

RESOLUTION NO. 2019-12

A RESOLUTION of the City Council of Ellensburg, Washington relating to the approval of the Lyle Creek Preliminary Plat No. P18-122 of property located in Ellensburg, Washington.

WHEREAS, on May 2, 2018 Douglas Stalder, principal for Stalder Holdings, LLC, as agent for Sean and Sandra McDowell, property owners, filed a preliminary plat application (P18-122) for ninety-six (96) lots to be developed on approximately 24.59 acres of property located east of N. Pfenning Road and south of Judge Ronald Road, commonly referred to as the “Lyle Creek preliminary subdivision plat”; and

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

WHEREAS, on November 27, 2018 the City’s SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat; and

WHEREAS, following a duly noticed open record public hearing held before the Hearing Examiner on February 12, 2019, to consider the Lyle Creek preliminary subdivision plat application, as provided by Chapter 15.260 ECC, the Hearing Examiner issued his February 15, 2019 Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval; and

WHEREAS, following a duly noticed closed record public hearing held during a regularly scheduled Ellensburg City Council Meeting on March 18, 2019, regarding the Lyle Creek preliminary subdivision plat application, the City Council approved the preliminary plat subject to certain conditions;

NOW, THEREFORE, the Ellensburg City Council do resolve 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 February 15, 2019 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 N. of Pfenning Road and S. of Judge Ronald Road, commonly referred to as the Lyle Creek preliminary subdivision plat, and legally described as follows:

PARCEL 1

THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE ONE-SIXTEENTH SECTION LINE WHICH IS 496.0 FEET WEST OF THE CENTER SOUTH ONE-SIXTEENTH SECTION CORNER; THENCE RUNNING SOUTH 0011' EAST, 143.0 FEET; THENCE SOUTH 89'30' WEST, 494.0 FEET; THENCE NORTH 0011' WEST, 529.6 FEET; THENCE NORTH 89'30' EAST, 494 FEET; THENCE SOUTH 0011' EAST, 386.6 FEET TO THE PLACE OF BEGINNING.

PARCEL 2

THE EAST HALF OF THE NORTH HALF OF THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

A TRACT OF LAND BOUNDED BY A LINE BEGINNING AT A POINT 877.1 FEET NORTH AND 30.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION AND RUNNING THENCE NORTH 0'32' WEST ALONG THE EAST BOUNDARY LINE OF THE RIGHT OF WAY OF THE COUNTY ROAD, 548.5 FEET; THENCE NORTH 89'30' EAST, 1,591.4 FEET; THENCE SOUTH 0'07' WEST, 548.5 FEET; THENCE SOUTH 89'30' WEST, 1,585.1 FEET TO THE POINT OF BEGINNING.

PARCEL 3

THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

A TRACT OF LAND BOUNDED BY A LINE BEGINNING AT A POINT 613.8 FEET SOUTH 0'32' EAST OF A POINT 1,274.0 FEET NORTH 89'19' EAST OF THE WEST QUARTER CORNER OF SAID SECTION AND RUNNING THENCE SOUTH 0'32' EAST, 613.8 FEET; THENCE SOUTH 89'30' WEST, 354.5 FEET; THENCE NORTH

0'32' WEST, 613.8 FEET; AND THENCE NORTH 89'30' EAST, 354.5 FEET TO THE POINT OF BEGINNING.

PARCEL 4

THAT PORTION OF GOVERNMENT LOT 3, SECTION 31, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 919.5 FEET NORTH 8919' EAST OF THE NORTHWEST CORNER OF GOVERNMENT LOT 3; THENCE SOUTH 0°32' EAST, 613.8 FEET; THENCE NORTH 89°30' EAST, 354.5 FEET; THENCE NORTH 0'32' WEST, 613.8 FEET TO THE SOUTH BOUNDARY LINE OF THE COUNTY ROAD; THENCE SOUTH 8919' WEST, ALONG THE SOUTH BOUNDARY LINE OF SAID COUNTY ROAD, 354.5 FEET TO THE POINT OF BEGINNING.

PARCEL 5

LOT 2, OF STAMPFLY SHORT PLAT, KITTITAS COUNTY SHORT PLAT NO. 78-11, AS RECORDED SEPTEMBER 6, 1978, IN BOOK A OF SHORT PLATS, PAGE 33, UNDER AUDITOR'S FILE NO. 425970, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 19 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 89°30'00" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 171.25 FEET; THENCE SOUTH 00°30'00" EAST, A DISTANCE OF 89.25 FEET; THENCE SOUTH 89°30'00" WEST, A DISTANCE OF 61.48 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT WHOSE RADIUS CENTER BEARS NORTH 00°30'00" WEST, A DISTANCE OF 175.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 48.37 FEET THROUGH A CENTRAL ANGLE OF 15°50'09" TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT WHOSE RADIUS CENTER BEARS SOUTH 1520'09" WEST, A DISTANCE OF 225.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 40.19 FEET THROUGH A CENTRAL ANGLE OF 10°14'00" TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT WHOSE RADIUS CENTER BEARS NORTH 05°06'14" EAST, A DISTANCE OF 25.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 36.81 FEET THROUGH A CENTRAL ANGLE OF 8421'46" TO A POINT ON THE EASTERLY RIGHT OF WAY OF PFENNING ROAD, SAID POINT ALSO BEARS SOUTH 00°32'00" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 00°32'00" WEST, ALONG THE WEST LINE OF SAID LOT 2 AND THE EASTERN RIGHT OF WAY OF PFENNING ROAD, A DISTANCE OF 50.28 FEET TO THE POINT OF BEGINNING.

Section 3. The Lyle Creek subdivision plat development (P18-122) 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. The applicant will meet the requirements of the Public Works Department discussed in its memorandums dated October 16, 2018 and February 1, 2018.

2. The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandums dated October 4, 2018 and February 6, 2019.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated August 27, 2018.
4. The applicant will meet the requirements of the Fire Department for hydrants and access as per P18-122.
5. The applicant will meet the requirement of the Cascade Irrigation District discussed in its email comment dated February 6, 2019.
6. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated November 27, 2018.
7. The applicant will meet the requirements of the Critical Area Determination dated November 27, 2018.
8. 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.
9. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
10. No certificates of occupancy shall be issued prior to completion of required public improvements in a manner acceptable to the City in its sole discretion. Issuance of any certificate of occupancy prior to full completion of any of the required improvements shall not be deemed to be a waiver of this section, and such issuance shall not stop the City or impair its ability to demand full completion of required improvements prior to issuance of any further certificates of occupancy.

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.

Adopted this 18th day of March, 2019.



MAYOR

Attest:



City Clerk