

**ORDINANCE NO. X-58
CITY OF CHENEY
SPOKANE COUNTY, WASHINGTON**

**AN ORDINANCE OF THE CITY OF CHENEY, WASHINGTON IMPOSING A
MORATORIUM ON THE DEVELOPMENT OF PROPERTY AND THE
ACCEPTANCE AND PROCESSING OF LAND USE APPLICATIONS FOR
MULTI-FAMILY DEVELOPMENT IN THE AREA GENERALLY DESCRIBED
AS SOUTH OF ALKI STREET, WEST OF CHENEY-SPANGLE ROAD AND
CHENEY PLAZA ROAD TO THE SOUTHERN EDGE OF THE URBAN
GROWTH AREA AS DEPICTED ON APPENDIX A (ATTACHED HERETO)
AND PROVIDING FOR OTHER MATTERS RELATED THERETO**

WHEREAS, pursuant to the provisions of RCW Chapter 36.70A, the City Council has adopted Cheney Municipal Code, Title 21, entitled "Zoning," which regulates the use of land;

WHEREAS, in order to evaluate the potential land use and zoning implications for multi-family and general residential development on Appendix A, the City finds a moratorium on the filing and acceptance of land use applications is necessary;

WHEREAS, moratoria and interim zoning ordinances enacted under RCW 35A.63.220 preserve the status quo so that new plans and regulations will not be rendered ineffective by intervening development;

WHEREAS, following enactment of a moratorium by the City or interim zoning control, the City Council shall, within sixty (60) days of adoption of the Ordinance, hold a public hearing on the moratorium;

WHEREAS, a moratorium may be effective for not longer than six (6) months but may be effective for up to one (1) year if a work plan is developed for studies related to the moratorium;

WHEREAS, the City has determined it is in the City's best interest to temporarily postpone financial investment and/or vesting of rights that would conflict with the ability of the City to study, deliberate and thoughtfully enact reasonable and necessary development regulations for the area described on Appendix A;

WHEREAS, it is the City's intent to review and seek options for development regulations in the area described on Appendix A to promote the public health and safety of persons who reside or use the area described on Appendix A.

WHEREAS, the City Council adopts above recitals as findings of fact, which may be supplemented, modified or readopted immediately following the public hearing to be held on this moratorium; and

WHEREAS, the City finds that the enactment of this Ordinance constitutes an emergency to preserve the status quo and allow City staff to review, analyze, present and propose zoning controls to mitigate and control the public health and safety of residents, visitors, and others who use or enjoy the services and property which are available within the City of Cheney.

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

1. Moratorium. The City of Cheney hereby imposes a moratorium upon and prohibits the filing, acceptance, and processing of applications for Development Approvals on multi-family and general residential development in the area described on Appendix A. As used in this Ordinance, "Development Approvals" means any license, permit, permission, subdivision or rezone required from the City for development, permission, construction or siting of buildings, structures and facilities necessary to develop multi-family and general residential uses provided that "Development Approvals" shall not include any permit for construction or use of lawfully permitted mixed-use or residential development on property described in Appendix A that has been previously approved by the City or for which an application has been received prior to the Effective Date of this Ordinance. During the time that this moratorium is in effect, the City will not authorize, permit or accept an application, nor process an application, subject to the terms of this ordinance, for a mixed-use or residential building, structure, development or related facilities on the area described in Appendix A.

2. Exceptions. The moratorium imposed under Section 1 of this ordinance shall not apply to Development Approvals for: (1) publicly-owned structures and facilities; (2) tenant improvements of existing residential buildings; (3) permits or approvals that are required for upkeep, repair or maintenance of existing buildings and properties; or (4) work mandated by the City to maintain public health and safety. Applications for building permits or change of occupancies to existing single-family residential structures for conversion of those structures into other residential or non-residential uses are not exempted from the moratorium imposed by Section 1 of this ordinance. The Mayor or designee shall have the authority to make written determinations as to the applicability of this section.

3. Public Hearing. The City shall schedule, and give proper notice of, a public hearing on this moratorium within sixty (60) days of the date of this Ordinance. At the

public hearing, findings of fact shall be adopted that support the action of the City in imposing this Moratorium to include, as appropriate, adoption of a work plan.

4. Term. The moratorium established by this Ordinance shall be for a six (6) month period beginning on Tuesday, December 11, 2018, and ending on Monday, June 10, 2019. Pursuant to RCW 35A.63.220, the City may extend this moratorium as necessary in the reasonable discretion of the City Council.

5. Severability. If any section, clause, sentence, provision or portion thereof of this Ordinance, or its application to any person, entity or property, is for any reason held invalid by a court of competent jurisdiction, the remainder of the Ordinance, by the application of its provisions to other persons, entities or property shall not be affected.

6. Effective Date. The City Council declares an emergency and an urgency exists to immediately pass this moratorium, to protect the public health, safety and welfare of the City; this Ordinance will take effect and be in full force immediately upon its passage by the unanimous vote of the City Council. RCW 35A.11.090

PASSED by the City Council this 11 day of December, 2018.



Mayer Chris Grover

Attest:



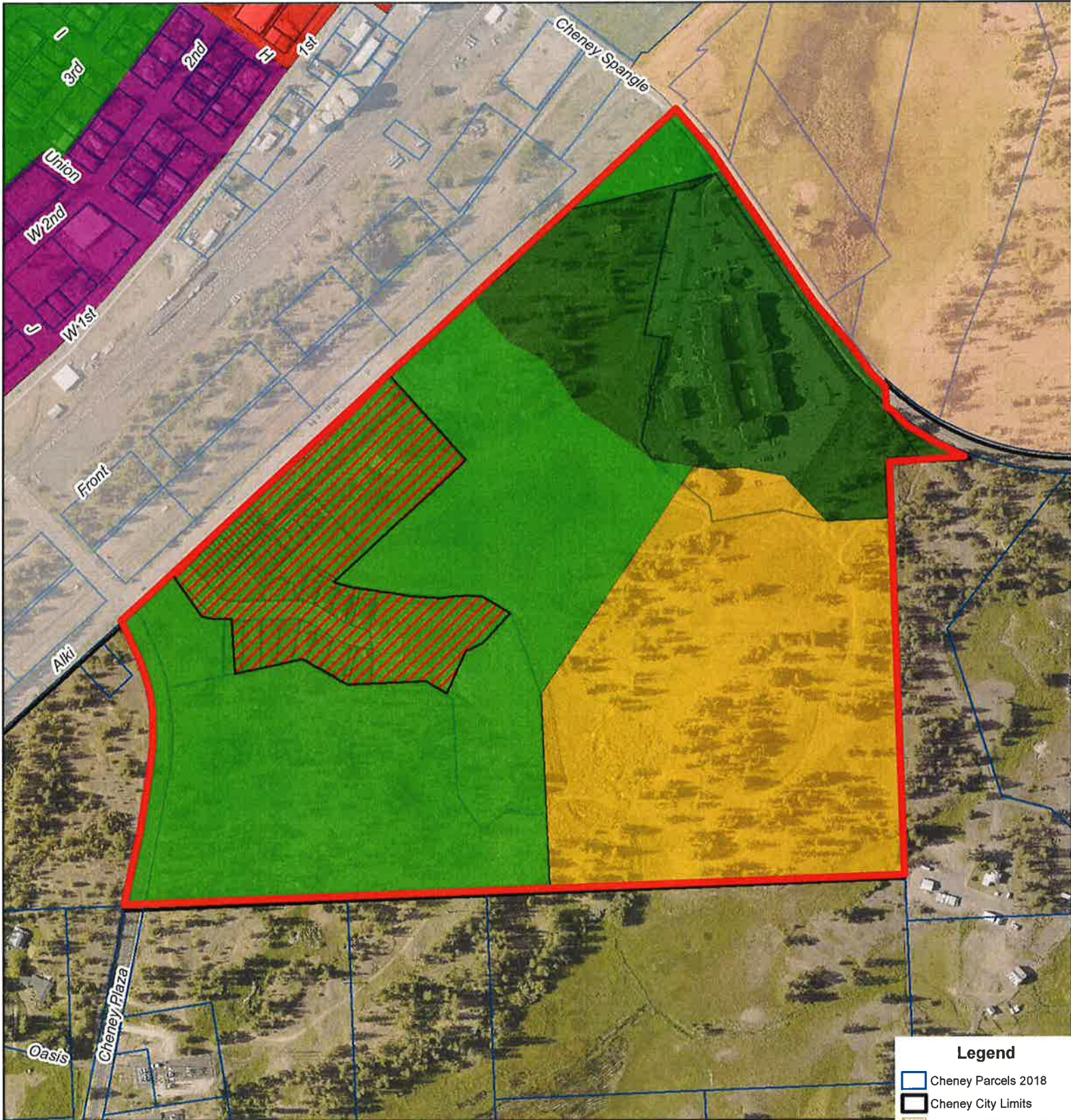
Cynthia L. Niemeier, City Clerk

Approved as to form:



Stanley Schwartz, City Attorney

Appendix A



Legend

- Cheney Parcels 2018
- Cheney City Limits
- Two Family Residential
- Multi-Family Residential
- High Density Multi-Family
- Semi-Rural Residential
- Light Industrial
- General Commercial
- Downtown Commercial
- Multi-Family PUD

