Title 16
LAND DIVISIONS

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Chapter 16.04
GENERAL PROVISIONS

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16.04.010 Citation of Title.

This Title shall be known and may be cited as the "Chelan Land Division Code" or the "Land Division Code", and implements the authority delegated to the City regarding the division of land by RCW 58.17.

16.04.020 Applicability and Purpose of Land Division Code.

Every division of land into two or more lots or tracts in the City shall proceed in compliance with the Land Division Code and conform to the requirements of RCW 58.17. The purpose of the Subdivision Code is to enhance the quality of life, protect the health, safety and general welfare of the citizens of the City. To this end, the Land Division Code is intended to:

A. Accomplish the orderly development of land within the city through regulations and standards governing subdivisions, short subdivisions, boundary line adjustments, binding site plans, and planned unit developments.
B. Coordinate development with public facilities and services and provide standards for construction of new services;
C. Improve land records and boundary monumentation;
D. Comply with Chapter 58.17, RCW;
E. Safeguard the interests of the public, the applicant and future property owners; and
F. Avoid placing undue and unnecessary burdens on both the applicant and the City; and
G. Promote the public health, safety and general welfare of the citizens within the community.

16.04.030 Exemptions.

The provisions of the Land Division Code shall not apply to:
A. Any cemetery or burial plot, while used for that purpose;

B. Any division of land made by testamentary provisions, the laws of descent, or by court order;
C. Assessor's plats made in accordance with RCW 58.18.010, 58.17.240, and 58.17.250;
D. Any division of land not containing a dedication in which the smallest lot created by the division exceeds twenty acres or one thirty-second of a section; provided, that for the 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;
E. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with the Land Division Code;
F. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, has approved a binding site plan for the use of the land in accordance with the Land Division Code;
G. Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW; or (b) the city has approved a binding site plan for all such land;
H. A division for the purpose of leasing land for facilities providing person wireless services while used for that purpose. For purposes of this subsection "facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and
I. A division of land into lots or tracts of less than three acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities.. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

16.04.040 Compliance with plans, policies and ordinances.

All Land Divisions shall comply with all adopted plans, policies and ordinances of the City, including:
A. The comprehensive plan and plans adopted by reference thereto;
B. Development standards;
C. Economic development plans;
D. Parks & recreation plans;
E. Sewer plans;
F. Transportation plans;
G. Water plans;
H. Zoning Code;
I. Sensitive and critical area ordinances;
J. Capital facilities plan; and
K. Natural Hazard Mitigation Plan

16.04.050 Administrator.

The Planning and Community Development Director is referred to in the Land Division Code as the Administrator, and is vested with the duty of administering and interpreting the provisions of the Land Division Code. Interpretations of the Land Division Code shall be a Type IIA Project Permit Application under the Development Regulations.

16.04.060 Applicant(s) of Land Divisions.

Only the Owner of Record of land, or their authorized agent, may apply for the division of said land pursuant to the Land Division Code.

16.16.070 Processing According to Development Regulations.

All Land Divisions will be processed according to the Development Regulations.

16.16.080 Pre-Application Conference.

The process of administering a land division is set out in the Development Regulations. To the extent to required by the Development Regulations, it is strongly encouraged that all applicants schedule a Pre-Application Conference with the Administrator and all referral agencies prior to filing any application for a Land Division for the purpose of obtaining feedback on the initial layout of the Land Division and to clarifying the requirements of the Land Division Code affecting the proposed land division.

16.12.090 Complete Application.

A complete application for the purposes of this Chapter shall consist of

1. An application form approved by the Administrator, completed and signed by the Owner(s) of Record of the Land proposed to be divided, or their authorized agent;
2. Copies of the Land Division Map;
3. The filing fee;
4. A completed SEPA environmental checklist and accompanying fee; and
5. All other items set out in the individual chapters of the Land Division Code.

16.16.100 Land Division Maps - Format

Except as specifically set out in the Land Division Code, Plats and Binding Site Plans shall consist of a Land Division Map, consisting of boundary survey at a scale required by the Administrator, together with written data in such form that when the maps and written data are considered together, they shall fully and clearly disclose the following information:

1. The name of the proposed Land Division, which shall not duplicate or nearly duplicate the name of any other subdivision in the county unless the proposed subdivision is an addition to an existing subdivision;
2. The legal description of the land contained within the subdivision and the assessor's parcel number(s); The name of the proposed subdivision. Said subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the county unless the proposed subdivision is an addition to an existing subdivision;
2. The names, addresses, and telephone numbers of all ownership interest in the proposed subdivision;
3. The name, address, telephone number, professional license number and seal of the registered land surveyor who made the survey The date of the survey;
4. The boundary lines of the proposed Land Division and, if required by the Administrator, a map showing the section breakdown together with the bearings and distances surrounding the proposed subdivision;
5. All existing monuments and markers found;

6. All lots and blocks within the proposed Land Division, together with the numbers and letters proposed to be assigned to each lot and block. Such lot and block numbers shall consist of consecutive numbers beginning with the number “1”;
7. The total number of lots;
8. The location, names, and widths of all existing streets, roads, and easements within the proposed subdivision and adjacent thereto;
9. The approximate boundaries of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all watercourses;
10. The location and, where ascertainable, the locations of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over, or under the land proposed to be divided;
11. The delineation, location and extent of riparian areas, wetlands, geologically hazardous areas, aquifer recharge areas, and one-hundred-year floodplains and floodways;
12. The smallest, largest, and average lot area in the proposed Land Division expressed in square feet and all lot dimensions;
13. A statement of proposed provisions for domestic and/or irrigation water supply and sewage disposal;
14. Contours at two-foot intervals or as required by the Administrator. Said contours and elevations shall be based upon a horizontal datum acceptable to the Administrator;
15. The scale, date, north arrow, and area in acres of the proposed Land Division;
16. The layout of all proposed roads, alleys, utility mains, easements or parcels proposed to be dedicated or reserved for public or community school, park, playground or other uses;
17. Road plans and profiles;
18. A layout of proposed water distribution systems, including type, ownership and well radii if appropriate, sewage disposal systems, and drainage systems, including sizes and locations. If on-site sewage disposal systems are proposed, site evaluations are required for each proposed system location, prepared by a professional engineer, qualified designer or soil scientist, as described in Chapter 246-272 WAC;
19. A sketch of the general vicinity in which the land proposed for Land Division lies and upon which are identified owners of land adjacent to the Land Division and the names of any adjacent Land Divisions;
20. The comprehensive planning designation and zoning of the subject land and the adjacent properties;
21. The location of soil log holes together with data regarding percolation rates and a statement as to soil conditions prepared by a registered soils engineer or civil engineer with training in soils mechanics, attesting to the suitability of soils for the specific uses proposed in the subdivision;
22. The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the Land Division;
23. If it is contemplated that development proceed by dividing the original proposed Land Division into more than one Land Division or phase, the probable boundaries of each Land Division or phase;
24. The approximate location of each area covered by trees along with a generic identification of such cover;
25. Copies of all restrictive covenants proposed, if any, to be imposed upon the land in the Land Division; and
26. Traffic impact study as required by the Development Standards.

16.04.110 Surveys

All surveys required by the Land Division Code shall be made by a land surveyor, licensed under the

authority of RCW 18.43, and in accordance with RCW 58.09 and WAC 332.130.

16.04.120 Required Considerations and Findings for Land Divisions.

Land Divisions may be approved only upon the following considerations and supported by appropriate findings and conclusions that the following are satisfied:

A. The public use and interest will be served by the approval of the proposed Land Division, and associated dedications and impact fees, if any;
B. Appropriate provisions are made for, but not limited to, conditions due to flooding, bad drainage, topography, critical areas, rock formations, or other physical characteristics of the land and other matters affecting the public health, safety and general welfare; for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
C. Any Land Division for land situated in a flood control zone shall satisfy the requirements of Title 14, Environmental Regulations and must have written approval from the Department of Ecology as provided in RCW 86.16.
D. No locally adopted level of service standard for public facilities and services will fall below the standards as set forth in the comprehensive plan as a result of the land division being approved; and
E. The public facilities and services necessary to support the land division shall be adequate and available concurrently with the demand for such services.
F. The capacities and dimensions of water, sewerage, drainage and street facilities shall be adequate to provide for future needs of other undeveloped properties in the general vicinity, with the subdivider bearing a roughly proportionate portion of the cost that is the result of the relative impact of the land division, and the balance to be borne in a manner appropriate for the situation, either through a latecomer's agreement, development agreement, or by contribution by the City.
G. No dedication, impact fee, condition or requirement shall be imposed upon the approval of a land division that constitutes an unconstitutional taking of private property.

16.04.130 Recordable Final Land Division Map

A. The final Land Division Map to be recorded with the Auditor shall consist of one or more sheets, each eighteen by twenty-four inches, clearly and legibly drawn on stable base mylar film or equivalent material acceptable to the Administrator with all drawings and lettering in permanent black ink. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. The scale of the map shall be sufficient to show all details clearly and in no case shall be smaller than one inch equals one hundred feet, nor greater than one inch equals fifty feet. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat.
B. The final Land Division Map shall include all of the information described in section 16.04.110, together with all information specifically required in each specific Chapter of the Land Division Code.
C. The final Land Division Map shall be accompanied with a Plat Certificate confirming that the title to the lands as described and shown on the Land Division Map are vested in the Owner(s) of Record whose signature(s) appear on the Land Division Map, along with the signatures of all person/entities identified on the Plat Certificate as having a fiduciary, fee or ownership interest in the land, which includes beneficiaries of financial interest, judgments and liens;
D. The final Land Division Map shall include the following certifications and signatures:
    1. Certification of the Land Surveyor that the survey is based on an actual survey of the land, specifying the date(s) of the survey, that the distances, courses, and angles are correctly shown,

and that the monuments, other than the monuments approved for setting at a later date, have been set and lot corners staked as depicted on the Land Division Map.

2. Statement of approval signed by the Public Works Director as to the layout of roads, alleys, and easements; road names and numbers; and the design and/or construction of protective improvements, bridges, sewage and drainage systems, and other structures; pertaining to the Land Division;
3. A certificate bearing the typed or printed names of all Owners of Record, and all other persons having an interest in the land, including without limitation, judgments and liens, in the subject land, signed by said persons and acknowledged by them before a notary public, consenting to the Land Division with their free consent and in accordance with their desires and reciting a dedication by them of all lands shown on the Land Division Map to be dedicated for public uses, and a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;
4. A certificate signed by the Chelan County Treasurer that all taxes one year in advance on all unimproved property in the Land Division, and any delinquent assessment for which the land within the Land Division may be liable, have been duly paid and satisfied or discharged;
6. A signature block shall be provided for the Approval Body or Administrator;
7. A signature block shall be provided for the Auditor's certificate citing the date of filing and the recording date.

16.04.140 Expiration of Preliminary Approval.

Preliminary approval of Land Divisions shall expire five years after preliminary approval, and the preliminary approval shall be void, except as follows:

A. The Administrator grants an extension of time for final approval of the Land Division as provided in section 16.04.150;
B. An application for final approval of a Land Division has been submitted and deemed complete by the Administrator; or
C. The Council finds that a change in conditions creates a serious threat to the public health or safety in the Land Division.

16.04.150 Extensions of Time.

An application form and supporting data for time extension requests must be submitted to the Administrator as a Type IIB Project Permit Application at least thirty days prior to the expiration of the Preliminary Approval. The Administrator may administratively approve an extension; provided, there are no changed conditions which would render filing of the plat or binding site plan contrary to the public health, safety or general welfare; and further provided, one or more of the following circumstances is found to apply:

A. That some portion of the existing Preliminary Land Division has been finalized since preliminary approval, and the remaining lots would form a unified development consistent with the original preliminary approval;
B. That the preliminary Land Division remains generally consistent with the original plat or binding site plan that was approved, and the applicant has taken substantial steps toward finalizing the Land Division, which shall include one, but is not limited to, the following:
   (1) Surveying the lots within the development;
   (2) Arranging for public services to the site;
   (3) Obtaining necessary financing for all or a portion of the preliminary Land Division;

(4) The completion of studies or other requirements which were part of the Preliminary Land Division;

C. That at the time preliminary approval was granted, development of the proposal was conditioned upon the extension of public services which were not yet available. This provision shall not apply to public utility extensions which the project applicant would normally fund;

D. That administrative delays have caused the inability to the applicant to finalize the plat within the five-year period; and/or

E. Provided one of the above circumstances is found to apply, the Administrator may grant extensions that may include additional or altered conditions and requirements recommended by affected agencies. Any time an extension is granted as a direct result of administrative delays, it is not subject to additional or altered conditions and requirements. Prior to granting time extensions, the Administrator shall circulate the time extension request to affected agencies for comments.

16.04.160 Adjustments to a Preliminary Land Division

The Administrator may approve a minor adjustment to a preliminary Land Division, provided that the adjustment is minor, and is consistent with the preliminary Land Division, and does not otherwise violate the Land Division Code or any other policy of the City. Any adjustment to a preliminary Land Division shall be made as an application for a Land Division.

Chapter 16.08
DEFINITIONS

Sections:

16.08.010 **Generally.**
16.08.020 **Definitions.**

16.08.010 General.

When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

16.08.020 Definitions.

Whenever the following words and phrases appear in the Land Division Code, they shall be given the meaning attributed to them, set forth below:

Administrator means the Planning and Community Development Director or his/her designated representative

Approval authority means the decision-making body which approves a Land Division, as set out in the Development Regulations.

Auditor means the Chelan County Auditor.

Block means a group of lots, tracts or parcels within a plat or short plat with well defined and fixed boundaries.

Boundary line adjustment means an adjustment of property lines between two or more adjoining lots or tracts , pursuant to Chapter 16.32.

City means the city of Chelan, Washington.

Comprehensive plan means the current comprehensive plan, as adopted by the City..

Council means the legislative body of the City**.**

Dedication means the deliberate conveyance of land by an owner of record for any general and public uses, reserving no rights other than those compatible with the full exercise and enjoyment of the public uses for which the land has been conveyed. The intention to dedicate shall be evidenced by the owner of record by the presentment for filing of a plat, short plat or binding site plan showing the dedication thereon or quit claim deed. Acceptance of the Dedication by the City shall be evidenced by the approval of the land division and the filing with the Auditor.

Development Regulations means Title 19, Administration of Development Regulations.

Development standards means the standards adopted pursuant to Title 25, Development Standards.

Easement means the grant by an owner of record to specific persons or to the public to use land for a specific purpose or purposes.

Engineer means an individual licensed as a professional engineer pursuant to RCW Chapter 18.43.

Final plat means the final drawing of the Subdivision and dedication prepared for filing for record with the Auditor and containing all elements and requirements set forth in RCW Chapter 58.17 and the Land Division Code.

Frontage means the property line which abuts the principal means of access to the property.

General binding site plan means a scaled drawing processed in accordance with Section 16.24 and RCW Chapter 58.17, that identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, drainage tracts, lots, any other matters specified in the Land Division Code, and contains provisions requiring any development proceeding therewith.

Improvements means appurtenances, including but not limited to road and drainage construction, utility installation, recreational features, lot grading prior to a building permit, plat monument signs, survey monuments and the like, as well as off-site improvements and unimproved abutting streets necessary to the land division, required to be completed as a condition for the approval of a Land Division.

Land Division means any method of dividing land authorized by the Land Division Code.

Land Division Code means this Title 16 of the Chelan Municipal Code.

Land Division Map means a neat and orderly depiction of the Land Division, containing the information described in Section 16.04.090. A Land Division Map includes, without limitation, a Short Plat, Preliminary Plat, Final Plat, General Binding Site Plan, Specific Binding Site Plan, as well as the applications therefore.

Land surveyor means an individual licensed as a land surveyor pursuant to RCW Chapter 18.43.

Lot means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

Owner of record means the person(s) who owns, or is purchasing, the fee interest in Land.

Person means any individual, partnership, corporation, association or public or private organization of any character.

Plat means a map or representation of a Subdivision, showing thereon the division of land into lots, blocks, streets and alleys, or other divisions, dedications and information.

Plat Alteration means the alteration of a Plat or Short Plat, pursuant to Chapter 16.20 .

Plat certificate means a report by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of Land to be divided pursuant to the Land Division Code.

Preliminary plat means a scaled drawing of a proposed Subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the Subdivision, and other elements of a Subdivision which shall furnish a basis for the preliminary approval of a Subdivision pursuant to the Land Division Code.

Private road means a privately owned and maintained access easement to property from a public right-of-way.

Public Works Director means the City's Public Works Director, described in section 2.08.130

Road means a facility providing public or private access including the surfaced road and all other improvements inside the right-of-way.

Short plat means the final drawing of the Short Subdivision and dedication approved by the Administrator and prepared for filing with the Auditor.

Short Subdivision means the division of land into nine or less lots, tracts, parcels or sites for the purpose of sale, lease, or transfer, as set out in Chapter 16.12.

Specific binding site plan means the final drawing of the general binding site plan prepared for filing with the Auditor upon compliance of all conditions of approval as determined by the Administrator and containing all the elements set forth in Chapter 16.24.

Street is synonymous with "road."

Subdivider means a Person applying for the division of Land pursuant to the Land Division Code.

Subdivision means the division of land into ten or more lots or tracts for the purpose of sale, lease or transfer pursuant to Chapter 16.16, and includes all resubdivisions of land.

Tract means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, sensitive areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential or non-residential construction and shall not be included in density calculations for Land Divisions.

Zoning code means Title 17 of the Chelan Municipal Code.

Chapter 16.12
SHORT SUBDIVISIONS

Sections:

16.12.010 Applicability.
16.12.020 Application to Include Survey
16.12.030 Administrative Review and Decision.
16.12.040 Final Approval and Recording.
16.12.050 Resubdivision Prohibited.

16.12.010 Applicability.

Every division of land into nine or fewer lots for the purpose of lease, sale or transfer into nine or less lots or tracts within the city, shall proceed in compliance with this chapter, and shall be reviewed and approved by the Administrator as a Type IIB project permit application under the Development Regulations.

16.12.020 Application to include Survey

The application for approval of a Short Subdivision shall include the survey described in sections 16.04.110 and 16.04.130.

16.12.030 Administrative Review and Decision.

Upon completion of agencies' review and a determination the Short Subdivision satisfies the requirements of the Land Division Code, the Administrator shall approve, conditionally approve or disapprove the proposed Short Subdivision in accordance with the procedures set forth in the Development Regulations.

16.12.040 Final Approval and Recording.

Upon approval of the Short Subdivision, and completion of all required Improvements, a final Short Plat, in the form required for a final Land Division Map, shall be recorded with the Auditor.

16.12. 050 Resubdivision Prohibited.

Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, may not be further divided until a final plat thereof has been approved and filed for record pursuant to Chapters 16.12, except a short subdivision containing fewer than nine lots, may be further divided within five years provided the total lots does not exceed nine lots.

Chapter 16.16
SUBDIVISIONS

Sections:

GENERAL PROVISIONS

16.16.010 Applicability and Purpose.
16.16.020 Simultaneous Processing of Preliminary Plat.
16.16.030 Resubdivision of Platted Lots.
16.16.040 Preliminary Plat
16.16.110 Application Requirements.
16.16.120 Administrator's Review.
16.16.130 Hearing Body.
16.16.140 Preliminary Plat Decision by Approval Authority.
16.16.150 Preliminary Plat Adjustments

16.16.200 Final Plat Procedure.
16.16.210 Final Plat – Dedications.
16.16.220 Final Plat Survey and Improvement Plan Standards.
16.16.230 Final Plat Acceptance – Recording.
16.16.200 Final Plat Procedure.

16.16.010 Applicability and Purpose.

Every division of land for the purpose of sale, lease or transfer within the City, except any land divided under another chapter of the Land Division Code shall be accomplished as set forth in this Chapter and the Development Regulations. Preliminary Plats are processed as Type IVA project permit and Final Plats are processed as a Type IVB project permit.

16.16.020 Simultaneous Processing of Preliminary Plat.

In accordance with RCW 58.17.070, a preliminary plat of a proposed Subdivision and dedication of land shall be submitted for review and consideration to the hearing body. A preliminary plat can be processed simultaneously with applications for rezones, variances, planned unit developments, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

16.16.030 Resubdivision of Platted Lots.

The division of any Lot within a Final Plat shall be replatted in accordance with this Chapter.

16.16.040 Preliminary Plat.

After the Administrator determines an application for a Subdivision is complete, it shall be reviewed according to the process for a Type IVA project permit, under the Development Regulations, and shall be approved upon a determination it satisfies the requirements of the Land Division Code.

16.16.050 Affect of Approval of a Preliminary Plat.

Approval of a preliminary subdivision shall constitute authorization for the subdivider to develop the improvements required according to the approval

16.16.060 Phased Development.

Portions of an approved preliminary plat may be processed separately for recording in divisions, provided that the divisions were identified in the preliminary plat and that the recording of division is consistent with the conditions of preliminary plat approval and will meet all the requirements for final approval if subsequent divisions are not recorded. Prior to the approval of a division of a final plat, the director of public works may require financial sureties submitted for construction of improvements in subsequent divisions if such improvements are necessary for the division being

16.16.070 Final Plat.

A. Filing Period – Submission of Plans. At any time within five years following the approval of a Preliminary Plat, the subdivider shall submit the proposed Final Plat design along with the plans for all Improvements in such number and format as requested by the Administrator. The Final Plat shall be processed as a Type IVB project permit, under the Development Regulations.
B. Review by Administrator – Compliance with Preliminary Plat Approval. The Administrator shall review the proposed Final Plat for conformance to the Preliminary Plat as approved by the Approval Authority.

16.16.080 Final Plat Acceptance – Recording.

A. Review by Administrator. Prior to filing the final plat for Approval Authority action, the Administrator shall make a determination that:
   1. The final plat meets all standards established by state law and this code;
   2. All dedications of land shall be clearly and precisely shown on the face of the plat. Roads not dedicated to the public must be clearly labeled as such on the face of plat. If a subdivision is subject to a dedication, a certificate or separate instrument shall contain the dedication of all streets to the public, an individual or individuals, religious society or societies, or to any corporation, public or private, or similar interest, and a waiver of all claims for damages against any government authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of roads and improvements. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having ownership interest in the land subdivided and recorded as part of the final plat.
   3. Protective improvements and easements to maintain such improvements shall be dedicated and shown on the face of the final plat.
   4. If the hearing body, upon recommendation of the Administrator, concludes that the public interest will be served thereby, the hearing body may, in lieu of requiring a dedication of land in a subdivision for protective improvements, drainage ways, alleys, sidewalks, parks, recreation trails or spaces, fire, water, sewer, or other utility facilities, community or other general purposes, allow said land to be conveyed to a homeowners association or similar nonprofit maintenance corporation; provided, that sufficient guarantees are included to absolve the city from responsibilities thereof.
   5. A subdivider who wishes to make a conveyance as permitted in this section shall submit with the final plat application, copies of the grantee organization's articles of incorporation and bylaws, and evidence of the conveyance or binding commitment to convey and maintain. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership

of land in the subdivision; that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation. The hearing body may impose such other conditions as it deems appropriate to assure the property and improvements owned by the corporation will be adequately constructed and maintained.

6. If applicable, the restrictive covenants proposed to be imposed upon land in the subdivision contain sufficient maintenance provisions for roads and drainage purposes;
7. The proposed final plat bears the certificates and statements of approval required by law including approval blocks for Approval Authority, Auditor, Chelan County Treasurer, Planning Department and Public Works Department;
8. Each plat shall contain certification from the Chelan County Treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged in accordance with RCW 58.17.160;
9. A title insurance report furnished by the developer confirming that the title of the land in the proposed subdivision is vested in the name of the owners having a title interest and whose signatures appear on the plat certificate; and
10. The developer has provided any required surety in a form acceptable to the City Attorney in an amount commensurate with improvements required to be completed.

B. Filing for Approval Authority Action. RCW 58.17.140 provides that the Approval Authority shall act on the final plat within thirty days from the date of filing. For this purpose, the date of filing shall be construed to be the date the Administrator has submitted the final plat to the Approval Authority after all requirements of this code have been met.

C. Approval Authority Determination. The Approval Authority shall determine that the conditions imposed on the approved preliminary plat have been met and that any required surety is adequate to assure completion of the required improvements not already completed.

D. Certification and Recording. If approved, the Approval Authority shall certify its acceptance by authorizing the mayor to sign a statement to that effect on the face of the plat. The Administrator shall then forward one mylar base or reproducible copy to the Public Works Director and one paper copy to the county assessor. The applicant shall submit the required recording fee to the Administrator who shall record the final plat with the Auditor.

Chapter 16.20
PLAT ALTERATIONS AND VACATIONS

Sections:

16.20.010 **Purpose.**
16.20.020 **Applicability.**
16.20.030 **Application.**
16.20.040 **Plat Alteration Process.**
16.20.050 **Required Findings.**
16.20.060 **Recording**

16.20.010 Purpose.

The purpose of this Chapter is to provide the standards for the vacation and alteration of Plats consistent with RCW 58.17.212, 58.17.215 and 58.17.217. No Plat shall be changed in any respect unless processed and approved through the provisions of this Chapter, except boundary line adjustments processed pursuant to Chapter 16.36 and short subdivisions processed pursuant to Chapter 16.12. The process established by this Chapter cannot be used to create additional lots, tracts or parcels.

16.20.020 Applicability.

A. The alteration of all or a portion of an existing Final Plat does include the creation of additional lots, only revisions to lot lines, notes, or easements established on the Final Plat. Any proposal that includes the creation of new lots shall be processed in accordance with the appropriate section of the Land Division Code, and shall comply with standards and requirements, as they apply.

B. A vacation of all or a portion of an existing Final Plat includes the removal of lot lines established by a recorded plat, or a division of a plat; or an easement(s). Those applications proposing only the vacation of public right-of-way dedicated as part of a plat shall be processed in accordance with Chapters 35.79 and 36.87 RCW.

16.20.030 Application

Instead or, or in addition to, the requirements for completed applications set out in Chapter 16.04, an application for the vacation or alteration of a Plat shall include the following:

1. The signature of the Owner(s) of Record for the Lots affected by the proposed vacation or alteration;
2. If the Plat is subject to restrictive covenants which were part of the Final Plat, and the vacation or alteration would result in the violation of a covenant, the application shall include an agreement signed by all parties subject to the covenants providing that the parties agree to terminate the covenants, or alter the relevant covenants to accomplish the purpose of the vacation or alteration.

16.20.040 Plat Alteration Process

The application for the vacation or alteration of a Plat shall be processed as a Type IVA project permit, pursuant to the Development Regulations. If the proposed vacation or alteration includes the vacation of a street, the procedures for vacation set out in RCW 35.79 or RCW 36.87. Vacations for streets may not be made that are prohibited under RCW 35.79.030 or RCW 36.87.130.

Short subdivisions shall be processed in accordance with Chapter 16.12 . Binding Site Plans shall be processed in accordance with Chapter 16.24. For Subdivisions, the Administrator shall give notice and

set a hearing date of the application in accordance with Chapter 16.16 with notice and hearing requirements in accordance with Title 19.03.

16.20.050 Required Findings.

In addition to the required findings for all Land Divisions, a vacation or alteration of an existing Final Plat may be approved, conditionally approved, or rejected, after considering the public use and interest in the vacation or alteration, and determining the vacation or alteration:

1. will not result in the violation of any requirements of the original plat approval unless conditions necessitating such requirements have changed since the original plat was recorded;
2. will not result in a Lot not satisfying all dimension and area requirements of all applicable land use and environmental health regulations; and
3. does not increase the nonconformity of any Lot or structure which does not currently meet the requirements of any applicable land use or environmental health regulations, including but not limited to, setbacks of structures from property lines, land use, and minimum lot area.

16.20.060 Recording.

The Plat, as vacated or altered pursuant to this Chapter shall be recorded by the Administrator, according the requirements of the Land Division Code.

Chapter 16.24
BINDING SITE PLANS

Sections:

16.24.010 Purpose.
16.24.020 Requirements for Complete Applications.
16.24.030 Approval of General Binding Site Plan.
16.24.040 Approval Constitutes Development Authorization.
16.24.050 Forms and Filing of General Binding Site Plan.
16.24.060 Specific Binding Site Plan Procedure.
16.24.070 Affect of Approval
16.24.080 Alterations

16.24.010 Purpose.

The purpose of a binding site plan subdivision is to provide an alternative method of land division as provided for in RCW 58.17.035 for the sale or lease of commercial and industrial properties and for mobile home and recreational vehicle parks. The overall process for approving a binding site plan is a two-step process in which the general scope and design of a proposed division of land is first approved according to a general binding site plan, and the specific scope and design of lots within the general binding site plan is later approved according to a specific binding site plan. Applications for general binding site plans and specific binding site plans shall be reviewed and approved as Type IVA and Type IIB project permit applications, respectively, in accordance with the Development Regulations.

16.24.020 Requirements for Complete Applications.

In addition to the requirements for an application set out in Chapter 16.04, an application for a binding site plan shall include the following:.

A. General Binding Site Plan.
   1. Application content shall include identification and general description of the:
      (a) Perimeter of the property;
      (b) Access points and general location of internal roads;
      (c) General location of utilities and easements; and
      (d) General use(s) within the proposal.

B. Specific Binding Site Plan.
   1. Application contents:
      (a) Required information for final plats, as set forth in Sections 16.20.020 and 16.20.030;
      (b) Auditor's file number of the applicable general binding site plan;
      (c) A statement indicating that all development on the subject parcel is bound to the site plan;

C. Reference by recording number to the covenants, conditions and restrictions and property owners' association incorporation documents applicable to the property.

16.24.040 Approval Constitutes Development Authorization.

Approval of the General Binding Site Plan constitutes authorization for the applicant to develop the improvements according to the approval. Approval shall not imply approval to convey lots.

16.24.050 Forms and Filing of General Binding Site Plan.

A. Within twelve months of approval of a general binding site plan, the applicant shall submit one

reproducible and six copies of the general binding site plan to the Administrator for signature attesting to consistency with the approved general binding site plan.

B. The general binding site plan shall contain a certificate giving a correct description of the perimeter of the land to be divided as it appears on the general binding site plan and acknowledgment that future subdivision of the land encompassed within the general binding site plan boundary may occur through the recording of a specific binding site plan and that said subdivision may have a different lot configuration than that shown on the binding site plan within areas designated for lot development.

C. The certificate shall include a statement that the general binding site plan has been made with the free consent and in accordance with the desires of all parties with ownership interest. If the general binding site plan is subject to dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private as shown on the certificate, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having ownership interest in the lands divided and recorded.

16.24.060 Specific Binding Site Plan Procedure.

A. Application for approval of a specific binding site plan as to part or all of the land covered by the general binding site plan shall be filed with the Administrator at such time as the property owner(s) intends to sell or lease a portion of property approved in a general binding site plan. The process of review and approval of a specific binding site plan shall not be used to modify the provisions of the approved general binding site plan other than to divide lots for sale or lease within areas designated for lot development in the general binding site plan.

B. The specific binding site plan shall be reviewed for compliance with the conditions of the general binding site plan, and all other applicable regulations in effect at the time of application for approval of the specific binding site plan. Upon determination of consistency, the specific binding site plan shall be signed by the Administrator and filed with the Auditor.

16.24.070 Affect of Approval.

After a binding site plan is filed with the Auditor, all persons, parties, their successors, heirs or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property of the subject site or portions thereof, shall be bound by the conditions and inscriptions attending the binding site plan.

16.24.080 Alterations.

Alterations to a general or specific binding site plan that expand the boundaries, change the primary use, modify access location, require over fifty percent reconfiguration of streets, or other utilities, or modify the provisions for approval, shall be modified in accordance with the approval process set out in this chapter for the original general or subsequent specific binding site plan.

Chapter 16.28
PLANNED DEVELOPMENTS

Sections

16.38.010 Planned Development District.

16.38.010 Planned Development District

Planned Development District developments which include the division of land shall be reviewed and approved pursuant to the provisions set out in Chapter 17.52 and the Zoning Code.

Chapter 16.32
BOUNDARY LINE ADJUSTMENTS

Sections:

16. 32.010 Purpose.
16. 32.020 Limitation.
16. 32.030 Application.
16.32.040 Criteria.
16. 32.050 Approval and Recording.

16.32.010 Purpose.

The purpose of this Chapter is to provide the criteria for the review and approval of adjustments to boundary lines between two (2) or more Lots or tracts. The intent of a boundary line adjustment is to rectify defects in legal descriptions, to address existing problems pertaining to building encroachment, irregular shaped lots, substandard lot sizes or to modify lot lines to promote orderly and efficient community growth. A Boundary line adjustment may not be used to accomplish the purposes for which platting, replatting, plat alterations or plat vacations are intended and required. A Boundary Line Adjustment shall be reviewed and approved by the Administrator as a Type IB project permit application under the Development Regulations.

16.32.020 Limitation.

Boundary lines may only be adjusted between the following Lots:

1. Lots created by a recorded Land Division,
2. Lots exempt from the Land Division Code under section 16.04.030,
3. Lots previously adjusted pursuant to this Chapter; or
4. Lots conveyed by written instrument prior to October 17, 2000.

16.32.030 Application.

A. Application. Application for a boundary line adjustment shall not include a Land Division Map, but shall include a record survey for a boundary line adjustment, drawn to scale and accurately dimensioned, clearly showing the following information:

1. Names, addresses, phone numbers of the Owners of Record of the Lots to be adjusted;
2. Assessor parcel numbers for all effected lots;
3. The area and dimensions of each lot; location and dimensions of all tracts, private or public roads, easements, any drain field(s), wellhead protection area that are within or adjacent to any affected lot;
4. All boundary lines shall be referenced with proper bearings and distances;
5. Zoning of Lots;
6. Drawing to scale indicating the present boundary line as dashed and the proposed boundary line as solid, both referenced with proper bearings and distances;
7. Present and proposed legal description of the Lots to be adjusted, as prepared by a Land Surveyor; with legal descriptions for the conveyances necessary to complete the adjustment.

B. Additional Documents. A boundary line application shall include the following, in addition to the information in subsection (A):
   1. A statement of indemnification, consent and waiver of claims, executed by the Owner(s) of Record of the Lots to be adjusted;
   2 A Plat Certificate issued within thirty days prior to the application confirming that the title to the lands subject to the boundary line adjustment are vested with the Owner(s) of Record.
   3. Instruments providing for the conveyance of the adjusted Lots by and to the Owner(s) of Record, with legal descriptions prepared by a Land Surveyor.

16.32.040 Criteria.

The boundary lines separating two (2) or more Lots of record may be adjusted under the provisions of this Chapter, provided that such adjustment:

A. Shall not result in the creation of any additional lots or tracts;
B. Shall not create any lot or tract which contains insufficient area and dimensions to meet the requirements for width and area for a building site as established herein, nor shall such adjustment or adjustments create a building setback violation;
C. Shall not adversely affect access, easement or drain fields;
D. Shall not result in any lot being smaller than the minimum lot size required by the Zoning Code in effect at the time the application is accepted. Whenever any one or more lots involved in the proposed change is smaller than the minimum lot size of the current zoning designation, the change may be approved so long as no resulting lot becomes more nonconforming than the smallest lot prior to the boundary line adjustment;
E. Shall not reduce the overall area in a Land Division reserved or devoted to open space, parks, or similar requirement.;
F. Shall not modify a boundary of a recorded Land Division;
G. Shall not violate or be inconsistent with any restrictions or conditions of approval for any previously approved Land Division; and
   Shall not result in the entire relocation of lots or tracts. Lots may be reoriented within the perimeter of the contiguous lots;

16.32.050 Approval and Recording.

Upon the Administrator determining the proposed boundary line adjustment satisfies the requirements of this Chapter, the Administrator shall endorse the completed application, notify the Owners of Record, and shall record the completed application and the instruments of conveyance with the Auditor. A boundary line adjustment shall not be considered approved until the boundary line adjustment plan has been filed by the Administrator with the Auditor. The signature of approval by the Administrator shall constitute approval by the city for recording of the boundary line adjustment. The applicant shall be responsible for all recording fees.

Chapter 16.36
DESIGN STANDARDS

Sections:

16.36.010 General Provisions.
16.36.020 Fill and Grade.
16.36.030 Future Subdivision and Access.
16.36.040 Design – Roads.
16.36.050 Design – Road Engineering.
16.36.070 Design – Lots.
16.36.080 Design - Blocks.
16.36.090 Easement Provision.
16.36.100 Drainage and Storm Sewer Easements.
16.36.110 Fire Protection.
16.36.120 Flood Protection.
16.36.130 Buffering Techniques and Planting Strips.

16.36.010 General Provisions.

All Land Divisions shall conform to the standards and requirements set forth in this Chapter.

16.36.020 Fill and Grade.

Proposed fill and grading shall be minimized through best use of topography, careful location of streets and building sites and as specified in Title 14, Sensitive Areas Ordinance. A fill and grade permit may not be issued for developments under review of the Land Division Code until preliminary plat approval has been provided.

16.36.030 Future Subdivision and Access.

All land divisions shall be designed to accommodate the future land divisions of adjoining lands by providing for adequate future access and utility service in accordance with the Development Standards. Pedestrian and bicycle access to schools, parks, shorelines, recreation areas and open space shall also be required in accordance with adopted city plans and policies .

16.36.040 Design—Roads.

Road Locations. The road layout of every Land Division shall conform with the comprehensive plan or transportation element thereof and shall provide for the continuation of major roads which serve property contiguous to the development. Road networks shall provide ready access for fire and other emergency vehicles. The Administrator or hearing body may require additional access points if such are found necessary to protect the public safety.

16.36.050 Design—Engineering.

A. Roadway Sections. Roadway plans, profiles and sections are required to conform to the details and standards set forth in the Development Standards. The Public Works Director must approve any deviations.

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B. Utilities. Unless otherwise authorized by the Public Works Director, utility locations shall be shown and conform to the provisions contained in the Development Standards. Construction shall be completed in accordance with approved plans. No final plat shall be submitted for recording until the plan, profile and roadway sections, including construction details for drainage and the location of all utility facilities, are approved.

16.36.070 Design—Lots.

. A. Flag lots, those lots with a narrow portion of which fronts on a public or private road and where access to that road is across that narrow portion, may be permitted to accommodate buildable area which does not have standard frontage on a public street and where access to the buildable area is not feasible by any other standard land division method or lot design.

B. Width and Depth of Lots. All lots shall have a minimum width and depth sufficient to satisfy the requirements of the Zoning Code for the particular zone in which the property is located.

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C Lot Size Related to Slope. Proposed lots on land exceeding ten percent slope must comply with Title 14; and the Development Standards.

D. Reverse Frontage Lots. No residential lots shall have street frontages along two opposite boundaries unless topographical features or the need to provide separation of the lots from arterials, railways, commercial or industrial activities, or other factors justify the designing of reverse frontage lots. The Cty may require a non-access easement to prevent access to the second abutting street.

16.36.080 Design—Blocks.

A. Length. Blocks shall be as long as is reasonable and consistent with the topography and the need for convenient access, circulation, traffic control and safety in keeping with the type of land use proposed. For residential Subdivisions, block lengths would not ordinarily exceed one thousand, three hundred twenty feet or less than four hundred feet.

B. Width. With the exception of reverse frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The width should not be less than one hundred eighty feet or the sum of two lot depths, whichever is greater. This dimension may increase substantially for proposals in or adjacent to certain resource lands or critical areas.

16.36.090 Easement Provisions.

A. Pedestrian Passageways. In residential Subdivisions, a through pedestrian right-of-way not less than ten feet in width shall be provided and improved near the midpoint of any block exceeding six hundred feet in length where such passageway is deemed essential to provide pedestrian circulation to schools, parks, shopping centers or other community facilities.

B. Utility easements for electric, telephone, television, fiber optics, water, gas, irrigation and similar utilities shall have a sufficient width to assure future maintenance as determined by the serving utility and shall conform to the standards contained in the Development Standards.

C. Watercourses. Where a Subdivision is traversed by a watercourse, a drainage easement adequate for the purpose and conforming to the line of such watercourse, drainage way, waste way,

channel or stream and of such width for construction, maintenance and protection as determined by the Administrator or Hearing Body, shall be provided.

16.36.100 Drainage and Storm Sewer Easements.

Easements shall be provided for storm sewers, drainage of channels, streams and surface runoff with sufficient width to assure adequate improvement and maintenance.

16.36.110 Fire Protection Standards.

The fire protection standards contained in the Development Standards, and Title 15, Buildings and Construction, are required for all Land Divisions.

16.36.120 Flood Protection.

No Land Division or part thereof shall be approved if related improvements such as levees, fills, or other features will individually or collectively significantly increase flood flows, heights, velocities or potential for damage.

Chapter 16.40
IMPROVEMENTS

Sections:

16.40.010 Design and Approval of Improvements.
16.40.020 Construction and Maintenance of Improvements
16.40.030 Guarantee for Completion of Improvements.

16.40.010 Design and Approval of Improvements.

All Improvements shall be designed by a professional engineer licensed in the state of Washington, shall satisfy the requirements of the Development Standards, and shall be approved by the Public Works Director. Final approval of plans for public improvements and a pre-construction conference by the Public Works Department shall constitute approval to commence construction of required improvements.

16.40.020 Construction and Maintenance of Improvements.

All Improvements shall be constructed and maintained in accordance with the Development Standards in effect upon the date of the initial application for approval of a Land Division

16.40.030 Guarantee for Completion of Improvements.

In lieu of the completing Improvements prior to the final approval of a Land Division, the subdivider may file a Financial Surety in a form approved by the City Attorney prior to submitting the final Land Division for approval, guaranteeing the actual construction and installation of Improvements, as follows:

A. The Financial Surety is legally enforceable and shall provide the City with a guarantee the Improvements will be completed and that it is superior to all other possible claims against the property within the Land Division, including, but not limited to, and by way of example, any claim entitled to a lien under RCW Chapter 60, any mortgage or deed of trust, any claims of a trustee appointed under any chapter of the United States Bankruptcy Code; any claims of a receiver appointed pursuant to the laws of the state of Washington; and liens for state or federal taxes.

B. The subdivider shall pay all costs of the City for review and perfection of the proposed Financial Surety.

C. The amount of the Financial Surety is sufficient to anticipate the actual cost of the construction of the Improvements, as determined by the Public Works Director, plus the sum of not less than 50%.

D. The Improvements shall be completed by the subdivider on or before one year after final approval of the Land Division.

E. The Improvements shall be completed according to the standards in force at the time the final Land Division is approved, subject to the determination that newer standards adopted by the City may apply due to an unforeseen event that is necessary to protect the health, safety and welfare of the public.

Chapter 16.44
PENALTIES AND ENFORCEMENT

Sections:

16.44.010 Enforcement – Restraining Order – Conditional Sales.
16.44.020 Enforcement – Permit Issuance Prohibited.
16.44.030 Violation Declared Gross Misdemeanor.
16.44.050 Discontinuance of Violation.

16.44.010 Enforcement – Restraining Order – Conditional Sales.

A. Whenever land is in the process of being divided pursuant to the Land Division Code, and any Person or their agent sells, leases, transfers, or offers or advertises for sale, lease, transfer any lot or tract without the Land Division having been finally approved, the City Attorney shall commence an action to restrain and enjoin further the Land Division or sale, lease, transfers, or offers for sale, lease or transfer and compel compliance with all provisions of the Land Division Code on those lands which previously have been subdivided, sold, leased, transferred or offered for sale, lease or transfer in noncompliance with the Land Division Code. The costs of such action shall be levied against the Person or agent selling, leasing, or transferring the land.

B. If performance of an offer or agreement to sell, lease, or otherwise transfer land following approval of a preliminary plat is expressly conditioned on the recording of the final plat containing such parcel of land, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate this Chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow account or other regulated trust account and no disbursements from seller or seller's agent shall be permitted until the final plat is recorded.

C. Whenever land within a Land Division granted final approval is used in any manner or for a purpose which violates any provision of the Land Division Code, or any prescribed term or condition of approval of the Land Division, the City Attorney may commence an action to restrain and enjoin such use and compel compliance with the provisions of the Land Division Code, or with such terms and conditions of approval of the Land Division. The costs of such action shall be levied against the violator.

16.44.020 Enforcement – Permit Issuance Prohibited.

No building permit, septic tank permit or other development permit shall be issued for any lot or tract divided in violation of the Land Division Code unless the Administrator finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an individual who has purchased land for value and states under oath that he or she had no knowledge at any time prior to or during the sale that the land had been or is being created in violation of the provisions of the Land Division Code. All purchasers or transferees property shall comply with the provisions of the Land Division Code and each purchaser or transferee may recover his damages from any person, firm, corporation or agent selling or transferring land in violation of the Land Division Code, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Land Division Code, as well as costs of investigation, suit and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to causing the conformance of affected land to the Land Division Code, rescind the sale or transfer and recover costs of investigation, suit and reasonable attorney's fees occasioned thereby.

16.44.030 Violation Declared Gross Misdemeanor.

Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of the Land Division Code or the order of any court pursuant to this Chapter, or any subsequent regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any parcel of land, is guilty of a gross misdemeanor, subject to a fine of not more than five thousand dollars. Each sale, offer for sale, lease or transfer of each separate parcel of land in violation of any provision of the Land Division Code or any regulation adopted pursuant thereto, shall be deemed to be a separate and distinct offense.

16.44.040 Discontinuance of Violation.

In the enforcement of the Land Division Code, the City Attorney may accept an assurance of discontinuance of any action or practice deemed in violation of the Land Division Code from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the Superior Court of Chelan County. A violation of such assurance shall constitute a prima facie proof of a violation of the Land Division Code.