

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. Y-14**

**AN ORDINANCE AMENDING THE ZONING MAP
ESTABLISHING SINGLE-FAMILY RESIDENTIAL (R-1)
RESIDENTIAL ZONING ON LAND BOUNDED BY
LINCOLN STREET, EASTERN WASHINGTON
UNIVERSITY, CLOVER COURT, WEST 5TH STREET,
PROVIDING FOR OTHER MATTERS RELATED
THERE TO AND SETTING AN EFFECTIVE DATE**

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

WHEREAS, the Neighborhood had made application to rezone 12.07 acres of land from R-2 (Two-family residential) to R-1 (Single-family residential) to retain the single-family nature of the neighborhood;

WHEREAS, the rezone will include the following geography: Lincoln Street to the east, Eastern Washington University to the north, Clover Ct to the west, and W. 5th Street to the south

WHEREAS, the subject property was posted with written notice, surrounding owners and residents were notified by mail, and a legal notice was published on July 15, 2021, 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 August 9, 2021 at their regularly scheduled meeting received information and held a public hearing on the proposal to modify the zoning map;

WHEREAS, five 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 August 9, 2021 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. LUA2021-004, 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 12.07-acre zone change from the R-2 to R-1 as follows:

- (1) Changed conditions to the surrounding area support the need and appropriateness of keeping the neighborhood as Single-family residential, based on established development patterns;
- (2) Keeping a neighborhood zoned single-family residential does not stop a property owner from doing an accessory dwelling unit (ADU) if all of the requirements can be met as outlined in the CMC.
- (3) 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 August 9, 2021, and determines that the requested zone change from R-2 to R-1 on approximately 12.07 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 _____, 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