

RESOLUTION NO. 2022-07

**A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON**  
relating to the preliminary plat approval of the Mallard Meadows Subdivision No. P21-125 of property located in Ellensburg, Washington.

WHEREAS, on September 23, 2021 Tom Abbott, agent for Schuler Deneen Family Ranch LLC, and Teanaway Ridge LLC, property owners, filed a preliminary plat application (P21-125) for two hundred ninety-three (293) lots to be developed on two parcels, Kittitas County Assessor Parcel ID #17825 (64.14 acres), and Parcel ID #17827 (41.18 acres), totaling approximately 105.32 acres located at Bull Road, commonly referred to as the "Mallard Meadows Subdivision"; and

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

WHEREAS, on December 20, 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 January 25, 2022 to consider the preliminary plat application for the Mallard Meadows Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his January 26, 2022 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 February 22, 2022, regarding the preliminary plat application for the Mallard Meadows 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 policies 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 January 26, 2022 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 is located at Bull Road, commonly referred to as the Mallard Meadows Subdivision, and legally described as follows:

**TRACT 1:**

Parcels B-2 and B-3, of that certain Survey as recorded August 30, 2002, in Book 28 of Surveys, page 9, under Auditor's File No. 200208300001, records of Kittitas County, Washington; being a portion of the East Half of Section 12, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

**TRACT 2:**

Parcel B-4 of that certain Survey as recorded August 30, 2002, in Book 28 of Surveys, page 9, under Auditor's File No. 200208300001, records of Kittitas County, Washington; being a portion of the East Half of Section 12, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

**Section 3.** The preliminary plat of the Mallard Meadows Subdivision (P21-125) 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 January 11, 2022.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated July 26, 2021.
4. The applicant will meet the requirements of the Public Works & Utilities Department discussed in its memoranda dated October 18, 2021.

5. The applicant will meet the requirements of the City of Ellensburg Fire Marshal's memorandum November 2, 2021.
6. The applicant will meet the requirements of the Planning Department discussed in its memorandum dated January 15, 2022.
7. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated December 20, 2021.
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.

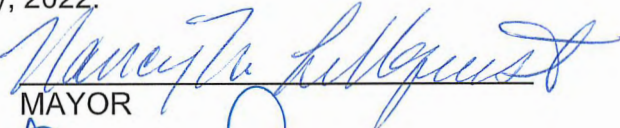
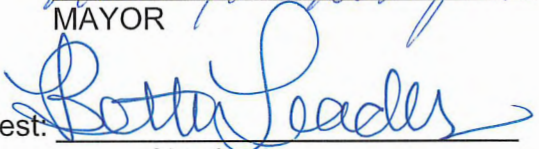
E. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.

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 22<sup>nd</sup> day of February, 2022.

  
MAYOR  
  
Attest: \_\_\_\_\_  
City Clerk