

**Minutes
Cheney Planning Commission
Regular Meeting**

February 11, 2019

Commissioners Attending: Vincent Barthels, Vara Lyn Conrath, Dan Turbeville, Rick Mount and Daniel Hillman.

Commissioners Absent: Brian Mangis (one position vacant).

Staff Attending: Brett Lucas, Todd Ableman, Mark Schuller and Susan Beeman.

Councilmembers Attending: None.

Call to Order: Chairman Barthels called the meeting to order at 6:00 p.m.

Minutes: Minutes of the January 14, 2019 regular meeting were approved as distributed.

Citizen Participation: None.

Discussion Item: #2019-01

Development Moratorium South of Alki ST & Work Plan to Consider Mitigation of Impacts

Mr. Ableman gave an overview of the development moratorium which was enacted by City Council on December 11, 2018, by Ordinance X-58. He identified the purpose of the moratorium as being a ‘time out’ to allow time to look at impacts of proposed development, to identify improvements to the transportation infrastructure that might be needed, and to consider ways to mitigate safety hazards, as well as funding sources for those mitigation measures. Whatever actions are identified would need to be added to the 6-year Transportation Plan, and may result in updates to the City’s Comprehensive plan with regard to Level of Service Standards.

Mr. Ableman explained that we are not looking at improvements to address existing capacity or safety deficiencies. Per state statutes (WAC and RCW), transportation improvement fees may only be assessed to provide for new capacity or safety measures for additional development; they cannot be used for improvements to address existing deficiencies.

He suggested the following improvements for consideration on both Cheney-Spangle Road and Cheney-Plaza Road:

- Construct a widened roadway between 1st ST (SR-904) and The Grove Apartments, and/or between 1st ST (SR-904) and Alki Street to improve safety for vehicle traffic crossing the BNSF and UP railroad tracks, and to provide

physical capacity for land use development proposed southeast of the tracks. The projects could include widening the roadway to four lanes, relocation of the multi-use pathway, installation of pedestrian crossing gates, realignment of gate crossings and power poles.

Mr. Ableman displayed a map of the potential areas of impact.

He added that traffic impact fees (TIFs) are assessed based on the trip generation densities associated with six-year land use development. When the City's Comprehensive Plan was updated 2 years ago, the following growth estimates for housing units and commercial areas were identified:

- Single Family Homes: 360 units
- Multifamily Homes: 1,310 units
- Commercial/shopping: 20,000 – 50,000 sq.ft

Mr. Ableman explained that we are using the Institute of Transportation Engineers (ITE) Trip Generation Manual methodologies for estimating the number of trips generated for each use. He summarized the trip generation estimates, and said that City land use developments are forecast to generate 14,880 trips during the weekday. About 916 of these trips will be generated during the AM peak hour, and 1,281 trips during the PM peak hour.

Commissioner Mount asked if the 14,880 trips include current traffic levels. Mr. Ableman said that it does; that number reflects the anticipated traffic future traffic volume, after buildout of the proposed projects.

Mr. Ableman explained that under state statutes, land use developers are responsible for proportionately mitigating the impact of new traffic growth upon a city. This essentially means that development is only responsible for offsetting the impact of the new land use traffic upon streets and intersections.

Mr. Ableman explained how a transportation impact fee might be determined. He noted that the City of Spokane is the only nearby jurisdiction that assesses transportation impact fees, and those fees currently range from about \$700 to \$1,000 per home in developing areas, depending on location. City of Spokane staff is in the process of updating their transportation impact fees; these are expected to increase by 5% to 20%, depending on location.

Mr. Ableman showed photos of typical traffic congestion in the downtown that happens when trains are blocking the tracks, with traffic backing up along 1st Street.

Commissioner Mount requested a copy of tonight's presentation so it could be referenced throughout the process. He would also like to receive a copy of the work plan on this issue. He noted that he was present at the City Council meeting last week so he does not have very many questions at this time. Commissioner Mount requested that information be provided well in advance of the meetings so Commissioners can be adequately

prepared prior to the meetings. He added that this applies to both sides, and recommended to Mr. Emtman that if he brings information for discussion, he would like to see that prior to the meeting, as well.

Chairman Barthels asked if staff wanted to review the work plan at this time. Mr. Ableman explained that staff is still analyzing emergency call and response time data, and expects to present their findings at future meetings.

Chairman Barthels asked Mr. Emtman if he had any comments at this time.

Mr. Emtman responded that the public hearing was closed and the city's attorney was putting him on record saying he didn't know the hearing was closed. He did know there were 292 acres in his original annexation process to the south, and they have only annexed 94 of those acres. There were 1,891 total units in that project, and they built a lift station to handle that volume. At the time of the last moratorium, their ERUs were almost 700, so they are so over-built, along with the lift station and an arterial built on Terra Vista to build a project he has been planning for a long time.

Mr. Emtman said that when he comes back to annex the single-family area that will be known as Easy Street, for seniors, they will go through this process. He feels the moratorium is ridiculous, and he doesn't agree with it. He doesn't think we should waste taxpayer dollars by doing another traffic study. Part of his traffic study was a scoping plan which Mr. Lucas and Mr. Ableman were aware of, as it was discussed in a meeting with Whipple Consulting on November 11. He offered a copy of his traffic study to the Commission, saying he was upset that Planning Commission members were unaware of it. He realizes this study does not handle the whole project, but we are not talking about the whole project yet. They still have 2 sets of annexations to do of 74 acres each. Mr. Emtman felt this study should have been in the Planning Commissioners' hands by now, and it should have been in City Council's hands before there was a vote to enact a moratorium.

Mr. Emtman said that since the start of this process, it has been very frustrating to him as he wanted to built out Alki, which has an 80 foot right-of-way. Back in the day, they had a vacation of Alki Street, but they were required to have a whole new vacation of Alki Street. He met with city staff weekly for almost 7 months, in good faith, on this project, to do what was right for the city. Because of this moratorium, they had to go away from that.

When they brought the rezone application, there was nothing about a developer agreement, nor was anything said about it the night of the 10th. Nobody said anything about limiting his density. The next morning, at 11 a.m., an email went out and the moratorium was in place, and a density lock. Mr. Emtman said this was extremely frustrating, when he is trying to work with the city. He should not have been required to do a rezone; this should have been a Scribner's revision. They were taking 4 stories and trying to put them along Alki Street. Now, the 4 story building is down below, and they can now get more units on the property. He never would have started the rezone, he's not asking for anything. It never should have come before the Commission.

Mr. Emtman said that as far as the Level of Service (LOS) ratings, there are a lot worse areas in town. These intersections are not in the top 6, by the city's own analysis. He referred to the Transportation Circulation Plan that Mr. Ableman referenced earlier, which shows 5 worse intersections, with longer delays. One of those has a railroad track across it. And we don't include that in this study? Don't those lives matter?

Mr. Emtman said that there is not a LOS rating problem related to his project, and the study he provided tonight shows it. He emphasized that we're not talking about his entire project. The City could require additional studies in the next phase of his project, when he comes to annex the next 74 acres. He said that he is willing to pay his fair share, but now we are just wasting money. Now we are not going to finish Alki Street. It makes no sense to him.

Mr. Emtman said that the only gravel road in Cheney is Alki Street. He said that what they pay in taxes for emergency services for 1/3 of the units is almost as much as Eagle Point. He said this is a targeted deal. Parkside Commons, that we rezoned, was not asked to pay a transportation impact fee. Why his project? Why not their project?

Mr. Emtman added that he would be happy to sit down and talk this over. He has been meeting with city staff every Wednesday. They have redesigned and said they would vacate. That would give the city a whole new Alki Street. But that got pushed out. He wants to get this project going. He is trying to do a student housing project in a student housing area. The City has ordinances preventing more than 4 people from living in a unit. Do you want those people in the neighborhoods instead? You can't have it both ways.

Mr. Emtman said that we've got to plan smart, as a team, because that is his background. But he feels that the big developers win and the small developer loses. Why don't you put a moratorium on anyone else? The traffic in other developments goes over some of those bad intersections. Why aren't we looking at improving Murphy Road to get access in and out of town, instead of 904 that we've been set on for 10 years? Why have we not solved the water problem for 10 years? Why are we not dealing with the shooting at Zip's being gang violence?

Mr. Emtman said that he agrees that every life matters. His parents live on that side of the tracks. There are two law enforcement teams that live in his neighborhood. He has plans in his next annexation that go 20,000 feet, where 5,000 feet is his requirement to build Neighborhood Commercial and Critical Areas zoning. That will cut down on traffic.

Mr. Emtman said that he thinks he has made his point. He has tried to work with the city, but he is done working with them at this point. He is going to fight this, and both sides are going to spend a lot of money on something stupid that ought to be stopped immediately. We should sit down and talk about it, and Planning Commission members should be at the meetings. If he comes in with an annexation tomorrow for Easy Street, he'll have to do all this again. And he would have to pay for it. But taxpayers are paying

for this study. He hopes the Commission feels good about spending other peoples' money.

Mr. Emtman wanted to know how he woke up the next morning after the Planning Commission meeting and the developer agreement was already done and on the way to the city attorney. That seems odd. And the Commission members never said a word about it, or about maximum densities. He thought staff was supposed to do what the Commission directed them to do.

Commissioner Mount pointed out that this body had nothing to do with the development moratorium, which was a City Council action.

Mr. Emtman replied that he was referring to the developer agreement at the rezone. If you look at the minutes from that night, on the 10th, there is no mention of it. By 11:00 the next morning, Mr. Lucas had sent an email. It was already planned out. It was a density grab. It was never worked through what was best for everybody. He feels that we should be working together, not on separate sides. He is willing to pay -- Mr. Emtman said that the city is stuck on density. He thinks density will take care of itself.

Mr. Emtman said that one other thing he wanted to put on record was in the public records request, why did the City close the Washington ST crossing over the tracks? That would have been a third crossing. In 2010, that crossing was there. Now it's gone. Why would you remove it, knowing we had his parents living on that side of the tracks? They matter.

Mr. Emtman said that Fire District 3 has area on that side of the tracks. They have far more area of responsibility. We all respect what first responders do. But you have to go off the facts, and the facts are that the issues are on Betz. That's where the D ratings are. It even says that a C is a good rating. Now, suddenly, and A and a B rating are bad, and we've got to look at this again, when that traffic study says that we are a B. And we're not doing a study on the two areas that are not being annexed yet.

Commissioner Mount asked Mr. Emtman if City staff has a copy of the report he is referencing. Mr. Emtman said that absolutely they do, and it was not distributed, and that is frustrating. Because that covers about the first 5 things in the action plan. Alki Street is on there, Plaza is on there, Cheney-Spangle is on there. Mr. Emtman said that he is not a traffic engineer, but he can read what the report says. And it says that a LOS C is acceptable.

Commissioner Hillman asked if there is a reason that report was not distributed to the Commission members. Commissioner Mount said that the report was dated on January 11, 2019. Mr. Emtman said that the scoping meeting was on November 11, when that was ordered.

Chairman Barthels noted that the public hearing before City Council was just last Tuesday, on February 5. He assured Mr. Emtman that this will come up as we work through this process.

Election of Officers: Commissioner Mount nominated Commissioner Barthels to continue to serve as Chairman for the coming year; seconded by everyone. Commissioner Bartels nominated Commissioner Mount to serve as Vice-Chair; seconded by Commissioner Conrath. The motion to retain the same slate of officers carried unanimously.

Commissioner Reports:

Commissioner Hillman thanked the snowplow crews who had plowed streets before he even got out of bed this morning. Commissioner Mount agreed, and said that the streets looked great, much better than when he hit Spokane. He knows the crews had to work a lot of extra hours to accomplish that. Commissioner Turbeville said that his street had been plowed an hour before this meeting, and he had to go over a berm to get out of the driveway. Commissioner Conrath commented that she appreciates the street crews. If you have traveled in Spokane, you can see how much better off Cheney residents are.

Staff Reports:

Mr. Lucas reported that things are ramping up for the construction season. Mr. Ableman said that it has been a busy week for plowing, with a full-city plow on both Saturday and Sunday, and again today. We are short on equipment operators due to retirements; while we have 8 pieces of equipment, there are only 4 or 5 operators available right now. It is particularly challenging when there are cars parked on the streets that impede snow removal efforts.

Mr. Schuller noted that about 4 cars were towed today.

Commissioner Turbeville said that at the last meeting, Mr. Emtman asked a question about the timing of the well test at Well #3, and why are we doing the test in the winter when the water table is higher, and it was not recorded in the minutes that the question was answered. Mr. Ableman explained that the well test they did was called a 'ramp up' test that measures the draw down of the well over 8 hours of continuous pumping, and the rate of recovery afterward. For this test, it doesn't really matter what time of year it is done. We had production of 1,615 gallons per minute for an 8 hour draw, and the draw down stabilizes. The next test is over a 24 hour period, to reconfirm where we are at. The production rate of 1,615 seems to be where we are at. The test is intended to determine what size of pump can be used. As soon as the test was over, the recovery was almost instantaneous. So we know the size of the pump, and the level at which to place it.

Mr. Ableman added that Well #1 and #2 have been rock-solid as far as capacity, so we feel good about the pump sizing for this one. Well #3 had been a good producing well for many years, and then production dropped off suddenly in the 1960s. We're not sure if

something happened to block it off, or if it was related to maintenance practices of that time, where they would dump chlorine down into the well. That purified the water, but it also causes crystallization in the fractures, and could have clogged things up.

In the redrill, we did things differently. We started off with a 20” bore. When we got down to 750’, we changed to a 16” bore. If production drops off, we could continue with a 14” bore and keep drilling down to the 1200’ level. We are designing the well house in such a way that it could be removed, so there are a lot of options for us going forward.

Once summer gets here, we will take a look at that draw down, but right now, it looks like a very productive well at 1500 gpm.

There being no further business, the meeting was adjourned at 6:43 p.m.

Respectfully Submitted,

Approved By:

Susan Beeman, Secretary

Vincent Barthels, Chairman