

RESOLUTION NO. 2023-11

A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON
relating to the preliminary plat approval of the Sparks Subdivision No. P22-126 of
property located in Ellensburg, Washington.

WHEREAS, on December 14, 2022 and January 24, 2023 William F. and Sandra N. Sparks, property owners, filed preliminary plat application submittal materials (P22-126) for twelve (12) lots to be developed on Kittitas County Assessor Parcel ID #'s 14455 & 14456 (2 acres), located at E. Bender Road, commonly referred to as the "Sparks Subdivision"; and

WHEREAS, the applicant also submitted an associated Washington State Environmental Policy Act (SEPA) checklist prior to the plat application; and

WHEREAS, on July 29, 2022 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 March 10, 2023 to consider the preliminary plat application for the Sparks Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his March 14, 2023 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 May 1, 2023, regarding the preliminary plat application for the Sparks 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 March 14, 2023 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 E. Bender Road, commonly referred to as the Sparks Subdivision, and legally described as follows:

Lots 3 and 4 of Priebe Short Plat, Kittitas County Short Plan No. SP96-27, as recorded May 18, 1999, in Book F of Short Plats, pages 32 and 33, under Auditor's File No. 199905180029, records of Kittitas County, State of Washington; being a portion of the Southeast Quarter of Section 26, Township 18 North, Range 18 East, in the County of Kittitas, State of Washington.

Section 3. The preliminary plat of the Sparks Subdivision (P22-126) 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 April 12, 2021.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated March 25, 2021.
4. The applicant will meet the requirements of the Public Works & Utilities Department discussed in its memoranda dated March 2, 2023.
5. The applicant will meet the requirements of the City of Ellensburg Fire Marshal's memorandum February 27, 2023.
6. The applicant will meet the requirements of the Cascade Irrigation District's memorandum dated February 24, 2023.

7. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated July 29, 2022.
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 the Comprehensive Plan, the zoning code and other land use regulations, and SEPA.

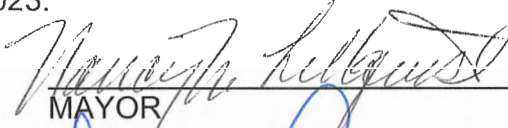
F. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

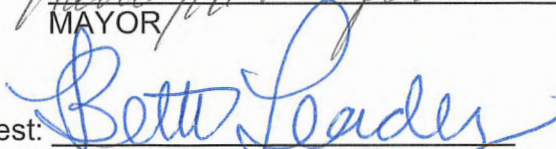
Section 5. This resolution is the final decision of the City of Ellensburg upon this matter.

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 1st day of May, 2023.


MAYOR

Attest: 
City Clerk