

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

**September 12, 2022**

Commissioners Attending: Richard Mount, Dan Turbeville, Vara Lyn Conrath and Natasha Jostad were present in person. Jacquelyn Belock and Jake Vibbert were present via Zoom.

Commissioners Absent: David Early.

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 Turbeville made a motion to approve the minutes of the June 13, 2022 regular meeting as distributed. Seconded by Commissioner Conrath, and the motion carried unanimously.

Citizen Participation: None.

Public Hearing: #2022-10  
Update on Development Decisions – Blackhawk Ridge

Mr. Ableman reviewed the recent preliminary plat status for the Blackhawk Ridge project that was heard by City Council. The Council's decision was to approve an amended version of the proposal that was given to Planning Commission. What was approved was a 34 lot subdivision, with 2.4 acres left vacant for possible City expansion of the High Zone Reservoir system. He showed the amended plat and reviewed changes to the road layout and access points. He added that no construction plans have been submitted, and none of the required soils reports have been provided yet.

Mr. Ableman reviewed the criteria for approval of preliminary plats. A preliminary plat is "a neat and approximate drawing of a proposed land division showing the general layout of streets and alleys, lots, blocks, and other elements of a land division." He emphasized that no land division happens until the construction approval and bond: it remains one big parcel through the process of constructing improvements. At the final plat, they break the land into smaller parcels which are then recorded with the Spokane County Auditor. He added that there are a lot of things that can change between the preliminary plat and the final plat, especially during construction of the roads and site utilities.

Mr. Ableman reviewed the concept of maximum density versus lot sizes. He explained that in the R-1 zone, we aim a density of six units per acre, or approximately one unit per 7,000 square feet. That is the density. He reviewed how density is calculated, based on CMC 21.10.090.

Todd reviewed the densities of all the final plats approved in Cheney between 1962 and 2022, for historical comparisons. He noted that the conditions of approval recommended by the Planning Commission were applied to the City Council decision, with the exception of a couple of conditions which related to an access off Oakland ST which did not apply in the amended version of the preliminary plat.

Discussion followed.

Commissioner Turbeville felt that the amended plat only addressed one area of concern, and that was density. He felt that the matter should have come back to Planning Commission for consideration. Having the Council disregard the Commission's recommendation makes him feel that we are wasting our time each month in considering land use applications, because the recommendations made by the Planning Commission are ignored by City Council.

Chairman Mount stated that he is not opposed to development, but it needs to be the right development. For many years, the City was so eager to get the tax revenue from development that they approved just about everything that was presented, and the character of the community is substantially different than when he moved here in 1972. One result of that open acceptance of development was a loss of family neighborhoods where people would want to come and raise their children, because right next door is a house filled with five to ten college students, and they are having parties every Friday and Saturday night.

Chairman Mount commented that it would be helpful for the Commission to know the thought process at the Council level, especially when they opt not to follow the recommendation, as in the case of the Blackhawk Ridge project. He agreed that it is discouraging to invest the time in studying these complex issues and trying to understand them, and then feel like Council disregards the recommendations that are made.

Commissioner Turbeville added that he is pro-development, but he has a concern that this was a project which could have been referred back to the Planning Commission for consideration of the amended preliminary plat. He felt that it belonged with the Planning Commission for a second hearing.

Commissioner Conrath agreed, and commented that she was surprised that it was not referred back to the Planning Commission. She felt there is not consistency in what gets referred back to the Commission.

Todd explained that our code says that a preliminary plat only gets one public hearing, and the recommendation from the Planning Commission is forwarded to City Council.

The City Council can either approve or deny, or made a decision of their own. It might be the developer's decision to re-apply with a different version of the preliminary plat, or he can appeal the decision to Superior Court.

Chairman Mount stated that his concern is that the preliminary plat was completely changed. The Council did not choose to accept or reject the proposal that was considered at the Planning Commission level. But what they approved was a completely different preliminary plat. It seems to him that it should have come back to the Planning Commission for consideration of the revised plat.

Commissioner Turbeville stated that as far as the democratic process goes, the Planning Commission heard from 70 people in the Irene Place and Summit neighborhoods, and not one spoke in favor of the application. He does not feel that the process was fair to the people who live in this part of town, and the decision did not represent the wishes of the area residents.

Councilmember Barthels asked to address the Commission, and stated that City Council took every point into consideration. What our process outlines is one open record public hearing, which was held before the Planning Commission, and City Council's decision must be made based on the evidence that was provided in the public hearing. He noted that he had to recuse himself because he works for the engineering firm that performed the traffic study for the Blackhawk Ridge project. He stated that Councilmember Schmidt also recused himself because he lives in the neighborhood close to the project proposal. There were five voting City Council members on this matter, and it was a split decision.

Councilmember Barthels said that he remembers the debate about the Parkside Commons project, which was another hard decision, with a lot of neighborhood opposition. He emphasized that the Planning Commission's role in the process is critical for hosting the public hearing and asking the questions. If Council makes a decision which differs from the Planning Commission recommendation, he stated that it not reflective of a lack of value placed on the Planning Commission's role, but the Council's decision may be impacted by the advice of the City's legal counsel.

Commissioner Turbeville commented that he feels there is room for improvement in the process.

Mr. Ableman referenced RCW 36.70B..0690(3), and RCW 58.17.100, and reviewed the preliminary plat review process.

Discussion continued. Chairman Mount said that he read those sections of the RCW completely differently, because he sees that there were two different preliminary plats. The one considered at the public hearing before the Planning Commission was completely different than what was approved by the City Council. He thinks there should have been a second hearing on the merits of the substantially revised preliminary plat.

Chairman Mount suggested that he would like to see more options in terms of approval conditions. He is very conscious of the need to make decisions which keep us out of the legal world, but perhaps more detailed recommendations on possible conditions would be helpful in making decisions in the future.

Commissioner Vibbert stated that he feels the Planning Commission may have been influenced by the emotion of the hearing. There were a lot of people present to offer testimony, and it seemed the decision was a reaction to the emotion of the audience, in providing an immediate denial of the proposal. It could be that we as the Planning Commission failed to look at the bigger picture and look for ways for how development of this area could have happened. He thinks it is typical for neighbors to oppose new development, that they want to keep their green space that they have become accustomed to. But it might have been a better action for the Planning Commission to have tabled the discussion and asked for some different ideas in response to the concerns that were raised, instead of an immediate denial.

Commissioner Jostad agreed with all the comments that have been offered, but especially with Commissioner Vibbert. She said that she thinks we would have been better served to put a pause on the conversation and continue the hearing for a month to allow time for consideration. She feels that the Planning Commission did their job and provided value in the process, raising questions about the proposed density, and in the end, the density was reduced from the original proposal. She noted that the developer does have a right to develop that property, and in the end, she feels the compromises on both sides made a better development.

Mr. Ableman noted that staff tries to bring recommendations for possible outcomes, and he reviewed the staff recommendations for the Blackhawk Ridge proposal. One of the options was for recommending approval of the preliminary plat for something other than 48 lots, subject to the Conditions of Approval. He noted that the developer could challenge that at any time, and an appeal of the decision would automatically go to Superior Court.

Mr. Lucas gave some background outcomes, and suggested that the staff recommendations could have included a fourth option, which would have been a continuation of the hearing.

Discussion continued, with no action taken. Chairman Mount thanked the Commission members, staff members, and Councilmember Barthels for their comments. He stated that he feels we will be better equipped for the next decision for having had the conversation this evening.

Information Item: #2022-11  
Housing Affordability Report

Mr. Lucas shared a presentation on housing affordability that was presented to the AWC Housing Solutions Group by consultant David Wilkerson, PhD, an economist with EcoNorthwest based in Portland, Oregon. The consultant noted that Washington has the fewest housing units per household of any state in the country, and housing underproduction has more than doubled in Washington since 2012. The underproduction of housing has resulted in lack of affordability, and limited access to home ownership opportunities, by income and race/ethnicity.

Discussion followed. Mr. Schuller commented that these issues have been a major part of the last two or three legislative sessions. There is a real battle to convince West Side legislators that a one-size-fits-all approach is not appropriate for communities like Cheney.

Mr. Lucas said that one issue in increasing density in established neighborhoods is that infrastructure to serve the increased density is not adequate. A development that was designed with electric infrastructure to serve 30 households cannot easily adapt to serve twice that many, even if the state law is changed to eliminate local zoning controls. That is one of the unforeseen impacts of some of the zoning density proposals that are being presented at the state level.

Commission Reports: Commissioner Turbeville reported that he just spent two weeks in the Planning Department at Iowa State University, where he has been writing and editing a future textbook on using studio courses to interact with small towns and give them services they wouldn't otherwise have.

Staff Reports: Mr. Lucas reported that staff is working on a proposal to exchange around 200 acres from the City's Urban Growth Area at the south end of town for an equal amount of land near the north end of town. More details will be coming to the Commission at next month's meeting.

There being no further business, the meeting was adjourned at 7:33 p.m.

Respectfully Submitted,

Approved By:

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Susan Beeman, Secretary

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Richard Mount, Chairman