

ORDINANCE NO. 4801

AN ORDINANCE RELATING TO ZONING AND AMENDING TITLE 15 OF THE ELLENSBURG CITY CODE BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF ELLENSBURG FROM RESIDENTIAL SUBURBAN (R-S) TO RESIDENTIAL MEDIUM DENSITY (R-M).

WHEREAS, on December 1, 2017 the City received an application (P17-106) from James Libenow, agent for owner Libenow Properties, LLC, requesting a rezone on three parcels (0.83 acres) located on West Helena Avenue, Parcel ID Numbers 960383, 960384, and 960382 ("application"); and

WHEREAS, the application proposed to rezone the parcel from Residential Suburban (R-S) to Residential Medium Density (R-M); and

WHEREAS, pursuant to ECC Table 15.210.050(D), a Site Specific Rezone Application is processed under a Type IV review, which requires a Hearing Examiner recommendation to City Council after an Open Record Hearing, with the final decision to be made by City Council after a Quasi-Judicial Closed Record Hearing; and

WHEREAS, the SEPA official for the City issued a Determination of Non-Significance (MDNS), on April 5, 2018; and

WHEREAS, the Hearing Examiner held a duly noticed open record hearing on April 12, 2018, received evidence and heard testimony regarding the proposed rezone; and

WHEREAS, the Hearing Examiner on April 27, 2018, issued Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval for the rezone request from R-S to R-M; and

WHEREAS, the Ellensburg City Council held a duly noticed closed record hearing on May 21, 2018 and at the conclusion of the hearing approved a motion to adopt the Hearing Examiner's Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, and to approve the applicant's request to rezone the subject property from R-S to R-M;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1.** The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council for approval with regard to the rezone for the hereinafter described property located on West Helena Avenue, with Parcel ID Numbers 960384, 960383, 960382 as set forth in the Hearing Examiner's "Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval," dated April 27, 2018.

**Section 2.** Title 15 of the Ellensburg City Code is hereby amended by changing the city's zoning map as adopted in ECC 15.300.020 for the following described area from Residential Suburban (R-S) to Residential Medium Density (R-M):

**SEC. 26; TWP. 18N; RGE. 18E; LIBENOW PROPERTIES LLC SHORT PLAT E-15-061, LOTS 3C, 3B, 3A. PARCEL ID NUMBERS 960384, 960383, 960382**

**Section 3.** That the official zoning map of the City of Ellensburg, as well as the Geographic Information System (GIS) data shall be amended to incorporate the land use classifications herein provided.

**Section 4.** Except as modified herein, each and every provision of the City Land Development Code, Title 15, as amended, shall remain in full force and effect.

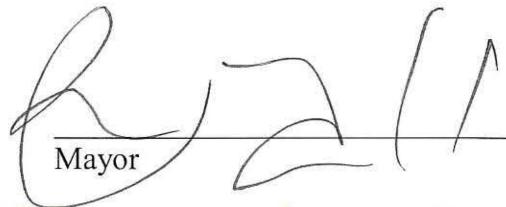
**Section 5. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

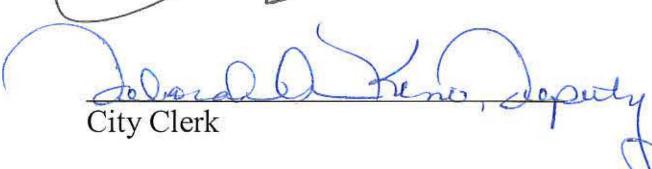
**Section 6. Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 7. Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication as required by law.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 4<sup>th</sup> day of June, 2018.

Attest:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Publish: 6-7-18

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4801 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4801 was published as required by law.

Coreen M. Reno, Deputy Clerk  
COREEN M. RENO, CMC