

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

February 13, 2023

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

Commissioners Absent: David Early and Jake Vibbert (one position vacant).

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

Councilmembers Attending: Vince Barthels and Jill Weiszmann.

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

Citizen Participation: None.

Approval of Minutes: Commissioner Turbeville made a motion to approve the minutes of the January 9, 2023 regular meeting as distributed. Seconded by Commissioner Belock, and the motion carried unanimously.

Public Hearing: #2023-03
Comprehensive Plan Amendment & Zone Change – 2225 1st ST / North Cheney Mobile Home Park

Chairman Mount opened the public hearing at 6:02 p.m. Mr. Lucas explained that this hearing is to consider a proposed amendment to the Comprehensive Plan and a zone change for 17 acres located behind the North Cheney Mobile Home Park, between BiMart and Grocery Outlet.

Chairman Mount 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.

Mr. Lucas gave an overview of his presentation, and explained the criteria for approval of a comprehensive plan change and a zone change. He noted that a zone change must be based on a defined set of criteria in the zoning code. A public hearing is required, with the Planning Commission taking public testimony and making a recommendation to City Council. The resulting decision is a legislative act, with the final decision by City

Council. He added that the decision may include specific conditions of approval to mitigate impacts to surrounding properties.

Mr. Lucas noted that the applicant was required to provide notice of this hearing by mail to owners of properties located within 300' of the proposal site. A notice was placed in the Cheney Free Press, and the property was posted.

Mr. Lucas reviewed the proposal by Storhaug Engineering to amend the comprehensive plan designation from Commercial to Mixed Use (on the west side of the creek), and to Residential (R-3H) on the east side of the creek. He showed aerial maps and photos of the subject site, and explained that if this request is approved, a land division would come later via a binding site plan through the center of the creek.

Mr. Lucas reviewed Comprehensive Plan goals and policies which relate to this proposal. He noted that this land was annexed into the city in 1956, and was initially developed as mobile homes. In 1966, the site was zoned C-2, General Commercial, and the zoning designation has remained unchanged since that time.

Mr. Lucas reviewed criteria for approval of a comprehensive plan amendment, and summarized how this proposal relates:

Criteria #1: The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plan or ordinances and local, state or federal mandates.

Mr. Lucas explained that to move forward with the proposed mixed use and residential development, the land use designation in the 2017-2037 Comprehensive Plan must be amended to remove the current Commercial designation. The applicant is also proposing to amend the zoning map, so there would not be any inconsistencies between the Comprehensive Plan Map and Zoning Map when completed.

Criteria #2: The amendment of the plan and/or the development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.

Mr. Lucas stated that there would be no adverse impact resulting from this proposal. The site is located within the city limits and is already adequately served by police, fire, electric and public works services. He stated that this proposal meets Goals #1, 7, 13 and 18 of the Comprehensive Plan, and is consistent with Policies #1, 25, 26 and 31.

Criteria #3: Conditions have changed so much since the adoption of the comprehensive plan on factors such as, but not limited to population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.

Mr. Lucas stated that redevelopment of this site had not been discussed specifically when the Comprehensive Plan was adopted in 2017. In the last five to six years, communities have seen an increased need for housing, as well as housing that is integrated with nearby commercial, including mixed use. By amending the Comprehensive Plan map for this parcel, it minimizes the need to expand the Urban Growth Area (UGA) in the short term.

Criteria #4: Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a 20-year supply.

Mr. Lucas stated that the City of Cheney currently has over 200 acres of undeveloped land located within the UGA, located south of the railroad tracks. Much of that land is difficult to develop due to geologic issues and critical areas, as well as a current lack of public utilities. Redevelopment of this site gives the city a chance to better figure out how to modify the UGA during the upcoming Comprehensive Plan update.

Criteria #5: If the comprehensive plan amendment proposal involves extension of water and/or sewer services outside of the urban growth boundary, the following additional criteria must be met:

- A. The proposal must be in response to an immediate threat to public health or safety;*
- B. The proposal is necessary for the protection of aquifers designated pursuant to RCW 36.70.A170;*
- C. The proposal is necessary to maintain existing levels of service in existing urban or suburban developments.*

Mr. Lucas noted that the site under consideration is already situated within the city limits. The site has had challenges over the years in terms of health and safety, and a Comprehensive Plan amendment would start the process in addressing the situation. He added that there are no aquifers that would be directly affected by this proposal.

Criteria #6: The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.

Mr. Lucas stated that this proposed map amendment is consistent with the overall intent, as well as the goals and policies of the Comprehensive Plan.

Criteria #7: The proposed amendment is consistent with RCW 36.70A, the Growth Management Act, the county-wide planning policies an applicable multi-county planning policies.

Mr. Lucas stated that the proposed map amendment is consistent with the RCW as this is an infill site. The proposal would reduce sprawl, and accommodate a variety of housing types, and economic development. He stated that this proposal also meets the intent of the Countywide Planning Policies.

Criteria #8: Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.

Mr. Lucas stated that if this amendment is approved, the parcels located to the north, west and south would still have a designation of Commercial. The mixed use and residential portion of this parcel would complement the nearby commercially designated parcels.

Criteria #9: Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the city comprehensive plan to provide the necessary facilities.

Mr. Lucas stated that as proposed, public facilities, infrastructure and transportation systems are present at the site, and the Comprehensive plan already addresses these infrastructure needs.

Criteria #10: The proposed amendment is complementary and compatible with adjacent land uses and the surrounding environment.

Mr. Lucas stated that as proposed, the site would complement the land uses to the north, west and south, with residential portions of the site providing the population to support the commercial development.

Criteria #11: The proposed amendment does not adversely affect lands designated as agricultural and/or resource lands of long-term commercial significance or critical areas.

Mr. Lucas stated that there are no known agricultural and/or resource lands of significance located within the project area. There are some critical areas on the east half of the site, primarily east of Minnie Creek, that would be addressed in subsequent applications (i.e., binding site plan, critical areas, etc.).

Mr. Lucas reviewed criteria for approval of a zoning map amendment, and discussed how this proposal relates:

Criteria #1: The zone map amendment is in response to conditions that have changed since the existing zoning designation was assigned. Changed conditions may include public opinion, land use patterns, or the site itself.

Mr. Lucas noted that there is currently a shortage of housing in the greater Spokane area. The proposed rezone from C-2 (General Commercial) to R-3H (High Density Multi-Family Residential) on the eastern portion of the site would help alleviate some of the housing demand. The division of land along the boundary of Minnie Creek and subsequent rezone from C-2 (General Commercial) to MU (Mixed Use) would provide both commercial and residential along 1st Street.

Criteria #2: The zone map amendment has a substantial relationship to the public health, safety, morals or welfare of the community.

Mr. Lucas stated that the current site is challenged with public safety and vagrancy issues. This proposal would be a game changer in terms of the entrance to Cheney, as it would enhance the visual aesthetics along 1st Street.

Criteria #3: The zone map amendment conforms to the Cheney Comprehensive Plan.

Mr. Lucas stated that as proposed, the zoning map amendment would meet Goals #1, 7 and 18, and Policies #1, 26 and 31. He added that the subject site was initially designated General Commercial as it was located along 1st Street. Having a commercial component at part of the map amendment makes good sense in this part of Cheney. Topographic challenges on the site will most likely prohibit the site from being fully developed as a commercial site.

Criteria #4: Explain how sound and sight buffering will be provided between land uses when they are residential in nature.

Mr. Lucas stated that the existing creek running through the property has the opportunity to be enhanced and be an amenity to the property, both as a natural buffer, as well as with park land with trails.

Mr. Lucas addressed concurrency, and stated that a trip generation letter was prepared by Storhaug Engineering on December 2, 2022. The letter discusses existing trips that are now generated by the 54-unit mobile home park, and calculates the number of trips that would be generated with a mixed-use development along 1st Street and multi-family residential on the eastern portion of the site. They calculated a net gain of 85 new Average Daily Trips (ADTs) would be generated. He added that the applicant and the City would work with WSDOT to determine the best intersection locations and how turning movements would be handled.

Mr. Lucas stated that at the time the staff report was drafted, no comment letters had been received, but we have since received several letters. We have also received several phone calls from tenants in the mobile home park with concerns about the timeline of the project and when trailers would need to be moved out.

Mr. Lucas said that the staff is recommending consideration of this application as redevelopment of this site would make an attractive gateway into Cheney. He noted that the comprehensive plan map amendment and zoning map amendment are both consistent with the City's Comprehensive Plan.

Mr. Lucas introduced Cliff Trimble, Storhaug Engineering, who is representing the applicant in this matter. Mr. Trimble showed a survey map which included a mixed use area along 1st Street which would likely include main floor commercial, with residential units above. He suggested that it could be similar to an existing residential development along Ruby Street in Spokane, close to the Gonzaga campus. Mr. Trimble added that the

residential development along the east portion of the site could include townhomes or apartments.

Commissioner Belock asked when this development might take place. Mr. Trimble said that he is not aware of the timeline, but it could be dependent upon market conditions. Commissioner Belock suggested that this uncertainty has to be concerning to the residents of the mobile home park.

Douglas Brunell, 2225 1st ST #63, stated that he has lived in the trailer park for 17 years, with a lot rent of \$250. His rent has been unchanged for 11 years. Last month he had a letter taped to his front door that said his lot rent was being raised to \$475 per month. He has protested the rent increase with the attorney general. This is affordable housing for low income people that is going to vanish if this proposal is approved. He strongly objects to closing the park like Mr. Tarbert wants to do. These homes are a good place for low income and elderly residents to live. There used to be three mobile home parks in Cheney, but one closed. Now there are two, and this proposal would close one of the remaining.

Mr. Brunell introduced his neighbor, Maria Zambrano, who lives at 2225 1st ST #61. Ms. Zambrano stated that she is 81 years old, and she has lived in the trailer park for 22 years. She bought her mobile home in 2001. Her rent is \$225 per month. She also received a notice last month that her lot rent was being increased. Mr. Brunell explained that Ms. Zambrano would like to stay where she is. Both their homes have had improvements to roofs, windows, and so on. They would like to stay where they are. Mr. Brunell said that Maria's income is \$981 per month. At this location, she uses the CHAS clinic which has a dentist, and a primary care physician, just 3 blocks away. There are four places to shop for groceries within walking distance of the trailer park. These are important resources for low-income residents of the community.

Kenneth Kennedy, 2225 1st ST #25, stated that he has talked to Mr. Tarbert a couple of times and he has said that he wants to remove the trailer park so he can do something different with the property. He is in the same spot as the other people who have spoken. He owns his 35' travel trailer with an expansion on it. He wants to stay where he is. He has no way to move the trailer, and no resources to hire it to be done.

Leslie Mowatt, 14 3rd ST, stated that Cheney has a lot of empty commercial properties in Cheney. She understands the need to change the look of Cheney, but she wants to know what type of housing is being considered. Is it HUD housing? This makes a difference.

Chairman Mount called for additional comments from the public from people attending via Zoom or in person. Hearing none, he asked Mr. Trimble to return. He asked if there are any plans for what type of housing would be added.

Mr. Trimble stated that he can empathize with the residents who have addressed the Commission tonight. He said that there are 58 trailers on the site right now, and the proposal is to increase the number of available housing units. As the number of units increases, the cost comes down. He does not know whether this would be low, medium,

or high end housing, but the intent of this project is to add a variety of housing, which would meet the intent of the comprehensive plan.

Commissioner Belock said that we cannot really answer the timeline of when these people might be displaced. And we cannot answer the question of whether there will be a site available for these people to relocate to, which they can afford. Do we have the ability to ask the property owner to assist with the cost of relocation of the trailer park residents? Or is this beyond the scope of the Planning Commission, and something she needs to take to City Council? We have a tight housing situation in Cheney now, and since the fire which destroyed the Cheney Motel, we've seen an increase in vagrancy. She stated that she also lives in a mobile home park, the one where the rent is outrageous, and she knows there are no other good options available out there.

Mr. Trimble stated that there is a legal process with provision for financial assistance, but that is beyond the scope of this land use action. This land use action does not displace anybody.

Commissioner Belock said that she is uncomfortable with the prospect of displacing nearly 100 Cheney residents, many of whom are long-term residents, with no alternatives. Mr. Lucas said that there is a section of the RCW that covers relocation assistance for residents who have been displaced by closure of a mobile home park. Mr. Schuller said that RCW 59.20 covers that topic.

Mr. Brunell suggested relocation assistance is fine, but what good is it if you have no place to go? He added that if there is a problem with squatting on the land behind the trailer park, perhaps we should just leave them alone, if there is no vandalism going on.

Commissioner Belock said that this is her concern: there is no place for most of these residents to go. Removal of the Cheney Motel has already resulted in a number of Cheney residents who have no place else to go. She is looking for an avenue to prevent that situation from recurring in a couple of years.

Chairman Mount suggested that the discussion was ranging far outside the scope of the Planning Commission's authority.

Mr. Trimble emphasized that this land use action will not displace anyone, but it will bring the zoning and land use designations into conformance with the existing use. Chairman Mount asked for discussion.

Commissioner Belock said that she is not opposed to the Mixed Use, because we need that. But she is concerned about the people who would be displaced if the trailer park was closed.

Commissioner Jostad stated that this is consistent with the goals our comp plan, and she is not comfortable with taking the position that this parcel cannot change, and must remain stagnant.

Commissioner Turbeville stated that this is the classic planning issue. He is astounded that there is a place in Cheney to live where you only have to pay \$250 per month rent. He thinks the zone change is a necessity. He realizes that this could lead to a housing disaster in the future, but we are out of alternatives. There is no more building space available in the community. It would seem like someone might think of a way to create a new, larger trailer park, but there really is no place for something like that. As we go forward, things are going to change, and they are not going to be any less expensive. He is in sympathy with the residents of the trailer park, but he thinks the way ahead is pretty grim. We need to focus our energies on identifying additional low-income housing sites. We are going to become a community of apartments for college students, but with university enrollment expected to decline, he doesn't know where that's going to go.

Chairman Mount stated that as he looks at the role of the Planning Commission tonight, and agrees that there are more decisions to be made farther down the road. We need to do what we can to provide for all of the people in the community. He is not sure how to move forward with that as a priority. But the changes being suggested are consistent with the City's policies and goals. The applicant has met all the criteria to demonstrate conformance with our comprehensive plan.

Chairman closed the public hearing at 7:23 p.m.

Commissioner Turbeville made a motion to recommend approval of the comprehensive plan change and zone change. Seconded by Commissioner Jostad. Motion carried unanimously.

Election of Officers:

Chairman Mount announced that Commissioner Vibbert has offered his resignation from the Commission due to his impending move outside of city limits, and we currently have another vacancy on the Commission, so the possibilities for officers are limited.

Commissioner Turbeville nominated Commissioner Mount as chairman, seconded by Commissioner Jostad. Chairman Mount nominated Commissioner Belock to serve as vice chair; seconded by Commissioner Jostad. Motion carried unanimously.

Commissioner Reports: None.

Staff Reports:

Mr. Lucas reported that we have received one proposal from a consultant who is interested in preparing the Land Quantity Analysis. We may be looking for one or two members of the Planning Commission to participate in the interview and selection process.

Mr. Ableman reported that the street sweeper is out early this year, picking up some of the leaves and debris that did not get cleaned up last fall before the snow fell.

There being no further business, the meeting was adjourned at 7:33 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman