

City of Cheney
609 Second Street
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. X-60**

**AN ORDINANCE OF THE CITY OF CHENEY, WASHINGTON AMENDING TITLE 23
TO ADD A NEW SECTION ENTITLED "TRANSPORTATION IMPACT FEES" AND
PROVIDING FOR OTHER MATTERS RELATING THERETO**

WHEREAS, transportation impact fees will support the concurrency requirement adopted in the Growth Management Act and ensure that adequate transportation facilities are available to support new growth and development;

WHEREAS, transportation impact fees are designed to provide system improvements which relate to service areas established in the City of Cheney;

WHEREAS, the imposition and collection of transportation impact fees will allow the City to maintain its established level of service on its transportation facilities and thereby provide for the public health and safety;

WHEREAS, transportation impact fees cannot be used to correct existing deficiencies unrelated to new development;

WHEREAS, the City commissioned a traffic impact analysis to determine the present volume and conditions on streets within and adjacent to the real property located south of the railroad tracks (as generally depicted on Appendix A), as well as, anticipated future conditions if such real property is to be developed according to presently existing zoning and associated development regulations;

WHEREAS; the transportation impact analysis evaluated three different packages of traffic improvements (Tier One, Tier Two, and Tier Three) between SR 904 (1st Street) and the real property south of the railroad tracks;

WHEREAS; the Transportation Impact Analysis recommended Improvements to include a turn lane addition at 1st Street & Cheney-Plaza Road, and a turn lane addition at 1st Street & Cheney-Spangle Road, and Alki Street Improvements between Cheney Spangle Road and Cheney Plaza Road, and Cheney Plaza Road widening Improvements at a potential cost of \$ 4,236,000.

WHEREAS, on April 8, 2019, the Planning Commission made a recommendation to adopt transportation impact fees as described above.

NOW, THEREFORE, the City Council of the City Cheney does hereby ordain as follows.

Section 1. **New Chapter.** A new chapter 23.117 entitled "Transportation Impact Fees" is hereby added to the development code as set forth herein.

CHAPTER 23.117 – Transportation Impact Fees

23.117.010 – Transportation Impact Fees

23.117.020 – Service Areas

23.117.030 – Annual Review and Adjustment

Section 2. **New Section.** A new section 23.117.010 entitled "Transportation Impact Fee" is hereby added to read as follows.

The Transportation Impact Analysis (TIA) identified as City of Cheney, Draft Transportation Impact Fee Rate Base Analysis prepared by Morrison Maierle dated April 2019, is hereby adopted for the purpose of establishing the transportation impact fee set forth herein. The transportation impact fees are based upon the formula and methodology set forth in the TIA, which shall be the transportation impact fee assessed upon new developments, changes in use and other related matters as set forth in CMC Chapter 23.115. Attached as Schedule A are the City transportation fees for the service areas.

Section 3. **New Section.** A new section 23.17.020 entitled "Service areas" is hereby added to read as follows.

To properly manage and assess a reasonable transportation impact fee, the City of Cheney shall be divided into various service areas based upon the number of persons residing in the service area, the existing complete street improvements, the forecasted future complete street improvements, and other matters that relate to establishing a reasonable and necessary transportation impact fee. Service areas shall be determined by the city council and adopted through ordinance to be included in this Chapter 23.117.

A. The service area known as "South Cheney" as defined and depicted on Schedule B is hereby established.

Section 4. New Section. A new section 23.117.030 entitled "Annual Review and Adjustment" is hereby added to read as follows.

Subject to the review provisions set forth in CMC 11.70.140 below, the transportation impact fees in CMC 11.70.180 will be adjusted annually in accordance with the Washington State Department of Transportation Construction Cost Index ("CCI"), with the first such increase taking effect within two years of adoption of this chapter and with subsequent increases to coincide with the City's annual adoption of its six-year street plan, provided the impact fees shall never be reduced solely because of a decline in the CCI.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This ordinance shall be in full force and effect, thirty (30) days after passage, approval and publication.

Introduced this ____ day of _____, 2019.

Passed by the City Council this ____ day of _____, 2019.

Approved by the Mayor this ____ day of _____, 2019.

Chris Grover, Mayor

ATTEST:

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

Stanley M. Schwartz, City Attorney

Appendix A

Schedule A

Schedule B