

City of Cheney  
609 Second Street  
Cheney, Washington 99004

City of Cheney, Washington  
Ordinance No. U-101

AN ORDINANCE OF THE CITY OF CHENEY ADOPTING  
INTERIM ZONING AND OFFICIAL CONTROLS UNDER  
CHENEY MUNICIPAL CODE CHAPTER 22.24 ENTITLED  
"DESIGN STANDARDS" AND OTHER MATTERS  
PROPERLY RELATED THERETO

**WHEREAS**, pursuant to RCW 35A.11.020, the City of Cheney City Council is vested with the authority to adopt and enforce ordinances of all kinds relating to the municipal affairs of the City;

**WHEREAS**, the land use regulations currently in effect in the City provide for duplicative design standards that are unnecessary;

**WHEREAS**, the City finds it necessary to protect the public health, safety and welfare to modify its subdivision design standards in order to clarify the laws that are applicable to subdivisions within the City;

**WHEREAS**, RCW 36.70A.390 and RCW 35A.63.220 authorize the City to adopt interim zoning ordinances and interim official controls without holding a public hearing;

**WHEREAS**, the City adopted Ordinance U-85 on June 25, 2008 and a public hearing was conducted on August 12, 2008;

**WHEREAS**, the City Council finds that additional time is needed to prepare updated land use controls to guide the division of land within its municipal borders;

**WHEREAS**, the City Council scheduled a public hearing for December 23<sup>rd</sup>, 2008 to receive public comments on the renewal and extension of the existing interim official controls;

**WHEREAS**, pursuant to WAC 197-11-880, the adoption of this Ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act;

**WHEREAS**, the City Council adopts the foregoing as its findings of fact justifying its adoption of this Ordinance;

**WHEREAS**, the City Council finds that the adoption of the amendment to the zoning code imposed by this Ordinance is in the public interest and necessary for the protection of the public health, safety, property or peace; and

**WHEREAS**, the City Council finds that it is in the interest of the public health, safety and welfare to have this ordinance effective immediately upon adoption.

**NOW THEREFORE**, The City Council of the City of Cheney, Washington, do ordain as follows:

1. **Interim Official Control Renewed.** The Interim Official Control enacted on June 25, 2008, as Ordinance U-85 is hereby renewed and is imposed on all land use applications and the issuance of any permits for land use or related permits.
2. **Amended.** Section 22.24.020 of the Cheney Municipal Code is hereby amended as follows:

**22.24.020 Street block layout.**

Street layout shall conform to the most advantageous development of adjoining areas, and the entire neighborhood, and shall provide for the following:

- (a) Continuity of appropriate streets and arterials;
- (b) Streets to boundaries of tract;
- (c) Streets generally following contour lines;
- (d) Streets intersecting at right angles or as nearly as possible;
- (e) Maximum offset distance of twenty-five feet;
- (f) Nothing less than full width streets except boundary streets on the tract in which the plat is located required to provide right-of-way for streets and arterials designated by the official comprehensive plan or portions thereof;
- (g) Alleys in business district, at least twenty feet wide, at the option of the applicant;
- (h) Alleys, other than in business district, a minimum of twenty feet wide, at the option of the applicant;
- (i) ~~Utility easements twenty feet wide, will be permitted in lieu of alleys in residential areas; however, alleys are required if water lines, and/or sewer lines, and/or utility lines, are in or proposed to be installed at rear of lots.~~

Blocks shall have sufficient width to provide for two tiers of lots, each of which shall have a minimum depth of one hundred usable feet, at the option of the applicant.

(a) The length of blocks shall not exceed one thousand three hundred twenty feet where the average size of lots does not exceed two acres in area;

(b) In any block exceeding six hundred sixty 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 twenty feet in width, except as provided in Section 22.28.020(b);

(c) The number of intersecting streets with major arterials of all classes shall be held to a minimum.

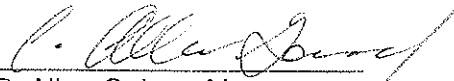
3. **Repealed.** Section 22.24.040(c) of the Cheney Municipal Code is hereby repealed in its entirety.
4. **Repealed.** Section 22.24.040(f) of the Cheney Municipal Code is hereby repealed in its entirety.
5. **Repealed.** Section 22.24.050(5) of the Cheney Municipal Code is hereby repealed in its entirety.
6. **Repealed.** Section 22.24.050(10) of the Cheney Municipal Code is hereby repealed in its entirety.
6. **Declaration of an Emergency.** The City Council declares that an emergency exists and finds that the immediate adoption of this Ordinance is necessary to protect the public health and safety.
7. **Public Hearing.** Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council conducted a public hearing regarding the extension of the interim official controls on December 23rd, 2008.
8. **Effective Date.** This interim official control shall be renewed immediately upon adoption of this Ordinance by the City Council and shall remain in effect for 180 days unless renewed or terminated earlier by action of the City Council. The interim official controls may be renewed for one or more 180 day periods if a preceding public hearing and findings of fact are made before each renewal.
9. **Findings of Fact.** The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify the adoption of this interim official control.
10. **Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-

or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

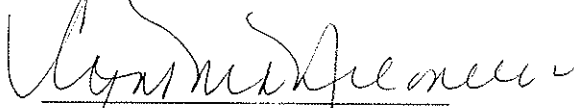
Introduced this 23<sup>rd</sup> day of December, 2008.

Passed by the City Council this 23<sup>rd</sup> day of December, 2008.

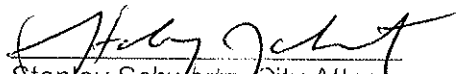
Approved by the Mayor this 23<sup>rd</sup> day of December, 2008.

  
C. Allan Gainer, Mayor

ATTEST:

  
Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

  
Stanley Schwartz, City Attorney