

**Minutes
Cheney Planning Commission
Regular Meeting**

March 9, 2020

Commissioners Attending: Richard Mount, Dan Turbeville, David Early and Daniel Hillman.

Commissioners Absent: Vara Lyn Conrath, Natasha Jostad and Jake Vibbert.

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

Councilmembers Attending: Vince Barthels.

Call to Order: Chairman Mount called the meeting to order at 6:10 p.m..

Minutes: Minutes of the February 10, 2020 regular meeting were approved as distributed.

Citizen Participation: None.

Public Hearing: #2020-01
Revisions to Occupancy Limits Ordinance

Chairman Mount reviewed the rules of procedure for public hearings, and asked if any objections had been filed pursuant to the Appearance of Fairness. Ms. Beeman answered that no objections had been filed.

Chairman Mount opened the public hearing at 6:16 p.m.

Mr. Lucas reviewed the history of the occupancy limits discussion, which began with public testimony before the Planning Commission in October and November 2019. The Planning Commission and City Council held a joint workshop in January, and discussion continued at the February Planning Commission meeting. Mr. Lucas noted that changes were recommended to the approach at each point along the way, and the culmination of these discussions is the draft ordinance provided in tonight's agenda packet.

Mr. Lucas explained that the deletion of the 'functional family' section takes the City out of the business of determining the nature of relationships within a living unit, which placed us in danger of violating State and Federal Fair Housing laws. He noted that this ordinance would also remove the limitation on the number of residents in a dwelling unit based on the zoning district, and instead refers to square footage requirements outlined in the International Property Maintenance Code (IPMC) to address issues of overcrowding.

Mr. Ableman explained that IPMC 404.4.1 requires a minimum of 70 sq.ft. per single occupant bedroom, or 100 sq.ft. for a double-occupant bedroom.

Mr. Lucas added that the code refers to existing penalties for infractions, and specifies that the violator will be presumed to be the property owner of record, and not the tenant. The penalty for a first violation is \$250, \$500 for the second violation, and \$1,000 for the third violation, with a maximum fine of \$5,000. He added that he believes this will be a good tool for the code enforcement officer to use in addressing overcrowding.

Commissioner Mount asked how the third violation at \$1,000 reconciles with the maximum penalty of \$5,000, and recommended that this be spelled out clearly.

Commissioner Early asked if the first contact by the code enforcement officer would result in an infraction, or if there would be a verbal or written warning first. Mr. Lucas said that the exact process would be developed once the code enforcement position is filled, with input from the Mayor's office. Historically, we have worked with violators to achieve cooperation, and used the infraction process as a last resort. Chairman Mount emphasized that whatever our process is, it should be enforced fairly.

Chairman Mount called for public testimony.

David McNeill, 1009 Oakland ST, asked if his understanding is correct, that there would no longer be any limits to prevent someone from adding more and more residents, as long as the building is large enough. Doesn't that just amount to turning every building in town into an apartment building?

Chairman Mount agreed that the larger buildings will have the capacity for more residents, but the existing code which limits unrelated persons is a problem on the enforcement side. Familial relationships are hard to prove, and using those criteria puts the City potentially in violation of State and Federal Fair Housing laws.

Mr. McNeill suggested that this opens up further problems in single family neighborhoods. Right now, he has a neighbor within a couple of blocks of his house that has 5 or 6 cars and a golf cart parked in front at all times. There are no sidewalks in that area, and he is not able to let his children walk to school because of the combination of cars parked on the street and the speed of traffic in the area.

Commissioner Turbeville commented that this commission has looked at the number of residents and also at the parking issues. He feels that this is the first step in trying to get a handle on the problems, and down the road, there could be more attention paid to this.

Randy Reid, 418 Irene PL, noticed in the notes of last meeting that there was consideration of licensing rentals as businesses. He highly recommended that this system be implemented. This does not have to be a huge expense to landlords, but if there is a license, you would be able to monitor better.

Sherry Miller, 405 Irene PL, said that in the last 5 or 6 years, rentals have been allowed in her neighborhood which were never there before. She feels that the quality of life has decreased as the number of rentals increased. The volume of traffic is up, with residents and their friends, the loud cars, the slamming of doors, and activity late at night. She feels that these ordinance changes will have no positive impact on the situation on Irene Place. She added that rental rates are too high for families, especially when an absentee owner can rent to 4 or 5 college students for \$1,600 per month.

Chairman Mount said that he understands the problems, and members of the Planning Commission are aware of these issues. He explained that the Planning Commission had asked staff to look at options that could be implemented immediately to try to get a handle on the problem. He emphasized that all the members of the Planning Commission live in Cheney, too, and care about the community. He asked members of the public to keep being vocal about these issues, and keep the dialogue going.

Commissioner Turbeville commented that he has noticed we are in a deep hole as far as all the issues that have been brought up tonight, whether it was occupancy or parking issues or other behavior issues. He feels that everything that has gone wrong is because the City of Cheney has not enforced its own zoning laws. It is wrong, and we're going to get it cleaned up.

Chairman Mount closed the public hearing at 6:54 p.m. and called for discussion.

Commissioner Early asked for clarification on the square footage calculation. Can the couch surfers call the living room a bedroom? Mr. Ableman said that would not be allowed, as the IPMC requires a minimum room with a minimum of 120 sq.ft.

Commissioner Hillman commented that we don't have the resources to be proactive about enforcement, so having the complaints is going to be important.

Chairman Mount agreed, and urged that comments be brought to Commission members and City staff.

Commissioner Turbeville made a motion to recommend to City Council the adoption of the ordinance changes as presented. Seconded by Commissioner Early, and the motion carried unanimously.

Public Hearing: #2020-02

Revisions to Zoning & Land Use Regulations of Landscaping

Chairman Mounted noted that the same rules of public hearing are in effect for this topic, and opened the public hearing at 6:58 p.m.

Mr. Stevenson reviewed changes to the proposed ordinance which resulted from comments received at last month's meeting. He noted that the Purpose section was expanded in response to Commissioner Jostad's request. A new section on Water

Conservation is being added. Mr. Stevenson noted that these sections are intended to guide landscaping on new development, and are not intended to impact existing landscaping.

Mr. Stevenson explained the xeriscape guidelines, and added that the ordinance includes a link to the WSU Spokane County Master Gardener Program materials, a major agency which does not change web pages frequently. Section C of the ordinance creates a framework for a conservation rebate program, and gives the City Council the flexibility to allocate funds as those funds become available.

Mr. Ableman added that these new code provisions would impact only new development, but the conservation rebate program would be available to anyone.

Chairman Mount called for public comment.

Susan Chamberlin, 903 4th ST, said that she has viewed upkeep of her landscape as a responsibility since she bought her house 45 years ago. She is pleased to know that existing homes and yards are grandfathered. She has done some research on low water turf grasses which would be appropriate for schools, parks and golf courses, and would like to see existing green areas replanted to some of these low-water varieties.

Mary Brown, 704 Salnave RD, said that she has spoken to both Mr. Ableman and Mayor Grover about water conservation and code enforcement issues. She has a large yard and enjoys working in it daily. She hopes there will be a code enforcement officer on board soon. She was the city to be attractive, and neighborhoods to be kept up. She commented that she owns two city lots, but only has one allotment for water.

Chairman Mount thanked members of the public for coming out to comment on these issues. He said that the Planning Commission members do care about their comments, and are working to make things better.

Chairman Mount closed the public hearing at 7:22 p.m. and called for discussion. Commissioner Hillman made a motion to recommend approval of this ordinance to City Council. Seconded by Commissioner Early, and the motion carried unanimously.

Commissioner Reports:

Commissioner Hillman reported that he has received a couple of complaints about parking recently, and suggested that we may want to revisit that issue sooner rather than later. Commissioner Turbeville agreed.

Chairman Mount commented that he has taken heat recently for the Planning Commission's approval of the rezone that allowed additional density at the apartment complex being constructed between Cedar and N 8th Street.

Chairman Mount reported that the Cheney Depot project is moving forward, and expecting contractors on site in April. He added that the City is sponsoring the Clean Sweep in April again this year, and encouraged everyone to take part in the community cleanup day.

Commissioner Early commented that he has been hearing concerns about snowpack, and wondered if we will have drought problems this summer. He asked when the yard waste bins will be available. Mr. Ableman explained that our grinder is being repaired, and freezing weather is still prohibiting collection of yard debris. The yard waste bins will probably be available around the end of March, but it is weather dependent.

Staff Reports:

Mr. Lucas said that he will not be present for the April meeting, but we will have the 6-year Capital Facilities Plan on the agenda. Two potential plats could be coming before the Commission in April or May, one located behind Irene Place, and the other between Cheney Care Center and Plum Tree Court.

Commissioner Hillman asked if an updating on legislation is available. Mr. Lucas said that the bill which would have allowed multi-family housing in single family zones has died in both the Senate and the House. Another bill regarding accessory dwelling units is still alive. Mr. Lucas will send out an email update later this week.

Mr. Ableman added that the Cheney Clean Sweep is scheduled for Saturday, April 18.

There being no further business, the meeting was adjourned at 7:32 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman