



**CITY OF NAPAVINE PLANNING COMMISSION MEETING  
Monday – September 19, 2022 – 6:00 PM**

Deborah Graham,  
*Position 1*

Amy Hollinger  
*Position 2*

Arnold Haberstroh,  
*Position 3*

Amy Morris  
*Position 4*

Scott Collins  
*Position 5*

Bryan Morris  
PW/CD Director

- I. PLEDGE OF ALLEGIANCE**
- II. CALL TO ORDER**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDAS – As present**
- V. APPROVAL OF MINUTES –**
  - 1) Planning Commission Meeting – August 29, 2022**
- VI. NEW BUSINESS**
  - 1) 225 2nd Ave NE - Ben Clapa Rezone Application**
- VII. OLD BUSINESS**
- VIII. CONSIDERATION**
- IX. CITIZEN COMMENTS- Non-agenda items**
- X. GOOD OF THE ORDER**
- XI. ADJOURNMENT**

**Planning Commission Meeting is held in person and via Teleconference.**

**Teleconference Information**

**Dial-in number (US): (720) 740-9753**

**Access code: 8460198**

**To join the online meeting:**

**<https://join.freeconferencecall.com/rdenham8>**

**City of Napavine**  
407 Birch Ave SW  
P O Box 810  
Napavine, WA 98565  
360-262-3547

**City Website**  
[www.cityofnapavine.com](http://www.cityofnapavine.com)



**NAPAVINE PLANNING COMMISSION MINUTES**  
**August 29, 2022 6:00 P.M.**  
**Napavine City Hall, 407 Birch Ave SW, Napavine, WA**

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**ROGNLIN'S PUBLIC HEARING:** 6:00 pm

**Commissioner Graham** opened the public hearing at 6:00 pm for Rognlin's 1054 Rush Road Sub-division.

**Dan Mikota** – Member of Napavine School Board. Had concerns of the impact that the subdivision will have on the schools. Wants to have a conversation on the growth that is coming in and what can be done to help the impact of the school.

**Commissioner Haberstroh** – The issue with the impact fees is they can only be used on certain things, and it also has an expiration date before funds are released back to the developer. Need to look more at mitigation fees, bonds, and levies.

**Shane Schutz** - Superintendent of Napavine School District concerned about the impact on the schools with all the growth. Needs to have some type of revenue resources to help with the growth. Would like to work with the city on getting a plan in place to work together to maybe find a solution. It's hard to pass a bond right now, whatever amount the fee would be, would be helpful.

**Director Morris** – Stated that Rognlin's project is too far along in the process to require an impact fee. This discussion would probably be more fit for the agenda under consideration.

**Gary Kalich** -614 Newaukum Valley Road. Had submitted a written comment but wanted to just speak for a second regarding his request to move roads and lots for access to his wife's adjacent parcel that is Lot C, 5-acre plat. The access that the city has adjacent to that property is currently unimproved city right of way from Kayli CT. which isn't financially feasible.

**Chris Aldrich RB Engineering** – Engineer for the project. Spoke about the project with the water and sewer. There will be a turn lane into Rush Road so there is a left lane and will have a turn lane in Rush Road. Wanted to address the project is vested and there currently is no impact fees, and no comments for mitigation. Can't guarantee that they would be able to move the road/lots for better to access to Lot C because that parcel already had a public easement off Kayli CT.

**Commissioner Haberstroh** - requested if there could be a hard surface of 6 feet on the walk lane off Wildwood, maybe lighting, with an emergency vehicle access only sign.

**Douglas Fletcher** – 210 Mitchell Lane – asked questions regarding the storm water coming off Wildwood, and how it would be designed. The City's ROW is on his property, so his questions was regarding the storm water run-off.

**Chris Aldrich RB Engineering** – Stormwater will be designed per code, piped all the way down.

**Director Morris** stated that sidewalks have been deterred on rush road in the past, this project proposes sidewalks and streetlights on Rush Road. One thing they need to look at is that access on Lot C for that parcel. The city has a right-of-way coming off Kayli CT but its not really feasible.

**Director Morris** stated that the city has a current code that says parcels parallel to Rush Road shall be allowed placement of a culvert and driveway. The city doesn't want pedestrians on Rush Road. The only reason there is a sidewalk on Sommerville development is because there is no shoulder on Sommerville.

**Director Morris** summarized the written comments. Tribes are asking for a cultural survey.

**Brian Fain** 317 Kayli CT – is concerned if there was a road just going through at the end of the cul-de-sac because there is a lot of kids that play in that area, maybe speed bumps? He just wanted confirmation if there would be a road.

**Director Morris** confirmed that the unimproved right of way off Kayli CT would be the section Mr. Fain is asking about and that is not part of this development.

**Mrs. Phipps – 1049 Rush Road** – Lives directly across from the proposed development. Is requesting the Planning Commission put signs up warning people of the wildlife crossing and no jake brakes. Thinks that would help tremendously. Thanked the engineer for the turn lane on Rush Road, it is greatly appreciated.

**Commissioner Graham closed the public hearing at 6:36 pm.**

**JERRY NIXON PUBLIC HEARING:** 6:37PM

**Director Morris** – stated that the project is a 5000 sq. ft. shop for storage for concrete business. Asking for a Variance to do no frontage improvements. Received and summarized written comments in support of the project from Kiersten Milton & Reece Prehem, David Milton, and Neal & Patricia Amos. There were no objections for the project. Mr. Nixon has fulfilled all of Ecology's concerns and the submittal is now in front of Planning Commission for consideration.

**Paula Sandirk 621 Forest Napavine Road W** – Pleads to Planning Commission to not require streetlights at this current time.

**Commissioner Morris** asked Mr. Nixon if trucks will be coming and going out of the project location.

**Neal Amos** - 668 Forst Napavine Road W asked why the letter said Nixon Construction company. Executive Assistant Katie Williams stated the SEPA was filled out and published as Nixon Storage Building. Paula Sandirk responded with that it is a DBA and can operate under both.

**Commissioner Graham Closed the public hearing at 6:42 pm.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**Chairwoman Commissioner Graham** opened the regular planning commission meeting to order at 6:41 pm.

**ROLL CALL:**

Planning Commission present: Amy Morris, Commissioner #4, Deborah Graham Commissioner #1, Amy Hollinger Commissioner #2, and Arnold Haberstroh Commissioner #3. **Commissioner Haberstroh motioned to excuse Commissioner Collins Position #5, seconded by Commissioner Hollinger. Vote on Motion 3 aye 0 nay.**

**APPROVAL OF AGENDA – As presented:**

**Commissioner Hollinger motioned to approve the agenda, seconded by Commissioner Haberstroh. Vote on motion 3 aye, 0 nay.**

**APPROVAL OF MINUTES:**

**Commissioner Haberstroh motioned to approve minutes for August 15, 2022, meeting, seconded by Commissioner Morris. Vote on motion 3 aye and 0 nay.**

**OLD BUSINESS:**

**Cliff Morris Short Plat – 609 W Forest Napavine Road**

Director Morris read the proposal that Cliff Morris wrote up. Commissioner Haberstroh questioned the actual cost of the supplies because he called up a few places and got some price quotes. Mr. Cliff Morris explained the cost is quite expensive and he is pretty much building the first house for free. **Commissioner Haberstroh motioned to recommend the proposal move on to city council for final with the condition that the hydrant is placed n the right of way at Forest Napavine Road, seconded by Commissioner Morris. Vote on motion 3 aye, 0 nay.**

**Rognlin’s Rush Road Subdivison Plat**

Discussion was had regarding the wildlife crossing signs and no jake brakes in that vicinity. Director Morris stated that this doesn’t fall on this development, it will be on the next meeting agenda for signs. **Director Morris is looking for a motion to approval Rognlin’s plat with the conditions of the cultural resources survey and all conditions on the staff report. Along with the 6 ft. hard surface lighted pedestrian pathway, with sign that states “emergency vehicles only.” Commissioner Haberstroh motioned to accept the conditions mentioned above to council, seconded by Commissioner Hollinger. Vote on motion 3 aye, 0 nay.**

**Jerry Nixon 665 Forest Napavine Road Land Use**

Director Morris stated that the Variance is seeking to waive frontage improvements, they would like to waive the streetlights, which is up to Planning Commission. Commissioner Haberstroh stated that at this time the project doesn’t have power but is there any way to require it when utilities come through? Commissioner Morris asked if they could pave the apron at the entrance going into the property, every driveway on Forest Napavine Road currently has it. Mr. Nixon stated that if the road is going to be tore up, he would have to tear it back out. Director Morris stated that if the city tears it out, the city will replace it.

**Commissioner Hollinger motioned to recommend to approve the land use and Variance with the conditions that he agrees to a developers agreement for a yes vote on future road improvements, and pave the apron at the entrance of the property, seconded by Commissioner Haberstroh. Vote on motion 3 aye, 0 nay.**

**CONSIDERATION:**

**School Impact Discussion**

Superintendent of Napavine - Shane Schutz is asking for the City and the School District to work together to consider the impact of the school with the future growth of the city. Need to find additional resources and help. Director Morris requested that it would be a good idea for the Planning Commission to have a workshop before or after the next meeting. **Commissioner Haberstroh motioned to set a workshop at 5:00pm before the regularly scheduled meeting on September 19, 2022, meeting, second by Commissioner Hollinger. Vote on motion 3 aye, 0 nay.**

**Planning Commission Packets**

Commissioner Haberstroh stated that if everyone else was okay with it, he thinks all the copies are excessive and creates a lot of extra work for Katie. **Commissioner Haberstroh made a motion to have Katie just have 2 copies of big developments at the meeting, everything else is reviewed beforehand on the computer. Seconded by Commissioner Morris. Vote on Motion 3 Aye, 0 Nay.**

**ADJOURNMENT** 7:20 pm

**Commissioner Hollinger** motioned to adjourn, seconded by **Commissioner Haberstroh**. Vote 3 ayes, 0 nays.

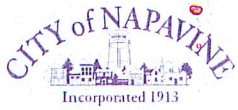
*These minutes are not verbatim. If so desired, a recording of this meeting is available online at <https://fccdl.in/i4nEoeYelz>.*

**Respectfully submitted,**

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Bryan Morris, Community Development/Public Works Director

Planning Commission Chairperson



City of Napavine

407 Birch Ave SW P O Box 810  
Napavine, WA 98565  
Phone: (360) 262-3547

Receipt Number:

28750

Seventy-Five and 0/100's Dollars

Received From:

Bridge Development - Benjamin Clapa

Date  
9/2/2022

Receipt Number  
28750

Amount  
\$75.00

Printed By  
katie

Check

188

\$75.00

Rezoning Application 225 2nd Ave NE Filing Fee

BRIDGE DEVELOPMENT LLC • P.O. BOX 10105 • PORTLAND, OR 97296

DATE:08/23/2022 CK#:188 TOTAL:\$75.00\*\*\*\*\* BANK:Clapa Properties(clapaop)  
PAYEE:City of Napavine(v0001101)

Property Address - Code	Invoice - Date	Description	Amount
Benjamin Clapa - clapa	rezoningapp225 2nd - 08/23/22	"rezoning app "225 2nd Ave NE,	75.00
			<hr/> 75.00



Community Development
407 Birch Ave SW, P. O. Box 810 Napavine, WA 98565
Phone: (360) 262-9344 Fax: (360) 262-9199
www.napavine.wa.gov

Application for Amendment General Zoning

Application Fee: \$75.00 & Approved Application Fee: \$925.00

Applications Accepted September 1 through December 31.

More than 10 hours of staff review for rezone request will require an additional hourly fee at \$55.00/hour. All Additional costs asses at actual costs.

- Rezone or Amendment to Zoning Regulations
Comprehensive Plan Amendment
Resource land Opt-in Application (No Fee)

Submittal Requirements:

- Completed application form
Legal Description (for site specific amendments)
Three site maps, no larger than 11" x 17", clearly labeled, and reproducible in black and white showing the following features:
a. property boundaries showing existing land use designation and zoning.
b. property boundaries showing the proposed land use designation and zoning.
c. all natural and built features (such as roads, streams, buildings, slopes, fences, etc.) as well as adjacent properties and their uses.
Application Fee \$1,000.00

1. Applicant (see page 5 if more than one applicant):

Name Benjamin Clapa
Address 28195 Clapa Ln, Eagle Creek, Or 97022
Phone No.: 503-805-3998 Email clapaben@gmail.com

2. Contact Person (if other than the applicant):

Name Kelly Melbera
Address 126 Tammie Ln, Onalaska, Wa 98570
Phone No.: 360-219-6691 Email kelly.melbera@century21

3. Assessors Tax Parcels: 008258001000

4. Location of property:

Quarter Section, Section 35, Township 13N North, Range 02W
Location (road name/city): 2nd Ave, Napavine

Is the property within an Urban Growth Area? Yes No

If yes, which jurisdiction?



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Phone: (360) 262-9344 Fax: (360) 262-9199
www.napavine.wa.gov

5. Total acreage of the parcel(s): 0.210ac

6. Signatures:

I/We the undersigned, do hereby affirm and certify, under penalty of perjury, that I am/We are the owner(s) under contract of the described property, and that all statements contained in, or attached to, this application are in all respects true and accurate to the best of our knowledge.

Benjamin Clapa 08/15/22
Signature Date

Signature Date

PLEASE ANSWER THE FOLLOWING QUESTIONS, ATTACH AN ADDITIONAL SHEET IF NECESSARY.

A. Identify the land uses surrounding the property affected, and describe how the proposed change would affect those surrounding land uses:

Homes on same side of street are residential. Properties across the street are residential and commercial. The home is currently being used as a residence, and has been for at least the last 7 years, so no impact to neighboring properties would be expected.

B. Explain why the existing land use/zoning designation is not appropriate:

Current use is as a residence

C. How have the conditions changed so that the proposed designation is more appropriate than the existing designation?

Commercial zoning was obtained when home was being used as a daycare, which has been out of business for quite some time. Home holds more value as a residence at this time. Home is now on the market and commercial zoning inhibits lending for potential new owners and possible rehab of this home, which is in need.

D. Explain why additional land of the proposed designation is needed in Lewis County, and why it is needed at the location proposed:

There is more demand for residential property than commercial



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at this time. Allowing residential rezone for this home will allow more potential for new owners to continue it's current use (rental), or as a primary residence and to encourage the improvements this home needs. Sitting on the main street, this would be a priorit

E. If the property is in the rural area (outside of an Urban Growth Area), demonstrate with appropriate data, how the rural density standards have been met:

N/A

F. Explain why the change is needed. What issue or problem is resolved by the proposed change?  
See Section D.

G. How would the proposed change serve the interests of not only the applicant, but the public as a whole?

It would continue to provide housing for the members of the Napavine community. It would allow for new owners to purchase and improve the property.

H. Explain how the proposed rezone or amendment fulfills the goals of the Washington State Growth Management Act (RCW 36.70A.020):

(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.





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I. Explain how the proposed rezone or amendment is consistent with the policies of the Lewis County Comprehensive Plan, including any policies of an applicable town or city (if the area is in the unincorporated area of an Urban Growth Area). Be sure to review all comprehensive plan chapters:

Affordable Housing. The shortage of countywide affordable housing ranked among the top 5 issues in surveys conducted for the Lewis County Community Health Assessment. We currently have a housing shortage and not a commercial property shortage.

J. TEXT AMENDMENTS ONLY: Most, but not necessarily all, text amendments are legislative changes: they can be processed only with the consent of the Lewis County Board of Commissioners. If a text amendment is proposed, identify the chapter and page number of the text to be changed, and provide the exact wording changes proposed.

Chapter: Page: Section:

CITY OFFICIAL USE ONLY

Date Received: 9/2/2022 Reviewed By:

Application Approved Application Denied

Comment:



Community Development
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www.napavine.wa.gov

ADDITIONAL APPLICANT'S PAGE

Please have every party who wishes to join this application provide the following information and sign below. You may attach additional sheets if necessary.

Name
Address
Phone No.: Email
Tax Parcel(s):

Name
Address
Phone No.: Email
Tax Parcel(s):

Name
Address
Phone No.: Email
Tax Parcel(s):

Name
Address
Phone No.: Email
Tax Parcel(s):

Name
Address
Phone No.: Email
Tax Parcel(s):

Signatures:

I/We the undersigned, do hereby affirm and certify, under penalty of perjury, that I am/We are the owner(s) under contract of the described property, and that all statements contained in, or attached to, this application is in all respects true and accurate to the best of our knowledge.

Signature Date

Signature Date

Signature Date



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Signature Date

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Signature Date

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Signature Date

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## City of Napavine

407 Birch Ave. SW  
PO Box 810  
Napavine, WA 98565  
(360) 262-9344

# STAFF RECOMMENDATION TO PLANNING COMMISSION

## RE: 225 NE 2ND Rezone Application

Attached is the following documentation that helped staff come to the staff recommendation.

- Communication (email) between Benjamin Clapa and Director Steve Ashley- October 22, 2013
- Napavine City Council Minutes - November 12, 2013
- Letter from Benjamin Clapa to Community Development Department- March 10, 2015
- Napavine Planning Commission Minutes – April 13, 2015
- Letter to Benjamin Clapa from Planning Commission- April 14, 2015
- Letter from Benjamin Clapa to City Council – April 23, 2015
- Napavine City Council Minutes – April 28, 2015
- Napavine City Council Minutes – December 13, 2016

## Additional Details

- Currently has a commercial water meter, Napavine City Council agreed to allow it to be changed to a residential water meter at the September 13, 2022, City Council meeting.
- Property is inside a commercial district, and many of the surrounding properties are used as residential without the requirement for the zone to be changed to residential.
- Staff has recommended on numerous occasions that Mr. Clapa come and speak with Planning Commission on it possibly being allowed a non-confirming use as residential, versus changing the zone of the property from commercial to residential.

## Staff Recommendation

**Per the history of the property, staff recommends that the rezone application is denied.**

## Katie Williams

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**From:** Steve Ashley <sashley@cityofnapavine.com>  
**Sent:** Tuesday, October 22, 2013 8:54 AM  
**To:** 'Benjamin Clapa'  
**Cc:** 'Cris Dodd'  
**Subject:** RE: Napavine - Clapa property 225 NE 2nd

Dear Mr. Clapa we are in receipt of your request letter and will run this by City council for their action. Keep in mind that while the zoning is commercial the change of use was requested by you when the daycare was placed. The City of course, accepted the change of use because of the commercial zoning. With that being said, the property would remain zoned commercial but the council could make an action to allow you to change your use back to residential. We will place this in front of the Council on their meeting dated the 12th of Nov.

Thank you

Steve Ashley  
PW/CD Director  
City of Napavine  
407 West Birch Ave.  
(360)262-9344  
sashley@cityofnapavine.com

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**From:** Benjamin Clapa [mailto:clapa@integrity.com]  
**Sent:** Monday, October 21, 2013 11:21 PM  
**To:** sashley@cityofnapavine.com  
**Subject:** Napavine - Clapa property 225 NE 2nd

Dear Mr. Ashley,

I am writing to address the issue of my property located in the City of Napavine. As you may be aware my property at 225 NE 2<sup>nd</sup> has been vacant now for many years. Please see the attached letter and put it before the proper authorities so that I can rent the property and end this many years of terrible loss and hardship.

Thank you,

Benjamin Clapa  
503-805-3998  
fax 503-665-7653  
[clapa@integrity.com](mailto:clapa@integrity.com)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are

**BETHEL CHURCH  
SIGN VARIANCE  
EXTENSION**

Steve Ashley explained that the church had a sign variance that expired. The church was asking for a six (6) month extension, and waiver from having to pay for another variance application fee. After discussion, ***Councilman Brandt moved to approve the six (6) month extension, waiving the variance fee; but required they get a new sign permit and pay the fees, seconded by Councilman Wheeler, motion passed unanimously.***

**CLAPA PROPERTY:**

Mr. Clapa submitted a letter to the Council regarding his property on Second. Ave. NE, in which he requested that his commercial property be allowed for residential use, and that it be rezoned back to residential. Mark Scheibmeir, legal counsel discussed the legalities and ramifications with this matter, stating that Mr. Clapa had been the requesting party several years ago to rezone his property from residential to commercial. The Council took no action on this item; and asked that Mark send Mr. Clapa a letter.

**JOB DESCRIPTIONS:**

Job descriptions for Administrative Assistant (title change only for current position), Billing Clerk and Public Works Superintendent were presented to the Council with the Mayor and Steve explaining each position, and noting the inclusion of these in the 2014 Preliminary Budget. ***Councilman Wheeler moved to approve the job descriptions of the Administrative Assistant, Billing Clerk and Public Works Superintendent as written, seconded by Councilman Brandt, motion passed unanimously.***

**KLUMPER FENCE  
REQUEST:**

Mr. Klumper submitted a letter requesting he put up a fence on the City's right-of-way at 214 Park St. E., stating he believed it would improve the quality of the area, and if at a later date the City requested, the fence would be removed at Mr. Klumper's expense. Steve explained the details of the request. The Council took no action on this.

**DECEMBER 24, 2013  
MEETING:**

The Mayor asked that the Council cancel the December 24<sup>th</sup> (Christmas Eve) meeting. ***Councilman Pinn moved to cancel the December 24<sup>th</sup> meeting, seconded by Councilman Wheeler, motion passed unanimously.***

**ORDINANCE NO. 525  
AD VALOREM TAXES  
2014:**

***Councilman Wheeler moved to approve Ordinance No. 525 Ad Valorem Taxes for 2014, seconded by Councilman Pinn, motion passed unanimously.***

**AN ORDINANCE OF THE CITY OF NAPAVINE,  
WASHINGTON, DETERMINING AND FIXING THE**

**Benjamin Clapa**  
**PO Box 460**  
**Estacada, OR 97023**  
**503-805-3998**  
**clapa@integrity.com**

March 10, 2015

City of Napavine Community Development Dpt.  
PO Box 810  
Napavine, WA 98565

Regarding: 225 2<sup>nd</sup> Ave NE

**To Whom This May Concern:**

I am writing to address the issue of my property at 225 NE 2<sup>nd</sup> in the City of Napavine.

As you may be aware my property has been vacant now for many years. It appears that the main reason is the fact that the property is zoned commercial and there is simply not enough business and business opportunity in the City of Napavine to support the number of commercial properties available.

The house could be used as a residential property as it has been used in the past and I had lots of enquiries yet I had to turn everyone down because I was told that residential use is not permitted since the zoning was changed to commercial.

I am being charged dormant fees for the utilities just as the house would be occupied yet still the house seats vacant. The property taxes keep coming due and the cost of such continues to go up every year. I have also maintained the house throughout the vacancy adding to the expense and have done thousands of dollars in advertising looking for a proper commercial tenant but there is none. It has been now vacant for over five years. I have lost rents for these many years yet keep paying the taxes and insurance and now the water and sewer bill.

This is a terrible financial burden and a great hardship. Please consider yourself in my shoes. I am respectfully requesting to have the property changed back to a residential zone.

Thank you,

A handwritten signature in black ink, appearing to read 'Benjamin Clapa', written over the typed name and title.

Benjamin Clapa  
Property Owner

# Napavine Planning Commission

## MINUTES

Monday, April 13, 2015, 6:00 p.m.

**Present:** Mindy Wallace, Linda Mechell, Sharri Salyers, Will Phipps

**Absent:** Jim McNelly

**Staff:** Cris Dodd,

**CALL TO ORDER:** Mindy called the meeting to order at 6:00 p.m.

**MINUTES:** Sharri made a motion to pass the minutes from the February 9, 2015 meeting, with a second from Will. Motion passed unanimously.

**OLD BUSINESS:** Planning Commission has reviewed the Comprehensive Plan and is ready to hear public feedback. Linda made a motion to set a public hearing for the next regularly scheduled meeting on May 11, 2015 at 6:00 pm.

**NEW BUSINESS: Sign Ordinance:** The Planning Commission was presented with a copy of the current sign ordinance. Sharri stated that she studied it online and found some possible inconsistencies. Mindy read the ordinance several times and agreed that it was confusing. The Commission would like to have time to study the ordinance and look at some ordinances from other similar communities. Sharri made a motion to table the sign ordinance for the next meeting with a second from Linda. Motion passed unanimously.

**Zoning Change Request:** Mr. Clapa submitted a letter to Planning Commission requesting the City allow him to use his commercial space as residential use. The Commission reviewed and discussed the request along with the current zoning and the area. Will did not feel inclined to change the use and Linda agreed that a change was made to make it commercial and it needed to remain as such. Planning Commission felt it was necessary to keep usage consistent with what is already there. Will made a motion to deny the zoning change request with a second from Linda. The motion passed with 3 yes votes and 1 opposed.

**STAFF REPORT:** Staff had nothing new to report at this meeting. Mindy asked about the trees at Mayme Shaddock Park. Cris explained there is a log removal company slowly working on getting the trees down. They are working as weather permits and will hopefully be done soon. Mindy then asked about 2<sup>nd</sup> Avenue and the repaving. Cris informed Planning Commission that 2<sup>nd</sup> Avenue is scheduled to be repaved April 29<sup>th</sup> or as soon as weather permits thereafter. The work is scheduled to be completed within one day with the construction company only closing one lane for through traffic.

**ADJOURNMENT:** Sharri made a motion to adjourn the meeting at 6:18 pm with a second from Will, passing unanimously.



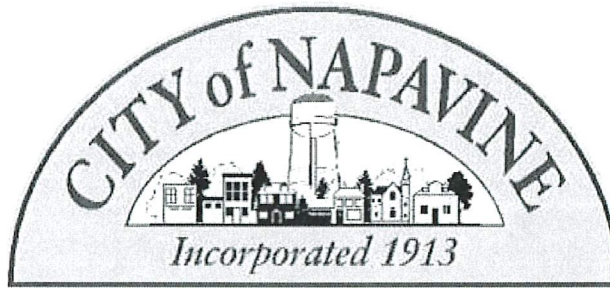
407 Birch Ave SW, P. O. Box 810

Napavine, WA 98565

Phone: (360) 262-9344

Fax: (360) 262-9199

[www.cityofnapavine.com](http://www.cityofnapavine.com)



*Steve Ashley, Community  
Development Director*

*Cris Dodd, Community  
Development  
Administrative Assistant*

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April 14, 2015

Benjamin Clapa  
PO Box 460  
Estacada, OR 97023

RE: 225 2<sup>nd</sup> Ave NE

Dear Mr. Clapa,

The Planning Commission reviewed your letter regarding your property located at 225 NE 2<sup>nd</sup> Ave in the City of Napavine at their regularly scheduled meeting on Monday April 13, 2015.

After reviewing and discussing in length your case on your conversion from residential use to commercial use beginning in 2006 within the commercial zone the Planning Commission made a final decision to not render their original decision of continuing the commercial use within a commercial zone. The planning commission understands your hardship and is hopeful that you will be able to rent or lease out your building as commercial use.

The Planning Commission felt that the City of Napavine should be consistent with the surrounding area and the current codes that are in place. Therefore, the Planning Commission denied your request to change your property to residential use.

The property located at 225 NE 2<sup>nd</sup> Avenue will remain as commercial use only and must abide by the current codes for such use.

Please contact the Community Development office at (360) 262-9344 for further information or if you have questions.

Sincerely,

Cris Dodd  
Community Development  
Administrative Assistant

**Benjamin Clapa**  
**PO Box 460**  
**Estacada, OR 97023**  
**503-805-3998**  
**clapa@integrity.com**

April 23, 2015

Napavine City Council  
Napavine, WA 98565

Regarding: 225 2<sup>nd</sup> Ave NE

**To - Napavine City Council**

I am writing to address the issue of my property at 225 NE 2<sup>nd</sup> in the City of Napavine.


As some of you may be aware my property has been vacant now for over 5 years. It appears that the main reason is the fact that the property is zoned commercial and there is simply not enough business and business opportunity in the City of Napavine to support the number of commercial properties available.

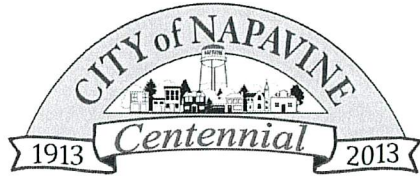
The house could be used as a residential property as it has been used in the past and I had lots of enquiries yet I had to turn everyone down because I was told that residential use is not permitted since the zoning was changed to commercial.

I am being charged dormant fees for the utilities just as the house would be occupied yet still the house seats vacant. The property taxes keep coming due and the cost of such continues to go up every year. I have also maintained the house throughout the vacancy adding to the expense and have done thousands of dollars in advertising looking for a proper commercial tenant but there is none. It has been now vacant for over five years. I have lost rents for these many years yet keep paying the taxes and insurance and now the water and sewer bill.

This is a terrible financial burden and a great hardship. Please consider yourself in my shoes. I am respectfully requesting to have the property changed back to a residential zone.

Thank you,

  
Benjamin Clapa  
Property Owner



## NAPAVINE CITY COUNCIL

April 28, 2015 ~ 6:00 p.m.

City Hall 407 Birch Ave SW, Napavine

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**REGULAR MEETING:** Mayor Sayers called the regular meeting of the City Council to order at 6:00 pm.

**FLAG SALUTE:** The flag salute was led by Mayor Sayers

**ROLL CALL:** Council members present were: LaVerne Haslett, Robert Wheeler, Scott Hamilton and Lionel Pinn. *Councilman Hamilton moved to excuse the absence of Councilwoman Slemp, seconded by Councilman Wheeler, motion passed unanimously.*

**AGENDA:** *Councilman Wheeler moved to approve the agenda as written, seconded by Councilman Hamilton, motion passed unanimously.*

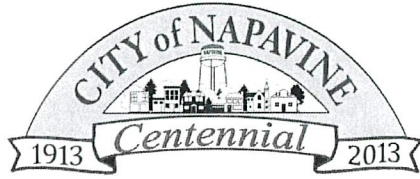
**CITIZEN BUSINESS:** Benjamin Clapa, 205 Second Ave. NE, Napavine – Mr. Clapa requested that the Council consider allowing him to rent his property at 205 Second Ave. NE for residential purposes. Several years ago he requested that the property be re-zoned for commercial use, but has since then had difficulty getting businesses to rent the facility, and now wants to rent it for residential purposes.

The Mayor asked for clarification from Cris Dodd, Administrative Assistant for Community Development. Ms. Dodd stated that Mr. Clapa brought this issue up quite some time ago, and that the Planning Commission had addressed it, concluding that they did not recommend the Council reverse its decision, but to keep it for commercial purposes. The Council took no action.

### STAFF/COUNCIL REPORTS:

**Penny Jo Haney, City Clerk** - Penny Jo stated that the billing clerk position was available, the previous billing clerk secured a full-time job, but hadn't given notice. Penny Jo will work 32 hours a week to fill the position until a new employee is hired, utilizing funding from the vacated position. A search has started, and it's anticipated that interviews will be conducted the second week in May.

**Mayor Sayers** – Mayor Sayers informed the Council that a rearranging of staff offices would take place the second week in May to utilize space more efficiently.



**NAPAVINE CITY COUNCIL**  
**December 13, 2016 ~ 6:00 p.m.**  
City Hall 407 Birch Ave SW, Napavine

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**CALL TO ORDER:** Mayor Sayers called the regular meeting of the City Council to order at 6:00 pm. and led the flag salute.

**ROLL CALL:** Councilmembers present were Galaviz, Haslett, Slemp and Sullivan.

**PUBLISHED AGENDA:** *Councilor Slemp moved to approve the agenda as written, seconded by Councilor Haslett, motion passed unanimously.*

**CITIZENS BUSINESS:** Benjamin Clapa, Estacada, OR – Mr. Clapa stated that he owns property at 225 Second Ave. NE in Napavine. Several years ago he requested and was granted that his property be zoned commercial vs. residential. Since that time he's had difficulty keeping businesses occupied on the property, and is requesting that it now be reversed back to residential zoning. Mark Scheibmeir explained that to try to change rezoning would be very complex and lengthy process, in addition the city is also held to laws dictated by the Growth Management Act and the city's comprehensive plan and its land use designation. The council could not simply decide to grant Mr. Clapa's request, as it would have to start with the Planning Commission, and stated that this is a state law not a city law that has to be followed, and can't be circumvented.

Mike Hamilton, 4206 NE 261<sup>st</sup> Ave., Camas, WA – He stated that he had several issues to discuss:

- 1) LaVerne Haslett proposed at the budget workshop last week to defund the Community Development Director position. "I support her proposal to defund the Community Development Director position, the \$3,500-\$5,000 per month the city does not need to spend".
- 2) The water plan that was submitted recently to DOH had high levels of sodium, this is the first time I've heard of this, and the high levels of manganese were not mentioned at all.
- 3) Your permit to provide water with the LID expired in 2008, how can you provide water to businesses and residents without a permitted

## Chapter 17.56 - NONCONFORMING USES

### Sections:

#### 17.56.010 - Existing structures and uses.

A nonconforming use of a structure or land may continue, provided that if such nonconforming use is discontinued, future use of the structure or land shall be provided in the following section.

(Ord. 163 § 5.1, 1989)

#### 17.56.020 - Discontinuance.

Any nonconforming use which has been discontinued shall be replaced and may be replaced with any use which is permitted in the underlying zone, subject to the exceptions listed in this section.

- A. Discontinuance for a period of six months or longer shall constitute prima facie evidence of an intent to abandon the nonconforming use.
- B. If the new use lies wholly within the structure which housed the nonconforming use, the structure setback or height, or lot size or lot coverage, need not be brought into conformance with the regulations.
- C. A nonconforming commercial or industrial use in any residential zone may be replaced by any use permitted in the R-2 zone, or by the office or institutional use, provided that such replacement use shall be considered a conditional use and subject to procedures and approval outlined in Section 17.80.030 of this title, and provided further that any such conditional use not located wholly within an existing structure must conform to structure setback and height regulations, and to lot coverage regulations, of the zone within which it is located. A use development in this fashion shall thereafter be subject to the limitations on nonconforming uses specified in this title.

(Ord. 163 § 5.2, 1989)

#### 17.56.030 - Expansion of nonconforming use.

An existing nonconforming structure shall not be enlarged or expanded nor shall a nonconforming use be expanded in a structure partially occupied by such a use.

(Ord. 163 § 5.3, 1989)

#### 17.56.040 - Maintenance and repair of nonconforming use.

Repair of an existing nonconforming structure and its equipment or fixtures is permitted provided that the value of repair does not exceed twenty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is done; a greater amount of repair shall be permitted under conditions to be set or approved by the board of adjustment.

(Ord. 163 § 5.4, 1989)

#### 17.56.050 - Reconstruction of nonconforming use.

If a nonconforming structure is damaged by fire, explosion, accident, act of God or act of the public enemy, to the extent of more than fifty percent of the assessed value, thereafter the land and any development on it shall conform to the regulations to the zone in which it is located, provided that the board may grant a conditional use permit, under procedures outlined in Section 17.80.030 of this title, for rebuilding of the nonconforming use approximately to its status prior to the act of damage; if damage is fifty percent or less, restoration of the nonconforming use approximately to its status prior to the act of damage is permitted without board action. If restored under either of these circumstances, the use shall remain nonconforming.

(Ord. 163 § 5.5, 1989)

#### 17.56.060 - Exceptions.

The board of zoning adjustment may authorize a temporary permit under procedures outline in Chapter 17.80 of this title for a nonconforming building or for a nonconforming use for a period not to exceed one year.

(Ord. 163 § 5.6, 1989)

#### 17.56.070 - Mitigating undue hardship.

To avoid undue hardship at the date of the adoption of the ordinance codified in this title, nothing in this title shall be deemed to require a change in plans, construction or designated use of any building on which actual construction has been carried on diligently. "Actual construction" includes the placing of construction materials in permanent position and fastened in a permanent manner, or where excavation or demolition and/or removal of an existing structure has been substantially begun preparatory to rebuilding. Such excavation or demolition or removal is deemed to be actual construction provided that the work is carried on diligently.

(Ord. 163 § 5.7, 1989)

#### 17.56.080 - Nonconforming lots of record.

A nonconforming lot of record is one which is smaller in area or narrower in width than one permitted by this title. In any zone in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this title, provided it complies with all other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

(Ord. 163 § 5.8, 1989)

#### 17.56.090 - Multiple nonconforming lots of record.

If two or more lots or combinations of lots or portions of lots with continuous frontage and single ownership are of record at the time of passage or amendment of the ordinance codified in this title and if all or part of the lots do not meet the requirements of this title, the lot or combination of lots shall be considered an undivided parcel for the purposes of this title. No portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this title.

(Ord. 163 § 5.9, 1989)

## Chapter 17.76 - AMENDMENTS AND REZONES

### Sections:

#### 17.76.010 - General procedure.

The council may, from time to time, on its own motion, on petition of any person in interest, or on initial recommendation of the commission, amend, supplement or repeal the regulations and provisions of this title, including the chart and map, provided that where territory is sought to be rezoned by application from a person other than the council or commission, the person petitioning for rezoning of territory must have a property interest in the subject property.

(Ord. 163 § 10.1, 1989)

#### 17.76.020 - Planning commission advisory report.

Any such proposed amendment or change, when initiated by the council or by individual petition, shall be referred to the commission for an advisory report thereon. When a proposed amendment or change is initiated by the commission, said advisory report shall accompany the initial recommendation of the commission.

(Ord. 163 § 10.2, 1989)

#### 17.76.030 - Application—Filing—Forms.

Application forms shall be provided by the building inspector upon which the initiator of an amendment or rezone shall apply for the same. After the initiator has filled out the form and paid the filing fee specified in Section 17.88.080 of this title, no fee shall be required if the council or the commission is the initiator, the city clerk-treasurer's office shall prepare its recommendation on the matter and submit it with the application to the commission for its review followed by a public hearing and recommendation to the council. The public hearing must be held within forty days after filing of the application unless the applicant approves in writing an extension of this time.

- A. A notice reciting rezoning applied for, and directing further inquiry to the city clerk-treasurer's office shall be posted by the initiator, using a notice provided or approved by the city clerk-treasurer's office, at least ten days prior to the hearing on the property proposed for rezoning along the part thereof fronting on a street, at intervals of approximately five hundred feet; at least two notices shall be posted.
- B. Additional notice of the public hearing shall be given as provided in Section 17.88.070 of this title.



(Ord. 163 § 10.3, 1989)

17.76.040 - Procedure before council.

At the next ensuing regular meeting of the council following receipt of the commission advisory report on a proposed amendment or rezone, the council shall set the date for at least one public hearing. Notice of time, place and purpose of such public hearing shall be given as set forth in Section 17.88.070 of this title. Continued hearings may be held at the discretion of the city council without publication of further notice.

(Ord. 163 § 10.4, 1989)

17.76.050 - Policy on rezones.

For the purpose of establishing and maintaining sound, stable, and desirable development within the city, the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the city council that the comprehensive plan and zoning ordinance are the result of a detailed and comprehensive appraisal of the city's present and future needs regarding land use allocations and, as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area or of the city in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that:

- A. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the comprehensive plan; or
- B. Conditions in the area for which rezoning is requested have changed or are changing to such a degree that it is in the public interest to encourage a redevelopment of the area; or
- C. The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the comprehensive plan, and that such rezoning will be consistent with the policies of the comprehensive plan.

This declaration of policy for rezonings shall not control a rezoning which occurs incidental to a comprehensive revision of the city's zoning map.

(Ord. 163 § 10.5, 1989)

17.76.060 - Annexed territory.

- A. Zoning of land in the process of annexation may be done under the procedure and notice requirements of this chapter. The ordinance establishing zoning for annexed territory shall not be passed on the final reading prior to the date when the annexation ordinance is passed on final reading, but the ordinance which annexes property may also establish zoning for it. If the zoning process is commenced prior to the effective date of the annexation ordinance, the written notice

area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such written notice area is within or without or partly within or partly without the city limits of the city.

- B. Any area annexed shall be brought under the provisions of this title and the map thereunder within ninety days from the effective date of the annexation ordinance irrespective of any legal review which may be instituted challenging the annexation. During such ninety day period, or such portion thereof as required to zone the territory, the city may refuse to issue any building permit in any portion of the newly annexed area.

(Ord. 163 § 10.6, 1989)

#### 17.76.070 - Planned unit development.

A planned unit development is considered a special zone, and as such an application therefore is subject to the rezoning procedures outlined in this chapter, and to the regulations set forth in the chart, with the following additional requirements:

- A. Prior to filing an application for a planned unit development, a potential applicant shall discuss with the city clerk-treasurer's office his or her general planning concept and approach to the proposed project. The city clerk-treasurer's office shall advise the potential applicant of the approval process involved and provide the applicant with written instructions describing the approval procedure.
- B. Following such an informal meeting, the potential applicant shall meet with the commission in a pre-application conference which shall be held at a regular meeting of the commission. The applicant shall have for this meeting a map on which the proposal is presented, and information on the availability of utility service, the topography of the site, and such other information as requested by the inspector. At the time of this conference, the commission may extend to the potential applicant its preliminary observations and suggestions on the proposal.
- C. Following the pre-application conference, an application for rezoning for a planned unit development may be filed. Such application will be processed in accordance with provisions of this section with final action to be taken by council.
- D. Prior to final recommendation by the commission on an application for a planned unit development, the applicant shall file with the commission covenants, deed restrictions, home association by-laws, and other documents required to guarantee maintenance and construction of common recreation space, private roads and drives, and all other commonly owned property. The documents shall be approved by the city attorney, with revisions as

appropriate, prior to formal action by the commission. Copies shall then be transmitted to council for its information during consideration of the rezoning ordinance, and finally shall be filed with the county auditor if the application is approved.

(Ord. 163 § 10.7, 1989)