

City of Cheney
609 Second Street
Cheney, Washington 99004

CITY OF CHENEY, WASHINGTON

ORDINANCE NO. X-83

**AN ORDINANCE REVISING ZONING AND LAND USE
REGULATIONS SET FORTH IN CHAPTER 21.42 OF THE
CHENEY MUNICIPAL CODE, ENTITLED
"LANDSCAPING AND BUFFERING" AND PROVIDING
FOR OTHER MATTERS RELATED TEHRETO**

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

WHEREAS, the City desires to address the need for sustainable landscaping practices;

WHEREAS, Ordinance No. X-83 directed the Planning Official and the Planning Commission (the "Commission") to review and present to the Cheney City Council (the "Council") zoning and land use regulations pertaining to the regulation of landscaping in a manner consistent with Ordinance No. X-83;

WHEREAS, the Commission, at a February 10th 2020 regularly scheduled meeting, heard an overview of what the landscaping changes would include such as drought tolerant landscaping, xeriscaping, and possible rebate program; and

WHEREAS, the Commission, at a March 10th 2020 regularly scheduled meeting, held a public hearing, took public testimony and recommended approval of Ordinance X-83 including language encouraging drought tolerant landscaping, xeriscaping, and the framework for an eventual rebate program; and

WHEREAS, the Council believes it is in the interest of the public health and safety to enact design standards and zoning regulations that will encourage and allow for the incorporation of xeriscaping and drought-resistant landscaping consistent with Comprehensive Plan goals and policies.

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

Section 1. Findings of Fact. The Council adopts the above recitals as findings of fact in support of its action under RCW 36.70A.390.

Section 2. Comprehensive Plan. The Council finds that:

- (1) the amendments herein conform to the requirements of RCW 36.70A;
- (2) are consistent with, and implement, the City of Cheney’s comprehensive plan, as amended; and
- (3) advance state and local interests.

Section 3. Revised Section. Section 21.42.010 of the Cheney Municipal Code (the "Code") entitled "Purpose and intent" is hereby retitled “Purpose” and revised to read as follows:

Purpose.

The purpose of this chapter is to protect and further the public interest by:

- (1) establishing standards and procedures for the incorporation of aesthetically pleasing, compatible, and sustainable landscaping as land is developed and redeveloped throughout the City;
- (2) ensuring landscape compatibility and consistency throughout the City as development occurs;
- (3) providing a framework through which the City may financially and administratively incentivize drought-tolerant landscaping and native plant incorporation within the City;
- (4) preserving land values by creating a quality environment that conserves vital natural resources such as drinking water; and
- (5) recognizing the importance of, and encouraging the incorporation of, drought-tolerant landscaping and native plants when land is developed and redeveloped throughout the City.

Section 4. New Section. A new Section 21.42.090 of the Code entitled “Water Conservation” is hereby added to read as follows:

Water Conservation

(A) Conservation Incentives.

- (1) Purpose and Applicability. In order to ensure water is used efficiently in landscaped areas, the requirements specified in CMC 21.42.090(A) shall be applied to all landscaping placed in zoning districts. (See CMC 21.12.020).
- (2) Water-Intensive Foliage. Turf grass and similar water-intensive plantings (e.g., annuals, container plants, etc.) shall be considered high water uses and shall be limited to no more than fifty percent (50%) of the project's landscaped area if non-drought-resistant grass is used, and no more than seventy-five percent (75%) of the developed landscaped area if drought-resistant grass is used.
- (3) Low-Demand Foliage. Plants selected in all areas not identified for turf or water-intensive plantings shall be suited to the climate, soils, and topographic conditions of the site, and shall be low water use plants once established. Conifers are the preferred evergreen tree species.
- (4) Irrigation Requirements. Plants having similar water use shall be grouped together in distinct hydrozones and shall be irrigated with separate irrigation circuits.
- (5) Exemptions. Parks, playgrounds, sports fields, golf courses, schools, and cemeteries are exempt from specified turf area limitations where a functional need for turf is established.
- (6) Discretion. Discretion is granted to the planning official to determine the suitability of proposed plant materials, approval of landscape plans and proposed irrigation systems, and administration of exemptions. These decisions should be made in reference to preceding code language, relevant CheneyScape guidelines, Washington State University Spokane County Master Gardener Program materials, and any associated materials or guidelines present in the City's Water Conservation Plan.

(B) Xeriscape Guidelines. As an alternative to traditional landscaping, the city encourages the use of xeriscape practices, which minimize the need for watering or irrigation. Examples of xeriscape methods include the following:

- (1) Using plants with low moisture requirements as defined by Washington State University Spokane County Master Gardener Program materials (<https://extension.wsu.edu/spokane/master-gardener-program/home-lawn-and-garden/inw-gardening/native-plants/>) and/or relevant CheneyScape materials;
- (2) Selecting plants for specific site microclimates that vary according to slope, aspect, soil, and exposure to sun and moisture;
- (3) Using native, noninvasive, and adapted plant species, Washington State University Spokane County Master Gardener Program materials and/or relevant CheneyScape materials;
- (4) Minimizing the amount of irrigated turf; **or consider the use of artificial turf.**

- (5) Planting and designing slopes to minimize stormwater runoff;
- (6) Using separate irrigation zones adjusted to plant water requirements and use of drip or trickle irrigation systems;
- (7) Using minimum three-inch mulch in planted areas to control weeds, cool the soil and reduce evaporation; and
- (8) Emphasizing soil improvement, such as deep tilling, adding organic matter and other amendments based on soil tests.

(C) Rebate Program.

- (1) Purpose. In order to incentivize the adoption and integration of xeriscaping, drought-tolerant grasses and plants, and low impact irrigation systems, the City has deemed it necessary to define a process for administering a drought-tolerant landscaping rebate program.
- (2) Funding Allocation. City Council and City staff shall, through the budgeting process, allocate an amount of funding to the rebate program deemed appropriate given the relevant budgetary and water conservation context.
- (3) Resident Notification. Residents shall be notified via newsletter or website of the rebate application process and what funding is available, if any. Additional reminders may be issued, depending on the rate of funding utilization, throughout the year. Notifications shall include references to relevant materials residents can use for guidance regarding rebate program compliance (such as lists of applicable plants and grass alternatives).
- (4) Rebate Applications. Successful applicants will draw from guidelines and recommendations included in CMC 21.42.090(B). Successful rebate applications shall include:
 - (a) A detailed site plan to scale of the relevant property describing what improvements will be made;
 - (b) the cost of those improvements and details regarding the installation of those improvements; and
 - (c) an estimate of the amount of water that will be saved by incorporating those improvements.
- (5) Funding Distribution. Distribution of approved rebates will either be applied to future municipal utility bills or released in lump sums, subject to the discretion of Finance Director. Funds will be distributed to approved applicants after the incorporation of the proposed improvements.

(6) Program Compliance. The City may seek proof of improvements by requiring the submission of receipts, photographic evidence, or by visiting the site in person.

Section 5. Conflict with other Code Provisions. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Code, this Ordinance shall control.

Section 6. 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 7. Effective Date. This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this _____ day of _____, 2021.

Passed by the City Council this _____ day of _____, 2021.

Approved by the Mayor this _____ day of _____, 2021.

Chris Grover, Mayor

ATTEST:

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

Stanley M. Schwartz, City Attorney