

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

June 13, 2022

Commissioners Attending: Vara Lyn Conrath and David Early were present in person. Jacquelyn Belock and Natasha Jostad were present via Zoom.

Commissioners Absent: Jake Vibbert, Dan Turbeville & Richard Mount.

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

Councilmembers Attending: Vince Barthels.

Call to Order: Acting Chairman Conrath called the meeting to order at 6:04 p.m..

Approval of Minutes: Commissioner Early made a motion to approve the minutes of the April 11, 2022 regular meeting as distributed. Seconded by Commissioner Jostad, and the motion carried unanimously.

Citizen Participation: None.

Public Hearing: #2022-06
Amending Title 21 to Add Design Standards for Shipping Container Homes

Acting Chairman Conrath re-opened the public hearing at 6:06 p.m.

Mr. Lucas referred to the draft design standards which were distributed with the agenda packets, and described proposed changes which would allow shipping containers as a 'limited use,' to be used as personal residences in R-1 and R-2 zoning districts. He noted that the draft ordinance also establishes minimum design standards for such residences, including:

1. The home must be greater than 800 square feet in size.
2. The home must be placed on a permanent foundation.
3. Siding materials that are similar in appearance to a site-built residence. Existing metal siding of container could be acceptable if in good repair and maintained.
4. The container must be new or if used it must be clean and in good repair (no dents, rust) and must be painted.
5. Articulation. Include some building articulation through the incorporation through the following:
 - a. Vertical fenestration (windows) to give the structure a residential feeling;
 - b. Varying roof lines (this could include varied building heights (flat roofs), stepped roofs, and gables);

- c. Balanced arrangement of window patterns;
- d. Projecting or recessed architectural elements including windows and doors; adding visual depth and character to the structure.

Mr. Lucas showed photos of shipping container homes which would meet the design standards, and discussion followed.

Commissioner Early asked if the 'limited' in 'limited use' refers to the code, or to a limited number of these structures being allowed. Mr. Lucas responded that allowable structures would be limited to those which meet the design standards. Commissioner Early asked if other design standards would still apply. Mr. Lucas said that they would. Homes constructed of shipping containers would still have to meet all the requirements of the International Building Code including engineering, energy code, etc.

Commissioner Early asked if we enforce the paint condition requirement on stick-built homes. Mr. Lucas said that historically, we do not, but under the International Property Maintenance Code, which the City has adopted, we could enforce standards for paint condition.

Commissioner Conrath asked if the structure is substantially dissimilar to the existing neighborhood, can it still be built? Mr. Ableman explained that staff is recommending design standards to be adopted. He added people would not be allowed to just place a shipping container on a lot and then live in it. They would have to modify it to meet the building code requirements for egress, energy conservation, and other conditions to make it habitable.

Commissioner Conrath asked if there are contractors who specialize in this type of construction. Mr. Ableman said that he is not aware of any locally. This type of project is new to us.

Commissioner Early commented that there is a shipping container home going in up in North Spokane. How is the City of Spokane handling this? Mr. Lucas said that he will have to look into that. He added that if these code changes are adopted, the neighbors will not have anything to say about the design or siting of this type of structure.

Councilmember Barthels noted that a permanent foundation is referenced in the draft ordinance. The photos provided look like concrete, slab on grade. Are there other types of permanent foundation that could be allowed? Mr. Ableman answered that the building code would determine what that permanent foundation would consist of.

Commissioner Early commented that the only person who has to worry about this type of housing is the one who has a vacant lot next to him.

Chairman Conrath asked if there were additional questions or comments. Commissioner Jostad made a motion to recommend approval of the draft ordinance was presented. Seconded by Commissioner Belock. The motion carried with Commissioners Belock, Jostad and Conrath voting yes, and Commissioner Early voting no.

Robyn Taudin-Chabot, attending the meeting via Zoom, asked for clarification on how many members of the Planning Commission are present. Chairman Conrath answered that two commissioner members were present in person, and two were attending via Zoom.

Information Item: #2022-08
Overview of Upcoming Projects

Mr. Lucas gave an update on upcoming projects. He noted that the Capital Facilities Plan is going to City Council this week for the first reading of the ordinance which would adopt the plan. Staff is working with the developer for the Blackhawk Ridge project to make some revisions to the plan, with fewer lots, before it goes back to City Council for a decision.

A new preliminary plat application for Golden Hills 6th Addition is expected this summer. For the Parkside 2nd Addition, we have received a revised preliminary plat and civil plans. For View Acres 5th Addition, we are expecting a final plat application this summer.

Mr. Lucas said that there is a proposal for a mixed use plan to re-do the trailer park north of BiMart. Commissioner Early asked who the developer would be for that project. Mr. Lucas said that the property owner, Todd Tarbert, is bringing that project forward.

Mr. Lucas reviewed other projects that he is aware of, including a possible expansion of the Cheney Medical Clinic, and construction of another duplex or triplex at the University Place Apartments. He added that the Brewster Hall 20-year lease to EWU is nearly up, and the University is not sure they want to stay in the property management business. There is a possibility that the Brewster building will become a non-university rental situation.

Staff is working on language for some code changes, and a possible land swap to remove some land from the Urban Growth Area at the south side of town, and add some at the north end. We are also working on a draft ordinance for using shipping containers as residential structures, and a possible text amendment to move preliminary plats from Planning Commission review to the Hearing Examiner process, leaving the Planning Commission free to focus on text amendments and map amendments.

Mr. Lucas added that we are also putting together an RFQ/RFP for planning consultant services, and looking at cost recovery options for larger projects. There is some discussion about a possible comprehensive plan amendment to change land use from Industrial to Multi-Family for some land at the south end of town.

Information Item: #2022-09
Preliminary Plat / Final Plat Process

Mr. Ableman explained that in the 1990s we received preliminary plat applications for approximately 396 lots. We are still building out the last phases for the Golden Hills preliminary plat. There can be several years between review of the preliminary plat and submittal of the final plat application, so he felt it was a good time for a refresher on how the process works.

Mr. Ableman reviewed the plat process, and noted that RCW 36.70B.060(3) allows no more than one consolidated open record hearing and one closed record appeal. For the recent Blackhawk Ridge preliminary plat, the public hearing was held before the Planning Commission, and all public comments were collected at that level. After the public hearing, the record must be compiled and forwarded to City Council within 14 days. The City Council consideration of the 'closed record' and the Planning Commission's recommendation can result in agreement with the recommendation, or if they deem a change is necessary, they can adopt their own recommendations and approve or disapprove the preliminary plat. But they cannot accept any new evidence during their review; the decision must be entirely based on the record generated at the Planning Commission level.

Mr. Ableman reviewed CMC 23.120.020 and explained that appeals of preliminary plat and final plat decisions must be made to Superior Court..

Mr. Ableman noted that a preliminary plat is a neat and approximate drawing of a proposed land division. It is a two dimensional drawing over land to represent dividing land into lots. But there is a lot that is not known at the time of preliminary plat consideration, things like soil conditions and wetlands.

A final plat means the diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division prepared for filing for record with the Spokane County Auditor. The final plat is the point at which a developer provides everything that is required regarding construction of that development.

At the time of preliminary plat, the parcel lines are presumed to be approximate. Lots cannot be sold just because a preliminary plat has been approved, because legally, the land is still one big parcel. It is not divided into smaller lots until the final plat is approved and filed. Once the preliminary plat has been approved, the developer can begin the construction process to build streets and sidewalks and install water and sewer infrastructure. Those things can be fully constructed and approved by the City, or the developer may construct part of it and bond for the remaining improvements.

Once the final plat has been approved and recorded, then parcel numbers are assigned, lots can be sold, and structures may be built.

Under the City's subdivision code, since 2015, a final plat must be filed within 5 years of preliminary plat approval, with limited opportunities for time extensions. Mr. Ableman explained that construction must meet the City's adopted engineering design standards for streets, grading, utilities and stormwater. Their construction plans must be drawn by a civil engineer, and reviewed by the City's engineer. If they want to use any process or material which is not already approved in the design standards, there is a process for requesting a variance. The standards for grades, cuts and fills, utilities and stormwater are all set forth in the City of Cheney Engineering Design Standards.

Mr. Ableman explained that there is a certification process, and the developer provides all applicable reports and drawings to the City. After inspection by the city engineer, if everything checks out, and before final plat, the developer provides a warranty bond that covers two years.

Mr. Ableman explained single family lot size versus density goals in the zoning code. He added that the only place we have 5,000 sq.ft. lots is in the older section of town where we have 50' x 100' lots in a grid configuration. He showed a diagram which represents a typical 5,000 sq.ft. lot with 20' front and rear yard setbacks, and 5' side yard setbacks, which leaves a buildable area of 40' x 60', or 2,400 sq.ft.

Mr. Ableman gave an update on the Blackhawk Ridge proposal. The developer is asking for an opportunity to adjust his preliminary plat prior to final City Council consideration. His original configuration called for 52 lots, and under our density formula, the maximum allowed would be 48. His revised proposal calls for 34 lots, and details are in the City Council agenda packets for tomorrow night.

Commissioner Early asked if the lot sizes are changing in the Blackhawk Ridge. Mr. Ableman explained that City standards for cul-de-sacs required some changes. Those have been redesigned as a loop road, and there is dedication of 2.4 acres around the high tank for city purposes. He also did not propose an intersection at Oakland, so there are two houses right off Oakland, instead.

Ms. Taudin-Chabot stated that she added all the lot sizes in the current proposal and the average lot size is now 6,522 sq.ft., which is less than the 7,000 sq.ft. Is that not how it is calculated? Mr. Ableman referred back to the density goal of 6 units per acre, which works out to approximately 7,000 sq.ft. lots. The minimum lot size allowed is 5,000 sq.ft. He emphasized that lot sizes are a separate thing from density.

Chairman Conrath asked if the proposed plat revision includes any open space. Mr. Ableman said that it does, but it would be natural area, not a developed park.

Commission Reports: None.

Staff Reports: Mr. Ableman reported that the City is currently sealing with a lot of water, saturated ground, and related issues. The City recently received a grant for 100

kW solar panels at the Wastewater Treatment Plant. This will be comprised of three banks of panels 150' in length, with an estimated energy savings of \$6,000 annually.

Chairman Conrath asked about Clean Sweep. Mr. Ableman reported that we had a successful cleanup event in April. The drive-up disposal site was not overly busy, although there was steady customer traffic. He suggested that we are finally getting the backlog of garbage dealt with. This year, there was a large volume of household hazardous waste collected. He added that we have signed an agreement with the City of Spokane for year-round disposal of household hazardous waste at the Geiger Waste to Energy facility.

There being no further business, the meeting was adjourned at 7:02 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman