

TITLE 22

SUBDIVISIONS

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Chapter 22.04

General Provisions

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22.04.010 Short title.

This title shall be known as the "Subdivision Ordinance." (Ord. F-45 § 3, 1965).

22.04.020 Authority.

This title is established in accordance with Revised Code of Washington (RCW) 58.17, which authorizes cities to administer the process for the division of land. (Ord. S-8 § 1, 2001; Ord. F-45 § 2, 1965).

22.04.025 Purpose.

The purpose of this title is to regulate land divisions and to promote public health, safety and general welfare in accordance with standards established by the City and the state of Washington:

- (1) To prevent the overcrowding of land;
- (2) To lessen congestion in the streets and highways;
- (3) To promote effective use of land;
- (4) To promote safe and convenient travel by the public on streets and highways;
- (5) To provide for adequate light and air;
- (6) To facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements;

- (7) To provide for proper ingress and egress;
- (8) To provide for the expeditious review and approval of proposed land divisions which conform to zoning standards and plans and policies of the city;
- (9) To adequately provide for the housing and commercial needs of the citizens of Cheney; and
- (10) To require uniform monumenting of land subdivisions and conveyancing by accurate legal description. (Ord. S-8 § 2, 2001).

22.04.027 Required approval.

No person, firm or corporation having made or making a land division within the territorial limits of this city shall enter into any contract for the sale of, or shall offer to sell the land or any part thereof or shall proceed with any construction work in the proposed land division until he has obtained from the city council final approval in accordance with this title; providing, however, that construction work on proposed rights-of-way, with appropriate permits, including grading and utilities, may be commenced at any time after the approval of the preliminary plat.

22.04.030 Planning commission-Failure to act.

If the planning commission fails to act or carry out its responsibilities according to the regulations set forth in this title, the city council shall assume all the duties of the planning commission relating to the specific application of this title. (Ord. F-45 § 13(part), 1965).

22.04.040 Territorial limits of regulations.

These rules and regulations governing land divisions apply within the corporate limits of the city of Cheney. (Ord. F-45 § 4, 1965).

22.04.044 Flood zones.

Prior to approval of any preliminary plat in which any portion is in a flood control zone, the applicant must submit written approval from the Washington State Department of Ecology.

22.04.045 Vesting of rights.

(a) A proposed land division, as defined in this title, including subdivisions, short subdivisions and binding site plans, shall be considered under the subdivision, short subdivision or binding site plan ordinance, and zoning or other

land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, short plat or binding site plan has been submitted to and acknowledged in writing as complete by the Community Development Director, public works director, fire chief, building official, city engineer, and city attorney.

(b) The requirements for a fully completed application shall be as defined by this title.

(c) The limitations imposed by this section shall not restrict conditions imposed under Chapter 43.21C of the Revised Code of Washington. (Ord. S-8 § 3, 2001).

22.04.047 Effect of Approval

Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and statutes, ordinances, and regulations in effect at the time of approval under Chapter 58.17.150 (1) and (3) of the Revised Code of Washington for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

22.04.050 Exemptions.

(a) The provisions of this title shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

(3) Divisions made by testamentary provisions or the laws of descent;

(4) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains

insufficient area and dimension to meet minimum requirements for width and area for a building site; and (Ord. S-8 § 4, 2001: Ord. N-9 § 5, 1984).

22.04.055 Contiguous ownership.

Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision or a subdivision.

22.04.070 Amendments to this title.

Amendments to this title shall be reviewed according to the procedures of chapter 23.020, Legislative Actions.

22.04.075 Violations.

Any violation to this Title will be handled as described in Chapter 22.32, Violations.

22.04.077 Enforcement.

All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan. (Ord. S-8 § 56(part), 2001).

22.04.080 Severability.

If any provision of this title, or any application to any person or circumstance is held invalid, the remainder of this title, or the application of the provision to other persons or circumstances is not affected. (Ord. S-48 § 60, 2001).

Chapter 22.08

Definitions

Sections:

- 22.08.005 Adequate public facilities.
- 22.08.008 Assessment district.
- 22.08.008.1 Binding site plan.
- 22.08.009 Capital improvement.
- 22.08.015 Contiguous property.
- 22.08.017 Construction plan.
- 22.08.020 Dedication.
- 22.08.025 Land division.

- 22.08.030 Final plat.
- 22.08.036 Impact fees.
- 22.08.037 Lot.
- 22.08.042 New development.
- 22.08.050 Official plans.
- 22.08.055 Original tract.
- 22.08.059 Preliminary plat.
- 22.08.071 Public improvement.
- 22.08.077 Short subdivision.
- 22.08.079 Street.
- 22.08.080 Subdivider.
- 22.08.090 Subdivision.
- 22.08.095 Tract.
- 22.08.100 Preliminary approval.

22.08.005 Adequate public facilities.

"Adequate public facilities" means facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the city council based upon specific levels of service. (Ord. S-8 § 7, 2001).

22.08.008 Assessment district.

"Assessment district" means the service area for which a fee is to be charged to support a specific capital improvement. (Ord. S-8 § 10, 2001).

22.08.008.1 Binding Site Plan.

"Binding Site Plan" means a land division wherein the applicant has chosen to use an alternative method to divide land in a commercial or industrial zone, to divide land for a manufactured home park, or to divide land for condominiums.

22.08.009 Capital improvement.

"Capital improvement" means a public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the city. (Ord. 5-8 § 11, 2001).

22.08.015 Contiguous property.

"Contiguous property" means land adjoining and touching other land, not previously platted, and having the same owner, regardless of whether or not portions of the parcels have separate tax lot numbers or were purchased at different times, lie in different sections, different government lots,

or are separated from each other by private road or private rights-of-way. (Ord. N-9 § 1(part), 1984).

22.08.017 Construction plan.

"Construction plan" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission as a condition of the approval of the plat. (Ord. S-8 § 14, 2001).

22.08.020 Dedication.

"Dedication" means the deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by filing a final plat with the City showing the dedication and the acceptance by the public shall be evidenced by the approval of the final plat for filing with the county auditor. (Ord. F-45 § 1(part), 1965).

22.08.025 Land division.

"Land division," means the act of dividing land to create new lots or tracts, or to reconfigure lots or tracts within a recorded land division. The result of a land division is a subdivision plat, a short plat, or a binding site plan. (Ord. N-9 § 1(part), 1984).

22.08.030 Final plat.

"Final plat" means the diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division prepared for filing for record with the Spokane County Auditor. (Ord. F-45 § 1(part), 1965).

22.08.036 Impact fees.

"Impact fees" means a fee imposed on new development by the local government pursuant to the city's comprehensive plan in order to mitigate impacts on community facilities created by the demand for capital improvements by the new development. (Ord. 5-8 § 16, 2001).

22.08.037 Lot.

"Lot" means a legally defined piece of land other than a tract that is the result of a land division.

22.08.042 New development.

"New development" means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to this title, the issuance of a building permit, or connection to the city's water or sanitary sewer system. (Ord. S-8 § 18, 2001).

22.08.050 Official plans.

"Official plans" means those official maps or map, development plans or portions thereof, adopted by the city council as provided in Chapter 44, Section 6, Laws of 1935, as amended. (Ord. F-45 § 1(part), 1965).

22.08.055 Original tract.

"Original tract" means a unit of land which the owner holds under single or unified ownership, or in which the owner holds controlling interest on the effective date of the ordinance codified in Chapter 22.26, configuration of which may be determined by the fact that all land abutting a tract is separately owned by others not related to or associated by business partnership with the owner. (Ord. N-9 § 1(part), 1984).

22.08.059 Preliminary plat.

"Preliminary plat" means a neat and approximate drawing of a proposed land division showing the general layout of streets and alleys, lots, blocks, and other elements of a land division consistent with the requirements of RCW 58.17 and this Title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (Ord. S-8 § 23, 2001).

22.08.071 Public improvement.

"Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer line or other facility for which the city may ultimately assume the re-

sponsibility for maintenance and operation, or which may effect an improvement for which city responsibility is established. (Ord. S-8 § 23, 2001).

22.08.077 Short subdivision.

"Short subdivision" means a land division creating four or fewer lots or tracts .(Ord. N-9 § 1(part), 1984).

22.08.079 Street.

"Street" means a right-of-way, public or private, for the purpose of motorized and non-motorized traffic. A street typically consists of a roadway and sidewalks. A street may also contain a planting strip. An alley and a railroad are not considered streets.

22.08.080 Subdivider.

"Subdivider" means any person, firm or corporation making or having made a subdivision. (Ord. F-45 § 1(part), 1965).

22.08.090 Subdivision.

"Subdivision" means a land division creating five or more lots or tracts. (Ord. N-9 § 3, 1984: Ord. F-45 § 1(part), 1965).

22.08.095 Tract.

"Tract" means a piece of land created and designated as part of a land division that is not a lot or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private street or alley tracts, tree preservation tracts, environmental resource tracts, and open space tracts. Ord. N-9 § 1(part), 1984).

22.08.100 Preliminary approval.

"Preliminary approval" means the official favorable action taken on the proposed plat, subdivision, or dedication by the city council meeting in official session. (Ord. S-8 § 22, 2001: Ord. F45 § 1(part), 1965).

Chapter 22.12

Subdivision Plats

Sections:

- 22.12.050 Applicability.
- 22.12.020 Review procedure.
- 22.12.025 Street and utility improvements.
- 22.12.065 Design standards.
- 22.12.090 Approval Criteria.
- 22.12.130 Alteration.
- 22.12.140 Vacation.

22.12.050 Applicability.

The regulations of this chapter apply to subdivisions.

22.12.020 Review procedure.

(a) Preliminary Plats shall be reviewed according to the procedures of Chapter 23.030, Land Use Reviews.

(b) Upon approval of the preliminary plat, the applicant must apply for a final plat within 5 years. Extensions are available per Chapter 23.030, Land Use Reviews.

(c) Final Plats shall be reviewed according to the procedures of Chapter 23.040, Final Plat Reviews.

(d) Final plats must be recorded within 5 business days of receiving written approval.

(Ord. S-8 § 28, 2001; Ord. Q-60 § 1, 1995; Ord. F-45 § 5(part), 1965).

22.12.025 Street and Utility Improvements.

(a) The applicant may choose to construct street and utility improvements or furnish the City of Cheney with a performance bond guarantying the work.

(b) The applicant has two years from the date the final plat was recorded with Spokane County to construct the improvements.

(c) Street and utility improvements shall be reviewed in accordance with and meet the standards of Chapter 22.16, Street and Utility Improvements.

22.12.065 Design Standards.

Preliminary Plats shall be in conformance with the standards of Chapter 22.24, Design Standards.

22.12.090 Approval Criteria.

The preliminary plat shall be approved if the proposal is in conformance with the standards of Chapter 22.24, Design Standards, and the following criteria are met:

(1) Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water suppliers, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

(2) The public interest will be served by the subdivision and dedication;

(3) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such condition

(4) The proposed subdivision would not result in the scattered land division that leaves undeveloped parcels of land lacking urban services between developed parcels;

(5) The subdivider has made every effort to mitigate the impact of the proposed subdivision regarding public health, safety, and welfare.

(6) Improvements have been provided to protect future development from flood, inundation, or swamp conditions.

(7) The property to be subdivided has frontage on and access to an existing street right-of-way that is fully improved.

(8) The proposal, at full occupancy, will not create a level of traffic that decreases the level of service for any street below the minimums set in the Comprehensive Plan.

(9) The proposed street names are sufficiently different in sound and spelling from other street names in the city so as not to cause confusion. Those streets which are (or are planned as) a continuation of an existing street shall bear the same name.

(10) Appropriate provisions have been made to accommodate drainage facilities, pedestrian traffic, and utilities where streets do not continue to the boundary of the land division.

(11) The proposed streets are properly integrated with the existing transportation system established in the Comprehensive Plan. (Ord. S-B § 34, 2001).

22.12.130 Alteration.

Alterations of approved plats shall be processed as provided in Chapters 22.34, Alterations.

22.12.140 Vacation.

Vacations to approved plats shall be processed as provided in Chapter 22.36, Vacations.

Chapter 22.16

Street and Utility Improvements

Sections:

- 22.16.010 Methods, bond or build.
- 22.16.035 Review process.
- 22.16.045 Construction plans.
- 22.16.055 Street standards.
- 22.16.065 Grading standards.
- 22.16.075 Utility standards
- 22.16.085 Stormwater standards.
- 22.16.100 Monuments.
- 22.16.115 Construction specifications and certification.
- 22.16.140 Project acceptance.

22.16.010 Method, bond or build.

If the preliminary land division approval requires street and utility improvements, the applicant shall specify one of the following methods with the final plat application:

(1) By furnishing the city with a performance bond or other form of surety in lieu of actual construction of improvements, satisfactory to the city attorney, in which assurance is given the city that the actual construction and installation of the minimum improvements will be carried out as provided in this chapter and other city ordinances, and according to the specifications of the city engineer, within two years from the date the final plat is filed for record with the county auditor.

(2) By actual construction and installation of minimum improvements in accordance with the provisions of this chapter and in accordance with the installation requirements and under the supervision of the city engineer.

(3) By a combination of these methods. (Ord. S-8 § 38, 2001: Ord. F-45 § 5(part), 1965).

22.16.035 Review process.

(a) The applicant shall submit construction plans, as specified in Section 22.16.045, to the Public Works Director.

(b) The Public Works Director shall return written comments to the applicant.

(c) The applicant shall make the required changes and resubmit the construction plan.

(d) Once the plans conform with the applicable standards, the Public Works Director will sign the approved plans and return them to the applicant's engineer.

(e) The applicant's engineer will submit four copies of the approved plans.

(f) All construction change orders shall be submitted to the Public Works Director for review and approval, prior to construction of the changes.

22.16.045 Construction Plans.

The applicant shall have an engineer who is licensed in the state of Washington submit four (4) sets of construction plans to the Public Works Director. The plans shall be certified by the engineer that they are in conformance with the Washington State Department of Transportation Standard Specifications, as amended by Spokane County and adopted by the City of Cheney. The applicant's engineer shall be the sole point of contact for the City. The plans shall have the following information:

(a) The first sheet of the plans shall include a project title, vicinity map, an index of plan sheets, the engineer's certification statement, and signature block containing approval signatures of both the applicant and his design engineer.

(b) Road alignments with 100' stationing, reading from left to right, and stationing at points of curve, tangent, and intersections, with appropriate ties to existing road surveys and stationing, section corners, quarter corners, and the horizontal control net established by the City. Stations shall increase from west to east and from south to north.

(c) Street, water, and sewer plans shall include centerline profiles with vertical scale of ten feet equals

one inch and horizontal scale to meet the plan scale. The profile shall include original ground and final grade lines.

- (d) Plan scale shall be 1" = 50'. However, 1" = 100' shall be optional for development for lots one acre or larger. Details for clarification may be shown on a convenient scale.
- (e) Section, township, and range.
- (f) Bearings on the road centerline, keyed to an associated plat map.
- (g) Curve data including radius, delta, arc length, and semi-tangent length, on all road centerlines and curb returns.
- (h) Right of way lines, width for proposed road, intersecting roads, and existing road improvements with dimensions.
- (i) All topographic features within right of way limits or future right of way limits and sufficient area beyond to resolve questions of setback, slope, drainage, access onto abutting property, and road continuations.
- (j) All existing utilities.
- (k) All proposed utilities that will be designed and constructed.
- (l) Identification of all roads and adjoining subdivisions.
- (m) A traffic control signing plan.
- (n) A north arrow.
- (o) A title block shall include the project name, sheet number, road names, and road limits.
- (p) All found and referenced survey monuments.
- (q) Section and lot lines.
- (r) Standard symbols with legend conforming to Spokane County standard.
- (s) Beginning, middle, and ending elevations of curb returns.
- (t) A grading and drainage plan. The grading plan shall show the following:
 - (1) The limits of clearing and grubbing.

- (2) All proposed temporary erosion control measures. The approved plans shall be considered a minimum and additional measures may be required based on field conditions.
- (3) Existing and proposed drainage features, showing direction of flow, size and kind of each drainage channel, pipe and structure.
- (4) Other requirements as specified in the Storm-water Management Manual for Eastern Washington.
- (u) Other data necessary for the specific project.

22.16.055 Street Standards.

All streets and alleys encompassed in the plat shall meet the following requirements:

- (a) Streets shall meet the minimum right-of-way specifications as outlined under Section 22.24.030 of this title.
- (b) Alleys must have a paving width of 12 feet with two-foot crush surfacing top course (CSTC) shoulders.
- (c) If any cul-de-sac or dead-end streets are platted, they must be improved in accordance with the design standards of Section 22.24.030 to the type of street it will eventually be and join.
- (d) Established grade must be approved by the city engineer.
- (e) All public and private streets. A pavement surfacing design must be performed for all public and private streets. The design life for all streets shall be 20 years. The design procedure used must be approved by the Public Works Director and must consider the following:
 - (f) Traffic Loading - an estimate of the number and types of loadings the roadway will carry for the design life. This estimate of loading must be established by a procedure accepted by the Director and expressed in Equivalent Single Axle Loads (ESALs).
 - (g) Subgrade Support - a representative value for the stiffness of the native material on which the road will be built. This value will be established by a procedure accepted by the Director and be expressed as resilient modulus (MR).
 - (h) Any cutting of City paved streets shall be repaired in accordance with the right-of-way permit and the current version of Spokane Regional Cut Policy.
 - (i) Installation of concrete curbs and sidewalks shall be in accordance with CMC Title 12, Street and Sidewalks.

Construction shall follow Spokane County design as amended by the City of Cheney.

22.16.065 Grading Standards.

The grading plan shall include erosion control measures. Once the erosion control measures are approved they shall be installed prior to any earth disturbing activities. The approved erosion control plan shall be considered a minimum and additional measures may be required depending upon field conditions.

22.16.075 Utility standards.

All utilities encompassed in the plat shall meet the following standards:

(a) The applicant shall install all water and sewer lines and connect the same with nearest city lines of adequate capacity as indicated in overall city plan, and certified by the Public Works Director.

(b) The design engineer shall design for proper usage and capacity, including fire flow. In no case shall the diameter of the water main be less than 8 inches.

(c) All water, sanitary sewer, storm sewer, gas, electrical, telephone and other underground utilities in or adjacent to right-of-ways must be installed and stubbed before final grading of the subgrade of each street or alley. Utilities must be stubbed to the back of the utility easement. If no utility easement exists, utilities must be stubbed to the property line.

(d) Where required by adjoining terrain, side or cross drainage facilities will be installed to the specifications of the city engineer.

22.16.080 Stormwater standards.

All land divisions are required to retain and treat stormwater run-off on-site, up to the 25 year storm event. Flow above the 25 year storm may overflow into the City storm sewer system.

Every owner and occupant of premises must install, maintain, and keep in good function any required on-site stormwater facility. No party shall obstruct or interfere with the full and efficient function of any on-site stormwater facility. (Ord. F-45 § 8, 1965).

Sewer lines must be installed in accordance with the specifications and requirements of the city engineer. (Ord. F-45 § 8, 1965).

22.16.100 Monuments.

Prior to any construction within the City right-of-ways, a surveyor shall conduct a thorough search for all survey monuments. Any found monuments shall be referenced in accordance with current applicable state laws. A copy of the references shall be filed in the office of the City of Cheney Public Works Department. The land surveyor shall complete the necessary paperwork for removal and re-establishment of monuments and file it with the Department of Natural Resources, as required by Law. A copy of the paperwork, signed, and stamped by the Licensed Land Surveyor attesting to the accuracy of surveys, shall be provided to the City of Cheney Public Works Department.

Monuments set within the City limits shall be placed by a current Washington State Licensed Land Surveyor. Surveys shall conform to all applicable state and local regulations. For placing new or replacement of disturbed monuments the minimum acceptable monument is a ½ inch inside diameter iron pipe or a #4 steel reinforcing rod, 12 inches in length and marked with the surveyor's registration number. All monuments in paved roads shall be set flush with the road surface. For road monumentation the locations required are as follows:

- a) At center of each cul-de-sac
- b) At point of curvature on all horizontal curves
- c) At point of tangency on all horizontal curves
- d) At point of intersection of all streets
- e) On the roadway centerline at the end of every plat
- f) When these locations are obstructed reference points shall be set in a manner where the monument location can be established
- g) (Ord. F-45 § 8 (part), 1965).

22.16.115 Construction specifications and certification

Except where stated in these Standards, design and construction shall conform to the current editions of the following Washington State Department of Transportation and Spokane County publications, as adopted by the City of Cheney:

- 1) Washington State Standard Specifications for Road and Bridge Construction. It will be referred to as the "Standard Specifications."
- 2) Washington State Standard Plans for Road and Bridge Construction.
- 3) Spokane County Standards for Road and Sewer Construction

Where there are conflicts the higher standard shall apply.

Construction shall be certified by the applicant's engineer. The engineer, or his representative, must make an adequate amount of inspections during construction to ensure that construction within City right-of-way conforms to City approved plans and specification. The engineer shall submit all daily reports and test reports to the Public Works Director once a week. The City Engineer shall make random visits to the construction site, as deemed necessary. Random visits are to ensure a quality construction inspection process and do not express or imply approval or disapproval of the contractor's work.

Any changes or other issues during construction shall be addressed by the applicant's engineer. The applicant's engineer shall be the sole point of contact for the City.

22.16.140 Project acceptance.

(1) To receive final project acceptance, the following shall be submitted:

(a) The applicant's engineer shall submit to the City a set of as-built drawings showing any changes made to the original approved plans. The City will also require an electronic drawing of the as-builts. The electronic drawing shall be compatible with the City's current system.

(b) The applicant's construction engineer shall submit a letter certifying the acceptability of the construction. The certification shall be in letter form with the construction engineer's signed stamp and shall have the statement "I have reviewed the construction and to my knowledge find it to be in substantial conformance with the approved certified plans and standard specification except as noted." The letter shall explain any changes made from the original approved plans.

(2) After completing all the improvements, the construction engineer shall make a written request to the Public Works Department for inspection by the City Engineer.

(3) Once any deficiencies found by the City Engineer have been corrected, the City Engineer shall certify to the

Community Development Department that the project construction has been accepted by the Public Works Department.

(4) Before acceptance of the final plat and after the City Engineer certifies the construction is complete and within specifications the applicant shall provide a warranty bond in the amount specified by the City Engineer. The warranty bond shall guarantee against defects of the improvements within the right-of-way and will remain in place for two years from the date the City Council accepts the project. Thirty days prior to expiration of the warranty bond the applicant shall retain a professional engineer to inspect the improvements. Any deficiencies noted must be repaired prior to the release of the bond. If the deficiencies are not repaired by the applicant the City may call in the bond or require the bond to be renewed until the deficiencies are corrected. (Ord. F-45 § 8 (part), 1965).

Chapter 22.20

Final Plat Language

Sections:

- 22.20.025 Short plats.
- 22.20.045 Binding site plans.
- 22.20.070 Dedication.
- 22.20.073 Acknowledgment.
- 22.20.075 Surveyor's Certificate.
- 22.20.078 Approvals.

22.20.025 Short Plats

(a) The following language must be included on all short plats:

"Land within this short subdivision shall not be further subdivided for a period of five (5) years from the date of recording of this plat with the Spokane County Auditor except through a subdivision."

(b) The following language must be included on all short plats containing a private street:

"WARNING: The City of Cheney has no responsibility to build, improve, maintain, or otherwise service the private streets contained within or providing service to the property described in this short plat."

22.20.045 Binding site plans.

The following language must be included on all binding site plans:

"All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. This binding site plan shall be binding upon all now and hereafter having any interest in the land described herein"

All persons, firms, or corporations purchasing, leasing, or otherwise acquiring ownership of any land within the binding site plan shall be required to follow any and all regulation, provisions, restrictions, covenants, and conditions of the use of the land governing the binding site plan;

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the City of Cheney, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. This binding site plan shall be binding upon all now and hereafter having any interest in the land described herein;

22.20.070 Dedication.

The following dedication language shall appear on all subdivision plats, short plats, and binding site plans:

Know all men by these presents that _____, the undersigned _____ owner _____ in fee simple, and incumbrances of the land hereby platted, hereby declare this plat and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this ____ day of _____, A.D., 20__.

Signed and sealed_____.

22.20.073 Acknowledgement.

The following acknowledgement language shall appear on all subdivision plats, short plats, and binding site plans.

STATE OF WASHINGTON)
s/
COUNTY OF SPOKANE)

THIS IS TO CERTIFY THAT on this ____ day of _____, A. D., 20__, before me the undersigned, a Notary Public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledgment to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes mentioned.

WITNESS my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,
residing at _____
My commission expires: _____

22.20.075 Surveyor's Certificate.

The following surveyor's certificate language shall appear on all subdivision plats, short plats, and binding site plans.

I hereby certify that the plat of _____ is based on actual survey and subdivision of Section _____, Township ____ North, Range_____ E.W.M., that the distances and courses and angles are shown thereon correctly; that proper monuments have been set and lot block corners staked on the ground.

Signed _____ (Seal)
Licensed Land Surveyor

22.20.078 Approvals.

The following approval language shall appear on all subdivision plats, short plats, and binding site plans.

EXAMINED AND APPROVED this ____ day of _____, A.D.,
20__.

City Engineer

I hereby certify that the required taxes on the here-
in platted land have been
paid.

Spokane County Treasurer

By _____
Deputy

EXAMINED AND APPROVED this _____ day of _____
A.D., 20 ____.

City of Cheney Community Development Director

EXAMINED AND APPROVED this ____ day of _____, A.D.,
20__.

City of Cheney Public Works Director

EXAMINED AND APPROVED this ____ day of _____, A.D.,
20__.

City of Cheney Fire Chief

EXAMINED AND APPROVED this _____ day of
_____, A.D., 20 ____.

CITY COUNCIL
CITY OF CHENEY

Mayor
ATTEST: _____
City Clerk

Filed for record at the request of the City of Cheney
this _____ day of _____, A.D., 20
____, at _____ minutes past _____ o'clock,
_____ M., and recorded in Volume _____ of Plats,
on Page _____, Records of Spokane County, Washing-
ton.

Spokane County Auditor

Deputy County Auditor

(Ord. F-45 § 9(part), 1965).

Chapter 22.24

Design Standards

Sections:

- 22.24.020 Street and block layout.
- 22.24.030 Street right-of-way requirements.
- 22.24.040 Lots.
- 22.24.060 Utilities.
- 22.24.070 Fire Code.
- 22.24.080 Easements.

22.24.020 Street and block layout.

The street layout shall conform to the following:

- (a) Continuity of appropriate streets and arterials;
- (b) Streets to boundaries of the land division, unless prevented by topography or other physical conditions;
- (c) Streets generally following contour lines;
- (d) Streets intersecting at right angles or as nearly as possible;
- (e) Maximum offset distance of twenty-five feet;
- (f) Nothing less than full width streets except boundary streets designated by the official comprehensive plan;
- (g) Alleys in business district, at least twenty feet wide, at the option of the applicant;
- (h) Alleys, other than in business district, a minimum of twenty feet wide, at the option of the applicant;
- (i) Blocks shall have sufficient width to provide for two tiers of lots, each of which shall have a minimum depth of one hundred usable feet, at the option of the applicant.
- (j) The length of blocks shall not exceed one thousand three hundred twenty feet where the average size of lots does not exceed two acres in area;
- (k) In any block exceeding six hundred sixty feet in length crosswalks or pedestrian ways shall be required, when essential to provide circulation or access to schools.

Playground, shopping centers, etc., the right-of-way of which shall be at least twenty feet in width;

(l) The number of intersecting streets with arterials of all classes shall be held to a minimum.

(m) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(n) The proposal shall provide for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

(Ord. H-75 § 5, 1972: Ord. F-45 § 6(part), 1965).

22.24.030 Street right-of-way requirements.

The minimum street standards are as follows:

	<u>Minimum right-of-way widths*</u> (feet)	<u>Minimum curb-to-curb pavement widths**</u> (feet)	<u>Minimum sidewalk widths***</u> (feet)	<u>Maximum grades**</u> (percent)
a. Minor arterial streets	80	60	To conform with CMC 12.20.060	5
b. Collector arterial streets	60	46	To conform with CMC 12.20.060	5
c. Local access streets	50	36	To conform with CMC 12.20.060	10
D. Alleys	20	12	N/A	N/A

* Unless additional width is deemed necessary by the city engineer in accordance with the Cheney Comprehensive Plan.

** Unless otherwise approved by the city engineer.

(Ord. T-72 § 2, 2004: Ord. S-77 § 1, 2002; Ord. S-8 § 50, 2001; Ord. F-45 § 6(part), 1965).

22.24.040 Lots.

The following provisions shall apply to lots:

(a) Every lot shall abut on a street.

(b) Lots shall be a minimum of one hundred usable feet in depth.

(d) The ratio of the depth of any lot to its width shall not be greater than two and one-half to one.

(e) Residential lots shall have a minimum area of seven thousand square feet unless otherwise specified in Chapter 21.44, Bulk and Size Requirements.

(g) Lots having frontage on two streets shall be avoided wherever possible.

(h) Residential lots fronting on community arterials shall be at least one hundred twenty feet in depth.

(i) Side lot lines shall be within twenty degrees of perpendicular to the centerline of the street in which the lot faces.

(j) Side and rear lot lines shall be straight or composed of straight line elements.

(k) Building setback lines in conformance with existing ordinances shall be clearly designated on the proposed plat. (Ord. F-45 § 6(part), 1965).

22.24.060 Utilities.

(a) Water supply methods contemplated for use in the proposed plat must meet current standards

(b) Sanitary sewage disposal methods contemplated for use in the proposed plat must conform with current standards.

(c) Where sanitary sewers are not available that each lot must contain adequate area and proper soil, topographic and drainage conditions to be served by an on-site sewage disposal system.

22.24.070 Fire Code.

All land divisions must conform to the International Fire Code, including, but not limited to, provisions for fire flow and ingress and egress of emergency vehicles.

22.24.080 Easements.

Easements shall be provided where necessary for road utility installation and maintenance, public access, drainage and buffer strip or protective easements.

Chapter 22.26

Short Plats

Sections:

- 22.26.010 Applicability.
- 22.26.110 Review procedures.
- 22.26.115 Street and Utility Improvements
- 22.26.210 Approval criteria.
- 22.26.300 Design standards.
- 22.26.500 Resubdivision requirements.
- 22.26.600 Alterations.
- 22.26.610 Vacations.

22.26.010 Applicability.

The regulations of this chapter apply to short subdivisions. (Ord. N-9 § 2(part), 1984).

22.26.110 Review procedures.

(a) Preliminary Plats shall be reviewed according to the procedures of Chapter 23.060, Lot Line Reviews.

(b) Upon approval of the preliminary plat, the applicant must apply for final plat.

(c) Final Plats shall be reviewed according to the procedures of Chapter 23.040, Final Plat Reviews.

(d) Final plat must be recorded within 5 business days of receiving written approval.

(e) If a short plat created four lots, it shall only be further divided by a long subdivision within 5 years of being recorded with Spokane County.

(f) If a short plat created less than four lots, an alteration to increase the number of lots, not to exceed a total of four lots within the original short plat boundary, shall be permitted. (Ord. Q-60 § 3, 1995; Ord. N-9 § 2(part), 1984).

22.26.115 Street and Utility Improvements.

(a) The applicant may choose to construct street and utility improvements or furnish the City of Cheney with a performance bond guarantying the work.

(b) The applicant has two years from the date the final plat was recorded with Spokane County to construct the improvements.

(c) Street and utility improvements shall be reviewed in accordance with and meet the standards of Chapter 22.16, Street and Utility Improvements.

22.26.205 Notice to Department of Transportation.

Whenever the city receives an application for the approval of a short plat of a short subdivision that is located adjacent to the right-of-way of a state highway, the Community Development Director shall give written notice of the application, including a legal description of the short subdivision and a location map to the Department of Transportation. The Department of Transportation shall, within fourteen days after receiving the notice, submit to the Community Development Director a statement with any information that the Department deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway. (Ord. S-8 § 52, 2001).

22.26.210 Approval criteria.

The preliminary short plat shall be approved if the proposal is in conformance with the standards of Chapter 22.24, Design Standards, and the following criteria are met:

(1) The proposal conforms to the general purposes, standards and requirements of the city of Cheney's compre-

hensive plan, zoning ordinance, the city environmental policy ordinance, and to any other applicable laws and policies;

(2) Appropriate provisions are made for home drainage-ways, utilities, access, streets, alleys and other public ways, water supplies, and sanitary waste disposals;

(3) Improvements have been provided to protect future development from flood, inundation, or swamp conditions;

22.26.300 Design standards.

Preliminary short plats shall be in conformance with the standards of Chapter 22.24, Design Standards.

22.26.600 Alterations.

Alterations of approved short plats shall be processed as provided in Chapters 22.34, Alterations. (Ord. S-8 § 55, 2001).

22.26.610 Vacations.

Vacations to approved short plats shall be processed as provided in Chapter 22.36, Vacations.

Chapter 22.27

Binding Site Plans

Sections:

- 22.27.010 Purpose.
- 22.27.020 Applicability.
- 22.27.030 Review procedure.
- 22.27.035 Street and utility improvements.
- 22.27.110 Alteration.
- 22.27.120 Vacation.

22.27.010 Purpose.

The purpose of this chapter is to provide procedures for the divisions of the land by use of a binding site plan as an alternative to the subdivision procedures of this title, pursuant to Section 58.17.035 of the Revised Code of Washington. It is the intent of this chapter to protect the public health, safety, and general welfare, to promote orderly and efficient community growth, to provide adequate provisions for public facilities, to ensure safe and convenient pedestrian and vehicular circulation, promote environmental protection and to implement the comprehensive plan, zoning standards, and other local plans and policies. (Ord. S-8 § 56(part), 2001).

22.27.020 Applicability.

(a) This chapter shall be limited to and only apply to one or more of the following:

(1) Divisions of property for sale or lease of commercially or industrially zoned property as provided in Chapter 58.17.040(4) of the Revised Code of Washington;

(2) Divisions of property for the lease of manufactured homes or travel trailers as provided for in Chapter 58.17.040(5) of the Revised Code of Washington; and

(3) Divisions of property if the improvements constructed or to be constructed thereon will be included in one or more condominiums or are owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest, as provided for in Chapter 58.17.040(7) of the Revised Code of Washington.

(b) The applicant at his/her own option shall follow either the binding site plan regulations set forth in this chapter, or the subdivision or short subdivision regulations set forth in the proceeding chapters of this title. (Ord. S-8 § 56(part), 2001)

22.27.030 Review procedure.

(a) Binding site plans shall be reviewed according to the procedures of Chapter 23.030, Land Use Reviews.

(b) Upon approval of the preliminary binding site plan, the applicant must apply for final plat.

(c) Final binding site plans shall be reviewed according to the procedures of Chapter 23.040, Final Plat Reviews.

(d) Final binding site plans must be recorded within 5 business days of receiving written approval.

22.27.035 Street and utility improvements.

(a) The applicant may choose to construct street and utility improvements or furnish the City of Cheney with a performance bond guarantying the work.

(b) The applicant has two years from the date the final binding site plan was recorded with Spokane County to construct the improvements.

(c) Street and utility improvements shall be reviewed in accordance with the and meet the standards of Chapter 22.16, Street and Utility Improvements.

22.27.110 Alteration.

Alterations of approved binding site plans shall be processed as provided in Chapter 22.34, Alterations. (Ord. S-8 § 56(part), 2001).

22.27.120 Vacation.

Vacations of approved binding site plans shall be processed as provided in Chapter 22.36, Vacations. (Ord. S-8 § 56(part), 2001).

Chapter 22.28

Variance to Title 22

Sections:

- 22.28.002 Purpose.
- 22.28.005 Applicability.
- 22.28.007 Review procedure.
- 22.28.010 Approval criteria.
- 22.28.020 Exceptions.

22.28.002 Purpose

To provide a procedure for modifying or varying the regulations set forth in this title.

22.28.005 Applicability.

Any provision of this Title may be varied or modified via a Variance to Title 22 Review.

22.28.007 Review procedure.

Variances to Title 22 shall be reviewed according to the procedures of Chapter 23.030, Land Use Reviews.

22.28.010 Approval criteria.

Approval of a variance to Title 22 will be granted if the following criteria are met:

(A) The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property.

(B) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.

(C) Because of the particular physical surroundings, shape, or topographical conditions of the specific property

involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

(D) The relief sought will not in any manner vary the provisions of the zoning ordinance, comprehensive plan, or official map, except that those documents may be amended in the manner prescribed by law.

(Ord. S-8 § 56, 2001; Ord. F-45 § 10(part), 1965).

22.28.020 Exceptions.

The planning commission, after it receives the preliminary plat, subdivision or dedication from the subdivider, may make exceptions to the provisions as set forth in this title by requiring any or all of the following:

(a) A realignment of an officially mapped street, as shown on the official street map or comprehensive plan, to permit better arrangement of lots, residential streets, and other public ways, parks and playgrounds.

(b) The elimination of crosswalks where topographic grades are twelve percent or greater.

(c) Reduction of centerline radii of curvature or tangent distances where natural flood channels would otherwise seriously reduce lot sizes of the total number of lots of the preliminary plat, subdivision or dedication. (Ord. F-45 § 10 (part), 1965).

Chapter 22.32

Violations*

Sections:

- 22.32.010 Penalty for violations.
- 22.32.020 Land divided in violation.
- 22.32.030 Injunctive action where final plat not filed.
- 22.32.040 Assurance of discontinuance of violation.
- 22.32.050 Compliance enforcement action.

* Prior ordinance history: Ord. F-45.

22.32.010 Penalty for violations.

Any person, firm, corporation, or association who violates any provision of this title relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease, or transfer of each separate

lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense. (Ord. S-8 § 57(part), 2001).

22.32.020 Land divided in violation.

No building permit, septic tank permit, or other development permit, shall be issued for any lot, tract, or parcel of land divided in violation of this title unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with provisions of this chapter and each purchaser or transferee may recover his damages from any person, firm, corporation or agent selling or transferring land in violation of this title, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter as well as cost of investigation, suit, and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming his property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned thereby. (Ord. S-8 § 57(part), 2001).

22.32.030 Sale or transfer of land where final plat is not filed.

When any lot or tract is sold, transferred, or advertised for sale or transfer and the final plat has not been filed with the county auditor, the procedures of RCW 58.17.200 will be followed. (Ord. S-8 § 57(part), 2001).

22.32.040 Assurance of discontinuance of violation.

Assurance of discontinuance of violation may be provided as described in RCW 58.17.230. (Ord. S-8 § 57(part), 2001).

22.32.050 Compliance enforcement action.

Compliance with this Title shall be enforced in accordance with RCW 58.17.320. (Ord. S-8 § 57(part), 2001).

Chapter 22.34

Alteration

Sections:

- 22.34.005 Purpose.
- 22.34.010 Applicability.
- 22.34.020 Owner permission.
- 22.34.030 Review procedure.
- 22.34.040 Approval criteria.
- 22.34.050 Assessment district.

22.34.005 Purpose.

To provide a procedure for altering an approved subdivision, short subdivision, or binding site plan.

22.34.010 Applicability.

Any subdivision, short subdivision, or binding site plan may request an alteration. Alterations meeting the description of Section 22.040.050(6), are not subject to this Chapter. (Ord. S-8 § 58 (part), 2001).

22.34.020 Owner permission.

(1) The application shall contain the signatures of the majority of the persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or binding site plan or portion to be altered.

(2) If the subdivision or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the subdivision or binding site plan, and the application for alteration would result in the violation of the covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or binding site plan or portion thereof. (Ord. S-8 § 58(part), 2001).

22.34.030 Review procedure.

Alterations shall be reviewed according to the procedures of Chapter 23.050, Land Use Reviews.

After approval of the alteration, the city council shall order the applicant to produce a revised drawing of the approved alteration of the final plat or binding site plan, which after signature of the city council, shall be

filed with the county auditor to become the lawful plat of the property.

22.34.040 Approval criteria.

Approval of the alteration shall be granted if the approval criteria of the original review are still being met and public use and interest are being served.

22.34.050 Assessment district.

If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing in the subdivision, such land may be altered and divided equitably between the adjacent properties.

Chapter 22.36

Vacation

Sections:

- 22.36.005 Purpose.
- 22.36.007 Applicability.
- 22.36.010 Vacation.
- 22.36.020 Owner permission.
- 22.36.025 Review procedure.
- 22.36.030 Vacation where streets are involved.
- 22.36.040 Approval criteria.
- 22.36.045 Land dedicated to public use.
- 22.36.050 Vesting of ownership.

22.36.005 Purpose.

To provide a procedure for vacating a recorded subdivision, short subdivision, or binding site plan.

22.36.007 Applicability.

Any subdivision, short subdivision, or binding site plan, or portion thereof, may be vacated.

22.36.010 Vacation.

Whenever any person is interested in the vacation of any subdivision or binding site plan or portion thereof or any area designated or dedicated for public use, that person

shall file an application for vacation with the city council. (Ord. S-8 § 59(part), 2001).

22.36.020 Owner permission.

(1) The application shall contain signatures of all parties having an ownership interest in that portion of the land division subject to vacation.

(2) If the land division is subject to restrictive covenants which were filed at the time of the approval of the land division, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the land division or portion thereof. (Ord. S-8 § 59 (part), 2001).

22.36.025 Review procedure.

(2) Vacations shall be reviewed according to the procedures of Chapter 23.065, Land Division Vacation.

(3) After approval of the vacation, the city council shall order the applicant to provide a revised drawing of the approved vacation of the final plat or binding site plan, which after signature of the city council, shall be filed with the county auditor.

22.36.030 Vacation where streets are involved.

(1) When the vacation is for only a city street, the vacation shall be reviewed according to Chapter 12.50, Street Vacations and RCW 35.79 .

(2) When the application is for the vacation of the plat together with the streets, the procedure for vacation in this chapter shall be used but vacations of streets may not be made that are prohibited under RCW 35.79.035. (Ord. S-8 § 59(part), 2001).

22.36.040 Approval criteria.

Approval of the vacation will be granted if the public use and interest is be served. (Ord. S-8 § 59(part), 2001).

22.36.045 Land dedicated to public use.

If any portion of the land contained in the land division was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council shall set forth findings that

the public use would not be served in retaining title to those lands.

22.36.050 Vesting of ownership.

Title to the vacated property shall vest with the rightful owner as shown in the county records.

(1) If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council.

(2) When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of the property contained within the vacated subdivision. (Ord. S-8 § 59(part), 2001).