

**CITY OF CLARKSTON  
CITY COUNCIL AGENDA  
829 5<sup>th</sup> Street  
MONDAY, September 14, 2015**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. AGENDA CHANGES:**
- 4. APPROVAL OF MINUTES:  
August 24, 2015, Regular Meeting**
  
- 5. COMMUNICATIONS:**
  - A. From the Public (Please limit comments to 3 minutes)**
  - B. From the Mayor**
  - C. From Staff or Employees**
  
- 6. COMMITTEE REPORTS:**
  - A. Finance – Audit Report on Current Bills**
  - B. Public Safety – September 1 and 8**
  - C. Public Works – no meeting**
  - D. Administrative/Intergovernmental – September 14**
  - E. Community Development – September 1**
  
- 7. UNFINISHED BUSINESS:**
  - A Ordinance No. 1544, Excess Sewer Bond Funds, 2<sup>nd</sup> Reading for Action**
  - B. Ordinance No. 1543, Code of Ethics, 1<sup>st</sup> Reading (postponed from previous meeting)**
  
- 8. NEW BUSINESS:**
  - A. Melyssa Andrews (Admin)**
  - B. . Planning Commission Recommendation re: Zoning Map Change Application No. 2015-05,  
1200 Block of Fair Street.**
  - C. Discussion of the Order of Agenda (PS)**
  - D. Ordinance No. 1546, Budget Amendment, 1<sup>st</sup> Reading**
  
- 9. COUNCIL COMMENTS**
- 10. MEDIA QUESTIONS**
- 11. EXECUTIVE SESSIONS**
- 12. 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.

Agenda: September 14, 2015

**CLARKSTON CITY COUNCIL MINUTES**  
**August 24, 2015**

**COUNCIL:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Beadles | <input checked="" type="checkbox"/> Nash       |
| <input checked="" type="checkbox"/> Provost | <input checked="" type="checkbox"/> Manchester |
| <input checked="" type="checkbox"/> Kolstad | <input type="checkbox"/> Blackmon, excused     |
| <input checked="" type="checkbox"/> White   |  |

**STAFF:**

- Chief Hastings    Chief Cooper    Clerk Storey    City Attorney Grow    PWD Martin

Mayor Warren reported that Councilmember Blackmon will miss this meeting due to work commitments. MOTION BY BEADLES/MANCHESTER to excuse Councilmember Blackmon. Motion carried.

**AGENDA CHANGES:**

An executive session was added for personnel and litigation.

MOTION BY BEADLES/PROVOST to limit public comment on marijuana to three minutes each with a total of 15 minutes. Motion carried; 4-2; Nash and Kolstad opposed.

**APPROVAL OF MINUTES:**

MOTION BY PROVOST/BEADLES to approve the minutes of the August 10, 2015, Regular Meeting. Councilmember White noted that PWD Martin was not present at the August 10 meeting. Councilmember Kolstad corrected the spelling on Kevin Nollette's name. Motion carried.

**COMMUNICATIONS:**

**A. From the Public:**

Kevin Nollette, 928 16<sup>th</sup> Street, said he was putting out \$2 worth of quarters for swear words that he expected to use in his comments. Councilmember Beadles commented to the mayor that inappropriate language should not be tolerated. Councilmember Kolstad encouraged speakers not to use inappropriate language. He said it appears that some of the concerns voiced about Ordinance No. 1543 have been corrected miraculously by somebody and it will be discussed when it comes up on the agenda. Nollette said he would like the quarters to be donated to the city fund. He said the council is going about the marijuana issue all wrong and compared them to Bruce Jenner, saying they have been stuck in a closet. Beadles commented that he finds that comment offensive.

Carina Kamen, read a letter she had sent previously to the council. She encouraged the council to step back and look at what they are doing. She commented that this is a giving community who joins together to help others. She said they have joined together at every council meeting to stand up against the negative looks, negative comments, name calling and overall feeling of being looked down on just because they feel differently than members of the council. She said they are destroying the unity the city possesses. She said she has heard council say they are not opposed to medical marijuana, but SB5052 bands medical and recreational marijuana together. So how can they tell people they have to suffer because of a \$50 business license that the city refused to issue. She accused Councilmember Provost of sleeping at the last meeting and suggested he should step down.

Adele Plouffe, 2334 Valleyview Drive, said she is working on a committee to coordinate an event to "Meet the Candidates" to be held on Wednesday, October 7. She asked for two members of the council to attend and discuss the pros and cons of the proposed transportation sales tax. Nash and Kolstad volunteered.

Tom Martin asked when and where a public hearing was held on Ordinance No. 1543. He said it is poorly written and should be rewritten. He felt it could be used maliciously if someone wanted to. He said he believes in a code of ethics. He accused some of the council of violating their own oath and not being impartial. He said Councilmember Beadles has said the City cannot afford to contribute to

the Health District, but still turns down marijuana tax. The City could use the sales tax from marijuana to contribute to the Health District. He wondered why the current council is trying to bankrupt the city with all the legal issues. He said the council members who are up for election are losing votes daily by continuing to ban marijuana sales.

Melyssa Andrews, 721 11<sup>th</sup> Street, said there are three people in this room who have been collecting donations for the fire victims. She thanked those who have donated. She asked if there can't be some kind of compromise by the council so the city isn't spending money. She said she respects many of the councilmembers, but not what's happening here. She said she wants to have a seat on council. She asked the council to listen to the comments and to review everything that has been said previously and reconsider.

Kelly Jackson commented on the ethics ordinance. He said he thinks maybe an ethics ordinance is needed because he doesn't see many ethics here. He commented that he worked with the City when he remodeled his building and now his lawsuit is over \$1 million and growing daily. He referred to a comment Nash made last meeting about being everybody's friend. He said he invited all the council to come down and see how his store was operating and Nash did. He said Nash told him that he had convinced him to change his position and said that wasn't good ethics. He said Beadles wouldn't return his phone calls. He accused Manchester of being unethical because he told Jackson that I502 was decided at the state level and he would do well at that location. He told Councilmember White that her earlier comment that those who voted for marijuana should come to the council meeting and speak. He said that would divulge how they voted and that is un-American. Jackson referred to an interview Mayor Warren had done where she commented that a ban won't work and kids will get it anyway. But, he said, we don't hear that at meetings. He stated that Clerk Storey had made a comment some time that maybe it would help her mother's arthritis and now she is on the other side.

**B. From Mayor:**

**C. From Staff:**

**COMMITTEE REPORTS:**

**Finance:** Councilmember Provost reported that committee has reviewed the bills. MOTION BY PROVOST/BEADLES to approve the August 24, 2015 invoices for \$192,219.39. Motion carried.

**Public Safety:** No meeting.

**Public Works:** Councilmember Nash reported on the August 19 meeting. City Attorney Grow met with committee to discuss an agreement with Ken Harper to continue to assist in ongoing court issues regarding the marijuana ban. A response is due by Monday for a pending action and could cost up to \$3,000. On the agenda.

PWD Martin discussed the need to update sewer lift stations. There are funds remaining from the bond issue for the WWTP upgrade that can be used for capital projects. An amendment to the bond ordinance that will allow the use is on the agenda.

Committee is discussing business licenses for landlords and Martin gave an update on the Southway Bridge resurfacing.

**Admin Committee:** Councilmember Manchester said committee met August 24. Committee discussed a personnel issue and the ethics ordinance.

Tom Martin asked why there are no minutes for Admin Committee meetings. Manchester said because the committee meets immediately prior to the council meeting. Mayor Warren said every committee should be keeping written minutes.

Kolstad asked why the lawsuit and business licensing was being discussed with Public Works. Mayor Warren said that should be brought up when those items come up on the agenda.

**Community Development:** No meeting.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**A. Agreement for Legal Services, Menke Jackson Beyer, LLP (Ken Harper)**

City Attorney Grow explained that this the form that represents the City on the Jackson case and some of the issues on the Greenfield case. He said the City was served with a court action with a very short turnaround time. He felt it was in the best interests of the City to associate with Ken Harper since he is familiar with the case and a response to the court was needed before council could meet. Grow said the city was served again today with another matter on the Greenfield case. He asked council to approve the agreement with Menke Jackson.

Kolstad asked why this went through Public Works. Grow said it was the only committee that was meeting last week and he felt it was better to present to them than to wait and bring it up at council.

MOTION BY BEADLES/PROVOST to approve the agreement with Menke Jackson Beyer. Motion carried, 5-0-1; Kolstad abstained.

**B. Ordinance No. 1543, Code of Ethics, 1<sup>st</sup> Reading**

Beadles commented that an ethics code is required by the state. He said people seem to think it is a local issue, but it isn't. Kolstad said that was not true, it is a requirement of WCIA as a result of an annual audit last October. He said it has to do with land use issues. He said the version that went out with the agenda was a complete joke, but this revised ordinance that has been presented addresses some of his concerns. Kolstad said he spoke with Debbi Sellers of WCIA who referred him to some additional sample documents. Kolstad said it is intended to keep council from making land use decisions that would benefit them in some way. He said the problem with what was originally written would make a casual association with a member of the community a crime if not disclosed. He contacted the city attorney with his concerns. He commented that the city is becoming a police state and it makes him sad. He said the revised ordinance shouldn't be considered at this meeting because it was just received. Mayor Warren commented that this would just be a first reading and a vote wouldn't take place until the next meeting.

Attorney Grow asked if there would be a reading at this meeting. He suggested changes can be made and a reading held at the next meeting for adoption at the following meeting. Grow said the ordinance as written complies with state law. Or, it can be amended at a later date. There can be financial penalties if the City fails to adopt a policy by October. Grow said he can think of additional changes he might suggest. He was not sure if a councilmember can be removed from office.

MOTION BY PROVOST/KOLSTAD to postpone the first reading of this ordinance until September 14. Grow asked that if councilmembers have concerns or suggestions, they contact either him or Todd Richardson. Motion carried.

**C. Ordinance No. 1544, Excess Sewer Bond Funds, 1<sup>st</sup> Reading**

Ordinance No. 1544 was read by title.

**D. Addendum to Contract with Keller Engineering for Lift Station Planning & Design**

PWD Martin said this addendum falls into place with the preceding ordinance. He said there is about \$500,000 in funds left from the WWTP construction project that can be used for this project. Ordinance No. 1544 revises the bond ordinance to allow the use. This addendum is a total cost of \$16,700, but does not include actual design of the improvements. Martin added that about \$3,000 of this addendum includes warranty work that has been done on the plant upgrade.

Beadles asked how many lift stations the city has. Martin said there are two, but one is in the Port and serves only one customer. The immediate concern is the Sunrise Lift Station.

MOTION BY NASH/BEADLES to approve the addendum to the agreement with Keller Engineering. Motion carried.

**COUNCILMEMBER COMMENTS:**

Councilmember Nash congratulated Monika Beauchamp and her husband on the birth of their baby. He also thanked the community for coming together to help those impacted by the fires. Nash also asked if

they could get a tour of the wastewater treatment plant. PWD Martin said he could arrange that.

Councilmember Beadles commented that council really cannot discuss the marijuana issue as long as there is pending litigation. He said the City has to defend the laws that are in effect. Beadles said people keep talking about all the tax money the City is turning down, but he spoke with the City of Pullman, and it just isn't that much.

Councilmember Kolstad said the City of Pullman has received \$20,000 in sales tax for the year. He said one of the stores has been doing between \$200,000 and \$350,000 a month in sales. He commented that whether \$20,000 is a lot of money depends on who you ask. He commented that last budget the council said we couldn't afford to seal the parking lot or contribute to the Health Department. He said the pro marijuana side tends to exaggerate the amount of revenue and the anti-marijuana side exaggerates the health issues and other problems. Kolstad commented that Denver reports lower crime rates and Pullman's police chief said there is no increase in crime. He said he doesn't see how lifting the ban would affect any legal case. It would stop the bleeding. He said Kelly's lawsuit will go on regardless and Matt isn't suing the City.

**MEDIA QUESTIONS:**

John Michael, said Grow referred to a state law on the ethics code and asked what that law is. Grow said it is in RCW 43. Michael asked if this had been discussed with councilmembers as it was adopted. Grow said it was discussed in committee and he received comment from Kolstad.

**EXECUTIVE SESSION:** Council went to Executive Session at 7:58 to discuss personnel and litigation. Anticipated length is 10 minutes. No action is anticipated as a result. An additional five minutes was added. Council returned to open session at 8:17 p.m.

**ADJOURNMENT:**

Meeting adjourned at 8:17 p.m.

Vickie Storey, City Clerk

Kathleen A. Warren, Mayor

Total Fund Expenditures, 8/24/15	Ck # 59786-88, 59877-49, 7/15Excise	\$69,318.65
Total Fund Expenditures:		
Payroll, 8/15/15	Ck # 59789-59810	\$122,900.39

## Public Safety Committee

September 1, 2015 and September 8, 2015

Attendance 9/1: Attorney Todd Richardson, Attorney Jim Grow, Chief Hastings, Chief Cooper, Dick Jones, Terry Beadles

We discussed the media questions on the agenda, this section should be limited to agenda items and directed to the Mayor or Council. Interviews should be requested at a later time. (Agenda item for council action to add clarification to agenda).

The public comment section of the agenda was discussed. The public comment section should be moved to the last item on the agenda. (Agenda item for council action).

Attorney Richardson and Attorney Grow discussed the court contract.

Chief Hastings discussed school start up and the need for driver awareness of children walking to and from school.

Crimes in our area are down from the previous year statistics.

Chief Cooper discussed volunteer retention, the grant award for a brush truck, vehicle exhaust system for the fire station, successes with encouragement of weed mowing, recent successes of the mutual aid.

Attendance 9/8: Attorney Jim Grow, Attorney Todd Richardson, Alice White, Bill Provost, Kerri Sandine, Chief Hastings, Chief Cooper, Dick Jones, Terry Beadles

A case that might be eligible for a drug conviction forfeiture home sale was discussed. Chief Hastings and Attorney Grow will research this case.

The court contract was discussed. More research will be needed.

The proposed ethics ordinance was discussed. Some changes will be inserted. (Agenda item for Council action).

The jail contract was discussed. Some changes are needed before council action.

Community Development Committee

September 1, 2015

Attendance: George Nash, Belinda Campbell, Vickie Story, Terry Beadles, Eric Peterson

Mr. Peterson presented the proposed plan for the Nez Perce Recovery and Resource Center. The plan was presented in a handout for review and reference (a copy was provided for each councilmember and mayor). A support letter was requested from the city to be filed with a grant request for the Recovery Center. The Mayor will provide the support letter.

Clerk/ Treasurer Story presented a memo from AWC "10 Steps to Tackling WellCity". We feel the city should move forward to meet the qualifications for the WellCity program. If the city should meet the qualifications; a 2% health care insurance reduction would be available (approx. \$20,000 annually). There are over 100 cities that qualify for the AWC program.

The Valley Chamber of Commerce will conduct a survey to look at the feasibility of public restrooms for downtown Clarkston. Belinda discussed the idea of a pocket park for downtown. We discussed the idea for Pickle Ball sport for tennis courts.

ORDINANCE NO. 1544

AN ORDINANCE of the City of Clarkston, Washington, amending Ordinance No. 1514 and providing for other matters properly relating thereto.

THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, DO ORDAIN as follows:

Section 1. Capitalized Terms. Except to the extent otherwise defined herein, the words and phrases set forth in this ordinance with initial capitalization shall have the respective meanings ascribed to such words and phrases in the City's Ordinance No. 1514.

Section 2. Findings. The Council finds and determines that:

(a) The Council passed Ordinance No. 1514 on September 23, 2013. Ordinance No. 1514 authorized the City to issue its \$3,410,000 Sewer Revenue Bonds, 2013 (the "Bonds"). Section 2.12 of Ordinance No. 1514 authorizes the City to use Bond proceeds and other money in the Project Fund to pay the costs of the Project and to pay the principal of and/or interest on the Bonds. The Project was completed for a cost that was less than the City anticipated when it issued the Bonds. As a result, the City has approximately \$[515,000] of Bond proceeds (and investment earnings thereon) on deposit in the Project Fund.

(b) The City has a present need to make capital improvements to one or more lift stations that are part of the System. Such capital improvements, if made, will enhance the operational capacity and reliability of the System. To the extent the City can finance such capital improvements (and other necessary or desirable capital improvements to the System), the City can eliminate the need to pay the costs of such improvements using Revenue of the City or proceeds of Additional Bonds.

(d) Section 4.01(a)(1) of Ordinance No. 1514 authorizes the City to amend Ordinance No. 1514, without the consent of Registered Owners, to add to or delete from the covenants and agreements of the City in the ordinance, provided such additions or deletions do not adversely affect, in any material respect, the interests of the Registered Owners of any Bonds. It is necessary and desirable to amend Section 2.12 of Ordinance No. 1514 to allow the unspent proceeds of the Bonds to be spent for other capital improvements to the System. Such amendment will not adversely affect the interests of the Registered Owners because it will not affect the rights of Registered Owners, diminish the security for the Bonds or decrease the likelihood that the City will be able to pay the principal of and interest on the Bonds, when due.

Section 3. Amendment to Section 2.12. Section 2.12 of Ordinance No. 1514 is hereby amended to read as follows (~~stricken~~ words being deleted and double-underlined words being inserted):

**Section 2.12 Project Fund.** The Treasurer is authorized and directed to create and maintain a special fund separate and distinct from all other funds and accounts of the City, designated the "2013 Sewer Bond Project Fund" (the "Project Fund"). The City shall use the money deposited into the Project Fund, and the investment earnings thereon, to pay costs of the Project, including costs of issuance

and sale of the Bonds. The City may transfer money from the Project Fund to the Debt Service Fund to pay ~~(i)~~ interest accruing on the Bonds for up to six months after construction of the Project is completed, ~~and (ii) to~~ To the extent money remains on deposit in the Project Fund after all costs of the Project have been paid, such money may be used (i) to pay the principal of and/or interest on the Bonds and/or (ii) to pay the costs of capital improvements to the System (including design costs related thereto). Money in the Project Fund shall be invested and reinvested by the City to the fullest extent practicable. Interest earnings on any such investments shall be deposited in the Project Fund upon receipt. Notwithstanding the provisions for the deposit of earnings, any earnings that are subject to a federal tax or rebate requirement may be withdrawn from the Project Fund for deposit into a separate fund or account for the purpose of making payments necessary to comply with such requirement.

4. Effective Date. This ordinance shall take effect and be in force from and after its passage and five days following its publication (or a publication of its summary) as provided by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Clarkston, Washington, at a regular open public meeting thereof, this \_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CLARKSTON, WASHINGTON

\_\_\_\_\_  
Kathleen A. Warren, Mayor

ATTESTED:

\_\_\_\_\_  
Vickie Storey, City Clerk

(S E A L)

## CERTIFICATION

I, the undersigned, the City Clerk of the City of Clarkston, Washington (the "City"), hereby certify as follows:

1. The foregoing Ordinance No. 1544 (the "Ordinance") is a full, true and correct copy of the Ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on September 14, 2105, as that Ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after the publication of its summary in the City's official newspaper;

2. A quorum of the members of the City Council was present throughout the continued regular meeting and a sufficient number of members of the City Council voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand on \_\_\_\_\_, 2105.

CITY OF CLARKSTON, WASHINGTON

\_\_\_\_\_  
Vickie Storey, City Clerk

(S E A L)

## Supplemental Tax Exemption and Nonarbitrage Certificate

I, Vickie Storey, the Clerk-Treasurer of the City of Clarkston, Washington (the "City"), do hereby certify as follows with respect to the above-captioned bonds (the "Bonds"):

1. The Bonds were issued on October 17, 2013 (the "issue date"), pursuant to Ordinance No. 1514 of the City (the "Bond Ordinance"), which was passed by the City Council on September 23, 2013. On the issue date, I executed a Tax Exemption and Nonarbitrage Certificate (the "2013 Tax Certificate") on the City's behalf. The 2013 Tax Certificate set forth the City's expectations as of the issue date regarding the City's use of the Bond proceeds. Capitalized words not otherwise defined herein shall have the meanings ascribed thereto in the Bond Ordinance.

2. The Project was completed for a cost that was less than the City anticipated when it issued the Bonds. As a result, the City has approximately \$[515,000] of Bond proceeds (and investment earnings thereon) on deposit in the Project Fund. On the issue date, the City did not expect to have excess Bond proceeds after the Project was completed.

3. On the date hereof, the City Council passed Ordinance No. 1544 of the City amending Section 2.12 of the Bond Ordinance to allow unexpended Bond proceeds to be used by the City (i) to pay the principal of and/or interest on the Bonds and/or (ii) to pay the costs of capital improvements to the System (including design costs related thereto).

4. The City has a present need to make capital improvements to one or more lift stations that are part of the System. The City expects the costs of such improvement will not exceed \$500,000.00, which costs the City expects to fund using money on deposit in the Project Fund. The City expects to spend such money in the Project Fund for costs related to the lift station improvements by December 31, 2016. Money remaining on deposit in the Project Fund after September 23, 2016 (*i.e.* the third anniversary of the issue date) will be invested only in Restricted Yield Investments (as defined in the 2013 Tax Certificate) after such date.

5. To the extent the City does not fully expend the remaining balance in the Project Fund for capital improvements to the System, the City will use such money to pay the principal of and/or interest on the Bonds.

6. To the best of my knowledge, information and belief, except as otherwise described herein, the City's expectations with respect to the Bonds set forth in the 2013 Tax Certificate remain the expectations of the City as of the date hereof, and the expectations of the City on the date hereof about future events in connection with the Bonds and the proceeds thereof are reasonable.

DATED as of September 14, 2015.

CITY OF CLARKSTON, WASHINGTON

---

Vickie Storey, Clerk-Treasurer

## ORDINANCE NO. 1543

AN ORDINANCE OF THE CITY OF CLARKSTON, WASHINGTON, CREATING CLARKSTON MUNICIPAL CODE CHAPTER 2.26, WHICH ESTABLISHES A CODE OF ETHICS AND PROVIDING PENALITIES FOR THE VIOLATION THEREOF.

The City Council of the City of Clarkston, Washington, do ordain as follows:

**Section 1**

**Sections:**

<b>2.26.010</b>	<b>Declaration of Policy</b>
<b>2.26.020</b>	<b>Definitions</b>
<b>2.26.030</b>	<b>Use of Public Property</b>
<b>2.26.040</b>	<b>Obligations to Citizens</b>
<b>2.26.050</b>	<b>Code of Ethics</b>
<b>2.26.060</b>	<b>Confidential Information</b>
<b>2.26.070</b>	<b>Adoption of RCW by Reference – Exceptions</b>
<b>2.26.080</b>	<b>Penalties</b>
<b>2.26.090</b>	<b>Ethics Hearing Officer</b>
<b>2.26.091</b>	<b>Hearings</b>
<b>2.26.092</b>	<b>Recommendations of Hearing Officer</b>
<b>2.26.100</b>	<b>Reporting Violations, False Statements</b>

**2.26.010 Declaration of Policy.**

The proper operation of democratic government requires that elected and appointed public officer and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Accordingly, it is the purpose of this chapter to establish ethical standards of conduct for all officers and employees of the city, whether elected or appointed, paid or unpaid; to set forth those acts that are incompatible with such standards; to require disclosure by such officers and employees of private financial or other interests in matters affecting the city; and to provide effective means for enforcement thereof. This chapter shall not be construed so as to impair the ability of city officers and employees to participate in ceremonial, representational, or informational functions in the pursuit of their official duties.

This chapter shall be construed in favor of protecting the public's interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for city officers and employees. It shall also be interpreted and applied in a manner consistent with the maxim that "De minimis non curat lex" and to allow inadvertent minor violations to be corrected and cured without full hearing in conformance with the spirit and purpose of this code.

**2.26.020 Definitions.**

(1) "Business entity" means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, where or not organized for profit.

(2) "City Agency" means every department, office, commission, or committee of the city, or any subdivision thereof, but excluded public corporations and ad hoc advisory committees.

(3) "City Officer or Employee" means any person holding a position by election, appointment, or employment in the service of the city or city agency whether paid or unpaid.

(4) "Compensation" means anything of economic value, however designated, which is paid, loaned, advanced, granted, given or transferred for or in consideration of personal services to any person.

(5) "Gift" means anything of economic value in excess of \$20.00, regardless of the form, without adequate and lawful considerations; provided, it does not include the solicitation, acceptance, or receipts of political campaign contributions regulated in accordance with provisions of federal, state or local laws governing campaign finances.

(6) "Immediate family" includes spouses, domestic partners, parents, children, sisters, brothers, and any person related by blood to the city official and living in the same household as the city official.

(7) "Moral Turpitude" includes, but is not limited to: acts of dishonesty, theft, robbery, blackmail, extortion, fraud, murder, manslaughter, rape, aggravated assault, kidnapping or any other act that would shock the public conscience.

(8) "Official act or action" means any legislative, administrative, appointive or discretionary act of any city officer or employee of the city.

(9) "Person" means any individual, association, corporation, or other legal entity.

(10) "Remote interest" means:

(a) That of a non-salaried officer of a nonprofit corporation;

(b) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

(c) That of a landlord or tenant of a contracting party;

(d) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

#### **2.26.030 Use of Public Property.**

No official or employee shall request or permit the use of city owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the

public generally or are provided as city policy for the use of such official or employee in the conduct of official business.

**2.26.040 Obligations to citizens.**

No official or employee shall grant, nor shall any citizen attempt to obtain, any special consideration, treatment or advantage beyond that which is available to every other citizen.

**2.26.050 Code of Ethics.**

The purpose of the code of ethics is to assist city officials and employees to establish guidelines to govern their own conduct. The code is also intended to help develop traditions of responsible public service. No official or employee shall engage in any act which is in conflict with the performance of his official duties. An official or employee shall be deemed to have conflict of interest if he:

- (1) Receives or has any financial interest in any sale to or by the city of any service or property when such financial interest was received with the prior knowledge that the city intended to purchase such property or obtain such service;
- (2) Accepts or seeks for others any service, information or thing of value on more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the city, except such service, information or thing of values would influence the vote, action, or judgment of the officer or employee, or be considered a reward for action or inaction. The value of gifts given to an official's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family or social relationship exists between the donor and the family member or guest;
- (3) Accepts any gift or favor from any person, firm or corporation having any dealings with the city if he knows or has reason to know that it was intended to obtain special consideration;
- (4) Influences the selection of or the conduct of business with a corporation having any dealings with the city if he knows or has reason to know that it was intended to obtain special consideration;
- (5) Is an employee, officer, partner, director or consultant of any corporation, firm or person having business with the city, unless he has disclosed such relationship as provided by this chapter;
- (6) Engages in or accepts private employment or renders services for private industry when such employment or service is incompatible with the proper discharge of his official duties or would impair his independence of judgment or action in the performance of his official duties;
- (7) Appears in behalf of a private interest before any regulatory governmental agency, or represents a private interest in any action or proceeding against the interest of the city in any litigation to which the city is a party, unless he has a personal interest and this personal interest has been disclosed to the regulatory governmental agency. A city councilman may appear before regulatory governmental agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency;
- (8) Directly or indirectly possess a substantial or controlling interest in any business entity which conducts business or contracts with the city, or in the sale of real estate, materials, supplies or services to the city, without disclosing such interest as provided by this chapter. An interest is not a substantial interest if such interest does not exceed one-tenth of one percent of the outstanding

securities of the business concern; or, if the interest is an unincorporated business concern, one present of the net worth of such concern; or the financial interest of a corporation, person or firm does not exceed five percent of the net worth of the employee and his household relatives;

- (9) As a city councilman has a personal, financial or property involvement or has familial ties to the third degree to any participant, in any legislation or other matters coming before the council wherein the councilman or participant may obtain personal gain or advantage, and fails to disclose such an interest openly on the records of the city council. The councilmember shall make public any conflict of interest the member has with respect to any issue under consideration by the council. The councilmember shall not participate in discussions of the subject and shall not vote on it. If the councilmember has only a casual association with the subject or parties, the member must state the relationship and then may fully participate. Any other official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the city council and fails to disclose on the records of the city council the nature and extent of such interest is in violation of this chapter;
- (10) Violates any ordinance or resolution of the city;
- (11) Violates the confidentiality of his position;
- (12) Makes any false statement or representation of any public record or document in a willful disregard of the truth of such statement or representation;
- (13) Is convicted of a crime of moral turpitude as defined in this chapter.

**2.26.060 Confidential Information – Disclosure Prohibited.**

No public official or public employee shall, while holding such office or employment, and for a period of one year after leaving city employment, shall disclose or use any confidential or privileged information gained by reason of his or her official position for a purpose which is for other than a city purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

**2.26.070 Adoption of RCW by reference – Exceptions.**

RCW Sections 42.23.030 and 42.23.040 as the same exist now or may be hereafter amended are hereby adopted by reference and the provisions of these statutes shall apply to the conduct of all city officials. The exceptions and remote interests as set forth in these statutes shall be exceptions to the provision of Section 2.26.050

**2.26.80 Penalties.**

- (1) Any officer or employee who knowingly and willfully violates the provisions of this chapter shall be guilty of a misdemeanor and may be punished by imprisonment for not more than 90 days, or a fine of not more than \$1000, or by both such imprisonment and fine.
- (2) In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this chapter may be grounds for the following:
  - (a) Any employee whose conduct is determined by the city to be in violation of this chapter may be subject to disciplinary action, up to and including termination.

- (b) Any appointed official who violates or fails to comply with any provisions of this chapter may be discharged by the appointing authority.
  - (c) Any elected official who violates or fails to comply with any provisions of this chapter may forfeit his or her elected office.
- (3) Any contract or transaction which is the subject of an official act or action of the city in which there is an interest prohibited by this chapter or which involves the violation of a provision of this chapter shall be voidable at the option of the city.

**2.26.090 Ethics Hearing Officer – Position Created, Powers and Duties.**

(1) There is hereby created the office of ethics hearing officer, who shall be appointed by the Mayor and confirmed by the city council. The ethics hearing officer shall be an attorney not holding any other elective office with the city. The ethics hearing officer may be removed from office with or without cause by the mayor with the concurrence of the city council. The compensation of the ethics hearing officer, and other terms and conditions of the engagement, shall be set forth in a written contract.

(2) The ethics hearing officer shall have the following powers and duties:

(a) The ethics hearing officer shall be a quasi-judicial fact finder.

(b) The ethics hearing officer shall perform the following duties:

(i) Upon the filing of a complaint against a non-elected official or employee of the City, accompanied by proof that the said written complaint has been served upon the party who is alleged to be in violation, the ethics hearing officer shall investigate said complaint and, if the hearing officer makes a determination that the complaint is legally sufficient and that it is supported by probable cause, conduct a hearing and issue findings and a recommendation.

(ii) Determinations of legal sufficiency and probable cause shall be made within 30 days after receipt of any complaint. Any complaint which the hearing officer determines is not legally sufficient or not supported by probable cause shall be dismissed.

(iii) Proceedings before the ethics hearing officer shall be recorded and proper minutes of all meetings and actions shall be kept.

**2.26.091 Hearings.**

The ethics hearing officer shall make no findings and recommendation without first conducting a hearing, which shall be held within 30 days after the determination of legal sufficiency and probable cause; provided, any matter which the ethics hearing officer determines would be deemed minor or inadvertent even if the allegations were proven may be summarily dismissed without further proceedings, findings of legal sufficiency and probable cause noted in the minutes of the proceedings, if the officer or employee stipulates in writing to appropriate corrective measures to ensure that such conduct will not continue to reoccur. All hearings shall be closed to the public unless the officer or employee whose conduct is the subject of the hearing requests that it be a public hearing. All testimony before the ethics hearing officer shall be sworn on oath or affirmation, subject to the laws of perjury of the State of Washington. Any party or witness in the proceeding before the ethics hearing officer shall have the right to be represented by counsel. Within 20 days after the conclusion of the hearing, the ethics hearing officer shall render written

findings of fact and recommendations. Copies of the same shall be delivered to the party who is the subject of the hearing, complainant, the mayor, and the city Council.

#### **2.26.092 Recommendations of the Ethics Hearing Officer**

(1) If the ethics hearing officer determines that a city employee has violated the provisions of this code, the ethics hearing officer may recommend to the mayor that the employee be subject to disciplinary action. In addition to any other penalty otherwise provided by law, a violation shall be cause for suspension, discharge or removal from office, or such other disciplinary action as may, by the appropriate city authority, be deemed necessary and proper, and consistent with the city personnel policy and/or collective bargaining agreement, and/or state law. A written report of the disciplinary action taken as a result of the ethics hearing officer's recommendation shall be made by the appropriate city authority to the ethics hearing officer within 14 days after receipt of the ethics hearing officer's recommendation.

(2) This section shall not derogate from employee rights under any collective bargaining agreement or city personnel policy rules promulgated thereunder.

((3) If the ethics hearing officer determines the mayor or a city Council member has violated a provision of the code of ethics, he shall issue a "Letter of Censure."

(4) If the ethics hearing officer determines any person has committed an act of moral turpitude and violated the provisions of this chapter, he may refer the matter to the prosecuting authority for action. The prosecuting authority in such matter shall not be the city attorney, but rather must be a special prosecutor appointed by the mayor and confirmed by the city Council. If the ethics hearing officer recommends criminal prosecution of any elected officer, and prosecuting authority has not previously been appointed and confirmed, the prosecuting authority shall be appointed by the Asotin County prosecuting attorney. The prosecuting authority shall not have authority to prosecute any matters except those referred by the ethics hearing officer pursuant to this chapter.

(5) If the offending person is an elected official of the city of Clarkston, and the ethics hearing officer has issued a "Letter of Censure" pursuant to subsection ( c) above, and has determined that the violation was an act of moral turpitude, the matter may be brought before the Superior Court to have that elected official's office forfeited.

(6) Any party seeking judicial review of a decision made pursuant to this chapter, may petition the Superior Court for Asotin County within 30 days of the ethics hearing officer's decision.

#### **2.26.100 Reporting Violations, False Statements.**

Any resident of the city of Clarkston, or employee or officer of the city may initiate a complaint against any official or employee of the city by filing with the ethics hearing officer a written complaint supported by sworn declaration and may also include any other documentary proof the complainant may choose to include. Filing said complaint with the ethics hearing officer shall be done by delivering or causing to be delivered to staff at City Hall the said complaint in a sealed envelope addressed to the ethics hearing officer. The City will cause a true and correct copy of the complaint to be delivered to the party about whom the complaint is made.

If the ethics hearing officer, after review and hearing, determines that the complaint is false and filed in bad faith, and the ethics hearing officer shall award reasonable attorney fees and costs against the complainant and in favor of the officer or employee who was wrongfully complaint against.

**Section 2**

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

**Section 3**

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

Passed by the City Council of the City of Clarkston, Washington, at a regular meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Kathleen A. Warren, Mayor

Attest:

\_\_\_\_\_  
Vickie Storey, City Clerk

Approved as to Form:

\_\_\_\_\_  
James Grow, City Attorney

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

# Memo

*To: Council*  
*From: James E. Martin, PWD*  
*CC: Mayor Warren*  
*Date: Sept. 1, 2015*  
*Re: Zone Change*

---

The Planning Commission conducted a public hearing for a zone change in the 1200 block of Fair Street directly behind Hillview RV park on Bridge Street. The developer is looking to change from R-2 Medium Density Residential to R-3 High Density Residential in order to accommodate an apartment complex of up to 60 units. These units will be non-subsidized family units that could assist with our rental shortage. The Planning Commission has approved and adopted a Finding of Fact suggesting approval of the change. There was opposition to the project and a neighbor provided a form letter signed by 17 residents in the area. Traffic is the major concern. I've attached the minutes of the hearing and subsequent adoption meeting for your review.

Considering the hearing process, no additional testimony or evidence can be provided to Council over and above what was submitted at the hearing. The decision must be made based on the hearing information. If neighbors try to speak out about the project, Council cannot consider any further information. Please keep in mind that Council cannot apply specific conditions to a land use project, only approve or reject the change. I am also providing a copy of the opposition letter submitted for your review. The project is located on Fair Street that has a functional class of "Urban Major Collector". I would be more concerned if it were located on a "Local Access Road". The major collector is meant to distribute vehicles from the local access roads.

Please review all attachments prior to final decision following the second reading for action.

Thanks,

Jim



**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CLARKSTON**

RE: )  
ZONING MAP CHANGE APPLICATION #2015-05 )  
 ) FINDINGS OF FACT  
Clarkston Estates Inc. (William Larson) )  
1200 Block Fair Street ) CONCLUSIONS OF LAW  
 ) AND DECISION  
 )

This matter having come before the Planning Commission of the City of Clarkston, Washington on August 17<sup>th</sup>, 2015 for public hearing pursuant to public notice as required by law, on a request for a Zoning Code map change that would change property 2.23 acres in size in the 1200 block of Fair Street (pt. NW ¼, Sec. 21, T11N., R46E) from Medium Density Residential (R-2) to High Density Residential (R-3)) in order to allow higher density dwelling use for the construction of an apartment complex, and the Commission having heard the staff report and testimony of other interested parties who appeared and being fully advised in the matter, issues the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. The Clarkston City Code section 17.09.010 establishes the authorization to initiate amendments to the Zoning Code.
2. All applicants, the titled owners of the subject properties have submitted zoning map change application #2015-05.
3. All applicants filed said application with the City for the map change for the Medium Density Residential zone on July 27, 2015 and paid the applicable fee.
4. The City set a public hearing before the Planning Commission for August 17<sup>th</sup>, 2015 and provided notice to the public as required by law.
5. The Planning Commission held a public hearing on August 17<sup>th</sup>, 2015 and took testimony from the applicant, city staff and the public.

6. As a result of the testimony, the Planning Commission has determined that the proposed use is consistent with the Comprehensive Plan and would be a benefit to the residential rental needs of the City. The zoning map change is therefore approved for the following reasons:

- a. The proposed zone change is consistent with the Comprehensive Plan.
- b. The City is in need of rental units, and
- c. The change would help fill a need for residential rentals in the City.

#### CONCLUSIONS OF LAW

1. The proposed zone change follows the anticipated evolution of the comprehensive plan and zoning standards and helps fill a current void in dwelling units.

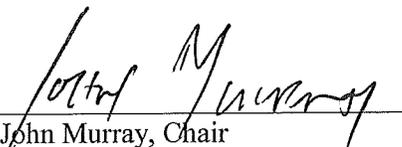
Based on the foregoing Conclusions of Law, the Planning Commission hereby enters the following...

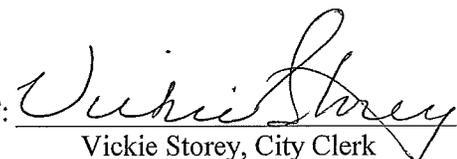
#### DECISION

1. Application No. 2015-05 for a zoning map change of the Zoning Code is approved and a recommendation to that effect will be made to the City Council for final action.

DATED this 18th day of August, 2015.

PLANNING COMMISSION  
OF THE CITY OF CLARKSTON

By:   
John Murray, Chair

ATTEST:   
Vickie Storey, City Clerk

**CITY OF CLARKSTON  
PLANNING COMMISSION MINUTES  
August 17, 2015**

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

**APPROVAL OF MINUTES:**

Minutes of the April 20, 2015 meeting were approved on a motion by GILBERTSON/MERRILL. Motion carried.

**PUBLIC HEARING:**

**A. Public Hearing on Zone Change Application No. 2015-05, 1200 Block of Fair Street**

Chair Murray opened the public hearing at 6:02 p.m. and explained the public hearing process.

PWD Martin presented application and summarized the request to re-zone 2.2 acres owned by Clarkston Estates from R-2 (Medium Density Residential) to R-3 (High Density Residential) in order to construct a multi-unit apartment complex. Martin said only 4 units would be allowed as the property is currently zoned without subdividing the property. If the land were zoned R-3, a maximum of 60 units would be allowed on the one parcel. Murray asked about street access. Martin said access would be from Fair Street. Martin said Fair Street is classified as an Urban Major Collector. Murray asked if improvements such as landscape or parking would be required. Martin said they would. Merrill commented that the memo in the packet states there would be 48 units. Martin said that was an earlier memo that did not get corrected. Murray suggested a better area map to scale would be of help.

William Larson, the applicant, said he is requesting the zone change so he can build a 60 unit apartment complex. He said there are not many locations in the county that would allow such development. This property has sewer and other infrastructure already. He said a lot of the open land is Port owned. Larson said 60 units is the maximum that could be placed on the property and still allow for fire access. He said there are 104 parking spaces planned but only 90 are required. Most units will be two bedroom/two bath. One building will be twelve three bedroom/two bath units.

Merrill asked if there is any covered parking. Larson said there is not.

McCroskey asked if the apartments are subsidized. Larson said they are not. Anticipated rent is \$850 to \$1,000. The three bedroom units will be about 900 square feet. Larson said the units are being planned similar as a complex in Lewiston near Regence.

Larson said there was a feasibility study done by a company called NAI Black that indicates there is a big need for this type of apartment. He commented that a Westridge, a 97 unit complex near the golf course, rents as soon as a unit becomes vacant. Murray asked if there will be on site management. Larson said there will be an office/living unit.

Larson said another potential traffic route out of the complex is to take Morrison to Bridge Street, so that is another option to turning right or left onto Fair Street.

Looking at the current zoning map, the property across the street is R-3, is bordered on two sides by Port Commercial and the other side is R-2.

Murray asked how this property is categorized in the Comprehensive Plan. Martin said it is designated as R-2. Murray asked if the last revision to the Comp Plan included this area. Martin said it did not.

Terry Owen, Jr., 402 12<sup>th</sup> Street, said he can view the subject property from his property. He said that the commission might wonder why there is concern since Hillview RV Park is located across the street. He said Hillview does not have its main exit onto Fair Street. Owen said that traffic is one of the main concerns with this proposed development and the effect the change to R-3 would have on the atmosphere and level of peace the neighborhood is used to. He asked the Commission to imagine their own neighborhood with up to 100 additional vehicles and only one exit from the development onto the street. He said he spoke with many of the neighbors and has compiled his comments as a result of those conversations. He mentioned that he spoke to the commission when Walmart was under consideration. As a result, there are no exits onto Fair Street from WalMart and a wall was built to further alleviate the impact. He said traffic impacts are a big concern. He said he heard a resounding no from the neighborhood as he spoke with them. He said he doesn't see any way to address the concerns within the proposed development. He presented 17 signed letters from residents in the neighborhood. The letters were left with Martin to be included in the record.

Betty Olsen, 1106 Fair Street, said she was informed that letters were sent to residents on Fair Street, but they did not receive a letter. Murray explained that notifications are sent to properties within 300 feet of the proposed change. She said the traffic from that number of units would be excessive. She was concerned with where all the vehicles would park.

Ivan Olsen, 1106 Fair, said he has the same concerns as the previous speaker. He suggested that the commission would not be happy to have a 60 unit apartment in their neighborhood. He was concerned that there is only 1.5 parking

spaces per unit. He doesn't think that will be enough and residents will be parking on the street. He commented on problems with WalMart with traffic and trash.

Sherry Owen, 402 12<sup>th</sup> St., said her concern is with traffic. She said children from neighborhood cross Fair Street to walk to school and to play. She commented that residents of Hillview RV Park walk on Fair Street and was concerned for their safety. She expressed concern with turning from 12<sup>th</sup> Street onto Fair because of visibility issues. She asked the Commission to deny the request.

PWD Martin read a letter from the CEO of LifeTrack Services, Inc., which is on Port Drive directly north of the subject property. They were not opposed to the zone change, but suggested the site be fenced to help eliminate trespassing onto their property.

Murray said it would be important to know how many units could be built if the property were subdivided. Martin said he would need to calculate that.

Gilbertson asked if there is only one street cut for access planned. He asked the distance from the property line on the east side of the property to the building. He wondered if an additional access could be put on Fair Street and it could be an entrance to the property with the exit being where the current access is shown. He said the preliminary plans would not allow that without losing space in the units. Gilbertson asked if the units could be shifted to the west enough to allow access on the east. Larson said the units cannot be shifted to the west because of fire access.

Merrill asked if there is a grass area. Larson said it will be landscaped.

Murray asked how important it is for Larson to have 60 units. Larson said he is trying to maximize the use of the land.

Martin said the property is 2.23 acres or 97,138 square feet. A four unit structure in R-2 requires 12,500 square feet, so the parcel could be subdivided into seven parcels with four-plexes for a total of 28 units.

McCroskey asked Larson if he had ideas on how to mitigate the traffic concerns. Larson said people can drive wherever they want and there really isn't anything that can be done. It is a choice.

Murray asked the level of service on Fair St. Martin said he doesn't know, but it is not considered substandard. Murray asked if there are curbs, gutters and sidewalk on Fair. Martin said the majority of it does. Fair is designated as an urban major collector, one step down from an arterial. He explained the street designation system, beginning with a local access road which would funnel into either a minor collector or a major collector and then to arterials. Murray asked the maximum traffic load of a major collector. Martin said there is no one answer to that question. Murray asked if parking is allowed on Fair. Martin said parking is allowed on both sides. He said there is a traffic signal at 5<sup>th</sup> Street and a stop sign at 13<sup>th</sup> Street, so there is a long stretch with no traffic control in between. Martin said even if a traffic study were done, there isn't much that can be done with the existing street.

Murray closed the Public Hearing at 6:43 p.m.

## **REGULAR BUSINESS:**

### **A. Discussion, Zone Change No. 2015-05**

Murray said he believes the valley is in desperate need of quality rental units. He said the price point will determine who the tenants are. He said the traffic does concern him. He commented that all the cars will not come and go at the same time, but it will add a lot of traffic. Although, he doesn't see that Fair Street is overloaded.

McCroskey said she is also concerned with traffic. She asked Martin if there are any plans to improve the traffic flow in the 5<sup>th</sup> & Fair intersection. Martin said a North Clarkston traffic study has been done and there are two projects on the Six Year Transportation Plan. He said the first project would have a big impact and is fairly inexpensive. It involves changing the traffic flow at the entrances to Costco and WalMart on 5<sup>th</sup> Street. The other project would be a complete revitalization of the intersection at Bridge, 2<sup>nd</sup> and Diagonal. Even if funding were available, the city doesn't have the matching funds that would be required.

Murray asked Martin if he thinks most of the traffic on Fair is a result of commercial development in the 5<sup>th</sup> & Fair area. Martin said it is hard to know since there are several apartment complexes at the west end of Fair.

Braddock referred to past proposed developments with specific parking and green space requirements. Martin said that was a Planned Unit Development process. Braddock said there are few families these days with only one car, so it seems there could be many cars parked at the curb.

Murray reminded the Commission that if the zone change is approved the rules for the zone will apply. The commission cannot make conditions.

Gilbertson said he has concerns with the traffic flow, but no other concerns.

Merrill said traffic is always a concern, but this is an area of development.

Murray asked if this request were for a commercial use, would there be more concern with traffic. Martin said there are too many potential commercial uses and the amount of traffic generated depends on the use.

Murray asked if there are additional questions or comments from the commission. He again reminded the commission that this is a straight zone change and the commission cannot make conditions.

MOTION BY BRADDOCK/MERRILL to recommend approval of Zone Change Application No. 2015-05.  
Motion carried.

**UNFINISHED BUSINESS:**

**COMMUNICATIONS:**

- A. From Public, N/A
- B. Written, N/A
- C. From Planning Commission – McCroskey said if there are people who are opposed to or in favor of the zone change, they should attend the city council meeting and express their concerns.
- D. Staff Reports - Martin said he will prepare the findings of fact for approval at the next Commission meeting. He said Don Brigham would also like to give an update on the Shoreline Master Plan.

The next meeting was set for Tuesday, August 25 at 6:00.

**ADJOURNMENT:**

Meeting adjourned at 7:00 p.m.

---

John Murray, Chair

**CITY OF CLARKSTON**  
**PLANNING COMMISSION MINUTES**  
**August 25, 2015**

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

**APPROVAL OF MINUTES:**

Minutes of the Aug. 17, 2015 meeting were approved on a motion by GILBERTSON/MCCROSKEY. Motion carried.

**REGULAR BUSINESS:**

**A. Review and Approval of Findings of Fact, Conclusions of Law and Recommendation for Zone Change Application No. 2015-05**

Chairman Murray stated that he had looked over the findings and found them to be appropriate. J. Braddock questioned whether there was an address for the property. Martin explained that there was not but the address would be established later in the process when the actual building locations are determined. It was decided to include the property description in the first paragraph of the Findings of Fact where it described the location. With the addition of the property description in the Findings of Fact the finding, conclusion & recommendation #2015-05 was approved unanimously on a motion by MURRAY / BRADDOCK.

**UNFINISHED BUSINESS:**

**COMMUNICATIONS:**

**A. From Public:**

Don Brigham the Program Coordinator for the New Shoreline Master Program was present to do an informative update on the progress on the Shorelines Master Program that the City has partnered on along with Asotin County, Garfield County, Columbia County and the City of Starbuck. The City uses the current plan of Asotin County that is over 20 years old but in some cases not as old as the other jurisdictions. The City of Clarkston is unique in that the entire shoreline within the city limits is under the control of the Army Corps of Engineers. Given that the program covers 200 feet landward of the high water mark, there may be some areas that are applicable. About 2 ½ years ago it was determined that given the similarities of all the agencies in the coalition, it made better sense to combine the efforts and create a document that would be workable for all. The program is a state mandate and in this case fairly generous funding has been provided to cover the expense of the project. To summarize, the program is very similar to jurisdictional zoning in that it provides guidelines and requirements for land uses along the shoreline and creates an additional review process by not only the jurisdiction but also Ecology. The idea of the program is to maintain current conditions along the shorelines and improving shoreline conditions whenever possible while still having a workable plan for the public, developers, and the government. In the not so distant future it will be necessary for each jurisdiction to review, comment, and adopt the plan following the proper public meetings and an official hearing.

B. Written - N/A

C. From Planning Commission - N/A

D. Staff Reports – N/A

**ADJOURNMENT:**

Meeting adjourned at 6:39 p.m.

---

John Murray, Chair

CITY OF CLARKSTON
APPLICATION FOR ZONING MAP / COMPREHENSIVE PLAN MAP AMENDMENT

Applicant Name: Clarkston Estates, Inc. Home Phone: 509-780-3196
Address: Fair Street Work Phone: 509-758-2152
Property Owner Name (if different): Same
Address: 249 13th Street Clarkston, WA 99403
Legal Description of Property : Current Zoning: R2
Proposed Zoning Designation: R3

The City may amend this ordinance when it finds that any of the following applies:

- 1. Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;
2. Change in economic, technological or environmental conditions has occurred to warrant modification of this ordinance;
3. It is found that an amendment is necessary to correct an error in this ordinance;
4. It is found that an amendment is necessary to clarify meaning or intent of this ordinance;
5. It is found that an amendment is necessary to provide for a use that was not previously addressed this ordinance; or
6. Those amendments as deemed necessary by the City Council to provide for the health, safety and general welfare.

ATTACHMENTS:

- 1. NARRATIVE: Please provide a written statement describing how the map amendment will be consistent with the above criteria and how the amendment will be consistent with the goals of the Comprehensive Plan.
2. VICINITY MAP: Please attach a vicinity map, drawn to scale, which shows the location of the proposed amendment.
3. PROOF OF OWNERSHIP: Please attach a copy of the property deed or sales contract.

The Applicant will be notified in writing within 28 days of receipt of the application whether the application is deemed to be complete. The date of the public hearing will be established upon the acceptance of a complete application.

The Applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true under penalty of perjury by the Laws of the State of Washington.

Signature (Applicant): [Signature] Date: 7-27-2015
Signature (Landowner, if different): Date:

FOR OFFICE USE ONLY

Case No: 2015-05 Date Rec'd: July 27, 2015 Rec'd By: [Signature]
Planning Commission Hearing Date: Aug. 17, 2015 Action Taken: APPROVED
City Council Action: Date:

*mine*

City of Clarkston Planning Division and Jim Martin, Public Works Director,

Thank you for the opportunity to weigh in regarding the zoning map change request application for the 2.23 acre property in the 1200 Block Fair Street (NW 21-11-46 Unplatted Clarkston), from R-2 medium density residential zoning to R-3 high density residential zoning.

I have seen many changes in a lifetime of living in Clarkston and in the 25 plus years at my home on the corner, at 402 12th Street.

I offer comments for consideration to this commission as to why I would like the application denied, at this time.

You may wonder why it would make a difference to people in the neighborhood, when already existing near this proposed site is Hillview R.V. Park. In Hillview's case, there is not a vehicle exit onto Fair Street for the main body of their many residents. They exit onto Highway 12/Bridge Street, thus having little if any effect on the Fair and 12th Street corridor traffic.

With this application, one concerning issue at hand is one of traffic and the effect the proposed R-3 change would have on the atmosphere and the level of peace the neighborhood has been accustomed to and I think, should expect in regard to R-2.

It is my understanding the zone change request would facilitate a multi-level apartment complex containing a total of sixty units.

I'd like you to visualize your own home now

...Imagine up to sixty families moving in next door to your home, with 100 vehicles and only one driveway area exit whose flow would border two sides of your home, (corner lot in my case). It wouldn't take a traffic study to imagine the daily effect. Nor would it take a study to conclude the traffic volumes and desired traffic routes for Fair Street and most certainly 12th Street, with it's free right turn to Bridge Street.

I appreciate this commissions past consideration to my ideas in regard to planning for Wal-mart. Issues that concerned me and other neighbors were all granted in that case. One Wal-mart planning issue that parallels this zoning change application was, in having the wall constructed and also more importantly, no exits onto Fair Street. In doing so, the remaining neighborhood atmosphere was not enhanced, but... having no exits planned was huge in stopping most cut through traffic, which maintained some residential atmosphere while still allowing the store to be built, thus preserving some R-2 home ownership quality of life.

I also ask for your insight, as the proposed apartment complex location does not look to have a viable way to plan around the concerns I submit, as each of the 60 units tenants and their vehicle or vehicles would be entering and exiting from a sole driveway area, just a stone's throw away.

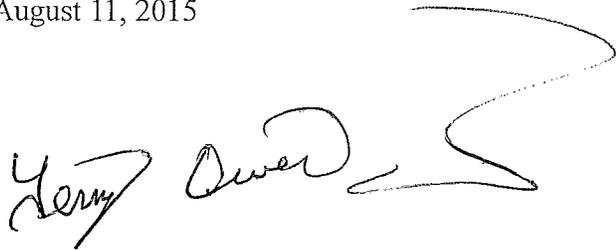
As development in cities happens, often times R-2 style residential neighborhoods are absorbed or are assimilated around the edges. I am not against development, but the forethought of past planners apparently recognized the surviving parts of neighborhood home life as R-2. I would ask that this Commission consider that forethought and maintain R-2 zoning, so the remaining pockets of R-2 atmosphere and peace are not morphed into something less.

I understand R-2 allows for a four unit apartment. That size development as a neighbor sounds just fine.

I am open to discuss the issue further. I don't see a way to viable address and eliminate the traffic issues and their effects that were effectively accomplished in the cases of Hillview and Wal-mart examples I mentioned.

August 11, 2015

Terry Owen, Jr  
402 12th Street  
Clarkston, Washington

A handwritten signature in black ink, appearing to read "Terry Owen, Jr.", with a large, stylized flourish extending to the right.

Aug. 18, 2015

Opposition to Zone Change #2015-05 for Clarkston Estates.  
(submitted on form letters created by Terry Owen Jr.)

Brad Torgerson  
411 11<sup>th</sup> St.

Betty Olsen  
1106 Fair St.

Cindy L. Richardson  
1269 Fair St.

Terry J. Owen Jr.  
402 12<sup>th</sup> St.

Dorothy Simpson  
400 11<sup>th</sup> St.

Grant Curtis  
402 Morrison St.

Rick Fogleman  
1119 Fair St.

Georgia Lyons  
411 12<sup>th</sup> St.

Rosanne Roehrborn  
408 12<sup>th</sup> St.

Greg Bly  
1128 Fair St.

Jonathon Strickland  
406 Morrison St.

John L. Finch  
402 13<sup>th</sup> St.

Audrey A. Felkins  
1267 Fair St.

Becky Myers  
407 12<sup>th</sup> St.

David G. Yeamans  
407 12<sup>th</sup> St.

Gary Brown  
1121 Fair St.

Sheri L. Owen  
402 12<sup>th</sup> St.

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

# Memo

*To: Planning Commission*  
*From: James E. Martin, PWD*  
*CC:*  
*Date: July 23, 2015*  
*Re: Possible Apartment Complex*

---

We have a developer interested in the construction of an apartment complex directly west of the Housing Authority on Fair Street. Depending on how the buildings lay out, it may involve either 36 or 48 units similar to what has recently been constructed in Lewiston. The property consists of 2.23 acres on the north side of Fair Street which is currently zoned R-2 Medium Density Residential. In order to accomplish the project it would require a change to R-3 High Density Residential. Fortunately, R-3 is located directly south across Fair Street. There are also similar uses just to the west.

I am looking to establish a hearing date for the public hearing but will confirm the official request with the acceptance of an official application for a zone change and the accompanying fee. I will be certain to keep you in the loop. If I don't get the application I don't see the need to meet. (Project location attached)

Thanks,



Jim



SPRUTE,  
KENNETH C  
245 13TH ST

PORT  
CLARKSTON  
120 PORT DR

PATT'S GARDEN  
CENTER 1280  
PORT DR

COLEMAN,  
ROBERT JR  
1283 PORT DR

B.I. CONSTRUCTION  
1275 PORT DR

LIFETRACK  
SERVICES  
1271 PORT DR

SCHWAN'S HOME  
SERVICE INC  
1269 PORT DR

CLARKSTON  
ESTATES INC

LARSON,  
WILLIAM A JR  
253 13TH ST

LARSON,  
WILLIAM A JR  
249 13TH ST

ARSON,  
JOHN H 1279  
FAIR ST

GREENE,  
LOIACE W  
265 13TH ST

ARSON,  
JOHN H 1280  
FAIR ST

GREENE,  
LOIACE W

HASCOCO  
HOUSING  
212 FAIR ST

FAIR ST

Fair St

BENEFIELD  
SHEENA R 402  
MORRISON AVE

RICHARDSON  
CINDY L  
1289 FAIR ST

FELKINS, AUDREY  
1157 FAIR ST

POLUMSKY,  
ANGELA D 406  
MORRISON AVE

FELKINS,  
AUDREYA

BANANA BELT  
GAMING LLC  
1255 FAIR ST

VACANT  
PHYLLIS  
MORRISON AVE

SIMMONS, ORETTA  
409 MORRISON AVE

CUPP, JAMES  
E JR 422  
MORRISON AVE

WYWAYZ,  
SHIRLEY 421  
MORRISON AVE

WITTERS,  
JIMMIE R 1224  
BRIDGE ST

BEUTLER,  
WILLIAM P  
433 13TH ST

BEUTLER, WILLIAM  
1292 429 MORRISON AVE

BANANA BELT  
GAMING-LLC  
1250 BRIDGE ST

RODNEY B  
1100 12TH ST

BEUTLER,  
WILLIAM P  
BRIDGE ST

BEUTLER, WILLIAM  
1292 429 MORRISON AVE

SMEL,  
DEB L 430  
12TH ST

BEUTLER,  
WILLIAM P  
BRIDGE ST

BEUTLER, WILLIAM  
1292 429 MORRISON AVE

SNODGRASS,  
LISA 432  
12TH ST

BEUTLER,  
WILLIAM P  
BRIDGE ST

BEUTLER, WILLIAM  
1292 429 MORRISON AVE

BEUTLER, WILLIAM  
1292 429 MORRISON AVE

BEUTLER, WILLIAM  
1292 429 MORRISON AVE

ROBINSON,  
PAMELA JEAN  
438 13TH ST

HARDIN,  
DAVID  
445 13TH ST

ORDINANCE NO. 1546

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, AMENDING ORDINANCE NO. 1536 WHICH ADOPTED THE 2015 BUDGET, AND AUTHORIZING THE NECESSARY ADJUSTMENTS.

WHEREAS, the City Council has determined that the 2015 budget should be amended to take into account variations in actual revenues and expenditures from those projected at the time of adoption of the 2015 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. 1536 passed by the City Council on December 22, 2014, shall be increased and amended as follows:

	EXPENDITURES	OTHER FINANCING USES
CURRENT EXPENSE (001)	196,500	
CURRENT EXP RESERVE (004)		75,000
EQUIPMENT REPLACEMENT (016)		2,900
SEWER O & M	3,800	
SEWER CONSTRUCTION	16,700	
STORMWATER	3,550	
SANITATION o & m	(6,200)	
<b>TOTALS</b>	<b>214,350</b>	<b>77,900</b>

Section 2. Duties of City Treasurer. The City Treasurer of the City of Clarkston, Washington, is authorized to make the necessary changes to the 2015 budget on or before December 31, 2015, 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 28<sup>TH</sup> day of September, 2015.

Authenticated:

\_\_\_\_\_  
Kathleen A. Warren, Mayor

\_\_\_\_\_  
Vickie Storey, City Clerk

**BUDGET AMENDMENT No 3 - 2015  
ORDINANCE NO. 1546**

Account Description	Adopted Bdgt	Amendment	Amended Bdgt	Explanation
<b>GENERAL FUND</b>				
001 000 001 397 14 00 20	Tfr from Equip Rplcment (106)	\$ 4,000	\$ 2,900	\$ 6,900 Software Purchase
001 000 001 397 19 00 40	Tfr from CE Reserve (004)	\$ -	\$ 75,000	\$ 75,000 Skyline Settlement
	<b>TTL REVENUES</b>	<b>\$ 4,000</b>	<b>\$ 77,900</b>	<b>\$ 81,900</b>
<b>CE RESERVE</b>				
004 000 041 597 19 00 40	Tfr to CE	\$ -	\$ 75,000	\$ 75,000 Skyline Settlement
004 999 041 508 80 00 00	End Balance	\$ 627,336	\$ (75,000)	\$ 552,336 Adjust End Balance
<b>EQUIPMENT REPLACEMENT FUND</b>				
016 000 220 597 14 00 20	Tfr to CE	\$ 4,000	\$ 2,900	\$ 6,900 Cover Software Purch
016 999 220 508 80 00 00	End Balance	\$ 192,390	\$ (2,900)	\$ 189,490 Adjust End Balance
<b>SEWER O &amp; M</b>				
400 000 140 594 35 64 20	Office Equipment	\$ -	\$ 3,800	\$ 3,800 Software Update
400 999 140 508 80 00 00	End Balance	\$ 524,218	\$ (3,800)	\$ 520,418 Adjust End Balance
<b>SEWER CONSTRUCTION FUND</b>				
405 000 145 594 35 63 10	Design Engineering	\$ -	\$ 16,700	\$ 16,700 Lift Station Study
405 999 145 508 10 00 00	Reserved End Balance	\$ 502,636	\$ (16,700)	\$ 485,936 Adjust End Bal
<b>STORMWATER O &amp; M</b>				
409 000 049 594 31 64 20	Office Equipment	\$ -	\$ 3,550	\$ 3,550 Software Updte
409 999 049 508 80 00 00	End Balance	\$ 27,413	\$ (3,550)	\$ 23,863 Adjust End Balance

**BUDGET AMENDMENT No 3 - 2015  
ORDINANCE NO. 1546**

Account Description	Adopted Bdgt	Amendment	Amended Bdgt	Explanation
<b>SANITATION O &amp; M</b>				
410 000 150 537 80 10 00	\$ 310,000	\$ (10,000)	\$ 300,000	Adjust Wage budget
410 000 150 594 37 64 20	\$ -	\$ 3,800	\$ 3,800	Software Update
410 999 150 508 80 00 00	\$ 2,495	\$ 6,200	\$ 8,695	Adjust End Balance
<b>TOTAL EXPENDITURES</b>		\$ 214,350		
Other financing		\$ 77,900		