

RESOLUTION NO. 2024-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON relating to the preliminary plat approval of the Pierce Subdivision No. P23-115 of property located in Ellensburg, Washington.

WHEREAS, on October 19, 2023 Pooya & Pezhman Roohani, and P&P Homes, LLC, property owners, filed a preliminary plat application (P23-115) for forty-four (44) lots to be developed on Kittitas County Assessor Parcel ID #'s 136233 & 959777 (18.17 total acres) located at Airport Road, commonly referred to as the "Pierce Subdivision"; and

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

WHEREAS, on May 16, 2024 the City's SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat;

WHEREAS, following a duly noticed open record public hearing held before the Hearing Examiner on August 2, 2024 to consider the preliminary plat application for the Pierce Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his August 13, 2024 (revised on August 27, 2024 to correct an erroneous omission of an exhibit) 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 16, 2024, regarding the preliminary plat application for the Pierce Subdivision application, the City Council approved the preliminary plat subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ellensburg, Washington, 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 August 27, 2024 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 Airport Road, commonly referred to as the Pierce Subdivision, and legally described as follows:

PARCEL B :

LOT 3 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 30, 2009, IN BOOK 36 OF SURVEYS, PAGES 186-194, UNDER AUDITOR'S FILE NO. 200912300035, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M, IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL C:

LOT 1 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 30, 2009, IN BOOK 36 OF SURVEYS, PAGES 186-194, UNDER AUDITOR'S FILE NO. 200912300035, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M, IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

SITUATED IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

APN/Parcel(s): 959777, 136233

Section 3. The preliminary plat of the Pierce Subdivision (P23-115) 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. The applicant shall meet the requirements of the Public Works Department discussed in its memorandums dated March 7, 2024, and April 17, 2024, including, but not limited to, the widening and installation of curbs, gutters and sidewalks on the east side frontage of Airport Road.

2. The applicant shall meet the requirements of the Energy Services - Light Department discussed in its memorandums dated March 13, 2024, and April 16, 2024.

3. The applicant shall meet the requirements of the Building Department as per the Building Official's memorandum dated April 19, 2024.

4. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology. The applicant shall work with DOE to determine if this permit is necessary.

5. The applicant is responsible for meeting all general development standards required for plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.

6. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

7. The applicant shall submit a critical areas application to Community Development and receive approval prior to submittal of final plat.

8. Prior to final plat approval, the applicant will need to add signature blocks on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.

9. The applicant shall meet the requirements of the associated Mitigated Determination of Non-Significance (MDNS) (File # P23-116) dated May 16, 2024, as listed below.

10. The applicant shall develop civil and building plans that address the stormwater requirements of both the City of Ellensburg and the State Department of Ecology. These shall address any potential for flooding as may be required by Ellensburg City Code Chapter 15.630. Such plans shall be approved by City Staff prior to construction.

11. The applicant shall comply with all requirements outlined in the Washington Department of Ecology memo dated 4/12/24, regarding water quality and water resources.

12. The applicant shall provide a Cultural Resource Survey consistent with DAHP's standards for cultural resource reporting and submit the report to DAHP and the City of Ellensburg. No ground disturbing activities shall take place until the report has been approved in writing by the City of Ellensburg Community Development Department.

13. As per ECC 15.350.040, because this subdivision creates a lot that is smaller in size than 14,520 square feet, a note shall be placed on the face of the plat stating that there can be no further subdivision of any parcel created by that subdivision while the property is situated within the airport overlay zone (A-O). Additionally, when any division of land including short plats, plats, subdivisions, planned unit developments, or boundary line adjustments occurs on any land within the airport overlay zone (A-O) safety zones 1 through 6, a note shall be recorded with the county auditor as follows: "This property is located within the airport overlay zone in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property."

14. 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.

ADOPTED by the City Council of the City of Ellensburg this 16th day of September,
2024.

Nancy L. Hultquist
Mayor Pro Tem

Attest:

Beth Seader
City Clerk