



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

Date of Hearing: February 13, 2023

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

Application: LUA2022-012– Tarbert Comprehensive Plan Amendment

SEPA: The City of Cheney is SEPA lead agency. The City of Cheney has issued a Determination of Non-Significance (DNS) dated December 14, 2023.

Applicant: Clifton Trimble, Storhaug Engineering
510 E 3rd Avenue, Spokane, WA 99201
509-242-1000
clifton.trimble@storhaug.com

Owner: Todd Tarbert, North Cheney Mobile Home Park LLC
14285 SE 36th Street, Suite 100, Bellevue, WA 98006
206-492-3092
Todd@semble.com

Location: 2225 1st Street (east side of 1st Street (SR-904) between Bi-Mart and Grocery Outlet).

County Parcel #: 23072.6001

Comprehensive Plan Designation: Commercial

Zoning Designation: C-2 (General Commercial)

Proposal: A proposal by Storhaug engineering to amend the Comprehensive Plan Designation and Zoning Map for Parcel #23072.6001. The entire parcel is currently zoned Commercial, with a Comprehensive Plan Designation of Commercial. The proposed change is from commercial to Mixed Use (on the west side of the creek), and to Residential (R-3H) on the east side of the creek. The physical parcel split/dividing line for the designation(s) would come via a binding site plan through the center of the creek, following the Rezone (and Comprehensive Plan Amendment).

Summary:

Comprehensive Plan Amendment – Commercial to Mixed Use and High-Density Residential

Map Amendment (zone change) – C-2 (General Commercial) to the MX (Mixed Use) and R-3H (High Density Multi-Family Residential)

PROCEDURAL HISTORY

| Activity | Date |
|--|------------|
| Pre-development Meeting | 10/27/2022 |
| Application submitted | 11/15/2022 |
| Application deemed fully complete | 12/08/2022 |
| Date of vesting | 12/08/2022 |
| SEPA determination: DNS – Cheney Lead Agency | 12/14/2022 |
| Affidavit of Mailing | 01/16/2023 |
| Affidavit of Notice in the Cheney Free Press | 01/19/2023 |
| Affidavit of Property Posting | 01/16/2023 |
| Public Hearing (open record) – Planning Commission | 02/13/2023 |
| Public Hearing (open record) – City Council | 02/28/2023 |
| Deadline for issuing decision (120 days) | 04/08/2023 |

CRITERIA/ANALYSIS

| GENERAL SITE DATA | |
|-------------------|--|
| Parcel Area | 17.23 acres |
| Landscape Area | Addressed during the Binding Site Plan phase |
| Building Area | Addressed during the Binding Site Plan phase |
| Parking provided | Addressed during the Binding Site Plan phase |

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

Finding #1: According to the above chapter, Comprehensive Plane Amendments and Zoning Map Amendments require a public hearing with the Planning Commission, and the Final Decision being made by City Council (CMC 23.020.030).

Notice of Application/Hearing - Mailing: Notice of application requirements are outlined in CMC chapter 23.030.030, and notice of hearing requirements are outlined in CMC chapter 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 January 16, 2023, according to the Affidavit of Mailing provided by the applicant.

Notice of Application/Hearing – Property Posting: Notice of application requirements are outlined in CMC chapter 23.030.030, and notice of hearing requirements are outlined in CMC chapter 23.100. The applicant posted the property with a sign on 1st Street (near the driveway entrance into Bi-Mart).

Finding #3: Staff visited the site and saw the property posting on January 17, 2023. The applicant provided an Affidavit of Property Posting on January 16, 2023.

Notice of Application/Hearing – Publication: Notice of application requirements are outlined in CMC chapter 23.030.030, and notice of hearing requirements are outlined in CMC chapter 23.100. The applicant was required to provide notice of application and notice of hearing in the Cheney Free Press no later than January 27, 2023.

Finding #4: The applicant provided an Affidavit of Publication on January 24, 2023, stating that a notice was published in the Cheney Free Press on Thursday, January 19, 2023.

Comprehensive Plan: As part of the application, there would be the need to amend the Comprehensive Plan from Commercial to a split designation of Mixed-Use and High-Density Residential

Finding #5: Approval criteria for amending the Comprehensive plan is discussed later on in this report. Currently, the Comprehensive Plan designates the subject site as Commercial.

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

Finding #6: 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 7 – Plan for and establish types and quantities of land uses in Cheney supporting community needs and the City’s long-term sustainability.

Goal 13 – Grow and maintain Cheney as a self-reliant community, aiding the provision of necessary health, retail and service needs for citizens.

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

Goal 18 – Maintain and improve the provision of affordable, efficient community services in Cheney

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

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

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

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 #8: Based on the goals and policies listed above, this project meets the overall intent of the Comprehensive Plan.

Zoning History: Below is a summary of the zoning that has occurred on the site.

1966 – The site was zoned C-2 (General-Commercial)

Finding #9: The site was brought into the city in 1956, and was initially developed as mobile homes. The history on the site is somewhat fuzzy; however, staff believes the commercial zoning was applied to the site to facilitate commercial development.

Comprehensive Plan Amendment: Approval Criteria (CMC 21.01.100). The approval, modification, or denial of an amendment application by the Planning Commission shall be evaluated on the following criteria:

1. *The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plan or ordinances and local, state or federal mandates.*

Finding #10: To move forward with the proposed mixed-use and residential development, a Comprehensive Plan Amendment is needed to amend the “Land Use Map” in the 2017-2037 Comprehensive Plan, to remove the current Commercial designation on the map. The applicant is also amending the “zoning map,” so there will not be any inconsistencies between the Comprehensive Plan Map and Zoning Map when completed.

2. *The amendment of the plan and/or the development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.*

Finding #11: Amending the plan, will not adversely impact the general public health, safety, and/or welfare of the City of Cheney. This site is located within the City Limits and is adequately served by police, fire, electrical, and public works services. There are goals and policies in the Comprehensive Plan that promotes the redevelopment of parcels. This Comprehensive Plan/Map Amendment meets Goals 1, 7, 13, and 18. The Comprehensive Plan/Map Amendment meets policies 1, 25, 26 and 31.

3. *Conditions have changed so much since the adoption of the comprehensive plan on factors such as, but not limited to population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.*

Finding #12: Redevelopment of this site had not been discussed specifically when the Comprehensive Plan was adopted in 2017. In the last five to six years communities have seen an increased need for housing as well as housing that is integrated with nearby commercial, including mixed use. By amending the Comprehensive Plan Map for this parcel, minimizes the need to expand the Urban Growth Area (UGA) in the short term.

4. *Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a 20-year supply.*

Finding #13: The City of Cheney currently has over 200 acres of undeveloped land located within the UGA (located south of the railroad tracks). Much of that land is difficult to develop due to geologic issues and critical areas, as well as a current lack of public utilities. Redevelopment of this site, gives the city a chance to better figure how to modify the UGA during the upcoming Comprehensive Plan update.

5. *If the comprehensive plan amendment proposal involves extension of water and/or sewer services outside of the urban growth boundary, the following additional criteria must be met:*

- a. *The proposal must be in response to an immediate threat to public health or safety;*
- b. *The proposal is necessary for the protection of aquifers designated pursuant to RCW 36.70.A170;*
- c. *The proposal is necessary to maintain existing levels of service in existing urban or suburban developments.*

Finding #14: The site under consideration already situated within the UGA. The site has had challenges over the years, in terms of health and safety, and a Comprehensive Plan Amendment would start the process in addressing the situation. There are no aquifers that would be directly affected by this Comprehensive Plan Amendment

6. *The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.*

Finding #15: Yes, this map amendment meets with the overall intent, as well as goals and policies of the Comprehensive Plan.

7. *The proposed amendment is consistent with RCW 36.70A, the Growth Management Act, the county-wide planning policies and applicable multi-county planning policies.*

Finding #16: Yes, this map amendment is consistent with RCW 36.70A, the Growth Management Act as this is an infill site. This includes reducing sprawl, accommodating a variety of housing types, and economic development. This also meets the intent of the Countywide Planning policies, inters of siting facilities of countywide significance.

8. *Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.*

Finding #17: If this Comprehensive Plan Map Amendment is approved, the parcels located to the north, west, and south, would still have a designation of Commercial. The mixed use and residential portion of this parcel would complement the nearby commercially designated parcels.

9. *Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the city comprehensive plan to provide the necessary facilities.*

Finding #18: As proposed, public facilities, infrastructure and transportation systems are present at the site. The Comprehensive Plan already addresses these infrastructure needs.

10. *The proposed amendment is complementary and compatible with adjacent land uses and the surrounding environment.*

Finding #19: As proposed, the site would complement the land uses to the north, west, and south. The residential portions of the site would provide the population to support the commercial development.

11. *The proposed amendment does not adversely affect lands designated as agricultural and/or resource lands of long-term commercial significance or critical areas.*

Finding #20: There are no known agricultural and/or resource lands of significance. There are some critical areas on the east half of the site, (primarily east of Minnie Creek) that would be addressed in subsequent applications (i.e., Binding Site Plan, Critical Areas, etc.).

Zone Map Amendment: Approval Criteria (CMC 21.56.020). The approval, modification, or denial of an amendment application by the Planning Commission shall be evaluated on the following criteria:

1. *The zone map amendment is response to conditions that have changed since the existing zoning designation was assigned. Changed conditions may include public opinion, land use patterns, or the site itself.*

Finding #21: There is currently a shortage of housing in the greater Spokane area. The proposed rezone from C-2 (General Commercial) to R-3H (high density multi-family residential) on the eastern portion of the site would help alleviate some of the demand. The division of land (along the boundary of Minnie Creek) and subsequent rezone from C-2 (General Commercial) to MX (Mixed Use) would provide both commercial and residential along 1st Street.

2. *The zone map amendment has a substantial relationship to the public health, safety, morals or welfare of the community.*

Finding #22: The current site is challenged with public safety and vagrancy issues. Overall, the area encompassed by the map amendment is largely owner-occupied with a few rentals. With this proposal, this would be a game changer in terms of the entrance to Cheney, as it would enhance the visual aesthetics along 1st Street.

3. *The zone map amendment conforms to the Cheney Comprehensive Plan.*

Finding #23: As proposed, the zoning map amendment, would meet Comprehensive Plan Goals 1, 7, and 18. The amendment would meet policies 1, 26, and 31. The subject site was initially designated General Commercial as it was located along 1st Street. Having a commercial component at part of the map amendment makes good sense in this part of Cheney. Topographic challenges on the site will most likely prohibit the site from being fully developed as a commercial site.

4. *Explain how sound and sight buffering will be provided between land uses when they are residential in nature.*

Finding #24: The existing creek running through the property has the opportunity to be enhanced and be an amenity to the property, both as a natural buffer as well as park land with trails.

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

Finding #25: The City of Cheney is retaining the Mitigated Determination of Non-Significance (MDNS) that was issued by the City on December 14, 2022.

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 #26: A complete fire code review of individual building plans was not performed during the rezone application process. Interior and exterior fire code requirements (including fire hydrants) will be reviewed at the time of any binding site plan and 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 #27: The Light Department has not done a basic review of this application. The Cheney Light Department will do a complete review of the energy demand requirements at the time of binding site plan and building permit application. Street lights will be required as part of this project to provide for public safety.

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 #28: A complete building code review of individual grading or building plans was not performed during the zone change application process as it is not applicable at this time. A building code review will occur when individual applications occur on individual lots.

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 #29: A trip generation letter was prepared by Storhaug Engineering on December 2, 2022. The letter discusses the existing trips that are generated by the 54-unit mobile home park, and what the new trips would be with a mixed-use development (on 1st Street) and multi-family residential on the eastern portion of the site. With the new project, a net gain of 85 new ADT's (Average Daily Trips) would be generated. The applicant and the city will work with WSDOT to determine the best intersection locations and how turning movements would be handled.

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

Finding #30: Currently, the neighborhood is provided with utilities, located within the existing street network. There will be the need for water and sewer extensions under Minnie Creek. Staff will work with the applicant on how to best handle water and sewer extensions, as full engineering plans have not been drafted at this time.

Finding #31: Once we receive more complete layout plans, Solid Waste will work with the applicant to determine how to best handle solid waste needs (i.e., individual carts, dumpsters, etc.).

Local, Regional & State Agencies

A notice of application was sent to all local, regional, and state agencies on December 14, 2022.

Finding #32: No comments were received from any local, regional, and state agencies by the writing of this report.

Finding #33: WSDOT offers the following comments:

1. Access to SR 904 will need to meet the WSDOT access management standards for this section of highway. An updated access permit will be needed obtained for this proposed project to gain access to SR 904. Improvements to SR 904 may be needed to accommodate this development, additional traffic information will be needed at time a project is put forward and access is sought.
2. When a project is brought forward a fencing needs to be installed adjacent to the WSDOT railroad tracks. This will help ensure that residents stay off the adjacent railroad.

Citizen Comments

A notice of application was sent to property owners and residents within the defined geography of the rezone, as well as surrounding property owners within 300 feet of the subject site on January 16, 2023. The site was posted on January 16, 2023. A Public Notice was posted in the Cheney Free Press on Thursday, January 19, 2023.

Finding #34: At the time of the writing of this staff report, staff has not received any comments.

CONCLUSION AND RECOMMENDATION

Staff recommends consideration of this application, as the Comprehensive Plan map amendment and Zoning map amendment would help make this site an attractive gateway into Cheney. The proposed the Comprehensive Plan map amendment and Zoning map amendment by the applicant is consistent with the City's Comprehensive Plan.

If the Planning Commission recommends in favor of the Comprehensive Plan map amendment and Zoning map amendment, the following 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. This project is vested to the appropriate Comprehensive Plan and Cheney Municipal Code zoning regulations at the time of Building Permit Issuance
2. Any future development shall meet all requirements of CMC 21.20.
3. Any future development shall meet all of the landscape requirements of CMC 21.42. Xeriscape landscaping shall be encouraged.
4. The following note shall be placed on any future development **site plan** 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/>).*

5. All applicable fees shall be paid to the City of Cheney as part of the development.

EXHIBITS (attached unless indicated)

A. Applications:

1. Application for a Comprehensive Plan Amendment and Zoning Map Amendment, dated November 16, 2022
2. Letter from applicant addressing the Comprehensive Plan approval criteria dated November 15, 2022.
3. Letter from applicant addressing the Zoning Map approval criteria dated November 15, 2022.

B. Letters, Documents, Plans and Drawings:

1. Map of the subject site, dated September 9, 2022
2. Trip Generation & Distribution Letter dated December 2, 2022.
3. Letter of Completeness, December 15, 2022
4. DNS dated December 14, 2022 & SEPA Checklist

C. Notifications:

1. Notice of Application, December 14, 2022
2. Affidavit of Mailing (including mailing list), dated January 16, 2023
3. Affidavit of Publication, Legal Notice, published in the Cheney Free Press on January 19, 2023
4. Affidavit of Posting, dated January 15, 2022

D. Ordinances

1. Ordinance YYY describing the zone change

E. Recommendation

1. Planning Commission Recommendation

[End of Report]

By: _____
Brett Lucas, Senior Planner

Date: _____