

Minutes
Cheney Planning Commission
Regular Meeting – By Phone/Video Conference

January 10, 2022

Commissioners Attending: Richard Mount, Dan Turbeville, Natasha Jostad, David Early, Jake Vibbert and Vara Lyn Conrath.

Commissioners Absent: None (one position vacant).

Staff Attending: Brett Lucas, Todd Ableman and Susan Beeman.

Councilmembers Attending: None

Call to Order: Chairman Mount called the meeting to order at 6:00 p.m.

Approval of Minutes: Commissioner Turbeville made a motion to approve the minutes of the December 13, 2021 regular meeting as distributed. Seconded by Commissioner Early, and the motion carried unanimously.

Citizen Participation: None.

Public Hearing: #2022-01

Amending Land Use Table for Business Park (BP) Zone and Light Industrial (I-1) Zone

Chairman Mount noted that Commissioner Vibbert will recuse himself from discussions on this topic because of his financial interest in the decision.

Chairman Mount opened the public hearing at 6:03 p.m. Mr. Lucas reviewed the redlined draft of ordinance Y-9, which proposes text amendments to the Business Park Zone standards.

Mr. Lucas explained that proposed amendments include adding a definition of ‘co-working space;’ and amending the definition of the business park zone to remove the description of ‘higher skill, higher wage employment opportunities,’ and simply note that it provides for development of industries that ‘provide job opportunities and have low off-site impacts.’

Mr. Lucas reviewed proposed changes to the use table, which would make a number of uses to be allowed as conditional uses or limited uses in the BP zone. He also reviewed a proposed new section which would establish design standards for self-storage facilities in the BP zone. Discussion followed.

Commissioner Early referred to Section 3, which states that ‘industries shall produce limited noise, vibration, odor and glare.’ He asked how that would be measured, and who would make that determination.

Mr. Lucas explained that would be a topic of discussion during the application review process, and there might be conditions of approval which would mitigate some of the impacts, such as sound-dampening insulation for some uses, or specifying that certain activities may only take place indoors.

Commissioner Early referenced the pedestrian connection referenced in section 5 (B) (2), and asked if there is any plan for some sort of public transportation stop within close proximity to the BP zone to help encourage people to use public transportation. Mr. Lucas answered that for businesses with proximity to 1st Street, there is already service by the #68 bus loop. He added that this loop does not get a lot of ridership. He clarified that this section of the code simply requires that if you have a building in the BP zone and a transit stop nearby, you must have a good-sized walkway between the main entrance and the public sidewalk.

Chairman Mount called for additional questions or comments, and hearing none, he asked for a recommendation. Commissioner Turbeville made a motion to forward this draft ordinance to City Council with a recommendation for approval. Seconded by Commissioner Conrath, and the motion carried with Commissioners Mount, Early, Conrath, Jostad and Turbeville voting in favor, and Commissioner Vibbert abstaining.

Information Item: #2022-002
Code Enforcement Analysis for 2020 and 2021

Mr. Lucas reported on code enforcement activities over the past year. He noted that there were 555 code cases in 2021, which was down from 667 cases in 2020. Of those, ‘grass and weeds over 10” in height’ represented 224 cases in 2021, and 266 cases in 2020. Other frequent violations included appliances, furnace, mattresses and other household goods in yard areas.

Mr. Lucas explained that the code process starts with a warning letter, with 2 weeks to comply. Letters are sent to the property owner as shown in the Spokane County Assessor’s database. If the violation is not resolved, a second warning letter is sent, with another 2 weeks to comply, and then a third warning letter, with 2 weeks to comply. He noted that approximately 95% of the violations are resolved by the time a third warning letter is issued.

For violations not resolved, a citation is issued by the Police Department, with a \$513 fine and 3 weeks to comply. If the violation is not resolved, a second citation will be issued with another \$513 fine and 3 weeks to comply, and then a third citation and fine, with 3 weeks to comply. If the violation is not resolved, then the abatement process is started via the city attorney, which can take several months.

Mr. Lucas stated that 25 citations were issued in 2021, with Rick Campbell serving as the primary code enforcement officer, and Mr. Lucas serving as a backup. He noted that the majority of code cases are initiated in July, August and September, when grass and weeds are actively growing.

Mr. Lucas showed maps depicting owner-occupied properties versus properties with owners who live at a different address, and reviewed the distribution of code violations by neighborhood. He noted that the greatest frequency of code violations are in non-owner occupied properties.

Mr. Lucas reviewed the estimated cost of providing code enforcement, which he calculated to be approximately \$31,000 for the 555 code cases handled in 2021. He based this estimate on the assumption that staff spent an average of 1 hour per case, and included the cost of mailings, vehicle fuel, and Municipal Court costs for processing citations. He noted that this figure did not include city attorney or Superior Court costs for the abatement process.

Mr. Lucas reviewed a chart comparing Cheney's code enforcement case volume and municipal population with other similar jurisdictions. In Cheney, we had 555 code cases for a population of 12,600, which works out to 1 code case per 23 residents. In comparison, Airway Heights had a ratio of 1 case per 68 people. Ashland, Oregon, had 1 case per 33 people, while Bellingham had 1 case per 236 people. Corvallis had 1 case per 111 people, and Ellensburg had 1 case per 51 people. Liberty Lake had 1 case per 304 people; Moscow, Idaho had 1 case per 125 people; Pocatello, Idaho had 1 case per 104 people, and Vancouver, Washington had 1 case per 174 people.

Mr. Lucas said that he looked at household income to see if there was a correlation, and it did not appear to be. The biggest factor that he could identify was a correlation to non-professionally managed rental units. He explained that the large apartment complexes have managers who notice problems and get them taken care of immediately. We experience more problems, and repeated problems, with the 'mom and pop' rental situations, especially when the property owner does not live locally.

Mr. Lucas suggested that the City is spending a lot of money for often minimal results in terms of code compliance. There are perennial repeat offenders: the folks who don't mow their yards until the code enforcement letter comes to tell them there is a problem, and they don't mow again until the next time they receive a reminder letter. He noted that staff time spent on code enforcement pulls staff away from other responsibilities, and posed the question of how to get 'buy in' from owners, tenants and absentee landlords that property maintenance is important.

He suggested several possible incentives, including:

- Disposal vouchers/dump passes – for people with accumulations, and marry it with volunteer organizations to help someone collect and dispose of the solid waste. (Getting it to the transfer station or Waste-to-Energy is usually the biggest hurdle.)

- Free tows – depending on the value of scrap, some haulers will take junk vehicles for crush value if the person has a title. The Police Department can often help with lost title paperwork to assist.
- Yard maintenance – for elderly and disabled, the City could partner with civic groups during summer months to come in and mow weeds.
- Permit fee waivers – a limited time opportunity for getting permits for non-permitted work (placement of sheds, fences, etc.) at no charge.

He added that 2022 is looking like a busy year for Planning activities, and because of this, staff will be pulling back a bit on code enforcement to be more complaint-driven, instead of the more proactive model.

Discussion followed. Commissioner Vibbert asked about the fees that were collected for fines paid. Mr. Lucas said that he did not know that number, but will follow up and find out.

Mr. Lucas stated that after a citation is issued, it is in the hands of the court, and if judge determines that the problem has been remedied, it is his discretion whether to levy a fine or dismiss the citation. While a case is still with the code enforcement office, there can be a lot of flexibility in extending timelines for compliance.

Chairman Mount added that he is also frustrated with the lack of consequences for repeat offenders, and particularly with absentee landlords. When we are following the same pattern, they know what we are going to do, and they drag out compliance as long as possible. We need to break that cycle, because we are wasting time and money. He thinks we need to quite giving free passes to the repeat offenders. And we need to be telling the judge what our expectations are.

Commissioner Vibbert asked if the judge is employed by the City. Chairman Mount explained that the City contracts with Spokane County, and Judge Leland is a District Court Judge who hears cases in the Cheney Municipal Court.

Discussion continued, with no action taken.

Information Item: #2022-003

Possible Urban Growth Area (UGA) Expansion in 2022-2023

Mr. Lucas explained that we have approximately 290 acres in the UGA at the south side of Cheney which are wetlands associated with the City's wastewater treatment system, and they will never be developed, whether in the City or the County. We are looking at removing some of those acres from the UGA and adding some parcels from the north end of town as a way to increase our acreage available for residential development. The land to the south is expensive to develop, with lots of basalt outcroppings, and the portion to the south of the tracks is problematic for providing emergency services with our current rate of 50 trains per day. We will be coming back to the Planning Commission in the

coming months with some specific proposals for possible inclusion in the UGA toward the north end of town.

Commission Reports:

None.

Staff Reports:

Mr. Ableman reported on snow removal efforts after the recent heavy snowfall.

There being no further business, the meeting was adjourned at 7:21 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman