

**ORDINANCE NO. Y-29
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
SHIPPING CONTAINERS AS RESIDENCES ACROSS THE CITY OF CHENEY
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, building code, and zoning implications for intermodal shipping containers (also known as cargo containers or intermodal freight containers, these objects are standardized, reusable portable vessels that were originally designed for use in intercontinental traffic of freight and designed to be mounted on a rail car, truck or ship)that are repurposed for the use as buildings or structures as defined in section 3115 of the international Building Code, adopted by the City of Cheney under Cheney Municipal Code chapter 19 Buildings and Construction, to construct residential units in low density residential zones, 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 across the City;

WHEREAS, it is the City's intent to review and seek options for development regulations to promote the public health and safety of persons who reside in the City.

WHEREAS, the City Council adopts the 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 for the use of shipping containers as a material in the construction of residences in Cheney. 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 residences utilizing shipping containers as a material, provided that "Development Approvals" shall not include any permit for construction or use of lawfully permitted residential development within the City 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 the construction of a residence incorporating a shipping container within the City.

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, July 26, 2022, and ending on Thursday, January 26, 2023. 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 26th day of July, 2022.

DocuSigned by:
Chris Grover
0FAEA76D1EFA401...

Mayor Chris Grover

Attest:

DocuSigned by:
Cindy Niemeier
A8FD5254CE0149A...

Cynthia L. Niemeier, City Clerk

Approved as to form:

DocuSigned by:
Michael Kapoun
7043CF8CF4CA4FD...

City Attorney

Certificate Of Completion

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Document Pages: 3	Signatures: 3
Certificate Pages: 5	Initials: 0
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Envelopeld Stamping: Enabled	Cindy Niemeier
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Signer Events

Chris Grover
 cgrover@cityofcheney.org
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Signature


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Michael Kapaun
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Cindy Niemeier
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 Finance Director
 City of Cheney
 Security Level: Email, Account Authentication (None)

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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	7/27/2022 10:47:32 AM
Completed	Security Checked	7/27/2022 10:47:32 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Cheney:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cniemeier@cityofcheney.org

To advise City of Cheney of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cniemeier@cityofcheney.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cniemeier@cityofcheney.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to cniemeier@cityofcheney.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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- Until or unless you notify City of Cheney as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Cheney during the course of your relationship with City of Cheney.