

City of Cheney  
609 Second Street  
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON  
ORDINANCE NO. X-69**

**AN ORDINANCE AMENDING THE ZONING MAP ESTABLISHING TWO-FAMILY RESIDENTIAL (R-2) RESIDENTIAL ZONING ON LAND BOUNDED BY SIMPSON PARKWAY, UPPER COLUMBIA CHURCH, CHENEY CARE CENTER, PROVIDING FOR OTHER MATTERS RELATED THERETO AND SETTING AN EFFECTIVE DATE**

**WHEREAS**, the City of Cheney has the authority to adopt zoning regulations pursuant to RCW 35A.63.100;

**WHEREAS**, Cheney Care Center/Gordon Finch Homes makes application to rezone 4.94 acres of land from R-1 (single-family residential) to R-2 (two-family residential) to develop 12 duplex buildings;

**WHEREAS**, under R-2 zoning up to 30 units could be developed on the site;

**WHEREAS**, the subject property was posted with written notice, surrounding owners and residents were notified by mail, and a legal notice was published on June 17, 2019, in the Cheney Free Press (newspaper of record) advising of the public hearing;

**WHEREAS**, the City Council has established a Planning Commission that makes recommendations concerning the location and use of buildings, structures and land for various purposes that promote the physical development of the City;

**WHEREAS**, the Cheney Planning Commission, on July 8, 2019 at their regularly scheduled meeting received information and held a public hearing on the proposal to modify the zoning map;

**WHEREAS**, six members of the Planning Commission were present and qualified to sit as decision-makers.

**WHEREAS**, the public hearing was held in accordance with procedural rules for quasi-judicial hearings in conformity with requirements set forth in the City of Cheney Municipal Code.

**WHEREAS**, at the hearing, the Planning Commission received a written and oral staff report, heard public testimony and engaged in discussion on the zone change.

**WHEREAS**, the Planning Commission adopted the Findings of Fact in the Staff Report dated July 8, 2019 and provided for the Planning Commission Hearing; and

**WHEREAS**, in consideration of the Planning Commission's recommendation to include review and receipt of the public record compiled under City Planning Department file no. LUA2019-009, the City Council may affirm, modify or disaffirm the decision of the Planning Commission at an open public meeting held for such purpose.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** An amendment to the zoning map must satisfy the following criteria set forth in CMC 21.56.020:

- (1) The zoning map amendment is responsive 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.
- (2) The zone map amendment has a substantial relationship to the public health, safety, morals or welfare of the community.
- (3) The zone map amendment conforms to the Cheney Comprehensive Plan.

**Section 2.** The City Council finds that the written record and testimony/comments provide support for the 4.94 acre zone change from the R-1 to R-2 as follows:

- (1) Changed conditions to the surrounding area support the need and appropriateness of additional active senior housing;
- (2) The addition of the duplex units will allow active seniors to benefit from the services of the Cheney Care Center located nearby
- (3) The zone change continues to allow for affordable housing options for seniors in the community
- (4) Finding #14 and #25 in the Staff Report, Department and Agency comments, compliance with the City development standards and other conditions of approval supports the zone map's amendment and the public interest in the health, safety and welfare of the community. Additionally,

the applicant's Trip Generation/Distribution Study complies with the City Street concurrency standards; and

- (5) Findings #5-9 and #15 of the Staff Report and the Land Use Application demonstrate consistency with the Comprehensive Plan;

**Section 3.** Based on the written record and testimony, and after duly considering the requirements of the City of Cheney Municipal Code, the City Council HEREBY ADOPTS the Planning Commission Findings of Fact dated July 8, 2019, and determines that the requested zone change from R-1 to R-2 on approximately 4.94 acres is consistent with the City of Cheney zone map amendment criteria.

**Section 4. Conflict with other CMC Provisions.** If the provisions of this Ordinance are found to be inconsistent with other provisions of the Cheney Municipal Code, this Ordinance shall control.

**Section 5. 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-empted by state 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.

**Section 6. Effective Date.** This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this \_\_\_\_ day of \_\_\_\_\_, 2019.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2019.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chris Grover, Mayor

ATTEST:

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Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

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Stanley M. Schwartz, City Attorney