

ORDINANCE NO. 4961

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 HEAVY INDUSTRIAL (I-H) TO CENTRAL COMMERCIAL (C-C).

WHEREAS, on January 27, 2025, the City received an application (P25-006) from Ken Fyall of property owner Ellensburg Market Properties, Inc., represented by Loren Bayles (Agent), requesting a rezone of one parcel of land located at 308 West 4th Avenue, Parcel ID Number 537833; and

WHEREAS, the application proposed to rezone the parcel from Heavy Industrial (I-H) to Central Commercial (C-C); and

WHEREAS, pursuant to Ellensburg City Code (“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 request is exempt from the State Environmental Policy Act pursuant to Washington Administrative Code 197-11-800(6)(b),(c) and ECC 15.270.110(B)(3); and

WHEREAS, the Hearing Examiner held a duly noticed open record hearing on April 14, 2025, where the Examiner received evidence and heard testimony regarding the proposed rezone; and

WHEREAS, the Hearing Examiner on April 16, 2025, issued “Recommended Findings of Fact, Recommended Conclusions of Law, and Recommended Decision” for the rezone request from I-H to C-C; and

WHEREAS, the Ellensburg City Council held a closed record hearing on May 5, 2025, and at the conclusion of the hearing approved a motion to adopt the Hearing Examiner’s “Recommended Findings of Fact, Recommended Conclusions of Law, and Recommended Decision” dated April 16, 2025, and to approve the applicant’s request to rezone the subject property from I-H to C-C; and

WHEREAS, the Ellensburg City Council conducted the second reading of Ordinance 4961, on May 19, 2025, approving rezone of parcel #537833 from I-H to C-C.

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 308 West 4th Avenue, with Parcel ID Number 537833, as set forth in the Hearing Examiner's "Recommended Findings of Fact, Recommended Conclusions of Law, and Recommended Decision," dated April 16, 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 Heavy Industrial (I-H) to Central Commercial (C-C):

PARCEL ID NUMBER 537833 – LOT 1, BLOCK 19, DEPOT ADDITION TO THE CITY OF ELLENSBURG, AS PER THE PLAT THEREOF RECORDED IN BOOK 1 OF PLATS, PAGE 59, RECORDS OF KITTITAS COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

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.

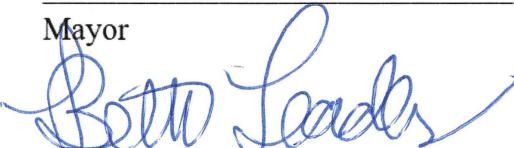
Section 6. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection 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 19th day of May 2025.

Attest:



Mayor


Betty Leader
City Clerk

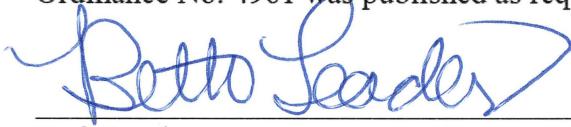
Approved as to form:



City Attorney

Publish: 5-22-25

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4961 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4961 was published as required by law.



Beth Leader

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
P25-006)	FACT, RECOMMENDED
Fyall 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 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 Condition of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. **Applicant:** Loren Bayles, authorized agent for property owner Ken Fyall
2. **Requested Action:** The applicant seeks to rezone the subject property from Heavy Industrial (I-H) to Central Commercial (C-C) for the purpose establishing a commercial indoor recreational climbing center in an existing structure.
3. **Location:** The parcel is located at 308 W 4th Avenue at the southeast corner of N Kittitas Street and W 4th Avenue in Ellensburg; Kittitas County Assessor's Parcel ID # 537833.
4. **Site History:** Parcel ID # 537833 is in the I-H zone, with an existing commercial structure of approximately 3,200 square feet constructed in 1979, and most recently used for retail furniture storage. The applicant is proposing to establish a commercial indoor recreational climbing center in the existing structure on the property.
5. **Site Characteristics:** The site topography is relatively flat, with a noticeable westward downslope toward N Kittitas Street from the middle of the property south. The 4th Avenue frontage is improved with curb-tight sidewalk, while the N Kittitas Street frontage is unimproved opening to asphalt parking adjacent to the building. 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 C-C, consisting of mixed uses including open-air storage, commercial (Moose Lodge building), and multifamily residential
 - 6.2. **South:** Zoned I-H, consisting of mixed uses including unimproved lands, open-air storage, and abandoned commercial structures
 - 6.3. **East:** Zoned C-C, consisting of mixed uses including offices and surface parking
 - 6.4. **West:** Zoned I-H, consisting of heavy industrial use (Twin City Foods)
 - 6.5. **Access:** Access to the property is from W 4th Avenue and N Kittitas Street, both local streets
7. **Zoning and Development Standards, ECC Title 15:** Ellensburg City Code (ECC) Table 15.310.040, "Nonresidential Uses," indicates that commercial indoor recreation is not permitted in current I-H zoning, and is permitted in the proposed C-C zone.

8. **Comprehensive Plan:** See the map attached as **Exhibit C**. The Ellensburg Comprehensive Plan's Future Land Use Designation of the property is Urban Center, intended to sustain a commercial district catering to pedestrians and accommodating zoning districts that provide a mix of retail and residential uses as well as entertainment and leisure activities. Urban Center Zoning Options include C-C, and Central Commercial II (C-C II) – see **Exhibit D**. The proposed C-C zoning is consistent with parcels north and east, and the Urban Center Future Land Use designation is also consistent with properties north, east, and south 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 19, 2025 (**Exhibits F & G**). 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 21, 2025, stating that future development applications will require consistency with Public Works development standards (**Exhibit L**). These general requirements will apply absent any specific conditions pursuant to approval of the proposal.

10. Environmental (SEPA) Review

- 10.1. Where categorically exempt projects (such as changes of use) require a rezone, the rezone is also exempt from SEPA if the project is 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. Changes of use are exempt from SEPA provided authorized activities will be conducted in an existing building that would qualify for exemption under WAC 197-11-800(1),(2) ("minor new construction"), and activities will not change building character in a way that would remove it from an exempt class.
- 10.2. Applicant proposes to change the use of an existing commercial structure of approximately 3,200 square feet. The City of Ellensburg has adopted a flexible exemption threshold of 12,000 square feet for commercial buildings as minor new construction categorically exempt from SEPA, per ECC 15.270.110(B)(3) and pursuant to WAC 197-11-800(1), subsections (b)(iv), (c), and (d). The project does not plan any expansion of the existing structure. The underlying project (change of use) is categorically exempt.
- 10.3. The exempt project requires a rezone prior to establishing the use. 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 project and which was subject to a Supplemental EIS prior to adoption of its Future Land Use Map and Zoning Conversion Table.
- 10.4. Because all of the preceding apply, the rezone is categorically exempt from SEPA pursuant to WAC 197-11-800(6)(b),(c) and ECC 15.270.110(B)(3).

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.

11.2. Analysis of Criteria for a Site-Specific Rezone

11.2.1. The applicant has submitted an application and narrative (**Exhibit I**), with a supplemental narrative (**Exhibit J**) addressing the rezone criteria. Information submitted by the applicant is followed by staff analysis.

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

11.2.1.1.1. **Applicant narrative:** *Since the original zoning classification of Heavy Industrial (I-H) was imposed, significant changes have occurred in the surrounding area. The site is now situated within the Central Business District, adjacent to properties already zoned Commercial (C-C). The evolving character of the neighborhood has shifted towards more community-oriented uses, reflecting a demand for recreational facilities that support public engagement and well-being.*

11.2.1.1.2. **Hearing Examiner Finding:** Parcel 537833 is zoned Heavy Industrial (I-H); it borders parcels west and south also zoned I-H, while parcels north and east are zoned with the proposed Central Commercial (C-C) designation. The transitional nature of this area is intended to support pedestrian-oriented core business district activities – see further below. The property is available due to vacated prior tenancy of retail furniture storage. The requested site-specific rezone to C-C is consistent with the Urban Center Future Land Use Designation and Zoning Options outlined in the Comprehensive Plan, adopted since the former use was previously established on the property. Conditions have thus changed on the property since the imposition of its existing zoning.

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

11.2.1.2.1. **Applicant narrative:** *The proposed rezone to Commercial (C-C) is directly related to enhancing public health and safety by providing a safe, indoor recreational space for the community. The climbing center will promote physical activity, social interaction, and mental well-being, contributing positively to the general welfare of Ellensburg residents. The facility will be designed to accommodate climbers of all ages and skill levels, fostering a sense of community and encouraging healthy lifestyles.*

11.2.1.2.2. **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 parcel 537833 to C-C zoning

P25-006

Fyall Rezone Request
Page 3 of 6

will allow for commercial indoor recreational use on the property, an intended use that conforms with the proposed zone's permitted uses. C-C is a mixed-use zone "intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area" per ECC 15.300.060(2). The applicant will be responsible for meeting all development standards in ECC Title 15 as applicable. 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.

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

11.2.1.3.1. **Applicant narrative:** *The proposed rezone aligns with the City of Ellensburg's Comprehensive Plan, particularly as the site is located within the Urban Center as indicated on the Future Land Use map. This designation supports the development of commercial and recreational facilities that serve the community, making the proposed climbing gym a fitting addition to the area. The rezone will help fulfill the city's goals of promoting diverse recreational opportunities and enhancing the urban environment.*

11.2.1.3.2. **Hearing Examiner Finding:** The Comprehensive Plan's Future Land Use Designation for the parcel is Urban Center, extending to transitional areas between the historic downtown core and higher intensity industrial activity west. The Plan's Future Land Use-Zoning Conversation Table indicates the rezone request to C-C is consistent with the Future Land Use Map. Urban Center is a mixed-use Future Land Use designation intended to sustain a commercial district catering to pedestrians, accommodating a mix of retail and residential uses as well as entertainment and leisure activities.

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

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

11.2.1.3.4.1. **Policy C:** Support development of compact, livable, and walkable mixed use centers.

11.2.1.3.4.2. **Program 1:** Support downtown's development with the mix of uses, amenities, and infrastructure that maintain it as a cultural, retail, and social destination.

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

11.2.1.3.6. **Goal LU-4:** Support downtown's development as an economic, tourist, and retail destination.

11.2.1.3.6.1. **Policy A:** Encourage development and activity which increases automobile and pedestrian traffic in the downtown area.

11.2.1.3.6.2. **Program 1:** Support and encourage a mix of businesses in downtown.

11.2.1.3.7. **Goal ED-4:** Emphasize equity-focused economic development of downtown as an economic, tourist, retail, art, and event destination.

11.2.1.3.7.1. **Policy B:** Partner with regional EDOs and community organizations to implement the downtown economic development plan.

11.2.1.3.7.2. **Program 1:** Encourage mixed uses in the downtown area to support increased commercial and tourist activity, walkability, and diverse housing options.

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

11.2.1.4. 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.

11.2.1.4.1. **Applicant narrative:** *The proposed rezone to the Commercial (C-C) zoning district is consistent with the development standards outlined in the Land Development Code (LDC). The existing warehouse structure, with its 3,200 square feet of usable space, 15-foot ceilings, and dual access points, meets the requirements for commercial use. Additionally, the site offers four designated parking spots along with ample street parking, ensuring compliance with parking regulations and facilitating easy access for visitors. There is also power, sewer, gas, and water to the building. All further development of the building by the applicant such as signage, landscaping, and the addition of bathrooms will also be consistent with these standards.*

11.2.1.4.2. **Hearing Examiner Finding:** The intended use of the property as a climbing center is permitted as commercial indoor recreation in the proposed C-C zone. The C-C district has no off-street parking requirements for non-residential uses per ECC Table 15.550.040(A), Note B. The applicant will be responsible for meeting all development standards in ECC Title 15, as well as Public Works and building code standards as applicable for the project, including as related utilities, signage, landscaping, and bathrooms. The proposed rezone to C-C is thus consistent with ECC Title 15 regulations and related Ellensburg development and construction standards as applicable.

11.2.1.5. **Hearing Examiner Finding:** Based on the assessment above, the Hearing Examiner 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 Loren Bayles. Mr. Bayles testified that he is the Applicant and was an agent of the property owner and authorized to appear and speak on their behalf. Mr. Bayles stated that he agreed with the representations set forth within the staff report.
14. Testifying from the public were the following individuals:
 - 14.1. Jeff Hashimoto: Mr. Hashimoto testified that he was in favor of the rezone and that he was an advisor to the high school climbing club.
 - 14.2. Jesse Sieak: Mr. Sieak testified in favor of the rezone indicating that the proposed climbing gym that would result from the rezone is very much needed in the community.
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 Signs
- 15.7. Ex. G. Affidavit of Posted Land Use Action Signs
- 15.8. Ex. H. Affidavit of Mailed Notice with Buffer Map
- 15.9. Ex. I. Rezone Application and Narrative
- 15.10. Ex. J. Supplemental Narrative
- 15.11. Ex. K. Applicant's Project Site Plan
- 15.12. Ex. L. City of Ellensburg Public Works Comments
- 15.13. Ex. M. Staff Report
- 15.14. Ex. N. 4/14/25 from Mark Rud to the Hearing Examiner

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, P25-006 the Hearing Examiner hereby recommends that this Rezone Request be **APPROVED**.

Dated this 16 day of April, 2025

CITY OF ELLENSBURG HEARING EXAMINER



Andrew L. Kottkamp