

ORDINANCE NO. 4829

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 COMMERCIAL-TOURIST (C-T) TO COMMERCIAL-HIGHWAY (C-H).

WHEREAS, on March 18, 2019 the City received an application (P19-033) from John Ufkes, agent for property owner Triple L LLC, requesting a rezone on 38.61 acres located off of Highway 97, Parcel ID Numbers 529333, 16644, 059333, 953287, 953290, 953291, and 953292 (“application”); and

WHEREAS, the application proposed to rezone the parcels from Commercial-Tourist (C-T) to Commercial-Highway (C-H); 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 City SEPA official issued a Modified Mitigated Determination of Non-Significance (MDNS), on October 28, 2008; and

WHEREAS, the City SEPA official issued an Addendum to the SEPA Modified Mitigated Determination of Non-Significance (MDNS), on April 24, 2019 for the site specific rezone; and

WHEREAS, the Hearing Examiner held a duly noticed open record hearing on June 6, 2019, received evidence and heard testimony regarding the proposed rezone; and

WHEREAS, on June 12, 2019 the Hearing Examiner issued Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval for the rezone request from C-T to C-H; and

WHEREAS, the Ellensburg City Council held a duly noticed closed record hearing on July 1, 2019 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 C-T to C-H;

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 Highway 97, with Parcel ID Numbers 529333, 16644, 059333, 953287, 953290, 953291, and 953292, as set forth in the Hearing Examiner’s “Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval,” dated June 12, 2019.

**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 Commercial-Tourist (C-T) to Commercial-Highway (C-H):

**PARCEL 529333:** TRIPLE L SHORT PLAT E-02-01; PTN LOTS 3 & 4; (PARCEL 4A, B41/47) SEC. 33, TWP. 18; ACRES 22.52

**PARCEL 16644:** WEST PARK SHORT PLAT E-00-06; LOT 1; SEC. 33, TWP. 18, RGE 18; ACRES 6.99

**PARCEL 059333:** CD. 8888-2; SEC 33, TWP 18; RGE 18 PTN NW ¼ SE ¼ (PTN B 26/P211); ACRES 1.47

**PARCEL 953287:** TRIPLE L PLAZA SHORT PLAT E-07-02, LOT 4A; SEC 33; TWP 18; RGE 18; ACRES 1.38

**PARCEL 953290:** TRIPLE L PLAZA SHORT PLAT E-07-02, PTN LOTS 4C & 4D; SEC 33, TWP 18, RGE 18; ACRES 2.31

**PARCEL 953291:** TRIPLE L PLAZA SHORT PLAT E-07-02, LOT 4E; SEC 33; TWP 18; RGE 18; ACRES 2.41

**PARCEL 953292** TRIPLE L PLAZA SHORT PLAT E-07-02, LOT 4F; SEC 33; TWP 18; RGE 18; ACRES 1.53

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

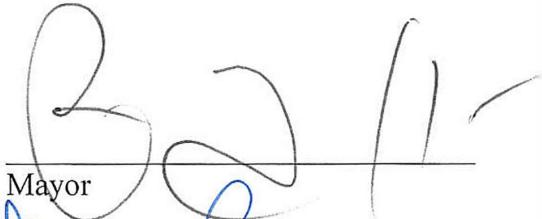
**Section 4.** Except as modified herein, each and every provision of the City Land Development Code, Title 15, as amended, shall remain in full force and effect.

**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 15<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
Mayor

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

Attest:

Approved as to form:

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

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4829 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4829 was published as required by law.

  
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BETH LEADER, CITY CLERK