

**CITY OF ELLensburg
LAND USE HEARING EXAMINER**

IN THE MATTER OF) **RECOMMENDED FINDINGS OF**
P25-115) **FACT, RECOMMENDED**
Solar Dolar, LLC Rezone Request) **CONCLUSIONS OF LAW, AND**
) **RECOMMENDED DECISION**

THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on December 16, 2025, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Recommended Conclusions of Law, Recommended Decision and Recommended Condition of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. **Applicant:** Joel Greear for property owner Solar Dolar LLC
2. **Requested Action:** The applicant seeks to rezone the subject property from Commercial Highway (C-H) to Light Industrial (I-L) for the purpose creating zoning conformance for an existing use and potential future development of similar uses.
3. **Location:** The property is located at 2011 Old Hwy 10 near the intersection of Reecer Creek Rd; Kittitas County Assessor's Parcel ID #952909 & 952910 were recently combined into a single parcel via Boundary Line Adjustment (BLA) under City File # P25-045 recorded as Kittitas County Survey document # 202506160017 (Exhibit A).

4. **BACKGROUND AND SITE INFORMATION**

- 4.1. **Site History:** The property is in the C-H zone, with 5 commercial storage unit buildings (“miniwarehouse facility”). The Applicant has recently requested final inspections for occupancy.
- 4.2. **Site Characteristics:** The site topography is relatively flat except for on-site stormwater retention swales along north and south property line, and a large on-site floodplain compensatory storage pond at the east of the property. The Old Hwy 10 frontage is largely unimproved outside the road pavement section. A previous plat was approved with a deferral of street improvements (sidewalks, etc.). See Exhibit B.
- 4.3. **Surrounding Properties:** A zoning map of the surrounding properties is attached as Exhibit C and further described below:
 - 4.3.1. **North:** Zoned Residential Suburban (R-S): consisting of detached single-family homes (Currier Creek Estates subdivision)

4.3.2. **South**: Zoned I-L and C-H: consisting of mixed uses including open-air aggregate storage between Old Hwy 10, Reecer Creek Rd, and W University Way; and unimproved agricultural lands south of the BNSF right-of-way (ROW) and W University Way

4.3.3. **East**: Zoned C-H, Commercial Neighborhood (C-N), and R-S: consisting of “miniwarehouse facilities” and open-air storage; and low-density residential and agricultural lands

4.3.4. **West**: Zoned C-H and Regional Center Mixed Use (RCMU): consisting of light industrial use northeast of Old Hwy 10 and the BNSF ROW; and unimproved agricultural lands southwest of the BNSF ROW

4.3.5. **Access**: Access to the property is from Old Hwy 10, designated a Minor Arterial, with secondary legal emergency access via existing thirty-foot (30') wide easement established by the Currier Square Business Park short plat as shown on BLA P25-045.

4.4. **Zoning and Development Standards, ECC Title 15**: Ellensburg City Code (ECC) Table 15.310.040, “Nonresidential Uses,” indicates that “miniwarehouse facilities” are not permitted in current C-H zoning, and are permitted as a Conditional Use in the proposed I-L zone.

4.5. **Comprehensive Plan**: See the map attached as Exhibit D. The Ellensburg Comprehensive Plan’s Future Land Use Designation of the property is Mixed Business Park, intended to accommodate a range of commercial and industrial activities typified by office uses, low impact light industrial uses, businesses that may include several uses such as manufacturing, research and development, warehousing, distribution, office, retail customer service, or showrooms. Mixed Business Park Zoning Options include I-L, C-H and RCMU – see Exhibit E. The proposed I-L zoning is consistent with parcels south, and the Mixed Business Park Future Land Use designation is also consistent with the same south parcel, and those immediately east and west of the subject property.

4.6. **Public Comments**: Community Development issued a Notice Public of Application and Rezone hearing on November 6, 2025 via publication in the Ellensburg *Daily Record*, initiating a 21-day comment period that concluded November 27, 2025 (Exhibit F). The site was posted with a land use action sign on November 6, 2025 (Exhibit G). Notice of the Rezone was mailed to property owners within 300 feet of the proposed site on November 6, 2025 (Exhibit H).

4.6.1. As of the date of this decision, one public comment was received. The City of Ellensburg Public Works Department submitted comments on November 13, 2025 stating that future development applications will require consistency with Public Works development standards (Exhibit I). These general requirements will apply absent any specific conditions pursuant to approval of the proposal.

5. **Environmental (SEPA) Review**

5.1. Structures have been established on the property as part of the site’s development for “miniwarehouse facilities.” This development was previously subject to SEPA Mitigated

Determination of Non-Significance (MDNS) P22-027 (Exhibit J). No project is currently subject to review except the rezone's land use decision.

- 5.2. Rezones are exempt from SEPA if in an Urban Growth Area for jurisdictions planning under the Growth Management Act (RCW 36.70A.040), the proposal is consistent with and does not require an amendment to the jurisdiction's Comprehensive Plan, and the Plan was previously subjected to an Environmental Impact Statement prior to its adoption that adequately addressed environmental impacts of the rezone. Ellensburg is part of a Kittitas County Urban Growth Area as a fully planning jurisdiction under the Growth Management Act. The rezone is consistent with the Ellensburg Comprehensive Plan, which has not required an amendment for the rezone and was subject to a Supplemental EIS prior to adoption of its Future Land Use Map and Zoning Conversion Table.
- 5.3. The rezone is categorically exempt from SEPA pursuant to WAC 197-11-800(6)(a),(c) and ECC 15.270.110(A).

6. PROJECT ANALYSIS

6.1. Ellensburg City Code Requirements for Site-Specific Rezone

- 6.1.1. Per Ellensburg City Code, site-specific rezone applications are subject to the Type IV review process, and the Hearings Examiner provides a recommendation to City Council after holding an open record public hearing. The Hearings Examiner must find that the application is in compliance with decision criteria of ECC 15.250.060(C). The applicant has the burden of establishing all the following criteria apply to the proposed rezone:
 - 6.1.1.1. Conditions have changed since the imposition of the zoning classification on the property;
 - 6.1.1.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
 - 6.1.1.3. The proposed rezone is consistent with the comprehensive plan;
 - 6.1.1.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.

6.2. Analysis of Criteria for a Site-Specific Rezone

- 6.2.1. The applicant has submitted an application, a narrative with Comprehensive Plan attachments, and a site plan (Exhibits K, L & M) addressing the rezone criteria. Information submitted by the applicant is followed by Hearing Examiner Findings.
 - 6.2.1.1. Conditions have changed since the imposition of the zoning classification on the property.
 - 6.2.1.1.1. Applicant narrative: At the time of permitting the existing self storage facility, the use of "miniwarehouse facility" was allowed via a conditional use process in the Commercial Highway zone. A conditional use was approved by the City of Ellensburg per project #P22-029 on

7/20/2022 to allow the development and vesting of the existing self storage facility. Since then, the City Of Ellensburg development code has changed and the allowed use of miniwarehouse facility via Conditional Use Process is no longer allowed as a conditional use in the C-H zone. The applicant desires to rezone the property from Commercial Highway to Industrial Light to more closely conform the existing use with current allowed uses. Miniwarehouse facility is currently an allowed use via Conditional Use Process in the Industrial Light zone.

6.2.1.2. Hearing Examiner Findings: Previous property owners applied for a Conditional Use Permit (CUP) on March 8, 2022 (File # P22-029) to develop storage units. At the time, “miniwarehouse facilities” were a Conditional Use in the C-H zone, and the application vested the proposal as submitted. Ellensburg City Council adopted Ordinance No. 4887 on May 16, 2022, which thereafter prohibited “miniwarehouse facilities” in the C-H zone; the existing use on the property would have no longer been permitted in the current C-H zoning district but for the vested CUP. CUP P22-029 was approved by the Ellensburg Planning Commission on July 20, 2022, with no expiration; concurrent SEPA MDNS P22-027 limited project evaluation to a set square footage of storage building space.

6.2.1.3. Solar Dolar LLC subsequently took ownership of the property and applied for storage unit building permits on February 2, 2025. Applicant’s intent is to align the existing property entitlement (via CUP) with a zone that permits the use (as a Conditional Use). Following second reading of Ordinance No. 4975 on November 17, 2025, the I-L zone is the only Ellensburg zoning district that permits “miniwarehouse units,” and only as a Conditional Use.

6.2.1.4. The requested site-specific rezone to I-L is consistent with the Mixed Business Park and Zoning Options outlined in the Comprehensive Plan, and implementing development regulations under ECC Title 15 have since been revised several times to impact zones that permit the existing use of the subject property. Conditions have thus changed on the property since the imposition of its existing zoning.

6.2.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.

6.2.2.1. Applicant narrative: Rezoning this parcel to Industrial Light will promote a safer, healthier, and more vibrant community. The parcel is served by City of Ellensburg infrastructure to enhance public health and safety. There are ample off-street parking spaces to accommodate a variety of commercial, retail and service opportunities. The existing structure will conform to the Ellensburg City Code and will meet the goal of encouraging Industrial Light development as supported by the Comprehensive Plan without increasing an unexpected demand on utilities and services.

6.2.2.2. Hearing Examiner Finding: The purpose of ECC Title 15 is in part “for the conservation, protection and enhancement of the public health, safety and

general welfare" per ECC 15.110.020. The rezone of the subject property to I-L zoning would permit existing "miniwarehouse facilities" as a Conditional Use such as already entitled via CUP and developed, as well as permit other uses identified for the I-L zone by ECC 15.310.040. I-L is a commercial and industrial zone "intended to accommodate certain industrial structures and uses and having physical and operational characteristics which might adversely affect the economic welfare of adjoining residential and commercial uses" per ECC 15.300.050(C), purposes accomplished in part by "allowing a range of general service and light industrial uses which can be operated in a relatively clean, quiet and safe manner compatible with adjoining industrial uses and without serious effect, danger or hazard to nearby residential uses" per ECC 15.300.050(C)(1). The applicant will be responsible for meeting all standards in ECC Title 15 as applicable for any future development proposals or establishing any new uses. The proposed rezone thus bears a substantial relationship to the public health, safety, morals and general welfare of the City of Ellensburg as regulated by ECC Title 15.

6.2.3. The proposed rezone is consistent with the comprehensive plan.

6.2.3.1. Applicant narrative: The proposed rezone to Industrial Light is consistent with the comprehensive plan. The comprehensive plan land use category of this parcel is "mixed business park" (see attached "Exhibit A"). According to the COW "Future Land Use-Zoning Conversion Table (Exhibit B), Industrial Light (I-L) is an allowed zoning option in the Mixed Business Park future land use category. The comprehensive plan outlines goals for sustainable development, efficient land use, and vibrant neighborhoods. Rezoning to Industrial Light aligns with these objective by promoting consistent and compact growth patterns, maximizing land use efficiency, and facilitating convenient access to amenities and services for residents. In addition.

6.2.3.1.1. Staff Note: Applicant's documents are included as Narrative attachments under this packet's Exhibit L; referenced information is also found in packet Exhibits D & E.

6.2.3.2. Hearing Examiner Findings: The Comprehensive Plan's Future Land Use Designation for the parcel is Mixed Business Park, concentrated in 3 areas: at and near the subject property; south of Bowers Field airport on the north side of East Sanders Road; and on either side of West Umptanum Road near its South industrial Way intersection. This Future Land Use designation is intended to accommodate a range of commercial and industrial activities typified low impact light industrial uses such as currently on the property (among others), often as a transitional area between other uses, and whose scale and intensity of implement zoning districts should be compatible with adjacent developments. This applies to the subject property and parcels immediately east and west, and that south across Old Hwy 10.

6.2.3.3. The Plan's Future Land Use-Zoning Conversation Table also indicates the rezone request to I-L is consistent with the Future Land Use Map.

6.2.3.4. In addition, the request for I-L zoning is consistent with the following goals, policies and action items in the Comprehensive Plan:

6.2.3.4.1. Goal LU-5: Plan for commercial and industrial areas that serve the community, are attractive, and have long-term economic vitality.

6.2.3.4.2. Policy A: Provide a diversity of commercial and industrial lands to provide an array of businesses and development opportunities that serve the community.

6.2.3.4.3. Goal T-2: Prioritize connection with state highway routes and removal of bottlenecks that delay the movement of people and goods.

6.2.3.4.4. Policy G: Focus industrial growth along specific transportation corridors that are designed to accommodate heavy vehicles and other industrial users.

6.2.3.4.5. Goal ED-2: Stimulate and diversify Ellensburg's economic.

6.2.3.4.6. Policy D: Encourage development of light industrial uses within the City of Ellensburg.

6.2.3.4.6.1. Action Item: *Increase usable industrial zoned property.*
Review the industrial land inventory and identify and implement steps within the City's control to make more light industrial land available in less constrained areas.

6.2.3.5. Based on the preceding, the proposed rezone is consistent with the Comprehensive Plan.

6.2.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC [ECC Title 15, "Land Development Code"] for the zoning district.

6.2.4.1. Applicant narrative: The proposed rezoning to Industrial Light adheres to the specific development standards outlined in the Land Development Code (LDC) of the zoning district. The applicant will ensure any future development complies with regulations regarding building heights, setbacks, lot coverage, and other relevant criteria, maintaining the character and quality of the area while accommodating Industrial Light development. The proposed rezone shall be consistent with the development standards in the LDC for the Light Industrial.

6.2.4.2. Hearing Examiner Finding: The property is developed with existing "miniwarehouse facility" use from previously obtained entitlement via CUP P22-029. "Miniwarehouse facilities" have since been prohibited in the property's current C-H zone, and permitted as a Conditional Use in the proposed I-L zoning designation. For any future uses, the applicant will be responsible for meeting all use permissions and development standards in ECC Title 15, as well as Public Works, Energy Services and building code standards as applicable for a project. The proposed rezone to I-L is thus consistent with ECC Title 15 regulations and related development and construction standards as applicable

7. An open record public hearing was held, after legal notice, on December 16, 2025.
8. Appearing and testifying on behalf of the Applicant was Joel Greear. Mr. Greear testified that he is an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Greear stated that they agreed with all the representations set forth within the staff report.
9. No members of the public testified at the hearing.
10. The following exhibits were admitted into the record:
 - 10.1. Ex. A. Recorded Boundary Line Adjustment Survey P25-045
 - 10.2. Ex. B. Location Map
 - 10.3. Ex. C. Current Zoning Map
 - 10.4. Ex. D. Comprehensive Plan Future Land Use Map
 - 10.5. Ex. E. Comprehensive Plan Future Land Use-Zoning Conversion Table
 - 10.6. Ex. F. Affidavit of Publication, Ellensburg Daily Record
 - 10.7. Ex. G. Affidavit and Evidence of Posted Land Use Action Sign
 - 10.8. Ex. H. Affidavit of Mailed Notice & Buffer Map
 - 10.9. Ex. I. City of Ellensburg Public Works Comments
 - 10.10. Ex. J. SEPA P22-027 MDNS
 - 10.11. Ex. K. Rezone Application
 - 10.12. Ex. L. Applicant's Narrative & Comprehensive Plan Attachments
 - 10.13. Ex. M. Applicant's Site Plan
 - 10.14. Ex. N. Staff Report
 - 10.15. Ex. O. Staff Power Point
 - 10.16. Ex. P. Public Comment from Pam McMullin-Messier
11. The City of Ellensburg Hearing Examiner considered all evidence within the record in rendering this decision.
12. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted the authority to render this recommended decision.
2. The requested rezone meets all the criteria set forth within Ellensburg City Code 15.250.060.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Recommended Conclusions of Law, P25-115 the Hearing Examiner hereby recommends that this Rezone Request be **APPROVED**.

Dated this 29 day of December, 2025

CITY OF ELLensburg HEARING EXAMINER



Andrew L. Kottkamp