street. No permit will shall be issued without a site map.
- (5) Fencing shall be maintained in good working order; property owners are responsible for maintaining fencing.
- (6) No pallets, construction demo, and/or unapproved fencing shall be constructed and/or maintained in the City.

17.21.020 Fencing by Zones.

- (1) Fencing in R-1, R-2, R-3, MC, DC, and NC zones not exceeding 42 inches in height may be placed anywhere on the property. Fences between 42 and 72 inches in height may be placed in the rear and side yards of the property as outlined in CMC 17.10.
- (2) Fencing in SC, H-I, and P-C zones not exceeding 72 inches in height may be placed anywhere on the property. Fencing in conjunction with a public facility, when required to provide security around unattended outdoor storage areas or to protect the public from contact with hazardous conditions, materials or equipment, may exceed 72 inches in height, but in no instance shall exceed 120 inches in height; and further provided, it shall be placed no closer to a public street right-of-way line than the building setback as outlined in CMC 17.10.030.

17.21.030 Non-Compliant Fencing

- (1) Fencing not in compliance with this section shall, within twenty (20) days of notification from the City, be removed by the owner or, upon failure to remove the fencing, the Public Works Director is authorized to cause the removal of the fence, the cost of which shall be billed to the owner.

17.21.040 Prohibited Fencing

- (1) The use of electrically charged fencing is prohibited.
- (2) The use of barbed wire/concertina fencing is prohibited in R-1, R-2, R-3, NC, MC, DC, zones.
- (3) Upon written approval from the Public Works Director barbed wire/concertina fencing may be constructed in SC, PC, HI zones, to provide security around unattended outdoor storage areas or public facilities which could cause injury if accessible to public contact. When permitted, such fencing shall be located no closer than four feet to any street, sidewalk, alley or other public right-of-way.

17.21.050 Fencing Height Measurement

- (1) For purposes of this section, the grade from which the height of all fences placed adjacent to a street right-of-way shall be measured is the elevation of the centerline of the street or the top of the curb. For fences and walls placed elsewhere on the site, the grade from which the height shall be measured shall be either the existing groundline elevation of that fence or wall location or a new groundline. Any new groundline shall be no higher than the grade of the primary structure on the site.
- (2) Fencing constructed on a berm, wall and/or uneven grade shall not exceed the allowable fence height. Fencing constructed on a slope must follow the slope or step with the slope so as not to exceed the allowable height at any point along the fencing.

17.21.060 Penalties.

- (3) It shall be unlawful for any person firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, covert or demolish fencing in violation of this code. The penalties to each violation of any term and/or condition and/or requirement of this chapter shall be a civil infraction, as defined in CMC 1.01.110(1)(a), and for each violation shall be fined in addition to any other remedy and/or penalty specifically set forth in this chapter, an amount of \$150.00. for a second infraction of the same provision occurring within a 12-month period, the amount of the penalty that me be forfeited shall increase to \$200.00 for a third and subsequent infraction of the same provision within a 12-month period the amount of the penalty that may be forfeited shall increase to \$250.00. [Ord. 1201 § 1, 1995; Ord. 1138 § 1, 1992. Code 1966 § 17.05.050.]

SECTION 2.0 EFFECTIVE DATE

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

Dated this _____ day of _____, 2019.

Monika Lawrence, Mayor

Authenticated by:

Approved as to form:

Steve Austin, City Clerk

Todd Richardson, City Attorney

Publication Date:

ORDINANCE NO. 1631

AN ORDINANCE AMENDING SECTION 9.16.030 OF THE CLARKSTON MUNICIPAL CODE, WHICH ESTABLISHES DAYS AND HOURS PERMITTED FOR THE DISCHARGE OF CONSUMER FIREWORKS AND ADDING SECTION 9.16.035 LIMITING THE TYPES OF FIREWORKS ALLOWED IN THE CITY

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1.0

Clarkston Municipal Code Chapter 9.16 section .030 is hereby amended as follows:

9.16.030 Discharge of consumer fireworks – Days and hours permitted.

- (1) Except as permitted by this chapter and state law, it is unlawful to possess, discharge or sell at wholesale or retail any fireworks other than consumer fireworks.
- (2) No consumer fireworks shall be sold or offered for sale at retail within the city except from 12:00 noon on the twenty-eighth day of June to 9:00 p.m. on the fourth day of July of each year. No consumer fireworks may be sold between the hours of 11:00 p.m. and 9:00 a.m.
- (3) It is unlawful for a person to ignite, discharge, or use any consumer fireworks except between the hours of 9:00 a.m. on July 4th and 12:01 a.m. on July 5th, AND from 6:00 p.m. on December 31 and 1:00 a.m. on January 1st.
- (4) Consumer fireworks may not be discharged within the city of Clarkston at any other time.
- (5) It is unlawful for any person to discharge fireworks on the property of another without permission of the owner of such property. It is unlawful for any person to discharge fireworks on city property without the express written permission of the city council.
- (6) This section shall take precedence over and shall preempt any conflicting provision of the Revised Code of Washington or the Washington Administrative Code.

SECTION 2.0

Clarkston Municipal Code Chapter 9.16 is amended hereby to add the section .035 as follows:

9.16.035 Limitation on types of fireworks

- (1) No fireworks of any kind shall be discharged within the city, except trick and novelty devices, consumer fireworks consisting solely of ground and hand-held sparkling devices and/or smoke devices, except for displays of fireworks for which a special events permit has been issued pursuant to chapter 9.16 CMC.
- (2) No aerial pyrotechnics, display fireworks, or consumer fireworks consisting of aerial devices of any kind may be discharged within the city, except for displays of fireworks for which a special events permit has been issued pursuant to chapter 9.16 CMC.

SECTION 3.0

Effective Date. This ordinance shall take effect 1 year (365 days) after its passage, approval and publication.

PASSED by the City Council of the City of Clarkston, Washington this _____ day of June, 2019.

Monika Lawrence, Mayor

Authenticated:

Steve Austin, City Clerk

Approved as to Form:

Todd Richardson, City Attorney

Washington Apple Health (Medicaid)
Ground Emergency Medical Transportation (GEMT) Program

Annual Provider Participation Agreement

Name of provider: City of Clarkston Provider NPI number: 1043442759
Service period begin date: 7/1/2019 Service period end date: 6/30/2020

Statement of Intent

The purpose of this agreement is to allow participation in the Ground Emergency Medical Transportation Supplemental Reimbursement Program (GEMT Program) by the governmentally owned or operated provider, named above, subject to the provider's compliance with the requirements and responsibilities set forth in this agreement.

GEMT Provider Responsibilities

By entering into this agreement, the provider agrees to the following:

- A. Provider agrees to comply with each the following, as periodically amended:
- Title XIX of the Social Security Act
 - Titles 42 and 45 of the Code of Federal Regulations (CFR)
 - Washington State Medicaid State Plan
 - State issued policy directives, including the Revised Code of Washington, the Washington Administrative Code, Washington Apple Health Billing Guides
 - Terms of the provider's Medicaid Core Provider Agreement
 - Federal Office of Management and Budget (OMB) Circular A-87
- B. Provider agrees to ensure all applicable state and federal requirements, as identified in paragraph A, above, are met in rendering services under this agreement. The provider understands and agrees that their failure to meet all applicable state and federal requirements in rendering services subject to supplemental reimbursement under this agreement shall be sufficient cause for the state to deny or recoup payments to the provider as well as terminate this agreement.
- C. Provider agrees to comply with the following expense allowability and fiscal documentation requirements:
- 1) Submit annually the participation agreement and cost report form.
 - 2) Maintain for review and audit and supply to the state, upon request, auditable documentation of all amounts claimed, and any other records required by the federal Centers for Medicare and Medicaid Services (CMS), pursuant to this agreement to permit a determination of expense allowability (RCW 41.05.730).
 - 3) If the allowability or appropriateness of an expense cannot be determined by the state because fiscal records or other documentation is not present or is inadequate, according to state and/or federal accounting principles and practices, all questionable costs may be disallowed and payment may be based solely on the current Medicaid fee schedule. Upon receipt of adequate documentation supporting a disallowed or questionable expense, supplemental payment reimbursement may resume.

- D. By November 30 of each year: Provider agrees to submit, electronically via email, the Excel version of the cost report accompanied by a signed PDF copy of the annual GEMT participation agreement and cost report for the prior fiscal year ending June 30, to: **HCAGENTAdmin@hca.wa.gov**.
- E. Provider agrees to accept as payment in full the reimbursement received for services subject to supplemental reimbursement pursuant to this agreement. Under no circumstances will the total amount of reimbursement received exceed one hundred percent of actual care costs. As such, if the provider does not have any uncompensated care costs, the provider will not receive a supplemental payment under this program.
- F. Provider agrees that when it is determined that they received federal funds in excess of their determined cost per transport, the state shall recover the excess in accordance with state and federal regulations within 30 calendar days. The Washington State Health Care Authority (HCA) is not responsible for the compliance costs of the GEMT providers.
- G. Provider agrees to reimburse HCA an administrative fee for all costs associated with the implementation and administration of the GEMT Program. The fee is based on the number of transports provided during the service period (July 1 through June 30) and cannot be included as a reported expense on the provider's annual cost report.

The undersigned hereby warrants that:

- They have the requisite authority to enter into this agreement on behalf of City of Clarkston (provider) and thereby bind the above named provider to the terms and conditions of the same, and
- The information provided in support of this agreement is true and correct and that the undersigned understands that HCA is relying on the truthfulness and accuracy of the information presented.

 Provider Authorized Representative's Signature

 Print Name

 Title

 Street Address

 City, State and Zip

 Date

EXHIBIT B: SCOPE OF WORK & FEES

This Exhibit B shall be considered an addendum to the existing Service Agreement between the City of Clarkston and Don Brigham, Jr., dated January 23, 2018. All terms, conditions and provisos set forth in said Agreement are applicable herewith and thus this Scope of Work and Fees may be considered a continuation of said Agreement. It is recognized here that the Scope of Work set forth in Exhibit A of said Agreement has been completed and furthermore, that all fees due payable to Don Brigham, Jr. from the original Agreement under Exhibit A have been paid in full.

The new scope is set forth as follows:

Administration of Department of Commerce requirements

including these tasks:

- Complete required submittal checklists to the State for the Comprehensive Plan, the Zoning Ordinance and the Critical Areas Ordinance
- Complete the required filing protocols to the State for the Comprehensive Plan, the Zoning Ordinance and the Critical Areas Ordinance
- Prepare the final adoption resolution for City Council and submit to State when adopted
- Complete other incidental administrative tasks, including, but not limited to the above

The **deliverables** which the Consultant will provide include one digital copy of the above submittal items to the City. The City of Clarkston will be responsible for printing, reproduction, mailing, public notices, and legal advertisements.

Compensation shall be paid to the Consultant in the following manner: Payment shall be made as a percentage of completion of each task as set forth in the Scope of Services. Billings and payment shall be made on a monthly basis until fulfillment of all terms of this Agreement.

Total Planning Consultant Fees.....\$4,000.00

Dated this _____ day of _____, 2019

THE CITY OF CLARKSTON

Monika Lawrence, Mayor

Don Brigham, Jr. (Consultant)

Local Agency Contract

THIS AGREEMENT, made and entered into this 10th day of June, 2019.
between the _____, and the _____
City of Clarkston, WA under and by virtue of Title 47 RCW, as amended and

Poe Asphalt Paving, Inc.
P.O. Box 449
Lewiston, ID 83501

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: City of Clarkston 2019 Street Maintenance Project. Project consists of 70 tons of CRS-2P and 550 tons of 3/8" sealcoat aggregate or equivalent and 1200 tons of 1-1/2" thick roadway asphalt overlay, 280 tons of 1-1/2" thick alley overlay, and traffic control delivered to the site and to be used beginning around June 24, 2019. All work to be completed on or before September 6, 2019.

in accordance with and as described in the attached plans and specifications, and the standard specifications of the 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 .

II. 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 has caused this instrument to be executed by and in the name of the day and year first above written.

Executed by the Contractor _____ , _____ .

(Contractor)

Local Agency: _____

Title: _____

By: _____

Date: _____ , _____

PROPOSAL

TO: City of Clarkston, WA, Public Works Department

BID FROM: Poe Asphalt Paving, Inc.

STATE CONTRACTOR REGISTRATION NUMBER: POEASP*333NM

The undersigned hereby certifies that he has personally examined the location and construction details of work as outlined on the contract plans and specifications for the 2018 STREET MAINTENANCE PROJECT and has read and thoroughly understands the plans and specifications and contract governing the work embraced in this improvement, and the method by which payment will be made for said work, and hereby proposes to undertake and complete the work embraced in this improvement in accordance with said plans, specifications and contract, at the following schedule of rates and prices:

NOTE: Unit prices for all items, all extensions, and total amount of bid must be shown. **SALES TAX TO BE INCLUDED IN THE BID ITEM PRICES.** Show total price in both words and figures, and where conflict occurs the written or typed words shall prevail.

Upon receipt of written notice of the notice of Award, Bidder will execute the formal contract attached within 5 calendar days and deliver a Contract Bond as required by the specifications.

The bid security attached in the amount of 5% of the bid amount is to become the property of the Owner in the event the contract and bonds are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

Bidder acknowledges receipt of the following ADDENDA:

Addendum No. _____	Dated: _____
Addendum No. _____	Dated: _____
Addendum No. _____	Dated: _____

PROPOSAL

BID SCHEDULE

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

2019 STREET MAINTENANCE PROJECT						
ITEM NO.	WSDOT Std. Item No.	ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT
SEAL COAT ITEMS						
1	5296	CRS-2P	70	TON	475.00	33,250.00
			Unit Price In Words: Four hundred seventy five dollars			
2	5436	FURNISHING & PLACING CRUSHED SCREENING 1/2 TO NO. 4	550	TON	80.00	44,000.00
			Unit Price In Words: Eighty dollars			
3	6971	PROJECT TEMPORARY TRAFFIC CONTROL	1	L.S.	12,825.00	12,825.00
			Unit Price In Words: Twelve thousand eight hundred twenty five dollars			
TOTAL SEAL COAT (Including Tax):						90,075.00
ASPHALT OVERLAY						
			Unit Price In Words:			
4	5739	HMA FOR PAVEMENT REPAIR, CL 1/2", 0.13' (1-1/2") DEPTH	1200	TON	95.00	114,000.00
			Unit Price In Words: Ninety five dollars			
5	6971	PROJECT TEMPORARY TRAFFIC CONTROL	1	L.S.	15,825.00	15,825.00
			Unit Price In Words: Fifteen thousand eight hundred twenty five dollars			
TOTAL ASPHALT OVERLAY (Including Tax):						129,825.00
ALLEY OVERLAY						
6	5739	HMA FOR PAVEMENT REPAIR, CL 1/2", 0.2' DEPTH	280	TON	105.00	29,400.00
7	6971	PROJECT TEMPORARY TRAFFIC CONTROL	1	L.S.	5,700.00	5,700.00
			Unit Price In Words: Five thousand seven hundred dollars			
TOTAL ALLEY OVERLAY (Including Tax):						35,100.00
TOTAL PROJECT COST (Including Tax):						255,000.00

Local Agency Signature Page

The undersigned hereby agrees to pay labor not less than the prevailing rates of wages in accordance with the requirements of the special provisions for this project.

Receipt is hereby acknowledged of addendum(s) No.(s) _____, _____ & _____

Signature of Authorized Official(s)

Proposal Must be Signed

Scott Williams

Scott Williams, Project Manager

Firm Name Poe Asphalt Paving, Inc.

Address P.O. Box 449

Lewiston, ID 83501

State of Washington Contractor's License No. POEASP*333NM

Federal ID No. 82-0263719

Note:

- (1) This proposal form is not transferable and any alteration of the firm's name entered hereon without prior permission from the will be cause for considering the proposal irregular and subsequent rejection of the bid.
(2) Please refer to section 1-02.6 of the standard specifications, re: "Preparation of Proposal," or "Article 4" of the Instruction to Bidders for building construction jobs.
(3) Should it be necessary to modify this proposal either in writing or by electronic means, please make reference to the following proposal number on in your communication 2017-01.
(4) RCW 47.28.030 (2) applies: No bid deposit or performance bond shall be required but it shall be specified in the bidding proposal that each month the contractor may be required to submit paid invoices showing that disbursements have been made to laborers, materialmen, mechanics, and subcontractors due such persons from the previous progress payment. If such disbursements have not been made, the monthly progress payment shall be withheld pending receipt of the paid invoices.

BID TABULATION
 Bid Opening June 4, 2019, 11:00 AM

2018 STREET MAINTENANCE PROJECT				ENGINEER ESTIMATE	POE ASPHALT PAVING, INC.	HERCO, INC.		
ITEM NO.	WSDOT Std. Item No.	ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
SEAL COAT ITEMS								
1	5296	CRS-2P FURNISHING & PLACING CRUSHED SCREENING 1/2 TO NO. 4	70	TON	650.00	\$45,500.00	475.00	\$33,250.00
2	5436	PROJECT TEMPORARY TRAFFIC CONTROL	550	TON	50.00	\$27,500.00	80.00	\$44,000.00
3	6971	PROJECT TEMPORARY TRAFFIC CONTROL	1	L.S.	3,000.00	\$3,000.00	12,825.00	\$12,825.00
				TOTAL SEAL COAT (Including Tax):		\$76,000.00		\$90,075.00
ASPHALT OVERLAY								
4	5739	HMA FOR PAVEMENT REPAIR, CL 1/2", 0.13' (1-1/2") DEPTH	1200	TON	110.00	\$132,000.00	95.00	\$114,000.00
5	6971	PROJECT TEMPORARY TRAFFIC CONTROL	1	L.S.	3,000.00	\$3,000.00	15,825.00	\$15,825.00
				TOTAL ASPHALT OVERLAY (Including Tax):		\$135,000.00		\$129,825.00
ALLEY OVERLAY								
6	5739	HMA FOR PAVEMENT REPAIR, CL 1/2", 0.2' DEPTH	280	TON	110.00	\$30,800.00	105.00	\$29,400.00
7	6971	PROJECT TEMPORARY TRAFFIC CONTROL	1	L.S.	1,000.00	\$1,000.00	5,700.00	\$5,700.00
				TOTAL ALLEY OVERLAY (Including Tax):		\$31,800.00		\$35,100.00
				TOTAL PROJECT COST (Including Tax):		\$242,800.00		\$255,000.00

Non-Collusion Declaration	✓	
Contractor Prequalification	✓	✓
Cert of Compliance with Wage	✓	✓
Bidder Qualification Form	✓	✓
DBE Utilization Cert	✓	✓
Subcontractor List	✓	✓
Proposal Addenda	✓	✓
Bid Schedule	✓	✓
Signature Page	✓	✓
Proposal Bond	✓	✓

Bid Award	\$255,000.00
Less Alley Paving	\$35,100.00
Total	\$219,900.00
Budgeted Amount	\$220,000.00
Balance	\$100.00



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

May 31, 2019

Kevin Poole
City of Clarkston
829 5th Street
Clarkston WA 99403

Re: Contingent award of the Energy Efficiency and Solar Grant - Energy Efficiency

Dear Kevin Poole,

Congratulations! The Department of Commerce is conditionally awarding City of Clarkston a grant under the Washington State Energy Efficiency and Solar Program for City of Clarkston Energy Project. The award amount is not to exceed \$52,695. This award is made from State funding.

This award letter is contingent on no successful protests of the award decisions and the execution of a Grant Agreement with Commerce. Details such as obligations for deliverables, schedules, coordination and reporting will be negotiated.

In light of the contingent nature of this grant, we require a counter-signature below by an authorized City of Clarkston official. Commerce will announce that the grant has been awarded, however no project information will be shared at this time, only apparent awards. City of Clarkston, including its directors, employees and agents, agree to make no public statements regarding this award until the Grant Agreement is executed and the joint announcement is released, unless Commerce provides prior consent.

Next Steps:

1. Sign and return this letter by 5:00 PM on Friday, June 7, 2019.
2. Once you return this signed letter, you will be sent a pre-contract packet.
3. At least one member of your project team must attend the orientation webinar from 1:30 to 4:30 PM on Thursday, June 13th. Details will be included in the pre-contract packet.
4. Dever Haffner-Ratliffe will be your contract manager. She will contact you regarding next steps once she was received your completed pre-contract packet.
5. Contracts will be processed in the order that completed pre-contract packets are received. We appreciate your patience as we process the contracts for this program.

If you have any questions, please call Dever at (360) 522-3610 or email her at energy_policy@commerce.wa.gov

Commerce looks forward to working with you and your team on this important project.

Sincerely,

Michael Furze
Assistant Director, Energy Division

Accepted on behalf of City of Clarkston:

Signature: _____

Title: _____

For Commerce Reference: EE-018

Date: _____

Apollo Energy/State DES Lighting/Energy Project

Project	Project Price	% of Total	Audit Fee
FIM-1.1 LED Lighting Upgrades-Street Division	\$ 11,309.00	6%	\$ 965.64
FIM-1.2 LED Lighting Upgrades-WWTP	\$ 49,695.00	28%	\$ 4,506.32
FIM-1.3 LED Lighting Upgrades-City Hall	\$ 20,058.00	11%	\$ 1,770.34
FIM-1.4 LED Lighting Upgrades - Police	\$ 12,063.00	7%	\$ 1,126.58
FIM-1.5 LED Lighting Upgrades - Fire	\$ 11,326.00	6%	\$ 965.64
FIM-2.1 Window Upgrades	\$ 23,574.00	13%	\$ 2,092.22
FIM-3.2 Install Heat Pump in Street Division Office	\$ 51,392.00	29%	\$ 4,667.26
TOTAL	\$ 179,417.00	100%	\$ 16,094.00

Total Amount by Department for Audit Fee	\$	16,094.00
Streets	\$	3,862.56
Sanitation	\$	3,862.56
WWTP	\$	4,506.32
Economic Development	\$	885.17
Finance & Records	\$	885.17
Police	\$	1,126.58
Fire	\$	482.82
Ambulance	\$	482.82