

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

August 9, 2021

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

Commissioners Absent: Dan Turbeville and Daniel Hillman.

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.

Minutes: Commissioner Conrath made a motion to approve the minutes of the June 14, 2021 regular meeting as distributed. Seconded by Commissioner Early, and the motion carried unanimously.

Citizen Participation: None.

Public Hearing: #2021-08
Zoning Map Amendment – R-2 to R-1 in Clover CT/W 6th ST Area

Chairman Mount opened the public hearing at 6:03 p.m.

Mr. Lucas reviewed the zoning map amendment process and criteria for approval of a map amendment. He described the proposal to rezone approximately 12.07 acres of land from R-2, Duplex, to R-1, Single Family Residential, and reviewed the project timeline. Mr. Lucas showed photos of the undeveloped portion of this area, and showed a land use map and zoning map of the area.

Mr. Lucas reviewed applicable goals and policies from the Comprehensive Plan which relate to this proposal:

Goals:

- 1 Grow and sustain a balanced, resilient economy for Cheney, providing community prosperity and fiscal health.
- 5 Keep Cheney’s neighborhoods safe, vital, and attractive.

- 7 Plan for and establish types and quantities of land uses in Cheney supporting community needs and the City's long-term sustainability.
- 17 Involve the community of Cheney in all local government planning and decision making.

Policies:

- 24 Support the development of compatible infill housing in Cheney neighborhoods.
- 26 Encourage a wide variety of residential building types in neighborhoods, consistent with community needs and plan objectives.
- 31 Promote land use and growth patterns that ensure all residences are within walking distance of civic and service amenities.
- 38 Maintain land use strategies favoring growth within the existing urbanized area over the development on the perimeter, promoting infill, limiting sprawl and helping the City provide affordable services.

Mr. Lucas stated that based on the goals and policies cited, this application meets the overall intent of the Comprehensive Plan. He noted that all of the lots located within the geography of the requested zone change have been developed as single family homes. Four vacant lots have recently been purchased and the new owner has applied for permits to build duplexes on these lots.

Mr. Lucas reviewed the zoning history of this area. It was annexed into the city in 1956 and developed as single family homes. In 1966, with the City's first zoning map, this area was designated as R-1, Single Family Residential. In 1980, after most of the lots were already developed, it was rezoned to R-2. He contrasted the density of the R-1 zone of 6 units/acre with the density of the R-2 zone, which is 9 units/acre. He noted that the comprehensive plan designation of General Residential allows for both R-1 and R-2 zoning.

Mr. Lucas reviewed development standards for the R-1 and R-2 zones, and criteria for approval of a zone change. Criteria #1 is that the amendment is in response to conditions that have changed since the existing zoning designation was assigned. Changed conditions may include public opinion, land use patterns, or the site itself.

Mr. Lucas noted that the area was rezoned to R-2 in 1980, when many EWU faculty were living in the area, and may have leased out bedrooms or a basement for supplemental income. Over the years, public opinion in terms of single family or duplex development has ebbed and flowed. According to the applicants, currently a majority of residents in the proposed rezone area believe the single family residential character of the neighborhood is threatened with investor-focused development projects for rental development (along W. 5th Street), and not home ownership opportunities.

Criteria #2 is that the zone map amendment has a substantial relationship to the public health, safety, morals or welfare of the community. Mr. Lucas stated that the area encompassed by the map amendment is largely owner-occupied, with a few rentals. Residents in the area believe that the future development will most likely cater to EWU students, and may result in an increase in behavioral issues such as parties, public alcohol consumption, unkempt properties, and vehicles racing through the neighborhood, which are often typical of college students.

Criteria #3 is that the map amendment conforms to the Cheney Comprehensive Plan. Mr. Lucas noted that there has been a noticeable 'EWU staff flight' to Spokane for better housing options or family environments. He added that the City has historically not done a great job in helping maintain neighborhood character when higher density developments come into Cheney. He suggested that architectural and design standards would help minimize the chances of a monolithic duplex development in this neighborhood along W. 6th ST, which could change the overall neighborhood character.

Criteria #4 is that the applicant should explain how sound and sight buffering will be provided between land uses when they are residential in nature. Mr. Lucas said that this criteria is not applicable, as the existing Comprehensive Plan land use designation is low-density residential, which allows either single-family or two-family (duplex) residential development.

Mr. Lucas stated that at the time of mailing the agenda packet, three comment letters had been received and were included in the agenda packet. After that date, eight more comment letters have been received, and were provided electronically to members of the Planning Commission. He noted that all the comment letters received have been in favor of the proposed rezone.

Mr. Lucas concluded by recommending consideration of this application, as rezoning this area to single-family residential would allow the existing neighborhood character to remain largely intact. He added that the proposed zone change by the applicant is consistent with the City's Comprehensive Plan. He added that the proposal should not have a significant impact on the health, safety and general welfare of the surrounding area providing that there is compliance with state and local laws, regulations, and the attached conditions of approval.

Chairman Mount reviewed the process for public testimony, and called for public comment, asking that individuals limit their comments to 5 minutes.

Doris Munsen, 720 Clover CT, stated that she supports the rezone request. The purpose of the rezone application is to preserve the family-friendly character of the neighborhood. She noted that our Comprehensive Plan decries 'staff flight' and calls for preservation of family-friendly neighborhoods. She stated that the proposed rezone area is still primarily owner-occupied, and more closely resembles the R-1 zone to the west than the R-2 zones to the south and to the east. She stated that single family homes are in demand in

Cheney; when they come on the market, they are sold within a few days. According to Realtor.com, the average time for multi-family homes on the market is 110 days.

Benji Estrellado, 608 W 5th ST, stated that he opposes the rezone request. He moved in to this neighborhood 14 years ago, and knew he was moving into an R-2 neighborhood. He expected that duplexes would be built in his neighborhood, and there is a need for R-2 lots in Cheney. He stated that duplexes are becoming an affordable option for non-students.

Mr. Estrellado stated that this application was not submitted by the Folsoms, who own the remaining undeveloped land within the proposed rezone area. He stated that they have a buyer for the remaining 2.6 acres of undeveloped land, and that the buyer wants to develop the remaining land as duplexes. Mr. Estrellado said that in the last month, his office was involved with 4 duplex sales, and that 3 out of 4 will be owner-occupied. He added that it is not just students living in duplexes. He believes that we need to have a balance of housing options available,

Mr. Estrellado said that he moved here in 1985, when EWU was primarily a commuter college. It has become a full-fledged college town. We are “Cheney, Home of Eastern Washington University.” He has raised his family here, and he know the kind of activities that come with students living nearby. He believes this is just part of being a college town. He added that Gary Geschke, Gordon Finch and others have lots available for single family development, but there are no other areas of this size available for duplex development. He believes we need to provide the option of duplexes.

Lon Ottosen explained that he and his wife, Terri, are professional planners who were asked to look at this issue by the Folsoms, owners of the remaining undeveloped land within the proposed rezone area. He shared a screen with a presentation to illustrate his remarks.

Mr. Ottosen said that not all property owners that will be impacted appear to favor the rezone; only about 60% of the affected property owners signed the petition. Mr. Ottosen said that the neighborhood is much larger than just the area proposed for rezone. He felt the ‘neighborhood’ should be defined by major streets, such as Washington ST to the east, and Salnave Road to the south. Once you define the neighborhood differently, you see more of a mix of single family and duplex dwellings.

Mr. Ottosen displayed a map illustrating that the rezone area is not all owner-occupied homes, and stated that single family zoning does not ensure owner-occupied housing, attractive housing, or absence of rentals. Mr. Ottosen said that east of Lincoln, on W 5th Street, there are several duplexes that are attractive and really enhance the community. He said that the trend is for someone to buy a duplex and live in one side of it while renting the other. That situation tends to regulate the behavior of the renters because the owner is on site to deal with behavioral issues.

Mr. Ottosen reiterated that R-1 zoning does not ensure owner-occupied, attractive housing and no rentals. Nor does R-2 zoning mean absentee ownership, unattractive

housing, and loud, partying renters. He added that down-zoning is not the appropriate method to achieve design standards.

Mr. Ottosen stated that only about 2.5 acres of R-2 land is available north of SR-904 and within the core of the city. Approximately 50 acres of R-2 land is available across the railroad tracks, on the outskirts of town, and that seems as if you are trying to segregate students and lower-income residents. He added that approximately 160 acres of R-1 is available throughout the city. He said that down-zoning limits housing choices, and pushes students and renters out of town and across the tracks.

Mr. Ottosen stated that the proposed rezone action wrongly impacts one property owner, as the Folsoms own the entire undeveloped R-2 land which remains. The four parcels immediately adjacent to their property have been purchased and their owners are moving forward with plans to build duplexes on them. That leaves one remaining property owner to bear the financial burden of the zone change.

He added that the Folsoms have a long history in the Cheney community, and Dr. Folsom retired several years ago after a 45-year career at EWU. They have been residents of the Clover Court neighborhood for 40 years, and members of a local church for 30 years. They have participated in neighborhood cleanups following the 1980 Mt. St. Helens ashfall, participated in penny drives for at-risk children, cold water giveaways at Cheney Rodeo, and SR-904 cleanups. Those are just a few examples of what active, generous, beneficial members of the community they are.

Mr. Ottosen said that they believe the rezone should be denied because it is not consistent with Cheney's Comprehensive Plan, and it does not comply with Washington State's Growth Management Act (GMA). They believe the neighborhood was actually developed as R-2 with a variety of housing types. A zone change would reduce affordable housing options in the community. Four parcels in the rezone area have current building permits to build duplexes. And the rezone would unfairly and arbitrarily impact one property owner.

Maria Braun stated that she is one of the owners of the four parcels on W 6th Street, and she urged the Commission to vote against rezoning the property to R-1. She said that the staff report acknowledged the 'staff flight' of EWU employees to Spokane. With the current housing situation in Spokane, it is important to retain multiple housing options in Cheney in order to meet Goal #1 of the Comprehensive Plan.

Ms. Braun suggested that the applicants for the rezone proposal may be making some assumptions about a monolithic duplex development which could be built on the vacant land. She stated that their plan is to build duplexes which will be complementary to the existing neighborhood, and would cater to working EWU staff and professionals. She suggested that the City has already taken action to expand flexibility for developers by allowing a 3rd unit to be placed on 5,000 sq.ft. lots in R-3 zones. This rezone, if approved, would decrease opportunity for needed additional housing.

Terri Ottosen explained that she has reviewed policies in the Growth Management Act and the City of Cheney's Comprehensive Plan, particularly Goal #4 of the GMA, which deals with housing. She said that if approved, this rezone would reduce potential housing in this area by approximately 6 units.

She cited Goal #6 of the GMA, which relates to the rights of property owners. She said that this action, as presented, appears to be arbitrary and discriminatory, as it seeks to prevent the monolithic duplexes and the activity associated with college students coming and going. Ms. Ottosen said that the staff report states this area is primarily single family households, but she said that she can walk 2 blocks down the street and find both duplexes and also multi-family households. The lines in this neighborhood are not drawn by ordinance or resolution, but are carefully drawn to include only single family households.

Ms. Ottosen provided a definition of exclusionary zoning, and said that the final decision on whether this is exclusionary would be in a court of law, but on the face of it, it seems to be an effort to shut out the college student population, which is almost one half the population of Cheney. She stated that college students often live on poverty wages, so they would be the ones benefitting from this affordable housing.

Ms. Ottosen said that this rezone essentially affects only the Folsom's property. It essentially decreases the Folsom's property value by approximately 30% to 40% as raw land, and if he wanted to use it for its highest and best use, it would still decrease the value by 30% to 40%. She said that this is not respecting the property rights of landowners.

Ms. Ottosen said that the Cheney Comprehensive Plan, adopted in 2017, has several policies which do not support this type of zone change. The vision section calls for Cheney to retain its small town and 'collegiate' feel. Policy #26 says that Cheney should encourage a wide range of building types in neighborhoods. She added that EWU has been part of Cheney since 1882 and will continue to be an important part of the community, and this should be considered when making these types of zoning decisions.

Ms. Ottosen cited other policies from the Cheney Comprehensive Plan which lean toward encouraging a variety of housing types, not restricting housing options, as this proposal would do.

Ms. Ottosen said that this rezone proposal is not consistent with the overall planning goals of the Growth Management Act or with Cheney's Comprehensive Plan. It does not serve EWU's student population, which comprises about 40% of the community, and is expected to grow by 20% over the next 10 years, according to EWU's Comprehensive plan. The rezone could be an exercise in exclusionary zoning, and it could be considered discriminatory toward the rights of a single property owner, Mike Folsom.

Jerry Call, 710 Clover Court, said that he has lived here for 10 years. He felt the majority of the testimony tonight has been from a couple of realtors whose job it is to sell properties. He said that nobody would ever question the Folsoms' character, they are

wonderful neighbors. But as far as individuals' rights, there is also the case of people who have made an investment in their property.

Mr. Call noted that the staff presentation cited 70% owner-occupied housing in 1970, with 30% rentals, and said that ratio has flipped since 1970. We are now at 30% owner-occupied housing, and 70% rentals. If you look around Cheney, there are already a wide variety of housing choices available.

Mr. Call said that Mr. Ottosen's presentation indicated that 60% of the residents within the rezone area had signed the petition, and that is a significant majority. As far as people who did not sign, perhaps it is because they are renters, and they are not showing much interest because they are not here permanently.

Mr. Call said that he heard mention of owner-occupied duplexes, but has not heard any percentages. Again, most of the presentation tonight has been testimony from realtors and he suggested that some of the letters received from neighborhood residents who were signers of the petition should be read, as well. He agreed that Cheney is a college town, but suggested that it is also more than a college town.

Chairman Mount commented that he had read the letters provided by the neighbors, and all the board members had read them, as well, and he thanked Mr. Call for his comments.

Paul Hajek, 703 Clover CT, said that he was not a signer of the rezone petition because he was out of the country when it was circulated, but he supports the rezone. He has been a homeowner in this neighborhood for over 15 years. They searched a long time to find a neighborhood that was mostly owner-occupied, and mostly single family.

Mr. Hajek said that development of duplexes as rentals would definitely change the neighborhood. Students do have parties, and they do make noise. He noted that one of the photos of a duplex in Mr. Ottosen's presentation was a nearby rental that has been the site of numerous parties, large gatherings during the pandemic with no masks on, and it is just a couple of blocks away from their neighborhood. They chose this neighborhood as a good place to raise children, and they don't want loud parties in the middle of the night, or cars racing in the streets. He said that this is a question of community standards, and what the residents of this neighborhood want is to retain the character as it is.

Carol Miller, 624 Clover Street, said that she and her brother have lived here since 1967. They support the rezone to maintain neighborhood character. One of their biggest concerns is limited access to Buena Vista and W 6th Street, if duplexes are built there. Both these streets end here, with no through access. Will there be sufficient access for emergency response vehicles, and where will all the cars park that belong to the people who live there? She added that she shares the concerns expressed by others about how adding in a mix of rental units will impact the social and cultural aspects of the neighborhood. She feels that it would impact them if higher density housing was built nearby.

Steve Miller, 624 Clover Street, said that he wanted to correct some factual errors that were mentioned earlier this evening in Mr. Ottosen's presentation. He heard Mr. Ottosen say that this neighborhood was developed as R-2, but that is not correct. Instead, it was built in the 1960s as single family homes with an R-1 designation. He also heard Ms. Ottosen say that this change would be incompatible with the Cheney Comprehensive Plan. He does not believe that is accurate. There are duplexes east of Lincoln ST, on W 5th, and they are party houses. He understands that this is a college town, and kids like to party. But as he walks in the neighborhood near those duplexes, he sometimes sees needles on the ground, which are indications of drug use. He and his sister are very concerned about access to the lots at the end of Buena Vista and W 6th Street.

Heidi Hillman, 720 Buena Vista ST, said that this part of town is often called, 'the old part of Cheney.' At one time, many faculty from EWU lived in this area. She was presenting on the topic of 'staff flight' before the Planning Commission 3 years ago. She and her students canvassed neighborhoods, and the majority of respondents indicated that most EWU faculty live in Spokane, on the South Hill, because that's the 'community' that is nearest to Eastern. They found that the respondents who lived farther away from campus were happier with their living situation, and the ones living closer to campus were less happy. They observed that the homes closer to EWU were rentals, and homes farther away tended to be owner-occupied.

Dr. Hillman indicated that they also surveyed EWU faculty about their housing choices, and again the term 'community' was common. She defined 'community' as a group of individuals who are connected to each other by attributes, who share common characteristics. She suggested that this is more substantial than just shared geography. An example of that would be the Golden Hills neighborhood, which is our 'family neighborhood.' People who move to Cheney know that if you want to live near other families, you move to Golden Hills. The older population lives near the High School. The Clover Court area is known as the older section of town, where long-time residents live. She suggested that being part of a community is something indescribably lovely, where you share characteristics with others.

If you want Cheney to develop more of a sense of community, if you want more employees of the University to choose to live here, you need to allow for neighborhoods which have a sense of identity. Dr. Hillman said that it was notable that so few employees of Cheney's largest employer live in Cheney. It is because of community, because they find more of their own community in Spokane, or in Geiger Heights.

Dr. Hillman said that you have a neighborhood which is asking for help in keeping its character as a single family, family-friendly neighborhood. This is where the Planning Commission has an opportunity to put the Comprehensive Plan into action. Are the voices of developers, who live outside of Cheney, going to be given more weight than the voices of neighbors who actually live here every day?

Megan Newton, 736 Clover Court, said that she supports the rezone. The reason she chose to buy that home in 2018 was because of the family feel of this area. It was hard to find a place to purchase in a family neighborhood. She agrees with what previous

speakers have said about a sense of community. Right now the real estate market is hot and it is very hard to find affordable housing for families.

Diana Stuart said that she is an owner of one of the 4 new lots on W 6th Street. She said that many EWU faculty cannot find affordable housing in Cheney, either to purchase or to rent. She said that many retirees are moving to Cheney, and many young professionals. It is about 20% cheaper to purchase in Cheney. Generally our population grows at around 2% per year, but right now, the increase is close to 10%.

Ms. Stuart said that according to Realtor.com, Cheney has a population of around 11,500 people, and during the school year, around 14,000 more people live in Cheney. When we are talking about affordability, it should be affordable for students, too. Ms. Stuart said that she does not know who will be living in these duplexes, whether they will be faculty or students or families, but she said that Realtor.com indicates that 20% of students have a hard time finding a place to live.

Ms. Stuart said that the Folsom property is 2.5 acres in size. If single family homes were built, there could be 6 units per acre. If duplexes are built, there could be 9 units per acre. She said that keeping the R-2 zoning would benefit not only the Folsoms, but also the future population of Cheney, as well.

Chairman Mount called for additional public comment. Mr. Lucas offered a caution that the Zoom meeting was set up to run until 7:30 p.m., and he was not sure if additional time would be allowed, if the meeting were to run past 7:30.

Chairman Mount asked Mr. Lucas to make arrangements to extend the meeting, and he asked for additional comments from the public. Hearing none, he closed the public hearing at 7:23 p.m. and called for discussion by members of the Planning Commission.

Commissioner Conrath referred to the comment letter from the Folsoms and asked about their comment that they had proposed a zone change in 2017 from R-2 to R-1. Was there a reason that the Commission did not consider that request?

Mr. Lucas responded to the question, and said that when the Folsoms learned the cost of initiating a zone change, they opted not to move forward with the application. The request never went as far as the Planning Commission.

Commissioner Conrath asked if there are any plans to make a street at the west side of the Folsom property. Mr. Lucas said that at this time, there are no plans for additional streets.

Commissioner Jostad asked if there are any legal ramifications to the City of changing the zoning while there are applications in for building permits? Mr. Lucas answered that the applicants have already submitted complete applications, so they are vested for construction of duplexes on the four lots on W 6th Street. The only vacant land in question is the 2.5 acre tract which needs to be subdivided before permits may be applied for.

Commissioner Early noted that he just received a 'low battery' warning, and if he leaves, he will rejoin the meeting immediately from his cell phone.

Commissioner Vibbert clarified that the four lots along W 6th Street are vested with duplex permits at this time. He said that he is in favor of keeping the flexibility of R-2 zoning so close to the University. He said that he also lives in an R-2 zone, so he understands some of the challenges posed, but he is in favor of flexibility for development.

Commissioner Conrath commented that the blocks adjacent to Washington have duplexes and tiny houses, so it's not like this is a new thing in the area.

Commissioner Jostad asked for clarification on the location of the four lots which have pending building permits for duplexes, and the 2.5 acre parcel. Mr. Lucas showed the location of those lots on the map.

Discussion continued.

Chairman Mount said that he understands the drastic changes that have taken place in Cheney in recent years. When he was in college here, it was in the era of 70% owner-occupied housing stock, and he estimated that 70% to 80% of his professors lived in Cheney. He does not believe the neighborhood, as defined here, extends all the way to Salnave, as suggested by Mr. Ottosen.

He wants to see a variety of people come to Cheney and stay. Renters come and go. He would estimate that the majority of duplexes in Cheney are not owner-occupied. If they are owner-occupied, he believes they would be considered starter homes, which will eventually become rentals. He believes we have plenty of rentals in the city.

Chairman Mount said that he thinks we need to retain some of our communities that are conducive to raising families. Like Commissioner Vibbert, he lives in a neighborhood with lots of rentals, and when there are parties a couple of blocks away, he is thankful that his grandchildren are not around. He is in favor of approving the rezone in order to preserve a community that the majority of the residents want to preserve. He added that he believes growth must be happening, but we need the growth to be in opportunities for families who want to make their homes here, and not just investment opportunities. He does not think that duplexes are family-friendly. If you drive around Cheney and look at the duplexes we already have -- there are no yards. Families want yard space so their kids can play in the yard and do things.

Chairman Mount said that he thinks previous land use decisions made in the name of progress have done us a disservice, because people have moved out of the community due to neighboring homes that have become rentals, with all the problems that go along with that situation. He knows that Cheney is a prime residential location on the West Plains. Fairchild Air Force Base considers Cheney a prime location for their airmen because it is within the drive-time distance for allowed response times. He said that the

Base Commander would tell us that there are not enough affordable homes available in Cheney right now. There are new homes being built, but they will not be affordable for first-time homeowners. The affordable homes will be the ones in older neighborhoods. He believes we need to keep some pockets of housing that are healthy for raising of families, that people will be able to afford.

Commissioner Early said that he moved back to Spokane in 1992, in the middle of a housing crisis. Houses were being sold out from under them for \$10,000 and \$20,000 over the asking price. It took almost a year and a half to find the place where he wanted to live, and that is where he is at right now. He made an investment, just like every other homeowner who has ever bought a house, or like every other developer who has bought a property.

Commissioner Early said that he is not opposed to development, but he is opposed to certain types of development. He believes that a neighborhood, speaking with a fairly unified voice, about the value of that neighborhood, deserves to be heard. He added that we are a democratic society, and whether you count 51% as a majority, or 60% is a super-majority, he believes we have heard from the majority in that area who are opposed to the R-2 development, and he is in support of the R-1 petition.

Mr. Lucas commented that the Folsoms did have a deed restriction when they originally short-platted the 4 residential lots 6 or 7 years ago that would have restricted development to single family homes. When they sold the lots, they removed the deed restriction. They said they could not find a single family developer to develop those lots.

Commissioner Early made a motion to recommend to City Council that the rezone request be approved. Seconded by Commission Conrath. The motion carried with Commissioners Early, Conrath, Mount and Jostad voting yes. Commissioner Vibbert abstained.

Commissioner Reports:

Commissioner Vibbert asked when we will be able to meet in person again. Chairman Mount thought that it would be soon, possibly by September.

Staff Reports:

Mr. Lucas reported that the Building & Planning divisions are staying busy. Mr. Ableman said that a grading permit has been approved and crews are working at Golden Hills 5th & 6th Addition. The Water Division has 6 out of 8 wells in service, and water levels are doing fine.

Chairman Mount asked about plans for replacement of the pool. Mr. Ableman said that we have a Request for Qualifications out for a pool consultant to help us through a public process. This will be on the City Council agenda tomorrow night.

There being no further business, the meeting was adjourned at 7:58 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman