

ORDINANCE NO. 1546

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, amending the official zoning map of the City of Des Moines in order to change the zoning classification for specific properties currently zoned Residential Single Family - 7,200 (RS-7200) to Business Park (B-P).

WHEREAS, the Preferred Land Use Designation of approximately 15.59 acres of property in the northeastern corner of the North Hill Neighborhood was changed from Single Family (SF) to Business Park (BP) as part of the *2011 Des Moines Comprehensive Plan Amendments*, and

WHEREAS, the primary purpose of the zoning code as provided in Chapter 18.06 DMMC, is for the orderly development of property in the City and to prevent the intrusion of incompatible uses which would damage the security and stability of land and improvements, and

WHEREAS, the property's current zoning classification is inconsistent with the Preferred Land Designation of Commercial established by the Figure 2-06 of the *City of Des Moines Comprehensive Plan*, and

WHEREAS, the SEPA Responsible Official issued a *Notice Adoption of Existing Environmental Documents* on June 26, 2012 adopting the DNS and associated SEPA Checklist for the *2011 Comprehensive Plan Amendments* prepared by the City of Des Moines under file number LUA2011-0028 pursuant to WAC 197-11-630 to fulfill the requirements of SEPA, and

WHEREAS, on June 4, 2012, the Des Moines Planning Agency reviewed the proposed site specific rezone during a public meeting and recommended approval, and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held on July 26, 2012, and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendment contained in this ordinance is appropriate and necessary for the preservation of the public health and welfare; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings of fact. The findings of fact and conclusions set forth in Exhibit A, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to change the zoning classification for the area described in Section 2 of Ordinance 1546.

Sec. 2. Area of Zone Reclassification. The zoning classification of the following legally described property and depicted on the attached map (incorporated herein by this reference) entitled Exhibit "B" is amended from Residential Single Family - 7,200 (RS-7200) to Business Park (B-P):

That Portion of the Northeast Quarter located in Section 05 Township 22 North Range 04 East of the W.M., in King County, Washington described as follows:

Beginning at the northeastern corner of Lot 18 of Block 3 Lowe's Terrace No. 8 filed in Volume 50 of Plats, Page 88, Records of King County, Washington;

THENCE S 0° 13' 32" W 532.48 feet;

THENCE N 87° 25' 29" W 124.81 feet;

THENCE S 0° 50' 59" E 362.73 feet;

THENCE S 87° 19' 52" E 355.70 feet;

THENCE S 01° 54' 56" E 363.87 feet;

THENCE N 87° 12' 59" W 240.54 feet to the westerly margin of Des Moines Way;

THENCE north easterly along the westerly margin of Des Moines Way to the south margin of South 194th Street;

THENCE westerly along the southerly margin of South 194th Street 788.48 feet to northeastern corner of Lot 18 of Block 3 Lowe's Terrace 8 filed in Volume 50 of Plats, Page 88, Records of King County, Washington and the Point of Beginning.

EXCEPT that portion thereof condemned by the State of Washington under King County Superior Court No. 05-2-39263-1 KNT.

Sec. 3. Official Zoning Map Adoption. DMMC 18.80.010 and section 1 of Ordinance No. 179 amended by section 1 of Ordinance No. 1235, amended by section 8 of Ordinance No. 1237, amended by section 1 of Ordinance No. 1261, amended by section 1 of Ordinance No. 1267, amended by section 1 of Ordinance No. 1289, amended by section 1 of Ordinance No. 1372 amended by section 5 of Ordinance No. 1397 amended by section 1 of Ordinance 1420 amended by section 2 of Ordinance 1431 amended by section 2 Ordinance 1520 are each amended as follows:

18.80.010 Designated.

The map filed in the City Clerk's office and marked Exhibit "C" to Ordinance No. 12-107 and adopted July 25, 2012, constitutes the zoning map for the City. The map referenced herein supersedes all previously adopted maps. If the designations of the map are found to be in conflict with other land use designations, the map is deemed to control. Conditional rezones or other special zoning designations shall be clearly outlined on the map along with the associated ordinance number.

Sec. 4. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 5. Effective Date. This ordinance shall take effect

and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 26th day of July, 2012 and signed in authentication thereof this 26th day of July, 2012.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Effective Date: August 25, 2012

Published: July 31, 2012

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1546, Adopted July 26, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends the official zoning map of the City of Des Moines in order to change the zoning classification for specific properties currently zoned Residential Single Family - 7,200 (RS-7200) to Business Park (B-P).

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: July 31, 2012

EXHIBIT A TO ORDINANCE NO. 1546

FINDINGS of FACT

1. RCW 36.70.547 requires that, "[E]very county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport."
2. *Des Moines Comprehensive Plan* Policy 2-03-11 directs the City to "[R]egulate the siting of incompatible uses adjacent to the Sea-Tac airport, as defined in RCW 36.70.547 and the Washington State Department of Transportation's *Airports and Compatible Land Use Volume 1* (1999)."
3. The properties are located between the 65 Day-Night Average Sound Level (DNL) and 70 DNL noise level contours as established *Seattle-Tacoma International Airport FAR Part 150 Study Update* (hereinafter Part 150 Study) (2002) Figure C39 pg C.89.
4. The 2002 Part 150 Study Figure C9 (pg C.25) identifies office buildings, wholesale, retail, utilities, government services and parking as a compatible land use within the 65-70 DNL noise level contour without noise restrictions.
5. The 2002 Part 150 Study Figure C9 (pg C.25) identifies residence as an incompatible land use within the 65-70 DNL noise level contour and should be prohibited.
6. The properties are located within the draft version of the Projected 2016 65 DNL noise level contour. The final adopted Projected 2016 65 DNL noise contour will be included in the update to the 2002 Part 150 Study currently being prepared by the Port of Seattle.
7. *Des Moines Comprehensive Plan* Policy 2-03-12 directs the City to "[R]ecognize the City of Des Moines Comprehensive Plan Preferred Land Use Maps, Figures 2-3 through 2-11, as the official land use maps of the City of Des Moines, providing a geographic representation of the Land Use Element Goal and Policies. Recognize the City of Des

Moines Zoning Map as the official zoning map. Undertake all planning activities to implement and support the designated land use pattern."

8. *Des Moines Comprehensive Plan* Strategy 2-04-03 requires the City to "[C]reate consistency between the uses designated in the City of Des Moines Comprehensive Plan with those designated on the City of Des Moines Zoning Map."
9. *Des Moines Comprehensive Plan* Strategy 2-04-05 states that, "Zoning should be brought into conformance with the City of Des Moines Comprehensive Plan Land Use Map."
10. *Des Moines Comprehensive Plan* Strategy 2-04-06 states that the City should, "[R]equire all zoning changes to conform with the land use pattern designated on the City of Des Moines Comprehensive Plan Land Use Map. Require that all rezones consider, among other relevant considerations, the following:
 - (1) The effect upon the physical and biological environments;
 - (2) The effect on the economic, social and cultural environments;
 - (3) The impact on adjacent land uses and neighborhoods; and
 - (4) The impact on community and regional facilities, utilities, and transportation."
11. On December 1, 2011, the City Council adopted Ordinance 1528 adopting the *2011 Comprehensive Plan Amendments*, which included among other items, changing the preferred land use designation for the area described in Section 2 of Ordinance 1546 from SF-Single Family to BP-Business Park.
12. The *Washington State Department of Transportation's Airports and Compatible Land Use Guidebook* (2011) establishes six Safety Zones based on where accidents have historically been most concentrated around airports.
13. The area designated Business Park by the *Des Moines Comprehensive Plan* Figure 2-07 is wholly located in

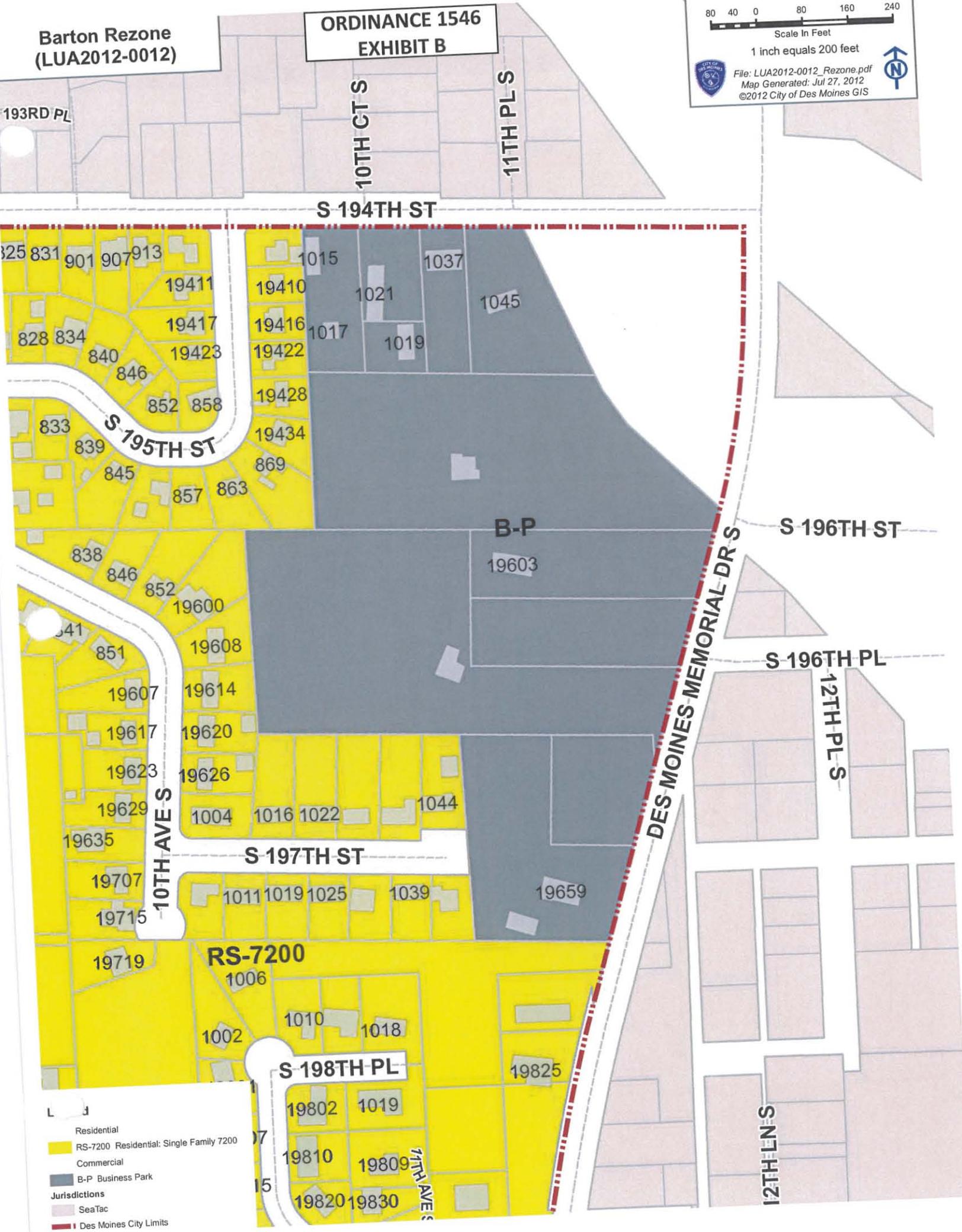
Safety Zone 2 as such residential uses are prohibited by the *Washington State Department of Transportation's Airports and Compatible Land Use Guidebook Appendix F - Table F-2*.

14. The area described in Section 2 of Ordinance No. 1546 subject to this zoning reclassification to Business Park is currently zoned Residential Single Family 7,200 which is inconsistent with the current preferred land use designation of Business Park (BP) established by *City of Des Moines Comprehensive Plan Figure 2-06*.
15. Ordinance No. 1546 contains substantive standards respecting the use or modification of the environment which require review under the State Environmental Policy Act (SEPA) - Chapter 43.21C RCW as a non-project action.
16. The City's SEPA Responsible Official reviewed the content of the DNS and associated SEPA Checklist for the 2011 Comprehensive Plan Amendments prepared by the City of Des Moines under file number LUA2011-0028 which included an evaluation of the impacts associated with changing the Land Use Designation on property in the northeastern corner of the North Hill Neighborhood from Single-Family to Business Park.
17. The City's SEPA Responsible Official determined the analysis within the SEPA checklist was sufficient to address the likely environmental impacts associated with the proposed zoning reclassification from Residential Single Family - 7,200 (RS-7200) to Business Park (B-P) adopted these documents on June 26, 2012 pursuant to WAC 197-11-630 in order to fulfill the environmental review requirements of SEPA.
18. Amendments to official zoning map are considered Type IV Land Use Actions pursuant to DMMC 18.56.060(1) and as such require a public hearing with the City Council pursuant to DMMC 18.56.180 and 18.60.040.
19. Notice of the public hearing was posted at the City's official posting locations, the City website, the Seattle Times, provided to all properties owners subject to the zoning reclassification, and to all properties within 300 feet of the area under consideration to be rezoned as required by DMMC 18.60.120(3).

**Barton Rezone
(LUA2012-0012)**

**ORDINANCE 1546
EXHIBIT B**

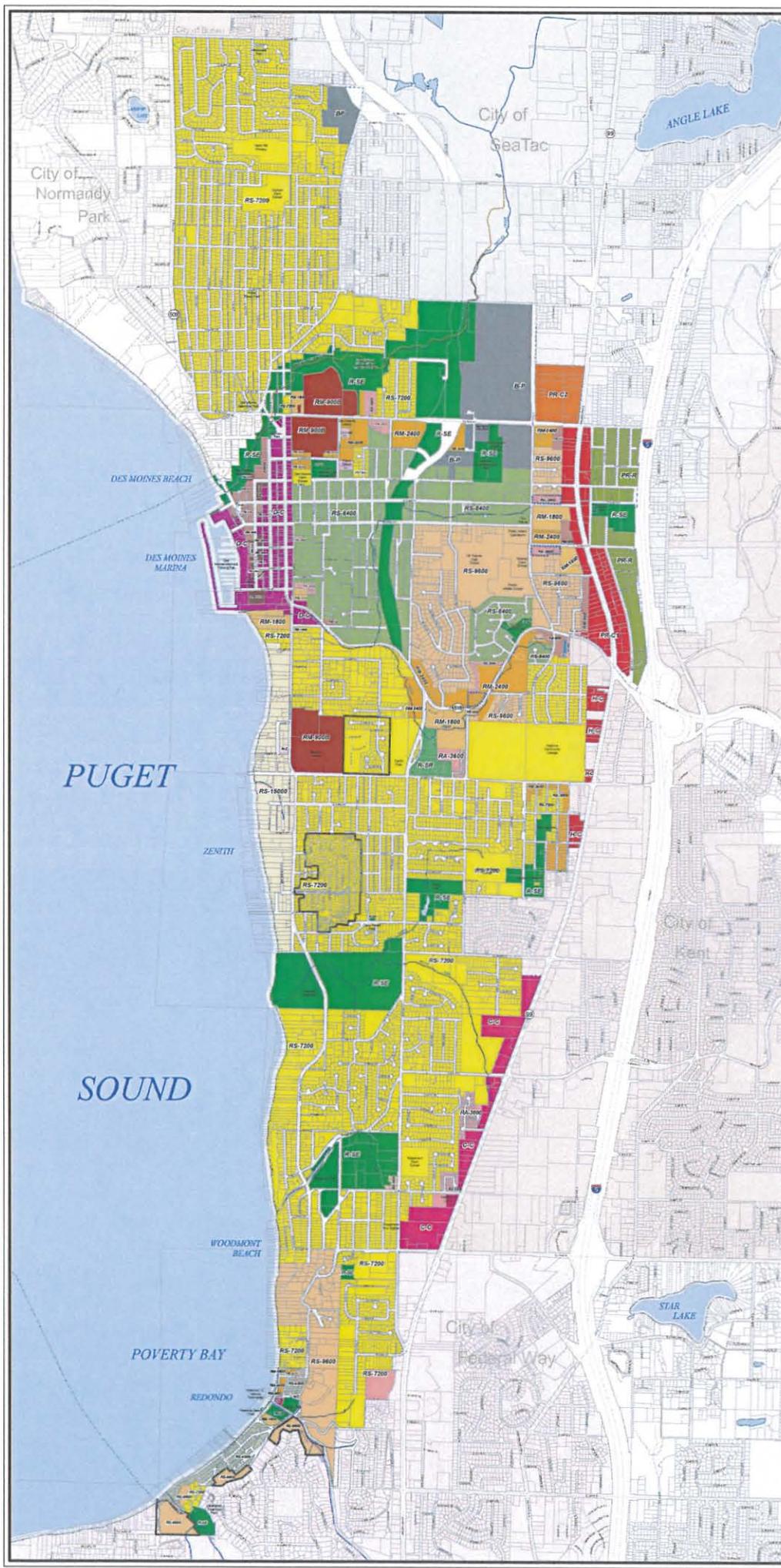
80 40 0 80 160 240
Scale In Feet
1 inch equals 200 feet
File: LUA2012-0012_Rezone.pdf
Map Generated: Jul 27, 2012
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City of Des Moines

Zoning Map



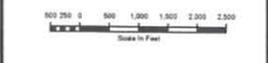
- RESIDENTIAL ZONING**
- R-SE Residential: Suburban Estates
 - R-SR Residential: Suburban Residential
 - RS-15,000 Residential: Single Family 15,000
 - RS-9,000 Residential: Single Family 9,000
 - RS-8,400 Residential: Single Family 8,400
 - RS-7,200 Residential: Single Family 7,200
 - RS-4,000 Residential: Single Family 4,000
 - RA-3,600 Residential: Attached Townhouse & Duplex
 - RM-2,400 Residential: Multifamily 2,400
 - RM-1,800 Residential: Multifamily 1,800
 - RM-900 Residential: Multifamily 900
 - RM-900A Residential: Multifamily 900A
 - RM-900B Restricted Service Zone
 - PR-R Pacific Ridge Residential
- COMMERCIAL ZONING**
- N-C Neighborhood Commercial
 - B-C Business Commercial
 - C-C Community Commercial
 - D-C Downtown Commercial
 - G-G General Commercial
 - B-P Business Park
 - H-C Highway Commercial
 - PR-C1 Pacific Ridge Commercial 1
 - PR-C2 Pacific Ridge Commercial 2

- See Comprehensive Plan for Development Potential
- Planned Unit Development
- Des Moines City Limits
- Tax Parcels
- Tidelands

Enacting Ordinances

Description	Ordinance	Effective Date
Adoption of digital zoning map	1235	May 5, 1999
Revising of zones	1237	May 17, 1999
Business Park (B-P) rezone	1261	June 21, 2000
Pacific Ridge rezone	1267	July 25, 2000
Redondo Rezoning amendment	1270	September 1, 2000
Adoption of GIS maps	1289	October 11, 2001
Mission/Charleston rezone	1372	January 11, 2005
Redondo Rezone	1387	March 7, 2007
Overlooked Park	1420	December 8, 2007
Granville Rezone	1431	June 26, 2008
Sea Mar Rezone	1520	October 13, 2011
Barton Rezone	1548	July 26, 2012

IN PROVIDING THIS MAP, THE CITY MAKES NO WARRANTY OF ANY KIND, expressed or implied, including without limitation, any warranty as to the fitness for a particular purpose or use. To the fullest extent permitted by law, the City shall not be liable for any damages to persons or property, whether direct, indirect, special or consequential, arising from the use of this map, including without limitation, claims for damages caused by the use of this map, or any information contained in this document. The user shall not rely on the information contained in this document, and in using this document, the user assumes all risks of injury or damage that might flow from its use.



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