

ORDINANCE NO. 4889

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 SUPPLEMENTAL PUBLIC RESERVE (P-R) TO INDUSTRIAL LIGHT (I-L).

WHEREAS, on March 18, 2022, the City of Ellensburg's Community Development Department submitted application on behalf of the City of Ellensburg ("Applicant"), as owner of a 4.57-acre parcel that currently had split zoning designations of Light Industrial (I-L) and Public Reserve (P-R) ("application"); and

WHEREAS, the proposed rezone would result in the western 60 feet of the Northern 577.10 feet of parcel 955943 being zoned Light Industrial located on the south side of West Dolarway Road in the City of Ellensburg, in Kittitas County, Washington, shown on Tax Map No. 17-18-03000-0004 as Assessor's tax parcel ID 955943; and

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

WHEREAS, on January 10, 2022, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) related to the legislative action; and

WHEREAS, following a duly noticed open record public hearing held before the Planning Commission on April 14, 2022, to consider the Supplemental P-R Rezone, as provided by Chapter 15.250.100 ECC, the Planning Commission made a recommendation to the Ellensburg City Council for approval of Supplemental P-R Rezone request subject to certain conditions; and

WHEREAS, following a duly noticed closed record public hearing held during a regularly scheduled Ellensburg City Council Meeting on May 16, 2022, regarding the Supplemental P-R Rezone proposal to result in the western 60 feet of the Northern 577.10 feet of parcel 955943 being zoned Light Industrial, the City Council approved the Supplemental P-R Rezone request subject to certain conditions;

NOW, THEREFORE, the City Council of the city of Ellensburg, Washington, do hereby ordain as follows:

**Section 1.** The Ellensburg City Council makes the following findings of fact:

A. The rezone is in accordance with the comprehensive plan; and is in compliance with the decision criteria of Ellensburg City Code (ECC) 15.350.110, if developed in accordance with the conditions stated herein; and

B. The rezone will not adversely affect the public health, safety or general welfare; and

C. The rezone is not contrary to the best interest of the citizens and property owners of the city.

**Section 2.** The supplemental P-R rezone request involves the western 60 feet of the Northern 577.10 feet of property in the City of Ellensburg, in Kittitas County, Washington, shown on Tax Map No. 17-18-03000-0004, commonly referred to as Kittitas County Assessor's Parcel ID #955943, and legally described as follows:

ACRES 4.57; PTN NE1/4 (PARCEL C, B41/P100); SEC 03, TWP 17, RGE 18PTN SOUTH ½ (B42/P83); SEC 28, TWP 18, RGE 18; City of Ellensburg, Kittitas Co., WA.

**Section 3.** The City of Ellensburg Supplemental P-R Rezone (P22-036) shall be allowed for development on the subject property in accordance with the following condition of approval, which shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

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

**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 criteria specified in Ellensburg City Code 15.310.050, pertaining to the supplemental P-R rezone.

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

D. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

**Section 5.** 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 6.** 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 7. 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 8. 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 9. 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 6<sup>th</sup> day of June, 2022.

Attest:

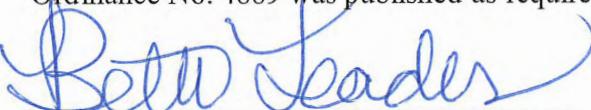
  
Nancy L. Lillquist  
Mayor  
  
Beth Leader  
City Clerk

Approved as to form:

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

Publish:  6-9-2022

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4889 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4889 was published as required by law.

  
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Beth Leader