

City of Cheney  
609 Second Street  
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON  
ORDINANCE V-02**

**AN ORDINANCE AMENDING THE ZONING MAP, DESIGNATING THE CHENEY RESEARCH AND INDUSTRIAL PARK A BUSINESS PARK ZONE.**

**WHEREAS**, Chapter RCW 35A.63 authorizes the City to vest the authority to plan with a Planning Commission;

**WHEREAS**, The City of Cheney Public Works Department has applied for a Rezone and has been assigned application number RZ-01-08; and

**WHEREAS**, the Planning Commission recommends the amendment of the City's Zoning Map.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** The official zoning map of the City of Cheney is hereby amended to place the Business Park Zone on Spokane County Parcel Numbers 13232.0083, 13232.0084, and 13232.0085 and the adjacent Fred Johns Way right-of-way, legally described as:

THE PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 23 NORTH, RANGE 41 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH 01°04'06" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,599.53 FEET; THEN SOUTH 88°55'41" EAST, A DISTANCE OF 600.00 FEET; THEN NORTH 01°04'06" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 530.47 FEET; THEN SOUTH 88°56'18" EAST A DISTANCE OF 723.66 FEET; THEN NORTH 00°59'59" EAST A DISTANCE OF 1062.78 FEET; THEN NORTH 88°39'06" WEST A DISTANCE OF 1322.41 FEET TO THE POINT OF BEGINNING

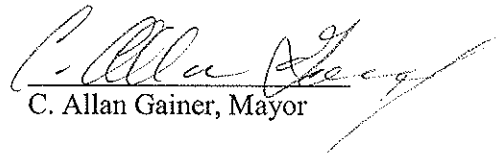
**Section 2.** The City Council adopts the Planning Commission's written findings-of-fact and recommendation on this proposal dated January 12, 2009 in support of this ordinance, thereby approving RZ-01-08.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

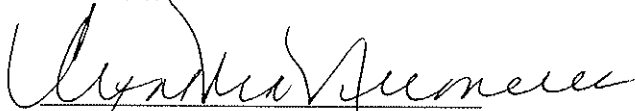
Introduced this 14<sup>th</sup> day of April, 2009.

Passed by the City Council this 14<sup>th</sup> day of April, 2009.

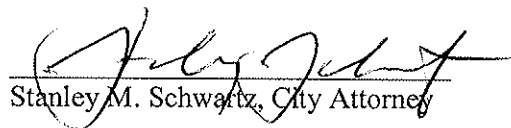
Approved by the Mayor this 14<sup>th</sup> day of April, 2009.

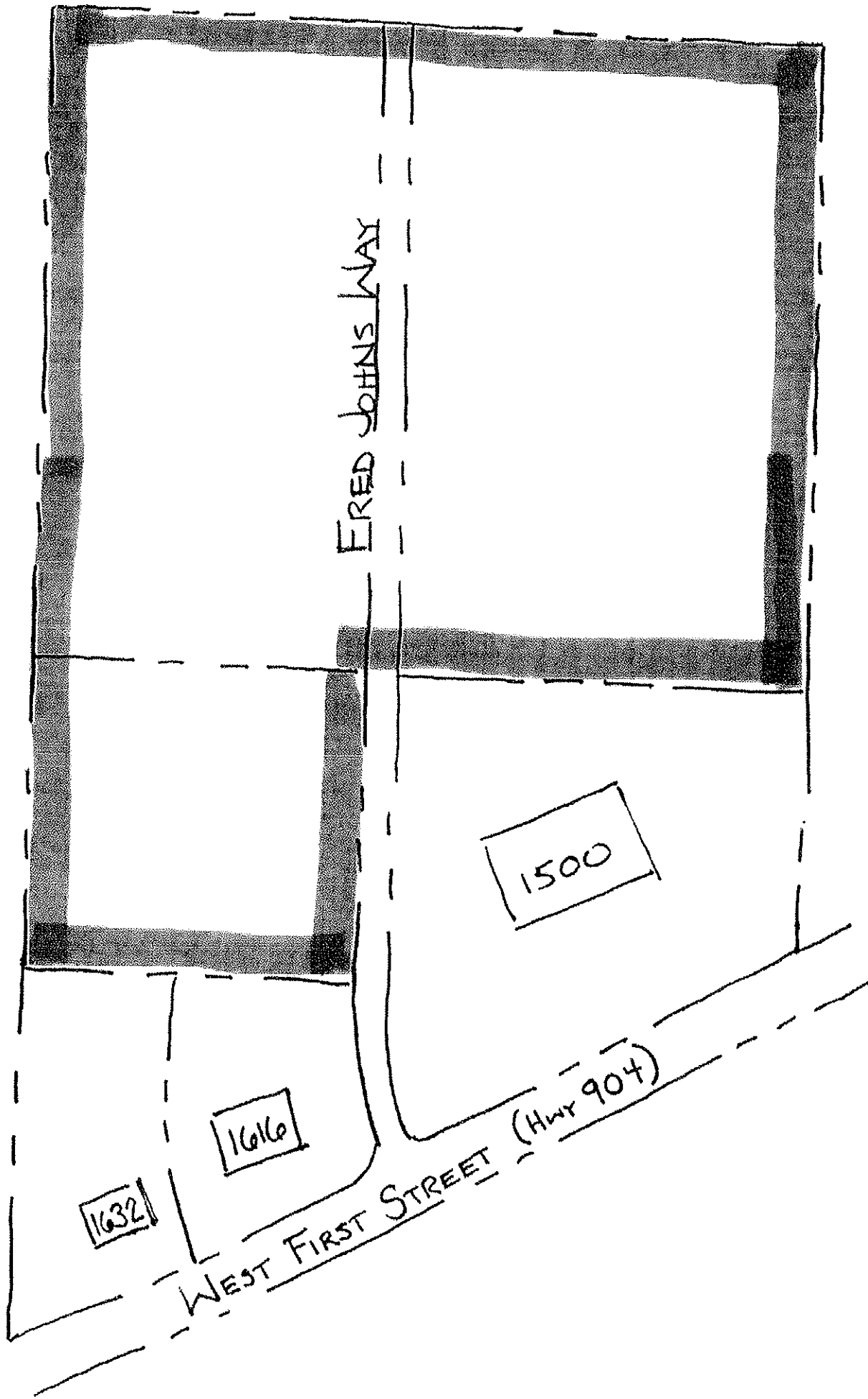
  
C. Allan Gainer, Mayor

ATTEST:

  
Cynthia L. Niemeier, Finance Director/City Clerk

APPROVED AS TO FORM:

  
Stanley M. Schwartz, City Attorney



City of Cheney  
Community Development Dept.  
Brian Jennings, Director  
112 Anderson Road  
Cheney, WA 99004-1866



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## PLANNING COMMISSION RECOMMENDATION

**FILE #:** RZ-01-08

**HEARING DATE:** December 8, 2008

**PROPOSAL:** The applicant proposes to rezone the Cheney Research and Industrial Park from Light Industrial (I-1) to Business Park (BP).

### **RECOMMENDATION:**

Approval of a rezone from the Light Industrial (I-1) Zone to Business Park (BP) Zone for Spokane County parcel numbers 13232.0083, 13232.0084, and 13232.0085.

### **FINDINGS OF FACT:**

- A. Legal notice was published on October 17, 2008 and the hearing was held in accordance with procedural rules for quasi-judicial hearings and in conformity with said requirements as set forth in the City of Cheney Municipal Code.
- B. Five members of the Planning Commission were present and qualified to sit as decision-makers.
- C. In making its recommendation, the Commission recognizes the procedural and legal requirements of the City of Cheney Municipal Code, and weighed fully each requirement in arriving at its decision.
- D. The Commission adopts the Findings of Fact in the Staff Report provided for the Planning Commission Hearing.

### **SIGNATURES:**

Dated this 12<sup>th</sup> day of January 2009.

For Mike Rossey  
  
Mike Rossey, Chairman

  
Brian Jennings, Community Development Director



## Community Development Department

Planning, Building, Historic Preservation

112 Anderson Road

Cheney, WA 99004-1866

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### STAFF REPORT & RECOMMENDATION to the PLANNING COMMISSION

**Date:** November 3, 2008

**Staff Planner:** Elisa Rodriguez, 498-9221

**Application:** **RZ-01-08**  
**Rezone of the Cheney Research and Industrial Park from Industrial (I-1) to Business Park (BP)**

**SEPA:** Determination of Non-Significance signed October 27, 2008

**Applicant:** Arlene Fisher, City Administrator 509-498-9201  
City of Cheney  
609 2<sup>nd</sup> Street  
Cheney, WA 99004

**Location:** This project is located on Fred Johns Way, behind 1500, 1616, and 1632 West 1<sup>st</sup> Street.

**County Parcel #:** 13232.0083, 13232.0084, and 13232.0085

**Comprehensive Plan Designation:** Industrial

**Zoning Designation:** Light Industrial (I-1)

**Proposal:** The applicant proposes to rezone the Cheney Research and Industrial Park from Light Industrial (I-1) to Business Park (BP). The site is 38 acres in size. The City of Cheney owns 21 acres and the remainder is owned by AE Cheney Land, LLC which is comprised of corporate officers from Allpak/Trojan Lithographic Industries. The City has obtained \$1.4 million in federal funding to install road, water, sewer, electrical, and telecommunication infrastructure.

**ANALYSIS**

**Site and Vicinity:** The site is a 38 acre parcel located on the north side of West 1<sup>st</sup> Street, behind Cheney Free Press and Allpak. There is an existing right-of-way for Fred Johns Way that is undeveloped. The street will be developed on a north/south axis from West 1<sup>st</sup> Street to the northern boundary of the property. The site is currently undeveloped and there is one wetland present. Industrial businesses are located between the site and West 1<sup>st</sup> Street. The remaining surrounding properties are all cultivated for wheat.

**Comprehensive Plan Land Use Designations:** The subject site has a designation of Industrial, as do the sites to the east and south. The site to the north has a designation of General Residential. The site to the west is outside of the Cheney City Limits and the Urban Growth Area. Spokane County has designated the land Large Tract Agriculture.

**Zoning:** The subject site is zoned I-1, Light Industrial. This zone allows industrial and commercial uses, but no residential. The sites to the east and south are also zoned Light Industrial. The site to the north is zoned R-1, Single-Family Residential. The site to the west is outside of the Cheney City Limits and the Urban Growth Area. Spokane County has zoned the property Large Tract Agriculture (LTA).

**Land Use History:** No land use history was found.

**SEPA Determination:** It was determined that with mitigation, this proposal would not have a probable significant adverse impact on the environment, therefore a Mitigated Determination of Non-Significance (MDNS) was issued.

**Notice of Application:** A notice of application was distributed to all City departments, affected agencies, and surrounding property owners on October 13, 2008. No comments were received.

**APPROVAL CRITERIA****Zone Map Amendment Approval Criteria (CMC 21.56.060):**

**The approval, modification, or denial of an amendment application by the planning commission shall be evaluated on the following criteria:**

1. There is no presumption of validity favoring the action of rezoning.
2. The proponents of the rezone have the burden of proof in demonstrating that the conditions have changed since the original zoning.
3. A change of conditions may include, but is not limited to:
  - a. Changes in public opinion,
  - b. Changes in land use patterns in the area of the rezone, and
  - c. Changes on the property itself.
4. While a change of conditions is one potential justification for a rezoning action, such a change of conditions does not mandate that the City must grant a rezone request.

5. The rezone must bear a substantial relationship to the public health, safety, morals or welfare.
6. The rezone must conform to the Cheney comprehensive plan.

**Findings:** The applicant proposes to change the zoning on the subject site from Industrial (I-1) to Business Park (BP).

These parcels were annexed into the City of Cheney in 1979 via Resolution K-46. The ordinance states that the parcel shall be zoned C-3, Industrial. The nearest historic zoning map to the annexation date is from 1982. This map shows the as zoned C-3, Heavy Industrial. The next available historic zoning map is 1986 where the site is zoned I-1, Heavy Industrial. Finally, on the 1994 historic zoning map, the subject site is shown as I-1, Light Industrial.

Today's Comprehensive Plan refers to this property and properties to the south (both sides of W 1<sup>st</sup> Street) as the Cheney Industrial Park and categorizes it as industrial land. The Comprehensive Plan does not specifically mention the business park zone as being a zone that corresponds with an industrial designation. However, based on the uses allowed in the business park zone, it most closely aligns with the industrial description.

Objective 5 of the Economic Development Element of the Comprehensive Plan states, "A Business Park will be established to locate current and future Cheney businesses in electronics, bio-technology, computer related products and light manufacturing." Rezoning this property to the Business Park zone assists in accomplishing this objective.

Since the last update of the Comprehensive Plan in March of 2005, the City has secured funding from the federal Economic Development Administration to install road, water, sewer, electrical, and telecommunication infrastructure within the right-of-way for Fred John's Way. With the proposed amendments to the business park zone (file RZ-02-08) the zone will be more in line with the objectives of the grant. The objectives are to create an employment center, therefore, businesses like warehousing that need a lot of land, but do not employ many people, are not meeting the objective of the grant.

For these reasons, this criterion is met.

## **Conclusion**

The applicant proposes to change the zoning on the subject site from Industrial (I-1) to Business Park (BP). The receipt of a federal grant to build infrastructure for an employment center is the change in condition initiating the request for a rezone. The proposal is consistent with the intent of the Comprehensive Plan and should be approved.

**RECOMMENDATION**

(May be revised upon receipt of new information at any time prior to the Planning Commission Hearing.)

**Approval of a Rezone of the Cheney Research and Industrial Park to the Business Park Zone (BP).**

**EXHIBITS (not attached unless indicated)**

- A. Applications:
  - 1. Environmental Checklist
  - 2. Application for a Conditional Use Permit
- B. Plans and Drawings:
  - 1. Site Map (attached)
  - 2. 1982 Zoning Map (attached)
  - 3. 1986 Zoning Map (attached)
  - 4. 1994 Zoning Map (attached)
- C. Notifications:
  - 1. Notice of Application, October 13, 2008
  - 2. Affidavit of Publication, Legal Notice, published October 23, 2008
  - 3. SEPA Determination, October 27, 2008
  - 4. Affidavit of Property Posting, October 27, 2008
- D. Correspondence:
  - 1. Memo from Arlene Fisher, July 31, 2008