

**CITY OF CLARKSTON
PLANNING COMMISSION MINUTES
May 6, 2019**

CALL TO ORDER: 6:02 P.M., Clarkston City Hall, Chairman McCroskey
Staff: Kevin Poole

ROLL CALL: McCroskey, Filler, Gilbertson, Rowland, Flerchinger

AGENDA CHANGE: Motion to amend agenda, accept provided revision. Moved – Flerchinger, Seconded – Filler, Approved 5-0

APPROVAL OF MINUTES:

Meeting minutes for 4/15/2019 were reviewed and Commissioner Gilbertson asked that a correction be made crossing out the part that shows Chairman McCroskey was in attendance. Her noted absence was correct. Moved to approve as corrected – Flerchinger, Seconded – Rowland, Approved 5-0

PUBLIC HEARING:

A. Comprehensive Land Use Plan Update

Chairman McCroskey stated this is the time and place advertised for the hearing on the 2019 Comprehensive Land Use Plan (Plan) update and asked PWD Poole to introduce the 2019 Comprehensive Land Use Plan (Plan) update to the Commission. PWD Poole stated that the Planning Consultant, Don Brigham will make a presentation to the Commission and then PWD Poole will present a staff report before the public testimony starts.

Don Brigham, Don Brigham & Associates, stated the update process has taken well over a year. The update is a state mandated process. The City of Clarkston received a grant from the Department of Commerce to help in that update process. The main objective from the State of Washington's view is to make sure the planning elements and language required by state law are included in the Plan. He also updated census data, population growth statistics, city growth rates, and housing data. One of the exciting things done was to send out a community survey in the sewer and garbage bill. We received a very good response on the survey. The summary of the survey is included in the Plan. Some of the responses he found interesting was the appreciation for the quality of life we have here. Lots of kudos to the parks and recreation we have here in the city. A typical citizen may not know where the city limits end, so there are comments on the Aquatic Center, which is not a city facility. The bike path/levee is a Corps of Engineers property. But these are all assets we all love and use and they received high marks for the quality of life and access to recreation sites in the area. One of the biggest surprises was the answer to the question "What is your favorite place in the City of Clarkston?". The largest response was their homes. Their homes are their favorite place in the city. That struck a chord with the Commission as they went forward with the update to the Plan. That we should preserve the neighborhoods, and not make any changes that would impact the quality of life for the residents. It will be interesting in ten years when someone else is updating the Plan to see if there are changes in the same survey. Other areas we looked at in the Plan is growth has to be done internally. Clarkston is about one square mile and there is no politically acceptable way to annex areas into the city. We looked at what could be done to encourage growth that did not negatively impact neighborhoods but try to increase the density of residential areas. We started out with grandiose ideas that were tempered back to something we can live with. One of the more significant changes done was to identify neighborhood areas and possible impacts to the neighborhoods within the city. There is a Fair Street neighborhood, a 13th Street neighborhood, and a Poplar Street neighborhood. We tried to be more sensitive to the neighborhoods and what direction they are going. There are some areas that are completely built out like the Beachview area or the Riverview area. We did not want to allow commercial in those areas and we wanted to keep the density down.

The Planning Commission put in countless hours of their own time because they care about this community. He thinks the final product here is solid, it reflects the future of what we want to see looking at a five to ten year planning horizon. This is a good workable plan that we can live with. The Plan also influences the zoning (changes) that coincides with the update. He is open to any questions.

Chairman McCroskey thanked Don for all his hard work and assistance with the Plan.

PWD Poole reviewed the hearing process with the Commission. He stated that he will give a staff report, answer any questions the Commission may have, then it would be appropriate for Chairman McCroskey to open the hearing for public testimony. He will write down any questions and then address them at the end of the hearing. Chairman McCroskey asked for the staff report to be presented. PWD Poole gave the following staff report.

STAFF REPORT
2019 Comprehensive Land Use Plan Update
Hearing Date May 6, 2019

a. Names and addresses of the owners and Applicants:

City of Clarkston
829 5th St.
Clarkston, WA 99403

b. Brief summary of the requested action;

The requested action is to update and adopt the update to the Comprehensive Land Use Plan.

c. A common description of the subject property and a legal description of the subject property;

The property is the corporate city limits of the City of Clarkston, WA.

d. A technical data summary of the land use plan update and related zoning changes to the plan update;

The State of Washington has required elements to address in a Comprehensive Plan per RCW 35A.63.061 and 36.70A130(4). These elements have been addressed using the Comprehensive Land Use Plan Update 17 page checklist provided by the Dept. of Commerce. This is attached in the appendix for your reference.

e. In-depth analysis of the Comprehensive Land Use Plan update;

The Comprehensive Land Use Plan update process was started in August .2017. Work sessions were held as needed to review and address revisions to each section of the existing Comp Plan. Don Brigham was retained as a planning consultant in 2018.

Critical elements that were addressed were:

- Land Use Element
- Housing Element
- Capital Facilities Plan Element
- Utilities Element
- Transportation Element
- Provisions for siting essential public facilities
- GMA requirements
- Shoreline Provisions
- Critical Areas Element
- Shoreline Master Program
- Review and revision of current zoning codes

- Review Subdivision Regulations
- Review Traffic Demand Management policies
- SEPA Checklist was completed and sent for agency review
- Agendas were published listing work sessions and topic(s) for discussion at that work session.

The zoning ordinances were also reviewed to make sure they were consistent with the 2019 Comprehensive Land Use Plan update. Changes were identified in Clarkston Municipal Code Section 17 and will be referred to city council for revision of municipal code.

The Planning and Zoning Commission identified three areas of the city that needed a zone change to be consistent with the 2019 Comprehensive Land Use Plan update. These areas are:

- All Medium Density Residential (R-2) along Fair Street from 5th Street to 390 feet west of 12th Street that is bounded by Service Commercial (SC) and Port Commercial (PC) on the north and Service Commercial (SC) on the south.
- All Medium Density Residential (R-2) along the north side Poplar Street that is bounded by Service Commercial (SC) from 5th Street on the east end to 13th Street on the west end. This zone change does not include any existing Service Commercial (SC) zone in the described area.
- The properties described below were identified to be changed from Low Density Residential (R-1) to Neighborhood Commercial (NC) zoning designation to bring them from a non-conforming use in a zone to a conforming use in a zone.:

The properties referred to by address as:

1303 6th Street, Clarkston, WA 99403

1313 6th Street, Clarkston, WA 99403

1336 6th Street, Clarkston, WA 99403

f. A history of the requested action;

- Update process started in August 2017.
- Don Brigham, Planning consultant, was contracted in February 2018.
- Work sessions were advertised and conducted from August 2017 to April 2019.
- Planning and Zoning Commission hearing was scheduled for May 6, 2019.
- Public Notice was published in Lewiston Morning Tribune on April 24, 2019 and May 1, 2019
- The subject properties were posted with a notice on April 19, 2019.

g. A summary of other Comprehensive Plan Updates;

The last Comprehensive Plan update was adopted in 2009.

Recommendation is to approve and adopt the 2019 Comprehensive Land Use Plan update.

PWD Poole stated he would stand for any questions from the Commission.

Chairman McCroskey stated she noticed some of the questions in the checklist were not checked. She asked if this is something that will happen after meeting? She was concerned these are required responses. PWD Poole stated these items are not applicable. The Department of Commerce is currently reviewing the checklist and draft Plan and they will note any deficiencies that need to be addressed. Don Brigham stated he completed the work on the checklist and those areas do not apply. The city is not under Growth Management Act requirements and other areas for environmental and cultural requirements.

Chairman McCroskey opened the public hearing for the 2019 Comprehensive Land Use Plan (Plan) update. She asked those who want to testify to come up to the microphone, state their name and address for the record and provide their testimony.

Charlie Barth – 1316 5th Street, Clarkston, WA.

He had a couple of questions regarding changing zoning from R-2 and R-3. What does that mean? Does that mean Dr. Howlett's old place that was a daycare center. Can they expand that or rebuild that? He is confused as to what that means. PWD Poole responded that a daycare is a conditional use in an R-1, R-2, and R-3 zone. The R-3 zone allows for a higher density development. You are allowed duplexes on an R-3 zoned standard lot but you cannot put a duplex on an R-1 Low Density Residential standard lot.

Mr. Barth asked if Dr Drury could put an office in across the alley from her clinic. PWD Poole replied that it would have to be zoned Neighborhood Commercial or Service Commercial. A clinic is not an allowed home business use in a residential zone.

Steve Crouse – 402 6th Street, Clarkston, WA

He stated he lives on the corner of Fair Street and 6th Street. He said he has no comments regarding the zone change from R-2 to R-3 but he has concerns about the new entrance into Walmart off of Fair St. All that traffic goes right past his house. All the traffic noise goes through his house. He was wondering if there was some way to put up a sound barrier along his property along Fair Street to keep the sound level down at his house. He doesn't know what the solution is but he is kind of stuck. PWD Poole asked that Mr. Crouse come see him in his office and see if they can do something with a fence type structure. It would take a fencing permit but they could see what type of fence structure is allowed in the zone. Mr. Crouse stated that traffic on Fair St. is now horrendous with the entrance located off of Fair St.

Chairman McCroskey asked if there were any additional comments from the public. Seeing none, she asked if there were any comments from the Commission. Seeing none, she closed the hearing.

Chairman McCroskey asked if there was a motion to approve the 2019 Comprehensive Land Use Plan update. Motion – Gilbertson, Second – Rowland, vote 5-0 for approval.

B. ZC-2019-02 Comprehensive Land Use Plan Zone Changes

1. Fair Street R-2 Medium Density Residential to R-3 High Density Residential Zone Change

Chairman McCroskey opened the hearing for the zone change for the Fair Street zone changes and called for the staff report. PWD Poole stated ZC-2019-02 has five zoning actions associated with it due to the changes in the 2019 Comprehensive Land Use Plan update that was just approved. This is the first zone change associated with it that was identified by the Planning and Zoning Commission. You have before you a map of the rezone area. The red area is identified as the area for the rezone. PWD gave the following staff report.

STAFF REPORT

ZC-2019-02, Fair St.,

Hearing Date May 6, 2019

a. Names and addresses of the owners and Applicants:

City of Clarkston

829 5th St.

Clarkston, WA

b. Brief summary of the requested action;

The requested action is to change the zoning designation of the subject area from an R-2 (Medium Density Residential) Zone to a R-3 (High Density Residential) Zone. The Planning and Zoning Commission has updated the Comprehensive Land Use Plan. The Planning and

Zoning Commission has requested this property to be rezoned to a R-3 (High Density Residential) Zone to better align existing use with the updated Comprehensive Land Use Plan and provide a transition zone buffer between the existing commercial zones and the nearby R-2 (Medium Density Residential) zone.

c. A common description of the subject property and a legal description of the subject property;

Property is commonly referred to as Fair Street from 5th Street to 390 feet west of 12th Street that is bounded by Service Commercial (SC) and Port Commercial (PC) on the north and Service Commercial (SC) on the south.

d. A technical data summary of the land use plan designation and zoning designation of the subject property;

The subject property is currently a R-2 zone. It is bounded on the North, east, and south sides by an SC (Service Commercial) or PC (Port Commercial) zone. It is bounded on the west by an R-3 (High Density Residential) zone.

The subject property is a rectangular shaped area along Fair St. from 5th Street to 390 feet west of 12th Street. The area relatively level.

e. The current access to the subject property and the proposed access to the subject property;

Access to the area is via Fair St., between 5th St., to 12th St.

f. In-depth analysis of the proposed project;

Subject area is relatively level. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) from the adjacent street or alley.

Subject area is currently in an R-2 (Medium Density Residential) zone. The subject area is surrounded by existing commercial use and bounded on the west side by R-3 (High Density Residential).

The 2019 Comprehensive Plan update has identified this area to be changed to a R-3 (High Density Residential) zone to better align the existing use to the updated Comprehensive Land Use Plan.

The Comprehensive Land Use Plan recognizes the need for transitional zones located adjacent to a commercial zone to provide buffering to other lower density residential zones and provide a transition zone from residential to commercial zones. There are only two owner occupied homes with a Fair Street address between 5th Street and 10th Street. The other structures are either rentals or businesses. This supports the transition of R-3 (High Density Residential) to SC – Service Commercial zone.

The R-3 (High Density Residential) zone change is consistent with the comprehensive plan land use designation and growth management policy.

The property tax valuation on the subject area will most likely not increase because it is already appraised and taxed at a residential rate. Property tax valuation is based upon each individual property lot and its improvements.

The subject property is located along Fair Street from 5th Street to 390 feet west of 12th Street that is bounded by Service Commercial (SC) and Port Commercial (PC) on the north and

Service Commercial (SC) on the south. The local PTBA transit stops are located along the Fair St. corridor.

This property is within the Clarkston City Limits.

The Fair Street corridor is currently signed for a 25 mph speed zone.

Fair Street is currently functionally classified as an Urban Major Collector.

g. A history of the requested action;

- Area has been zoned R-2 (Medium Density Residential) zone since 2009.
- This property was identified by the Planning and Zoning Commission as needing a rezone to properly align with the 2019 Comprehensive Land Use Plan update and existing use.
- The Comprehensive Land Use Plan update hearing was held on May 6, 2019.
- Hearing date for ZC-2019-02, Fair St. area, is May 6, 2019.
- Hearing was advertised in the Lewiston Morning Tribune on April 24, 2019 and May 1, 2019.
- The subject area was posted with a notice on April 19, 2019.

h. A summary of any other requested land use permits in the area;

Zone change application from R-2 to SC for 616 Maple St. was approved by P&Z on July 17, 2017.

Zone change application from R-3 to SC for 428 5th St. approved by P&Z on August 21, 2017.

Zone change application from R-3 to MC for 1003 Highland Ave. was approved by P&Z Commission on October 2, 2017.

Zone change application from R-2 to SC for 535 6th St. approved by P&Z on December 4, 2017.

Zone change application from R-2 to NC for 801 Elm St. approved by P&Z on February 5, 2018.

Zone change application from R-1 to NC for 422 Highland Ave. was approved by P&Z on August 28, 2018 but denied by city council on November 13, 2018.

Zone change application from R-1 to NC for 919 Highland Ave. was approved by P&Z on March 18, 2019. City Council approved Findings of Fact and Conclusions of Law and first reading of the zoning ordinance on April 22, 2019. Second reading of ordinance on agenda for May 13, 2019.

i. The compatibility and impact of the proposal on the existing development and the probable character of the proposal;

The proposal is consistent with the comprehensive plan and the use of R-3 zones as a transitional zone adjacent to a commercial zone.

j. A summary of the reports or recommendations or any other agencies consulted;

No other agency has commented.

k. Appropriate maps of the subject property;

Staff has been provided one map for the discussion.

Zoning and vicinity map of subject property

l. The result of the determination pursuant to the State Environmental Policy Act (SEPA);

The City of Clarkston is the designated agency for SEPA determination. The SEPA application for the 2019 Comprehensive Land Use Plan update was published on April 14, 2019 and April 21, 2019. No environmental impacts have been identified with this zone change.

m. Staff's conclusions and recommendations;

The proposed zone change is consistent with the Comprehensive Plan and the use of R-3 zones for providing a transitional zone buffer between commercial zones and R-2 and R-1 residential zones. It is also consistent with the following Comprehensive Land Use Policies:

Land Use Goal A (pg.46): Preserve the community atmosphere through encouragement of compatible development and coordination of future growth management.

Objectives (pg. 46)

A.1 – Separate different conflicting land uses.

A.2 – Maintain character of low-density residential neighborhoods.

A.3 – Concentrate medium density multifamily units such as duplexes, triplexes, and garden apartments in compatible areas.

A.4 – Provide for high density multifamily units in areas with access to transportation and commercial services.

Policies (pg. 47)

A.1.5 High density residential land uses shall be located near the business district.

A.1.16 (pg. 48) – Review and revise development standards to buffer residential zones and/or uses from commercial and industrial uses. Such revised standards may address landscaping, berms, fences, walls, access, lighting, uses, hours of operation, or other criteria as may be appropriate.

The zone changes are also in compliance with Washington RCW 35A.63.061 and 36.70A.130(4) regarding Planning and Zoning Commission authority to update the Comprehensive Land Use Plan and rezone land use to comply with the update.

Recommendation is to approve the zone change application from an R-2 (Medium Density Residential) zone to an R-3 (High Density Residential) zone.

At the completion of the staff report PWD Poole stated he stands for any questions from the Commission. Hearing no questions from the Commission, Chairman McCroskey asked if there was any public testimony on this zone change. She asked that they state their name and address for the record.

Steve Crouse, 402 6th Street, Clarkston, WA 99403

He had a question about parking requirements listed in the property ordinance. He was looking at the parking matrix for an adult family home with parking requirement “D” it says one space per bed or patient room. He asked PWD Poole to explain that. PWD Poole replied that if there is a proposed adult family care facility, it would be required to provide one parking space per bed on site. So if they had ten beds, they would have to have ten on site parking spaces. They cannot use public right of way or the street parking to meet the parking requirement. Mr. Crouse asked what is the parking requirement for his house. PWD Poole replied that his property is classified as a single family residence and is required to have two on site parking spaces. Mr. Crouse asked what is a viable parking space? PWD Poole replied it is a 9 foot by 18 foot space. Mr. Crouse stated that there is “No Parking” on his side of Fair Street and asked about parking on the small house development west of him. PWD Poole replied they are

required to meet the on site parking requirements or they will not receive a Certificate of Occupancy for the buildings. They could not rent them out until they demonstrated they meet the on site parking requirements. They can't use on street parking to meet their requirement. You can still park on the street because it is public property, but it cannot count for your on site parking requirement. Mr. Crouse stated it is a requirement? PWD Poole replied that yes it is, if you have a bare piece of ground you want to build a house on, you have to show on a plan that you have two parking spots on site or you have to revise the plan providing for two parking spots to get a building permit.

Charlie Barth, 1316 5th Street, Clarkston, WA 99403

Mr. Barth asked how many cars can be parked out in front of a home on the street? PWD Poole replied that as long as they are legally parked along the curb, as many that can fit there. Mr. Barth asked what about room for garbage cans? PWD Poole said it is public right of way and we don't restrict access to it. So it is on a first come, first served basis. Current requirements require two parking spots per house. Your house was most likely built in the 40's or 50's and at that time they most likely did not have parking requirements. I can't make you meet those parking requirements unless you do an extensive remodel on your home. Some folks have placed reserved parking signs or cones in front of their house for street parking. We have to remind them the street is public property and we don't restrict access to those parking spots. Mr. Barth stated that some cars are stored on the street. PWD Poole replied that cars parked on the street have to be operational and licensed. If not, they can be towed.

Commissioner Gilbertson asked if a single family house with two bedrooms have to have two parking spots off of the street. If they have their driveway long enough to park two cars, does that meet the parking requirement? PWD Poole replied, yes. As long as you can physically park two cars on site, we don't care how the parking is configured. If you have to get out and shuttle cars around to get out, that is your choice as a property owner. Most of our homes were built before the 1960's. At that time there wasn't an off street parking requirement. It is only when extensive remodels are done or commercial development do we have the opportunity to apply the parking space requirement. Any new single family residence is going to be in fill of a neighborhood or a substantial remodel of a home will trigger the parking requirement.

Chairman McCroskey asked if there was any more public testimony. Seeing none, she asked if there were any questions from the Commission. Hearing none, she closed the hearing.

Chairman McCroskey stated it makes sense to vote on each zone change and get them out of the way. She asked if there was a motion to approve the zone change for ZC-2019-02 Fair Street from R-2 Medium Density Residential to R-3 High Density Residential. Moved – Flerchinger, Second – Rowland, vote 5-0 approved.

2. Poplar Street R-2 Medium Density Residential to R-3 High Density Residential Zone Change

Chairman McCroskey opened the hearing for the Poplar Street zone change from R-2 Medium Density Residential to R-3 High Density Residential. Chairman McCroskey called for the staff report for the zone change. PWD Poole stated that it was noted the hearing notification described the zone change from 5th Street to 13th Street. He said it would be appropriate to amend the zoning limits from 5th Street to 15th Street after the hearing is closed and before the vote to consider. Commissioner Gilbertson asked if the hearing had to be re-advertised. PWD Poole replied that since the whole rezone area was initially is shown on the map and this is a legislative zone change, re-advertising the hearing was not required.

PWD Poole presented the following staff report.

STAFF REPORT
ZC-2019-02, Poplar St.,
Hearing Date May 6, 2019

a. Names and addresses of the owners and Applicants:

City of Clarkston
829 5th St.
Clarkston, WA

b. Brief summary of the requested action;

The requested action is to change the zoning designation of the subject area from an R-2 (Medium Density Residential) Zone to a R-3 (High Density Residential) Zone. The Planning and Zoning Commission has updated the Comprehensive Land Use Plan. The Planning and Zoning Commission has requested this property to be rezoned to a R-3 (High Density Residential) Zone to better align existing use with the updated Comprehensive Land Use Plan and provide a transition zone buffer between the existing commercial zones and the nearby R-1 (Low Density Residential) and R-2 (Medium Density Residential) zone.

c. A common description of the subject property and a legal description of the subject property;

Property is commonly referred to as All Medium Density Residential (R-2) along the north side Poplar Street that is bounded by Service Commercial (SC) from 5th Street on the east end to 15th Street on the west end.

d. A technical data summary of the land use plan designation and zoning designation of the subject property;

The subject property is currently a R-2 zone. It is bounded on the North, east, and west sides by an SC (Service Commercial) zone. It is bounded on the south by R-2 (Medium Density Residential) zone.

The subject property is a rectangular shaped area along the north side of Poplar St. from 5th Street to 15th Street. The area is relatively level.

e. The current access to the subject property and the proposed access to the subject property;

Access to the area is via Poplar St., between 5th St., to 15th St.

f. In-depth analysis of the proposed project;

Subject area is relatively level. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) from the adjacent street or alley.

Subject area is currently in an R-2 (Medium Density Residential) zone. The subject area is bounded on the north, east, and west by existing SC (Service Commercial) and bounded on the south side by R-2 (Medium Density Residential).

The 2019 Comprehensive Plan update has identified this area to be changed to a R-3 (High Density Residential) zone to better align the existing use to the updated Comprehensive Land Use Plan.

The Comprehensive Land Use Plan recognizes the need for transitional zones located adjacent to a commercial zone to provide buffering to other lower density residential zones and provide a transition zone from residential to commercial zones. This zone will connect to an existing R-3 (High Density Residential) zone along 7th St.

The R-3 (High Density Residential) zone change is consistent with the comprehensive plan land use designation and growth management policy.

The property tax valuation on the subject area will most likely not increase because it is already appraised and taxed at a residential rate. Property tax valuation is based upon each individual property lot and its improvements.

The subject property is located along the north side of Poplar Street from 5th Street to 15th Street. It is that is bounded by Service Commercial (SC) on the north, east and west and R-2 (Medium Density Residential) on the south.

This property is within the Clarkston City Limits.

The Poplar Street corridor is currently signed for a 25 mph speed zone.

Poplar Street is currently functionally classified as an Urban Minor Collector.

g. A history of the requested action;

- Area has been zoned R-2 (Medium Density Residential) zone since 2009.
- This property was identified by the Planning and Zoning Commission as needing a rezone to properly align with the 2019 Comprehensive Land Use Plan update and existing use.
- The Comprehensive Land Use Plan update hearing was held on May 6, 2019.
- Hearing date for ZC-2019-02, Fair St. area, is May 6, 2019.
- Hearing was advertised in the Lewiston Morning Tribune on April 24, 2019 and May 1, 2019.
- The subject area was posted with a notice on April 19, 2019.

h. A summary of any other requested land use permits in the area;

Zone change application from R-2 to SC for 616 Maple St. was approved by P&Z on July 17, 2017.

Zone change application from R-3 to SC for 428 5th St. approved by P&Z on August 21, 2017.

Zone change application from R-3 to MC for 1003 Highland Ave. was approved by P&Z Commission on October 2, 2017.

Zone change application from R-2 to SC for 535 6th St. approved by P&Z on December 4, 2017.

Zone change application from R-2 to NC for 801 Elm St. approved by P&Z on February 5, 2018.

Zone change application from R-1 to NC for 422 Highland Ave. was approved by P&Z on August 28, 2018 but denied by city council on November 13, 2018.

Zone change application from R-1 to NC for 919 Highland Ave. was approved by P&Z on March 18, 2019. City Council approved Findings of Fact and Conclusions of Law and first reading of the zoning ordinance on April 22, 2019. Second reading of ordinance on agenda for May 13, 2019.

i. The compatibility and impact of the proposal on the existing development and the probable character of the proposal;

The proposal is consistent with the comprehensive plan and the use of R-3 zones as a transitional zone adjacent to a commercial zone.

j. A summary of the reports or recommendations or any other agencies consulted;

No other agency has commented.

k. Appropriate maps of the subject property;

Staff has been provided one map for the discussion.

Zoning and vicinity map of subject property

l. The result of the determination pursuant to the State Environmental Policy Act (SEPA);

The City of Clarkston is the designated agency for SEPA determination. The SEPA application for the 2019 Comprehensive Land Use Plan update was published on April 14, 2019 and April 21, 2019. No environmental impacts have been identified with this zone change.

m. Staff's conclusions and recommendations;

The proposed zone change is consistent with the Comprehensive Plan and the use of R-3 zones for providing a transitional zone buffer between commercial zones and R-2 and R-1 residential zones. It is also consistent with the following Comprehensive Land Use Policies:

Land Use Goal A (pg.46): Preserve the community atmosphere through encouragement of compatible development and coordination of future growth management.

Objectives (pg. 46)

A.1 – Separate different conflicting land uses.

A.2 – Maintain character of low-density residential neighborhoods.

A.3 – Concentrate medium density multifamily units such as duplexes, triplexes, and garden apartments in compatible areas.

A.4 – Provide for high density multifamily units in areas with access to transportation and commercial services.

Policies (pg. 47)

A.1.5 High density residential land uses shall be located near the business district.

A.1.16 (pg. 48) – Review and revise development standards to buffer residential zones and/or uses from commercial and industrial uses. Such revised standards may address landscaping, berms, fences, walls, access, lighting, uses, hours of operation, or other criteria as may be appropriate.

The zone changes are also in compliance with Washington RCW 35A.63.061 and 36.70A.130(4) regarding Planning and Zoning Commission authority to update the Comprehensive Land Use Plan and rezone land use to comply with the update.

Recommendation is to approve the zone change application from an R-2 (Medium Density Residential) zone to an R-3 (High Density Residential) zone.

PWD Poole stated he would stand for any questions from the Commission. Hearing no questions from the Commission, Chairman McCroskey asked if there was any public testimony regarding the Poplar Street zone change. Hearing none she asked if there was a motion to amend

the zoning limits for ZC-2019-02 Poplar Street from 5th Street to 13th Street to 5th Street to 15th Street.

Motion to amend – Flerchinger, Second – Gilbertson, vote 5-0 for approval

Chairman McCroskey asked if there was a motion to approve the zone change ZC-2019-02 Poplar Street as amended.

Motion – Flerchinger, Second – Filler, vote 5-0 for approval.

Chairman McCroskey stated the next three zone changes to be considered were changing zoning from an R-1 Low Density Residential to a NC Neighborhood Commercial. They will each be considered separately and voted on separately. Commissioner Flerchinger stated he lived across the street from 1313 6th Street and wanted to inform the Commission of a possible conflict of interest. He felt he could act impartially but wanted the Commission to decide if he could proceed with the next zone change hearings. Commissioner Filler stated she thought Commissioner Flerchinger could act impartially but felt it best he recuse himself with the next three hearings because of the possible conflict of interest. Chairman McCroskey stated that Commissioner Flerchinger will be recused from participation in the next three hearings.

3. 1303 6th Street R-1 Low Density Residential to NC Neighborhood Commercial Zone Change

Chairman McCroskey opened the hearing for the zone change for 1303 6th Street zone change from R-1 Low Density Residential to NC Neighborhood Commercial and called for the staff report. PWD Poole stated he would like to enter into the hearing record a letter dated May 3, 2019 from Terri Drury, 1303 6th Street, Clarkston, WA 99403. This letter is in support of the zone change. PWD then presented the following staff report for ZC-2019-02 1303 6th Street.

STAFF REPORT

ZC-2019-02, 1303 6th St.

Hearing Date May 6, 2019

a. Names and addresses of the owners and Applicants:

City of Clarkston

829 5th St.

Clarkston, WA

b. Brief summary of the requested action;

The requested action is to change the zoning designation of the subject property from an R-1 (Low Density Residential) Zone to a NC (Neighborhood Commercial) Zone. The Planning and Zoning Commission has updated the Comprehensive Land Use Plan. This property is currently a non-conforming use in an R-1 (Low Density Residential) Zone due to a past zoning overlay action. The Planning and Zoning Commission has requested this property to be rezoned to a NC (Neighborhood Commercial) Zone to better align existing use with the updated Comprehensive Land Use Plan and make this a conforming use in a zone.

c. A common description of the subject property and a legal description of the subject property;

Property is commonly referred to as 1303 6th St.

Legal description is as follows:

A parcel of land, comprised of Portion of Lots 1, 2, 3, lying East of Highway, Block 1, Parkway Addition, Asotin County, Washington, located in the South half (1/2) of Section 21, Township 11 North, Range 46 East, Willamette Meridian, City of Clarkston, County of Asotin, State of Washington.

d. A technical data summary of the land use plan designation and zoning designation of the subject property;

The subject property is located in a R-1 zone. It is bounded on all sides by an R-1 zone.

The subject property is a triangular shaped property that is relatively level and the initial structure was constructed in 1955. The lot area is approximately 7,503 square ft., 0.17 acres.

The current use of the property is a Chiropractic clinic. This Chiropractic clinic is an established business that has been in operation since 1996.

e. The current access to the subject property and the proposed access to the subject property;

Access to the property is SR-129 on the west, Oak St. on the north, and alley on the east side of the property. There is existing approaches to SR-129, Oak St., and the alley.

The existing approaches onto SR-129, Oak St. and the alley can be utilized. Any changes of access onto SR-129 may require an access permit from the State of Washington Department of Transportation (WSDOT).

f. In-depth analysis of the proposed project;

Subject property is a relatively level lot. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) at the property line or in the adjacent street or alley. There is an existing sewer lateral from the subject property to the sewer collection main located in the alley. The water meter and water main is located off of water main located in Oak St.

Subject property is currently in an R-1 zone. The subject property was an existing commercial use that was overlayed with an R-1 (Low Density Residential Zone) in a past zoning action. This past zoning action made this existing commercial use a non-conforming use in an R-1 (Low Density Residential Zone).

The 2019 Comprehensive Plan update has identified this existing non-conforming use to be changed to a NC (Neighborhood Commercial) to better align the existing use to a conforming zone. This business has been in operation since 1996 at this location. It is an established business that has demonstrated it is compatible with the surrounding R-1 (Low Density Residential) zone neighborhood and has not had any apparent negative impact to the neighborhood.

The Comprehensive Land Use Plan recognizes the need for some commercial business to be located within a residential zone. A NC (Neighborhood Commercial) zone is created to allow for restricted commercial spot zoning within a residential zone to provide needed commercial services to the surrounding neighborhood. These restrictions include a building size less than or equal to 2,500 square feet for new construction, additional requirements for visual and noise shielding of NC zone from the adjacent residential zone are also required. There are also restrictions on signage and lighting of the property.

The NC zone is consistent with the comprehensive plan land use designation and growth management policy.

Subject property at 1303 6th St. is an existing commercial use that has been in business since 1996.

The property tax valuation on the subject property will most likely not increase because it is already appraised and taxed at a commercial rate. It is anticipated there will be no affect to property tax valuation to adjacent or surrounding properties from this zone change since the established business has been in existence since 1996. Property tax valuation is based upon each individual property lot and its improvements.

The subject property is bounded by SR-129 on the west, Oak St. on the north, and an alley on the east. The local PTBA transit stop is located west of the subject property at the intersection of Highland Ave. and Billups St. There is another local PTBA transit stop located to the north on Adams St. and SR-129 (6th St.)

This property is within the Clarkston City Limits.

SR-129 has a peak hour traffic volume of 784 cars at 7:30-10:30AM. This was taken at the intersection of SR-129 and Highland Ave. Average daily traffic (ADT) count for SR-129 is 8,545 as of June 5, 2018. This was taken at the intersection of Highland Ave. and SR-129.

Current land use plans do not allow a commercial business in a R-1 zone. Changing to an NC zone would be an allowed use for a commercial business. The NC zone was created to provide commercial amenities to the surrounding neighborhood. These amenities could be a convenience store, accountant office, financial management office, bank or credit union, bakery, beauty/barbershop, dance or music studio, drug store, espresso/food stand, health club, laundromat, medically related professional office, medical, dental, optical laboratory, drive-in restaurant, or a daycare facility.

The current building size is 972 square feet.

There several non-conforming businesses located near the subject property. A dental business (1336 5th St.) located south of the subject property across SR-129, and a unoccupied bank building (1313 6th St.) west of subject property across SR-129. The problem with a non-conforming use in a zone is mortgage lenders won't loan money on the property and insurance companies won't insure the property for a total loss.

g. A history of the requested action;

- Property has had a structure on it since 1955.
- This property was identified by the Planning and Zoning Commission as needing a rezone to properly align with the 2019 Comprehensive Land Use Plan update and existing use.
- The Comprehensive Land Use Plan update hearing was held on May 6, 2019.
- Hearing date for ZC-2019-02, 1303 6th St., is May 6, 2019.
- Hearing was advertised in the Lewiston Morning Tribune on April 24, 2019 and May 1, 2019.
- The subject property was posted with a notice on April 19, 2019.

h. A summary of any other requested land use permits in the area;

Zone change application from R-2 to SC for 616 Maple St. was approved by P&Z on July 17, 2017.

Zone change application from R-3 to SC for 428 5th St. approved by P&Z on August 21, 2017.

Zone change application from R-3 to MC for 1003 Highland Ave. was approved by P&Z Commission on October 2, 2017.

Zone change application from R-2 to SC for 535 6th St. approved by P&Z on December 4, 2017.

Zone change application from R-2 to NC for 801 Elm St. approved by P&Z on February 5, 2018.

Zone change application from R-1 to NC for 422 Highland Ave. was approved by P&Z on August 28, 2018 but denied by city council on November 13, 2018.

Zone change application from R-1 to NC for 919 Highland Ave. was approved by P&Z on March 18, 2019. City Council approved Findings of Fact and Conclusions of Law and first reading of the zoning ordinance on April 22, 2019. Second reading of ordinance on agenda for May 13, 2019.

i. The compatibility and impact of the proposal on the existing development and the probable character of the proposal;

The proposal is consistent with the comprehensive plan and the use of NC zones imbedded within an R-1 (Low Density Residential) zone. This zone change also protects and properly zones an existing business to the proper zone for a conforming use. The long term existence of the business at this location demonstrates the compatibility with the existing neighborhood character. The business has been in operation at this location since 1996. This use is consistent with the recognized need to provide medically related and professional facilities and other services within walking distance within a residential neighborhood.

j. A summary of the reports or recommendations or any other agencies consulted;

No other agency has commented.

k. Appropriate maps of the subject property;

Staff has been provided one map for the discussion.

Zoning and vicinity map of subject property

l. The result of the determination pursuant to the State Environmental Policy Act (SEPA);

The City of Clarkston is the designated agency for SEPA determination. The SEPA application for the 2019 Comprehensive Land Use Plan update was published on April 14, 2019 and April 21, 2019. No environmental impacts have been identified with this zone change.

m. Staff's conclusions and recommendations;

The proposed zone change is consistent with the Comprehensive Plan and the use of NC zones for providing retail facilities and other services within an R-1 Residential zone. It is also consistent with the following Comprehensive Land Use Policies:

Objectives

A.10 – Where appropriate, new development should include planning approaches that increase physical activity, such as neighborhood commercial nodes to allow walking and cycling to local services, transit oriented development, linear parks and trails network, and siting schools and other public facilities within neighborhoods to allow easy walking.

A.11 – Mixed use developments should be allowed when the size of the development provides for planning as a cohesive neighborhood with commercial and residential uses co-existing.

Policies

A.1.15 - Continually review permitted, conditional, and prohibited uses to assure the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods.

A.1.16 – Review and revise development standards to buffer residential zones and/or uses from commercial and industrial uses. Such revised standards may address landscaping, berms, fences, walls, access, lighting, uses, hours of operation, or other criteria as may be appropriate.

The zone changes are also in compliance with Washington RCW 35A.63.061 and 36.70A.130(4) regarding Planning and Zoning Commission authority to update the Comprehensive Land Use Plan and rezone land use to comply with the update.

Recommendation is to approve the zone change application from an R-1 zone to an NC zone.

PWD Poole stated he will stand for any questions from the Commission. Hearing none, Chairman McCroskey asked if there was any public testimony on this zone change. Hearing none, she closed the hearing for ZC-2019-02 1303 6th Street.

Chairman McCroskey asked if there were any discussion from the Commission. Hearing none, she stated she would entertain a motion to approve ZC-2019-02 1303 6th Street. Motion – Rowland, Second – Filler, vote 4-0 to approve. Flerchinger recused.

4. 1313 6th Street R-1 Low Density Residential to NC Neighborhood Commercial Zone Change

Chairman McCroskey stated she was opening the hearing for ZC-2019-02 1313 6th Street and asked for the staff report. PWD Poole presented the following staff report.

STAFF REPORT
ZC-2019-02, 1313 6th St.
Hearing Date May 6, 2019

a. Names and addresses of the owners and Applicants:

City of Clarkston
829 5th St.
Clarkston, WA

b. Brief summary of the requested action;

The requested action is to change the zoning designation of the subject property from an R-1 (Low Density Residential) Zone to a NC (Neighborhood Commercial) Zone. The Planning and Zoning Commission has updated the Comprehensive Land Use Plan. This property is currently a non-conforming use in an R-1 (Low Density Residential) Zone due to a past zoning overlay action. The Planning and Zoning Commission has requested this property to be rezoned to a NC (Neighborhood Commercial) Zone to better align existing use with the updated Comprehensive Land Use Plan and make this a conforming use in a zone.

c. A common description of the subject property and a legal description of the subject property;

Property is commonly referred to as 1313 6th St.

Legal description is as follows:

A parcel of land, West of Highway, comprised of Portion of Lots 2-6, and North 45 feet of Lot 7, Block 1, Parkway Addition, Asotin County, Washington, located in the South half (1/2) of Section 21, Township 11 North, Range 46 East, Willamette Meridian, City of Clarkston, County of Asotin, State of Washington.

d. A technical data summary of the land use plan designation and zoning designation of the subject property;

The subject property is located in a R-1 zone. It is bounded on all sides by an R-1 zone.

The subject property is a triangular shaped property that is relatively level and the initial structure was constructed in 1970 as a commercial structure. The lot area is approximately 19,727 square ft., 0.45 acres.

The current use of the property is unoccupied. This property has been constructed and used as an established business since 1970. The building has been a relator office and daycare. It is currently owned by Twin River Bank.

e. The current access to the subject property and the proposed access to the subject property;

Access to the property is SR-129 on the east and 6th St. on the west side of the property. There is existing approaches to SR-129 and Oak St.

The existing approaches onto SR-129 and 6th St. can be utilized. Any changes of access onto SR-129 may require an access permit from the State of Washington Department of Transportation (WSDOT).

f. In-depth analysis of the proposed project;

Subject property is a relatively level lot. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) at the property line or in the adjacent street or alley. There is an existing sewer lateral from the subject property to the sewer collection main located along the east edge of the property. The water meter and water main is located off of water main located in 6th St.

Subject property is currently in an R-1 zone. The subject property was an existing commercial use that was overlayed with an R-1 (Low Density Residential Zone) in a past zoning action. This past zoning action made this existing commercial use a non-conforming use in an R-1 (Low Density Residential Zone).

The 2019 Comprehensive Plan update has identified this existing non-conforming use to be changed to a NC (Neighborhood Commercial) to better align the existing use to a conforming zone. This property has been a commercial operation since 1970 at this location. It is an established business that has demonstrated it is compatible with the surrounding R-1 (Low Density Residential) zone neighborhood and has not had any apparent negative impact to the neighborhood.

The Comprehensive Land Use Plan recognizes the need for some commercial business to be located within a residential zone. A NC (Neighborhood Commercial) zone is created to allow for restricted commercial spot zoning within a residential zone to provide needed commercial services to the surrounding neighborhood. These restrictions include a building size less than or equal to 2,500 square feet for new construction, additional requirements for visual and noise shielding of NC zone from the adjacent residential zone are also required. There are also restrictions on signage and lighting of the property.

The NC zone is consistent with the comprehensive plan land use designation and growth management policy.

Subject property at 1313 6th St. is an existing commercial use that has been at this location since 1970.

The property tax valuation on the subject property will most likely not increase because it is already appraised and taxed at a commercial rate. It is anticipated there will be no affect to property tax valuation to adjacent or surrounding properties from this zone change since the established business has been in existence since 1970. Property tax valuation is based upon each individual property lot and its improvements.

The subject property is bounded by SR-129 on the east and 6th St. on the west.

The local PTBA transit stop is located west of the subject property at the intersection of Highland Ave. and Billups St. There is another local PTBA transit stop located to the north on Adams St. and SR-129 (6th St.)

This property is within the Clarkston City Limits.

SR-129 has a peak hour traffic volume of 784 cars at 7:30-10:30AM. This was taken at the intersection of SR-129 and Highland Ave. Average daily traffic (ADT) count for SR-129 is 8,545 as of June 5, 2018. This was taken at the intersection of Highland Ave. and SR-129.

Current land use plans do not allow a commercial business in a R-1 zone. Changing to an NC zone would be an allowed use for a commercial business. The NC zone was created to provide commercial amenities to the surrounding neighborhood. These amenities could be a convenience store, accountant office, financial management office, bank or credit union, bakery, beauty/barbershop, dance or music studio, drug store, espresso/food stand, health club, laundromat, medically related professional office, medical, dental, optical laboratory, drive-in restaurant, or a daycare facility.

The current building size is 1880 square feet.

There several non-conforming businesses located near the subject property. A dental business (1336 5th St.) located south of the subject property and a chiropractic clinic (1303 6th St.) east of subject property across SR-129. The problem with a non-conforming use in a zone is mortgage lenders won't loan money on the property and insurance companies won't insure the property for a total loss.

g. A history of the requested action;

- Property has had a commercial structure on it since 1970.
- This property was identified by the Planning and Zoning Commission as needing a rezone to properly align with the 2019 Comprehensive Land Use Plan update and existing use.
- The Comprehensive Land Use Plan update hearing was held on May 6, 2019.
- Hearing date for ZC-2019-02, 1313 6th St., is May 6, 2019.
- Hearing was advertised in the Lewiston Morning Tribune on April 24, 2019 and May 1, 2019.
- The subject property was posted with a notice on April 19, 2019.

h. A summary of any other requested land use permits in the area;

Zone change application from R-2 to SC for 616 Maple St. was approved by P&Z on July 17, 2017.

Zone change application from R-3 to SC for 428 5th St. approved by P&Z on August 21, 2017.

Zone change application from R-3 to MC for 1003 Highland Ave. was approved by P&Z Commission on October 2, 2017.

Zone change application from R-2 to SC for 535 6th St. approved by P&Z on December 4, 2017.

Zone change application from R-2 to NC for 801 Elm St. approved by P&Z on February 5, 2018.

Zone change application from R-1 to NC for 422 Highland Ave. was approved by P&Z on August 28, 2018 but denied by city council on November 13, 2018.

Zone change application from R-1 to NC for 919 Highland Ave. was approved by P&Z on March 18, 2019. City Council approved Findings of Fact and Conclusions of Law and first reading of the zoning ordinance on April 22, 2019. Second reading of ordinance on agenda for May 13, 2019.

i. The compatibility and impact of the proposal on the existing development and the probable character of the proposal;

The proposal is consistent with the comprehensive plan and the use of NC zones imbedded within an R-1 (Low Density Residential) zone. This zone change also protects and properly zones an existing business to the proper zone for a conforming use. The long term existence of the business at this location demonstrates the compatibility with the existing neighborhood

character. The property has been a commercial location since 1970. This use is consistent with the recognized need to provide medically related and professional facilities and other services within walking distance within a residential neighborhood.

j. A summary of the reports or recommendations or any other agencies consulted;

No other agency has commented.

k. Appropriate maps of the subject property;

Staff has been provided one map for the discussion.

Zoning and vicinity map of subject property

l. The result of the determination pursuant to the State Environmental Policy Act (SEPA);

The City of Clarkston is the designated agency for SEPA determination. The SEPA application for the 2019 Comprehensive Land Use Plan update was published on April 14, 2019 and April 21, 2019. No environmental impacts have been identified with this zone change.

m. Staff's conclusions and recommendations;

The proposed zone change is consistent with the Comprehensive Plan and the use of NC zones for providing retail facilities and other services within an R-1 Residential zone. It is also consistent with the following Comprehensive Land Use Policies:

Objectives

A.10 – Where appropriate, new development should include planning approaches that increase physical activity, such as neighborhood commercial nodes to allow walking and cycling to local services, transit oriented development, linear parks and trails network, and siting schools and other public facilities within neighborhoods to allow easy walking.

A.11 – Mixed use developments should be allowed when the size of the development provides for planning as a cohesive neighborhood with commercial and residential uses co-existing.

Policies

A.1.15 - Continually review permitted, conditional, and prohibited uses to assure the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods.

A.1.16 – Review and revise development standards to buffer residential zones and/or uses from commercial and industrial uses. Such revised standards may address landscaping, berms, fences, walls, access, lighting, uses, hours of operation, or other criteria as may be appropriate.

The zone changes are also in compliance with Washington RCW 35A.63.061 and 36.70A.130(4) regarding Planning and Zoning Commission authority to update the Comprehensive Land Use Plan and rezone land use to comply with the update.

Recommendation is to approve the zone change application from an R-1 zone to an NC zone.

PWD stated he would stand for any questions from the Commission. Hearing none, Chairman McCroskey asked for public testimony for ZC-2019-02 1313 6th St. Hearing none, Chairman McCroskey closed the hearing. Chairman McCroskey stated she would entertain a motion to approve ZC-2019-02 1313 6th Street from an R-1 Low Density Residential to a NC Neighborhood Commercial zone. Motion – Gilbertson, Second – Rowland, vote 4-0 to approve, Flerchinger recused.

5. 1336 5th Street R-1 Low Density Residential to NC Neighborhood Commercial Zone Change

Chairman McCroskey opened the hearing for ZC-2019-02 1336 5th Street zone change from R-1 Low Density Residential to NC Neighborhood Commercial. She called for the staff report. PWD Poole presented the following staff report.

STAFF REPORT

ZC-2019-02, 1336 5th St.

Hearing Date May 6, 2019

a. Names and addresses of the owners and Applicants:

City of Clarkston
829 5th St.
Clarkston, WA

b. Brief summary of the requested action;

The requested action is to change the zoning designation of the subject property from an R-1 (Low Density Residential) Zone to a NC (Neighborhood Commercial) Zone. The Planning and Zoning Commission has updated the Comprehensive Land Use Plan. This property is currently a non-conforming use in an R-1 (Low Density Residential) Zone due to a past zoning overlay action. The Planning and Zoning Commission has requested this property to be rezoned to a NC (Neighborhood Commercial) Zone to better align existing use with the updated Comprehensive Land Use Plan and make this a conforming use in a zone.

c. A common description of the subject property and a legal description of the subject property;

Property is commonly referred to as 1336 5th St.

Legal description is as follows:

A parcel of land, comprised of Portion of Lots 13-16, Block 1, Parkway Addition, Asotin County, Washington, located in the South half (1/2) of Section 21, Township 11 North, Range 46 East, Willamette Meridian, City of Clarkston, County of Asotin, State of Washington.

d. A technical data summary of the land use plan designation and zoning designation of the subject property;

The subject property is located in a R-1 zone. It is bounded on the west, North, and east sides by an R-1 zone. It is bounded on the south by an R-2 zone.

The subject property is a triangular shaped property that is relatively level and the initial structure was constructed in 1975 as a dental clinic. The lot area is approximately 16,170 square ft., 0.37 acres.

The current use of the property is a dental clinic. This property has been constructed and used as an established dental clinic since 1975.

e. The current access to the subject property and the proposed access to the subject property;

Access to the property is SR-129 on the east and Highland Ave. on the south side of the property. There is existing approaches to SR-129 and Highland Ave.

The existing approaches onto SR-129 and Highland Ave. can be utilized. Any changes of access onto SR-129 may require an access permit from the State of Washington Department of Transportation (WSDOT).

f. In-depth analysis of the proposed project;

Subject property is a relatively level lot. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) at the property line or in the adjacent street or alley. There is an existing sewer lateral from the subject property to the sewer collection main located along the west edge of the property. The water meter and water main is located off of water main located in Highland Ave.

Subject property is currently in an R-1 zone. The subject property was an existing commercial use that was overlayed with an R-1 (Low Density Residential Zone) in a past zoning action. This past zoning action made this existing commercial use a non-conforming use in an R-1 (Low Density Residential Zone).

The 2019 Comprehensive Plan update has identified this existing non-conforming use to be changed to a NC (Neighborhood Commercial) to better align the existing use to a conforming zone. This property has been a commercial operation since 1975 at this location. It is an established business that has demonstrated it is compatible with the surrounding R-1 (Low Density Residential) zone neighborhood and has not had any apparent negative impact to the neighborhood.

The Comprehensive Land Use Plan recognizes the need for some commercial business to be located within a residential zone. A NC (Neighborhood Commercial) zone is created to allow for restricted commercial spot zoning within a residential zone to provide needed commercial services to the surrounding neighborhood. These restrictions include a building size less than or equal to 2,500 square feet for new construction, additional requirements for visual and noise shielding of NC zone from the adjacent residential zone are also required. There are also restrictions on signage and lighting of the property.

The NC zone is consistent with the comprehensive plan land use designation and growth management policy.

Subject property at 1336 5th St. is an existing dental clinic use that has been at this location since 1975.

The property tax valuation on the subject property will most likely not increase because it is already appraised and taxed at a commercial rate. It is anticipated there will be no affect to property tax valuation to adjacent or surrounding properties from this zone change since the established business has been in existence since 1975. Property tax valuation is based upon each individual property lot and its improvements.

The subject property is bounded by SR-129 on the east and Highland Ave. on the south. The local PTBA transit stop is located west of the subject property at the intersection of Highland Ave. and Billups St. There is another local PTBA transit stop located to the north on Adams St. and SR-129 (6th St.)

This property is within the Clarkston City Limits.

SR-129 has a peak hour traffic volume of 784 cars at 7:30-10:30AM. This was taken at the intersection of SR-129 and Highland Ave. Average daily traffic (ADT) count for SR-129 is 8,545 as of June 5, 2018. This was taken at the intersection of Highland Ave. and SR-129.

Current land use plans do not allow a commercial business in a R-1 zone. Changing to an NC zone would be an allowed use for a commercial business. The NC zone was created to provide commercial amenities to the surrounding neighborhood. These amenities could be a convenience store, accountant office, financial management office, bank or credit union, bakery, beauty/barbershop, dance or music studio, drug store, espresso/food stand, health club,

laundromat, medically related professional office, medical, dental, optical laboratory, drive-in restaurant, or a daycare facility.

The current building size is 1534 square feet.

There several non-conforming businesses located near the subject property. A commercial business (1313 6th St.) located north of the subject property and a chiropractic clinic (1303 6th St.) northeast of subject property across SR-129. The problem with a non-conforming use in a zone is mortgage lenders won't loan money on the property and insurance companies won't insure the property for a total loss.

g. A history of the requested action;

- Property has been a dental it since 1975.
- This property was identified by the Planning and Zoning Commission as needing a rezone to properly align with the 2019 Comprehensive Land Use Plan update and existing use.
- The Comprehensive Land Use Plan update hearing was held on May 6, 2019.
- Hearing date for ZC-2019-02, 1313 6th St., is May 6, 2019.
- Hearing was advertised in the Lewiston Morning Tribune on April 24, 2019 and May 1, 2019.
- The subject property was posted with a notice on April 19, 2019.

h. A summary of any other requested land use permits in the area;

Zone change application from R-2 to SC for 616 Maple St. was approved by P&Z on July 17, 2017.

Zone change application from R-3 to SC for 428 5th St. approved by P&Z on August 21, 2017.

Zone change application from R-3 to MC for 1003 Highland Ave. was approved by P&Z Commission on October 2, 2017.

Zone change application from R-2 to SC for 535 6th St. approved by P&Z on December 4, 2017.

Zone change application from R-2 to NC for 801 Elm St. approved by P&Z on February 5, 2018.

Zone change application from R-1 to NC for 422 Highland Ave. was approved by P&Z on August 28, 2018 but denied by city council on November 13, 2018.

Zone change application from R-1 to NC for 919 Highland Ave. was approved by P&Z on March 18, 2019. City Council approved Findings of Fact and Conclusions of Law and first reading of the zoning ordinance on April 22, 2019. Second reading of ordinance on agenda for May 13, 2019.

i. The compatibility and impact of the proposal on the existing development and the probable character of the proposal;

The proposal is consistent with the comprehensive plan and the use of NC zones imbedded within an R-1 (Low Density Residential) zone. This zone change also protects and properly zones an existing business to the proper zone for a conforming use. The long term existence of the business at this location demonstrates the compatibility with the existing neighborhood character. The property has been a dental clinic since 1975. This use is consistent with the recognized need to provide medically related and professional facilities and other services within walking distance within a residential neighborhood.

j. A summary of the reports or recommendations or any other agencies consulted;

No other agency has commented.

k. Appropriate maps of the subject property;

Staff has been provided one map for the discussion.

Zoning and vicinity map of subject property

l. The result of the determination pursuant to the State Environmental Policy Act (SEPA);

The City of Clarkston is the designated agency for SEPA determination. The SEPA application for the 2019 Comprehensive Land Use Plan update was published on April 14, 2019 and April 21, 2019. No environmental impacts have been identified with this zone change.

m. Staff's conclusions and recommendations;

The proposed zone change is consistent with the Comprehensive Plan and the use of NC zones for providing retail facilities and other services within an R-1 Residential zone. It is also consistent with the following Comprehensive Land Use Policies:

Objectives

A.10 – Where appropriate, new development should include planning approaches that increase physical activity, such as neighborhood commercial nodes to allow walking and cycling to local services, transit oriented development, linear parks and trails network, and siting schools and other public facilities within neighborhoods to allow easy walking.

A.11 – Mixed use developments should be allowed when the size of the development provides for planning as a cohesive neighborhood with commercial and residential uses co-existing.

Policies

A.1.15 - Continually review permitted, conditional, and prohibited uses to assure the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods.

A.1.16 – Review and revise development standards to buffer residential zones and/or uses from commercial and industrial uses. Such revised standards may address landscaping, berms, fences, walls, access, lighting, uses, hours of operation, or other criteria as may be appropriate.

The zone changes are also in compliance with Washington RCW 35A.63.061 and 36.70A.130(4) regarding Planning and Zoning Commission authority to update the Comprehensive Land Use Plan and rezone land use to comply with the update.

Recommendation is to approve the zone change application from an R-1 zone to an NC zone.

PWD Poole stated he would stand for questions from the Commission. Chairman McCroskey hearing none asked if there was any public testimony for the zone change. Hearing none, she closed the hearing for ZC-2019-02 1336 5th Street. Chairman McCroskey stated she would entertain a motion to approve ZC-2019-02 1336 5th Street. Motion – Rowland, Second – Gilbertson. Vote 4-0 to approve, Flerchinger recused.

REGULAR BUSINESS:

A. CMC Title 17 Zoning revisions.

PWD Poole presented revisions to the Clarkston Municipal Code (CMC) regarding zoning. The sections revised were 17.01 General Provisions, 17.10 Use Zones, and 17.15 Supplementary Regulations. Commissioner Rowland asked where the provision for keeping the building height to 35 feet in an MC zone if it borders a residential zone. PWD Poole stated language could be added to

footnote 7 in the setback matrix that addresses building height. Section 17.15 will need to be revised to add restrictions on building height to 35 feet in the MC zone if it borders a residential zone. Chairman McCroskey asked if there were any additional comments. Hearing none she stated she would entertain a motion to approve revisions to CMC Section 17.01, 17.10 and 17.15 and recommend to city council for action. Motion – Gilbertson, Second – Flerchinger, vote 5-0 to approve. The revised sections are appended to the minutes.

Chairman McCroskey stated she would entertain a motion to approve the Findings of Fact Conclusions of Law for the Comprehensive Plan update and the following zone changes regarding ZC-2019-02, Fair Street, Poplar Street, 1303 6th Street, 1313 6th Street, and 1336 5th Street. Motion – Rowland, Second – Filler, vote 5-0 for approval.

- B. Findings of Fact Conclusions of Law – 2019 Comprehensive Land Use Plan update.
- C. Findings of Fact Conclusions of Law – ZC-2019-02 Fair Street rezone from R-2 Medium Density Residential to R-3 High Density Residential.
 - 1. Fair Street R2 to R3 Zone Change
 - 2. Poplar Street R2 to R3 Zone Change
 - 3. 1303 6th Street R1 to NC Zone Change
 - 4. 1313 6th Street R1 to NC Zone Change
 - 5. 1336 5th Street R1 to NC Zone Change
- D. PD-2018-01 – Review of final Plan.

PWD Poole presented a final drawing to the Commission regarding PD-2018-01. The preliminary plan was approved by the Commission in February 2018. The zoning ordinance requires approval of the final plan by the Commission before it can go before city council. PWD Poole stated the developer decided the best use of the property was to construct a 36 unit apartment complex. Its main access is on Poplar Street. It has a second entrance onto 14th Street through the hotel parking lot to the north. They meet the emergency ingress/egress and parking requirements.

Commissioner Filler stated at one time the developer had a gate across the north entrance. PWD Poole replied there is no gate or bollards proposed for the north entrance to the apartments. Commissioner Filler asked if they were affordable housing. PWD Poole replied they are considered affordable housing but they are not Section 8 housing. The developer thinks the manager, assistant manager, and some staff for the hotel will be living at the apartments. The developer still has not secured a restaurant for the site.

Commissioner Rowland noted the fire lanes don't meet the 26 foot width requirement. PWD Poole stated these final plans are for general site layout. They will still need to go through plan review for building and fire code review. The Commissioner needs to approve or disapprove the general concept layout.

Chairman McCroskey asked how big are the apartments. PWD Poole stated there are twelve, two bedroom, two bath apartments and twenty four one bedroom, one bath apartments.

PWD Poole stated the screening fence is already up between the property and the residential property.

Chairman McCroskey asked for a motion to approve the final plan for PD-2018-01. Motion – Flerchinger, Second – Rowland, Vote 5-0 for approval.

WORK SESSION: None

UNFINISHED BUSINESS: None

COMMUNICATIONS:

- A. From Public:** None
- B. Written:** None
- C. From Planning Commission:** None
- D. Staff Reports:** None
- E. Next meeting to be determined depending on pending hearings.**

ADJOURNMENT:

Motion to adjourn by Commissioner Gilbertson, seconded by Commissioner Filler
Vote to adjourn 5-0, meeting adjourned at 8:48 p.m.

Margo McCroskey, Chairman

Terri J. Drury, D.C.

1303 6th Street Clarkston, WA 99403

PH: 509-758-0660 / FX: 509-751-9214

May 3, 2019

With Respect to the Zoning Commission:

I would like to thank you for taking the time to reconsider the zoning of my property at 1303 6th Street, Clarkston, WA. I have owned this property since 1996. The property has been utilized as my Chiropractic Clinic since I purchased the building. The building and property have been some form of light commercial property since it was built and has always been maintained as a light commercial property. Having the correct zoning will clarify the use for the future and protect the neighborhood. I feel I have been a "good" neighbor for the last 23 years. I have maintained the building and recently invested \$25,000 in a new insulated roof. I have maintained landscaping and have kept the parking lot clean and shoveled in the winter.

Again, thank you for your consideration into this matter.

Terri J. Drury, D.C.