



City of Cheney Planning Department
Planning, Community Development, Historic Preservation
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STAFF REPORT & RECOMMENDATION to the PLANNING COMMISSION

Date of Hearing: March 14, 2022

Date of Staff Report March 7, 2022

Staff Planner: Brett Lucas, 509-498-9221 or blucas@cityofcheney.org

Application: LUA2021-008 – Blackhawk Ridge – Preliminary Plat

SEPA: A SEPA review is required.

Applicant: Tom Stirling, SynTier Engineering, Inc.
405 SE Brelsford Dr., Suite C, Pullman, WA 99163

Owner: Steve Emtman, SE Grand LLC
5323 S. Bella Vista Dr., Veradale, WA 99037

Location: Located north of 1025 Oakland St.

County Parcel #: 13123.0002 (8.66 acres) & 13123.0003 (0.45 acres)

Comprehensive Plan Designation: Low Density Residential

Zoning Designation: R-1 (Single Family Residential)

Proposal: The applicant SynTier Engineering on behalf of Steve Emtman is proposing to preliminary plat 52 lots on undeveloped land between Irene Pl. and Summit Dr. The site is zoned R-1 (Single Family Residential). The site would be developed roads and infrastructure/utilities, (water, sewer, stormwater, franchise utilities, etc.) which would tie into the existing road network. The site is approximately 9.11 acres.

PROCEDURAL HISTORY

Activity	Date
Pre-development Meeting	None
Application submitted	12/23/2021
Application deemed fully complete	01/06/2022
Date of vesting	01/06/2022
Notice of Application Letter	01/07/2022
SEPA determination	01/10/2022
Affidavit of Mailing	01/25/2022
Affidavit of Property Posting	02/10/2022
Newspaper Publication	02/24/2022
Public Hearing – Planning Commission	03/14/2022
City Council	04/12/2022
Deadline for issuing decision (120 days)	05/10/2022

CRITERIA/ANALYSIS

GENERAL SITE DATA	
Parcel Area	9.11 acres (according to the Spokane County Assessor)
Geography	Currently undeveloped. The subject site is vegetated with grass, shrubs and some trees. The subject site is a north/south valley situated between Irene Pl. and Summit Dr. A city water tank (golf ball) is situated on the southeast portion of the site.
Parking provided	Will be available as each parcel develops per Zoning code.

Land Use Process: CMC 23.030 outlines the applicability and the process for land use reviews within the City of Cheney.

Finding #1: According to the above chapter, Preliminary Plats require a public hearing with the Planning Commission, and the Final Decision being made by City Council (CMC 23.030.030).

Notice of Application/Hearing: In addition to notice of application/proposal required by CMC 23.030.030 and notice of hearing required by CMC 23.100, the applicant was required to give notice of application/proposal and notice of hearing to the record owner(s) of property, as shown by the records of the Spokane County Assessor, that are within three hundred feet (300') of the proposal site. The distance shall be measured as the shortest straight-line distance from the property line of the proposal site to the property line of the other property

Finding #2: Notices of Application were sent to all property owners within 300 feet of the subject site. The letters were mailed by January 26, 2022.

Washington State Law: The Revised Code of Washington (RCW) Chapter 58.17, establishes the approval process and requirements for local jurisdiction in regards to processing preliminary plats (subdivisions). The following is a summary.

“Subdivision” is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of subdivisions or alteration or vacation thereof. When

an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. A subdivision may be approved only if written findings support the determination that appropriate provisions, as provided in RCW 58.17.110, protect the public health, safety and welfare.

The City ordinance may require a survey be completed and filed with the application for approval of a subdivision.

Finding #3: The City of Cheney has adopted regulations for processing subdivisions (preliminary plats) as set forth in CMC 23.030. Findings for approving subdivisions are provided for in CMC 22.12.

RCW 58.17.060(2) requires the City to include in their subdivision regulations consideration of sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Finding #4: CMC 22.24 identifies provisions for public improvements including utilities and frontage improvements.

Comprehensive Plan: The 2017-2037 Cheney Comprehensive Plan; is the over-arching policy document that guides land use development within the City of Cheney. Goals and policies outlined in the comprehensive Plan are “general” in nature, and are not site specific for a particular parcel of land.

Finding #5: Staff identifies the following Comprehensive Plan goals as being related to the project proposal:

Goal 1 – Grow and sustain a balanced, resilient economy for Cheney, providing community prosperity and fiscal health.

Goal 7 – Plan for and establish types and quantities of land uses in Cheney supporting community needs and the City’s long-term sustainability.

Finding #6: Staff identifies the following Comprehensive Plan goal that the project would have a difficult time attaining:

Goal 9 – Protect and enhance Cheney’s open space areas for present and future generations.

Finding #7: Staff identifies the following Comprehensive Plan policies as being related to the project proposal:

Policy 2 – Expand the number of local living-wage jobs.

Policy 26 – Encourage a wide variety of residential building types in neighborhoods, consistent with community needs and plan objectives.

Policy 27 – Facilitate the provision of housing affordable to local wage earners, and compatible with Cheney’s existing neighborhoods.

Policy 28 – Support increased rates of home ownership in Cheney.

Policy 38 – Maintain land use strategies favoring growth within the existing urbanized area over development on the perimeter, promoting infill, limiting sprawl and helping the City provide affordable services.

Finding #8: Staff identifies the following Comprehensive Plan policy that the project would have a difficult time attaining:

Policy 24 – Support the development of compatible infill housing in Cheney neighborhoods.

Finding #9: Based on the policies listed above, this project meets a majority of the goals and policies outlined in the Comprehensive Plan.

Comprehensive Plan Land Use Designations: The Comprehensive Plan map designates the subject site as "General Residential." General Residential designated lands are also located to the west, east and north, with higher density residential located to the south along with Eastern Washington University.

Finding #10: The subject site has been designated low-density residential since the City of Cheney’s first Comprehensive Plan in 1974.

Zoning: The subject site is zoned R-1 (Single Family Residential). The proposed lots that would abut Irene Pl. to the west, Summit Dr. to the east, and Oakland St. to the south, all being zoned R-1 (Single Family Residential). All development shall conform to all Building Code regulations and Cheney Engineering Development standards. Construction activity shall conform to the air quality regulations of the Spokane Regional Clean Air Agency and to all other pollution control standards set by the Washington State Department of Ecology.

Standard	R-1
Minimum lot size	5,000 SF
Maximum lot size	11,000 SF ¹
Minimum lot width	50 ft.
Minimum lot depth	100 ft.
Minimum front setback	20 ft.
Minimum rear setback	20 ft.
Minimum street side setback	10ft.
Minimum interior side setback	5 ft.
Maximum lot coverage	45%
Maximum building height	35 ft.

¹ Cul-de-sac or corner lots be no larger than 200% of the maximum lot area for lot irregularities

Finding #11: In 1971, the subject site was initially zoned for Single-Family Residences. The areas along Irene Pl. and Summit Dr. were also initially zoned for Single-Family Residences. When buildings, structures and improvement are constructed they shall be built in conformance with all Building Code regulations and Cheney Engineering Development standards, at the time of construction.

SEPA Determination: The City of Cheney is SEPA lead agency on this project, as allowed under WAC 197-11-792.

Finding #12: Per WAC 197-11-350, on January 10, 2022 a Mitigated Determination of Non-Significance (MDNS) was issued. The MDNS was sent to the Department of Ecology as well as other state and local agencies.

Finding #13: A comment letter was received from the Department of Ecology on January 24, 2022. The letter indicated that Department of Ecology runs a Hazardous Waste and Toxics Reduction program. The letter also discusses that all stormwater runoff shall be treated according to the Department of Ecology’s Baseline General Permit for Stormwater Discharges Associated with Construction Activities. This request is already accounted for, through the Cheney Public Works Department Construction Manual.

Finding #14: A comment letter was received from the Department of Archaeology & Historic Preservation on January 24, 2022. Based on DA&HP’s Statewide Predictive Model, the model has identified the proposed project area as having a moderate potential for archaeological resources. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, it is recommended that a professional archaeological survey of the project area be conducted prior to ground

disturbing activities. Staff has added a condition of approval that requires that an archaeological survey of the project area be conducted prior to ground disturbing activities.

Finding #15: Comments on the MDNS from state and local agencies and city staff, recommended additional “Conditions of Approval” to be added to the staff report to address geology/soils, drainage, water, traffic/intersection, archaeology, and electrical load. A retention of the MDNS has been issued with the additional conditions outlined above.

Site and Vicinity: The 9.11-acre site is located north of the Oakland St., east of Irene Pl. and west of Summit Dr. The surrounding area consists of low density residential (5,000 to 23,000 square foot) lots.

Finding #16: The subject site is located in a low-density residential area as identified.

Concurrency: Chapter 23.10 of the Cheney Municipal Code requires a determination that the proposal will not cause the City transportation system to operate below established Levels of Service. The Public Works Director has confirmed that the level of service stated in the Cheney Comprehensive Plan will not be reduced by this proposal.

Finding #17: The Public Works Director has reviewed the plat for traffic concurrency. Based on the Trip Generation Letter, the proposed 52 lot project could generate up to 570 weekday daily trips according to the ITE Trip Generation Manual (10th Edition). To put this in perspective with respect to trip generation from existing residences, Irene Pl. has 30 lots and could generate up to 333 weekday daily trips. Summit Dr./Skyview Pl. has 31 lots and could generate up to 344 weekday daily trips. Oakland St., Cedar St. and Betz Rd., have built in capacity and can absorb these trips without violating the City LOS standards or concurrency requirements. Therefore, a traffic study is not required.

APPROVAL CRITERIA

21.20.020 Declaration of purpose

The purpose of the R-1 Single-Family Residential Zone is to provide for single-family residences, excluding mobile homes, on an average neighborhood density of approximately six dwelling units per acre. Zero lot line developments are also considered. The R-1 zone is designed to implement the low-density residential designation of the comprehensive plan.

Finding #18: Six dwelling units per acre calculates out to approximately one unit per 7,260 square feet. The applicant proposes to create a 52-lot subdivision with lots ranging in size from 5,000 square feet to 10,500 square feet.

21.20.040 Density

CMC 21.20.040 outlines the minimum and maximum lot size and setback requirements that are applicable in residential zones.

Finding #19: The applicant proposes to create a 52-lot subdivision with lots ranging in size from 5,000 square feet to 10,500 square feet. The minimum lot size in the R-1 zone 5,000 square feet. The maximum lot size is 11,000 square feet with a 200% allowance for cul-de-sac lots. As proposed, the subdivision meets the minimum lot size requirements as outlined in the code. As proposed, the subdivision would provide for lots that are smaller in size than the lots in the surrounding neighborhoods on Irene Pl. and Summit Dr./Skyview Pl.

Street/Neighborhood	Number of Lots	Min. SF	Max. SF	Average SF
Blackhawk Ridge (as proposed)	52	5,000	10,511	5,924
Irene Pl.	30	5,227	17,859	10,759
Summit Dr. /Skyview Pl.	31	8,712	23,522	12,211

21.10.090 Calculating Density

The following describes how net density is calculated with certain examples. Lot calculation if a street is created: Example in the R-1 Zone on 1-acre of land. Assume a 15 percent loss when a street is created. (Square footage of site x 0.85) / Maximum density = Maximum number of lots. (43,560 sf x 0.85) / 7,000 sf = 5.28 lots or 5 lots when rounded down.

Finding #20: Density calculation for this project is as follows. As currently proposed, the project is over density by 4 units.

43,560 SF in an acre of land. Subject site is 9.11 acres or 396,831 SF

R-1 Density = 6 units per acre or 1 unit per 7,000 SF lot

Assume a 15% loss for roads

$(396,831 \text{ SF} \times 0.85) / 7,000 \text{ SF} = 337,306 \text{ SF} / 7,000 \text{ SF} = 48.18 \text{ units}$. Round down to 48 units.

22.12.090 Approval Criteria

1. *Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water suppliers, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and*

Finding #21: Provisions have been for public health, safety and general welfare. As part of the subdivision, the parcels will be required to connect to the appropriate water, sewer and stormwater systems. Sidewalks and curbs in disrepair will need to be fixed and a sidewalk will be required along new streets. The requirements regarding facilities for parks and recreation, playgrounds, school grounds are applicable, as the applicant will need to pay appropriate park impact fees at the time of building permit application for each individual lot. Alternatively, the applicant could provide for park space on the subject site, which could mitigate some of the park mitigation fees. Other development requirements such as landscaping and street lighting are provided for in the City Municipal Code.

There are some challenges with this site. Because of the challenges, staff will be requiring additional conditions of approval. Conditions would include a Geotech study to analyze soil, geology, and groundwater; a Drainage Study to address drainage concerns; a Water Study to analyze the high zone to look at water pressure, water flow including the possibility of an additional water tank or booster station; a Power Load Study to look at power demand and a possible additional feeder line; and a archeological study, as the subject site is located in an area of moderate significance.

2. *The public interest will be served by the subdivision and dedication;*

Finding #22: This subdivision would facilitate the continued residential development that has occurred in the general area over the past 40-50 years to meet the housing needs of Cheney. This subdivision would connect water at the top of Irene Pl. to Summit Dr. This would also allow for secondary access between both neighborhoods which currently do not have adequate fire engine turnaround space. Alternatively, this subdivision would take way the open space that is currently enjoyed by the residents in the area. Some neighborhood/pocket parks and/or walking trails with pedestrian connectivity through the new subdivision would be an added amenity to the neighborhood, and should be considered.

3. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant with the proposed uses compatible with the surrounding area and conditions;*

Finding #23: Soil or topographical conditions presenting hazards on this property will be addressed during the engineering review as part of the civil review and final plat process. At this time a Geotech or groundwater geology report has not been prepared. A Geotech report will be required as a condition

of approval to analyze the grading, cuts/fill (structural material), as well as compaction requirements. The geotechnical firm will be required to analyze existing conditions and to provide mitigation procedures to ensure the site is stable during and after construction. A drainage analysis (will be a condition of approval) will be conducted as part of the analysis of the soils/geology in preparation of civil plans. The Geotech report will investigate and note groundwater encountered during field exploration. As necessary there will also be site specific engineering review during the building permit stage on a specific parcel if deemed necessary.

4. *The proposed subdivision would not result in the scattered land division that leaves undeveloped parcels of land lacking urban services between developed parcels;*

Finding #24: The proposed lots will be contiguous to the overall existing residential development.

5. *The subdivider has made every effort to mitigate the impact of the proposed subdivision regarding public health, safety, and welfare;*

Finding #25: Based upon the matters contained in this staff report, the City development code and application, the proposed subdivision could have an impact on the public health, safety and general welfare of the community. Staff has included additional conditions in the staff report to address some of the concerns of public health, safety and welfare.

6. *Improvements have been provided to protect future development from flood, inundation, or swamp conditions;*

Finding #26: The subject site is located outside the 100-year floodplain. Flood hazards will be addressed during the engineering review as part of the final plat process. Based on the preliminary topographic profiles, a thorough drainage analysis would be required as a condition as part of the Geotech/civil plan process. As with any proposed subdivision, the applicant shall not create any additional surface water runoff onto adjacent parcels. This matter should be addressed during the engineering review when the plat improvements are considered and, as necessary, during building permit review for each lot.

7. *The property to be subdivided has frontage on and access to an existing street right-of-way that is fully improved;*

Finding #27: The applicant will need to provide full frontage improvements on all new streets including curb, gutter, and sidewalk which will need to meet the City's development standards. Streets such as Oakland St. and Summit Dr. would be required to have full frontage improvements where this project abuts up against those streets. As an offsite improvement, sidewalk, would also be required along the north side of Oakland St. between Irene Pl. and N. 9th St.

8. *The proposal, at full occupancy, will not create a level of traffic that decreases the level of service for any street below the minimums set in the comprehensive plan;*

Finding #28: As currently designed, the proposed 52 lot subdivision could generate 570 new daily trips according to the *ITE Trip Generation Manual*. To put this in perspective with respect to trip generation from existing neighborhoods, Irene Pl. has 30 lots and could generate up to 333 weekday daily trips. Summit Dr./Skyview Pl. has 31 lots and could generate up to 344 weekday daily trips. According to the Director of Public Works, the project as proposed would be able to meet the City of Cheney's concurrency requirements, as Summit Dr., Skyview Pl., Irene Pl. and Oakland St. have capacity to handle the additional trips.

9. *The proposed street names are sufficiently different in sound and spelling from other street names in the city so as not to cause confusion. Those streets which are (or are planned as) a continuation of an existing street shall bear the same name;*

Finding #29: Three new street names are proposed a part of this project. Staff is having conversations with police and fire services to determine if there are any issues with the proposed street names.

10. *Appropriate provisions have been made to accommodate drainage facilities, pedestrian traffic, and utilities where streets do not continue to the boundary of the land division;*

Finding #30: Adequate provisions will be made for drainage facilities, pedestrian traffic and utilities during the engineering review as part of the civil plan/final plat process. A drainage analysis (condition of approval) will be done in conjunction with the Geotech work. There will also be site specific engineering review during the building permit review for each lot. The applicant will need to construct a stub for each lot to connect with the city water and sewer utilities. While curb and sidewalk would be provided for pedestrian connectivity, there would not be any pedestrian connectivity between Skyview Ct. and Black Hawk Ct. with the current proposal.

11. *The proposed streets are properly integrated with the existing transportation system established in the comprehensive plan.*

Finding #31: Each lot will be provided with a new driveway access point. The new parcels would tie into the existing street system, by completing Summit Dr., Skyview Pl., Irene Pl. and Oakland St.

22.24.020 Street and block layout

The street layout shall conform to the following:

- (a) Continuity of appropriate streets and arterials;*
- (b) Streets to boundaries of the land division, unless prevented by topography or other physical conditions;*
- (c) Streets generally following contour lines;*
- (d) Streets intersecting at right angles or as nearly as possible;*
- (e) Maximum offset distance of 25 feet;*
- (f) Nothing less than full width streets except boundary streets designated by the official comprehensive plan;*
- (g) Alleys in business district, at least 20 feet wide, at the option of the applicant;*
- (h) Alleys, other than in business district, a minimum of 20 feet wide, at the option of the applicant;*
- (i) Blocks shall have sufficient width to provide for two tiers of lots, each of which shall have a minimum depth of 100 usable feet, at the option of the applicant;*
- (j) The length of blocks shall not exceed 1,320 feet where the average size of lots does not exceed two acres in area;*
- (k) In any block exceeding 660 feet in length crosswalks or pedestrian ways shall be required, when essential to provide circulation or access to schools. Playground, shopping centers, etc., the right-of-way of which shall be at least 20 feet in width;*
- (l) The number of intersecting streets with arterials of all classes shall be held to a minimum;*
- (m) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property;*
- (n) The proposal shall provide for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.*

Finding #32: New streets or blocks are proposed as part of this subdivision. The proposed lots will ultimately front on Summit Dr., Irene Pl. and Oakland St., which will be fully improved with curb, gutter, and sidewalk. As proposed, the subdivision meets the street and block layout requirements identified in sub-sections (a) through (n).

22.24.030 Street right-of-way requirements

The minimum street standards for a local access street are 50 feet (right-of-way), and a minimum curb to curb pavement width of 36 feet.

Finding #33: Fully improved streets will be 50 feet wide and will include curb, gutter, and detached sidewalks as required in the Cheney Design Standards.

22.24.040 Lots

The following provisions shall apply to lots:

- (1) Every lot shall abut on a street.*
- (2) Lots shall be a minimum of 100 usable feet in depth.*
- (3) The ratio of the depth of any lot to its width shall not be greater than 2½:1.*
- (4) Residential lots shall have a minimum area of 7,000 square feet unless otherwise specified in Chapter 21.44, Bulk and Size Requirements.*
- (5) Lots having frontage on two streets shall be avoided wherever possible.*
- (6) Residential lots fronting on community arterials shall be at least 120 feet in depth.*
- (7) Side lot lines shall be within 20 degrees of perpendicular to the centerline of the street in which the lot faces.*
- (8) Side and rear lot lines shall be straight or composed of straight line elements.*
- (9) Building setback lines in conformance with existing ordinances shall be clearly designated on the proposed plat.*

Finding #34: All proposed lots will front a public street. Vehicular access to all lots will be via Irene Pl., Summit Ct., Skyview Ct. and Black Hawk Ct. All lots have over 100 feet of usable depth. The lots do not exceed a ratio of 2.5:1 for depth and width. The smallest lot is 5,000 square feet which meets the minimum requirements set forth in Chapter 21.20.

22.24.060 Utilities

- (a) Water supply methods contemplated for use in the proposed plat must meet current standards.*
- (b) Sanitary sewage disposal methods contemplated for use in the proposed plat must conform to current standards.*
- (c) Where sanitary sewers are not available that each lot must contain adequate area and proper soil, topographic and drainage conditions to be served by an on—site sewage disposal system.*

Finding #33: There are currently water challenges in the neighborhood. As conditioned at the end of the staff report, a High Zone water system study must be completed prior to Civil Plan and Final Plat approval to assure that the High Zone can adequately handle the additional demand. The study would evaluate the mains on Irene Pl., Summit Dr., and Oakland St. for capacity at Reservoir #4 and Booster Station #1 for improvements and/or replacements to support any additional development. Additional requirements will be evaluated at the discretion of the City Engineer. As currently proposed, the sewer design and profiles do not meet city of Cheney Engineering Design Standards.

If the issues outlined above are adequately addressed, all public utilities and services could be made available on Irene Pl., Summit Ct., Skyview Ct. and Black Hawk Ct.

22.24.070 Fire Code

To receive fire code approval, the proposal must meet the minimum fire apparatus access standards set forth in the International Fire Code and Title 18. Per CMC 22.24.070 (Fire Code), all land divisions must conform to the International Fire Code, including, but not limited to, provisions for fire flow and ingress and egress of emergency vehicles.

Finding #35: The Fire Department has not reviewed the proposed land division to see if it meets the requirements of the International Fire Code. Specific fire code requirements may be required as each lot develops, through the building permit review process. Fire hydrant locations will be reviewed during the civil plan review process.

22.24.080 Easements

Easements shall be provided where necessary for road utility installation and maintenance, public access, drainage and buffer strip or protective easements.

Finding #36: The final plat shall include all the utility easements.

12.70.060 Private Road Requirements

1. *The face of any plat or short plat containing a private road shall bear the following language:*

"Warning, the City of Cheney has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing service to the property described within this subdivision."

Finding #37: Since the proposed plat does not contain a private access easement, this requirement does apply.

2. *Each lot, tract or parcel in a subdivision or short subdivision utilizing a private road for access shall have a disclosure statement on the face of the plat or short plat and in the form of a deed covenant running with the land identifying the mutual maintenance responsibilities of each property owner, establishing easements for access and for necessary utilities.*

Finding #38: Since the proposed plat does not contain a private road access easement, this requirement does apply.

21.42 Landscaping and Buffering

Per CMC section 21.42.020, landscaping requirement of 21.42, do not apply to single-family lots.

Finding #39: A overall landscaping plan for primary entry areas will be required as part of the Civil Plan Review process.

21.70 Conservation of Critical Areas

CMC 21.70 (Conservation of Critical Areas) applies only to areas with wetlands, frequently flooded areas, or areas with significant wildlife that could be wildlife conservation areas. As part of the preliminary plat application a wildlife study has not been completed.

Finding #40: If the Planning Commission believes that a wildlife study of the subject site should be completed, that requirement may be conditioned as part of the Conditions of Approval at the end of the staff report. Staff would suggest that a "wildlife study" be completed prior to civil plan approval.

DEPARTMENT, AGENCY & PUBLIC COMMENTS**Cheney Public Schools**

This project has been referred to Cheney Public Schools so they can address student capacity in the nearby elementary, middle and high school.

Finding #41: Cheney Public Schools were notified on January 10, 2020. Staff has not received a response from Cheney Public Schools regarding capacity.

Light Department

To receive a building permit, requirements of Title 14 shall be met, and will be reviewed during the building permit process.

Finding #42: The Light Department has reviewed the plat, and offers the following comments. Line capacity could be an issue, as the Light Department will require a “load study” be an engineer determine if current electrical lines could accommodate the project or if an upgrade would be needed. A loop feed would be required. Later in the process when installing electrical line, and the current supply chain challenges in ordering equipment and transformers, the Light Department would require full payment from the developer prior to any ordering. Electrical needs will also be reviewed at the time of building permit application.

Public Works Department – Building Department

To receive a building permit, the proposal must meet minimum standards of the technical codes as outlined in Title 19 with applicable State and local amendments.

Finding #43: The Building Department has reviewed the plat, and offers the following comments. Any proposed structure will be reviewed against the International Residential Code and Title 19 at the time of building permit application.

Public Works Department – Utilities

Titles 15 and 16 address the minimum standards for sewer and water service respectively.

Finding #44: The Public Works Department has reviewed the plat and offers the following comments regarding curbs, sidewalks, utilities and easements. The final plat shall include sidewalks along Summit Dr., Summit Ct., Skyview Ct., Black Hawk Ct., and Oakland St. and to replace curbs in disrepair in accordance with the Cheney Design Standards. The Final plat shall include the required utility easements. Water mains will need to tie into the existing mains.

There are currently water challenges in the neighborhood. As conditioned at the end of the staff report, a High Zone water system study must be completed prior to Civil Plan and Final Plat approval to assure that the High Zone can adequately handle the additional demand. The study would evaluate the mains on Irene Pl., Summit Dr., and Oakland St. for capacity at Reservoir #4 and Booster Station #1 for improvements and/or replacements to support any additional development. Additional requirements will be evaluated at the discretion of the City Engineer. As currently proposed, the sewer design and profiles do not meet City of Cheney Engineering Design Standards.

Public Works Department – Engineering

Surveying comments were provided by Parimetrix Engineering

Finding #45: Parimetrix Engineering has reviewed the plat and offers the following comments. The final plat shall be reviewed in compliance with Chapter 22.20, 22.26, and 23.060 of the Cheney Municipal Code.

Sheet 1

1. There is an error in the Section-Township-Range statement on Sheet 1. It is correct in the Boundary Description on Sheet 2.
2. The Boundary Map on Sheet 1 shows 2 parcels, while the Boundary Description on Sheet 2 describes a single parcel. Suggest adding County parcel numbers (13123.0002, 13123.0003), showing purpose of dividing line between North northerly 160 feet, or removing/lightening dividing line and adding Point of Beginning.
3. Horizontal Datum statement and Basis of bearing should be added.
4. Vertical Datum statement and contour interval should be stated.

Sheet 2

5. Suggest labeling boundary description as “combined” or “overall” boundary description.
6. Existing easements are not shown (if any).
7. Proposed easements are not shown.
8. Skyview Ct. missing Cul-de-sac Radius.
9. Suggest adding bounding plat and right of way calls to Boundary Description or using existing deed description, if suitable, for Final Plat. The boundary as described does close accurately and total area is confirmed.

All Plan & Profile Sheets (3-7)

10. Add Street names
11. Make Exterior boundary line Darker more prominent
12. Add Lot/block numbers

Development Standards (Table 21.20.050-1)

13. Minimum Front Setbacks for R-1 are 20', the preliminary plat shows 15'. 14. Minimum Rear Setbacks for R-1 are 20' (15' corner lots), the preliminary plat shows 10'. 15. Some Lots on cul-de-sac may not meet the minimum 100 foot depth.

All other lot area, net density and basic development standards appear to be met.

Citizen Comment

A Notice of Application was sent out on January 25, 2022 to the property owners that were within 300 feet of the subject site. The Notice of Application included a public comment period, up until the date of the Public Hearing. Several comment letters were received, as of the writing of this report.

Finding #46: Letters received (name and address) as of the writing of this staff report are listed at the end of the staff report.

Finding #47: The focus of concerns from the letters were geology/soils (steep slopes), traffic, density, water, public interest, vehicle emissions, and green space.

Geology/Drainage. At this time a Geotech or groundwater geology report has not been prepared. A Geotech report will be required as a condition of approval to analyze the grading, cuts/fill (structural

material), as well as compaction requirements. The geotechnical firm will be required to analyze existing conditions and to provide mitigation procedures to ensure the site is stable during and after construction. A drainage analysis (will be a condition of approval) will be conducted as part of the analysis of the soils/geology in preparation of civil plans. The Geotech report will investigate and note groundwater encountered during field exploration.

Traffic. The proposed land use is single family residential; ITE has developed data regarding various trip types that all developments experience. These are found in several places, however, for this analysis the Trip Generation Manual 10th Edition as well as the Institute of transportation Engineers (ITE) Trip Generation Handbook were used to develop the criteria for this analysis. Generally, all existing and proposed developments will be made up of one or more of the following four trip types: new (destination) trips, pass-by trips, diverted trips, and shared (internal trips). Based on the Trip Generation Letter, the proposed 52 lot project could generate up to 570 weekday daily trips.

Sidewalks and appropriate frontage improvements will be required where the site fronts Oakland St., Summit Dr., and Irene Pl. Additional sidewalks may be required at the discretion of the Public Works Director. The City has concerns regarding the intersection of Black Hawk Ct. and Oakland St., with the current design, and will work with the applicant to reevaluate the design to address the blind hill.

Roads will be a minimum of 50-feet wide per the City of Cheney Engineering Design Standards. Roads may include parking on either side of the street,

Density. The proposed land use is single family residential; ITE has developed data regarding various trip types that all developments experience. These are found in several places, however, for this analysis the Trip

The proposal is for 52 lots that range and size from 5,087 SF to 8,802 SF. The Cheney Municipal Code (CMC) does not define buildable vs. non buildable land. Not all of a 5,000 SF lot will be built on.

Preferred lot sizes and home styles will change over time, based on community demands and changing tastes. With the increasing costs to install underground infrastructure (water, sewer, stormwater/drainage, and franchise utilities), sidewalks and asphalt, there is a minimum number of lots that are needed to make a subdivision pencil out. Smaller lots could be attractive to “first time home buyers/owners” as the lots could be less expensive.

The City of Cheney does not determine the quality of the home built (number of high-end homes). Home “amenities” will be based on what the Cheney real estate market can support.

Some homes could become rentals. This development is zoned single family and will be constructed as such. The City cannot predict future uses by homeowners.

Water. As part of this application the City will require the applicant to complete water study as a condition of approval. The “High Zone” water system study must be completed prior to Civil Plan and Final Plat approval to assure that the High Zone can adequately handle the additional demand.

Public interest. The project will correct a fire safety deficiency and water flow issues with the connection of Irene to Summit.

Vehicle emissions. There would be similar vehicle emissions from the development that the existing residents on Skyview Pl., Summit Dr. and Irene Pl. currently generate on a per lot basis.

Green space. As proposed, the subdivision as proposed, does not provide any green space. The applicant is open to discussion.

Schools. Staff referred this project out to the Cheney School District for comments. They have not responded.

RECOMMENDATION

Staff is neutral on this application. If the Planning Commission believes that the proposed Conditions of Approval adequately address the concerns outlined in the staff report for the Preliminary Plat, then the Planning Commission may move forward with a recommendation to City Council.

(The above may be revised upon receipt of new information at any time prior to the public hearing.)

The Planning Commission may choose **one** of the following options on March 14, 2022.

- Recommend approval of the Preliminary Plat (with 48 lots, maximum per density outlined in the staff report) based on public testimony and Planning Commission discussion subject to Conditions of Approval outlined in the staff report.
- Recommend approval of the Preliminary Plat based on public testimony and Planning Commission discussion subject to Conditions of Approval outlined in the staff report.
- Recommend denial of the Preliminary Plat.

CONDITIONS OF APPROVAL

1. The site plan that is included with building permit plans and construction drawings shall be in substantial conformance with the preliminary plat and other requests that are approved as part of this application. The preliminary plat shall be reviewed under Chapter 23.040 of the CMC and RCW Chapter 58.17.
2. The applicant shall show sight distance and vision clearance triangles on the landscape plans, building plans, and civil/construction drawings.
3. The applicant shall show tree protection fencing on the erosion control and/or grading plans for any trees to be retained.
4. **Prior to Civil Plan approval, a Geotech Report by a licensed engineer shall be completed to analyze the geology/soils, grading, cuts/fill (structural material), steep slopes, as well as compaction requirements. The geotechnical firm will be required to analyze existing conditions and to provide mitigation procedures to ensure the site is stable during and after construction. Geotech should also address cut/fill, stability and road cuts around the existing water tank.**
5. **Prior to Civil Plan approval, a Drainage Report by a licensed engineer shall be completed to ensure that the development is designed to be protected from flooding, and to verify that the development will not improperly divert or increase the stormwater runoff on surrounding properties.**
6. **Prior to Civil Plan approval, a “Water System Study” of the High Zone shall be completed by a licensed engineer or other qualified professional. The “High Zone” water system study is to assure that the High Zone can adequately handle the additional demand. The study shall evaluate the mains on Irene Pl., Summit Dr./Skyview Pl., and Oakland St. for capacity at Reservoir #4 and Booster Station #1 for improvements and/or replacements to support any additional development.**
7. **Prior to Civil Plan approval, the applicants traffic engineer shall complete a specific analysis as to the design of the proposed intersection of Black Hawk Ct. and Oakland St., specifically addressing vision clearance and sight lines in relation to the “blind hill.” The traffic engineer shall also analyze changes in LOS and traffic patterns with the potential extension of Oakland St. from Irene Pl. to Washington St.**

8. **Prior to Civil Plan approval, an archaeological survey of the project area shall be conducted prior to ground disturbing activities.**
9. **Prior to Civil Plan approval, a Power/Electrical Load Study by a licensed engineer shall be completed to determine if the current electrical lines/system could accommodate the project or if an upgrade would be required. Outcome of study could include line upgrades, a loop feed or feeder lines.**
10. **Prior to Preliminary Plat approval by City Council, the applicant shall enter into a Developers Agreement with the City for any on-site or off-site improvements as deemed appropriate by City Staff, Planning Commission or City Council.**
11. Note shall be placed on the final plat: *If any cultural resources are discovered in the course of undertaking the development activity, the Washington State Department of Archaeology and Historic Preservation in Olympia and City of Cheney Community Development Department shall be notified. Failure to comply with these State requirements may constitute a Class C felony, punishable by imprisonment and/or fines (<http://www.dahp.wa.gov/>).*
12. The applicant shall apply for any appropriate grading, building and engineering permits, as part of the construction activities for site grading, site preparation, and improvements as needed to move forward with the final plat process.
13. Fire apparatus access shall be maintained at all times.
14. Prior to the issuance of any building permits, all applicable fees shall be paid to the City of Cheney.
15. Park Impact Fee's – A park impact fee of \$1,245 per single-family lot is required prior to building permit issuance. Based on the proposed 52 lots, the total park impact fee would be \$64,740. Dedication of park land may be offered by the developer as total or partial payment of the required impact fee, based on the appraised value of the land to be offered.
16. A pre-construction meeting shall be conducted prior to commencement of any construction activities.
17. The applicant shall ensure sediment does not impact adjacent properties, creeks, or the surrounding public roads during construction.
18. The applicant shall repair any damage to public streets due to construction activity.
19. Upon approval of the preliminary plat, the applicant may apply for final plat. Final plats will be reviewed according to the procedures of Chapter 23.040 of the CMC. See chapter 22.22 of the CMC for appropriate final plat language.
http://library.municode.com/HTML/14910/level2/TIT22SU_CH22.20FIPLLA.html
20. Black Hawk Ct, Summit Ct., Skyview Ct., Summit Dr. and Irene Pl. are designated as local access street. Per the Design Standards, Table 3 B on page 3-8; the required right-of-way (ROW) width is 50 feet. This is based on parking widths of 8 feet on both sides of the street, and (2) twelve foot travel lanes. Based on this table and the local assumption the pavement width would be 40 feet including the parallel parking width. The road shall be constructed to City Standards with curb and sidewalk full width.
21. A preliminary utility plan shall be submitted prior to the issuance of any Public Works permits showing how the project will be serviced. This shall include any required utility easements.
22. Prior to the issuance of any Public Works permits, a preliminary stormwater plan/ report should be completed discussing how the increase in runoff quantity and how stormwater treatment will be accomplished.
23. The applicant shall comply with all of the requirements outlined in the Department of Ecology's

Baseline General Permit for Stormwater Discharges Associated with Construction Activities.

24. The final plat shall include sidewalks along Black Hawk Ct., Summit Ct., Skyview Ct, Summit Dr., Irene Pl., and Oakland St. to replace curbs in disrepair in accordance with the Cheney Design Standards. Sidewalks shall be installed on the north side of Oakland St. between Irene Pl. and N. 9th St.

EXHIBITS (attached unless indicated)

A. Applications:

1. Application for a Preliminary Plat, dated December 23, 2021
2. Letter from applicant addressing the approval criteria

B. Letters, Plans and Drawings:

1. Site Plan, dated December 2021
2. SEPA checklist dated December 23, 2021
3. MDNS, dated July 22, 2020
4. Retention of MDNS, dated February 16, 2022
5. Letter from Department of Ecology dated January 24, 2022
6. Letter from Department of Archaeology & Historic Preservation dated January 24, 2022
7. Trip Generation Letter from T-O Engineers, dated December 10, 2021
8. Letter from Parametrix, dated January 24, 2022
9. Email from Building Department, dated January 20, 2022
10. Email from Public Works Department, dated January 21, 2022
11. Email from Light Department, dated February 9, 2022
12. Black Hawk Ridge Capacity Assessment from T-O Engineers, dated February 2022

C. Notifications:

1. Notice of Application, dated January 7, 2022
2. Affidavit of Mailing (including mailing list), dated January 25, 2022
3. Notice of Publication, Legal Notice, published in the Cheney Free Press on February 24, 2022
4. Affidavit of Property Posting, dated February 10, 2022

D. Correspondence:

1. Letter of Completeness, dated January 7, 2022
2. Email from Kelly & Stephan Aldridge, 923 Skyview Pl., dated January 25, 2022
3. Letter from Sara Preisig, 919 Summit Dr., dated January 26, 2022
4. Letter from Robyn Chabot, 607 Irene Pl., dated January 26, 2022
5. Letter from Tom & Carol Sherman, 928 Skyview Pl, dated January 26, 2022
6. Email from Curt Critchlow, 816 Summit Dr, dated January 26, 2022
7. Letter from Mary George, 909 Oakland St., dated February 4, 2022
8. Letter from Barry & Gail Hicks, 601 Irene Pl., dated February 4, 2022
9. Letter from Jason & Kaely Randles, 919 Skyview Pl., dated February 9, 2022
10. Letter from William & Valerie Schillinger, 701 Irene Pl., dated February 9, 2022
11. Letter from Mitchell (David) McNeill, 1009 Oakland St, dated February 11, 2022
12. Letter from Krisann Hatch & James Sloan, 802 Irene Pl., dated February 8, 2022
13. Letter from Michael Borysewicz & Nan Berger, 425 Irene Pl., dated February 11, 2022
14. Letter from Robert & Carie Thompson, 605 Irene Pl., dated February 19, 2022
15. Email from Ted & Louise Otto, 920 Skyview Pl., dated February 23, 2021
16. Email from Trudy Weston, 608 Irene Pl., dated February 24, 2021
17. 2nd Letter from Barry & Gail Hicks, 601 Irene Pl., dated February 27, 2022
18. Email from Nicole Cue, 703 Irene Pl, dated February 27, 2022
19. Letter from Susan & Paul Means, 902 Summit Dr, dated February 28, 2022
20. Letter from Joel Jalomo & Evelyn Sanchez-Jalomo, 609 Irene Pl, dated February 28, 2022
21. Email from Sherry Miller, 405 Irene Pl, dated February 28, 2022

22. Letter from Robert & Rachel Burke, 910 Summit Dr., dated February 28, 2022
23. Email from Kayla Bogle, 924 Skyview Pl, dated February 28, 2022
24. Email from Juan & Geneva Ybarra, 702 Irene Pl, dated January 24, 2022
25. Email from Michael Crabb & Lisa Hampton, 914 Summit Dr, dated March 6, 2022

[End of Report]

By: _____
Brett Lucas, Senior Planner

Date: _____