

**Minutes
Cheney Planning Commission
Regular Meeting**

May 14, 2018

Commissioners Attending: Vincent Barthels , Brian Mangis, Rick Mount, Daniel Hillman and Dan Turbeville.

Commissioners Absent: Kristine Williams and Vara Lyn Conrath .

Staff Attending: Brett Lucas, Todd Ableman, Shane Nilles 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 April 9, 2018 regular meeting were approved as distributed.

Citizen Participation: None.

Information Item: #2018-13
Main Street Program

This item was postponed to the June Planning Commission meeting.

Public Hearing: #2018-10
Code Consistency Update – Titles 21, 22 & 23

Chairman Barthels opened the public hearing at 6:01 p.m. Mr. Ableman explained that we have summarized proposed changes to Title 21, Zoning, Title 22, Subdivisions, and Title 23, Development Code Administration. He explained that the presentation would be a high-level overview of changes, but we can dig down to specifics, if requested.

Mr. Lucas explained that some of the changes are proposed to achieve consistency with state law. Other changes, such as adding a definition of ‘den,’ are to close loopholes that have allowed developers to avoid providing required off-street parking by showing a functional bedroom as something other than a bedroom on plans.

Mr. Lucas explained that state law now requires that charging stations be a ‘limited use.’ The commercial zone will no longer allow solely residential development; if someone proposes a residential development in a commercial zone, they will have to apply for a zone change. The proposed changes will quantify that a minimum of 20% of the building, or 25% of the site, must have a commercial use in order to qualify for the benefits of being labeled a ‘Mixed Use’ development.

These changes add the requirement for 1 parking space per bedroom back to the duplex standard, and correct some omissions that were made in previous codifications of ordinances. Mr. Lucas explained that we are reducing the ratio of required parking for high schools, from 1 parking space per employee to ½ space per employee, plus 1 parking space for each 4 gymnasium seats. We are also reducing the parking allowance reduction for providing bicycle parking from 15% to 10%.

In the home occupations section, we are addressing cyber-currency businesses in residential zones. Commissioner Mangis asked if the 5 kV threshold was a monthly limit or peak demand. Mr. Lucas said that he is not sure, but the number came from the Light Department Director. He will clarify and amend the text before it goes to City Council.

Mr. Lucas explained that Spokane County has adopted county-wide addressing standards, and we are adding a reference to Cheney following those same standards. Another proposed change sets the hearing examiner as the final decision-maker for quasi-judicial actions, with appeals directed to City Council. This should streamline the development process, shortening the time from application to decision. This also allows City Council to focus on policy, rather than on quasi-judicial actions.

Commissioner Mangis referred back to the cyber-currency section, and raised the question of how the City would find out about that use; how would we verify that power usage is from servers rather than a welder? Mr. Ableman explained that the intent of this section is to keep large commercial power users from popping up in areas where the infrastructure was installed with residential energy loads in mind. Unusual spikes or fluctuations in power usage are already investigated by power crews. Commissioner Hillman noted that, depending on the type of meter used, a server operation would show increased power usage 24 hours a day, when other uses would probably fluctuate during the times of day when the power was actually used.

Discussion continued. Commissioner Hillman made a motion to recommend approval of the proposed changes as presented for Title 21, 22 and 23. Seconded by Chairman Barthels; the motion carried unanimously.

Discussion Item: #2018-11
Building Code & Property Maintenance Code

Chairman Barthels opened the public hearing at 6:28 p.m.

Mr. Ableman explained that until now, the codes addressing buildings, fire safety and property maintenance have all been mingled together in Title 19. We are proposing changes to separate these titles into three separate chapters of the Cheney Municipal Code. He introduced Shane Nilles, Building Official, to explain the proposed changes.

Mr. Nilles explained that some of the proposed amendments are a result of organizational changes, such as moving the Building Department under the Public Works Director, and

Code Enforcement moving to the Police Department. Some of the proposed amendments are to avoid inconsistencies between the Cheney Municipal Code (CMC) and various state regulations.

Mr. Nilles explained that he is the City Building Official & Public Works Manager. He explained that Title 17 is an old code from 1964 that addresses gas work. In 2018, the State requires that we adopt the International Fire Code (IFC), which makes the CMC chapter redundant. He added that Title 17 is also outdated in terms of how we relate to gas utilities, such as Avista. This change will repeal the current Title 17, Gas, entirely, and replace it with a new Title 17, Property Maintenance.

Mr. Nilles explained that the new Property Maintenance title becomes the location where the International Property Maintenance Code (IPMC) is adopted. The new title also consolidates all property maintenance codes in one location for consistency and removes conflicts; defines ownership and responsibilities for buffer areas, such as divided sidewalks; and it creates an enforcement method for bank-owned property or properties in foreclosure. The new title also provides a process for abatement and reimbursement of costs incurred by the City.

Mr. Nilles explained that Title 18 is the Fire Code. The proposed changes relocate the adoption of the IFC pursuant to the Washington State Building Code Act, and remove duplications in standards. The amendments also remove unnecessary and outdated language, and restructure the chapter to be consistent with the new Title 17, Property Maintenance, and Title 19, Buildings.

Mr. Nilles explained that Title 19, Buildings & Construction, has been restructured, and the changes remove duplications due to revisions in Title 17 and 18. It adopts an addressing standard to be consistent with the rest of the Spokane region. Chapter 19.12 creates the ability to phase projects and grants authority for certain inspections to the Public Works Director, rather than the Building Official.

Mr. Ableman explained that under the International Building Code, responsibility for the inspections cover the building and up to about 2' outside the structure. The proposed changes give authority to the Public Works Director, and his designees, to inspect the type of material & connections to water and sewer service mains.

Mr. Nilles explained that chapters 19.16 and 19.18 are repealed, to remove duplication created by the adoption of Title 17. Chapter 19.20 updates the flood hazard ordinance to meet current Washington State Department of Ecology requirements. Chapter 19.22 has a small revision to how historic inventory properties are identified, and adds slightly stronger language regarding property maintenance standards for historic properties.

Chapter 19.28 updates park mitigation fees as we are required to do every 6 years. It also provides a change in how those fees are calculated. Mr. Ableman explained that, rather than basing the park mitigation fee on the cost to develop a new 5 acre park, it instead looks at the identified capital needs in our 6-year Capital Facilities Plan, and calculates

the park mitigation fee based on the number of additional residents that will be added to the community in the next 6 years.

Discussion followed. Chairman Barthels asked if these changes have been run by the Park Board and the Historic Preservation Commission. Mr. Ableman said they have not yet, but both are relatively minor in their impact on those boards.

Commissioner Turbeville noted that a these changes will resolve a lot of issues that have been problems in the past couple of years. Commissioner Mangis asked if Code Enforcement will be involved with water usage monitoring. Mr. Ableman said that there if we have critical water shortages, there will have to be someone to knock on doors. But to be proactive, the City has determined to promote a water conservation program, encouraging limitations on watering during certain hours of the day, and asking residents to water on an odd/even schedule, according to their address. As we have done in the past, our next resort would be to curtail or shut down park irrigation systems. By next year, we should have a new Well #3 online, and that is expected to address much of the shortfall we see during peak irrigation periods.

Commissioner Turbeville made a motion to recommend adoption of the code changes as described. Seconded by Commissioner Mangis, and the motion carried unanimously.

Public Hearing: #2018-12
Critical Areas Ordinance

Chairman Barthels opened the public hearing at 6:55 p.m.

Mr. Ableman explained that we contracted with Parametrix to review our existing Critical Areas ordinance and recommend changes, based on Best Available Science. Mr. Lucas added that the proposed changes include some updated definitions, and bring our code into line with current Department of Ecology standards.

Chairman Barthels said that he has some suggestions after reviewing the text provided in the agenda packet. He asked if we are intending the Planning Commission to be the appellate board. Mr. Lucas said that it should be the hearing examiner; he will make that change before it goes to City Council.

Mr. Lucas summarized this as a cleanup of our Critical Areas code, rather than a rewrite.

Commissioner Mangis made a motion to recommend adoption of the changes as described. Seconded by Commissioner Hillman, and the motion carried unanimously.

Commissioner Reports:

Commissioner Mount asked about the status of the variance request for the Cheney High School. Mr. Lucas explained that the hearing examiner approved the conditional use, but

denied the variance for the 58' auditorium height. The School District requested reconsideration of the variance request, and the hearing examiner denied it a second time.

At this time, city staff is proposing a zoning text change that will create a new Institutional Zone, with structure heights of up to 60' allowed with certain setback requirements. Mr. Lucas said that he expects to bring proposed zoning code text to the Commission in June for consideration.

Staff Reports:

Mr. Lucas said that there will be two items on the June Planning Commission agenda. One will be the text for the proposed Institutional Zone, and the other will be the 6-year Capital Facilities Plan.

Mr. Ableman reported that construction activity is picking up for the summer season. He said that infrastructure for the Golden Hills 5th Addition may be starting as early as June. The City is working closely with the Cheney School District to coordinate their plan to begin ground work as soon as school is out this summer, in order to have footings and foundation in before snow.

Commissioner Mangis asked about work going on near Salnave Glen on W 1st Street. Mr. Lucas explained that a house and some outbuildings have been demolished, but no plans have been submitted yet for new construction on that site.

There being no further business, the meeting was adjourned at 7:12 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Vincent Barthels, Chairman