

ORDINANCE NO. 4960

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 RESIDENTIAL SUBURBAN (R-S) TO COMMERCIAL NEIGHBORHOOD (C-N).

WHEREAS, on November 18, 2024 the City received an application (P24-120) from Jim Ritter, property owner, Stockyard Development Group LLC, requesting a rezone of two parcels located at 1350 Reecer Creek Road, Parcel ID Number 963051 and 716133 (“application”); and

WHEREAS, the application proposed to rezone the parcels from Residential Suburban (R-S) to Commercial Neighborhood (C-N); and

WHEREAS, pursuant to ECC Table 15.210.050(D), a Site-Specific Rezone Application is processed under a Type IV review, which requires a Hearing Examiner recommendation to City Council after an Open Record Hearing, with the final decision to be made by City Council after a Quasi-Judicial Closed Record Hearing; and

WHEREAS, the SEPA official for the City issued a Determination of Non-Significance (DNS), on December 19, 2023; and

WHEREAS, the Hearing Examiner held a duly noticed open record hearing on August 14, 2024, received evidence and heard testimony regarding the proposed rezone; and

WHEREAS, the Hearing Examiner on April 16, 2025, issued Recommended Findings of Fact, Conclusions of Law, and Decision for the rezone request from R-S to C-N; and

WHEREAS, the Hearing Examiner on April 28, 2025, issued Corrected Recommended Findings of Fact, Conclusions of Law, and Decision for the rezone request from R-S to C-N; and

WHEREAS, the Ellensburg City Council held a duly noticed closed record hearing on May 5, 2025 and at the conclusion of the hearing approved a motion to adopt the Hearing Examiner’s Corrected Recommended Findings of Fact, Recommended Conclusions of Law, and Recommended Decision, and to approve the applicant’s request to rezone the subject property from R-S and to C-N; and

WHEREAS, the Ellensburg City Council conducted the second reading of Ordinance 4960 on May 19, 2025, approving rezone of parcel numbers 963051 and 716133 from Residential Suburban to Commercial Neighborhood.

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

**Section 1.** The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council for approval with regard to the rezone for the hereinafter described property located at 1350 Reecer Creek Road, with Parcel ID Number 963051 and 716133, as set forth in the Hearing Examiner's "Corrected Recommended Findings of Fact, Recommended Conclusions of Law, and Recommended Decision," dated April 28, 2025, attached as Exhibit A.

**Section 2.** Title 15 of the Ellensburg City Code is hereby amended by changing the city's zoning map as adopted in ECC 15.300.020 for the following described area from Residential Suburban (R-S) to Commercial Neighborhood (C-N):

ACRES 4.54; PTN E1/2 NW1/4 (PARCEL 1D, B45/P10-13); SEC 34, TWP 18, RGE 18

ACRES 3.90; OZANICH SHORT PLAT 99-24, PTN LOT 1; PTN E1/2 NW1/4 (PARCEL 1C, B45/P10-13); SEC 34, TWP 18, RGE 18

**Section 3.** 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 4.** 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.

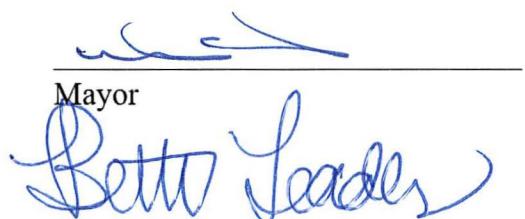
**Section 5. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 6. 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 7. Effective Date.** This ordinance shall take effect and be in full force five (5) days after passage, approval and publication as required by law.

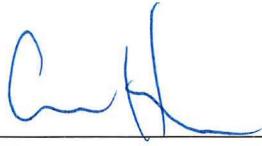
The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 19<sup>th</sup> day of May, 2025.

Attest:

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Betty Sanders

City Clerk

Approved as to form:



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

\_\_\_\_\_  
Publish: 5-22-25

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4960 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4960 was published as required by law.



\_\_\_\_\_  
Beth Leader

**CITY OF ELLensburg  
LAND USE HEARING EXAMINER**

<p><b>IN THE MATTER OF</b></p> <p>P24-120</p> <p>Silver Star Event Center Rezone</p>	<p>)</p> <p>)</p> <p>)</p> <p><b>CORRECTED RECOMMENDED FINDINGS OF FACT, RECOMMENDED CONCLUSIONS OF LAW, RECOMMENDED DECISION AND RECOMMENDED CONDITIONS OF APPROVAL</b></p>
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THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on April 14, 2025, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Recommended Conclusions of Law, Recommended Decision and Recommended Conditions of Approval as follows:

**I. RECOMMENDED FINDINGS OF FACT**

1. **Applicant:** James S. Ritter, of property owner Stockyard Development Group LLC
2. **Requested Action:** The applicant seeks to rezone the subject parcels from Residential Suburban (R-S) to Commercial Neighborhood (C-N) for the purpose of developing an event center, museum space, and associated parking and site improvements.
3. **Location:** The property is two contiguous parcels located at 1350 Reecer Creek Road, on the eastside of Reecer Creek Road, a minor arterial, between West University Way and West Dry Creek Road; Kittitas County Assessor's Parcel ID #'s 963051 and 716133.
4. **Site History:** Parcels 963051 and 716133 are in the R-S zone, currently consisting of undeveloped lands previously used for seasonal cattle grazing. Applicant seeks the rezone to allow development of an event center and museum.
5. **Site Characteristics:** The site topography is relatively flat and mostly covered with grass. A row of conifer trees has been planted along the west and part of the south sides of the northerly parcel, which also includes riparian tree cover along Whisky Creek at its northeast. Whiskey Creek traverses a portion of the parcel, and its Critical Area Buffer stretches into portions of both parcels. This area of the northerly parcel is also a portion of the 100-year mapped floodplain, and also includes several mapped wetland areas. See **Exhibit A**.
6. **Surrounding Properties:** A zoning map of the surrounding properties is attached as **Exhibit B** and further described below:
  - 6.1. **North:** Zoned R-S and unincorporated north of the Reecer Creek Rd and W Dry Creek Rd intersection, consisting primarily of low density residential
  - 6.2. **South:** Zoned Commercial Highway (C-H) and Light Industrial (I-L), consisting of light industrial uses and agricultural lands
  - 6.3. **East:** Zoned R-S, consisting of agricultural lands and a low density residential subdivision under development
  - 6.4. **West:** Zoned I-L and C-H, consisting of resource uses and agricultural lands

7. **Zoning and Development Standards, ECC Title 15:** Ellensburg City Code (ECC) Table 15.310.040, “Nonresidential Uses” and “Special Uses,” indicate that both Places of Assembly (as event centers are defined per ECC 15.130.160) and Museums are permitted as conditional uses in current R-S zoning, and are permitted uses in the proposed C-N zone. C-N is a commercial designation per ECC 15.300.050(A) that also allows for a limited variety of attached housing types. Applicant has submitted preliminary materials for Critical Area review to account for ECC Title 15, Division VI regulations regarding the property’s Critical Areas, to be completed contingent to future building permit approval.

8. **Comprehensive Plan:** See the map attached as **Exhibit C**. The Ellensburg Comprehensive Plan’s Future Land Use Designation of the property is Blended Residential Neighborhood, intended to function as a transition between neighborhoods with less density and core uses such as commercial areas, and to accommodate a range of building types. Blended Residential Neighborhood Zoning Options include C-N as proposed, as well as Residential Low (R-L), Residential Medium (R-M) and Residential High (R-H) – see **Exhibit D**. The proposed C-N zoning is not found in the immediate area, though the Blended Residential Neighborhood Future Land Use designation is consistent with parcels stretching north and east of the subject property.

9. **Public Comments:** Community Development issued a Notice Public of Application and Rezone hearing on February 20, 2025, initiating a 21-day comment period that concluded March 13, 2025 (**Exhibit E**). The site was posted with a land use action signs on February 17, 2025 (**Exhibits F**). Notice of the Rezone was mailed to property owners within 300 feet of the proposed site on February 20, 2025 (**Exhibit H**).

9.1. No public comments were received. The City of Ellensburg Public Works Department submitted comments on March 10, 2025, citing a number of future development requirements upon submittal of applicable permits, which will require consistency with Public Works development standards (**Exhibit I**).

10. **Environmental (SEPA) Review**

10.1. The proposed site-specific rezone did not require an additional SEPA review, as it is exempt. Per the conditions listed under WAC 197-11-800(6)(c), Where an exempt project requires a rezone, the rezone is exempt only if:

10.1.1. The project is in an urban growth area in a city or county planning under RCW 36.70A.040;

10.1.2. The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and

10.1.3. The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.

10.2. The proposed site-specific rezone satisfies the above listed requirements, and therefore, did not require a SEPA review.

10.3. Previously, the applicant underwent the standard SEPA process for the proposed project development (P21-101), for which an MDNS was issued on December 19, 2023. (**Exhibit J**) The scope of work reviewed under this 2021 SEPA included the new construction of the event center, museum, and associated structures and site development.

11. **PROJECT ANALYSIS**

11.1. Ellensburg City Code Requirements for Site-Specific Rezone

11.1.1. 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:

- 11.1.1.1. Conditions have changed since the imposition of the zoning classification on the property;
- 11.1.1.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
- 11.1.1.3. The proposed rezone is consistent with the comprehensive plan;
- 11.1.1.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.

#### 11.1.2. Analysis of Criteria for a Site-Specific Rezone

11.1.2.1. The applicant has submitted an application and narrative (**Exhibit K**), with revised materials submitted after (**Exhibit L**). Information submitted by the applicant is followed by staff analysis.

11.1.2.1.1. Conditions have changed since the imposition of the zoning classification on the property.

11.1.2.1.1.1. **Applicant narrative:** *The conditions of these properties and land use needs have changed significantly since the last zoning update. The City has continued to rapidly expand to the west and northwest, with significant housing projects built and slated for development on Dry Creek and Reecer Creek Roads. Additionally, the City has made significant capital improvements with sidewalks, drainage, and utility improvements along University Way as part of its Gateway Project. There are also active plans by other West Interchange area landowners to further commercially develop their properties. Of additional note, my properties are some of the most highly visible to everyone entering and/or leaving the city of Ellensburg from Exit #106, Highway 10, and Highway 97. This location would be ideal for future (thoughtful) commercial development that could create a positive image for those entering and leaving the City. It is also the only route to CWU from Eastbound I-90. Additionally, the City has no cultural entities, entertainment venues, or other services anywhere in this area.*

11.1.2.1.1.2. **Hearing Examiner Finding:** Parcels 963051 and 716133 are zoned Residential Suburban (R-S); they border parcels north and east also zoned R-S, while parcels west and south are zoned with other commercial and industrial designations (C-H and I-L). The transition of the property from former agricultural use to vacated lands preceding development is generally consistent with the development pattern of western Ellensburg between the I-90/U.S. Hwy 97 interchange and W University Way. The requested site-specific rezone to C-N is consistent with the Blended Residential Neighborhood Designation and Zoning Options outlined in the Comprehensive Plan, adopted since the former historic use was established on the property. Conditions have thus changed on the property since the imposition of its existing zoning.

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

11.1.2.1.2.1. **Applicant narrative:** *The rezone is critical to this area because it will allow me to continue to make further improvements to these properties that have historically been neglected, in disrepair, and underutilized. This rezone will also allow me to build a much-needed cultural, and entertainment area within the city limits that could be utilized by the citizens of Kittitas County, Ellensburg, CWU students, and their families, and enhance tourism. This development would also encourage other developers to consider other forms of "thoughtful" development that could enhance the City's image and preserve the region's aesthetic charm.*

11.1.2.1.2.2. **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 Parcels 963051 and 716133 to C-N zoning will allow for a proposed event center and museum on the property, intended uses that conform with the proposed zone's permitted uses. C-N is a commercial zone intended in part "to serve the residential neighborhoods in outlying areas of the city" per ECC 15.300.050(A). The applicant will be responsible for meeting all development standards in ECC Title 15 as applicable, including completion of Critical Area review. 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.

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

11.1.2.1.3.1. **Applicant narrative:** *These parcels fall within the City's future Comprehensive Plan, and two former City Officials (Jeremy and Laura) both advised in August of 2024 that the re-zone would be the best option for mutually beneficial use of the properties and would encourage approval of the re-zone request.*

11.1.2.1.3.2. **Hearing Examiner Finding:** The Comprehensive Plan's Future Land Use Designation for the parcel is Blended Residential Neighborhood. The Plan's Future Land Use-Zoning Conversation Table indicates the rezone request to C-N is consistent with the Future Land Use Map. Blended Residential Neighborhood is a mixed-use Future Land Use designation intended to function as a transition between neighborhoods with less density and core uses such as commercial areas, and to accommodate a range of building types. The property is located along Reecer Creek Road, a minor arterial. The subject property is located between existing and developing lower density residential subdivisions and commercial areas near I-90 and along W University Way.

11.1.2.2. In addition, the request for C-N zoning is consistent with the following goals, policies and programs in the Comprehensive Plan:

11.1.2.2.1. **Goal LU-1:** Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.

11.1.2.2.1.1. **Policy B:** Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities.

11.1.2.2.1.2. **Program 1:** Encourage new neighborhood commercial uses in residential areas with particular attention to establishing pedestrian-oriented neighborhoods and regulating offsite impacts to adjoining residential areas.

11.1.2.2.2. **Goal LU-2:** Establish land use patterns that promote walking, biking, and using transit to access goods, services, education, employment, and recreation.

11.1.2.2.2.1. **Policy A:** Enhance the character, quality, and function of existing residential neighborhood while accommodating anticipated growth.

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

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

11.1.2.2.3.2. **Program 2:** Access high-traffic generating land uses from arterials whenever possible. If this is not possible, provide mitigation to address access impacts.

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

11.1.2.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the LDC [ECC Title 15] for the zoning district.

11.1.2.4.1. **Applicant narrative:** *The proposed re-zone request for these properties is consistent with the development standards in the LDC. The City had already tentatively approved the SEPA, Site, Traffic, and Development Plans for parcel 716133 and scheduled this project for a final public hearing on August 2, 2024. I have spent the past 3 years installing all utilities to these parcels, working closely with city officials on this project, and satisfying all legal requirements to proceed. NOTE: City officials were highly supportive of this rezone because a small portion of the southern parcel is already zoned Commercial Highway (causing a Split Zone) that they want to eliminate by granting the re-zone to Commercial/Neighborhood R/S is also an inconsistent zone as it is for "areas characterized predominantly by single-family dwellings", while the area around these parcels to the east, west, and south are all zoned commercial (and already have commercial structure in operations and is what the Commercial/Neighborhood zone was created for).*

11.1.2.4.2. **Hearing Examiner Finding:** The intended use of the property as an event center and museum is permitted in the C-N zone. The applicant will be responsible for meeting all development standards in ECC Title 15 including parking for associated uses per ECC Table 15.550.040(A), as well as Public Works and building code standards as applicable for the project. The proposed rezone to C-N is thus consistent with ECC Title 15 regulations and related Ellensburg development and construction standards as applicable.

11.1.3. **Staff Conclusion:** Based on the assessment above, Community Development finds the proposal to be consistent with rezone evaluation criteria of ECC 15.250.060(C)

12. An open record public hearing was held, after legal notice, on April 14, 2025.
13. Appearing and testifying on behalf of the Applicant was Jim Ritter. Mr. Ritter testified that he was the property owner and Applicant. Mr. Ritter stated that he agreed with the representations set forth within the staff report.
14. No member of the public testified at the hearing.
15. The following exhibits were admitted into the record:
  - 15.1. Ex. A. Location Map
  - 15.2. Ex. B. Current Zoning Map
  - 15.3. Ex. C. Comprehensive Plan Future Land Use Map
  - 15.4. Ex. D. Comprehensive Plan Future Land Use-Zoning Conversion Table
  - 15.5. Ex. E. Affidavit of Publication, *Ellensburg Daily Record*
  - 15.6. Ex. F. Posted Land Use Action Sign and Affidavit
  - 15.7. Ex. G. Buffer Mailing Affidavit
  - 15.8. Ex. H. Public Works Comment Letter
  - 15.9. Ex. I. P21-101 SEPA MDNS
  - 15.10. Ex. J. Rezone Application
  - 15.11. Ex. K. Rezone Narrative
  - 15.12. Ex. L. Rezone Site Plan
  - 15.13. Ex. M. Staff Report
16. The City of Ellensburg Hearing Examiner considered all evidence within the record in rendering this decision.
17. 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, P24-035 the Hearing Examiner hereby recommends that this Rezone Request be **APPROVED** subject to the following Recommended Condition of Approval.

### IV. RECOMMENDED CONDITIONS OF APPROVAL

1. Applicant shall conform with all conditions of SEPA Mitigated Determination of Non-Significance P21-101.
2. Any water main extended onto the parcel to serve Fire Hydrants and Water Services shall be granted a utility easement.
3. All required parking spaces, ingress/egress, and loading areas shall be hard surfaced.

Dated this 28 day of April, 2025

CITY OF ELLensburg HEARING EXAMINER



Andrew L. Kottkamp