

ORDINANCE NO. 4963

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 LIGHT INDUSTRIAL (I-L) TO REGIONAL CENTER MIXED-USE (RCMU).

WHEREAS, on February 25, 2025, the City received an application (P25-017) from Michelle Jensen of TAJ, LLC, property owner, and represented by Quentin Batjer (Attorney), requesting a rezone of one parcel of land located at 902 North Enterprise Way, Parcel ID Number 954442; and

WHEREAS, the application proposed to rezone the parcel from Light Industrial (I-L) to Regional Center Mixed-Use (RCMU); 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 SEPA official for the City issued a Determination of Non-Significance (DNS) on April 24, 2025; and

WHEREAS, the Hearing Examiner held a duly noticed open record hearing on May 13, 2025, where the Examiner received evidence and heard testimony regarding the proposed rezone; and

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

WHEREAS, the Ellensburg City Council held a closed record hearing on June 2, 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 May 16, 2025, and to approve the applicant’s request to rezone the subject property from I-L to RCMU.

WHEREAS, the Ellensburg City Council conducted the second reading of Ordinance 4963, on June 16, 2025, approving rezone of parcel #954442 from I-L to RCMU.

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 902 North Enterprise Way, with Parcel ID Number 954442, as set forth in the Hearing Examiner's "Recommended Findings of Fact, Recommended Conclusions of Law, and Recommended Decision," dated May 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 Light Industrial (I-L) to Regional Center Mixed-Use (RCMU):

PARCEL ID NUMBER 954442 – ALLIANCE SHORT PLAT N0.1, E-07-03, LOT 9; 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.

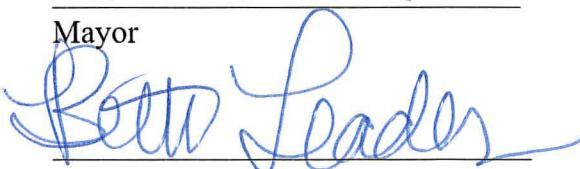
**Section 6. Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection 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 16<sup>th</sup> day of June 2025.

Attest:

  
\_\_\_\_\_  
Mayor

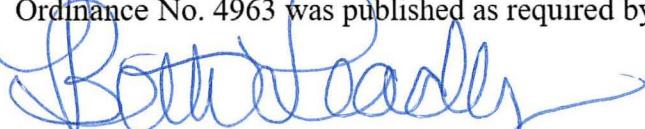
  
\_\_\_\_\_  
City Clerk

Approved as to form:

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

Publish: 

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4963 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4963 was published as required by law.

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

**CITY OF ELLensburg  
LAND USE HEARING EXAMINER**

IN THE MATTER OF	RECOMMENDED FINDINGS OF
P25-017	FACT, RECOMMENDED
TAJ 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 May 13, 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:** Michelle Jensen of TAJ LLC, property owner.
2. **Requested Action:** The applicant seeks to rezone the subject property from Light Industrial (I-L) to Regional Center Mixed-Use (RCMU). No future development or additions to the existing building are currently proposed.
3. **Location:** The parcel is located at 902 N. Enterprise Way; Kittitas County Assessor's Parcel ID # 954442.
4. **Site History:** Parcel ID # 954442 is in the I-L zone, with an existing commercial structure of approximately 5,622 square feet constructed in 2008 and has most recently been used as an office building and storage warehouse.
5. **Site Characteristics:** The site topography is relatively flat and mostly paved. An existing commercial structure is located on the subject property. The N. Enterprise Way Street frontage is improved with curb-tight sidewalks. The parcel exists within the 100-year mapped floodplain. 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 I-L, consisting of mini-storage warehouses.
  - 6.2. **South:** Zoned I-L, consisting of mixed uses including commercial buildings and unimproved lands.
  - 6.3. **East:** Zoned RCMU, consisting primarily of unimproved lands
  - 6.4. **West:** Zoned PR, consisting of unimproved lands
7. **Access:** Access to the property is from N Enterprise Way, a landscape street
8. **Zoning and Development Standards, ECC Title 15:** Ellensburg City Code (ECC) Table 15.310.040, "Nonresidential Uses," indicates that "Offices, businesses or professional" are permitted in current I-L zoning and are permitted in the proposed RCMU zone. The RCMU zone is designed to provide a broad mix of uses that offer a variety of commercial and employment opportunities and to provide transitions

from differing land use. The proposed RCMU zone is consistent with parcels to the east of the subject parcel and is a compatible zone considering the future land use designation.

9. **Comprehensive Plan:** See the map attached as Exhibit C. The Ellensburg Comprehensive Plan's Future Land Use Designation of the property is Community Mixed Use, intended to accommodate a combination of commercial and/or office activities that include a residential component within a self-contained planned development. Community Mixed Use Zoning Options include RCMU, as is proposed, as well as Residential Medium (R-M), Residential High (R-H), Residential Office (R-O), Neighborhood Center (NCMU), and Commercial Highway (C-H). – see Exhibit D.
10. **Public Comments:** Community Development issued a Notice Public of Application and Rezone hearing on March 27, 2025, initiating a 21-day comment period that concluded April 17, 2025 (Exhibit E). The site was posted with a land use action signs on March 26, 2025 (Exhibits F & G). Notice of the Rezone was mailed to property owners within 300 feet of the proposed site on March 27, 2025 (Exhibit H).
  - 10.1. As of the date of this staff report, no public comments have been received. The City of Ellensburg Public Works Department submitted comments on April 15, 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.

## 11. Environmental (SEPA) Review

- 11.1. The applicant submitted the required SEPA checklist for review, which was processed as follows:
  - 11.2. SEPA Checklist Submitted: 02/25/25
  - 11.3. Determination of Completeness: 03/24/24
  - 11.4. Notice of SEPA Checklist: 03/27/2025
  - 11.5. SEPA Threshold Determination 04/25/25
- 11.6. Community Development received no outside agency or public comment during the comment period. The City of Ellensburg Public Works Department submitted comments on April 15, 2025, stating that future development applications will require consistency with Public Works development standards.
- 11.7. A SEPA Determination of Non-Significance (DNS) was issued on April 25, 2025 (Exhibit I), for the non-project site specific rezone. As of the date of this report, no appeals have been filed.

## 12. PROJECT ANALYSIS

- 12.1. **Ellensburg City Code Requirements for Site-Specific Rezone:** 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:
  - 12.1.1. Conditions have changed since the imposition of the zoning classification on the property;
  - 12.1.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare;
  - 12.1.3. The proposed rezone is consistent with the comprehensive plan;

- 12.1.4. The proposed rezone to a particular zoning district shall be consistent with the development standards in the Land Development Code for the zoning district.
- 12.2. **Analysis of Criteria for a Site-Specific Rezone:** The applicant has submitted an application and narrative (Exhibit J) addressing the rezone criteria. Information submitted by the applicant is followed by staff analysis.
- 12.2.1. Conditions have changed since the imposition of the zoning classification on the property.
- 12.2.1.1. **Applicant narrative:** The parcel, wholly owned by TAJ, LLC, was created as part of the Alliance Short Plat No. 1 and is currently zoned Light Industrial (I-L). The parcel is approximately 1.14 acres off of West Dolarway Rd. It is bordered by I-L to the west and north, and Regional Center Mixed-Use (RCMU) to the east. It is currently served by city utilities.
- 12.2.1.1.1. The surrounding area has evolved since the original zoning classification was established. The initial tenant, Valley Heating and Cooling, has vacated and the space will no longer be used for light industrial work. Going forward, the property will be used primarily as commercial office space. To that end, in 2017, 530 sq. ft. of warehouse space was converted to office space.
- 12.2.1.1.2. Sidewalks on either side of N. Enterprise Way and streetlights serve the parcel from West Dolarway Rd. The structure will conform to the Ellensburg City Code and will meet the goal of encouraging mixed-use development as supported by the Comprehensive Plan without increasing an unexpected demand on utilities and services.
- 12.2.1.1.3. Given the adjacent parcel's RCMU designation (Parcel No. 946113), there's a clear indication of changing trends and needs in the community. This shift suggests a demand for more mixed-use development to accommodate a variety of functions within the same area. Mixed-use development is favored in the Comprehensive Plan.
- 12.2.1.1.4. The site-specific rezone request is consistent with the Regional Center Mixed-use designation.
- 12.2.1.2. **Hearing Examiner finding:** Parcel 954442 is zoned Light Industrial (I-L); it borders parcels north and south also zoned I-L, while parcels west are zoned Public Reserve and parcels east are zoned with the proposed Regional Center Mixed-Use (RCMU) designation. The property is available due to vacated prior tenancy of a light industrial tenant. The property is transitioning to a commercial office space use. The requested site-specific rezone to RCMU is consistent with the Community Mixed Use 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.
- 12.2.2. The proposed rezone bears a substantial relationship to the public health, safety, morals, and general welfare.
- 12.2.2.1. **Applicant narrative:** Rezoning this parcel to RCMU will promote a safer, healthier, and more vibrant community. It will encourage pedestrian and bicycle-friendly environments, reducing reliance on automobiles and mitigating traffic congestion. By fostering a mix of commercial spaces, it will create opportunities for local businesses and increase community engagement.

12.2.2.1.1. As stated above, the parcel is served by street infrastructure (curb, gutter, sidewalks, streetlights) to enhance the public health and safety. There are ample off-street parking spaces (20+) to accommodate a variety of commercial, retail and service opportunities.

12.2.2.1.2. The structure will conform to the Ellensburg City Code and will meet the goal of encouraging mixed-use development as supported by the Comprehensive Plan without increasing an unexpected demand on utilities and services.

12.2.2.1.3. The site-specific rezone request will support the public health, safety, and general welfare of the community by encouraging mixed use development and will reduce pressure on low housing supply options.

12.2.2.2. **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 parcel 954442 to RCMU zoning will allow for commercial mixed-use development on the property. RCMU is a mixed-use zone “intended to provide a broad mix of uses that offer a variety of commercial and employment opportunities and medium to high density multifamily housing.” per ECC 15.300.060(B)(5). 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.

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

12.2.3.1. **Applicant narrative:** The RCMU is consistent with the Comprehensive Plan designation.

12.2.3.1.1. The comprehensive plan outlines goals for sustainable development, efficient land use, and vibrant neighborhoods. Rezoning to RCMU aligns with these objectives by promoting compact growth patterns, maximizing land use efficiency, and facilitating convenient access to amenities and services for residents.

12.2.3.1.2. In addition, the site-specific rezone request is consistent with the following goals, policies and programs of the current Comprehensive Plan:

12.2.3.1.2.1. Goal LU-1, Policy B (fostering compatibility of development with the character of surrounding areas).

12.2.3.1.2.2. Goal LU-2, Policy A (Encourage and promote rezoning requests that will allow for and permit the mixing of residential and commercial uses).

12.2.3.1.2.3. Goal LU-3 (Encourage pedestrian-scale design in commercial and mixed-use areas).

12.2.3.2. **Staff analysis:** The Comprehensive Plan’s Future Land Use Designation for the parcel is Community Mixed Use, accommodating a mixture of commercial and/or office activities. The Plan’s Future Land Use-Zoning Conversation Table indicates the rezone request to RCMU is consistent with the Future Land Use Map. Community Mixed Use is a mixed-use Future Land Use designation intended to provide a complimentary mix of land use and development types to create focal points for

community activity and identity. These areas serve as a transition between commercial and/or industrial areas.

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

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

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

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

12.2.3.2.1.3. Goal LU-3: Encourage pedestrian-scale design in commercial and mixed-use areas.

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

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

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

12.2.4. 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.

12.2.4.1. **Applicant narrative:** The proposed rezoning to RCMU adheres to the specific development standards outlined in the Land Development Code (LDC) for this zoning district. The applicant will ensure new development complies with regulations regarding building heights, setbacks, lot coverage, and other relevant criteria, maintaining the character and quality of the area while accommodating mixed-use development.

12.2.4.1.1. Specifically, ECC 15.300.060 encourages mixed-use development in areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide transitions between significantly different land use.

12.2.4.1.2. The proposed rezone shall be consistent with the development standards in the LDC for the RCMU.

12.2.4.2. **Hearing Examiner Finding:** The intended use of the property is to continue as an established commercial office. 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 for any future proposed development. The proposed rezone to RCMU is thus consistent with ECC Title 15 regulations and related Ellensburg development and construction standards as applicable.

13. An open record public hearing was held, after legal notice, on May 13, 2025.

14. Appearing and testifying on behalf of the Applicant was Simon Vickery. Mr. Vickery testified that he is the attorney for the applicant and property owner and authorized to appear and speak on their behalf. Mr. Vickery stated that they agreed with all the representations set forth within the staff report.
15. No members of the public testified at the hearing.
16. The following exhibits were admitted into the record:
  - 16.1. Ex. A. Location Map
  - 16.2. Ex. B. Current Zoning Map
  - 16.3. Ex. C. Comprehensive Plan Future Land Use Map
  - 16.4. Ex. D. Comprehensive Plan Future Land Use-Zoning Conversion Table
  - 16.5. Ex. E. Affidavit of Publication, *Ellensburg Daily Record*
  - 16.6. Ex. F. Posted Land Use Action Sign
  - 16.7. Ex. G. Affidavit of Posted Land Use Action Sign
  - 16.8. Ex. H. Affidavit of Mailed Notice
  - 16.9. Ex. I. SEPA DNS
  - 16.10. Ex. J. Rezone Application and Narrative
  - 16.11. Ex. K. Applicant's Project Site Plan
  - 16.12. Ex. L. City of Ellensburg Public Works Comments
  - 16.13. Ex. M. Staff Report
  - 16.14. Ex. N Staff Power Point
17. The City of Ellensburg Hearing Examiner considered all evidence within the record in rendering this decision.
18. 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, P25-017 the Hearing Examiner hereby recommends that this Rezone Request be **APPROVED**.

P25-017  
TAJ LLC Rezone Request  
Page 6 of 7

Dated this 16 day of May, 2025

CITY OF ELLENSBURG HEARING EXAMINER



Andrew L. Kottkamp