

ORDINANCE NO. 4874

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, 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 LOW DENSITY (R-L).

WHEREAS, on April 2, 2021 the City received an application (P21-049) from property owners Brandon and Sarah Bedsaul, requesting a rezone of one parcel (13,510 sq. ft.) located on S Tamarack Lane, Parcel ID Number 935233 (“application”); and

WHEREAS, the application proposed to rezone the parcels from Residential Suburban (R-S) to Residential Low Density (R-L); 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 (DNS), on May 17, 2021; and

WHEREAS, the Hearing Examiner held a duly noticed open record hearing on June 10, 2021, received evidence and heard testimony regarding the proposed rezone; and

WHEREAS, the Hearing Examiner on June 15, 2021, issued Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval for the rezone request from R-S to R-L; and

WHEREAS, the Ellensburg City Council held a duly noticed closed record hearing on July 6, 2021 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-L;

NOW, THEREFORE, the City Council of the city of Ellensburg, Washington, do hereby 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 South Tamarack Lane, with Parcel ID Number 935233 as set forth in the Hearing Examiner’s “Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval,” dated June 15, 2021, attached as Exhibit A.

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 Low Density (R-L):

CD. 7848-A; SEC. 1, TWP. 17, RGE. 18; SE1/4 SW1/4 TAX #53 PARCEL ID
NUMBERS 935233

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 passage, approval and publication as required by law.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 19th day of May, 2021.

Attest:

City Clerk

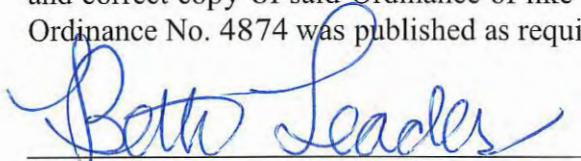
Approved as to form:



City Attorney

Publish: 7-22-21

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4874 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4874 was published as required by law.



Beth Leader

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF LAW,
P 21-049)	DECISION AND CONDITIONS
Bedsaul Rezone)	OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on June 10, 2021, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. The applicant seeks to rezone the subject property from Residential Suburban (R-S) to Residential Low (R-L) for the purpose of subdividing the property and developing an additional dwelling unit. A State Environmental Policy Action (SEPA) Determination of Mitigated Non-Significance (MDNS) was issued for the parcels on May 17, 2021 for the site specific rezone.
2. The applicant and property owner is Sarah Bedsaul.
3. The parcels are located on the east side of Tamarack Lane one lot south of Seattle Ave, in Ellensburg. Kittitas County Assessor's Parcel ID# 935233. Addressed as 606 South Tamarack Ln.
4. The parcel is currently developed with a 1,672 square foot duplex on a 13,510 square foot lot. The proposal would be to divide off the duplex on an 8,300 square foot lot and construct a shop building with an upstairs apartment on the remaining 4,510 square foot lot. The property is bordered by Residential-Suburban zoning to the south east and north and Residential Low zoning to the west.
5. The parcel is larger than the other R-S zoned lots on the same street and similar in size to those lots zoned R-L to the East. In 2002, the parcels were annexed into the City of Ellensburg. At that time, the property was zoned Residential-Suburban (R-S).
6. The site topography is relatively flat and the site has been used as a duplex. Access to the property is from Tamarack Lane.
7. The zoning of the surrounding properties is further described below.

North: The properties to the north, are zoned Residential Suburban, and consist of single-family dwellings and a city park.

South: The properties to the south are zoned Residential Suburban, and consist of single-family dwellings.

East: The properties to the east are zoned Residential Suburban, and consist of single-family dwellings.

West: The properties to the west are zoned Residential-Low (R-L) and consist of a duplex and single family dwellings.

8. Zoning and Development Standards, ECC Title 15: Ellensburg City Code (ECC) Table 15.310.040, Dwelling, single family and Dwelling duplex – indicates that dwellings of either type are a permitted use in both the Residential Low Density zone and the Residential Suburban zone.
9. Comprehensive Plan Designations: This parcel is designated Blended Residential Neighborhood which accommodates a range of building types from small lot single dwellings to, attached or semi-attached dwellings, duplexes, and small scale multi dwelling developments such as triplexes and fourplexes. This designation is similar to the residential neighborhood designation of other properties zoned R-L across the street.
10. Access: Access to the parcel is available via Tamarack Ln. which is classified as a local access.
11. During the SEPA notification process, no comments specific to the rezone request were received. Subsequent to the SEPA environmental review, public notice and distribution of the site specific rezone request was undertaken.
12. Notice of the open record public hearing was published in the legal section of the Daily Record on May 25, 2021, and the site was posted with a land use action signs on May 26, 2021. On May 24, 2021 notice of the rezone was mailed to property owners within 300 feet of the proposed site. No comments were received.
13. The required SEPA checklist was submitted on April 2, 2021, with additional information added on April 7, 2021. The Determination of Completeness was issued on April 12, 2021. The Notice to property owners was issued on April 14, 2021, and the The SEPA Threshold Determination was issued on May 17, 2021.
14. The City of Ellensburg departments commented on the SEPA request, but had no comments specific to the rezone. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on May 17, 2021, for the non-project site specific rezone.
15. Ellensburg City Code Requirements for Site-Specific Rezone: Per Ellensburg City Code, site-specific rezone applications are subject to the Type IV review process, and the Hearings Examiner provides a recommendation to City Council after holding an open record public hearing. The Hearings Examiner must find that the application is in compliance with all of the decision criteria in ECC 15.250.060.
 - 15.1 The criteria for consideration of a site specific rezone are set forth in ECC 15.250.060(C). The applicant has the burden of establishing that all of the following criteria apply to the proposed rezone:
 - 15.1.1. Conditions have changed since the imposition of the zoning classification on the property;
 - 15.1.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
 - 15.1.3. The proposed rezone is consistent with the comprehensive plan;
 - 15.1.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.
16. Analysis of Criteria for a Site-Specific Rezone. The applicant has submitted an application with a narrative addressing the rezone criteria found in ECC 15.250.060(C). The applicant seeks Residential Low (R-L) zoning in order to subdivide the existing property and construct an additional shop building with upstairs apartment. The information submitted by the

applicant is followed by staff analysis. All are recommended findings of the Hearing Examiner.

- 16.1 Conditions have changed since the imposition of the zoning classification on the property.
 - 16.1.1 The original building was built in 1960. Since that time several other buildings have been developed in this neighborhood. There are large developments to the east and south of this parcel. The zoning north and west of this parcel is RL. This lot is substantially larger than all other lots in this block.
 - 16.1.2 In 2002, this property was annexed into the City of Ellensburg and the property was subsequently zoned Residential-Suburban (R-S). At the time of annexation the property was in use as a residence and the comprehensive plan land use designation was and still is Blended Residential. The site specific rezone request is consistent with the Blended Residential land use designation.
- 16.2 The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.
 - 16.2.1 This proposal would not change the already existing structure types, lot sizes or look of the neighborhood. There are no public health or safety issues that would be generated by this rezone.
 - 16.2.2 The rezone to Residential Low (R-L) will allow the existing parcel to be divided off and a new residential structure be built. The residential structure will conform to Ellensburg City Code, and will meet the goal encouraging opportunities for infill as supported by the comp plan without increasing an unexpected demand on utilities and services. This will support the public health, safety, and general welfare of the community by reducing pressures on the low housing supply options.
- 16.3 The proposed rezone is consistent with the comprehensive plan.
 - 16.3.1 The comprehensive plan states that the R-L zone is intended to protect and enhance the character of existing low density residential neighborhoods while allowing for compatible infill development. I feel that this project aligns directly with the comprehensive plans language by creating an opportunity for infill that will not adversely affect the existing neighborhood.
 - 16.3.2 The current comprehensive plan land use designation for this parcel is Blended Residential Neighborhood, which is consistent with the rezone request to residential low density (R-L).
 - 16.3.3 In addition, the Hearing Examiner finds the request for Residential Low (R-L) zoning to be in keeping with the following goals, policies and programs of the current Comprehensive Plan:
 - 16.3.3.1 Goal LU-2, "Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment, and recreation."
 - 16.3.3.1.1 Policy A, "Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth."
- 16.4 The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC for the zoning district.
 - 16.4.1 The Applicant's proposal aligns with all of the language in the RL and RS zones.

16.4.2 The Hearing Examiner finds the rezone proposal consistent with the purpose and standards of Residential Low (R-L) zoning as set forth in ECC 15.300.040(B). The Residential Low Density (R-L) zone purpose, to protect and enhance the character of existing low density residential neighborhoods while allowing for compatible infill development. These purposes are accomplished by:

- 16.4.2.1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units and duplexes and cottage housing on larger lots;
- 16.4.2.2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
- 16.4.2.3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
- 16.4.2.4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;
- 16.4.2.5. Providing a minimum density standard to avoid large scale low density sprawl;
- 16.4.2.6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:
 - 16.4.2.6.1 Energy efficient building and site design;
 - 16.4.2.6.2 Mix of housing types;
 - 16.4.2.6.3 Off-street trails;
 - 16.4.2.6.4 Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
 - 16.4.2.6.5 Preservation of historic buildings; and/or
 - 16.4.2.6.6 Affordable housing; and

16.5 The applicant seeks Residential Low Density (R-L) zoning to be able to short plat the property and construct a shop building with an upstairs apartment staying under the 8 dwelling units per acre maximum density restriction of the RL zone as opposed to the 6 dwelling units per acre maximum density of the existing RS zone which would be exceeded with the current proposal. The applicant will be responsible for meeting all development standards under the Land Development Code.

17. An open record public hearing after due legal notice was held via Zoom on June 10, 2021.

18. The following exhibits were admitted into the record:

- 18.1 Ex. 1: Location Map;
- 18.2 Ex. 2: Current Zoning Map;
- 18.3 Ex. 3: Comprehensive Plan Land Use Designation;
- 18.4 Ex. 4: Area of Notification Map;
- 18.5 Ex. 5: Legal Notice of Open Record Public Hearing;
- 18.6 Ex. 6: Affidavit of Posting and Land Use Action Signs;
- 18.7 Ex. 7: SEPA MDNS;
- 18.8 Ex. 8: Rezone Application;
- 18.9 Ex. 9: Rezone Application Narrative; and
- 18.10 Ex. 10: Staff Report.

19. Appearng and testifying was Sarah Bedsaul, property owner and applicant. Ms. Bedsaul indicated that the proposed Condition of Approval was acceptable.
20. The Hearing Examiner finds the proposal to be consistent with the criteria outlined in 15.250.050 pertaining to rezones. As such, the Hearing Examiner recommends approval of the rezone request, from Residential Suburban (R-S), to Residential Low Density (R-L) zoning to the City Council with the following condition:
 - 20.1 The applicant shall adhere to any requirements related to any future development approvals, including meeting all requirements of utility providers, City departments, and affected districts, as outlined in adopted City Codes and other regulatory documents.
21. No member of the public testified at the hearing.
22. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this recommended Decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the City of Ellensburg Municipal Code and Comprehensive Plan.
3. As conditioned, the proposal conforms to the criteria set forth in City of Ellensburg.
4. As conditioned, the use will comply with all required performance standards as specified in City of Ellensburg Municipal Code.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of either the City of Ellensburg Municipal Code or the Comprehensive Plan.
6. As conditioned, this proposal complies with The Comprehensive Plan, the zoning code and SEPA.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

The Hearing Examiner found the proposal to be consistent with the criteria outlined in 15.250.050 pertaining to rezones. As such, the Hearing Examiner recommends approval to the City Council of the rezone request from Residential Suburban (R-S), to Residential Low Density (R-L) zoning with the following condition:

1. The applicant shall adhere to any requirements related to any future development approvals, including meeting all requirements of utility providers, City departments, and affected districts, as outlined in adopted City Codes and other regulatory documents.

Dated this 15th day of June, 2021.

CITY OF ELLensburg HEARING EXAMINER



Andrew L. Kottkamp