

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

January 9, 2023

Commissioners Attending: Richard Mount, Dan Turbeville, Natasha Jostad, Jacquelyn Belock, David Early and Jake Vibbert were present in person.

Commissioners Absent: None (one position vacant).

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

Councilmembers Attending: Vince Barthels.

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

Chairman Mount announced a change in the agenda to place Citizen Participation as Item #2, before any decisions are made. This is a result of a legislative change which requires the Commission to allow public comment prior to any decisions, including a decision on approval of minutes of a previous meeting.

Citizen Participation: None.

Approval of Minutes: Commissioner Turbeville made a motion to approve the minutes of the November 14, 2022 regular meeting as distributed. Seconded by Commissioner Belock, and the motion carried unanimously.

Public Hearing: #2023-01
Replat of Golden Hills 6th Addition, LUA2022-011

Chairman Mount opened the public hearing at 6:02 p.m. and reviewed the Rules of Procedure for public hearings. He asked if any objections had been filed pursuant to Cheney Municipal Code 2.71.010, Appearance of Fairness. Ms. Beeman stated that no objections were filed.

Chairman Mount asked if any member of the Commission wished to be excused from the meeting or the decision, with no affirmative responses. Commissioner Early stated for the record that a family member is employed by the applicant, Wm Winkler Corporation, but he is not directly affected and the situation would have no bearing on his participation in this evening's meeting.

Mr. Lucas reviewed the proposal to modify an approved preliminary plat, and explained that this area was preliminary platted in 2017 as part of LUA2017-007, Golden Hills 5th

& 6th Addition. The original plat of this area in 2004 created a subdivision containing 132 lots. There was a PUD approved to permit a zero lot line configuration of lots in the R-2 zone to allow two-unit townhouses.

In 2017, a revised plat map was submitted for Golden Hills 5th and 6th Addition. The 5th Addition is mostly built out at this time. Mr. Lucas explained that the current proposal for Golden Hills 6th Addition is to increase the number of lots from 25 to 37. The site, which is zoned R-1, Single Family Residential, would be developed with roads and infrastructure, including water, sewer, stormwater, and franchise utilities, and would tie into the existing road network.

The applicant is requesting an increase in the total number of lots. The previously approved lots ranged from 6,750 sq.ft. to 32,077 sq.ft., with an average size of 11,998 sq.ft. Mr. Lucas noted that proposed lot sizes range from 6,750 sq.ft. to 18,419 sq.ft., with the overall average lot size of 8,205 sq.ft. He added that the 6th Addition would be developed in two phases, with Phase 1 including 21 lots, and Phase 2 having 16 lots.

Changed conditions since the original plat include additional grading and increased cost for installing infrastructure since the onset of the Covid-19 pandemic.

Mr. Lucas explained that Exhibit B-1 in the agenda packet shows the original lot line configuration in red, and the black lines represent the currently proposed lot lines. The original plat called for some larger lots near the top of the property.

Mr. Lucas added that public notice requirements were met. He reviewed the project timeline, and noted that the deadline for issuing a decision on this matter will be March 21, 2023.

Mr. Lucas reviewed site data. This development would occupy a total of 8.16 acres, and 15% landscaping will be required. Lot sizes would range from 6,750 sq.ft. to 18,419 sq.ft. Two off-street parking spaces per lot will be provided for each lot. Mr. Lucas showed vicinity photos of the site and surrounding areas, and a zoning map showing the site and adjacent areas.

Chairman Mount asked about the elevation change from the top of the hill to the bottom of Sunrise DR. Mr. Lucas stated this would be approximately a 200' change in elevation. Commissioner Turbeville recalled that the original plat would have Steptoe at about 10% grade. Mr. Lucas said that the applicant will be able to address that a bit later in the meeting.

Chairman Mount asked if the City will be responsible for snow removal. Mr. Ableman said that this will be a public street, so City crews will handle maintenance.

Commissioner Early asked if this was the area which was built up with soil that was removed during construction of the townhouse development, and if so, has it been compacted to be suitable for new construction? Mr. Lucas said that he would allow the applicant to address that question.

Mr. Lucas reviewed applicable Comprehensive Plan goals and policies, and noted that this proposal is consistent with the comp plan. He reviewed the development standards for the R-1 zone, and for the R-1 Planned Unit Development (PUD) zoning overlay which was approved in 2004.

Mr. Lucas showed a summary of calculations on average lot sizes which was included in the agenda packet, and explained that the original proposed density worked out to .33 lots per acre, and proposed density of 37 lots is .22 lots per acre. The average square footage of a lot in the original plat was 11,998 sq.ft. The average square footage in the proposed Phase 1 is 7,151 sq.ft., and in Phase 2 is 9,589 sq.ft., which results in a combined average for Golden Hills 6th Addition of 8,205 sq.ft. Both of these are meet the standards for the R-1 zone, which calls for a medium density of approximately six dwelling units per acre. Mr. Lucas explained how the density calculations are made, and noted that if the site was flat, the development could contain up to 42 units. The 2017 proposal was for 25 lots, while the current proposal is for 37 lots, both of which meet the density requirement in the zoning code.

Mr. Lucas stated that the City received a Trip Generation/Distribution Study from Sunburst Engineering in 2022, and subsequent to printing agenda packets, we received a comment from Bill White of T-O Engineers. He stated that the revision does not present a substantial gain in traffic, and further study does not seem to be warranted.

Two citizen comment letters have been received, with primary concerns having to do with traffic, density, water table, and the wrong type of people moving into Cheney.

Mr. Lucas reviewed the criteria for approval of a PUD, since this proposal would modify the PUD overlay which was approved in 2004, and explained that how the criteria were being met. He noted that as part of this project, a 1.86 acre open space is being provided at the west end of the property.

Mr. Lucas summarized the proposed plat alteration, noting that it is consistent with the PUD, the zoning code, and the City's Comprehensive Plan. He added that the proposal should not have a significant impact on the health, safety and general welfare. He added that the elevation of this plat is approximately the same elevation as the homes at the top of Irene Place, so the City is requiring a water study as a condition of plat approval.

Discussion followed. Chairman Mount asked where the water mains would be connected. Mr. Lucas explained that the connection would happen at Sunrise DR. There is a water main in place which runs from Golden Hills DR to Mike McKeehan Way. Mr. Ableman noted that the water mains in this area were designed as 8" and 12" mains which are looped down to Greenfield, so there should be sufficient pressure to serve all the residents of the area. He added that Booster Station #3 assures sufficient water pressure for fire flow in this part of town. This is not the case on Irene Place, where 6" mains were installed in the 1960s.

Chairman Mount asked what happens if the pressure does not end up being sufficient, what is the remedy? Mr. Ableman explained that the engineering study should establish the size of main needed, and it could indicate the main would need to be up-sized. The water main on Simpson Parkway is 12”.

Commissioner Turbeville commented that Irene Place has had insufficient water pressure for the last 30 years, and he hopes this project will not impact that situation negatively. Mr. Ableman said there should be no negative impact on Irene Place, because Booster Station #3 is located in Golden Hills, and it boosts the pressure to these neighborhoods. There is a looping problem that needs to be addressed on Irene Place.

Mr. Lucas summarized possible courses of action, and noted that the Planning Commission may choose one of these options:

- Recommend approval of the preliminary plat with 37 lots, subject to the Conditions of Approval;
- Recommend approval of the preliminary plat with something different than 37 lots, subject to the Conditions of Approval;
- Recommend denial of the preliminary plat as proposed; or
- Continue the application to a later date to request additional information, or modifications to the plat from the applicant.

Scott Bernhard, of Wm Winkler Company, 5516 North Star RD, Newman Lake, addressed the Commission. He said that he heard a couple of questions that he would like to address. In this proposal, there is an area of roughly 100 ft with an 8% grade, at the bottom of the slope near Sunrise DR, and the remaining grade is at 5%. He stated that the area was unbuildable when they started, and their company had moved approximately 100,000 cubic yards of material. It was tested for compaction by a third-party tester and found to be at 95% of optimal compaction.

Mr. Bernhard addressed the water study, and said that the plat has really not changed much, elevation-wise. There is still a flat area at the top. When the engineer was designing the infrastructure, he was aware they were planning to build at the top of the hill so he sized things appropriately.

He added that there are some very nice view lots at the top. Mr. Bernhard stated that the Wm Winkler Company will not be the builder; they are just preparing the lots. He said this will be single family lots, not more duplexes.

Chairman Mount asked what will be in the open area; will it be landscaped? Mr. Bernhard said that will be decided by the builder. The HOA will own that open space. Mr. Ableman said that it would typically be planted with native grasses.

Chairman Mount asked how they will prevent slumpage which would impact the houses built downhill from this project on both sides, as is common in the Seattle area. Mr. Bernhard said that the geotech report recommended that the slopes be no more than 1.5 to 1. They graded to less than the recommended slope. And based on the type of soil, this is not the type of soil that tends to have problems slumping.

Mr. Ableman commented that this is still at the preliminary plat stage, and the final plat will not be submitted until much later in the process, when the various studies have been completed. The developer still has to certify all the engineering at that time, and the City reviews it for compliance with our adopted codes.

Commissioner Early asked for clarification that the City will maintain streets. Mr. Ableman said that these are all designed to public street standards, and will become City right-of-way. Commissioner Early asked if the open space and drainage areas would be maintained by a homeowners' association (HOA). Mr. Ableman said that is usually how it is handled.

Commissioner Early asked about the HOA in an earlier phase of Golden Hills that is pretty much defunct, and has failed to maintain property under its control. Mr. Ableman said that there was a 10' easement for drainage through that area, and an unmaintained walkway that was impacted by a storm. The City has not taken any action to restore it because it was not an easement granted to the City of Cheney. He said that he does not know how that has been addressed.

Chairman Mount said this was not making him feel very comfortable. How do we make sure the City is not stuck with responsibility for any problems?

Mr. Ableman said that he has seen plats with language that give the city the authority to deal with any problems and then bill the HOA. Chairman Mount asked how we avoid letting this become a problem paid for by the taxpayers, if the HOA goes defunct. Mr. Ableman stated that if the open space is not directly granted to the City, there is nothing to require the City to undertake maintenance. Discussion continued.

Commissioner Early asked if Wm Winkler Company is planning to sell the entire plat, or if they would hold the property and build out the lots on spec. Mr. Bernhard said that they could go either way. They did have interest from a national builder, but the process took longer than anticipated and that possibility fell through.

Mr. Bernhard stated that there was originally about a foot of topsoil, and they removed it and put it back on the slopes. The clay goes all the way to the bottom, to the same elevation as Washington Street. Mr. Ableman said that previous work in the area has shown that the clay is 30+ feet down. Below Washington Street, about 10-15 feet down, you get into a sand layer.

Councilmember Barthels asked if the conditions imposed at the time of the original preliminary plat have been carried forward; Mr. Lucas said they have. Councilmember Barthels asked for an overview of the stormwater system. Mr. Bernhard said that they have inlets and a series of swales on the side of the street. If there is overflow, it goes into catch basins that run into the city's stormwater system.

Commissioner Barthels asked if there is a way to ask for the plat to contain language that would commit individual properties to a stormwater utility, in case the HOA were to fail

to perform. Mr. Ableman explained that the original Golden Hills plat included an oversized collection basin at the area of Sunrise & Golden Hills DR, which was designed to serve the entire future development, including this area.

Chairman Mount asked about the houses that lie below the portion of the street which has an 8% grade, and asked what we are going to do to keep vehicles from sliding into the houses on Sunrise. He asked about the approximate grade on Spokane Street, that turns onto Elm Street and leads to the University. Mr. Ableman stated that the slope on Spokane ST, above Les Schwab, is probably 8%. We sometimes put barricades and close off that street to allow time to get equipment there to de-ice. It is not so much that traffic has trouble coming down the hill, but traffic trying to go up the hill has problems.

Mr. Ableman added that our design standards call for streets that are no greater than 8%. We have, in the past, had streets that may be as much as 10%.

Chairman Mount asked how we are going to get traffic in and out of this area if we have to block the street in order to get snow and ice control in place. He asked if we can check with the City's legal counsel to see what our liability would be for allowing the 8% grade, if someone were to come down the hill and fail to stop because of ice, and then ended up in someone's living room along Sunrise DR. He stated that he does not know what the City's liability would be, because we did not design it. But someone looking for deep pockets would certainly look at the City. He does not want to create liability for which taxpayers would have to pay, and litigation is expensive.

Commissioner Vibbert asked if there was a way to have buyers sign a waiver or release that would release the City from liability. Chairman Mount said that he did not think there was a way to do that, because each buyer or owner of property would need to sign it, and why would they do that? He would just like someone to look into this, because it is going to be a public street, not an HOA street.

Mr. Schuller commented that our insurance group is beginning to see more and more claims about roadway design, so this is an issue that is getting attention throughout the region.

Commissioner Turbeville asked how the earth moving has created space for 12 more lots. Mr. Bernhard said that the space has always been there. It's just a little different configuration of the lots. Commissioner Turbeville said that if we are trying to promote higher end homes that cater to professional people who don't presently live in Cheney, then he does not see the increased number of lots is really going to help us get to that goal.

Mr. Bernhard stated that the proposal meets the requirements of our code, and he believes that is what the decision must be based on.

Chairman Mount called for comments from the public regarding this proposal. Hearing none, he called for discussion among the members of the Commission.

Commissioner Turbeville stated that he sees no reason for this replat other than to increase the number of lots by 50%. It seems counterproductive to make the lots smaller and run the risk of instant slums, like we have already seen in other neighborhoods in Cheney.

Mr. Bernhard noted that the site work went on for a long time, and it was very expensive. He added that the proposal still meets the requirements of the code, and that is what the decision has to be based on.

Chairman Mount said that he spoke to the previous owner of this property and was told they could not make it work financially with the number of lots in the original preliminary plat. He inquired about the possibility of purchasing a lot, and the price for those larger lots was nearing \$500,000, before the cost of construction. He thought that was a bit steep, and would probably be hard to sell in Cheney.

Commissioner Vibbert asked if there is a minimum house size in our code. Mr. Lucas said that there is not a minimum square footage. Mr. Ableman explained that we have a minimum lot size of 5,000 sq.ft. for R-1 and once you apply the setbacks for the zoning designation, you may have a template that guides the footprint of the house, but depending on how many stories or whether there is a daylight basement, the size of the house can vary.

Commissioner Belock said that we are just looking at this change in order for the construction company to recoup their costs, not the developer, because we're not at that stage.

Councilmember Barthels stated that in 2017, he was a member of the Planning Commission when the original preliminary plat was considered, and some of those original lots were 30,000 sq.ft. It makes sense to him that they are asking to reconfigure the plat, because some of those were huge lots.

Commissioner Jostad noted that they were originally under density by 15 lots, and they are still under density.

Chairman Mount stated that our decision must be based on whether the proposal meets the requirements of our code, and this does. We have the desire to see development which is attractive to professionals and EWU staff members, but as a professional who makes a salary commensurate to some of those employed at EWU, he was not willing to buy one of those larger lots. He believes this development could provide housing suitable for airmen at Fairchild who are looking for places to live within a short distance of the base.

Commissioner Belock asked if there is code enforcement that we can do to improve the maintenance of properties which are not owner-occupied.

Discussion continued.

Commissioner Vibbert noted that the single family lots on Greenfield are 6750 and 7500 sq.ft. The lots in this proposal are about 1500 sq.ft. larger than that. He likes the growth and development.

Commissioner Early made a motion we continue this application to a later date to request additional information on soil slippage and water runoff issues, and what would happen if the HOA were to go away. Commissioner Belock asked if that would come back to the Planning Commission, or would it go directly to City Council? Mr. Lucas said that if the matter is continued, it would come back to the Planning Commission for further discussion and a recommendation. If the Commission opts to recommend a denial or approval tonight, it would go to City Council for consideration.

Chairman Mount asked what additional information could be expected that would be known before the time of final plat. Mr. Ableman said that we could ask our legal counsel about the question of liabilities to the City, possibly in term of whether there is plat language that could be or should be added to address the concerns raised.

Motion seconded by Commissioner Turbeville. Discussion followed about course forward.

The motion failed, with Commissioners Turbeville and Early voting yes, and Commissioners Belock, Jostad and Vibbert voting no. Chairman Mount abstained, explaining that due to his partnership with Cheney's city attorney, he does not want vote in a matter which could be seen as directing work toward the City's legal department which could benefit his law firm.

Commissioner Belock made a motion to recommend approval of the plat with 37 lots subject to the conditions of approval, with additional conditions as delineated by Mr. Lucas based on the concerns raised during this discussion. Seconded by Commissioner Vibbert. The motion carried, with Commissioners Belock, Jostad and Vibbert voting yes, and Commissioners Early and Turbeville voting no. Chairman Mount abstained.

Chairman closed public hearing at 7:35 p.m.

Information Item: #2023-02
Land Quantity Analysis

Mr. Lucas explained that in 2024 the City will embark on a Comp Plan update as required by the State. There has been a desire to get a better understanding of our land use needs, both for lands within the city limits and for lands within the UGA.

Mr. Lucas showed our current land use map, and noted that the nature of the community has changed in the last 10 to 20 years, as we are more a bedroom community to Spokane than a college town. He stated that we now have more people who leave Cheney to work in Spokane than who commute from Spokane to work or attend school in Cheney.

On January 5th, the City published a Request for Proposals to invite applications for a consultant to perform a study. The planning process will take a Buildable Lands Inventory, a Housing Needs Analysis, and an Economic Opportunities Analysis together to produce a Land Quantity Needs Analysis.

Mr. Lucas explained that the Economic section will look at national, state, regional and local trends in industry growth/change going to 2045. We are asking the consultant to identify key metrics to understand Cheney's labor market and key business cluster opportunities, such as Cheney's 20-year employment forecast, workforce preparation, and land needs.

He explained that submittals are due by February 10, and we hope to interview candidate firms the week of February 27, and issue a Notice to Proceed by March 17, 2023. Presentation of initial findings will be an information item to both the Planning Commission and City Council, or possibly at a joint Planning Commission/City Council workshop.

Commissioner Early asked about the budget for this project. Mr. Lucas stated that the budget was approximately \$120,000, but after speaking to a couple of firms, he thinks it will be more in the neighborhood of \$50,000 to \$60,000.

Commissioner Reports: None.

Staff Reports:

Mr. Lucas stated said that there is currently a Request for Proposals out for redevelopment of the 50-acre park.

Mr. Ableman stated that we received a Transportation Improvement Board grant of just under \$1,000,000 to place a roundabout at N 6th ST and Betz RD, we we're looking at design work in 2023 and construction in 2024. There is a water main project on Clay ST from 3rd to 6th, and a lot of transportation overlay projects this year. The water re-use project will be ramping up this spring, as well.

Commissioner Early asked about status of the cleanup on the Cheney Motel which burned last summer. Mr. Ableman explained that we are working with the property owner, who has submitted a plan for cleanup, and we are working with Spokane Clean Air, as they have some concerns about the situation.

Mr. Schuller commented that the Land Quantity Needs Analysis is about stepping back and developing a shared vision for the future, in cooperation with the University and the School District. At the State level, legislature is moving toward preempting local control on zoning and housing issues.

There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman