



Special City Council Meeting Agenda
City Council Chambers
February 5, 2019 - 6:00 p.m.

A. Call To Order - Pledge Of Allegiance

B. Roll Call - Excused Absences

C. Action Items

Public Hearings

1. 19-003 - Resolution E-700 - Moratorium ORD X-58 Public Hearing
On December 11, 2018, City Council passed a development moratorium (Ordinance X-58) on land south of the tracks. The purpose of the moratorium is to give the City time to evaluate the potential land use and zoning implications for multi-family and general residential development via the development of a Work Plan.

Documents:

[19-003 - MORITORIUM ORD X-58 PUBLIC HEARING.PDF](#)
[RESOLUTION E-700 ADOPTING FINDINGS OF FACTS -ORDINACE X-58.PDF](#)
[APPENDIX A - MAP.PDF](#)
[APPENDIX B - WORKPLAN OUTLINE.PDF](#)

D. Adjournment

**CITY OF CHENEY, WASHINGTON
RESOLUTION NO. E-700**

**A RESOLUTION OF THE CITY OF CHENEY WASHINGTON
ADOPTING FINDINGS OF FACT IN SUPPORT OF THE
MORATORIUM ENACTED THROUGH ORDINANCE NO. X-58 AND
PROVIDING FOR OTHER MATTERS RELATED THERETO**

WHEREAS, on December 11, 2018, the City Council adopted Ordinance X-58 entitled "An Ordinance of the City of Cheney, Washington Imposing A Moratorium On The Development Of Property And The Acceptance And Processing Of Land Use Applications For Multi-Family Development In The Area Generally Described As South Of Alki Street, West Of Cheney-Spangle Road And Cheney Plaza Road To The Southern Edge Of The Urban Growth Area";

WHEREAS, Ordinance No. X-58 pursuant to RCW 35A.63.220 called for a public hearing on the moratorium within sixty (60) days of the date of the above Ordinance for the purpose of adopting findings of fact and a work plan;

WHEREAS, the City duly noted a public hearing to be held on January 22, 2019, or as soon thereafter as scheduled for purposes set forth in RCW 35A.63.220 plus other matters which reasonably come before the City Council; and

WHEREAS, the Recitals set forth in Ordinance No. X-58, are hereby adopted as findings of fact by the City of Cheney City Council.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS,

The City of Cheney hereby adopts the following as findings of fact in further support of Ordinance No. X-58.

1. On November 13, 2001, pursuant to a petition submitted by the property owner(s) the City through Resolution C-754 indicated its intent to annex 105 acres of property (MOL) which includes property described on Appendix A to Ordinance No. X-58. The annexation request was submitted to and approved by the City of Cheney voters at a special election held on February 4, 2003.

2. On April 11, 2006, the area described in Appendix A to Ordinance No. X-58 was the subject of a City Comprehensive Plan Amendment affecting the urban growth area of the City. The land area set forth on Appendix A that is within the City of Cheney consists of approximately 94 acres within the city limits (the "**Property**") and is partially occupied by residential structures and improvements. See Exhibit A, attached.

3. To date, the area developed on the Property consists of the:

(a) Grove Apartments, which contain 192 units on 13 acres of the Property;

(b) Terra Vista Preliminary Plat (2nd Alteration) to allow 89 single family units and 30 multi-family units on 28.36 acres. The Terra Vista preliminary plat has been developed with 12 single-family lots;

(c) Alki Preliminary Plat which created 60 lots on 6.53 acres of land with lots ranging in size from 2,250 square feet to 4,700 square feet; and

(d) Terra Vista PUD which encompassed 33.36 acres and reduced the required lot size from 5000 square feet to 2000 square feet to accommodate the Alki Short Plat, which contains townhouse development consisting of 60 individual units.

4. On June 22, 2009, the City Council had a meeting to consider the annexation of 273 acres located southwest of Alki Street, between the Cheney Plaza and Cheney-Spangle Road. The Council approved the motion subject to executing an annexation agreement. No action occurred on the annexation agreement.

5. The development of the Property has caused: (a) an increase in vehicle and pedestrian traffic on City streets running through and adjacent to the Property; (b) an increased demand for law enforcement services as documented by the Cheney Police Department; and (c) an increased demand for other emergency services as documented by the City Fire Department.

6. Prior to development of the Property three rail lines existed between the north boundary of the Property and the southern boundary of State Highway 904 (Main Street). The rail lines were owned and operated by Burlington Northern ("BN"), Union Pacific ("UP") and Palouse River - Coulee City. Subsequent to the development of the Property, a fourth rail line was installed by BN on or about 2014 between the north boundary of the Property and the southern boundary of State Highway 904 (Main Street). The number and length of the trains using these rail lines has increased since the development began on the Property causing pedestrian, bicycle and vehicle crossing delays and cues. This presents public safety issues because of the inability to cross the railroad tracks for extended periods of time. In addition, the pedestrian, bicycle and vehicle cues cause vehicles to back up and stack on Highway 904 and adjacent streets which impedes the flow of traffic.

7. The City Council recognizes that the State Growth Management Act, RCW Chapter 36.70A and its regulations require that public infrastructure be developed concurrent with the development of structures and improvements. Pursuant to the GMA, the City through

its comprehensive plan and associated documents has developed level of service standards for transportation, public safety services, and other public facilities and services.

8. To study and measure the impact of the potential future development on the Property, including reasonable and safe access for pedestrians, bicyclists, vehicles and emergency services, the City will commission a traffic impact analysis to determine the present volume and conditions on streets within and adjacent to the Property, as well as, anticipated future conditions if the Property is to be developed according to presently existing zoning and associated development regulations. Such study may result in recommendations to the City Council concerning transportation improvements, controls, mitigation measures and other acts that will ensure and protect the public health and safety.

9. The City development regulations, capital facility plan and existing mitigation measures do not adequately address the number of trains, their length and delays at the intersections of Cheney-Spangle Road and Cheney Plaza Road and other points of crossing that are near or adjacent to the Property. To support future development and associated regulations it is necessary to determine the delays and safety issues that are experienced by pedestrians and vehicles crossing from one side of the railroad tracks to the other. Investigation shall include consultation with the Washington Utilities and Transportation Council and experts in the railroad industry to identify safety measures and crossing improvements to protect persons and vehicles from harm or injury.

10. The above matters require a review to determine whether the existing development regulations for the Property are reasonable, consistent with the Comprehensive Plan and support necessary improvements, enhancements, or other measures which support safe and reasonable pedestrian and vehicle circulation to and from the Property.

11. The Planning Commission is directed and authorized to review and study all other matters and make further recommendations concerning the reasonable development of the Property in a manner to protect the public health, safety and welfare.

12. The City Planning Commission will conduct public meetings and hearings on the matters set forth in this Resolution and report its findings and conclusions to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Cheney City Council:

- A. The above Findings of Fact are adopted in support of City Ordinance No. X-58.
- B. The City Council hereby adopts the Work Plan attached hereto as Exhibit B as the Work Plan to support Ordinance No. X-58.
- C. The Planning Commission is directed and authorized to review and study all other matters and make further recommendations concerning the reasonable development of the Property in a manner to protect the public health, safety and welfare.

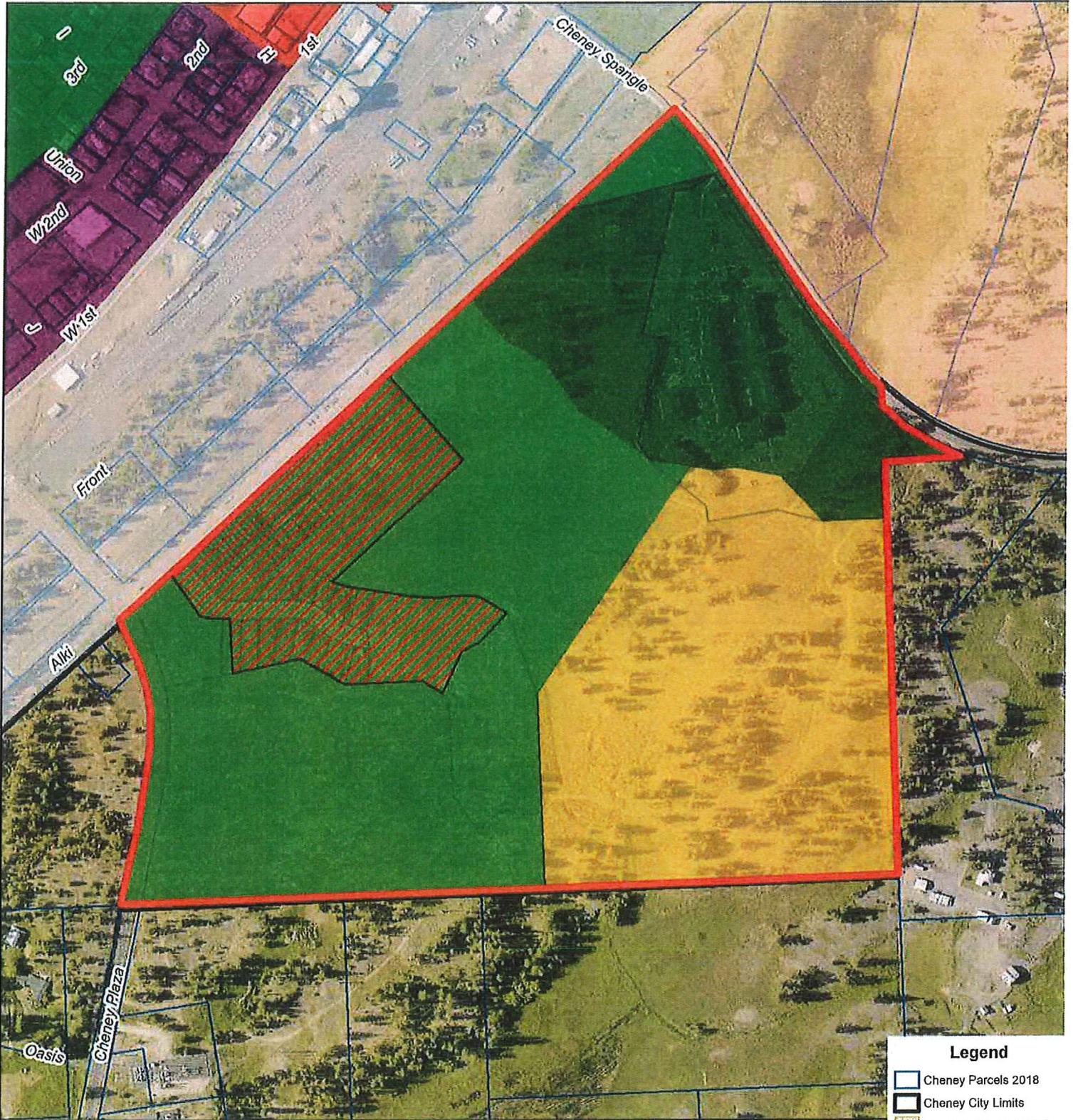
ADOPTED by the City Council of the City of Cheney at a special meeting this [] Day of February, 2019 at the Cheney City Council Chambers, 609 Second St, Cheney, WA 99004.

Chris Grover, Mayor

Attest:

Cynthia L. Niemeier, City Clerk

Appendix A



- Legend**
- Cheney Parcels 2018
 - Cheney City Limits
 - Two Family Residential
 - Multi-Family Residential
 - High Density Multi-Family
 - Semi-Rural Residential
 - Light Industrial
 - General Commercial
 - Downtown Commercial
 - Multi-Family PUD

Appendix B

Work Plan

I. Scope of Work

- a. Traffic LOS (leverage 2016 Transportation Circulation Plan). Coordinate with Traffic Engineer.
 - i. Cheney-Spangle Road - Determine LOS, deficiencies, and traffic mitigation/road improvement projects.
 - ii. Cheney-Plaza Road - Determine LOS, deficiencies, and traffic mitigation/road improvement projects.
 - iii. Alki Street - traffic mitigation/road improvement projects.
 - iv. Work with the UTC to coordinate grade crossing operations between BNSF Railway and Union Pacific Railroad (to minimize vehicle queuing between grade crossings).
- b. Pedestrian Safety. Coordinate with Traffic Engineer.
 - i. Cheney-Spangle Road – Determine lighting/sidewalk improvements.
 - ii. Cheney-Plaza Road – Determine lighting/sidewalk improvements.
 - iii. Alki Street - Determine lighting/sidewalk improvements.
- c. Public Safety (Police/Fire). Coordinate with Traffic Engineer/Planning.
 - i. Look at Emergency Access issues.
 - ii. Determine if current response time for areas south of the railroad tracks are sufficient, and if not, adjust the Comprehensive Plan accordingly.

II. Data Element

- a. Traffic plan
 - i. Determine ADT's, as well as pedestrian trips.
- b. EMS calls
 - i. Review police calls for the past fifteen years (2003-2018) to see trends, frequencies, and call concentrations geographically.
 - ii. Review fire calls for the past fifteen years (2003-2018) to see trends, frequencies, and call concentrations geographically.

- c. Train data
 - i. Quantity data (UP, BNSF and Amtrak) from the UTC.
 - ii. Determine train quantity and time of day frequency over the past 5 years (2014-2018).
- III. Design
 - a. Figure out design and cost for the following road projects.
 - i. Cheney-Spangle Road.
 - ii. Cheney-Plaza Road.
 - iii. Alki Street.
- IV. Plan/Impact Fees
 - a. Completion of a Baseline Study.
 - b. Determine impact fee rate schedules, based on the Baseline Study.
 - c. Adoption of permanent funding mechanism to supplement the City's ability to eliminate existing transportation deficiencies.
- V. Schedule
 - a. Feb 2019 – Planning Commission – Finalize Scope of Work.
 - b. March 2019 – Planning Commission – Review EMS and train data.
 - c. April 2019 – Planning Commission – Discuss LOS, deficiencies, and traffic mitigation/road improvement projects.
 - d. May 2019 – Planning Commission – Discuss results of the Baseline Study and potential impact fee rate schedules.
 - e. June 2019 – City Council – Discussion of projects and adoption of Ordinance addressing impact fee rate schedules.