

RESOLUTION NO. 2017-13

**A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON
RELATING TO THE APPROVAL OF THE 2200 VANTAGE HIGHWAY
PRELIMINARY PLAT NO. P16-070 OF PROPERTY LOCATED IN ELLENSBURG,
WASHINGTON.**

WHEREAS, on September 22, 2016 property owner TXC Group, LLC filed a preliminary plat application for thirty-seven (37) lots to be developed on approximately 14.89 acres of property located south of Vantage Highway and east of Pfenning Road, commonly referred to as the “2200 Vantage Highway preliminary subdivision plat”; and

WHEREAS, the applicant also submitted an associated State Environmental Policy Act (SEPA) checklist as part of the application; and

WHEREAS, on December 5, 2016 the City’s SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat; and

WHEREAS, following an open record public hearing held before the Hearing Examiner on January 12, 2017, to consider the 2200 Vantage Highway preliminary subdivision plat application, as provided by Chapter 15.260 ECC, the Hearing Examiner issued his January 23, 2017 Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval; and

WHEREAS, following a closed record public hearing held on March 6, 2017, regarding the 2200 Vantage Highway preliminary subdivision plat application, the City Council approved the preliminary plat subject to certain conditions; and

NOW, THEREFORE, the Ellensburg City Council hereby resolves as follows:

Section 1. The Ellensburg City Council makes the following findings of fact:

A. The proposed preliminary plat is in conformance with the goals and policies of the City of Ellensburg Comprehensive Plan (“Comprehensive Plan”), as amended, if developed in accordance with the conditions stated herein;

B. The proposed use and corresponding preliminary plat has been designated in accordance with the permitted uses and future land use designations within the Comprehensive Plan classification and standards for development set forth in the City’s Land Development Code if developed in accordance with the conditions stated herein;

C. Appropriate provisions have been made for public health, safety, and general welfare and for such other factors enumerated in RCW 58.17.110(2)(a) if the preliminary plat is developed subject to the conditions stated herein. Public facilities, such as roads, sewer and water and other public facilities are adequate to support the use and layout of the proposed preliminary plat if developed in accordance with the conditions stated herein;

D. The public use and interest will be served if the preliminary plat is developed in accordance with the conditions stated herein;

E. The proposal for the preliminary plat development conforms to the policies, standards and design principles specified in Chapter 15.260 of the Ellensburg City Code if developed in accordance with the conditions stated herein; and

F. The findings of fact and recommendations of the Hearing Examiner dated January 23, 2017 are hereby adopted and incorporated herein as the findings of the Ellensburg City Council with respect to the preliminary plat.

G. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

Section 2. The preliminary plat involving property located generally south of Vantage Highway and east of Pfenning Road, commonly referred to as the 2200 Vantage Highway preliminary subdivision plat, and legally described as follows:

THAT PORTION OF THE NORTH ½ OF THE NORTH ½ OF THE NORTHWEST ¼ (GOVERNMENT LOTS 3 AND 4) OF SECTION 6, TOWNSHIP 17; NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE VANTAGE HIGHWAY (FORMERLY STATE ROAD NO. 7) 75 FEET, MORE OR LESS, SOUTH OF A POINT ON THE NORTH E SECTION LINE WHICH IS 940.5 FEET WEST OF THE NORTH ¼ SECTION CORNER OF SAID SECTION; THENCE SOUTH 185 FEET; THENCE SOUTH 0°30' EAST, 426.74 FEET TO THE NORTH BOUNDARY LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILWAY COMPANY; THENCE SOUTH 76°30' EAST ALONG SAID RIGHT OF WAY 965.73 FEET TO THE EAST LINE OF THE NORTHWEST ¼ OF SECTION 6; THENCE NORTH 0°02' WEST 849.0 FEET ALONG SAID EAST LINE TO THE SOUTH RIGHT OF WAY LINE OF VANTAGE HIGHWAY; THENCE SOUTH 89°30' WEST ALONG SAID SOUTH RIGHT OF WAY LINE 940.5 FEET TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF KITTITAS, WASHINGTON.

Section 3. The 2200 Vantage Highway preliminary subdivision plat development (P16-070) shall be developed in accordance with the following conditions of approval, which shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

1. Fulfillment of all City code required final plat design and construction requirements for on-site and off-site improvements prior to final plat approval.
2. Per the Washington State Department of Fish and Wildlife 11/14/16 Memo, the applicant shall obtain all permits that may be required as a result of Preliminary Plat subdivision work related to Lyle Creek.

3. Per the Energy Services - Light Department 10/25/16 Memo, at the time of development, a ten-foot (10') utility easement will be requested on the Plat along both sides of the road right-of-way including the private road serving the townhomes in the middle of this development and must be underground and meet all Code requirements. The applicant shall be responsible for a percentage of the cost of extending electrical service. The design information shall be provided to the Light Department per this memo.
4. Per the Public Works 11/10/16 Memo, the applicant will be required to extend the existing water and sewer lines eastward along the entire length of the Vantage Highway frontage of the property. In addition, storm water issues shall be addressed by the applicant and all permits must be obtained. Half street improvement along the Vantage Highway frontage, including curb/gutter, sidewalks, street lights and other requirements of the Public Works Dept. shall be required.
5. Per the City of Ellensburg Environmental Commission comments of 10/19/16, the applicant shall provide access from the proposed subdivision to the Iron Horse/John Wayne Trail with appropriate signage; and the Developer shall evaluate the feasibility of connection to public transit to the development.
6. The applicant is required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
7. In the event that previously unknown cultural resources or human remains are encountered during the implementation of the project, work in the vicinity of the discovery shall be halted and a professional archaeologist, the Washington State DAHP and all affected tribes should be consulted before proceeding.
8. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
9. A non-exclusive utility easement needs to be provided, shown and recorded on the plat for natural gas facilities to be installed along any private roads.
10. Please submit a completed Natural Gas Main & Service Agreement to Energy Services providing the estimated total BTU load information and any special delivery pressure requests if other than 7" WC for the proposed buildings.
11. There is an existing 2" PE gas main located on the south side of Vantage Highway to serve this property. It will be adequate for what is being proposed at this time. Please review the Developer Installation Information packet provided at the Pre-App. meeting for trenching specifications for the City of Ellensburg to install natural gas in a development.

12. The applicant is to provide the trench, smooth sand bedding, and backfill at the specified depth and required utility separation as indicated on the service line trench req. EL-13. We recommend any contractor digging on the property or in the right of way to call the One-Call Underground Utility Notification Center 811. If any portion of the gas line is exposed to please call the City Gas Department for inspection 962-7124. The City of Ellensburg gas crew will make the main line connection and install all gas piping and meter bar to the building.

Section 4. The Ellensburg City Council makes the following conclusions of law:

A. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Ellensburg City Code and Comprehensive Plan.

B. As conditioned, the proposal does conform to the standards specified in Ellensburg City Code.

C. As conditioned, the use will comply with all required performance standards as specified in the Ellensburg City Code.

D. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Ellensburg City Code or the Comprehensive Plan.

E. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.

F. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

Section 5. This resolution is the final decision of the City of Ellensburg upon this matter.

Section 6. Notice is hereby given that appeal of the land use decision shall be barred unless a petition requesting review is filed in the Superior Court of the State of Washington and properly served within twenty-one (21) days after passage of this resolution in accordance with Chapter 36.70C of the Revised Code of Washington.

Passed this 17th day of April, 2017.



MAYOR

Attest: 

City Clerk