



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

Date of Hearing: September 14, 2016

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

Application: L16-011-PP-V-SE - View Acres 5th Addition

SEPA: A SEPA review is required.

Owner/Applicant: Gary W. Geschke
1827 1st Street
Cheney, WA 99004

Location: Ridgeview Drive, north of current pavement end, curving east to Hillview Drive.

County Parcel #: Portion of 13143.0039

Comprehensive Plan Designation: Low Density Residential

Zoning Designation: R-1 (Single Family Residential)

Proposal: The applicant is proposing a preliminary plat to create (or modify) twenty-eight (28) single-family (R-1) residential lots in a previously platted area from Ridgeview Drive, extending northeast intersecting with Hillview Drive. Included is a variance for ten of the lots, as they exceed the 9,000 square foot maximum that is identified in the City development code.

PROCEDURAL HISTORY

Activity	Date
Pre-development Meeting	None
Application submitted	8/3/2016
Application deemed fully complete	8/8/2016
Date of vesting	8/8/2016
Notice of Application Letter	8/9/2016
SEPA determination	8/9/2016
Affidavit of Mailing	8/9/2016
Affidavit of Property Posting	8/24/2016
Public Hearing – Hearing Examiner	9/14/2016
Public Hearing – City Council	10/11/2016
Deadline for issuing decision (120 days)	12/8/2016

CRITERIA/ANALYSIS

GENERAL SITE DATA	
Parcel Area	14.2 acres
Landscape Area	Currently undeveloped
Building Area	35% of the site will be developed
Parking provided	Available as each parcel develops

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

Finding #1: According to the above chapter, a Variance requires a public hearing, with a recommendation made by the Hearing Examiner. CMC 23.030.030(p).

Finding #2: Per CMC 2.60.050(a), the Hearing Examiner may also hear Preliminary Plats.

Notice of Application/Hearing: In addition to notice of application/proposal required by Cheney Municipal Code Section 23.030.030 and notice of hearing required by Cheney Municipal Code Chapter 23.100, 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 #3: Notices of Application were sent to all property owners within 300 feet of the subject site.

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 #4: The City of Cheney has adopted regulations for processing subdivisions as set forth in Chapter 23.030 of the Cheney Municipal Code. Findings for approving subdivisions are provided for in Chapter 22.12 of the Cheney Municipal Code. Detailed findings for the variance are outlined below in this staff report.

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 #5: Chapter 22.24 of the Cheney Municipal Code identifies provisions for public improvements including utilities and frontage improvements.

Comprehensive Plan: The 2010-2030 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 7 – Plan for and establish types and quantities of land uses in Cheney supporting community needs and the City’s long-term sustainability.

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.

Finding #8: Based on the policies listed above, this project meets the intent of 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 south with land owned by Spokane County to the north.

Finding #9: 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 purpose of the R-1 zone is to provide a suitable area for the development of single family residential housing. 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.

Finding #10: In 1971, the subject site was 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.

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

Finding #11: Per WAC 197-11-350, on August 9, 2016 a Mitigated Determination of Non-Significance (MDNS) was issued.

Finding #12: A comment letter was received from the Department of Ecology on August 23, 2016. The letter indicated that 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.

Site and Vicinity: The 14.2 acre site is located north of the current end of Ridgeview Drive. The rest of the surrounding area is low density residential (6,000 to 10,000 square foot lots).

Finding #13: The subject site is located in a low density residential neighborhood 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. This has been documented through an e-mail from the Public works Director.

Finding #14: The Public Works Director has reviewed the plat for traffic concurrency. This plat will generate approximately 280 Average Daily Trips (10 ADT's per lot), according to the ITE Trip Generation Manual. Currently Ridgeview and Hillview Drive have adequate capacity and can absorb these trips without violating the City LOS standards or concurrency requirements. Therefore, a traffic generation letter is not required.

APPROVAL CRITERIA

21.20.040 Density

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 #15: The applicant proposes to create a 28-lot subdivision with lots ranging in size from 6,960 square feet to 15,734 square feet. The minimum lot size in the R-1 zone 5,000 square feet. The maximum lot size is 9,000 square feet. As proposed, the subdivision meets the minimum lot size requirements as outlined in the code; however the subdivision would deviate from the maximum lot size. **Section 21.60 of the CMC outlines the variance requirements which are discussed further on in this report.**

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 #16: 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 Ridgeview Drive. 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. 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 #17: 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 applicant with the proposed uses compatible with the surrounding area and conditions;*

Finding #18: Soil or topographical conditions presenting hazards on this property will be addressed during the 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 a specific parcel.

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 #19: 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 #20: Based upon the matters contained in this staff report, the City development code and application, 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 #21: 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. 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 #22: The applicant will need to provide full frontage improvements on Ridgeview Drive and Hillview Drive, 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 #23: As currently designed, Ridgeview Drive should be able to handle the traffic levels that would be generated from the 28-lots. According to the Director of Public Works, the project as proposed would be able to meet the City of Cheney's concurrency requirements.

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 #24: No new street names are proposed a part of this project.

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 #25: Adequate provisions will be made for drainage facilities, pedestrian traffic and utilities during the engineering review as part of the final plat process. 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.

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

Finding #26: Each lot will be provided with a new driveway access point along Ridgeview Drive. The new parcels would tie into the existing street system, by completing the Ridgeview Drive Hillview Drive connection.

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 #27: No new streets or blocks are proposed as part of this subdivision. The proposed lots will ultimately front on Ridgeview Drive, 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 #28: Ridgeview Drive is not fully improved at this time. It will need to be fully improved (or a surety bond provided) at the time of final plat. 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 #29: All proposed lots will front a public street. Vehicular access to all lots will be via Ridgeview Drive. 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 6,960 square feet which exceeds the 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 #30: All public utilities and services will be made available on Ridgeview Drive.

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 #31: The Fire Department has confirmed that the proposed land division 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.

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

12.70.060 Platting 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 #33: 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 #34: 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 #35: A landscaping plan is not required.

21.62 Variances

Per CMC 21.62.040 - Approval criteria for variances.

1. *The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and*

Finding #36: Initially this area was platted in the 1970's; however, the plat was never finalized due to market conditions and demand. During the 2013, Zoning Code update, the 9,000 square foot cap was put into the code to encourage infill development. The size cap did not take into consideration neighborhoods such as this where the topography necessitates some larger lots. The useable portions of many of the larger lots are consistent with lots in the 7,000 to 9,000 square foot range.

2. *That the variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and zone in which the subject property is located; and*

Finding #37: The variance for the lot sizes is necessary do to the unique topography in the area. Again, the useable portions of many of the larger lots are consistent with lots in the 7,000 to 9,000 square foot range.

3. *That the granting of the variance shall not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.*

Finding #38: The variance will allow for the appearance and utility of lots and buildings to be consistent with the surrounding area due to the unique topography.

Phasing Schedule

Below is a proposed phasing schedule. The applicant proposes construction of Phase 1 in 2017 and Phase 2 in either 2018 or 2019, depending on how fast lots sell in Phase 1.

Phase 1 – consists of lots six (6) through thirteen (13) of Block One of the proposed addition to Ridgeview Drive, as well as lots five (5) through twelve (12) of Block Two of the proposed addition.

Phase 2 – consists of lots one (1) through five (5) of Block One of the proposed addition to Ridgeview Drive, as well as lots one (1) through four (4) of Block Two of the proposed addition.

Finding #39: The City of Cheney does not have any specific requirement in terms of phasing for subdivisions. The general rule of thumb is that if a project proponent is proposing to “phase” the final plat, a schedule of the phasing (identifying the lots in each phase) is required as part of the preliminary plat. This requirement has been met.

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 #40: The Fire Department has reviewed the plat, and offers the following comments. 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 #41: The Light Department has reviewed the plat, and offers the following comments. Electrical needs will 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 #42: 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 #43: The Public Works Department has reviewed the short plat and offers the following comments regarding curbs, sidewalks and easements. The final plat shall include sidewalks along Ridgeview Drive and to replace curbs in disrepair in accordance with the Cheney Design Standards. The Final plat shall include the required utility easements.

Public Works Department – Engineering

Engineering comments were provided by Taylor/Parimetrix Engineering

Finding #44: Taylor/Parimetrix Engineering has reviewed the short 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.

Citizen Comment

A Notice of Application was sent out on August 9, 2016 to the property owners that were within 300 feet of the surrounding area. The Notice of Application included a public comment period, up until the date of the Public Hearing. No comments were received, as of the writing of this report.

RECOMMENDATION

Staff recommends approval of this application, as staff finds the proposal does comply with the Preliminary Subdivision and Variance requirements.

(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 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 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. The following 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/>).*
5. 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.
6. Fire apparatus access shall be maintained at all times.
7. Prior to the issuance of any building permits, all applicable fees shall be paid to the City of Cheney.
8. A pre-construction meeting shall be conducted prior to commencement of any construction activities.
9. The applicant shall ensure sediment does not impact adjacent properties, creeks, or the surrounding public roads during construction.
10. The applicant shall repair any damage to public streets due to construction activity.
11. If the applicant will access the lots off of the alley, then the applicant shall pave or improve the alley.
12. 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
13. Ridgeview Drive is 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.
14. 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.

15. 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.
16. 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.
17. The final plat shall include sidewalks along Ridgeview Drive and to replace curbs in disrepair in accordance with the Cheney Design Standards.

EXHIBITS (attached unless indicated)

- A. Applications:
 1. Application for a Preliminary Plat & Variance, dated August 3, 2016
 2. Letter from applicant addressing the approval criteria
- B. Letters, Plans and Drawings:
 1. Site Plan, dated August 3, 2016
 2. MDNS, dated August 9, 2016
 3. SEPA checklist dated August 3, 2016
 4. Letter form Department of Ecology dated august 23, 2016.
 5. E-mail from Todd Ableman regarding Trip Generation Letter, dated August 30, 2016
- C. Notifications:
 1. Notice of Application, dated august 9, 2016
 2. Affidavit of Mailing (including mailing list), dated August 9, 2016
 3. Affidavit of Publication, Legal Notice, published in the Cheney Free Press on August 25, 2016
 4. Affidavit of Property Posting, dated August 24, 2016
- D. Correspondence:
 1. Letter of Completeness, dated August 8, 2016
 2. Letter for Notice of Application, dated August 9, 2016

[End of Report]

By: _____
Brett Lucas, Senior Planner

Date: _____