



CITY OF LEAVENWORTH
DEPARTMENT OF DEVELOPMENT SERVICES

**NOTICE OF APPLICATION
&
NOTICE OF COMPLETE APPLICATION**

Date of Notice: August 22, 2017

Project Name: **Binding Site Plan 2017-01LE**

Physical Address of Property: 1122 Commercial Street
Leavenworth, WA 98826

Applicant/Owner: Zack Lodato for
Commercial Street Properties LLC
2589 Lemaister Ave
Wenatchee, WA 98801

Docket/Permit #(s): **Binding Site Plan 2017-01LE**

Date of Application Submittal: July 27, 2017 (incorrect fees and application materials)
August 11, 2017 (fees paid and revised BSP)
August 22, 2017 (revised Declaration)

Date of Notice of Completeness: August 22, 2017

Comment Due Date: **September 6, 2017**

Notice of Final Decision Due Date¹: December 22, 2017

Project Location: The project site is located at 1122 Commercial Street, Leavenworth, Washington. The legal description is Lot 12 Block 1 Leavenworth Third. The Chelan County Assessor's Parcel Number of the property is 241712676050. The subject site is located within the Multifamily Residential District.

Project Description: This is a proposal for a Binding Site Plan to create Units A & B compliant with the Condominium Act (Chapters 64.32 and 64.34 RCW, and RCW 58.17.040(7) and LMC Chapter 17.10. There are two residential units, connected by a covered breezeway, within this

¹ As provided by LMC 21.09.070, a Notice of Final Decision shall be issued within 120 days after the date of the Determination of Completeness excluding periods during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional information or materials. The date noted does not account for periods of time which are excluded from the 120 days for issuance of the Notice of Final Decision and the date is subject to change.

multifamily residential structure. Unit A is located near Commercial Street and Unit B is near the alley. Unit A is approximately 1,902 sq. ft. in area; and Unit B is approximately 1,360 sq. ft. in area. "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to 64.34 RCW. The proposal is not subject to State Environmental Policy Act (SEPA).

Required Permits

The applicant submitted a City of Leavenworth Binding Site Plan Permit application, Declaration and related documents.

Required/Existing Environmental Documents

This project is not subject to the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(6)(a). There are no known or identified critical areas within the subject site or general vicinity of the site. The City did not request environmental investigations or studies for this project at this time.

Review / Preliminary Determination of Consistency

The City of Leavenworth (City), permitting authority for this proposal, has reviewed the proposed project for probable impacts. It is the finding of the City that the application appears consistent with the regulations contained within the Leavenworth Municipal Code Titles 14, 16, 17, 18, and 21 and the Leavenworth Comprehensive Plan with conditions to be included in the Final Notice of Decision for Binding Site Plan. The proposal is not expected to cause significant adverse impacts to the surrounding district.

The following are requirements for final Binding Site Plan approval, subject to changes and additions at the discretion of the City:

1. This binding site plan is assigned the number of BSP 2017-01 LE.
 - a. This number shall be annotated on the face of the final Binding Site Plan.
2. The final binding site plan submitted for recording shall consist of one or more pages clearly and legibly drawn on a stable mylar or equivalent approved material at a scale of 100 feet to the inch (or a scale approved by the City) 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 the requirements of the Survey Recording Act, Chapter 58.09 LMC, as it now exists or as amended, and the following additional information:
 - a. A certificate bearing the names of all persons having an interest in the land, signed and acknowledged by them before a notary public which:
 - i. States their consent to the division; and

- ii. Grants a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;
 - b. A space for approval and official seals of the binding site plan administrator (Nathan Pate, AICP), public works director (Herb Amick), acknowledgement of taxes paid by the Chelan County treasurer, and recording by the Chelan County auditor;
 - c. Permanent control monuments shall be established at controlling corners on the boundaries of the binding site plan, the intersections of the centerline tangents of roads or points of intersections within the binding site plan, the beginning and ends of curves on centerlines, and all block and existing lot corners. Adjacent property shall be labeled in dotted lines as they intersect with the subject property;
 - d. Bearings of existing lots, tracts, and centerlines or public and private roads within the project boundary;
 - e. Binding site plan name and number as assigned by the director (Commercial Street Properties Condominiums, Binding Site Plan No. 2017-01-LE);
 - f. Legal description;
 - g. North arrow, numeric and graphic scale, and unit numbers (provide reference to Condominium Declaration Maps, including recording number);
 - h. Assigned street addresses;
 - i. All notes as required by the conditions of approval (see below);
 - j. Any restrictions or covenants affecting the property, with a description of the purpose and referenced by the auditor's recording number (provide reference to the Condominium Declaration and any CC&Rs);
 - k. Location, width, and name of all streets, alleys, and other public or private ways within and adjacent to the property;
3. Ancillary information which was shown on the preliminary map, but is not required on the final map, shall be removed.
4. The following annotations shall be placed on the face of the final Binding Site Plan:
- a. The Condominium Association and/or members and/or Board of Commercial Street Properties Condominium as established through the Declaration Establishing Covenants, Conditions, Restrictions, and Reservations for Commercial Street Properties, A Condominium, recorded under AFN_____, shall be responsible for all Covenants, Conditions, Restrictions and/or Reservations and the following additional components:
 - i. Payment or allocation of payment to unit members for any City assessment which is not established at the time of recording of such Declaration.

- ii. Continuously maintaining all landscaped areas in a healthy, pest-free growing condition. If living tree, shrub and/or other plant materials are damaged or destroyed by any means, they shall be replaced with suitable materials in suitable quantities for the life of the project.
 - iii. Snow shall not be removed to or deposited into or on public rights-of-way or adjacent private properties.
 - b. Maintenance of garbage storage / screening. The property owner and/or tenants shall be responsible for moving garbage dumpster(s) and/or can(s) to a location on the subject site from which pick up by the City's automated garbage truck can occur from the alley without interference with power utilities on pick-up day, and returning such dumpster(s) / can(s) to the storage location.
5. Access to the property is from Commercial Street. Improvement of the alley adjoining the property as per City specifications and requirements to the furthestmost property line have not been completed; and were deferred per multifamily development permit NOD 11-066-B / 1563. Secondary access and parking to the property has been allowed from the alley. The City of Leavenworth does not guarantee access to any parking spaces or access to the property via the alley. An annotation on the binding site plan shall state:
 - a. City of Leavenworth does not guarantee access to the property via the alley.
6. An approved binding site plan shall not be filed for record with the Chelan County auditor until the applicant has satisfied all conditions as required by the director in the granting of preliminary approval.
7. A binding site plan shall not be considered final until recorded with the Chelan County auditor.
8. A final binding site plan filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A binding site plan shall be governed by the terms of approval of the final binding site plan and the statutes, ordinances, and regulations in effect at the time of approval for a period of five years after final binding site plan approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the binding site plan.
9. The final Binding Site Plan shall be consistent with the preliminary map. The applicant shall complete map corrections as red-lined by the City on the preliminary map, including appropriate changes, conditions, and citations. In addition, any changes as conditioned herein shall be provided.
10. Pursuant to LMC 17.14.100 (C), in exchange for infrastructure improvements along Commercial Street, an annotation shall be placed on the face of the plat as follows:
 - a. Property owners, their successors, heirs and assigns shall not protest participation in a future Local Improvement District (LID), or other similar funding measure, which would pay for the installation or improvement of roads, sidewalks, curbs, gutters, lighting and other infrastructure in the area.

11. The City shall assign property street addresses prior to final approval. Such addresses shall be delineated on the face of the final binding site plan.
12. Prior to final binding site plan preparation, the applicant shall provide the City with a Title Report.

Public Notice

This Notice of Application shall be posted at the project site and in three (3) places at City Hall for the duration of the comment period, per Leavenworth Municipal Code Section 21.07.080(B).

Public Comment/Review/Appeals

The public is encouraged to review and comment on the proposed project and its probable impacts. **This may be your only opportunity to comment on impacts of the proposed project.**

It is the right of any person to comment on the above noted application, to receive notice of and participate in any hearings (if applicable), and request a copy of the decision once made, or to appeal such decision subject to the requirements outlined in Title 21 of the Leavenworth Municipal Code. Interested persons must submit comments and/or requests within fourteen days following the date of publication of this notice. **The comment period ends at 5:00 PM on the date noted above.**

A complete project file is available for review at Leavenworth City Hall at 700 Highway 2, Leavenworth, Washington, or by contacting Community Development Department staff at 509-548-5275. The file of record for this application includes, but is not limited to the following documents:

1. City of Leavenworth Binding Site Plan Application;
2. Preliminary Binding Site Plan (scaled drawings of Units A and B);
3. Declaration; and
4. Home Owners Association Covenants, Conditions and Restrictions.

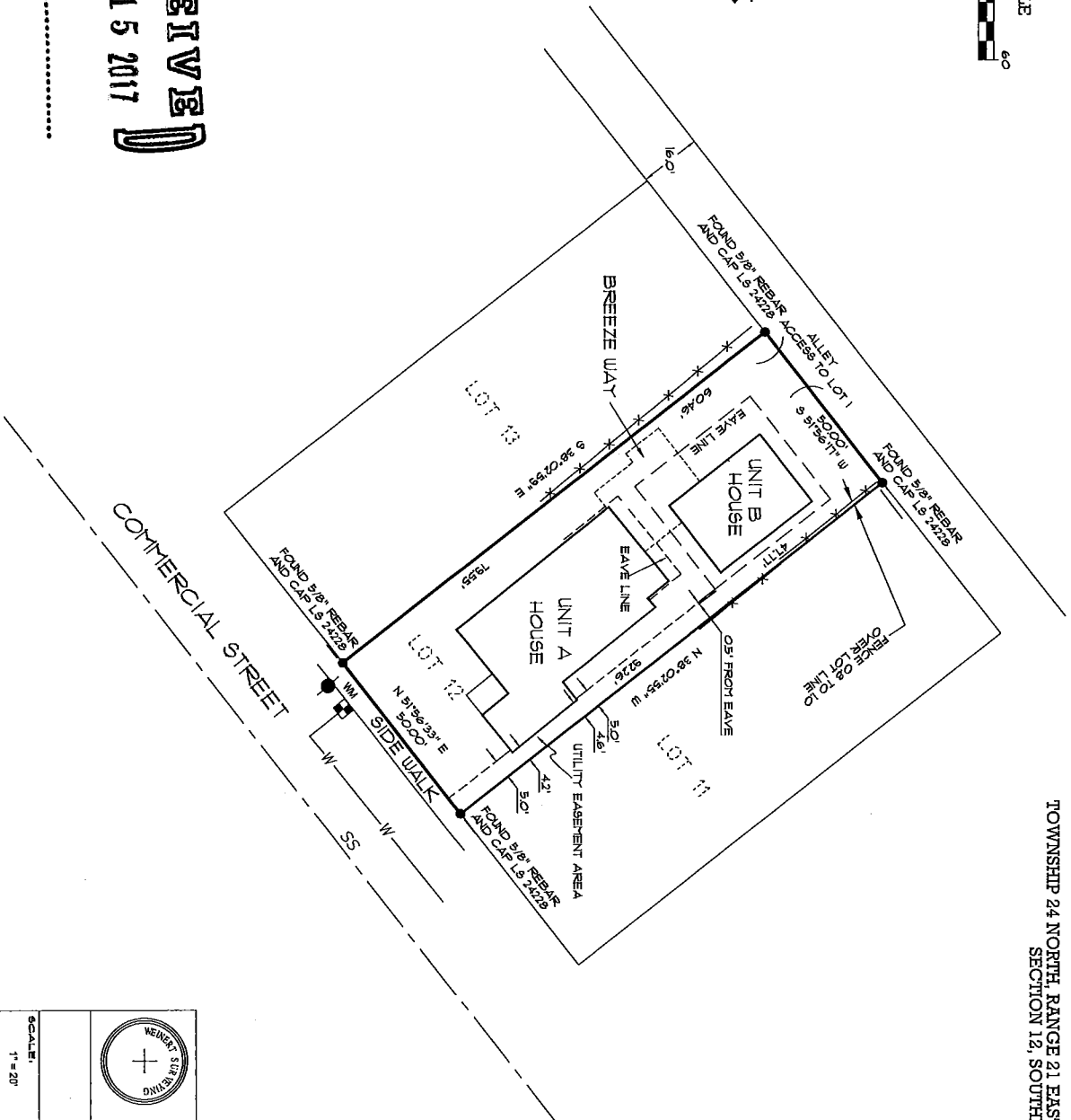
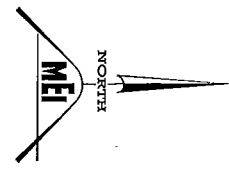
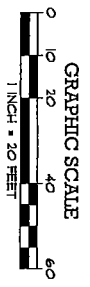
Staff Contact

For more information regarding this application, please contact:

Nathan Pate, AICP
Development Services Manager
City of Leavenworth
Development Services Department
700 US Highway 2 | PO Box 287
Leavenworth, Washington 98826
P 509.548.5275 | F 509.548.6429
www.cityofleavenworth.com
dsmanager@cityofleavenworth.com

BINDING SITE PLAN NO. 2017-0
OF

LOT 12, BLOCK 1, THIRD ADD. TO LEAVENWORTH
 CITY OF LEAVENWORTH, CHELAN COUNTY,
 STATE OF WASHINGTON
 TOWNSHIP 24 NORTH, RANGE 21 EAST, WILLAMETTE MERIDIAN
 SECTION 12, SOUTHEAST 1/4



RECEIVED
AUG 15 2017

BY:



MUNSON ENGINEERS, INC.
 dba WEINERT SURVEYING
 804 HWY 2, SUITE B
 LEAVENWORTH, WA 98826
 (509) 548-5228 FAX (509) 548-2188
 E-MAIL: hiran@munsonengineers.com

ZACK LODATO

SCALE:	CLIENT:	DATE:
1" = 20'	LODATO	8/10/2017
DRAWN BY:	SHEETS:	JOB NUMBER:
BAJ, 08/10/2017	2 OF 2	16-207

LEGEND

- SET 3/8" X 30" REBAR AND YELLOW CAP MARKED "L.S. 44625"
- FOUND MONUMENT AS NOTED
- () RECORD DATA SEE REFERENCES
- ⊙ FOUND MONUMENT IN CASE AS NOTED

LEGAL DESCRIPTION

DESCRIPTION PER CHELAN COUNTY AUDITOR'S FILE NUMBER 219116
 LOT 12, BLOCK 1, THIRD ADDITION TO LEAVENWORTH, CHELAN COUNTY, WASHINGTON, ACCORDING TO THE PLAN THEREOF RECORDED IN VOLUME 1 OF PLATS PAGE 15.

BINDING SITE PLAN NO. 2011-0

LOT 12, BLOCK 1, THIRD ADD. TO LEAVENWORTH
 CITY OF LEAVENWORTH, CHELAN COUNTY,
 TOWNSHIP 34 NORTH, RANGE 21 EAST, YAKIMA MERIDIAN
 SECTION 16, 30TH T19S 14E

ASSESSOR'S PARCEL NO. (ORIGINAL TRAIL)
 241727839

ORIGINAL TRACT OWNER
 ADDRESS: 1122 COMMERCIAL ST.
 WATER SOURCE: CITY
 SEWAGE SYSTEM: CITY

CONSENT AND WAIVER OF CLAIMS
 I, THE OWNER OF ALL THE PROPERTY INVOLVED IN THIS BINDING SITE PLAN HEREBY CONSENT TO THE DIVISION OF THE LAND AS SHOWN ON THIS PLAN FOR PUBLIC FOREVER IN PUBLIC PROPERTY. THERE IS SHOWN ON THE SHORT PLAT & HEREBY GRANT A WAIVER BY MYSELF OF ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED BY THE DIVISION OF THE LAND AS SHOWN ON THIS PLAN. I HEREBY WAIVE & MAINTENANCE OF PUBLIC ROADS, IN WITNESS WHEREOF, I HAVE HERETO SET MY SIGNATURE THIS ____ DAY OF _____, 2011.

ACKNOWLEDGEMENT
 THIS IS TO CERTIFY THAT ON THE ____ DAY OF _____, 2011, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED, _____, A PERSON (S) WHO EXERCISED THE PERSONAL SIGNATURE OF THE PERSON (S) WHO EXERCISED THE PERSONAL SIGNATURE OF THE SAME AS HIS OWN FREE AND VOLUNTARY ACT AND DEED FOR THE DEED AND PURPOSES THEREIN MENTIONED, WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE MENTIONED.

CITY OF LEAVENWORTH HEALTH DEPARTMENT
 RESIDING AT _____
 HEALTH OFFICER: _____ DATE: _____
 CITY OF LEAVENWORTH PUBLIC WORKS DEPARTMENT

CHELAN COUNTY FIRE MARSHAL
 FIRE MARSHAL: _____ DATE: _____
 CITY OF LEAVENWORTH PLANNING DEPARTMENT

ADMINISTRATOR
 ADMINISTRATOR: _____ DATE: _____

TREASURER'S CERTIFICATE
 I, THE TREASURER, AND ASSESSORS WHO HAVE BEEN LEASED AND BECOME CHARGEABLE AGAINST THE ABOVE DESCRIBED PROPERTY FOR 2011 AND PRECEDING YEARS HAVE BEEN FULLY PAID, SATISFIED AND DISCHARGED IN THE AMOUNT OF \$____ DOLLARS AND ____ CENTS BY THE CHELAN COUNTY TREASURER THIS ____ DAY OF _____, 2011.

AUDITOR'S CERTIFICATE
 CHELAN COUNTY TREASURER: _____ DATE: _____
 FILE NO. _____ FEE \$ _____
 FILED FOR RECORD THIS ____ DAY OF _____, 2011
 AT THE REQUEST OF: LYNN SIMLERS.

DEPUTY SURVEYOR'S CERTIFICATE
 COUNTY AUDITOR: _____
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT, AT THE REQUEST OF LYNN SIMLERS.

EQUIPMENT USED:
 BRUNN A. BAKER LS 44625 DATE: _____
 TOPCON GT 500 ROBOTO 13

MUNSON ENGINEERS, INC.
 d/b/a WEINERT SURVEYING
 134 VANNOCK, WA 98254
 (509) 426-1111
 EMAIL: weinert@munsonengineers.com

WEINERT SURVEYING

STATE OF WASHINGTON
 DEPARTMENT OF COMMERCIAL & TRADE SERVICES
 DIVISION OF LAND SURVEYING

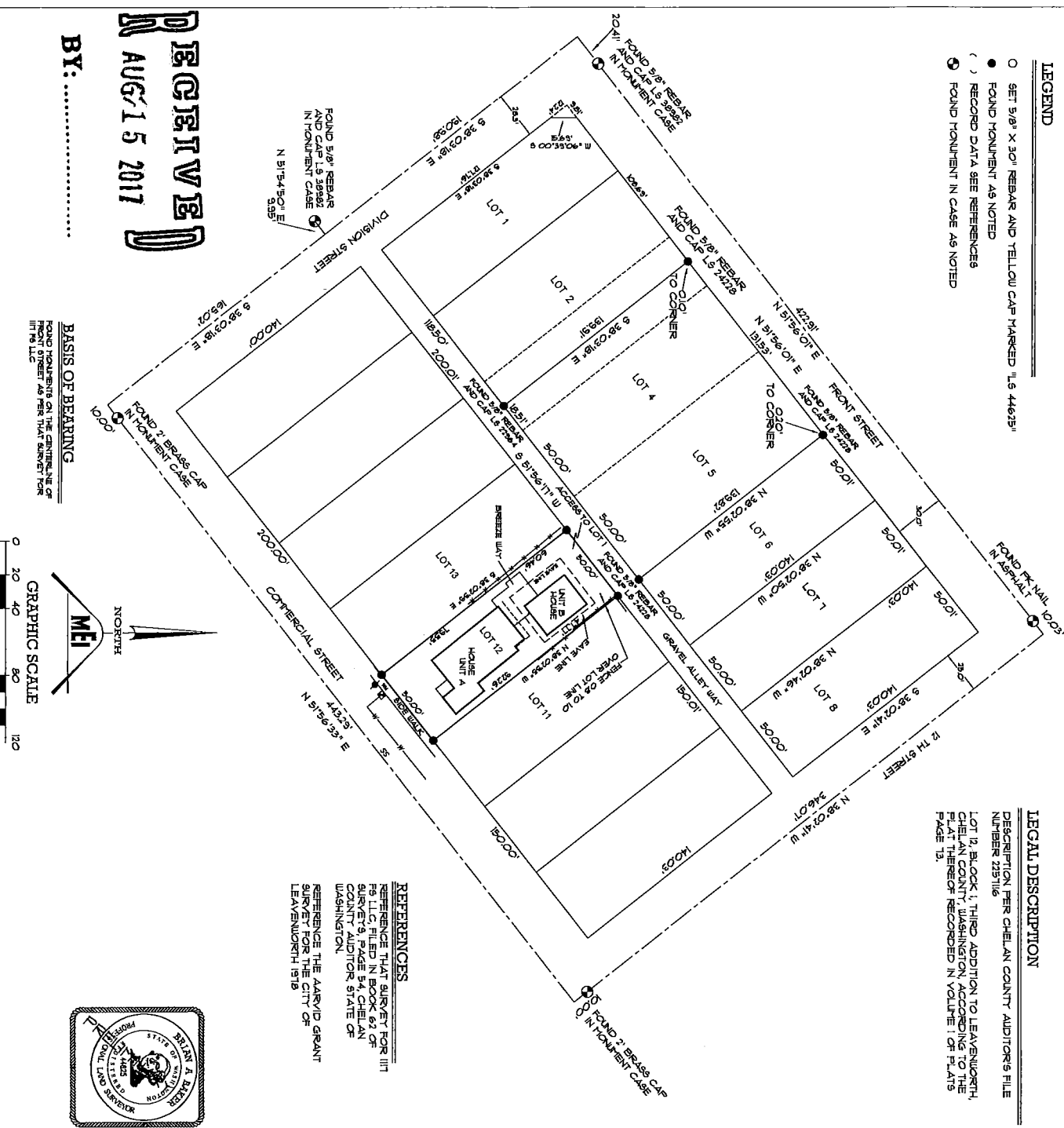
BRUNN A. BAKER
 LICENSED SURVEYOR

STATE OF WASHINGTON
 DEPARTMENT OF COMMERCIAL & TRADE SERVICES
 DIVISION OF LAND SURVEYING

BRUNN A. BAKER
 LICENSED SURVEYOR

STATE OF WASHINGTON
 DEPARTMENT OF COMMERCIAL & TRADE SERVICES
 DIVISION OF LAND SURVEYING

BRUNN A. BAKER
 LICENSED SURVEYOR



WEINERT SURVEYING
 AUG 15 2017

BY:

BASIS OF BEARING
 FOUND MONUMENT ON THE CENTRAL LINE OF FRONT STREET AS PER THAT SURVEY FOR IITB LLC

