

RESOLUTION NO. 2021 - 28

A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON
relating to the preliminary plat approval of the Foster Subdivision No. P21-039 of property located in Ellensburg, Washington.

WHEREAS, on March 25, 2021 Elliott Whipple, agent for property owner filed a preliminary plat application (P21-039) for one hundred forty one (141) lots to be developed on approximately 43.16 acres of property located on Dry Creek Road, commonly referred to as the "Foster 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 1, 2021 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 August 10, 2021 to consider the preliminary plat application for the Foster Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his September 9, 2021 Corrected 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 September 20, 2021, regarding the preliminary plat application for the Foster Subdivision 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 polices of the City of Ellensburg 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 August 16, 2021 with modification to condition 1 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 at Dry Creek Road, commonly referred to as the Foster Subdivision, and legally described as follows:

PARCEL 1:

The Northeast Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington;

EXCEPT:

1. That portion of said premises which lies Northeasterly of the John Wayne Trail (former Chicago, Milwaukee, St. Paul & Pacific Railroad right of way);
2. A strip of land 100 feet in width extending over and across from the North side to the East side of said land, as conveyed to Chicago, Milwaukee and St. Paul Railway Company of Washington by deed recorded in Book 14 of Deeds, page 318, and as subsequently quieted in the State of Washington, in Final Judgment Quieting Title, as filed June 6, 1997, in the Superior Court of Washington for Kittitas County, under Cause No.88-2-00118-1;

AND

That portion of the Southeast Quarter of the Northeast Quarter of Section 34, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is described as follows:

A tract of land bounded by a line beginning at the Northeast corner of said Quarter of Quarter section and running thence South 00°59' East along the East boundary line thereof 183.6 feet; thence South 67°55' West 602.8 feet; thence South 52°31' West 279.6 feet to the North boundary line of the right of way of the county road; thence North 48°02' West along said boundary line 144.8 feet; thence North 37°15' East 602.8 feet to a point on the North boundary line of said Quarter of Quarter section which is 795.0 feet East of the Northwest corner thereof; and thence North 89°36' East along said North boundary line 620.1 feet to the point of beginning.

PARCEL 2:

Subdivision Guarantee Policy Number: 72156-47608011

A 60' (sixty foot) easement, also shown as "Easement LW", as described in Nonexclusive Easement Agreement recorded January 31, 2019 under Auditor's File No. 201901310034.

Section 3. The preliminary plat of the Foster Subdivision (P21-039) 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 Public Works & Utilities Department discussed in its memorandum dated January 26, 2021, including the widening and installation of curb gutter and sidewalks on the project frontage of Dry Creek Road.
3. The applicant will meet the requirements of the Energy Services – Light Department discussed in its memorandum dated February 3, 2021.
4. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated January 25, 2021.
5. The applicant will meet the requirements of the City of Ellensburg Fire Marshall discussed in his memorandum dated February 2, 2021.
6. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated July 1, 2021.
7. 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.
8. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
9. The applicant will identify and locate all irrigation water delivery system components located on the applicants property, and easements shall be but in place protecting these water delivery systems for the benefit of the benefitted property receiving water from these systems. In the event these water delivery systems are relocated on the Applicant's property, the applicant shall provide easements protecting these relocated water delivery systems.

10. The applicant will develop, and or improve, adequate access to the neighboring elementary schools, specifically including an approach consisting of an all-weather surface connecting the plat to the Palouse to Cascades Trail.
11. 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.

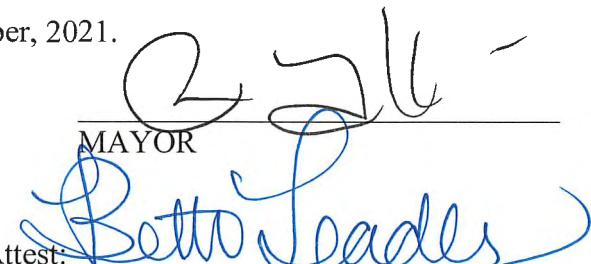
Section 4. The Ellensburg City Council makes the following conclusions of law:

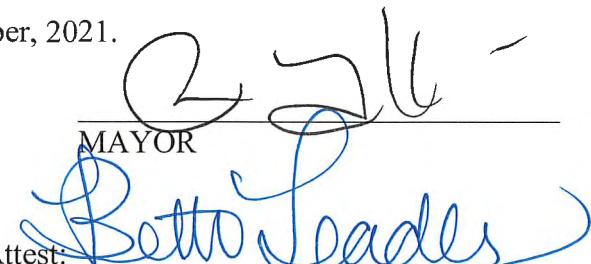
- A. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Ellensburg City Code and Comprehensive Plan.
- B. As conditioned, the proposal does conform to the standards specified in Ellensburg City Code.
- C. As conditioned, the use will comply with all required 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 20th day of September, 2021.



MAYOR
Attest: 
City Clerk