

RESOLUTION NO. 2020 - 24

**A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON**  
relating to the preliminary plat approval of the Ellensburg Flats Subdivision No. P19-147 of property located in Ellensburg, Washington.

WHEREAS, on April 2, 2020 property owner Byron Borton, as agent for owner Falcon Ridge Investments, LLC, filed a preliminary plat application (P19-147) for seventy-five (75) lots to be developed on approximately 35.55 acres of property located on Kittitas County Assessor's Parcel ID# 11489, in the City of Ellensburg, WA, commonly referred to as the "Ellensburg Flats subdivision"; and

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

WHEREAS, on July 15, 2020 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 September 2, 2020, to consider the preliminary Ellensburg Flats plat subdivision application, as provided by Chapter 15.260 ECC, the Hearing Examiner issued his September 2, 2020 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 October 19, 2020, regarding the preliminary Ellensburg Flats plat subdivision application, the City Council approved the preliminary plat subject to certain conditions;

NOW, THEREFORE, the Ellensburg City Council do resolve as follows:

**Section I.** 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 September 2, 2020 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 on Kittitas County Assessor's Parcel ID# 11489, in the City of Ellensburg, WA, commonly referred to as the Ellensburg Flats preliminary subdivision plat, and legally described as follows:

PARCEL B OF THAT CERTAIN SURVEY MARCH 23, 2006, IN BOOK 32 OF SURVEYS, PAGES 87 THROUGH 88, UNDER AUDITOR'S FILE NO. 200603230038, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON.

**Section 3.** The preliminary Ellensburg Flats plat subdivision development (P19-147) 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. The applicant will meet the requirements of the Energy Services – Light Department discussed in its memorandum dated August 25, 2020.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated August 18, 2020.
4. The applicant will meet the requirements of the Public Works Department discussed in its memorandum dated May 14, 2020.
5. The applicant will meet the requirements of the City of Ellensburg Fire Marshall discussed in its memorandum dated August 26, 2020.
6. The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's Pre-Application Comments dated August 26, 2020.

7. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated July 15, 2020.
8. If applicable, the applicant may be 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.

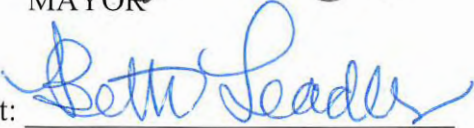
**Section 5.** This resolution is the final decision of the City of Ellensburg upon this matter.

**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.

Passed this 19<sup>th</sup> day of October, 2020.

  
MAYOR

Attest:

  
City Clerk