

**Title 12
Land Divisions**

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Chapter 12.02 General Provisions

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12.02.010 Purpose

The purpose of this ~~title chapter~~ is to regulate the division of land and to promote public health, safety and general welfare in accordance with standards established by the state, and to implement the County's Comprehensive Plan. Each land division shall be reviewed under Title 12 for all applicable requirements. ~~It is further the purpose of this code to achieve the following:~~

- ~~1) Prevent the overcrowding of land;~~
- ~~2) Promote efficient use of land;~~
- ~~3) Reduce congestion on the roads and highways;~~
- ~~4) Promote safe and convenient travel by the public on trails, bikeways, roads and highways;~~
- ~~5) Provide for proper ingress and egress;~~
- ~~6) Provide for adequate light and air;~~
- ~~7) Provide adequate transit improvements;~~
- ~~8) Provide for potable and irrigation water, wastewater, power and telecommunications utilities and storm water drainage;~~
- ~~9) Facilitate adequate provision of parks and recreation areas and sites for schools and school grounds;~~
- ~~10) Provide for the expeditious review and approval of proposed land divisions that conform to zoning standards and local plans;~~
- ~~11) Establish minimum development standards and policies;~~
- ~~12) Protect environmentally sensitive areas;~~
- ~~13) Adequately provide for a variety of land use needs for the citizens of the community; and~~
- ~~14) Require uniform monument standards for land division and conveyance by accurate legal description.~~
- 15) Provide Cluster subdivisions are provided as provides an innovative design technique that allows development to occupy that portion of a project site that is most conducive to development while protecting undeveloped open space or resource land, ~~implementing the Chelan County comprehensive plan by promoting innovative development techniques.~~

12.02.020 Applicability

Every division of land into two or more lots, parcels, tracts, and boundary line adjustments, plat alterations, or plat vacations within Chelan County shall proceed in compliance with this Code and other laws, ordinances, regulations and plans having an impact on the division of land. These include, but are not limited to, the Chelan County Comprehensive Plan, Shoreline Management Plan, Transportation Plan and Six-year Transportation Improvement Program, adopted City Comprehensive Plans and where applicable City Subdivision Code, when adopted by the Chelan County Commissioners, Chelan County Code (Chelan County Code), particularly

Titles 11, 12, 13, 14, 15, and 16, the International Building and Fire Codes, federal and state laws and local agencies requirements. This title does not apply, within an Urban Growth Area, when the County has adopted a city's subdivision code; furthermore, where the County has adopted city development standards for the associated Urban Growth Area section 12.08 Standards and 12.10 Construction Improvements shall not apply.

12.02.030 Administration and Enforcement

The Community Development Director, or his/her designee, hereafter referred to as the Administrator, is vested with the duty of administering this Title within the County. All procedures, enforcement and appeals shall be pursuant to Title 14 Development Permit Procedures and Administration.

12.02.040 Types of Land Divisions

- 1) The following types of land divisions are governed by this Title code:
 - a) Major Subdivisions: the division of land into five or more lots.
 - b) Short Subdivisions: the division of land into four or fewer lots.
 - c) Cluster Subdivision: the subdivision of land which allows for deviation from the lot dimensional standards only when public benefit features are provided.
 - d) Certificate of Exemption: divisions of land or legal lots of record that require verification through a formal process, including:
 - i) Platted Lots of Record.
 - ii) Over Twenty Acre Lots.
 - iii) Laws of Descent.
 - iv) Division by Public Road.
 - v) Public Use and Interest.
 - vi) Historic Division, as of October 17, 2000.
 - vii) Reasonable Use.
 - e) Boundary Line Adjustments are a property line modification made for the purpose of adjusting boundary lines which does not create any additional lots, tracts, parcels, sites, or land division. Furthermore, Boundary Line Adjustments may include:
 - i) Cemeteries and burial plots while used for that purpose (RCW 58.17.040(1)).
 - ii) Laws of Descent. Any lot created by testamentary provisions or the laws of descent (RCW 58.17.040(3)).
 - iii) Division by Public Road. A lot created or reconfigured by a public road dedication. Parcels bisected by a public road shall be considered individual lots.
 - iv) Public Use and Interest. Dividing property to be deeded to the county, any city, taxing district, governmental body or utility provider authorized to hold land for public use and benefit based on such public use and interest.
 - f) Binding Site Plans: the division of land for commercial and industrial purposes, and for the implementation of mobile or manufactured homes or travel trailer parks.
 - g) Plat Alterations: the alteration or modification of any land division, except as provided for final subdivision and minor corrections and boundary line adjustments.
 - h) Plat Vacations: the vacation of any land division or portion thereof, or any area designated or dedicated for public use.
- 2) The provisions of this code shall not apply to the following:
 - a) Any division of land not containing a dedication in which the smallest lot created by division exceeds twenty (20) acres or one-thirty second of a section;
 - b) Any division of land made by testamentary provision or the laws of descent RCW 58.17.040(3);
 - c) An assessor's plat made in accordance with RCW 58.18.010; and,

- d) Any division of land made in accordance with the Condominium Act, RCW 64.34.

12.02.050 Comprehensive Plan

The County's Comprehensive Plan shall guide the use of all land within the County. Where appropriate, adopted City Comprehensive Plans, when adopted by the Chelan County Commissioners, shall guide land divisions. The type and intensity of land use as shown on the Comprehensive Plan shall be used as a guide to determine the character of land division, including, but not limited to, lot size, lot arrangement, and the type and extent of roads, highways, dedications, improvements, services, and other utilities and public facilities.

12.02.060 Concurrency of Public Infrastructure

Those public facilities, such as roads, and utilities required to be provided as a condition of approval shall be fully operational concurrently with the use and occupancy of the development, unless otherwise authorized herein through bonding or other methods acceptable to the County. Concurrency for transportation facilities shall be met.

12.02.070 Aliquot parts legal descriptions

Parcels that have historically been described as an aliquot part (no conveyance of metes and bounds description) may calculate the parcel area to the centerline of any existing adjacent county/public road for the sole purpose of meeting the gross acreage prior to subdivision. This provision may be utilized only where the smallest lot, of the proposed lots, in the proposed major subdivision plat or Minor plat is five acres or greater.

12.02.080 Simultaneous application

Unless an applicant for subdivision approval requests otherwise, a division of land ~~subdivision~~ shall be processed simultaneously with applications for rezones, variances, planned developments, and similar quasi-judicial or administrative actions to the extent that the procedural requirements applicable to these actions permit simultaneous processing.

Chapter 12.04 Application Processing and Review

Sections:

12.04.010	Processing
12.04.020	Suitability for Land Division
12.04.030	Preliminary Land Divisions Criteria
12.04.040	Preliminary Agency Comments
12.04.050	Phasing Plan
12.04.060	Modifications/Amendments

12.04.010 Processing

- 1) All land divisions shall be processed consistent with all Chelan County Code and state law RCW 58.17 (as amended), according to Chelan County Code Title 14. Quasi-judicial Review 14.10.040 shall be applied to all Major Subdivisions. Full Limited Administrative Review 14.10.030 shall be applied to Short Subdivisions, Boundary Line Adjustments, and Binding Site Plans.
- 2) Pre-application meetings shall be required prior to submitting major Subdivision or cluster subdivision applications and may be required for short plat applications. Pre-applications may be requested by the applicant for any land division. Complete Chelan County pre-application forms and associated fees shall be submitted to Community Development Department prior to scheduling meetings.
- 3) Applicants shall submit land division Chelan County application(s) on Chelan County forms. Appropriate fees shall be submitted with the application materials. ~~and associated fees required for land division review.~~
- 4) All land divisions shall meet all local and state law. Applications will be reviewed for compatibility with the Chelan County Comprehensive Plan and based on the criteria set forth in this title and Chelan County Code titles 11, 12, 13, 15, and the Shoreline Master Program. Where applicable, adopted City documents and codes shall apply, when adopted by the Chelan County Commissioners.

12.04.020 Suitability for Land Division

The following suitability review applies to subdivisions; it does not apply to exempt processes, such as Boundary Line Adjustments and Binding Site Plans.

- 1) Each proposed land division shall be reviewed to insure that:
 - a) Access is not from a primitive or forest service road;
 - b) If access is gained by easements, the applicant shall provide documentation showing that the easement allows for the proposed lots in accordance with Title 15 for additional users, widening or improvement consistent with the proposed use or development;
 - c) Proposals shall meet the requirements of Title 12, specifically, but not limited to sections 12.02.050 and 12.02.020;
 - d) ~~The proposal conforms to the goals, policies, criteria and plans set forth in the County Comprehensive Plan or adopted City Comprehensive Plan;~~
 - e) ~~The proposal conforms to the development standards set forth in Chelan County Code Title 11, Zoning Code; Title 15 Development Standards and other applicable Titles or adopted codes, such as, the International Fire Code;~~
 - f) ~~The proposed road system conforms to the County public infrastructure standards and specifications, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of all modes of vehicular and pedestrian traffic;~~

- g) Chelan-Douglas Health District or appropriate Water, Sewer District and other appropriate utility provider(s) can approve potable water, sewer system, and other facilities necessary for each lot created by the division of land except where the open space tract or conservation easements are exempt from this requirement;
 - h) Identified hazards and limitations to development have been considered in the design of roads and lot layouts to assure roads and building sites are not located in critical areas or on geologically unstable soils, considering the stress and loads to which the soil may be subjected;
 - i) Safe walk to school procedures, as established by the County, have been met; and,
 - j) Environmental protection measures can be met or adequately mitigated.
- 2) Major subdivisions shall meet the above review criteria and be reviewed to insure that:
- a) Adequate stormwater facilities shall be provided; and,
 - b) Road dedication and development can meet the adopted level of service standards and development requirements of Title 15.
- 3) Lack of compliance with the suitability for land division or the criteria set forth in this title shall be grounds for denial of a proposed land division, or for the issuance of conditions necessary to more fully satisfy the criteria.
- 4) When the appropriate review authority finds that the final land division is in substantial conformity to the preliminary approval he or she ~~shall endorse his or her approval on the final land division and~~ shall implement the final approval and recording procedures set forth within this Title.

12.04.030 Preliminary Land Divisions Criteria

The following shall apply to all preliminary land divisions, including plat alterations, plat vacations and binding site plans, excluding Boundary Line Adjustments:

- 1) A complete application, including SEPA Environmental checklist (when required) and all appropriate materials have been received in conformance with this and other development Titles.
- 2) As a basis for approval, approval with conditions or disapproval, of a preliminary land division, the appropriate provisions have been ~~or have not been~~ made for, ~~but not limited to,~~ the purpose, criteria and standards set forth in this Title.
- 3) Appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, roads or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds.
- 4) No adopted level of service standard for public facilities and services will fall below the standards as set forth in the applicable comprehensive plan as a result of the proposed land division being approved.
- 5) Approval of the preliminary land division shall constitute authorization for the applicant to develop the subdivision facilities and improvements in accordance with the plans and specifications as approved and/or conditioned by the Review Authority.
- 6) The layout of lots, and their size and dimensions, take into account topography and other constraints on the site in order that buildings may be reasonably sited.
- 7) Division of land shall not result in a lot with split zoning ~~district boundary~~.

12.04.040 Preliminary Agency Comments

Agencies with jurisdiction as referenced in Chelan County Code 14.08.050(2) shall be requested to provide comment, within the legal timeframe, on at least the following items. Failure to provide comment will imply consent with the proposed development.

- 1) County Engineer shall submit a report on:
 - a) The improvements required under the provisions of this title and those found in Chelan County Code Title 15 Development Standards;
 - b) Any easements and/or Standard Plan required;
 - c) The effect of the proposed ~~subdivision~~ division of land and any proposed grading in connection therewith on drainage in the general area and the adequacy of the methods of handling drainage and stormwater runoff proposed by the applicant;
 - d) The effects of the proposed ~~subdivision~~ division of land on other public improvements under the jurisdiction of the county engineer including substandard roadways and traffic impacts; and,
 - e) Compliance with level of service standards for public facilities as ~~adopted in the Chelan County~~ applicable Comprehensive plan, as adopted by the Chelan County Commissioners.
- 2) The Chelan-Douglas Health District Officer shall submit a report on;
 - a) The adequacy of the water supply for domestic purposes;
 - b) The adequacy of the proposed sewage disposal system; and,
 - c) Any other matters related to the proposed ~~subdivision~~ division of land which may affect the public health, such as well head radius within County right-of-way.
- 3) Chelan County Fire Marshal or Fire District Chief shall submit a report on:
 - a) The adequacy of access for emergency vehicles, as required by Title 15 or the adopted International Fire Code;
 - b) The location of nearest fire hydrants;
 - c) The adequacy of the proposed water supply and pressure to supply fire flows; and,
 - d) Other matters affecting fire safety and fire protection including any temporary fire protection measures needed during the development of the subdivision.
- 4) The Irrigation District within which the proposal is located shall submit a report on:
 - a) Any needed irrigation rights-of-way for parcels within the development;
 - b) For lands classified as irrigable, any required distribution as required by RCW 58.17.310; and,
 - c) Any need for irrigation crossings, infrastructure or other information affecting the land division.
- 5) The school district within which the proposal is located shall submit a report on:
 - a) The effect the proposal will have on the school system;
 - b) The ability of the school system to accommodate the anticipated additional students without exceeding the adopted levels of service; and,
 - ~~c) The need for collection of school impact fees if excess capacity is available.~~
- 6) The applicable city shall submit a report on:
 - a) Availability or adequacy of potable water;
 - b) Method of sewer disposal system;
 - c) Improvements required under City codes adopted by the County;
 - d) The effects of the proposed division of land on other public improvements under the jurisdiction of the City; and,
 - e) Comprehensive Plan consistency.
- 7) The Washington State Department of Transportation shall submit a report on:
 - a) State highway classification;
 - b) Access availability and any required Access connection Permits;
 - c) Identification of transportation impacts and needs for mitigation, when appropriate; and,
 - d) Ability to provide assistance with Traffic Impact Analysis scoping.

12.04.050 Phasing Plans

The purpose of phasing is to provide flexibility for development. Phasing can be done in any sequence provided that all necessary infrastructure is in place to support the corresponding development. Any ~~subdivision~~ division of land, excluding Short Subdivisions, may be developed in phases or increments. A master phasing plan shall be submitted with the preliminary land division, which may be approved, provided:

- 1) The phasing plan includes all land identified within the legal notice;
- 2) The sequence of phased development is identified by a map ~~not to exceed the 5-year approval period between preliminary and final approval~~;
- 3) Each phase has reasonable public or private infrastructure to support the proposed use of the land, such as, the number of dwelling units, contained in that phase;
- 4) Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision; and provided, that any non-finalized portion meets the minimum lot size of the underlying zone district for the proposed use or development; and
- 5) The Administrator approves the necessary documents so that all public improvement requirements are assured for that phase and required environmental review has been completed.

12.04.060 Modifications/Amendments

- 1) Minor modification to the preliminary ~~or final cluster development~~ plan may be approved administratively. ~~Minor~~ Modifications shall be consistent with the following requirements:
 - a) The modifications shall be limited to ~~minor~~ shifting of the location of building envelopes, proposed streets, internal access placement, driveways, utility easements, interior lot lines, ~~or common open space, or other similar items.~~
 - b) The modifications shall not:
 - i) Enlarge the exterior boundaries of the approved plan.
 - ii) Change the approved uses.
 - iii) Change general location or amount of land devoted to a specific land use.
 - iv) Increase the residential, commercial or industrial densities.
- 2) Major modification includes s any modification not defined as minor and shall be reviewed as an amended or new application.

Chapter 12.08 Standards

Sections:

12.08.010	Land Division Names
12.08.020	Lot standards
12.08.030	Easements
12.08.040	Fire Protection Standards
12.08.050	Sewage Disposal
12.08.060	Storm Drainage
12.08.070	Watercourses
12.08.080	Water and Sewer Standards
12.08.090	Road Standards
12.08.100	Road Right-of-way and Pavement Widths
12.08.110	Monuments
12.08.120	Clearing and Grading
12.08.130	Flood Protection

12.08.010 Land Division Names

No land division shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words which contain the following “town,” “county,” “place,” “court,” “addition,” “acres,” “heights,” “villa,” or similar words, unless the land so divided is contiguous to the land division bearing the same name.

12.08.020 Lot standards

- A. Suitability for Intended Use. All lots shall be suitable for the general purpose for which they are intended, ~~to be used and~~ meeting the dimensional standards of the Chelan County Code or Shoreline Master Plan zoning district, including but not limited to, required buffers, setbacks or protection zones. Lot shapes shall be designed to avoid awkward configuration or shape. Cluster lots, planned unit developments and binding site plans may vary from the dimensional standards of the applicable zoning district as provided for in this Title. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.
- B. Every lot shall be provided with proper access by a road, residential driveway or shared residential driveway, as required in Title 15., ~~connecting to a public road. The route from the subject property to the public road shall be clearly shown on the site plan~~
- C. Forest service roads and roads designated as “primitive” by Chelan County are not suitable access for ~~land division subdivision purposes.~~
- ~~D. No lot shall be established which is in violation of any provisions of the Chelan County Code or Shoreline Master Plan. All lots shall meet the setback requirements and take into consideration topographical features and critical areas in determining the buildable area.~~
- E. Proposed lots on land exceeding twenty percent slope must demonstrate an adequate area to locate a ~~level~~ building footprint ~~pad including fill and grade and meeting the required zoning district setbacks.~~ Each lot shall show access to the building site consistent with the requirements of Title 15.
- ~~F. Lot shapes shall be designed to avoid awkward configuration or appendages. Flag lots shall not be considered appropriate. Lot corners at street intersections shall be rounded by an arc, the minimum radius of which shall not be less than thirty feet.~~

- ~~G. Each lot shall have sufficient width, area and road frontage to comply with the minimum site requirements as set forth in Title 11 Zoning Code.~~
- H. No residential lots shall have street (or road) frontages along two opposite boundaries (double frontage) 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.
- I. The Administrator may require a map showing the building envelope of each lot and related critical areas and associated buffers.
- J. Where the land division may result in barriers to development of adjacent lots, the Administrator may require that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent roads. It is intended that the lot lines and other details of future land divisions be advisory only, and shall not be final or binding on the applicant unless further application is made; however, any restriction of buildings within future road locations may be imposed and may require such restrictions to be set forth on the final plat.

12.08.030 Easements

- A. Utilities easements, whenever feasible, shall be located outside the established road prism, as defined in Title 15, but within the right-of-way. When location within the public rights-of-way is not feasible or practical, as determined by the County or local utility purveyor, the following provisions shall be adhered to:
1. **Public** Easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the County or local utility purveyor, to provide and maintain adequate utility service to each lot and adjacent lands.
 2. The widths of the easements shall be the minimum necessary as determined by the utility purveyor, unless the Administrator determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public **utility easements** shall be combined with driveways, pedestrian access ways and other utility easements.
 3. Where authorized by the County or local utility purveyor, easements for the construction and maintenance of utilities within the land division shall be granted so that individual lots gain access to public facilities..
- B. Private road easements shall be shown.
- C. Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final land division plat ~~or Short Subdivision~~ or by separate instrument.
- D. Easement provisions shall be in conformance with the standards contained in Title 15, Development Standards, of the Chelan County Code.

~~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 decision body shall be provided.~~

- E. **Easements shall be dedicated to protect the general public and natural environment.**

12.08.040 Fire Protection Standards

The fire protection standards contained in Title 15 of the Chelan County Code and adopted International Fire Codes are required in all ~~subdivisions~~ divisions of land.

~~12.08.050 Sewage Disposal~~

~~A. All lots shall be served by a sanitary sewer/septic system as approved by the Chelan-Douglas Health District or affected Water or Sewer Districts.~~

~~B. Developments within the County's urban-growth-area shall connect to the municipal sewer system, as if required by adopted standards or regulations.~~

12.08.060 Storm Drainage

All land division creating new impervious surfaces shall meet the following requirements:

A. Storm drainage shall be provided in accordance with the adopted ~~Chelan County~~ standards ~~or adopted city standards~~.

B. Where a public road is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system.

~~C. Easements shall be dedicated to protect the general public and natural environment.~~

12.08.070 Watercourses

Where a division of land is traversed by a watercourse, a drainage easement adequate for the purpose and conforming to the line of such watercourse, drainage way, wasteway, channel or stream and of such width for construction, maintenance and protection as determined by the decision body shall be provided.

12.08.080 Water and Sewer Standards

All County water and sewer facilities shall be designed and constructed in compliance with Chelan-Douglas Health District, the County's Construction Specifications, and all applicable local, state and federal regulations.

12.08.090 Road Standards

In addition to Chelan County Code Title 15 Road Standards the following shall be met:

A. The road layout of every division of land shall be in conformance with the comprehensive plan transportation element, traffic circulation plans, and any regional transportation plans, thereof, and shall provide for the continuation of major roads which serve property contiguous to the development.

B. A road lying along the boundary of a subdivision may be dedicated less than the required width of a standard road if it is practical to require the dedication of the remaining portion when the adjoining property is subdivided. Whenever there exists a dedicated portion of a road in a subdivision adjoining a proposed subdivision, the other portion shall be dedicated in the proposed subdivision to make the street complete. To ensure that this occurs, a one-foot reserve dedication shall be required on the subdivision boundary along the street for the purpose of withholding access from the un-subdivided property to said road until such time as a complete road is dedicated. This same procedure will also be required when a road dead-ends at the boundary of a subdivision.

C. Major Subdivisions shall provide plan(s) and profile of a proposed road showing the following data for review by the county engineer prior to preliminary subdivision approval. Information is intended to clarify feasibility, address critical areas, and ensure safe road standards can be met.

1. Plan.

- i. Road alignment in stations at one-hundred-foot +50 intervals;
- ii. Bearing on the road centerline;
- iii. Curve data on all horizontal curves;
- iv. Right-of-way lines and widths for proposed roads;
- v. All topography and critical areas and associated buffers within right-of-way limits;

- vi. Label all roads and adjoining subdivisions;
- vii. Typical roadway section of proposed road, as necessary;
- viii. Existing and proposed drainage structures with direction of flow.

2. Profile.

- i. Original ground line;
- ii. Stationing at intervals of one hundred feet;
- iii. Control elevation on border of sheet; and,
- iv. Grade line showing grade percents and vertical curves.

- D. Utility locations shall be shown and conform to the provisions contained in Chelan County Code Title 15 Development Standards or as required by utility provider.
- E. No 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. Construction shall be in accordance with approved plans. Any deviations from the approved plans shall be indicated on "as-built" plans. All deviations modifications should be approved prior to construction according to Section 12.04.060 02-100-CCC.

12.08.100 — Road Right-of-way and Pavement Widths

- ~~A. The road right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in Title 15. Roads shall meet the minimum right-of-way and pavement width standards of Title 15, except that a minimum of half roads may be allowed along a boundary of a subdivision where required to provide for a road or arterial designated by the comprehensive plan or portion thereof.~~
- ~~B. Where topographical requirements necessitate either cuts or fills for the proper grading of the roads, additional right-of-way widths or slope easements may be required.~~

12.08.110 Monuments

Permanent survey monuments shall be provided for all final land divisions as required in Chelan County Code 15.30.825

12.08.120 — Clearing and Grading

Reserved

12.08.130 Flood Protection

- A. No ~~subdivision or part thereof~~ land division shall be approved if related improvements such as levees, fills, roads, future building or other features will individually or collectively significantly increase flood flows, heights, velocities or potential for damage.
- B. If a determination is made that part of a proposed ~~plat~~ land division lies within the one hundred year flood plain or the floodway the requirements of the Chelan County flood hazard development resolution shall apply (Chelan County Code 3.20 and Chapter 11.84, zoning resolution).

Chapter 12.10 Construction / Improvements

Sections:

- 12.10.010** **Applicability**
- 12.10.020** **Improvements – Construction**
- 12.10.030** **Bond in Lieu of Construction Limitations**
- 12.10.040** **Improvements – Completion and Guarantee**
- 12.10.050** **Improvements – Actual Construction Security for Performance and Warranty Bond**

12.10.010 **Applicability**

Land divisions which require the improvements/construction shall meet the requirements of this chapter. All land division shall be reviewed under Title 12 for all applicable requirements.

12.10.020 **Improvements – Construction**

After preliminary approval has been granted, construction of improvements prior or subsequent to final approval as a condition to meeting financial requirements shall proceed as follows:

- A. Complete construction drawings, specifications and related materials shall be submitted to the Administrator and/or County Engineer for review and approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and stamped by a Washington State registered civil engineer ~~or registered land surveyor~~. Construction drawings shall be in conformance with the conditions, if any, of preliminary approval and applicable County standards.
- B. Construction of improvements shall not be initiated without authorization by the County. The County shall authorize the ~~sub-divider~~ **developer** to proceed with construction after approval of the construction drawings and specifications by the appropriate County departments. ~~including but not limited to, the County Engineer, County Building Official or the Director of Community Development.~~ Site specific conditions may require the modification of constructions plans. ~~The County may grant approval on the condition that additions or changes are made in the drawings or specifications, or on the inclusion or implementation of mitigating measures necessary to minimize the impacts of the construction on the environment. Conditions required to minimize environmental impacts shall conform to the requirements of the Chelan County Code.~~
- C. Any changes to the construction drawings or specifications ~~involving design of the improvements~~ shall ~~first~~ be reviewed and approved by ~~the County Engineer and~~ the appropriate County department(s).
- D. Construction of the improvements shall proceed as shown in the construction drawings and specifications. Construction inspection shall proceed under the supervision of a registered civil engineer. The County ~~Engineer or his designee~~ shall inspect construction progress on a regular basis ~~to review compliance with construction plans and required standard.~~
- E. After the completion of construction ~~in accordance with the approved plans and specifications,~~ as-built drawings showing the improvements as constructed shall be certified as true and complete by a Washington State registered civil engineer. Certified draws shall be submitted and approved prior acceptance of the subdivision improvements. ~~The certified as-built drawings, on reproducible Mylar, shall be submitted to the Administrator. When a final plat is involved, the certified as-built drawings are required to be submitted prior to the acceptance of the subdivision improvements.~~

12.10.030 Bond in Lieu of Construction Limitations

In lieu of the completion of the actual construction of any required improvement prior to the approval of the final land division, the Board of Commissioners County may accept a bond in an amount and with surety, or other secure method and conditions satisfactory to the Board of Commissioners, in a form County, Attorney, and Administrator, and consistent with the provision of RCW 58.17.130, only if all of the following conditions are met:

- A. The bond is used for construction issues not completed, typically due to seasonal issues, and not exceeding 30% of the total estimated construction costs; More than 70% of all improvements have been completed by the developer;
- B. The amount of the bond is equal to shall be at least 150% of the cost to construct the required remaining improvements, as reviewed and approved by the affected department or agency. A minimum of two bids shall be provided by the applicant;
- C. The improvements will be completed within two years of the date of final approval;
- D. The failure to complete the improvements shall not harm does not impair the function or operation of the existing transportation, fire suppression, sewer, water, stormwater and/or other utility systems; and
- E. The applicant for the bond does not have any outstanding improvements that have not been timely completed, not delinquent, within other land divisions within the County; and,
- F. The review authority may grant one extension of the subdivision bond or security for a period not to exceed two years, provided that the request for an extension is filed with the Administrator at least 60 days prior to the expiration date of the bond or security. In the event that time extension is granted, a new subdivision bond or other approved security shall be submitted in an amount sufficient to cover 150% of the cost of completing utility extensions and road improvements. The bond will be updated with new estimates of cost on all uncompleted improvements and all increased cost estimates shall be passed onto the bond. If these increased costs are not accepted by the surety, then the County may enforce the bond by all appropriate legal and equitable means and remedies shall foreclose on the bond and the plat will be held in abeyance. Departments issuing recommendations for new subdivision bonds or other approved security shall not modify the terms and requirements of the bond or security other than to pass on all increased cost estimates as determined by the County to the bond or other security to cover the cost of completing utility extensions and road improvements without the written consent of the applicant.

12.10.040 Improvements – Completion and Guarantee

The applicant shall complete the required improvements consistent with the final approval and the approved construction drawings, and shall financially guarantee installation thereof as set forth below in Chelan County Code 12.10.050, Improvements – Actual Construction Security for Maintenance Bond and Warranty and meeting the limitations within Chelan County Code 12.10.030.

12.10.050 Improvements – Actual Construction Security for Maintenance Bond and Warranty Bond

All work completed by the developer shall be under warranty by the developer for a period of twenty-four months from the time the final plat is recorded. A warranty agreement may be required as a condition of approval or prior to the County Engineer signing the final plat. Said agreement may be subject to the bonding requirements of this section.

- A. Construction Bond. Prior to actual construction of required public improvements and prior to approval of a final land division, the developer shall provide a maintenance bond, cash deposit or an assignment of funds in a form approved by the County Prosecuting Attorney and in an amount to be determined by the affected department or agency sufficient to

guarantee actual construction and installation of such improvements within two years of final approval. The assignment of funds shall be held in a separate account by the applicant's financial institution and shall only be released to the applicant upon written approval by the Administrator. A schedule for the release of funds shall be approved by the Administrator prior to authorization to proceed with construction. In such case where the applicant fails to complete the infrastructure work by the deadline provided herein, the Administrator shall have the option of attaching the assignment of funds to ameliorate any outstanding environmental concerns at the project site and/or to complete the project. The amount of the security for completion shall not be less than 150% of estimate of the cost of such improvements, but the affected department or agency may set a higher percentage based upon the complexity of the project.

- B. Warranty Bond. ~~In addition, b~~ Before acceptance by the County of the improvements, the ~~subdivider~~ ~~developer~~ shall file a maintenance-warranty bond or other suitable security in a form approved by the County Prosecuting Attorney and in an amount to be determined by the County Engineer guaranteeing the repair or replacement of any improvement or any landscaping which proves defective or fails to survive within a minimum two-year time period after final acceptance of the improvements. ~~or landscaping by the County. The maintenance bond shall be 100% of the actual construction costs of the improvements/landscaping.~~ The County shall withhold acceptance of the improvements until any required security for completion and the required security for maintenance ~~are filed~~ excepted by Board of Commissioners.
- C. The Administrator may enforce the assignment of funds or other security required by this section according to their terms, pursuant to any and all legal and equitable remedies. In addition, any assignment of funds or other security filed pursuant to this section shall be subject to enforcement in the following manner:
1. In the event the improvements are not completed as required, ~~or maintenance bond is not performed satisfactorily,~~ the Administrator shall notify the property owner and the guarantor in writing, which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.
 2. In the event repairs or warranty are not completed as specified in the notice referred to in subsection (B) (1) of this section by the specified time, the Administrator may proceed to repair the defect or perform the warranty by either force account, using County forces, or by private contractor. Upon completion of the repairs or maintenance, the cost thereof, plus interest at 12% per annum, shall be due and owing to the County. ~~from the owner and guarantor as a joint and several obligation.~~ In the event the County is required to bring suit to enforce maintenance, the ~~subdivider~~ ~~developer~~ ~~and guarantor~~ shall be responsible for any costs and attorneys' fees incurred by the County as a result of the action.
 3. In the event that the security is in the form of an assignment of funds or cash deposit with the Administrator, the Administrator may deduct all costs set forth in this section from the assignment of funds or cash on deposit and the sub-divider shall be required to replenish the same for the duration of the guaranty period.
- ~~C. All work completed by the developer shall be under warranty by the developer for a period of eighteen months from the time the final plat is recorded. A warranty agreement may be required as a condition of approval or prior to the County Engineer signing the final plat. Said agreement may be subject to the bonding requirements of this section.~~

Chapter 12.12 Subdivisions

Sections:

- 12.12.010 Application, procedure and fees**
- 12.12.020 Preliminary Submittal**
- 12.12.030 Preliminary Plat**
- 12.12.040 Land Suitable for Cluster Subdivisions**
- 12.12.050 Required Features for Cluster Subdivisions**
- 12.12.060 Finalizing Preliminary Subdivision**

12.12.010 Application, procedure and fees

Applications shall be made on the appropriate forms, provide appropriate fees, follow the procedures set forth in Section 12.02 and 12.04 of the Chelan County Code. All land division shall be reviewed under Title 12 for all applicable requirements.

12.12.020 Preliminary Submittal

Every preliminary application for a land division shall consist of the appropriate application form, applicable fees and the following Maps and Exhibits:

- 1) Four copies of the preliminary plat which shall be a legibly drawn map at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet, an alternative scale may be used when approved by the Administrator;
- 2) A plat certificate or one copy each of all involved property owners' recorded deeds, verifying current ownership and all easements of the subject property within one hundred twenty (120) days of application submittal;
- 3) One reduced (8 1/2" x 11" or 11" x 17") copy of the preliminary proposal;
- 4) When available, one electronic copy, in PDF format, of the preliminary plat;
- 5) One copy of a vicinity map showing the subject property, all adjacent properties within 400 feet, and nearest County road of the subject property;
- 6) Road layout map with right-of-way (prism) limits and center lines of adjacent roads clearly identified;
- 7) When access to the subject parcels is not from a County road, the application shall contain verification of legal access to each parcel;
- 8) An accurate and complete legal description of the subject property with the source of the legal description clearly indicated with area in acres;
- 9) Map of all easements indicated easement purpose, dimensions, recording number (if available), and any known expiration dates for said easement(s);
- 10) The zoning district of the subject property and the zoning districts of adjacent properties;
- 11) ~~SEPA Submit an Environmental Checklist for preliminary subdivisions, and binding site plans, (may also be required for S-short and-or Cluster Subdivisions, as applicable);~~
- 12) A detailed written narrative describing the proposal including, but not limited to, the number of proposed lots, nature of surrounding properties, proposed access, traffic circulation, utilities, storm water and timing of phasing of the development. The narrative shall also address compliance to applicable sections of the development code and other applicable regulations, such as Title 11, 12 and 15;
- 13) Driving directions to the subject property;
- 14) "Site data table" showing number of proposed lots, road frontage for each lot, lot area for each lot, existing Comprehensive Plan designation, zoning district, water service provider, method of wastewater disposal, and additional information as required by the County;
- 15) When necessary, soils evaluation(s) for septic system;

- 16) Copy of all restrictive covenants proposed to be imposed upon land in the subdivision (not required for Short Subdivisions);
- 17) When applicable, traffic impact study meeting the standards established in Title 15 of Chelan County Code;
- 18) When applicable, road plans and profiles required for Subdivisions and Binding site plans;
- 19) When applicable, traffic impact study meeting the requirements of Title 15 Article 9 Section 15.13.910; and,
- 20) When applicable, a Regional Transportation Impact Analysis.

12.12.030 Preliminary Plat

Every preliminary subdivision shall contain maps, which conform to the requirements of local, state and federal regulations, including but not limited to Chapter 12.08 Standards, and contain the following information:

- 1) The required survey of every proposed subdivision and the preparation of preliminary plats shall be made by or under the supervision of a land surveyor registered in the state of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to standard practices and principals for land surveying (WAC 196 and RCW 18.43 and 18.235);
- 2) Name, address and telephone number of the owner of the subject property and the person with whom official contact should be made regarding the division of land ~~Short Subdivision, Cluster Subdivision, Subdivision, or binding site plan;~~
- 3) If it is contemplated that development proceed by dividing the original proposed subdivision into more than one subdivision or phase, the probable boundaries of each subdivision or phase shall be shown on the preliminary plat;
- 4) The proposed title of the subdivision (not required for Short Subdivision);
- 5) Location of subject property by section, township and range;
- 6) Vicinity map that clearly indicates the subject property surrounding properties and roads;
- 7) North arrow, scale and proposed boundary;
- 8) Boundaries of all blocks, the designation of lots, lot lines and dimensions;
- 9) Location, names and widths of all existing and proposed roads, streets and access easements within the proposed Short Subdivision, subdivision, or binding site plan;
- 10) All existing or proposed dedications for any public purpose or for the common use of the property owners of the land division with description of the purpose of the common area;
- 11) Location of existing buildings, septic tanks, drainfields, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines township lines, and other important features existing upon, over or under the land or other improvements, proposed to be subdivided indicating if they will remain or be removed;
- 12) Location of any natural features such as wooded areas, streams, drainage ways, man-made ponds, irrigation ditches or critical areas as defined in Chelan County Code Title 11;
- 13) Topographic information at ten-foot intervals, identification of the existing drainage pattern and any creeks or other drainage facilities. The Administrator may require five or one-foot intervals as necessary to show appropriate detail;
- 14) 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;
- 15) Location of Floodplain Boundaries, 100 and 500 year and Floodway;
- 16) Shoreline Environmental Boundaries and Designation; and
- 17) The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary plat map or on the vicinity map as appropriate.

12.12.040 Land Suitable for Cluster Subdivisions

The use of cluster subdivisions is voluntary on the part of an applicant and represents a subdivision development. Applications for cluster subdivision shall first meet the standards and requirements for a subdivision with the sole exception to lot size, density bonus and configuration. Additionally, proposals for cluster subdivisions shall meet the following criteria:

- 1) Cluster subdivisions apply to those subdivisions, meeting the requirements of this Title, specifically Chelan County Code 12.04.020, of three or more lots, tracts or parcels. Only buildable lots shall be counted when establishing density. All lots, including the open space tract, shall be counted when determining the appropriate subdivision process, development standards or mitigation.
- 2) Cluster subdivisions, must first meet the requirements for creating a Short Subdivision or a subdivision.
- 3) Cluster subdivisions, meeting the requirements of 12.12.040(1), in the AC, FC, RR20, RR10 and RR5 zoning districts may be allowed on project sites that are at least twenty-five acres or larger in size. Clustered densities may not be allocated across intervening ownership, such as, right-of-way, easements, canals, rivers, etc.
- 4) Cluster subdivisions, meeting the requirements of 12.12.040(1), may be allowed in all zoning districts without bonus density when necessary for the preservation of critical areas or cultural resources identified by Chelan County Code, Tribal Reports or the State Department of Archaeology.
- ~~5) No cluster shall be considered when accessed by a "primitive" road, forest service road or undeveloped easement. All access must meet the requirements of Title 15.~~

12.12.050 Required Features for Cluster Subdivisions

- 1) The following ing features are required for all cluster subdivisions:
 - ~~a) Parking areas shall not be visible from any public road or public vantage point.~~
 - b) Lot design shall group building lots in a manner to maximize open space, preserve natural habitat, protect critical areas, minimize road construction and provide minimal visual impact from public roads.
 - c) Open Space of at least 70% shall be provided.
 - d) The layout of cluster lots, and their size and dimensions, take into account the configuration of remaining open space and agricultural lands, critical areas, soil types, easement and other infrastructure (existing and future).
- 2) Density within a cluster subdivision: The use cluster supersedes the individual lot size requirements found in the Chelan County zoning regulations. Where applicable, a residential density bonus may be allowed, up to one hundred and fifty percent (150%), from what would otherwise be allowed in the zoning district, when the Public Benefit Features (Table A) are provided, no partial credit is permitted. Determining the base density of the parent parcel shall be made as follows: the minimum lot size for the zoning district shall be divided into the gross area of the parent parcel to ascertain the base density. Then, when appropriate, use the density bonus features noted in Table A to ascertain the maximum number of lots including the open space tract that can be created. When these calculations result in fractional numbers or decimal numbers the decimal shall be rounded up to the next whole number. result, greater than 0.51, shall be rounded to the next higher number of allowed units, when decimal results in less than 0.51, the number shall be rounded down to the next whole number.
- 3) Public Benefit Incentives: The applicant shall provide documentation and insurance measures to guarantee full implementation and maintenance of incentives. Incentives may include:

Table A

Public Benefit Feature	Maximum Density Increase Percentage Allowed
1. Open Space Credits Required 70% of gross land	50%
1. Additional Open Space: to be preserved and maintained for its scenic value, recreation, conservation, or habitat purposes. 3% of gross land <u>(for a total of 73% of gross land in open space)</u> 6% of gross land 9% of gross land 12% of gross land 15% of gross land	10% 20% 30% 40% 50%
2. Allocation of "Additional Open Space" (see #2) for public recreation purposes. Easement to private agencies or dedications to local public agencies	10%
3. Road Design: un-gated development allowing through access to the public, interconnected roadways without cul-de-sacs	5%
4. Open Space, Wildlife, and Vegetation Enhancement: Habitat Management or Planting Plan approved by Washington State Department of Fish and Wildlife. Habitat corridor connectivity must be included to receive full credit	10%
6. Native Landscaping (Private lots) must follow guidelines from Washington State Department of Fish and Wildlife or other State or educational agencies	5%
5. <u>General</u> Public Pedestrian Trails	5%
6. Greenbelt, at least 20' wide, developed and maintained through the building lots (non-open space). May abut adjacent open space. Must be designated open space.	15%
7. Develop and maintain a Fire Prevention and Protection Plan approved by the Fire Marshall	10% or up to 20% when development is outside a Fire District
8. All optional Public Benefit Features, not addressed above, may be proposed by the applicant and shall be considered for approval by the Chelan County administrator or hearing examiner when consistent with the intent of the Comprehensive Plan, Shoreline Master Program or subarea plan	10%
<u>9. Visual screening for non-single family residential structures; parking shall not be visible from any public road or public vantage point.</u>	5%
<u>10. Agricultural productions maintained on site</u>	10%

- 4) Dimensional Standards.
 - a) Minimum Lot Size. For individual lots, approved cluster subdivision shall be the minimum required by the Chelan-Douglas Health District to meet provisions for domestic water and sewer, accommodate minimum setback requirements, and building envelopes.
 - b) Minimum Setback Distances.
 - i) Setbacks for the portion of the development that is on the perimeter of the project site shall be the setbacks required by the underlying zone.
 - ii) Setback for structures internal to the development may be altered to the extent allowed by the International Building/Fire Codes (IBC)/(IFC), Chelan County shoreline master program, and Chelan County Code Title 11, Zoning.
 - iii) All buffer requirements, such as shoreline buffers, must be identified and protected.
 - c) Maximum Lot Coverage. For individual lots or parcels, the maximum lot coverage shall not exceed the requirements of the underlying zone.
- 5) Individually Owned Open Space Standards.
 - a) The open space within the cluster development may be privately owned.
 - b) Privately owned open space in a cluster development shall meet the following standards:
 - i) Privately owned open space must be maintained in its natural condition or used for agricultural, forest or recreational purposes.
 - ii) Suitable weed control and revegetation plans and programs must be provided for privately owned open space.
 - iii) No accessory structures shall be allowed within privately owned open space, except for structures appurtenant to utilities, agricultural and forest uses, which cover less than ten percent of the open space, and the structures are approved by the Chelan County planning administrator or Chelan County hearing examiner.
- 6) Common Open Space Standards.
 - a) Open space in a cluster development shall meet the following standards.
 - b) Common open space in a cluster development shall meet the following standards:
 - i) The location, shape, size and character of the open space must be suitable for its intended use.
 - ii) Common open space must be managed for its intended use. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized and the structures shall cover less than ten percent of the open space.
 - iii) The preliminary development plan and program shall include a provision which assures retention and maintenance of the open space in a cluster development. Such assurances may be undertaken in forms approved by the administrator or hearing examiner as being practical and legally sufficient.
 - iv) All legal documents necessary to implement this requirement (typically in the form of notice of title) shall be filed by the applicant with the final cluster development plan and program, and shall be subject to approval as to form by the planning department administrator. All such plans and programs shall contain provisions whereby the county is granted the right to enforce the retention and maintenance of the common open space above the required seventy percent and all approved Public Benefit Features for a minimum of seven years. In the event the common open space or Public Benefit Features are permitted to deteriorate, or are not maintained in a condition consistent with the approved plan and program, the property shall not be allowed to be further subdivided.

- v) No common open space may be put to any other use than as specified in the approved final cluster development plan unless the plan has been modified to permit such other uses pursuant to this chapter.

12.12.060 Finalizing Preliminary Subdivision

All preliminary approved subdivisions shall finalize using the requirements of chapter 12.24 Chelan County Code.

Chapter 12.14 CERTIFICATE OF EXEMPTION

Sections:

12.14.010	Purpose
12.14.020	Applicability
12.14.030	Administrator's Duties
12.14.040	Application, Procedure and Fees
12.14.050	Exemption Categories and Criteria

12.14.010 Purpose

A certificate of exemption is a memorialization that a particular lot has been recognized by the subdivision administrator for Chelan County as a lot of record that is not in a condition of noncompliance with the Chelan County subdivision resolution. The procedures and circumstances set forth in this chapter are intended to quiet concerns about a lot's legal existence and status as a legal lot of record due to the history or circumstances surrounding its original creation. Although the issuance of a certificate of exemption is not a guarantee that the parcel is a building lot, it does, however, represent an assurance to the public that Chelan County considers the lot to be a legal lot of record and that no claim to the contrary will be raised by the administrator based on the lot configuration at the time of issuance of the certificate of exemption.

12.14.020 Applicability

The administrator is obligated to respond to any request for the issuance of a certificate of exemption within thirty days of receiving a complete application, as determined by the county, unless the applicant consents to an extension.

12.14.030 Administrator's Duties

The administrator of this title is vested with the authority to summarily approve, conditionally approve, or deny applications for a certificate of exemption according to the provisions for a "limited administrative review" in Chelan County Code Title 14, Development Permit Procedures and Administration.

12.14.040 Application, Procedure and Fees

Applications shall be made on the appropriate forms, provide appropriate fees, follow the procedures set forth in Section 12.02 and 12.04 of the Chelan County Code. All land division shall be reviewed under Title 12 for all applicable requirements. [Application materials shall include site plans that follow the requirements for Boundary Line Adjustments, CCC12.18.020. Finalization and appeals shall follow the requirements of a Boundary Line Adjustment.](#)

12.14.050 Exemption Categories [and Criteria](#)

The administrator may approve certificates of exemption based on one or more of the following exemption categories:

- 1) Platted Lots of Record. Any lot that is wholly within the boundaries of a major subdivision or short plat that has been filed for record and lots within assessor's plats.
- 2) Over Twenty Acre Lots. Any lot that is over twenty acres or one thirty-second of a section (RCW 58.17.040(2)).
- 3) Laws of Descent. Any lot created by testamentary provisions or the laws of descent (RCW 58.17.040(3)).

- 4) Division by Public Road. A lot created or reconfigured by a public road dedication. Parcels bisected by a public road ~~are~~ shall be considered individual lots.
- 5) Public Use and Interest. A certificate of exemption may be issued for the purpose of dividing property to be deeded to the county, any city, taxing district, governmental body or utility provider authorized to hold land for public use and benefit based on such public use and interest when the administrator can determine that the general public health, safety, and welfare will not be compromised by issuing a certificate of exemption; and provided, that:
 - a) The remaining portion of property has sufficient lot area, and meets all other criteria to comply with applicable Chelan County regulations; and
 - b) A notice to title is recorded with the Chelan County auditor's office stating, "This public use land segregation was created solely for purposes of public use and benefit, in conformance with the provisions of Chelan County Code, Title 12, Section 12.14.050(9). Any subsequent conveyance of this property for purposes other than that approved pursuant to Section 12.14.050(9) shall comply with all current Chelan County Code requirements for subdivision and development at the time of such conveyance and subsequent property development"; and
 - c) A record of survey for the segregated property, prepared by a professional land surveyor licensed by the state of Washington, shall be submitted.
- 6) Historic Division. A lot created prior to October 17, 2000, in a division containing less than five lots. The applicant shall provide recorded documentation to the administrator and/or other evidence to demonstrate the date of lot origination.
- 7) Reasonable Use. A lot that exhibits an extraordinary history or unusual circumstances that, in the judgment of the administrator, warrants issuance of a certificate of exemption to cure an inequity based on an unreasonable private loss when compared to relatively insignificant public benefit by maintaining the status quo. The administrator must enter a finding that the general public health, safety, and welfare will not be compromised by issuing a certificate of exemption.

Chapter 12.18**Boundary Line Adjustment****Sections:**

- 12.18.010 Application, procedure and fees**
12.18.020 Boundary Line Adjustments Applications
~~12.18.030 Preliminary Boundary Line Adjustment~~
12.18.030 Boundary Line Adjustment Criteria
12.18.040 Finalizing Boundary Line Adjustment

12.18.010 Application, procedure and fees

Applications shall be made on the appropriate forms, provide appropriate fees, follow the procedures set forth in Section 12.02 and 12.04 of the Chelan County Code. All land division shall be reviewed under Title 12 for all applicable requirements.

12.18.020 Boundary Line Adjustments Applications

The following items shall be submitted for proposed Boundary Line Adjustments on 8 ½" x 11" or 8 ½" x 14" sheets with 1" margins on all sides and a 3" top margin on the first page:

- 1) A written narrative describing the proposal including, but not limited to, the number of lots involved, the nature of surrounding properties and proposed access. The narrative shall also address compliance to applicable sections of the development code and other applicable regulations;
- 2) A signed, dated, and notarized statement of indemnification, consent and waiver of claims, executed by the owner of record. (Lien holders and other parties of interest are not required to sign the application.);
- 3) Written legal descriptions for the existing parcel(s) and written legal descriptions for the proposed adjusted or eliminated parcel(s);
- 4) A plat certificate or one copy each of all involved property owners' recorded deeds, verifying current ownership and all easements of the subject property within one hundred twenty (120) days of application submittal;
- 5) A copy of an original plat for the subject property, if applicable;
- 6) When access to the subject parcels is not from a County road, the application shall contain verification of legal access to each parcel;
- 7) A scale drawing of the exiting and proposed lots indicating present boundary lines as dashed and proposed boundary lines as solid; all lot measurements in feet; zoning; existing and proposed lot areas; the location of existing improvements such as buildings, wells and drainfields, if known; roads, easements, and other pertinent features.
- ~~8) Site Plan(s) shall be completed by a surveyor licensed in the state of Washington, except when waived by the Administrator. Proposed Adjustment or line elimination and existing conditions may be shown on a single map or required as separate maps, as necessary for clear processing and recording and shall include at a minimum:

 - a) North arrow, scale and proposed boundaries;
 - b) Existing dimensions and square footage of the existing and proposed property(ies) involved;
 - c) Location and setbacks of any improvements (i.e., structures, utilities, etc.) from existing and proposed property lines;
 - d) Location and dimension of all access and utility easements;
 - e) Location, dimensions and names of public and/or private roads abutting the properties;~~

- f) ~~Indicate old property lines with a dashed lines and the new property lines with a solid lines~~

12.18.030 Preliminary Boundary Line Adjustment Criteria

All boundary line adjustment requests shall be subject to the following criteria:

- 1) A boundary line adjustment shall not result in the creation of any additional lots, sites, tracts, or parcels.
- 2) A boundary line adjustment shall not create any lot, tract, parcel or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site as established herein, nor shall such adjustment or adjustments create a building setback violation.
- 3) A boundary line adjustment shall not create split zoning district.
- 4) A boundary line adjustment shall not result in the entire relocation of lots, sites, tracts, or parcels. Lots may be reoriented within the perimeter of the contiguous lots.
- 5) A boundary line adjustment shall not violate or be inconsistent with any conditions for approval of a previously filed plat, ~~short plat~~, or binding site plan.
- 6) Only legal lots of record shall qualify for a boundary line adjustment.
- 7) No lot, as a result of the boundary line adjustment, shall be smaller than the minimum lot size required by Title 11, Zoning, in effect at the time the application is accepted, except as listed below:
 - a) When the application involves two lots, existing nonconforming lots may adjust boundary lines ~~so long as no resulting lot becomes more nonconforming than the smallest lot prior to the boundary line adjustment.~~
 - b) When three or more lots are included in the proposal, no existing non-conforming lot may become more non-conforming except as noted in (c) and (d) below.
 - c) Existing nonconforming lots may adjust boundary lines to correct an existing legally established structure, road, driveway, utility, ditch or drain field, a boundary line adjustment may be processed to ensure that further nonconformity does not occur.
 - d) Existing nonconforming lots may adjust boundary lines to accommodate developed open space, agricultural activities or critical areas.
- 8) Public Benefit and Interest Boundary Line Adjustments can be made only when the administrator can determine that:
 - a) The general public health, safety, and welfare will not be compromised;
 - b) The remaining portion of property has sufficient lot area, and meets all other criteria to comply with applicable Chelan county regulations; and,
 - c) A notice to title is recorded with the Chelan County Auditor's office stating "This public use land segregation was created solely for purposes of public use and benefit, in conformance with the provisions of Chelan County Code. Any subsequent conveyance of this property for purposes other than that of public use and interest shall comply with all current Chelan County Code requirements for subdivision and development at the time of such conveyance and subsequent property development".

12.18.040 Finalizing Boundary Line Adjustment

After review and approval, the applicant(s) or County shall

- 1) Record conveying documents with the Chelan County auditor.
- 2) Agree to and sign, on forms provided by Chelan County, an agreement to indemnify, release and hold Chelan County harmless for any losses or claims which may result from the inability of Chelan County to issue building/development permits for lots, tracts or parcels for which approval of a boundary line adjustment has been issued including but not limited to the following: lack of legal or physical access; water availability for domestic and/or irrigation purposes; and suitability of parcels for on-site sewage disposal

Chapter 12.20 Binding Site Plan

Sections:

- 12.20.010** Application, procedure and fees
12.20.020 Preliminary Binding Site Plan
12.20.030 Binding Site Plan Review Criteria
12.20.035 Authorization to proceed
12.20.040 Final Binding Site Plan

12.20.010 Application, procedure and fees

Applications shall be made on the appropriate forms, provide appropriate fees, follow the procedures set forth in Section 12.02 and 12.04 of the Chelan County Code. All land division shall be reviewed under Title 12 for all applicable requirements. Binding site plans submitted with a subdivision or planned unit development or in connection with the issuance of building permits or final certificates of occupancy will be reviewed as a Full Limited Administrative Review, 14.10.030.

12.20.020 Preliminary Binding Site Plan

- 1) Binding site plans shall provide adequate facilities, easements, restrictions, covenants, or conditions necessary for full build out in the first phase;
- 2) Site Plans shall be consistent with the requirement of Chelan County Code Chapter 12.12.

12.20.030 Binding Site Plan Review Criteria

- 1) Approval shall include the design of any lots or building envelopes and the areas designated for landscaping and vehicle use.
- 2) Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites, or divisions shall not exceed the number of lots allowed by the local zoning district.

12.20.035 Authorization to proceed

Preliminary approval by the administrator shall constitute authorization for the applicant to develop the required improvements and facilities in accordance with the standards established by this title and Title 15 of the Chelan County Code and to do the survey of the binding site plan prescribed in this chapter.

12.20.040 Final Binding Site Plan

- 1) The binding site plan, after approval, and/or when specific lots are administratively approved, shall be filed with the county auditor with a record of survey.
- 2) Binding site plans shall be drawn in accordance with Short Subdivision requirements of Chapter 12.24 Chelan County Code.
- 3) Approved binding site plans shall be binding and all provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan approval shall be considered a violation of this title, and shall be restrained by injunctive action and shall be illegal as provided in Chapter 58.17 RCW, Plats – Subdivisions – Dedications.

- 4) All subsequent development shall be in conformity with the approved binding site plan. Each binding site plan document shall reference the requirement for compliance with the binding site plan approval.
- 5) Record with the County Auditor the following statement: "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 Chelan County over the development of such land, 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. Upon completion, the improvements on the land shall be included in one or more condominiums or 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. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein."
- 6) Amendments to or vacations of an approved binding site plan shall be made through the process of this Title.

Chapter 12.22**Plat Vacations and Plat Alterations****Sections:**

- 12.22.010 Plat Alterations & Plat Vacations Application Materials**
- 12.22.020 Preliminary Plat Alteration**
- 12.22.030 Preliminary Plat Vacation**

12.22.010 Plat Alterations & Plat Vacations Application Materials

In addition to the provisions of 12.12.030, the following items shall be submitted for proposed Plat Alterations and Plat Vacations:

- 1) Written Materials:
 - a) The reasons for the proposed alteration or vacation;
 - b) Where the proposed alteration or vacation would result in the violation of a restrictive covenant(s) that were filed at the time of approval of the subdivision, an agreement signed by all parties subject to the covenants agreeing to the termination or alteration of the relevant covenant to accomplish the purpose of the alteration or vacation;
 - c) **For Plat Alterations only:** Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;
 - d) **For Plat Vacations only:** Signatures of all parties having an ownership interest in that portion of the subdivision to be altered or vacated;
- 2) Map(s). The boundaries of the proposed alteration or vacation.

12.22.020 Preliminary Plat Alteration

- 1) Except as provided herein for boundary line adjustments, the alteration of any subdivision or portion thereof shall proceed according to the provisions of this Title for plat alterations.
- 2) The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered.
- 3) If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration 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 alteration of the subdivision or portion thereof.
- 4) The alteration of a subdivision is subject to RCW 64.04.175.
- 5) 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 within the subdivision, such land may be altered and divided equitably between the adjacent properties.
- 6) After approval of the alteration, the applicant shall submit to the County a revised drawing of the approved alteration of the subdivision, which after signature of the approving authority shall be filed with the County Auditor to become the lawful plat of the property.
- 7) The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

12.22.030 Preliminary Plat Vacation

- 1) The vacation of any land division or portion thereof, or any area designated or dedicated for public use, shall proceed according to the provisions of this Title for plat vacations.
- 2) The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated.
- 3) If the land division is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the 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.

Chapter 12.24 Final Process

Sections:

- 12.24.010 Filing Final Land Division Approval Request – Summary Process**
- 12.24.020 Final Submittal and Contents**
- 12.24.030 All Final Land Division Review and Approval Requirements**
- 12.24.040 Final Short Subdivision**
- 12.24.045 Final Cluster Subdivision**

12.24.010 Filing Final Land Division Approval Request – Summary Process

The request for final land division, including all required drawings and application materials, shall be submitted to the County for review. The request shall be routed to appropriate County departments and other agencies in order to review for compliance with the conditions of approval and applicable regulations and/or purveyor requirements. Once all reviewing entities are satisfied that all conditions have been met, or appropriate bonding and surety obtained, the final plat Mylar shall be submitted to the County by the applicant, after all but the County signatures have been obtained. Once all required County signatures are obtained, the Administrator shall take the final Mylar plat to the appropriate Chelan County Departments for the required signatures, and then shall record the completed final plat with the County auditor. All fees required to record the final land division shall be paid by the applicant.

All Land Divisions shall be finalized under the requirements of Chelan County Code Title 14 Development Permit and Procedures Administration.

12.24.020 Final Submittal and Contents

- 1) The final land division shall incorporate all conditions of the preliminary approval, ~~including those imposed by the Hearing Examiner.~~
- 2) All final land division (excepting boundary line adjustments) submittals shall include the following:
 - a) A minimum of four copies of the proposed final short plat, plat or binding site plan;
 - b) Appropriate fees;
 - c) One copy of a plat certificate issued within 120-days of submittal; and
 - d) Maps and exhibits shall also be submitted in one of the following electronic file formats:
 - i) AutoCAD .dwg ~~(National CAD Standard);~~
 - ii) ESRI .shp ~~(fully thematically classified layers);~~
 - iii) Microstation .dgn ~~(National CAD Standard);~~ or
 - iv) Other format approved by the Administrator.
- 3) The final plat shall ~~show~~ comply with Washington Administrative Code (WAC) and include the following:
 - a) Ties to adjoining surveys of record;
 - b) Area in acres of the proposed subdivision;
 - c) The allowable error of mathematical closure for the final plat map shall not exceed 0.02 feet;
 - d) Bearings and lengths are to be shown for all lines; no ditto marks are to be used;
 - e) Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

- f) Plat boundary and road monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show chord bearing and length;
 - g) Lots along curves shall show arc length along curve and radial bearings at lot corners. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius. Radial bearings along lot lines will not be required;
 - h) All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds;
 - i) When elevations are needed, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the County;
 - j) The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way and list the smallest, largest, and average lot area. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet; and
 - k) When coordinates in the Washington coordinate system are shown for points on a record of survey map, the map may not be recorded unless it also shows, or is accompanied by a map showing, the control scheme through which the coordinates were determined from points of known coordinates, RCW 58.17.070.
- 4) All surveys shall comply with the RCW Title 58 and applicable Washington Administrative Codes (WAC) and include the following:
- a) All signatures affixed to the final plat shall be original signatures written in permanent black ink;
 - ~~b) The file number of the land division, location by section, township and range shall be shown;~~
 - c) The scale shall be ~~at a standard scale; 50 (one inch equals 50 feet) or 100 (one inch equals 100 feet) feet to the inch. If approved by the Administrator, an appropriate scale may be used which does not exceed 200 (one inch equals 200 feet) feet to the inch, provided a 400 (one inch equals 400 feet) feet to the inch reduced copy is also submitted;~~
 - d) The outer plat boundary of the land division shall have a heavier line weight than the rest of the drawing; A distinct wide boundary line shall delineate the boundary of the land division and, if required by the county engineer, a map showing the section breakdown together with the bearings and distances surrounding the proposed subdivision;
 - e) The location, centerline, and widths of existing and proposed roads, alleys, rights-of-way, easements, well protection radii (as appropriate), utility mains parks and open spaces within the land division, including those existing immediately adjacent to the land division shall be shown. When an easement can not be defined by a geological boundary it shall be indicated on the plat by Assessor's recording number.
 - f) Areas to be dedicated to the public must be labeled, "Dedicated to Chelan County by this plat";
 - ~~g) Layout and names of adjoining land divisions shall be shown within and adjacent to the land division boundary;~~
 - h) The layout, lot and block numbers, and dimensions of all lots shall be shown. Such lot and block numbers shall consist of consecutive numbers beginning with the number "1", except when phasing a continuation of number shall be excepted;
 - i) Road names shall be shown. Private and/or County roads shall be labeled as such;
 - j) Label road addresses for each lot shall be shown;
 - k) List or note all plat restrictions required as conditions of preliminary approval;
 - ~~l) Show the location and label all utility easements;~~

- ~~m) The location and right-of-way width, centerline, and name or number of all streets within and adjoining the subdivision;~~
 - ~~n) Ambiguities, hiatuses and overlapping boundaries;~~
 - o) The approximate boundaries of all areas subject to inundation of stormwater overflow and the location, width and direction of flow of all water sources;
 - ~~p) The location and, where ascertainable, the locations of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, municipal and county lines and other important features existing upon, over, under or adjacent to the land proposed to be subdivided;~~
 - q) The delineation, location and extent of riparian areas, wetlands, geologically hazardous areas, aquifer recharge area, and one hundred year flood plains and floodways;
 - ~~r) A layout of 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;~~
 - s) Any special statements ~~of approval~~ required from governmental agencies, including those pertaining to domestic and/or irrigation water supply and sewage disposal, flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown;
 - t) A notarized certification by the owner(s) as shown on a current plat certificate shall be provided dedicating roads, areas intended for other public use, and granting of easements for slope and utilities; and,
 - u) A certification signed by a professional land surveyor registered in the state of Washington stating that the final land division and final plat was surveyed and prepared by them, or under their supervision; that the plat is a true and correct representation of the subject land; and that monumentation has been established as required by County standards.
- 5) Final approval of any final plat is authorized upon review, approval and signature by the following:
- a) County Engineer;
 - b) Administrator;
 - c) Utilities ~~purveyor director~~, as necessary;
 - d) County Treasurer;
 - ~~e) County Assessor;~~
 - f) Hearing Examiner;
 - g) County Auditor (recording number); and
 - h) Fire Marshal or Building Official.

12.24.030 All Final Land Division Review and Approval Requirements

- 1) All requests for final approval of a preliminarily approved land division must be acquired within five years of said, preliminary approval, after which time the preliminary approval is void. A one-time request for a ~~two one~~ year extension may be granted by the ~~Administrator applicable Review Authority~~, which shall be the same review authority responsible for the preliminary approval, if the applicant has attempted in good faith, to submit the final land division within the five-year time period; provided, however, the applicant must file a written request with the County requesting the extension at least 30 days before expiration of the five-year period. Additionally, a third extension may be granted by the Administrator for one year under exceptional circumstance, if one or more of the following criteria can be met:
- a) Surveying of lots within the development has been completed;
 - b) Arranged for public services to the site;

- c) Obtain necessary financing for all or a portion of the preliminary land division;
- d) Completion of studies or other requirements required by the preliminary approval.
- 2) ~~The final land division request packet shall include requirements set forth in the preliminary approval. the application, documents, certification, survey data and improvements security or construction requirements as set forth in the submittal requirements and any checklists as may be developed by the Administrator.~~
- 3) ~~The Administrator shall verify that all preliminary conditions of approval and required findings of fact have been met. and the County Engineer, or a licensed professional engineer acting on behalf of the County shall review the survey data, layout of lot lines, roads, alleys and other rights-of-way, design of bridges, and utility systems improvements, including storm drainage, water and sanitary sewer systems. The Administrator shall assure, in writing, that the following items have been completed:~~
 - a) ~~The proposed final land division meets all standards established by State law, the Chelan County Code and all required preliminary conditions of approval, including conformance with the final drawings and land division improvements;~~
 - b) ~~The proposed final plat bears the certificates and statements of approval required by the Chelan County Code;~~
 - c) ~~A current title insurance report furnished by the sub-divider confirms the title of the land in the proposed final land division is vested in the name of the owners whose signatures appear on the final plat;~~
 - d) ~~The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat;~~
 - e) ~~The facilities and improvements required to be provided by the sub-divider have been completed or, alternatively, that the sub-divider has provided a security in an amount and with securities commensurate with improvements remaining to be completed, securing to the County the construction and installation of the improvements, as provided for in this title;~~
 - f) ~~The surveyor has certified that all survey monument lot corners are in place and visible.~~
- 4) ~~The appropriate Review Authority shall review final land divisions based on the following:~~
 - g) ~~A determination whether the proposed final land division conforms to all terms of preliminary approval, and whether the land division meets the requirements of this Title, applicable State laws and all other local ordinances adopted by the County which were in effect at the time of preliminary approval. Said, determination shall be based upon the written recommendation of the County Engineer, Administrator and any other applicable review authority.~~
 - h) ~~The final land division contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems which were a condition of approval.~~
 - i) ~~All common improvements required as conditions of approval of the proposed land division have been referenced on the final plat of the land division.~~
 - j) ~~The Review Authority shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools, and school grounds.~~
 - k) ~~If the conditions have been met, the appropriate Review Authority shall inscribe and execute the written approval on the face of the final plat. If the Review Authority disapproves the proposed final land division, it will be returned to the applicant with written reasons for denial and requirements for gaining compliance.~~

- 4) No final land division shall be recorded unless approved by the County according to the provisions herein. The original of an approved final land division shall be filed for record with the County Auditor.
- 5) Prior to recording, the applicant shall submit the original final plat drawings to the County together with the final land division review fees and performance bond(s).
- 6) After approval of the final plat drawings, the Administrator or Hearing Examiner, County shall be the final signature affixed on the face of the final plat, and shall submit the County-approved original final plat drawings to the County Auditor together with the recording fees which shall be paid for by the applicant.
- 7) All plats and short plats on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that the subject property stating "This property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration." The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.
- 8) All plats, not placing a notice on the plat in accordance with 12.24.030 (7) or 12.24.045 (b), shall place a notice on the plat that "Agricultural activities occur throughout Chelan County and may or may not be compatible with residential development."
- 9) All plats shall contain a notice that "Noxious weed control is the responsibility of the individual property owner per RCW17.10.140."

12.24.040 Final Short Subdivision

Land in Short Subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat subdivision, except that when the short plat subdivision contains fewer than four parcels, nothing in this Title shall prevent the owner who filed the short plat from filing of an alteration within the five-year period to create up to a total of four lots within the original Short Subdivision boundaries, RCW 58.17.060, as amended.

12.24.045 Final Cluster Subdivision

- 1) Open Space Final Plat noticing requirements
 - a) The open space accumulated shall be clearly labeled and numbered as a tract with the following language inserted on the final plat filed for record under this chapter:

This tract is held in reserve as open space and shall not be used for any building or encroached upon in any manner that is not in conformance with applicable law. If this tract is to be developed, after rezoning, such development shall be done consistent with the underlying zoning requirements. ~~the existing lots allowed from the original cluster subdivision must be included when calculating the maximum number of lots allowed on this tract.~~

- b) Agricultural Open Space. For open space intended for agricultural use, a note on the final plat shall be clearly labeled and numbered as a tract with the following language:

This tract is held in reserve as open space designated for long-term commercial agricultural use on which a variety of commercial activities (accessory dwelling and accessory uses normally incidental to single family dwellings within agricultural districts) may occur ~~on or within five hundred (500) feet~~ that are not compatible with residential development for certain periods of limited duration. Open space set aside for agricultural purposes may allow

improvements that are associated with the agricultural operations, such as barns, outbuildings, storage facilities, and other related facilities provided they are incidental and do not take up more than ten (10) percent of the open space. Commercial operations associated with agricultural activities shall be prohibited.