

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

March 14, 2022

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

Commissioners Absent: None.

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

Councilmembers Attending: Vince Barthels.

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

Approval of Minutes: Commissioner Belock asked that corrections be made to the minutes to clarify that Commissioner Jostad was not present, and for spelling corrections to Commissioner Belock's name. Commissioner Turbeville made a motion to approve the minutes of the February 14, 2022 regular meeting as corrected. Seconded by Commissioner Belock, and the motion carried unanimously.

Citizen Participation: None.

Public Hearing: #2022-04
Preliminary Plat Application for Blackhawk Ridge

Chairman Mount opened the public hearing at 6:05 p.m. and reviewed the Rules for Public Hearings. Comments will be limited to 5 minutes per person, and will be heard first from in-person attendees, and then from Zoom participants.

Chairman Mount asked the secretary if appearance of fairness challenges were received, and there were none. Chairman Mount then asked if any member of the PC wished to be excused, and there were none. He then asked if any member of the audience wished to file an objection to the participation of any member of the Commission, and there were none.

Chairman Mount asked if any member of the Planning Commission has engaged in communication outside of this hearing with opponents or proponents of the issue, with no response.

Chairman Mount called on Tom Stirling of SynTier Engineering to present on behalf of the property owner, Steve Emtman. Mr. Stirling explained that the property has been

under the current ownership for over a year, and although they discussed requesting a change to higher zoning, they recognized the surrounding neighborhoods were single family, and have opted to design a single family residential plat, but to maximize the number of lots. He stated that the street layout nearby does not allow for turnaround of fire apparatus, and cul-de-sacs are safer than having intersections in a neighborhood with children.

Mr. Stirling said that they are aware that neighbors are critical of the smaller lots, but with the cost of land as high as it is, there is a need for smaller lots for young families and affordable starter homes. He said that he has been in the business for 30 years and believes that diversity in a community is a good thing. He recognizes that some of these will turn into rentals. Larger, more expensive homes are less likely to become rentals. He said that there was a calculation error on the application, and he now believes that at least two lots will turn into drainage tracts, and there will probably be 48 lots in total. They are anxious to get into the process of planning.

Mr. Stirling said that he comes from the hills of the Palouse, so they are very familiar with the need for geotech analysis when working on slopes. He added that sight distance on Oakland Street is good where Blackhawk Court connects to it, but 11th Street might be a different story.

Mr. Stirling stated that they have every intention of compliance with Cheney's zoning and development codes, and fully intend for this project to be consistent with city codes. They are not looking for any variances or zone changes, and understand they will have to change some things about the plat based on preliminary responses. He asked the Planning Commission to move this forward so they could get started with some of these important studies.

Commissioner Turbeville asked about fire truck access. There are a number of elderly people who live on Irene Place who occasionally need emergency services, and in Cheney, they usually send a crew in a fire truck. He stated that there is no issue turning fire trucks around. There used to be a cul-de-sac at the end of Irene Place, but about 12 years ago, the City took that out. There is still no issue with fire trucks.

Commissioner Turbeville stated that if the developer expects that these homes won't become rentals, they may need to take another look. Up until a few weeks ago, the biggest issue in this neighborhood were rentals at the bottom of Irene Place, with extra cars parking on the street. He added that if Mr. Stirling thinks the Oakland intersection is not a problem, what kind of vehicle was he driving? Would it have been a large four wheel drive pickup truck? Mr. Stirling replied that he was in a regular height Jeep. Commissioner Turbeville said that it is not just the one new intersection, but 11th Street, Irene Place, and Oakland with a dead end at the apartments which makes three intersections within a couple hundred feet of each other.

Mr. Stirling responded that it's not necessarily a fire truck turnaround, but a secondary access in case something is blocked down below. For the Oakland Street access, if the city code says it is too dangerous, they would have to rethink the design.

Commissioner Early asked about the price point of the homes. Mr. Stirling said they would be in the neighborhood of \$400,000, which is the median house price in Spokane County right now. The homes would be sized around 1,800 sq.ft. Commissioner Early asked if the plan is to put the infrastructure in, then sell the lots, or to build on spec. Mr. Stirling said that they are in conversation with several builders who would buy multiple lots and build out quickly, rather than burden the community with many years of construction.

Chairman Mount asked about Mr. Stirling's assessment of sight distance; was that measured, or just a guess? Mr. Stirling said that it was very unscientific, just a windshield observation. There needs to be a true study done.

Commissioner Belock cited Mr. Stirling's comment about median home prices and these being ideal for starter homes or for smaller, younger families. She commented that these lot sizes are still smaller than the state average and national average for lot sizes, and the \$400,000 home price is well above the average home cost in this area. She noted that the average income of a Cheney household is about \$40,000. She asked how we are going to mitigate the higher costs to ensure that these are not bought by out-of-town investors and turned into rentals?

Mr. Stirling said that he could not answer the rental question, but these are not going to be large, 2,500 sq.ft. homes on large, 10,000 sq.ft. lots. But maybe these are sized for people who no longer have kids at home, don't want a lot of yard to maintain, maybe want to do a lot of traveling. These are definitely not starter homes. Commissioner Belock pointed out that these lots don't match the current demographics of Cheney at those prices.

Chairman Mount stated that he is a very visual person, and asked what kind of house would be built to 1,800 sq.ft. – how many bedrooms, and how many bathrooms? Mr. Stirling said that his own house is a 1912 house with 1,200 sq.ft. on the main floor, 2 bedrooms and a bathroom on the main floor, and 2 small bedrooms upstairs, for about 1800 sq.ft of living space. Mr. Stirling added that on some of these lots you could have a daylight basement, allowing a house of 2,400 to 3,600 sq.ft. on three levels.

Chairman Mount asked how many lots would be able to have daylight basements. Mr. Stirling said that under 10 lots will be flat enough to be level homes. Most will have the ability to have a daylight basement, or a garage under.

Commissioner Vibbert asked about the average lot size in surrounding area, and the average square feet of the houses on those lots. Mr. Stirling said that he did not know about the house sizes, but nearby lots average from 9,000 to 12,000 sq.ft.

Commissioner Early noted that the surrounding neighborhood is of an older style, and distinctive character. What are you willing to do to make this neighborhood fit into the surrounding area? Mr. Stirling said that would have to talk to the owner, and to potential builders.

Commissioner Belock noted that the difference between the amount of earth removed and the amount of fill has a difference of 1,000 cubic yards. She asked where the extra fill would be coming from. Mr. Stirling answered that this is about a balance in his world. He did not think they would run out of fill, and would probably have to get rid of some topsoil. They would bring in structural gravel and bedding for pipe.

Chairman Mount asked about the elevation difference from Summit to the bottom of the slope. Mr. Stirling estimated that it was about 50' change in elevation between Summit and Oakland, but there is a spot in the center of the subject site that is lower than that.

Chairman Mount asked what will be done to ensure the houses at the top do not have problems with settling or sloughing? Mr. Stirling explained first they will get a geotech report to tell them what kind of soil is there. On a cut, there is not much you can do, but on a fill situation, the fill is put in in steps, or "keyed in," to alleviate problems and increase the stability of the slope. Chairman Mount asked about the stability of homes on Irene Place. Mr. Stirling said that he did not think those homes would be impacted. He explained that geotech engineers typically are not very concerned until you get over about 15' of fill, and then you are in a special situation where you cannot build on it for a year, and they make you monitor it for a time.

Commissioner Conrath asked if the dirt would be moved to fill the depression near Summit. Mr. Stirling said that was their intention, and the same with the cul-de-sac near Oakland.

Commissioner Jostad asked if they are open to adding green space. Mr. Stirling said that would be up to the client, but it is tough to consider right now because of the cost of development. He added that it is his job to maximize what the developer can get out of his land. His client is anxious to move forward with this project and get it off his chest.

Chairman Mount called for the staff presentation.

Mr. Lucas reviewed the process tonight, and gave an overview of his presentation. The objective for tonight's meeting is to have the PC consider the preliminary plat application based on the facts, findings, and public testimony. Mr. Lucas reviewed the timeline, and stated that required notices were posted, published and mailed. He described the proposal to preliminary plat 52 lots on approximately 9.11 acres of undeveloped land. Mr. Lucas showed an aerial photograph, a topo map, and a 1971 zoning map which showed surrounding area as zoned R-1, Single Family, at the time it was annexed into the city. Mr. Lucas then showed pictures of the access points and properties adjacent to the subject property.

Commissioner Early asked if Irene Place has sidewalks. Mr. Lucas answered that the upper portion has sidewalks, but not the lower portion. With this development, both water and streets would connect to existing water mains and street system.

Mr. Lucas reviewed applicable comp plan goals & policies. He stated that this project would help to meet the following goals:

- 1 Grow and sustain a balanced, resilient economy for Cheney, providing community prosperity and fiscal health.

- 7 Plan for and establish types and quantities of land uses in Cheney supporting community needs and the City's long-term sustainability.

Mr. Lucas stated that this project does not further the following goal:

- 9 Protect and enhance Cheney's open space areas for present and future generations.

Mr. Lucas stated this project was consistent with the following policies:

- 2 Expand the number of local living-wage jobs.

- 26 Encourage a wide variety of residential building types in neighborhoods, consistent with community needs and plan objectives

- 27 Facilitate the provision of housing affordable to local wage-earners, and compatible with Cheney's existing neighborhoods

- 28 Support increased rates of home ownership in Cheney

- 38 Maintain land use strategies favoring growth within the existing urbanized area over development on the perimeter, promoting infill, limiting sprawl and helping the City provide affordable services.

Mr. Lucas stated that this project is not consistent with the following policy:

- 24 Support the development of compatible infill housing in Cheney neighborhoods

He stated that the site was annexed into the city in 1971 with initial zoning of R-1, Single Family, and has been designated as low-density residential since 1974. Mr. Lucas showed a map depicting zoning of surrounding neighborhoods, and explained that the purpose of R-1 zone is to provide for the location of single-family dwelling structures at a density of approximately 6 dwelling units/acre.

Mr. Lucas reported that a SEPA review was undertaken, and a Mitigated Determination of Non-Significance (MDNS) was issued. The City received a comment letter from the Washington Department of Ecology about stormwater runoff, and from the Washington Department of Archaeology & Historic Preservation with a recommendation that a

professional architectural survey of the project area be conducted, based on their Statewide Predictive Model which suggests a moderate potential for archaeological resources to be located on the site.

Mr. Lucas stated that a Trip Generation Letter prepared by the applicant estimates this plat will generate approximately 570 Weekday Daily Trips, according to the ITE Trip Generation Manual (10th Edition). He stated that Washington Street, North 6th Street, and Elm Street have adequate capacity and can absorb these trips without violating the City’s adopted Level of Service (LOS) standards or concurrency requirements. A traffic study is not required; however, we are requiring a specific traffic/intersection analysis for the blind hill near N 11th Street and Oakland Street as a condition of approval.

Mr. Lucas reviewed development standards for the R-1 zone, and compared the density of this proposed subdivision with the Irene Place neighborhood, and the Summit Drive neighborhood.

<u>Street/Neighborhood</u>	<u># of Lots</u>	<u>Min. SF</u>	<u>Max. SF</u>	<u>Avg. SF</u>
Blackhawk Ridge (as proposed)	52	5,000	10,511	5,924
Irene Pl.	30	5,227	17,859	10,759
Summit Dr. /Skyview Pl.	31	8,712	23,522	12,211

Mr. Lucas reviewed the density calculation, and showed that as currently proposed, the project is over density by 4 lots; using the density calculation specified in the Cheney Municipal Code, a maximum of 48 lots would be allowed.

Mr. Lucas reviewed recommended conditions of approval, and said that parks or trails are not provided as part of this project. However, the applicant would have to pay approximately \$50,000 in park mitigation fees. He would have the option, however, of dedicating some land to offset the park mitigation costs.

Mr. Lucas said that the applicant will need to provide full frontage improvements on all new streets including curb, gutter, and sidewalk which will need to meet the City’s development standards. Streets such as Oakland Street and Summit Drive would be required to have full frontage improvements where this project abuts those streets. As an offsite improvement, sidewalks would also be required along the north side of Oakland Street between Irene Place and North 9th Street.

Mr. Lucas stated that soils and topographical conditions presenting hazards on this property will be considered as a condition of the civil review as part of the civil engineering and final plat process. At this time, a geotech or groundwater geology report has not been prepared. A geotech report will be required as a condition of approval to analyze the grading, cuts/fill (structural material), and compaction requirements. Mr.

Lucas said that the geotechnical firm will be required to analyze existing conditions and to provide mitigation procedures to ensure the site is stable during and after construction.

A drainage report will be required as a condition of approval at the time of preparation of civil plans. As with any proposed subdivision, the applicant shall not create any additional surface water runoff onto adjacent parcels. The drainage report will investigate and note groundwater encountered during field exploration. Mr. Lucas noted that site specific engineering review may also be required at the building permit stage, if deemed necessary.

Mr. Lucas reviewed proposed conditions related to water and sewer. As conditioned, a High Zone water system study must be completed prior to civil plan approval to ensure that the High Zone can adequately handle the additional demand. The study would evaluate the mains on Irene Place, Summit Drive, and Oakland Street for capacity at Reservoir #4 and Booster Station #1 for improvements and/or replacements to support any additional development. Additional requirements will be evaluated at the discretion of the City Engineer. He noted that, as currently proposed, the sewer design and profiles do not meet the City of Cheney Engineering Standards.

Mr. Lucas reviewed conditions related to electrical service. Line capacity could be an issue, so the Light Dept will require a “load study” by an electrical engineer to determine if current electrical lines could accommodate the project or if an upgrade would be needed. A loop feed would be required. He noted that electrical needs will also be reviewed at the time of building permit application.

Mr. Lucas explained that our critical areas ordinance applies only to areas with wetlands, frequently flooded areas, or areas with significant wildlife that could be wildlife conservation areas. At this time, a wildlife study has not been completed. If the Planning Commission believes that a wildlife study of the subject site should be completed, that requirement may be conditioned as part of the Conditions of Approval at the end of the staff report. He added that staff would suggest that a wildlife study be completed prior to civil plan approval.

Mr. Lucas stated that numerous comment letters have been received, which listed concerns in several broad categories, including:

- Geology/soils (steep slopes)
- Drainage
- Traffic
- Density
- Water
- Public interest
- Vehicle emissions
- Green space

Mr. Lucas recapped specific conditions recommended for this project:

- Prior to Civil Plan approval, a Geotech Report
- Prior to Civil Plan approval, a Drainage Report
- Prior to Civil Plan approval, a Water System Study
- Prior to Civil Plan approval, a Traffic Analysis of the intersection near North 11th Street/Oakland Street
- Prior to Civil Plan approval, an Archeological Survey
- Prior to Civil Plan approval, an Electrical Load Study
- Prior to Preliminary Plat approval by City Council, the applicant shall enter into a Developers Agreement for any on-site or off-site improvements as deemed appropriate by Staff, Planning Commission or City Council

Mr. Lucas stated that staff is neutral on this application. If the Planning Commission believes that the proposed Conditions of Approval adequately address the concerns outlined in the staff report, then the Planning Commission may move forward with a recommendation to City Council.

He outlined three possible options for the Commission to consider:

- Recommend approval of the Preliminary Plat (with 48 lots) subject to the Conditions of Approval
- Recommend approval of the Preliminary Plat (something different than 48 lots) subject to the Conditions of Approval
- Recommend denial of the Preliminary Plat as proposed

Chairman Mount asked if there were questions for staff. Commissioner Turbeville asked for clarification on the density comparison for adjacent neighborhoods. He commented that it looks like we are going to build twice as many houses on half as much acreage. Mr. Lucas said that these were significantly smaller lots than the neighboring parcels.

Commissioner Conrath asked about comments from the Cheney School District. Mr. Lucas said that he had reached out to the School District several times for comments on this proposal, but did not receive a response.

Commissioner Early asked about our water and sewer system capacity. Mr. Ableman explained that when we plan for utilities, we take into account the development potential of vacant land, so we have the system capacity to accommodate these houses. He explained that the existing mains are 6" and 8", and this project would add a 12" water main between the reservoir and up to the development to the north, improving their water capacity, as well.

Commissioner Jostad asked about the potential for ground-disturbing activities near the reservoir. Todd said that we will want to look at the foundations and do some test drilling. The required geotech report will look at the potential impacts of construction activities on the reservoir.

Commissioner Early asked about traffic capacity. The report said that Oakland, Elm and North Washington Street have sufficient capacity for this plat. Those are all rather large arterial streets. What about the neighborhood residential streets like Summit and Skyview? Mr. Ableman explained that the streets are 40' in width and are designed for two-way traffic, and they can handle several thousand vehicle trips daily. But every time we grow within the city, we want to look at intersections and how the additional traffic would cause delays, and whether the delays would impact the Level of Service. It is really a warrant process, where if you are sitting at an intersection for more than 4 minutes throughout the course of the day, that would cause warrants for installing something like a traffic circle or light. This proposal would add capacity, but we want to take a look at one of our failing intersections right now, at Betz and North 6th Street. As we add that capacity, we want to figure out what to do there, whether it might be a traffic circle or some other remedy.

Chairman Mount asked who would pay for that. Mr. Ableman said that we could apply for a TIB grant, although we have probably missed the application deadline for this year. As we grow north, if we don't identify grant funding, we could develop an engineering design and assess a traffic impact fee on future development.

Chairman called for comments from the public.

Robin Chabot, 607 Irene PL, stated that she was speaking on behalf of the neighborhood group, many of whom have written letters regarding this issue. She stated that she would make some opening remarks which are supported by the 71 signers of a petition which she presented to the Planning Commission.

Ms. Chabot stated that she would begin with why the current proposal of 52 lots is unacceptable, and would conclude with an alternate concept. She stated that the proposal of 52 homes does not meet Cheney's own policies, standards, or vision for land development. She cited three examples to support her point. In the Cheney Comprehensive Plan Chapter 3, Land Use and Related Policies, Policy 24 says that, "land use shall support the development of compatible infill housing in Cheney's neighborhoods." In the discussion, it continues: "Establishment of codes ensuring such development is compatible with the neighborhoods, and exploring what makes neighborhoods great places, and adopting appropriate standards that are flexible, consistent and straightforward yet achieve quality design." Ms. Chabot said that the signers of the petition do not believe this will be a great neighborhood, or be a quality design.

Ms. Chabot said that her second example comes from the Cheney Municipal Code, Title 22, Subdivisions. "The purpose of this title is to regulate land division and to promote public health, safety and general welfare in accordance with standards established by the City of Cheney and the State of Washington." She cited the purpose statement for the Subdivision Code as being "(1) to prevent the overcrowding of land; (2) to lessen congestion in the streets and highways; (3) to promote effective use of land and orderly growth;" and "(6) to facilitate adequate provision for water, sewerage, parks and

recreation areas...” Ms. Chabot stated that these provisions of the code are not met in the 52-home proposal.

Ms. Chabot cited section 22.12.090, which is the approval criteria:

- (1) Appropriate provisions are made for... open spaces... drainage ways... parks and recreation, playgrounds... sidewalks, and ... safe walking conditions.
- (2) The public interest will be served by the subdivision and dedication.
- (6) Improvements have been provided to protect future development from flood, inundation, or swamp conditions.
- (8) The proposal, at full occupancy, will not create a level of traffic that decreases the level of service for any street below the minimums set in the comprehensive plan.

Ms. Chabot said that much of Cheney’s R-1 zones are full of rentals, which can easily have 3-4 vehicles parked in the driveway, and also in the densely packed streets that would be seen in this development. She stated that the neighbors in this area are agreed that the public interest will not be served by approval of this proposal, and that allowing this proposal to move forward without significant changes violates Cheney’s own stated policies in the Comprehensive Plan and Municipal Code. She urged Commission members to visit the neighborhood and walk about the site. She felt it would greatly increase understanding of the setting and of their concerns.

Sarah Preisig, 911 Summit Drive, said that she provided a letter, so will not repeat those concerns. She has additional concerns about the lack of traffic study, and was surprised to hear Mr. Stirling say that cul-de-sacs would provide safer streets. She stated that a cul-de-sac should not have twelve houses on it. As designed, these are dead-end streets with 12 houses on them, that will probably have four cars each, because these will be rentals, because at \$400,000 each, we don’t have anybody in Cheney who can afford to buy those houses. She feels that we do need to have a traffic study, and we need to take into consideration that right now, we have roughly one third the resident student population of pre-Covid times. Any study you do right now will be skewed, because we don’t have the resident population that we had in 2019. But we will, in the future. All the students in the dorms along 9th and 11th Street park in this area. Once Covid is past and the student population rebounds, we will have a problem.

Ms. Preisig said that you are talking about a total of 3 new streets, plus Skyview and Summit on the other side, feeding into a 500’ span. That is a very high density of streets that will all funnel down onto 9th Street. That’s the definition of ‘bottleneck.’ She expressed concerns about the safety of children walking to school, and about the safety of drivers pulling out into those busy streets when it is time to go to work. She added that she also has concerns about impacts of all those cars on air pollution and noise pollution. Ms. Preisig invited members of the commission to visit the neighborhood and see for themselves how steep the street is.

Chairman Mount asked about traffic study, and why is one not being required. Brett explained that a Trip Generation Letter was completed, and it indicated that a traffic study is not required. We are requesting a study be done of the specific intersection at

Oakland and North 11th Street. He introduced Bill White, the City's traffic engineer, who is available to answer questions.

Bill White, T-O Engineers, 1717 S Russell ST STE 201, Spokane, said that his firm has done two things related to this project: a Trip Generation Statement, to estimate how much traffic is expected to be generated during weekday and peak hours by this development. That amounted to about 570 weekday trips, with about 50 trips in the morning peak hours, and 50 in the afternoon peak hours. The second thing was a comparison to the 2016 update of the Cheney Comprehensive Plan. He wanted to be clear that a specific traffic analysis was not done for this site because the volume levels were not approaching the standard set for requiring a traffic analysis.

Mr. White explained that, on a capacity basis, the collectors' and arterials' Level of Service (LOS) standards are not going to be impacted. From a local residential street tolerance standard, there might be a neighborhood expectation that is different from what you might define for the arterials and collectors. He suggested that for a local neighborhood, you might want to see 1,000 vehicle or less daily, and even with this proposed development, the numbers will be less than that.

The intersection analysis relates to both traffic safety and sight lines. He would not want to speculate about what that analysis might find, but recognizes that there may be a sight line problem. Mr. White said that he lives in Cheney, and he agrees that improved pedestrian and bike routes are needed. He has been glad to see improvements along Cedar Street, next to Hagelin Park. He added that TIB grant applications are due in August, and the local jurisdiction must come up with 10% of the project cost in match.

Mike Borysewicz, 425 Irene PL, said that they bought their house last August, but did not move in until December. One of the things they found attractive was that vacant land, which they assumed would not be developed because of the 30% slope. Shortly after they moved in, they received notice of the proposed Blackhawk Ridge development. He pointed out that there is a math error in the staff report which – if corrected -- results in a maximum of 46 lots which can be placed on the 9.11 acre lot, not 48 lots. He believes that is too many, based on the topography of the site. Mr. Borysewicz said that some of the slopes exceed 50% on the site, and the soils are classified as 'highly erodible' on the County's geohazard map.

Sherry Miller, 405 Irene PL, said that she sent a letter, and she wanted to speak to additional concerns beyond what were addressed in the letter. She lives on the corner lot at Irene Place and Oakland Street. She stressed that the soil settles, and her retaining wall settles. The property markers that were put in a year or so ago are right on top of her retaining wall. If there is not an easement to buffer the existing lots from the impacts of development, she is concerned about the loss of plantings at the edge of her property, along with the collapse of the existing retaining wall.

Krisann Hatch, 802 Irene PL, commented on the necessity of appropriate surveys on soil erosion and geological impacts. She was pleased to hear the City's recommended conditions, because this is a geographically unique area, with its topography and existing

clay foundations. Many homes along Summit and Irene Place have had significant issues with settling and cracks in foundations and walls. She and other neighbors have concerns about the settling becoming worse with the kind of construction and development that are proposed. She requested geotech monitoring before, during and after construction. The settling does not occur right away. This work should be performed by an experienced local, well-respected engineering firm chosen by a neutral party. She added that there is just one opportunity to get this right.

Valerie Shillinger, 701 Irene PL, said that she is concerned about impact of this proposal on local wildlife. The proposed density and lack of green space for wildlife habitat is a concern. She requested that the project be revamped to include a lower density and some accommodation for wildlife habitat. A wildlife study should be performed.

Matt Bogle, 924 Skyview, stated that has lived there 11 years. He thanked the PC for asking questions. Mr. Bogle commented that a 5,000 sq.ft. lot is very small. There are only a few lots that size in Cheney, and this proposal would be adding a large grouping of lots that size. The traffic coming down Summit has to deal with a steep slope, and the neighbors are accustomed to putting on chains at the bottom of the slope in order to get home. He said that he does not have an issue with development, but 52 lots or 48 lots or 46 lots, depending on how you do the math, is far too many. Why would we go to the extreme maximum density? He believes this area would turn into rentals, without a doubt. There are already rentals on Irene and Summit and Skyview; one of the rentals he is aware of is probably valued at \$550,000. It is a 6 bedroom house. If you can get \$600 per room, you can cover a pretty big mortgage.

Mr. Bogle said that the corner at the bottom of Summit Drive corner is a blind corner. If you are approaching it at any speed, there is the potential for bad things to happen.

Mr. Bogle asked why we are shooting for the minimum requirements? The minimum only gets you a "C" in school. Why aren't we looking at average-sized lots? When the average lot size of the two adjacent neighborhoods is closer to 10,000 sq.ft. or 12,000 sq.ft., this proposal is not compatible.

Elisa Rodriguez, 904 Skyview PL, said that she agrees with the concerns of the neighbors. She stated that the applicant has the right to develop this property, and it has been expected that it would eventually be developed. But she feels that the recommended conditions of approval are deferring most of the analysis until a later time. She noticed that most of the preliminary plats in the City of Spokane have geotech reports attached. She feels that this is a study which should be done at this time, to determine the feasibility of the subdivision. If you approve the subdivision and wait until later to ask for the geotech report, the applicant could very well say, "You have already approved this, you have to allow me to proceed, no matter what the geotech report says."

Ms. Rodrigues said that she also noticed that in the staff reports in the City of Spokane also make very clear that the applicant will pay for these studies and reports. She noted that our conditions, as proposed, refer to water system study being required, but there is no mention of who would be responsible for paying the bill for any improvements that

might be needed. Is the applicant going to pay the bill for these items? One of the conditions refers to grading on city-owned property where the water tower is located. She is not sure why a private entity would be allowed to do grading on city property. The condition which addresses the sidewalk on Oakland ST, which directly impacts one of the neighbors, could be amended to make it more specific to require the applicant to work with property owners which are not adjacent to the subject site.

Ms. Rodrigues said that has not heard anyone suggest that this hearing could be continued to a future date to allow all this information to soak in. She added that the Commission would be within their rights to continue this hearing to allow additional time for consideration.

Rusty Hallin, 819 Summit DR, stated that he is not anti-development, and in fact, he wanted to buy this land to develop. This is a beautiful site, with views of Mount Spokane to the north, and Steptoe Butte to the south. He asked Mr. Lucas if he had calculated the average size of lots immediately to the north of the subject site. Mr. Lucas said that he had not. Mr. Hallin stated that the largest lots in Cheney are located immediately to the north of this land, on Hillside Drive. When he was looking at this site as a developer, he estimated that he could get 18 houses on this site, at most, to fit the neighborhood.

Mr. Hallin stated that it is very steep off the back side of this site. He added that the estimated number of vehicle trips per day is 10 per house. So another 520 vehicles per day past your house isn't too bad, right? He said that he has concerns about the development of farmland, that you can grow food on. He would like to see the planners start focusing on developing scabland, where you cannot grow food. He added he has pictures of up to 13 mule deer grazing in the yard in this area. They're eating the gardens, so let's go ahead and get rid of the habitat!

Curt Critchlow, 816 Summit DR, handed out some flyers to the Commission. He said that nobody is suggesting this land should not be developed. They know there is a severe housing shortage in the city and in the region. But they feel that the Comprehensive Plan should be followed. He said that the original proposal by Mr. Emtman, with fewer houses and some green space, is much more appropriate for this site. It would address drainage, lower traffic volumes, and all of the other concerns which have been voiced this evening.

Mr. Critchlow said that he has been told that the City doesn't have funding to support another city park. Instead, he proposed that part of this site be retained as natural space, in combination with homes that are more fitting with the area in terms of lot size. Rather than sidewalks, pavilions and restrooms, this could be a natural area, similar to what has been done in downtown Spokane where the former YMCA building was torn down. He described a program in Salt Lake City where community residents could purchase a tree or bush, at a range of prices, and a landscape architect designed an open space, then the residents could come pick up the tree they purchased and plant it in the space designated for it. Some of the issues with erosion could be addressed by strategic plantings, and by lining the pathways with logs and using wood chips for the walking surface.

Mr. Critchlow noted that Eastern Washington University is converting 120 acres of their campus into native habitat in the Palouse Prairie Restoration Project. He believes there are grants available to help with something like this. If we don't take the opportunity to develop this area correctly, we will never have the opportunity to go back and add green space or a park. Mr. Critchlow said that Mr. Emtman's original proposal addresses many of these concerns, and for the surrounding neighborhoods and Cheney as a whole, this would be a great addition.

Mitchell David McNeill, 1009 Oakland Street, said that when this proposal came in, the soil was identified as silt loam. He said that he owns 30,000 square feet of this material, and experienced the soil moving when he replaced a sprinkler system on a 4 foot, 40 degree slope. It happened over a period of time, and created a sinkhole. He referred to the Natural Resource Conservation Service (NRCS) material that indicates this is considered a Class B soil type has high erodibility, and must be effectively stabilized by vegetation or some type of paving in order to keep it from eroding. He said this soil type has a tendency to hold a lot of water, like a sponge. When it is wet, it gets big, and when it dries out, it gets small. As this process occurs over and over, according to OSHA, it will weaken structures.

Mr. McNeill noted that some of the houses in this proposal have houses built into a 45 degree slope. Also according to OSHA, the maximum allowed slope for this Class B soil with greater than 20' in length is 45 degrees. For safety purposes, it is expected that the developer would exercise maximum measures to maintain safety, considering the proposal is pushing the maximum allowed slope within the building sites.

Mr. McNeill said that he also looked at lot sizes throughout Cheney. In Spokane, they have a zoning clause that requires lot sizes be at least 7200 sq.ft. if all the houses around are an average of 7200 sq.ft. He referred to the topographical plan and noted that for some of the lots, 50% of their property is comprised of 45 degree slopes. If this is being developed as starter homes for young families, but all the back yards are 45 degree slopes, with high erosion soils, where are the kids going to play? They'll end up playing in the cul-de-sacs. If we're developing all this land for families, why are the kids playing in the streets?

Mr. McNeill suggested that maybe some of this steeper land is supposed to be terraced, and not to be touched. Some jurisdictions would say that if you cannot touch the land, it should be subtracted from the 'buildable acres' calculation. That would have bearing on the number of houses that could be placed in this area.

Mr. McNeill encouraged members of the Planning Commission to go drive through the latest phase of Golden Hills to see the erosion that is occurring on the back side of the properties. This is clearly visible from Washington Street. He said the erosion is also clearly visible in the \$400,000 homes along Hillside Drive which are only 10' apart. People are buying gravel and dumping it on the sides of the houses or putting in culverts to drain the water. These are families that just moved in, and they are paying for the erosion that is already prevalent.

Tom Sherman, 928 Skyview PL, referred to page 14 of the staff report, on item 4 which refers to the geotech report. He said that his house is about 50 years old, built on clay, and there has been a lot of settling, with cracks in the foundation and driveway. He suggested that the following directive sentence be added: "The geotech report shall include on-site inspections and evaluation of surrounding properties within the 300' boundary to identify potential problems from any subdivision earth and compaction methods and activities that might exacerbate or worsen existing roadways, driveways, sidewalks and house structural/foundation cracks and settlement."

Mr. Sherman said that he was concerned that compaction activities will vibrate the ground and cause or worsen foundation and sidewalk issues. This geotech report cannot be a dry lab report. People have to come on site, and see what the problems are at surrounding problems.

Mr. Sherman referred to page 17 of the staff report where it talks about the bottom of Summit Drive and Irene Place. That hill is very steep, and is especially bad in winter. Coming down, that is a blind corner that should be examined in some detail. He suggested another directive statement be added to paragraph 7: "In addition, your licensed traffic engineer shall analyze the increased traffic on the bottom of Summit Drive and Irene Place." Mr. Sherman said that he is uncertain if these studies take into consideration that this is a college town with a fluctuating population. He added that he is concerned about the vision clearances at the bottom of Summit Drive.

Chairman Mount asked for testimony from participants via Zoom.

Juan Ybarra, 702 Irene Place, said that he wanted to comment on water issues. He stated that we still have the final phase of Golden Hills to be developed which will also impact our resources. He mentioned the fire flow and the lack of water pressure in this neighborhood, and said that he is concerned that without improvements to the water system, or even adding a booster station, we won't be in compliance with Washington Department of Health (DOH) requirements.

Mr. Ybarra stated that there are storm drain pipes which drain into this site. The City's reservoir has been here since 1970, and that's over 50 years. It's time that we start rebuilding our infrastructure so we're in position to serve the new construction that comes in. He would like to see the City take care of current residents by upgrading and fixing infrastructure, making that a priority before serving new development.

Barry Hicks, 601 Irene Place, said that he has lived there for over 40 years, and he is immediately contiguous to the proposed plat. He said that density is at the core of their concerns. Allowing the maximum permissible density would result in overcrowding and congestion, negatively impacts traffic and transportation, public health and public safety, water demand and supply, drainage and runoff. It would also result in increased rentals in R-1 neighborhoods, rather than owner-occupied homes.

Planning for maximum permissible density with minimum lot sizes on this geologically fragile and inherently unbuildable site would necessitate massive earth moving, cut and

fill, and destabilization of erodible soils. This would cause significant risk of persisting geohazards, due to steep slopes in excess of 30%.

Mr. Hicks said that the net densities and range of lot sizes of this project compared to neighboring subdivisions are clearly out of proportion. You only have to look at the plat maps to see this, both the developments to either side, and to the north. Compatibility with existing neighborhoods is stressed repeatedly in the City's Comprehensive Plan, and also in the Cheney Municipal Code. Compatibility is also stressed in the many comment letters received regarding this project. He stated that this plat is blatantly incompatible with the surrounding neighborhoods.

Mr. Hicks respectfully requested that this plat application, as proposed, be denied. He suggested that the way forward was found in the Comprehensive Plan, Chapter 8: "Data and input from the community indicate that neighborhood character needs to be preserved, protected, and expanded. Preferences are that all new housing should complement existing patterns and scale. To ensure that any new higher density growth does not compromise existing neighborhoods, the City should ensure appropriate transitions between lower and higher densities."

Mr. Hicks suggested that there would surely be better alternatives for development of this unique natural area that would be compatible with surrounding neighborhood densities, and which would be compatible with Comprehensive Plan Policy #46, "To expand and improve parks, greenway and open spaces." Such an alternative would greatly enhance the appeal of Cheney as a desirable residential community. He stated that a plan of that nature was described earlier by Mr. Critchlow, based on the plan originally proposed by Mr. Emtman.

Mr. Hicks suggested that whoever creates data defines the parameters for how the data is reported and analyzed. He urged that the required studies be provided by independent, scientifically qualified and credentialed, third party engineering entities, free from any appearance of conflict of interest. All costs should be borne by the developer, and not paid by the City of Cheney.

Trudy Weston, 608 Irene Place, said that she inquired of Mr. Lucas how it is determined who does the studies, and he said that the developer gets to pick their own consultants. She is shocked by the amount of development that is taking place in Cheney, and there is another large area near 6th Street and Mike McKeehan Way that is yet to be developed but has already been approved. Given that the studies might not agree that development should be continued, why is it that development is continuing?

Chairman Mount called for additional comments from the public, and hearing none, asked for responses or rebuttal from the project proponent.

Mr. Stirling noted that conditions for approval on the preliminary plat do not constitute approval to begin construction. The construction designs and studies all have to be completed and approved by the City before any construction begins. The approval of a

preliminary plat just gives the developer some assurance that if they meet the standards, the project will be allowed to proceed.

Mr. Stirling agreed that this is very erodible, very unstable soil, particularly when wet. They will recommend to the builder that under-foundation drains be installed. He added that the best thing you can do is cover these soils with asphalt, or cover with vegetation that is well-drained, not getting water under the road base. The geotech will be completely aligned with that, and they will probably offer more recommendations. They will actually go out and do core testing, looking for underground rock, or underground water on the site. They will address the off-site drainage that is coming into their site, as well as managing drainage coming off their site.

Mr. Stirling said that he was glad the neighbors brought up the original development proposal. He said that he and his client met several times with the City and could not come up with a way forward with that original plan. He said that as a developer, and a land owner, you don't do this for fun. It's not to break even. For the owner to not make any profit on 75% of the land is hard to swallow. There was some discussion about land swapping, but it could not be done in a timely enough manner. They had to move forward.

Chairman Mount called for discussion and deliberation.

Commissioner Early said that we need to respect Mr. Emtman's desire to develop his property, and the time he has put into planning this project. But we also need to respect the neighborhood's desire for compatibility with the existing neighborhood. He thinks that we should request the developer to modify his plans to be more congruent with the existing neighborhood, and with consideration of the development concerns that are outlined in the conditions for approval.

Commissioner Vibbert stated that he is pro-development, and pro-property owner rights. He has hired employees from Western Washington who are not able to find a place to live in Cheney. He believes that we need to provide additional housing options within the city. But he also thinks it needs to be compatible with what is already there. If it is substantially different, that is not fair for the people who already own property in the area. He said that he will make it a point to go walk that property tomorrow.

Commissioner Belock stated that she has concerns about the proposed density, and also the topography. She is a geologist by training, and recognizes that is very unstable in this area. She thinks that we need to modify what we will accept on this site, and would like to see something a little closer to 7,000 sq.ft., on average. She noted that particularly on Block 4, which is near the water tower, there is a lot of unstable ground there. She suggested that she would like to see that lower section nixed, and that way we don't have to deal with the blind intersection off Oakland. There's not as much earth to be moved, we still end up with the two cul-de-sacs coming in from Summit, and the connection with Irene. That way we don't have to move as much of that hillside, and don't have to come too close to the water tower, while still being able to maintain upwards of 30 lots.

Commissioner Turbeville said that he had a comment to make about these proceedings. He has lived in Cheney for 30 years, and has attended a lot of meetings, even prior to his time on the Planning Commission. He has never seen 32 people turn out for a meeting. And aside from representatives of the developer, he has not heard a single comment in favor of this proposal.

Commissioner Conrath said that she has lived here for 45 years and she is familiar with this area, and has walked it a lot. She understands the desire for additional single family housing, but at this density, this is more like an apartment complex than a single family neighborhood. She would also like to see a proposal that is more compatible with the existing neighborhoods. It is within the developer's rights to make money on the project, but we still have to take into consideration making it aesthetically pleasing in the community.

Commissioner Jostad agrees that this is a complex issue, but she worries about the unprecedented density, and with the issue of compatibility with surrounding neighborhoods. She said that when she reads the codes and the standards, this development complies with the standards, but this is why she is uncomfortable. She thinks the safety of Summit Drive should be addressed, and the issue of the steep slopes. She does not think this is the right development for this location, because it is not compatible with the surrounding neighborhoods. It checks all the boxes, but it doesn't have the support of the neighbors or the Commission. She said that doesn't mean as much to her because she is an engineer, and she likes to see numbers, and she likes things that are clear-cut. This project checks all the boxes, but she is uncomfortable with it. She feels there may be a deficiency in the code that allows this to check all the boxes.

Chairman Mount said that with his legal background, he wants to check the boxes: does it meet the code requirements? It seems to, except for one word: compatibility. There is no space for children to go out and play in the yard. He said that he went to high school in Cheney, and he returned to raise his family here. He sees the need for single family housing, but he cannot see that 5,000 sq.ft. lots are going to be appealing for families. To help visualize that lot size, that is the size of a 10-lane bowling alley, just the lanes. He just does not think this is the answer to the goal of bringing more families to live in Cheney. He thinks these will turn into rentals, and he is really not in favor of building more rentals in Cheney. He believes the land should be developed, but he would like to see more green space, and lots that are more consistent with surrounding neighborhoods.

Commissioner Turbeville made a motion to recommend denial of this preliminary plat for the following reasons: density, lack of any proper scientific survey of drainage, water supply, water pressure, and traffic issues. Seconded by Commissioner Early.

Commissioner Jostad asked if the reasons given are binding, because she is not supportive of the lack of scientific studies; she is not willing to penalize the developer for studies which have not been completed yet. She asked if they were voting on the third possible recommendation as shown in the staff presentation, for recommending denial of the preliminary plat as proposed. Chairman Mount said that was the motion, and Commissioner Turbeville's reasons for making the motion are not binding.

Commissioner Belock asked if the proponent could bring back an amended proposal. Chairman Mount said they could.

The motion carried, with Commissioners Turbeville, Conrath, Mount, Early, Jostad and Belock voting yes, and Commissioner Vibbert abstaining.

Election of Officers:

Commissioner Early nominated Rick Mount to continue as chairman. Commissioner Turbeville made a motion to close nominations; seconded and motion carried unanimously.

Commissioner Conrath nominated Jake Vibbert to serve as vice-chairman. Commissioner Turbeville made a motion to close nominations; seconded and the motion carried unanimously.

Commission Reports: None.

Staff Reports: Ms. Beeman reported that the Cheney Clean Sweep has been set for Saturday, April 23.

There being no further business, the meeting was adjourned at 9:09 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman