

**Minutes
Cheney Planning Commission
Regular Meeting**

October 14, 2019

Commissioners Attending: Richard Mount, Dan Turbeville, Daniel Hillman and David Early.

Commissioners Absent: Jake Vibbert, Brian Mangis and Vara Lyn Conrath .

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

Councilmembers Attending: None.

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

Minutes: Minutes of the September 9, 2019 regular meeting were approved as distributed.

Citizen Participation: None.

Public Hearing: #2019-07
Regulation of Rental Property, Including Occupancy

Mr. Lucas explained that our city attorney's office has recently reviewed our existing occupancy ordinance for compliance with federal Fair Housing laws. He explained that our code currently uses the term 'functional family,' and restricts the number of unrelated persons that live within a dwelling. This restriction was designed to help control the off-site and neighborhood impacts, such as parking of cars on the street. This portion of our code was based on a Pullman ordinance, and has been in place in Cheney since the mid-1990s.

Mr. Lucas suggested that an alternative to limiting the number of occupants in a dwelling unit might be to base limits on the amount of available floor space, and the number and type of rooms. The International Property Maintenance Code (IPMC) has restrictions in IPMC 405.3 and 405.5 which apply to all residents of all dwelling units, with the purpose of 'protecting the residents' health and safety by preventing overcrowding.'

If we were to move to enforcement of occupancy limits under the IPMC, then off-street parking could also be addressed in a manner that controls the number of vehicles associated with a single family residence. Currently, for single family dwellings, the off-street parking requirement is two spaces per dwelling unit. Where there may be more than two 'driving age' individuals living in a single family home, the off-street parking requirements may not satisfy the household demand.

Currently, CMC 11.48.040 makes it unlawful to park and leave any vehicle on a public right-of-way for continuous periods longer than 72 hours. The fine for an infraction is \$25, and is adjudicated in the Cheney Municipal Court.

Mr. Lucas explained that some other college towns use a residential parking permit system to manage off-street parking around their universities. He reviewed how parking permit zones are arranged in several of these cities, including Pullman, Bellingham, Corvallis and Ellensburg.

Mr. Lucas added that another option could be a rental registration and inspection system, which could be implemented in conjunction with the IPMC limits on the number of residents in a dwelling unit based on the square footage of the bedrooms.

Commissioner asked about municipal authority to implement a rental registration system. Brett introduced Lyndsay Kornegay , of Witherspoon Kelly, and explained that she has been assisting with a review of our current occupancy limits ordinance. Ms. Kornegay said that there are rental registrations systems in place in both Seattle and Pasco which have been challenged and upheld.

Mr. Lucas reviewed key points of how Seattle, Bellingham and other cities regulate rentals.

Chairman Mount asked how we would single out single family units. Ms. Kornegay said that any kind of license would have to apply to all rental properties, and not just to single family properties.

Commissioner Turbeville asked how we address the difference between a rental property owner, and a homeowner who rents portions of their home to tenants.

Ms. Kornegay said that it would be a requirement on the landlord to obtain a business license. Commissioner Turbeville asked if a homeowner can be a landlord. Ms. Kornegay said they can. Commissioner Turbeville said that we may need to be careful about definitions, because it is common for someone to buy a home for their kids to live in while attending college, and then their kids graduate and other kids move in. This has a real impact on single family neighborhoods.

Commissioner Hillman agreed, and added that the concern is regarding enforcement. It is the people who ignore the rules that are the problem. How would we handle enforcement?

Commissioner Turbeville added that we have rules on the books now that are not being enforced.

Mr. Lucas added that we can identify properties that are non-owner occupied by comparing the mailing address for property tax statements to the address of the property.

If the tax statements are sent elsewhere, we can assume the property owner is not living on site.

Commissioner Hillman explained that when they purchased their house, it had been owned most recently by a college student who was the titular owner, and from the appearance of the property, he had been running a small-scale fraternity house, with a rather impressive hydroponics system in the basement. He added that it is the people who don't follow the rules that are the problem, and his question really has to do with enforcement, so it might be more a question to direct to the police chief.

Mr. Lucas responded enforcement will be an issue that the City has to address with whatever path is chosen as we move forward. He added that the 'functional family' definition in our code is difficult to enforce. Provisions that cap the number of people in a dwelling based upon a perceived relationship could violate the Fair Housing Act where there is discrimination against a protected class, but could also be ineffective in addressing off-site or neighborhood impacts from overcrowding a residence, or having too many parked vehicles.

Commissioner Early asked if staff has looked at the cost of enforcing any of these systems versus the potential revenue it could bring in. Mr. Lucas said that we have not looked at costs yet.

Chairman Mount called for public comment.

Kathy Richter, 522 Short Street, stated that she moved here 20 years ago, and one of the selling points when they bought their home was that it was in a single family zone, so property values would be protected because the neighboring homes would probably be owner-occupied. About 7 years ago, a neighbor rented out two bedrooms to college students to help make ends meet. Under our zoning code, she was forced to stop renting the bedrooms, and eventually lost her home. The next owner bought the house for his daughter to live in while she attended EWU, and she had 4 or 5 roommates. In the summer, the weeds grew and the condition of the house deteriorated. Later it was occupied by 6 young men, with further deterioration of conditions and yard maintenance. Ms. Richter says she now lives in a house that she would not choose to buy, because it is no longer a single family neighborhood. She received a notice from the City with her utility bill that explained occupancy limits for R-1 zones. When she came to the City to see what could be done to enforce the rules in her neighborhood, she was essentially told that the occupancy limits are unenforceable.

George Policani, 508 Short Street, said that he has the same situation, but he has had to call the police for the problems he experiences. He stated that Cheney no longer has a full time code enforcement officer; instead, we have police officers who do some code enforcement. He has complained about junk vehicles that have been parked on the street for many weeks. There was a house in the neighborhood with about 15 residents. There are loud parties with behavior and language problems. He said that people need to follow the laws that are already in place. We need people who will take care of problems that we have. The penalties need to be sufficient to discourage the behavior that we have

already said are a violation of the rules. Mr. Policani asked the Planning Commission to look at these issues seriously.

Mike Richter, 507 Short Street, said that one of the concerns he has about ideas presented during the staff presentation is about where the money would go from business license or permit fees. He would like to see it go to code enforcement. The parking permit system seems like a punishment to the residents, and that doesn't seem right. It ought to be easy to identify a drivable vehicle: it would have working headlights and tires that are not flat. Perhaps EWU could provide some additional free parking for students; they have lots of land. He said that he does not like the square footage limits that were proposed. If adopted, that would still change the rules to something other than what they signed up for when they bought homes in a single family zone. If the City's current ordinance was once enforceable, what has changed that causes it to be unenforceable now?

Will Meyer, 920 Gary Street, said that if he buys a vacant lot in an R-1 zone and wants to build a 6-plex, that would be a code violation. Instead, if he builds a home with 9 bedrooms, that is not a problem. He can buy a business license and rent the bedrooms, get his \$25 parking permit, and that still doesn't help the neighbors with their land values. Before we do a lot of research into what people are doing in other cities, we need to take a closer look here at home.

Garth Steele, 248 Gregory Drive, stated that he has 3 frat houses on his street, all the way down to Presley and Salnave. There are people going up and down the street constantly. He used to have people walking through his yard, but he finally put up a chain link fence. There are school buses, and STA buses. People drop their kids off at the parking lot on the north side of the school, and it's a zoo. He has to pick up beer cans in his yard, and there are parties across the street, and his neighbors ask him not to call the police.

Chairman Mount stated that this item is on the agenda because the Planning Commission members have the same concerns we have heard about tonight from members of the public. This presentation was a first response. His feeling is that the landlords should foot the bill for enforcement, if they are the ones breaking the rules. Chairman Mount said that he has heard that the current code enforcement officer is not very helpful. He assured the audience that the Planning Commission has the same concerns, and is committed to recommending changes to City Council. He added that it won't change overnight, but he asked the members of the public to keep pointing out the problems, and contacting the code enforcement officer. The Planning Commission and City Council are listening.

George Policani, 508 Short Street, thanked the Planning Commission for listening to the complaints, and requested that communications be directed back to the community. He appreciates bulletins in the utility bills. He would like to hear back from the Planning Commission about what they are doing.

Chairman Mount said that the Planning Commission will try to share ideas, and he noted that Mr. MacCallum reports in the Free Press on business heard by the Planning Commission.

Kathy Richter, 522 Short Street, asked if the R-1 rule, as it is written right now, is enforceable or not? And if it is not enforceable, why even send the notice out? Chairman Mount said that the difficulty is in finding out how people are related. And sometimes when someone comes to the door they will say they are just visiting that day. But we are taking a look at how to address some of these problems.

Discussion continued. Commissioner Turbeville made the point that everyone in this room are citizens and property owners, and we are all aware of the problems. The problem is that we are not enforcing our own laws. We have looked at it statistically, and discovered that about $\frac{3}{4}$ of the property in Cheney is multi-family. Even in the single family zones, $\frac{1}{3}$ of the houses are rentals. If we don't do something quickly, we are going to become a giant dormitory with parking.

Commissioner Turbeville added that we have suggested that EWU build a multi-story parking garage like every other university has, and the response was, 'we can't do that, because it doesn't make any money.' Commissioner Turbeville said that his answer to that is that it is not the university's job to make money, but to educate the students of the State of Washington. A parking garage would help alleviate the impact of students parking on residential streets near the university.

Commissioner Hillman stated that his family bought a home close to the university simply to avoid the parking fees in the paid lots. There are some things within the City's control, and other things are not – but they do affect one another.

Ms. Richter asked what they need to do to get the enforceable laws enforced?

Commissioner Hillman said it is important to keep speaking up, and to keep showing up at meetings like this.

Chairman Mount reiterated that the Commission members are listening, and they want to make some changes, try to turn this train around, to have the kind of community we want for those who reside here.

Mr. Policani said that from the standpoint of enforcement, you have a part-time code enforcement officer right now. Can there be some kind of surge, where you have extra attention given to these issues for a couple of months, then you back off for a while as you look at some of the other ideas?

Discussion continued. Mr. Lucas added that he will be looking at the costs of implementing some of the parking permit systems that were discussed tonight. Chairman Mount thanked the members of the public who spoke, and said that we are looking at things that will work, and making sure we are doing things legally. He doesn't want to pay attorneys to defend the decisions the city makes.

Public Meeting: #2019-06
Community Development Block Grant

Mr. Lucas explained that since 1989, the City of Cheney has received approximately \$2 million in Community Development Block Grant (CDBG) funding, which is an average of \$95,000 to \$100,000 per year. He reviewed the timeline for the grant cycle, and explained that Cheney is part of the Spokane County Block Grant Consortium. The Consortium is composed of Spokane County, the 11 small cities and towns, and the City of Spokane Valley.

Chairman Mount asked why Spokane Valley is part of the same consortium, when they have the highest tax base in the county; they can afford to pay for their own projects. Mr. Lucas noted that Spokane Valley sometimes foregoes their allocation, such as when Rockford needed a new well, and Spokane Valley turned over their allocation to Rockford.

Mr. Lucas reviewed a list of activities eligible to receive CDBG funding, which include:

- Public facilities (parks, fire stations, etc.)
- Infrastructure (water, sewer, streets, etc.)
- Public services (transportation, substance abuse, health services, services for disabled, etc.)
- Youth programs (child care centers and services, etc.)
- Senior programs (senior centers and services, etc.)
- Economic development
- Housing (rehabilitation, emergency shelters, etc.)

Activities not eligible to receive CDBG funding include:

- General government buildings (i.e. city hall); but ADA work is eligible
- General government O&M
- Political or religious activities
- Income payments to individuals
- Construction of new housing

Mr. Lucas explained that the 2020 CDBG entitlement amount is expected to be \$1,350,000. Of that, the maximum for administration and planning is \$270,000, and the maximum for human services is \$195,000. He added that the level of funding is never certain until Spokane County received a contract. He added that Cheney generally does well in the allocation because we are a low-income community.

Mr. Lucas added that the Cheney Food Bank has been a recipient of funding in the past, as has 2nd Harvest Food Bank, Outreach Centers in Cheney and other communities, homeless shelters and client services, Alternatives to Domestic Violence, and others.

Priority needs have been identified as infrastructure and public facilities, including youth centers, street improvements, facilities for abused and neglected children, water & sewer infrastructure improvements, and removal of architectural barriers.

Mr. Ableman explained that the CDBG dollars are targeted to projects that impact low-income census tracts. This year, as in years past, the City of Cheney is going to be looking for funding for water main replacement. This year, we are looking at a project along N 4th Street, and backtracking to Elm Street, between N 5th and N 6th Streets, where we found a very bad section of old steel water main. That is the basis of the project he will be recommending to City Council.

Discussion followed. Commissioner Turbeville asked about the funds generated by the recent residential water rate increase; where will that money be going? Mr. Ableman explained that the tiered rate was the first step toward looking at incentives for water conservation. Hopefully we'll have something better soon; we have FCS doing a comprehensive water rate study, looking at commercial and school users.

Commissioner Reports: None.

Staff Reports: Mr. Lucas reported that construction activity is beginning to slow down now. Work continues at Cheney High School, and Grocery Outlet is looking at a soft opening on November 21.

Commissioner Turbeville said that in terms of proposed regulations on parking permit systems, would it be possible to put together some draft regulations, something a little more concrete than just concepts? He felt it would be helpful to the discussion.

Next Meeting Date: Chairman Mount explained that our regular November meeting will fall on the Veterans' Day holiday. After brief discussion, Commissioner Hillman made a motion to move the November meeting of the Planning Commission to Monday, November 18 at 6:00 p.m. Seconded by Commissioner Turbeville; the motion carried unanimously.

There being no further business, the meeting was adjourned at 7:38 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Richard Mount, Chairman