

**CITY OF CLARKSTON  
PLANNING COMMISSION MINUTES  
July 1, 2019**

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

**ROLL CALL:** Filler, Gilbertson, Rowland, Flerchinger, Absent – McCroskey  
Motion to excuse Chairman McCroskey – Flerchinger, Second – Rowland, Approved 4-0.

**AGENDA CHANGE:** None

**APPROVAL OF MINUTES:**

Meeting minutes for 5/6/2019 were reviewed. Moved to approve as submitted – Rowland, Seconded – Flerchinger, Approved 4-0

**PUBLIC HEARING:**

**A. ZC-2019-03 – 917 Chestnut Street**

Vice Chairman Gilbertson stated this is the time and place advertised for the hearing on the zone change request ZC-2019-03 – 917 Chestnut Street and asked PWD Poole to introduce the zone change request and applicant to the Commission. PWD Poole stated that Fr. Richard Root is representing the Holy Family Catholic Church for the zone change. Holy Family Catholic Church has one of their buildings on their campus that they decided they don't utilize anymore and wanted to sell. To sell it they need to change the zoning so the building can continue to be used as it has in the past as a classroom, administrative office, and counseling center. This is not an allowed use in an R2 -Medium Density Residential Zone. PWD asked Fr. Root to come to the podium and address the Commission.

Fr. Richard Root, 102 Chestnut Street, Clarkston, WA 99403. He stated he would like to provide the commission some history of the building. It was originally built in 1967 as a convent for the Little Sisters of Notre Dame who taught at the school. Besides providing housing for the sisters, the building was also used for classrooms and dining hall for school lunch and funeral dinners. The sisters no longer staffed the school after 1988 and the building was turned over to the parish. It was used for offices, religious education, extra classrooms for the school, and a dining hall/community center for funerals. There was also a small chapel on the building that was used for school masses for the different grade levels. In 1994, Fr. Leonard Foresman sold the house used for priest residence and administrative offices located at 1102 Chestnut Street to Ken and Dale Mayberry. It was used as a private residence and the office for Tendercare daycare until their retirement in 2017. The parish administrative offices were moved to the 917 Chestnut Street location in 1994.

The residence at 1102 Chestnut came up for sale in 2017. Since this structure was one of the original buildings built with the church and school in 1928, Holy Family Catholic Church purchased the property from the Mayberry's and moved the parish administrative offices from 917 Chestnut Street to 1102 Chestnut Street. This left the building at 917 Chestnut vacant.

They tried to use the building at 917 Chestnut Street as classrooms for the school since they needed the classroom space. To bring the building up to current code as classrooms were above their budget. Plus students crossing two streets, 10<sup>th</sup> Street and Chestnut Street, several times during the day was prohibitive because of safety concerns. The building has remained vacant since 2017 and is now up for sale.

They found that a zone change is necessary to continue the use of the building as it has been in the past, as classrooms, administrative offices, and counseling. Otherwise the current city ordinance would define it as a con-conforming use in an R2 Medium Density Residential Zone if it is not utilized as a residence. The parish would like the sale of the building to be consistent with the former use of the building. They are hoping to find a buyer who will keep the character of the neighborhood and maintain the peaceful status and quality of the area. Since Holy Family Catholic Church will still be a part of this neighborhood, with the Church, school, and parish office, they want to make sure the quality and character of this neighborhood is not diminished in any way. They do not want to leave this empty building, which would diminish the neighborhood and the property. This could affect the existing parish property and insurance. They are asking for a zone change from an R2 Medium Density Residential to a NC Neighborhood Commercial Zone to provide possible uses as offices or similar uses the building has previously been used for.

PWD Poole asked if the Commission had any questions for Fr. Root at this time.

Commissioner Filler noted in the paperwork the building had been used in the past as a counseling center. Was that recently? Fr. Root responded that it was used for counseling in 1990. Catholic Charities used an office to meet with clients once or twice a month to counsel them. Catholic charities have lost their funding and have not operated there the past several years.

Vice Chairman Gilbertson asked if the projected use of the facility at this point in time would be an office building? Fr. Root responded yes.

Commissioner Rowland asked how many offices are currently in the building? Fr. Root stated the building is 5,000 square feet and There are four office spaces along with the chapel, kitchen, dining hall and the classroom area.

Vice Chairman Gilbertson asked for the staff report to be presented. PWD Poole gave the following staff report.

STAFF REPORT  
ZC-2019-03, 917 Chestnut St.  
Hearing Date July 1, 2019

**a. Names and addresses of the owners and Applicants:**

Fr. Richard Root  
917 Chestnut St., Clarkston, WA 99403

**b. Brief summary of the requested action;**

The requested action is to change the zoning designation of the property from and R-2 (Medium Density Residential) Zone to a NC (Neighborhood Commercial) Zone. The applicant stated in his application that he wants to pursue an applicable business allowed under the NC zone and per previous use by the church.

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

Property is commonly referred to as 917 Chestnut St.  
Legal description is as follows:

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

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

The subject property is located in a R-2 zone. It is bounded on all sides by R-2 by R2 zone.

The subject property is a rectangular shaped property that is relatively level and the initial structure was constructed in 1958. The lot is approximately 120 ft. x 135 ft, area is 18,900 square ft., 0.43 acres.

The structure has been used as a classroom, counseling center, and church offices since it was constructed.

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

Access to the property is 10<sup>th</sup> Street on the west and Chestnut Street on the north. The existing access to the building is off of 10<sup>th</sup> Street.

There is no access off of Chestnut Street except for pedestrian access.

**f. In-depth analysis of the proposed project;**

Subject property is a relatively level lot. It has access to utilities (water, sanitary sewer, telecommunications, gas, and electrical) at the property line or in the adjacent street. There is an existing sewer lateral from the subject property to the sewer collection main located in 10<sup>th</sup> Street. The water meter and water main is located off of water main located in Chestnut Street.

Subject property is currently in an R-2 zone.

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

Subject property at 917 Chestnut Street has been in use as classrooms, counseling center, community center, and church offices since it was constructed in 1958.

This will increase the property tax valuation on the subject property because of the change from R-2 zoning to NC zoning due to the required improvements to the property for an NC zone. There will be no affect to property tax valuation to adjacent or surrounding properties from this zone change. Property tax valuation is based upon each individual property lot and its improvements.

The subject property is bounded by 10<sup>th</sup> Street on the west and Chestnut Street on the north. There is no alley in this area. The local PTBA transit stop is located west of the subject property at the intersection of Highland Ave. and Billups St. There is another local PTBA transit stop located to the north on Adams St. and SR-129 (6<sup>th</sup> St.)

This property is within the Clarkston City Limits.

Current land use plans would not allow a commercial business in a R-2 zone. Changing to an NC zone would be an allowed use for a commercial business. The NC zone was created to provide commercial amenities to the surrounding residents. These amenities could be a convenience store, accountant office, financial management office, bank or credit union, bakery, beauty/barbershop, dance or music studio, drug store, espresso/food stand, health club,

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

The current primary building is 5,136 square feet.

**g. A history of the requested action;**

- Property has had a structure on it since 1958.
- The zoning application was submitted on May 9, 2019.
- The applicant was notified on May 9, 2019 the application was complete and would be notified of the hearing date.
- Hearing date for ZC-2019-03 is July 1, 2019.
- Hearing was advertised in the Lewiston Morning Tribune on June 14<sup>th</sup> and 21<sup>st</sup>.
- Notices were mailed out to all property owners within 300 feet of the subject property on June 11, 2019.
- The subject property was posted with a notice on June 11, 2019.

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

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

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

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

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

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

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

Zone change application from R-1 to MC for 919 Highland Ave. was approved by P&Z on March 18, 2019 and approved by city council on May 13, 2019.

Zone change application from R-1 to NC for 1303 6<sup>th</sup> St., 1313 6<sup>th</sup> St., and 1336 5<sup>th</sup> St. was approved by P&Z on May 6, 2019 and approved by city council on June 10, 2019.

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

The proposal is consistent with the comprehensive plan and the use of NC zones imbedded within an R-2 (Medium Density Residential) zone. This use is consistent with the recognized need to provide retail facilities and other services within walking distance within a residential neighborhood. The building has been used since it was built as a community center, parish offices, classrooms, and a counseling center associated with the current church operations.

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

No other agency has commented.

**k. Appropriate maps of the subject property;**

Staff has provided one map for the discussion.

Zoning and vicinity map of subject property

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

The City of Clarkston is the designated agency for SEPA determination. No environmental impacts have been identified with this zone change.

**m. Staff's conclusions and recommendations;**

The proposed zone change is consistent with the Comprehensive Plan and the use of NC zones for providing retail facilities and other services within an R-2 Residential zone. It is also consistent with the following Comprehensive Land Use Policies:

Land Use

Pg 54 Definitions

(13) **Neighborhood Commercial** – NC on map - N-C Zone. The neighborhood commercial zone is intended to provide commercial uses that are relatively small-scale neighborhood-serving retail and office uses. Neighborhood businesses are ideally located as business clusters rather than arterial strip commercial development. The district is intended to accommodate commercial land uses via neighborhood pedestrian access however it is recognized that much access will be predominantly vehicle-oriented or vehicle-served. It is strongly encouraged that all new development be small-scale, ie. Less than 2,500 square feet of floor space. Existing structures which are greater than 2,500 square feet are grandfathered and allowed to continue to be utilized.

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**Goal A:** Preserve the community atmosphere through encouragement of compatible development and coordination of future growth management.

**Objectives:**

**A.1** Separate different conflicting land uses.

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

**A.7** Encourage new service related commercial activities to locate in areas where such uses already exist.

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

Recommendation is to approve the zone change application from an R-2 Medium Density Residential zone to an NC Neighborhood Commercial zone.

PWD Poole stated he would stand for questions from the Commission. Vice Chair Gilbertson asked if there were any questions from the commission.

Commissioner Filler stated she understands the zoning requirements for the NC zone. She wanted to know if there were any additional requirements for residential counseling or residential facility? PWD responded yes, as long as the use is listed as an approved use in our zoning matrix for a NC zone, it would be allowed. Commissioner Filler asked if there are other requirements that have to be met that are outside the scope of the commission. For instance, if you have a liquor store, you cannot be within a certain distance of a school. PWD Poole responded that there would be landscaping and fencing requirements to shield the NC property from the adjacent residential properties. They will have to meet parking requirements based upon use. The use could also trigger a requirement to do a traffic impact analysis if it is a significant traffic generator and would evaluate the impacts to the intersection of 10<sup>th</sup> Street and Chestnut Street.

Commissioner Filler asked if the site parking requirements are grandfathered or do they have to meet current parking requirements. PWD Poole stated since the use has changed, the new owner would have to comply with the current parking requirements based upon use. He estimated that 80% - 90% of the current uses allowed in the NC zone would meet the current parking requirements.

Commissioner Filler asked if there was any additional requirements for residential use or residential counseling use such as a halfway house. PWD Poole stated they would first have to be an allowed use in the NC zone. For instance if they put in an adult care facility for 6-7 ambulatory patients. This would meet the NC zone requirements. However they would have to meet any state regulatory regarding an adult care facility. Commissioner Filler stated that state requirements would prevail if someone wanted to use this property for residential counseling? PWD Poole replied yes they would have to meet both state requirements and city requirements to utilize the property. Commissioner Filler stated that the state requirements would prevail if there was someone housed as a pedophile. PWD Poole stated that yes since there is a school nearby, state requirements would prevent the pedophile of being a resident in that facility.

PWD Poole pointed out that the most recent zone change from R1 to NC involved a property owned by Twin River Bank. After the zone change Quality Behavioral Health purchased the building to locate their administrative offices there. That opened up space in their existing facility for more counseling. The Department of Health would most likely have requirements for a counseling or treatment center. That would most likely be the case for a counseling center that dealt with sexual predators, pedophiles, or drug addicts. Family counseling would most likely not have as many restrictions on location. Commissioner Filler stated that the state would then step in and make those requirements. PWD Poole replied yes.

Vice Chairman Gilbertson asked how many office spaces can you put in the building? PWD Poole stated that city parking requirements would limit the amount of offices used in the building. The current parking requirements could be problematic for some uses allowed in an NC zone. They would have to add additional parking spaces on the property before they could use the property for a convenience store. Currently there is 6-7 parking spaces on site. This could accommodate a 4 person office allowing an additional 2 spots for clients. They cannot include any public street parking in their parking requirement. Vice Chairman Gilbertson asked if they could use any of the parking spaces of the church across 10<sup>th</sup> Street? Say it is a Monday through Friday retail or office. PWD Poole and Commissioner Filler both stated the church parking lot is not adjacent or across the street to the property. Also it would be problematic during the week if there was a funeral.

Commissioner Filler asked if the 5,000 square feet building area included the basement. PWD Poole stated it should include the basement area. The basement is considerably smaller and most for the building area is on the main floor. Commissioner Filler asked if the basement met ADA requirements? PWD Poole replied that the basement is not ADA accessible. It would require an elevator.

Vice Chairman Gilbertson asked Fr. Root to verify that the existing building was constructed in 1967. Fr. Root replied that an existing building was demolished on the site to build the current structure. PWD Poole added that what most likely happened was they did not pull a demolition permit for the existing building. That is why the assessor's office information shows the structure build in 1958.

PWD Poole stated he has on letter from John and Brenda Cook he will enter into the record. They live at 3133 Boeing Road, Cameron Park, CA 95682 and own the property at 1002 10<sup>th</sup> Street, Clarkston, WA 99403. They aren't against the zone change but want additional restrictions on what business could locate on the property.

Vice Chairman Gilbertson opened the hearing for ZC-2019-03 917 Chestnut Street for public comment at 6:38 PM.

Steve Holmes, 946 9<sup>th</sup> Street, Clarkston, WA 99403. He likes the comments about the sale not affecting adjacent property tax. He thinks any business on the property should be small scale and be within walking distance of the neighborhood. Not be a draw for cars. He doesn't see any commercial business wanting to locate here since it is over 0.10 of a mile from 6<sup>th</sup> Street and the commercial area. He sees the property best used as a adult family home, bed and breakfast, apartment, or a public recreational facility. He is concerned about Neighborhood Commercial opening the door for additional commercial development in the neighborhood such as a convenience store, food store, or gas station. He found three examples on the city

zoning map of Neighborhood Commercial. This is the Sinaloa Mexican Restaurant located on 8<sup>th</sup> Street and Diagonal (old Smitty's Barrell location), Fuchs Garden Center on Chestnut Street, and Rick's Family Foods on 13<sup>th</sup> Street and Highland Ave. He would not like to see those kinds of business located at this site.

Vice Chairman Gilbertson stated that most of the businesses are currently restricted by building size. Fuch's and Rick's were grandfathered in to the Neighborhood Commercial zone.

Rich Wilson, 801 Riverview, Clarkston, WA 99403. He stated is supports the zone change.

Hearing no other comments Vice Chairman Gilbertson asked Fr. Root if he had any additional comments. Fr. Root stated the size of the property will limit what can go in there. A convenience store would not be able to put in enough parking. The property is more suited to a few offices that accomodat5e the existing parking.

Commissioner Filler asked if a dependency support center would be regulated by the state. PWD Poole stated they would be regulated by the state since they are a drug addiction treatment center. PWD Poole said there was a concern about locating a cannabis store on the property. Because of its close proximity to the church and school, the Washington Cannabis and Liquor Board would not allow the business to locate there. He also stated that the P&Z Commission did a great job in defining the Neighborhood Commercial zone in the recent update in the Comprehensive Land Use Plan and the zoning ordinance. There are well defined restrictions of what commercial business can be located or imbedded in a residential neighborhood.

PWD Poole pointed out all the NC Neighborhood Commercial sites on the zoning map. The reason the NC zone was created was to allow for a restricted commercial use that fit into the existing neighborhood character. The P&Z Commission has done a good job of writing in restrictions into the zoning ordinance and parking requirements that limit what can be located in a residential neighborhood. A traffic centered business would trigger a Traffic Impact Analysis. Based upon that analysis they would be responsible to remedy traffic impacts of the development. This is also a restriction on use. The new definition of Neighborhood Commercial is to not allow strip malls or concentrated commercial development in a residential area. It is to restrict the commercial activity to something that enhances or provides needed services to the surrounding residential neighborhood.

Hearing no additional comments Vice Chairman Gilbertson closed the hearing at 6:51 PM

Vice Chairman Gilbertson stated he would entertain a motion on ZC-2019-03 917 Chestnut Street. Commissioner Flerchinger moved they approve the zone change from R2 Medium Density Residential to NC Neighborhood Commercial. Second Commissioner Rowland. No discussion. Approved 4-0.

**REGULAR BUSINESS:**

- A. Findings of Fact – Conclusions of Law – ZC-2019-03  
PWD Poole presented the Findings of Fact – Conclusions of Law for ZC-2019-03.

Motion – Flerchinger, Second – Filler, vote 4-0 for approval.

**WORK SESSION:** None

**UNFINISHED BUSINESS:** None

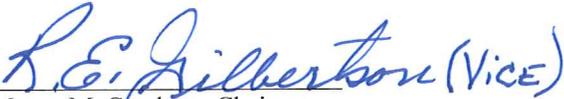
**COMMUNICATIONS:**

- A. **From Public:** None
- B. **Written:** None

- C. **From Planning Commission:** Commissioner Flerchinger stated the commission worked for over a year to update the Comprehensive Land Use Plan and this is the first time they have used it. PWD Poole agreed it has been nice to work with a document that is a lot more clearer and concise and helps to write staff reports for zoning issues.
- D. **Staff Reports:** None
- E. **Next meeting to be determined depending on pending hearings.**

**ADJOURNMENT:**

Motion to adjourn by Commissioner Rowland, seconded by Commissioner Filler  
Vote to adjourn 4-0, meeting adjourned at 6:57 p.m.

  
Margo McCroskey, Chairman

## **John & Brenda Cook**

3133 Boeing Road  
Cameron Park, CA 95682

**Property owners:** 1002 10<sup>th</sup> St.  
bcook@desertdisplay.com

June 18, 2019

## **Kevin Poole P.E.**

Public Works Director  
829 5<sup>th</sup> St  
Clarkston, WA 99403

**Regarding:** ZC-2019-03 917 Chestnut St.

Dear **Kevin Poole P.E.:**

I am writing in response to your Notice of Public Hearing regarding the request for zoning designation change for property located at 917 Chestnut St. Since we are unable to travel from CA to attend the public hearing on June 28<sup>th</sup>, we would like to provide our input as below.

For the property located at 917 Chestnut St:

**We would not be opposed** to business operations such as:

- Nail Salon
- Hair Salon
- Barber shop
- Day Spa
- Family/School/Neighborhood friendly business
- Business that would operate during normal business hours of 8a-5p (or through 7pm latest)

**We would be opposed** to business operations such as:

- Bars
- Liquor Stores
- Gas Stations
- Convenience Stores

- Canabus Dispenseries
- Dependency Support/Treatment Centers
- Anything that would be open after 7pm
- Anything that would negatively increase traffic in the immediate block and intersection of 10<sup>th</sup> St & Chestnut

**Additional notes:**

- Any business taking over this space would need to restrict parking to the parking lot within their address and to their side of the street so as not to impact the residential neighborhood parking/guests visiting the surrounding neighbors.
- Any business taking over this space would need to ensure the property is properly maintained for a neat and visually appealing curb appeal so as to not reduce the value of the surrounding homes.
- Any business taking over this space would need to ensure the surrounding neighbors are safe from issues/not impacted by the clientele of the business.

If you have questions or would like to discuss further, please feel free to contact me at **916-761-3281** or by email at **[bcook@desertdisplay.com](mailto:bcook@desertdisplay.com)**.

Sincerely,



Brenda & John Cook