

**Minutes
Cheney Planning Commission
Regular Meeting**

February 12, 2018

Commissioners Attending: Vincent Barthels , Dan Turbeville, Rick Mount, Daniel Hillman and Kristine Williams.

Commissioners Absent: Brian Mangis and Vara Lyn Conrath.

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

Councilmembers Attending: None.

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

Minutes: Minutes of the January 8, 2018 regular meeting were approved with minor corrections.

Citizen Participation: None.

Information Item: #2018-03
Code Enforcement Update – Cmdr. Richard Campbell

Commander Campbell explained how code complaints are initiated and handled in the Police Department. Since he took on this responsibility 2 years ago, he has handled 500 to 600 cases each year. Most of these are resolved with a letter or phone call, and only a handful go on to become an infraction. Depending on the nature of the complaint, he often refers problems to the Shane Nilles in the Building Department, Brett Lucas in the Planning Department, or Ken Johnson in the Fire Department. He explained that these employees are in the early stages of moving all code references to nuisances into a single chapter in the municipal code. Cheney has adopted the International Property Maintenance Code (IPMC), which is an excellent tool for code enforcement, but which does not address some issues that are presently covered in the Cheney Municipal Code (CMC). The code update will ensure consistency between the CMC and the IPMC.

Commander Campbell explained that he would like to eventually develop a process for using Senior Volunteers to supervise people who need to perform court-ordered community service. These could be helpful in addressing some of the properties with chronic maintenance issues. He envisions offering to help with an initial property cleanup, for no cost, and see if that helps the chronic violators get on track. He emphasized that this is just an idea at this point.

Commissioner Turbeville described problems in his neighborhood with on-street parking during snow events which leave vehicles snowed in behind berms and narrows the lanes of travel. He feels this is one of the weak points in the system. Commander Campbell agreed, and explained that the original snow ordinance prohibits on-street parking between the hours of midnight and 6:00 a.m. We have had a change in the snow removal process and now plowing is happening during the day. So the students drive to school, park on the street legally, and then are plowed in. We may need to amend our snow removal ordinance to address this. Discussion continued.

Commissioner Williams asked if there is a process in place for abatement. Commander Campbell said there is a process, but he cannot speak to it because no cases have come to that point during his time as Code Enforcement Officer.

Commissioner Mount explained that the Planning Commission has heard a lot of complaints about the number of people living in a house; we've heard that citizens complain, but "nothing ever happens." How many occupancy complaints do you get in a year?

Commander Campbell said that he receives 10-12 complaints a year about the number of occupants exceeding what is allowed in the code. He added that the occupancy violations, under our current code, are a very difficult thing to prove. Under the IPMC it is much more clear, and is based on the number of persons per square foot. In either case, there is an investigative process that needs to occur. This is one of the areas where we need to marry the IPMC and the CMC up a little bit better, and we are starting to look at that now.

Mr. Schuller added that our legal department is looking at this issue right now, and we will be addressing it legislatively in the near future.

Mr. Ableman explained that we are leaning toward adopting the IPMC language because number of bedrooms, square footage and number of residents is easy to quantify. It is much harder to try to define and identify relationships.

Chairman Barthels asked what is the most efficient way for a citizen to reach out with a code complaint. Commander Campbell said there is a form on the recently redesigned City website at www.cityofcheney.org that may be submitted electronically and is delivered directly to him. Citizens may also contact him by phone at 498-9334.

Commissioner Williams asked what constitutes a problem in the yard. Commander Campbell said that he is not the horticulturist guy, but if it looks like grass which ought to be mowed, then 10" in height is the limit.

Chairman Barthels asked what type of fines are involved. Commander Campbell said that a citation is \$513, and it can be assessed as \$513 per violation per day. If you have trash in your yard and the weeds are out of control, when he writes a ticket, it can amount to \$1,026 per day, and you can see how it can quickly approach the value of the house in citations. He can also assess a civil penalty, in addition to the infraction, and that is

where the hearing examiner gets involved, as opposed to the court. If the issues are not addressed, he can arrange to have a City crew address the problem and then place a lien against the property. He emphasized that while there is a process, it is somewhat confusing, and we have not gone that far during his time in this position.

Commander Campbell added that under the IPMC, the process moves very quickly: he asks once for compliance; he tells once, and then he issues the citation. But he does not believe it needs to escalate that quickly; he is getting compliance, usually with just a phone call. Occasionally he has written tickets, and those are mostly going to absentee landlords who had not checked their mail. And because his goal is to get compliance, and not necessarily to issue more tickets, once he writes a ticket, he waits for the ticket to clear the court before he writes a second ticket. So the process is extended: 10 days from the date of the first letter, and if the problem is not addressed, 20 days from the second letter. It can be 40 days before issuance of the first ticket. It takes about 3 weeks to make it through the court system, so it may be up to 80 days before the second ticket is issued. He thinks that is a little too slow.

Commissioner Williams asked how the banks are to work with in dealing with maintenance issues on foreclosed properties. Commander Campbell explained that a recent Washington State Supreme Court ruling changed the way that works. Now, most banks hire property management companies and that makes it a lot better for getting compliance. He is working with just one property in that category right now, with some bankruptcy issues and some foreclosure issues. But the owner has come into town a couple of times and made an effort to keep the grass and weeds down.

He added that so far in early February 2018, we have 40 cases in. He added that the parking issue has always existed in Cheney, and he doesn't foresee that going away.

Discussion Item: #2018-02
Finalize 2018 Work Plan

Mr. Ableman noted that we will be bringing in speakers throughout the year to address the Commission on items of interest, such as asking Commander Campbell to review the City's code enforcement program. He reviewed priorities for the 2018 work plan:

- Updating the Capital Facility Plan, which identifies capital needs over the next 20 years.
- Amending the Zoning Map to be consistent with the Comprehensive Plan.
- Consider amendments to the zoning code text:
 - Whether to continue to allow R-3 (medium density residential) or R-3H (high density residential) in the Commercial zone; add clarification language.
 - Closing the 'loophole' that allows dens to show up on building plans and knowing they will be used as a bedroom to avoid providing the required parking space for a bedroom.
 - Closing the parking reduction loophole in CMC 21.040.020

- Quantify the retail mixed use component (i.e., establish a minimum of 20% or 25% square footage for retail use) to qualify for Mixed Use zoning provisions in the C-1, C-2 or MX zones.
- Water Plan Update – informational item

Discussion Item: #2018-04
Economic Development Tools

Mr. Lucas reviewed some of the tools available to cities under the RCW for economic development, adding that the State of Washington is rather restrictive compared to some other states. Among the specific programs authorized in this state are:

- B&O tax credit for new employment for international services activities in eligible areas (RCW 82.04.44525)
- Community empowerment zones and rural enterprise zones (RCW 43.31C.020)
- HUD Community Renewal Initiative -- all federally designated empowerment zones officially expired on 12/31/2011.
- The Community Redevelopment Financing Act
- Community Facilities District
- Community Renewal Area
- Community Revitalization Financing
- Downtown & Neighborhood Commercial Districts (for cities over 100,000)
- Main Street Tax Credit Incentive Program
- Industrial Redevelopment Bonds
- Local Revitalization Financing (LRF)
- Parking & Business Improvement Areas (PBIA)
- Public Corporations/Public Development Authorities (PDA)
- Public Facilities Districts
- Sales & Use Tax for Public Facilities in Rural Counties
- Stadium, Convention, Arts & Tourism Facilities
- Provision of Telecommunications Services by Public Utility Districts and Rural Port Districts
- Tourist Promotion
- Tourist Promotion Area (may be formed by counties with a population of more than 40,000 and the cities in it)

Commissioner Mount suggested that of these tools, he does not see any that are really available to Cheney, or that will be effective to produce any real economic development activity. The business community does not have a lot of fluff in their budgets. He suggested that we need to look at how we can create some economic development activity. Are there grants available, or places we can go for assistance?

Mr. Ableman explained that we used grant monies to develop the business park, extending infrastructure to the curb so the developer would not have to make those improvements. In an effort to shorten development timelines, we parceled out lots, and then filed a SEPA checklist in advance of the tenants being identified. This was an effort

to make it very easy for someone to come in and get a business up and running, without having to navigate a lot of the regular development process.

As far as having an individual going out and promoting Cheney, he's not sure what's available in that area. We have indicators from our website that people are visiting the site for development information. He added that Mr. Lucas receives inquiries regularly from businesses who may have an interest in locating here. Often they are looking for vacant buildings, rather than vacant land.

Commissioner Williams commented that when she was with the City of Spokane she was involved with development of the application for their Community Empowerment Zone, which had some tax incentives. She is not sure if those designations are still available, but business recruitment and filling out the forms was handled by GSI.

Mr. Ableman noted that we have worked with GSI, and he has been on site several times with Stan Key.

Commissioner Williams added that there is a lot of work that goes into that kind of designation, identifying the geographic area for the district, and having some type of manufacturing or people employed, meeting standards for employment rates, poverty rates, and so on. She agreed with Mr. Lucas, that many of the 'tools' identified are really not going to be suitable for the City of Cheney.

Mr. Lucas added that many of those tools are designed to help construct arenas and airports, providing funding mechanisms for big-ticket items. He referenced the announcement from EWU last week that three departments, and about 1,000 students, would be moving from Cheney to the Riverpoint campus. Even if the students choose to live in Cheney and use the free bus passes to get back and forth, that still represents a loss to Cheney in terms of sales tax revenue that might have been kept here.

Commissioner Hillman suggested that there is a kind of ebb and flow between the Cheney campus and the Spokane campus that flows one way for a few years, and then reverses direction. Commissioner Mount said that he sees the University moving toward Spokane as a way to attract people who would pay a little more and go to Whitworth rather than drive out to the Cheney campus.

Commissioner Turbeville stated that Eastern's great battle is that the campus is in the wrong place, and has been for 100 years. We started off better than we are now, because then there was a light rail system that went from Coeur d'Alene all the way out to Cheney and Medical Lake. The students are in Spokane, and the faculty, the campus and infrastructure are in Cheney. When he first came to Cheney 25 years ago, he tried to teach as many courses in Spokane as he could, thinking it was better to have one instructor drive to Spokane than to have 30 students drive to Spokane, but that never caught on.

Chairman Barthels suggested that the new STA plaza planned for the Medical Lake exit could impact the flow, too.

Election of Officers:

Commissioner Hillman made a motion to table this item until next month when all the Commission members should be present. Seconded by Commissioner Turbeville; motion carried unanimously.

Commissioner Reports:

Commissioner Williams reported that she has been attending meetings on task force meetings on Priority Spokane's Community Health Needs Assessment. The meeting today was on the topic of economic vitality, and identifying what data to track. She commented that this has been an interesting series. Mr. Lucas added that he attended the meeting on housing and economics that was held several weeks ago. One of the challenges they identified was in the current tight housing market, for many households, 40 to 50% of the household income is going for rent, which leaves very little for other categories.

Commissioner Hillman commented that he has been reading up on the server farm that was reported at last month's meeting, and it appears that it is being set up for Bitcoin mining, which is pretty hot in Eastern Washington right now. Mr. Ableman noted that these facilities use a huge amount of electricity.

Staff Reports:

Mr. Ableman commented that we've gone from "when is the yard waste bin going to open," to "what is the snowplowing schedule?" in the course of just a few days. Conversations are continuing about construction of the View Acres subdivision, and they are starting to lay some storm sewer. He reported that we are probably looking a hefty transportation project this year, having received TIB funding for work on Betz Road. He added that water production and water conservation measures will be in the conversation, too, with the possibility of rehabbing Well #3.

Mr. Lucas reported that there will be a public hearing next week for a conditional use permit for an addition to Betz Elementary, and a hearing in March for a conditional use permit for the expansion of the High School, including reconfiguration of the bus circulation. He added that there is a lot of current planning activity going on right now. We expect to see construction this year of the Shredfast facility, and Parkside Commons student housing that was the subject of public hearings last fall.

There being no further business, the meeting was adjourned at 6:58 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Vincent Barthels, Chairman