



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

**Revised on January 12, 2023 – additional conditions**  
**based on the January 9, 2023 Planning Commission Meeting**

**Date of Hearing:** January 9, 2023

**Staff Planner:** Brett Lucas, 509-498-9221 or [blucas@cityofcheney.org](mailto:blucas@cityofcheney.org)

**Application:** LUA2022-011 Replat of Golden Hills 6<sup>th</sup> Addition

**SEPA:** The City of Cheney is SEPA lead agency. The City of Cheney has issued a Mitigated Determination of Non-Significance (MDNS) dated November 21, 2022.

**Applicant:** Scott Bernard  
WM Winkler  
5516 N Starr Rd  
Newman Lake, WA 99025.  
509-489-6100  
[sbernhard@wmwinkler.com](mailto:sbernhard@wmwinkler.com)

**Owner:** WM Winkler  
5516 N Starr Rd  
Newman Lake, WA 99025.

**Location:** Sunrise Drive between Golden Hills Drive & Greenfield Drive west of the Crunks Hill Sports Fields. The site is approximately 8.16 acres.

**County Parcel #:** 13122.2011

**Comprehensive Plan Designation:** General Residential

**Zoning Designation:** R-1 (Single-family Residential)

**Proposal:** This was previously platted in 2017 as part of LUA2017-007 (Golden Hills Phase's 5 & 6). A proposal by Winkler to replat Golden Hills 6<sup>th</sup> Addition, to add 12 additional lots, increasing the total number of lots from 25 to 37. 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.

|                           |
|---------------------------|
| <b>PROCEDURAL HISTORY</b> |
|---------------------------|

| <b>Activity</b>                                    | <b>Date</b> |
|--|-------------|
| Pre-development Meeting                            | none        |
| Application submitted                              | 11/14/2022  |
| Application deemed fully complete                  | 11/21/2022  |
| Date of vesting                                    | 11/21/2022  |
| SEPA determination: MDNS – Cheney Lead Agency      | 11/21/2022  |
| Affidavit of Mailing                               | 12/01/2022  |
| Affidavit of Property Posting                      | 12/13/2022  |
| Affidavit of Notice in the Cheney Free Press       | 12/15/2022  |
| Public Hearing (open record) – Planning Commission | 01/09/2023  |
| Public Hearing (closed record) – City Council      | 01/24/2023  |
| Deadline for issuing decision (120 days)           | 03/21/2023  |

|                          |
|--------------------------|
| <b>CRITERIA/ANALYSIS</b> |
|--------------------------|

| <b>GENERAL SITE DATA</b> |                            |
|--------------------------|----------------------------|
| Parcel Area              | 8.16 acres                 |
| Landscape Area           | 15% will be required       |
| Building Area (current)  | 6,750 SF – 18,419 SF range |
| Parking provided         | 2-spaces on each lot       |

**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, Planned Unit Development (PUD)/Preliminary Plat Amendments require an open record public hearing with the Planning Commission, and the Final Decision (closed record) being made by City Council (CMC 23.030.030).

**Notice of Application/Hearing - Mailing:** Notice of application requirements are outlined in CMC 23.030.030, and notice of hearing requirements are outlined in CMC 23.100. The applicant was required to provide notice of application and notice of hearing to the properties of record, 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 another property.

**Finding #2:** Notices of Application were sent to all property owners within 300 feet of the subject site on December 1, 2022, according to the Affidavit of Mailing provided by the applicant.

**Notice of Application/Hearing – Property Posting:** Notice of application requirements are outlined in CMC 23.030.030, and notice of hearing requirements are outlined in CMC 23.100. The applicant posted the property with a sign on the east side of the property near the intersection of Sunrise Dr. and Steptoe View.

**Finding #3:** Staff visited the site and saw the property posting on December 28, 2022. The applicant provided an Affidavit of Property Posting on December 13, 2022.

**Notice of Application/Hearing – Publication:** Notice of application requirements are outlined in CMC 23.030.030, and notice of hearing requirements are outlined in CMC 23.100. The applicant was required to provide notice of application and notice of hearing in the Cheney Free Press by December 19, 2022.

**Finding #4:** The applicant provided an Affidavit of Publication on December 22, 2022, stating that a notice was published in the Cheney Free Press on Thursday, December 15, 2022.

**Comprehensive Plan:** As part of this modification of the preliminary plat, there is no need to amend the Comprehensive Plan, as the Comprehensive Plan designation of “Low Density Residential,” allows for a R-1 (Single-Family) zoning designation.

**Finding #5:** The Comprehensive Plan designates the subject site Low Density Residential. A Comprehensive Plan Amendment is not required as R-1 (Single-Family) uses are permitted in the Low-Density Residential designation within the Comprehensive Plan.

The 2017-2037 Cheney Comprehensive Plan is the over-arching policy document that guides land use development within the City of Cheney.

**Finding #6:** The subject site has a land-use designation of Low Density Residential, as do the parcels to both the north and south. Crunk’s Hill sports fields are located to the east. Washington Street is located to the west.

**Finding #7:** 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 5 – Keep Cheney’s neighborhoods safe, vital, and attractive.

Goal 17 – Involve the community of Cheney in all local government planning and decision making.

**Finding #8:** Staff identifies the following Comprehensive Plan policies as being related to the project proposal:

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

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

Policy 31 – Promote land use and growth patterns that ensure all residences are within walking distance of civic and service amenities.

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

**Finding #9:** Based on the goals and policies listed above, this project meets the overall intent of the Comprehensive Plan. This infill development would delay the need to expand the Urban Growth Boundary (UGB) and allow more development on the city’s periphery (supports Policies 24 and 38).

This project also promotes having residents living closer to other civic amenities such as Cheney Middle School and Crunk’s Hill sports fields (supports Policy 31).

**Zoning History:**

In 2004, a plat was submitted to construct a 132-lot subdivision. The rezone application was part of the overall application to rezone 2.2 acres of R-2 zoning back to R-1. The planned unit development (PUD) application requested approval of a zero-lot line configuration of lots in the R-2 zone to accommodate two-unit townhouses. At the time, all proposed R-1 and R-2 lots exceeded the minimum lot requirements for their respective zone and no bonus density was requested.

In 2017, a revised plat map was submitted for both Golden Hills 5<sup>th</sup> and 6<sup>th</sup> Addition. For the 6<sup>th</sup> Addition portion, the original number of lot proposed was 25 lots ranging in size from 6,750 SF to 32,077 SF. The average size was approximately 11,998 SF.

The current proposal (2022) for Golden Hills 6<sup>th</sup> Addition, is to increase the number of lots from 25 to 37. Lot sizes range from 6,750 SF to 18,419 SF, with the overall average lot size being 8,205 SF. Golden Hills 6<sup>th</sup> Addition has been split into two phases with Phase 1 including 21 lots and Phase 2 including 16 lots.

***Finding #10:*** The preliminary plat/PUD for 25 lots is still valid. The applicant is looking to increase the number of lots by twelve. Changed conditions include addition grading, and increased costs for installing infrastructure (and supply chain) since the Covid-19 pandemic

**Zoning & Zoning Density:**

CMC 21.20.020 - The purpose of the R-1 zone is to provide for the location of single-family structures at a medium density of approximately six dwelling units per acre.

(Square footage of site x 0.85) / Maximum density = Maximum number of lots

Alternatively

Site Acreage \* Maximum density \* 0.85 (15% street reduction) = Maximum number of lots

| Proposal | Maximum Density | Acres | Reduction for Street | Maximum Number of Lots | Proposed | Over/ (Under) |
|----------|-----------------|-------|----------------------|------------------------|----------|---------------|
| Old      | 6 units/ acre   | 8.16  | 15%                  | 41.6                   | 25       | (17)          |
| Current  | 6 units/ acre   | 8.16  | 15%                  | 41.6                   | 37       | (5)           |

***Finding #11:*** If the site was flat, the site could permit up to 42 units. The 2017 proposal was for 25 lots. The current proposal is for 37 lots.

**Development Standards:**

CMC 21.20 outlines the development standards for the different zoning districts.

| <b>Standard</b>         | <b>R-1</b> | <b>R-1 (PUD)</b> |
|-------------------------|------------|------------------|
| Building Coverage Ratio | 45%        | 45%              |
| Minimum Lot Width       | 50'        | 50'              |
| Minimum Lot Depth       | 100'       | <b>115'</b>      |
| Minimum Setbacks        |            |                  |
| — Front                 | 20'        | 20'              |
| — Rear and Through Lots | 20'        | 20'              |
| — Side                  | 5'/0'      | 5'               |
| — Street Side           | 10'        | 10'              |

**Finding #12:** The applicant will be required to meet the proposed PUD dimensional standards when an application for a building permit is made. Setbacks will be reviewed at that time, against the dimensional standards outlined in the table above. As proposed, the lots meet the width and length requirement outlined in the PUD.

**Changed Circumstances:**

In 2004 a plat was submitted to construct a 132-lot single-family subdivision. Only a portion of Golden Hills 4<sup>th</sup> Addition was constructed at that time, which is primarily the portion of Golden Hills Drive between Sunrise Drive and Washington Street and Hillside Drive. Originally, the preliminary plat area for Phases 5 & 6 had a pedestrian pathway planned through the neighborhood; however, since that time a pedestrian path has been put in along the western boundary of the Crunk's Hill sport fields. Because of the nearby pedestrian path, there is no longer the need for the additional pedestrian path in Phases 5 & 6.

In 2017, a revised plat map was submitted for both Golden Hills 5<sup>th</sup> and 6<sup>th</sup> Addition. For the 6<sup>th</sup> Addition portion, the original number of lot proposed was 25 lots ranging in size from 6,750 SF to 32,077 SF. The average size was approximately 11,998 SF.

The current proposal (2022) for Golden Hills 6<sup>th</sup> Addition, is to increase the number of lots from 25 to 37. Lot sizes range from 6,750 SF to 18,419 SF, with the overall average lot size being 8,205 SF. Golden Hills 6<sup>th</sup> Addition has been split into two phases with Phase 1 including 21 lots and Phase 2 including 16 lots.

Between 2017 and 2022, additional grading occurred on the golden Hills 6<sup>th</sup> Addition site to smooth out slopes and other topographic challenges, which allows the road (Steptoe View) to extend slightly further to the west.

**Planned Unit Development:** Approval Criteria (CMC 21.39.065):

1. *Explain how the proposal shall provide reasonable visual and acoustical privacy for dwelling units and spaces of private use.*

**Finding #13:** The proposal provides for reasonable visual and acoustic privacy that would be typical of a single-family residential neighborhood. Private space would be typical, as adherence to lot design, building height, and setback requirements would be via the zoning code as well as other requirements via the building code.

2. *Explain how the proposal shall be designed to provide adequate natural light and air,*

**Finding #14:** Through the zoning and building code, this project should provide for adequate light and air that would be typical of a single-family residential neighborhood.

3. *Explain how the proposal shall be integrated with surrounding land uses and minimize any negative impact resulting from the development.*

**Finding #15:** The proposal project will integrate with adjacent residential land uses in order to minimize negative development impacts. Adherence to the zoning and building code should help minimize negative impacts.

4. *Explain how the proposal shall retain, as much as possible, the natural features such as natural slopes, critical areas as defined in Section 21.70.010(5), stands of trees, and views, for the enjoyment of the residents.*

**Finding #16:** The existing topography will be modified to some degree; however as much of the existing topography will be retained where possible. The open space is proposed to be located in an area with 5-15% slopes. There are no tree stands on the property, as the site has previously been used agriculturally.

Prior to the issuance of building permits on individual lots, the Building Department may require Geotech reports to deal with any drainage, soils and slope stability issues.

5. *Explain how the proposal shall provide for separation of auto and pedestrian movement, especially in or near areas of recreation.*

**Finding #17:** Attached sidewalks are proposed along the streets as part of the separation of pedestrians and auto traffic.

6. *If bonus density is being requested, explain how adequate amenities being proposed to compensate for the increased density.*

**Finding #18:** A bonus density is not being requested. As part of both Golden Hills 5<sup>th</sup> & 6<sup>th</sup> Addition, a 1.86 acre open space area is being provided for along Washington Street.

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

**Finding #19:** The City of Cheney is retaining the Mitigated Determination of Non-Significance (MDNS) that was issued by the City on November 21, 2022.

**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 #20:** on August 24, 2022, Sunburst Engineering issued a revised Trip Generation/Distribution Letter to include the trips for the twelve additional lots in Golden Hills 6<sup>th</sup> Addition. The letter stated that the site can support twelve additional lots, while still preserving the Level of Service (LOS) that is desired by the City.

**APPROVAL CRITERIA****21.20.040 General requirements**

Section 21.20.040 of the Cheney Municipal Code outlines the minimum and maximum lot size and setback requirements that are applicable in residential zones.

**Finding #21:** The applicant proposes to increase the number of lots from 25 to 37, all being single-family lots. Lot sizes range in size from 6,750 square feet to 18,419 square feet. The minimum lot size in the R-1 zoning is 5,000 square feet. As proposed, the subdivision meets the minimum lot size requirements as outlined in the code. The PUD approval criteria allows for a deviation from the minimum and maximum lot size.

**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 #22:** 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 all streets. The requirements regarding facilities for parks and recreation, playgrounds, school grounds are applicable, as the applicant will need to pay appropriate park dedication fees at the time of final certificate of occupancy for each individual lot. Other development requirements such as landscaping and street lighting are provided for in the City Municipal Code.

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

**Finding #23:** This subdivision will facilitate the continued residential development that has occurred in the general area to meet the housing needs of Cheney.

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 subdivider and the proposed uses of these areas are compatible with such condition;*

**Finding #24:** Yes. Soil or topographical conditions presenting hazards on this property will be addressed during the civil engineering review as part of the final plat process. As necessary, there will also be site specific engineering review during the building permit stage on specific parcels as needed.

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 #25:** Yes. All of the lots would 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 #26:** Once developed, the proposed subdivision would have minimal impact on the public health, safety and general welfare of the community.

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

**Finding #27:** The subject site is located outside the 100-year floodplain. Flood hazards will be addressed during the civil engineering review as part of the final plat process. As with any proposed subdivision, the applicant shall not create any additional surface water runoff onto adjacent parcels, which will be addressed during the civil engineering review. There will also be site specific engineering review during the building permit review on a specific parcel.

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

**Finding #28:** The applicant will need to provide full frontage improvements along Sunrise Drive and Steptoe View, including curb, gutter, and sidewalk which will need to meet the City's development standards.

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 #29:** Staff has referred the Trip Generation Letter to Bill white for comments. As of the writing of this staff report, we have not received a copy of the review. Hope to have a copy by the night of the meeting, which will be provided to Planning Commissioners at that time.

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 #30:** Prior to final plat, staff will review the street name "Steptoe View" with the fire department and post office prior to final approval.

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 #31:** Adequate provisions will be made for drainage facilities, pedestrian traffic and utilities during the civil engineering review as part of the final plat process. There will also be site specific engineering review during the building permit review on a specific parcel. The project will tie into a sewer manhole near Washington Street and Mike McKeehan Way, as well as Sunrise Drive.

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

**Finding #32:** The new parcels would tie into the existing street system.

#### **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 #33:** Steptoe View will connect with Sunrise Drive on the east. This will provide continuity with local streets. Street intersections are at right angles. All streets will be full width, following City of Cheney design standards and follow existing contours as much as possible. The length of the proposed blocks does not exceed 1,320 feet. All proposed lots will have a minimum depth of 115 feet. Sidewalks will be provided on both sides of the street.

#### **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 #34:** Sunrise Drive, Steptoe View will have 50 feet of ROW, and be 36 feet curb to curb pavement width. All streets will have sidewalks and no grade greater than 10%. Fully improved streets will need to meet 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 #35:** All proposed lots will front a public street. All lots will have 115 feet of usable depth. The ratio of lot depth to width varies between 1.45 and 3.0. The smallest lot is 6,750 square feet which exceeds the requirements set forth in CMC 21.20. Side and rear lot lines are straight lines. Building envelopes are shown on the plat.

#### **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 with 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 #36:** All public utility services will be available on the new streets meeting City of Cheney design standards.

#### **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 #37:** The Fire Department has indicated that the proposed land division meets the requirements of the International Fire Code. Specific fire code requirements may be required as each lot develops.

#### **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 #38:** The final plat shall include all the utility easements.

#### **12.70.060 Platting Requirements (private roads)**

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 #39:** 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 #40:** Since the proposed plat does not contain a private road access easement, this requirement does apply.

### **21.42 Landscaping and Buffering**

Per CMC 21.42.010, the following landscaping requirements apply to the land division.

*21.42.010(5) In no case do these provisions require more than 15 percent of the site or the equivalent of one-half of the building main floor area, whichever is greater, to be landscaped.*

*21.42.010(6) Landscaping plans for lots larger than 10,000 square feet shall be prepared and stamped by a licensed landscape architect registered in the State of Washington and be submitted at the time of application for other permits. Plans shall include the location, size, and species of all proposed plants.*

**Finding #41:** As part of the conditions of approval, the applicant shall submit a landscaping plan where needed prior to final plat.

### **Conclusion**

The applicants propose to divide two parcels into 37 lots that will front on new public streets and tie into the existing utilities. The project meets the development standards of the Cheney Municipal Code subject to compliance with the conditions of approval.

## **DEPARTMENT, AGENCY & PUBLIC COMMENTS**

### **Fire Department**

*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.*

**Finding #42:** A complete fire code review of individual building plans was not performed during the rezone application process.

**Finding #43:** Interior and exterior fire code requirements will be reviewed at the time of building permit application.

### **Light Department**

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

**Finding #44:** The Light Department has done a basic review of this application. An email from the light department foreman has been included with this staff report, indicating they have a few concerns regarding electrical line locations in relation to property lines in Phase 1.

**Finding #45:** The Cheney Light Department will do a complete review of the energy demand requirements at the time of building permit application.

#### **Public Works Department – Building Inspection**

*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 #46:** A complete building code review of individual grading or building plans was not performed during the application process.

**Finding #47:** The applicant will need to apply for a separate building and grading code review of the proposed project.

#### **Public Works Department – Concurrency/Traffic**

*A trip distribution letter is required for traffic analysis where more than 1,000 vehicle trips would be generated per day.*

**Finding #48:** Parmetrix has reviewed the plat for traffic concurrency. On August 24, 2022, Sunburst Engineering issued a revised Trip Generation/Distribution Letter to include the trips for the twelve additional lots in Golden Hills 6th Addition. The letter stated that the site can support twelve additional lots, while still preserving the Level of Service (LOS) that is desired by the City.

#### **Public Works Department – Water/Sewer/Stormwater/Solid Waste**

**Finding #49:** Currently, the site is served with utilities on Sunrise Drive and Steptoe View.

**Finding #50:** All streets, alleys, sidewalks, storm drainage, utilities, monumentation, street lights, street trees, and any other improvements required for the project shall be installed and completed by the subdivider according to the specifications of the city engineer to the satisfaction of the public works director, including all required certification documentation. Such improvements shall meet the standards specified in the Cheney Municipal Code and City of Cheney Engineering Design Standards.

- a. For all completed and accepted improvements, the subdivider shall be provided a warranty bond. The warranty bond or surety shall guarantee against the failure or defects of the improvements for a two-year period from the date the city accepts the project. Thirty days prior to expiration of the warranty bond, the applicant shall retain a professional engineer to inspect the improvements. Any deficiencies noted must be repaired or replaced prior to the release of the bond. If the deficiencies are not repaired by the applicant, the city may enforce the bond or require the bond to be renewed until the deficiencies are corrected.

**Finding #51:** A performance bond in the amount of 125 percent of the value of the incomplete required improvements may be posted in lieu of installation of improvements; and further provided, that such bond is approved by the public works director and/or city engineer. The performance bond shall specify exactly what improvements are covered and a time schedule for completion; however, at no time should the bond be for more than a two-year period from the date the final plat is filed for record with the Spokane County Auditor.

***Finding #52:*** Public utilities are available at the site. Public Works will review construction plans including storm water and erosion control BMP's. Civil plans should be re-submitted showing phase 6-I parcel adjustments that must include properly located water and sewer stubs to each parcel for re-approval.

***Finding #53:*** The applicant and Public Works will determine the size of the refuse container(s). Additional pickup service can be arranged with the City.

### **Local, Regional & State Agencies**

A notice of application was sent to all local, regional, and state agencies on November 21, 2022.

***Finding #54:*** We received the standard form letter from the Department of Ecology regarding construction stormwater permits.

### **Citizen Comments**

A notice of application was sent to property owners and residents within 300 feet of the subject site on December 1, 2022. The site was posted on December 13, 2022. A Public Notice was placed in the Cheney Free Press on Thursday, December 15, 2022.

***Finding #55:*** At the time of the writing of the staff report, staff received comments from the following residents. Staff responses are included below. Comment letters are attached as an exhibit.

**Comment Letter #1:** Received a letter from resident on the 811 Golden Hills Drive. Concerns regarding traffic, density, water table, and the wrong type of people moving into Cheney.

**Comment Letter #2:** Received a letter from resident on the 1013 Golden Hills Drive. Concerns regarding grading, density, growth in Cheney, the types of homes, and home ownership opportunity.

## **CONCLUSION AND RECOMMENDATION**

The proposed Replat by the applicant is consistent with the City's Comprehensive Plan. The proposal should not have a significant impact the health, safety, and general welfare of the surrounding area providing there is compliance with state and local laws and regulations. No off-site impacts are anticipated, at this point, as the surrounding road network has been developed to handle this development.

**If the Planning Commission recommends in favor of the replat, the conditions of approval outlined below should be considered in conformance with Exhibit B-1.**

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

## **CONDITIONS OF APPROVAL**

1. The site plan that is included with building permit plans and construction drawings shall be in substantial conformance with the standards, regulations, findings and conditions that are set forth herein. No construction shall occur on the property until the City has reviewed and accepted plans and information sufficient for the issuance of a Building Permit.
2. The applicant shall meet all requirements of PUD as shown on the site plat (Exhibit B-1), with the standards as described below.

| <b>Standard</b>         | <b>R-1 (PUD)</b> |
|-------------------------|------------------|
| Building Coverage Ratio | 45%              |
| Minimum Lot Width       | <b>50'</b>       |
| Minimum Lot Depth       | <b>115'</b>      |
| — Front                 | 20'              |
| — Rear and Through Lots | 20'              |
| — Side                  | 5'               |
| — Street Side           | 10'              |

3. The City will require 10 foot utility easements along lot frontages on all streets.
4. Fire apparatus access shall be maintained.
5. The following note shall be placed on the **final plat** and **grading plan**: *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/>).*
6. The following note shall be placed on the **final plat** and **grading plan**: *Warning: the land in this subdivision may be subject to a high ground water table. Development may require special measures to reduce the impact of groundwater on development.*
7. Steep slopes set aside for open space shall be planted with drought-tolerant native plantings to stabilize the slopes and prevent erosion according to a landscape plan approved by the Planning Director. Vegetation in these areas should be selected which will not grow as tall as to obstruct views.
8. All applicable fees shall be paid to the City of Cheney as part of the development.
9. 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 provide water pressure to meet DOH minimum pressure standards at the highest construction elevation anticipated in the development. The “water System Study” will include developer driven and funded water system improvements necessary to achieve this requirement.
10. A drainage plan developed by an engineer shall be approved by the Director of Public Works or City Engineer prior to Final Plat approval and/or the issuance of Building Permits. The plan shall insure that stormwater from roads, driveways, rooftops and other impervious surfaces are directed to drainage easements as shown and dedicated on the final plat.
11. Covenants, Conditions, Restrictions (CC&R’s), Homeowners Association by-laws and related documents shall provide for ongoing maintenance of common areas and drainage easements. The City Attorney will determine the sufficiency of these documents prior to final plat.
12. Both the Homeowners Association and respective individual property owners shall be responsible for the maintenance of drainage easements as indicated on the final plat.
13. Prior to issuance of a Certificate of Occupancy on any lot, the property owner/developer/home builder shall vegetate and/or apply appropriate slope stability measures to rear yard slopes (and side yard if appropriate depending on lot location), to minimize erosion, soil creepage and landslide potential.

14. A preconstruction meeting shall be conducted prior to commencement of any construction activities.
15. Prior to the issuance of a grading permit (application process), the applicant shall provide the City with a haul route map (if materials are planned to be hauled off-site), and shall notify adjacent property owners who may be affected/impacted by the haul route.
16. A qualified geotechnical professional must be on site during earthwork operations to observe site preparation and fill placement. Soil conditions shall be evaluated by in-place density tests, visual evaluation, probing and proofrolling of the structural fill and proof compacted native soil as it is prepared to check for compliance with the contract documents and recommendations of the engineering study.
17. The applicant shall ensure sediment does not impact adjacent properties or the surrounding public roads during construction.
18. Appropriate erosion control measures shall be in place during construction.
19. The applicant shall minimize the tracking of dirt onto roadways during construction.
20. The applicant shall repair any damage to public streets, sidewalks, and alleys due to construction activity.
21. Sidewalk access and public safety shall be maintained at all times during construction.
22. Truck traffic during construction will be directed onto Washington St and Mike McKeehan Way to avoid congestion on N 6th St. and impacts to the Golden Hills and Field of Dreams neighborhoods. The developer will post and maintain the signage or other traffic control measures deemed necessary by the City and in accordance with the Manual on Uniform Traffic Control Devices to minimize construction truck traffic from traveling on the existing portions of Golden Hills Drive.
23. Maintenance of the open space shown on the preliminary plat shall be the responsibility of the PUD's homeowners association.

**EXHIBITS** (attached unless indicated)

- A. Applications:
  - 1. Application for a Preliminary Plat dated November 10, 2022
  - 2. Letter from applicant addressing the preliminary plat approval criteria
  - 3. Letter from applicant addressing the design standards
- B. Letters, Documents, Plans and Drawings:
  - 1. Plat Map, dated November 11, 2022
  - 2. Previous Plat
  - 3. Grading plan
  - 4. Trip Generation/Distribution Study by Sunburst Engineering, dated August 24, 2022
  - 5. Average lot size summary
  - 6. MDNS dated November 21, 2022 & SEPA Checklist
  - 7. Letter of Completeness, dated November 21, 2022
  - 8. Letter form Department of Ecology dated December 8, 2022
  - 9. Email from Bill White (traffic engineer), dated January 4, 2023
- C. Notifications:
  - 1. Notice of Application, dated November 21, 2022
  - 2. Affidavit of Mailing (including mailing list), dated December 1, 2022
  - 3. Affidavit of Publication, Legal Notice, published in the Cheney Free Press on December 15, 2022
  - 4. Affidavit of Posting, dated December 13, 2022
- D. Correspondence:
  - 1. Email from Ann Heehn, dated December 5, 2022
  - 2. Email from Craig Miller, dated, January 1, 2023
- E. Recommendation
  - 1. Planning Commission Recommendation

[End of Report]

By: \_\_\_\_\_  
Brett Lucas, Senior Planner

Date: \_\_\_\_\_