

ORDINANCE NO. 1563

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) and Restricted Service Zone (RM-900B) to Institutional Campus (I-C).

WHEREAS, the Preferred Land Use Designation for seven properties located in the Central Des Moines, Zenith and South Des Moines Neighborhoods was changed from Single Family (SF) and Multifamily (MF) to Institutional Campus (IC) as part of the *2012 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 IC-Institutional Campus established by the *City of Des Moines Comprehensive Plan* map, and

WHEREAS, on February 4, 2013, the Des Moines Planning Agency reviewed the proposed site specific rezone during a public meeting and recommended approval, and

WHEREAS, the SEPA responsible official issued a notice of determination of nonsignificance (DNS) on the 13th day of February 2013 and the accompanying comment and appeal periods have lapsed, and

WHEREAS, proper and timely notice was given to the Washington State Department of Commerce of these amendments as required by chapter 36.70A RCW, and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held on the 7th day of March 2013, 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 No. 1563.

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) and Restricted Service Zone (RM-900B) to Institutional Campus (I-C):

Parcel No. 0822049087 (Wesley Homes):

That portion of the Southwest Quarter of the Northeast Quarter Section 08 Township 22 North Range 04 East of the W.M., in King County, Washington except the west 274 feet and excluding the east 7.5 acres and excluding portion described as follows:

Beginning at the NE corner of said SW Quarter;
THENCE west along N line thereof 242.60 feet to NW Corner of E 7.5 acres of said SW Quarter and the point of beginning;
THENCE S 00° 03' 29" W along W line of said E 7.5 acres 675.48 feet;
THENCE N 19° 38' 24" W 144.24 feet;
THENCE N 19°13' 39" W 216.18 feet;
THENCE N 52° 44' 31" W 170.65 feet;
THENCE S 58° 52' 44" W 254.80 feet;
THENCE S 80° 37' 59" W 238.69 feet;
THENCE S 82°59' 51" W 183.89 feet to E line of said W 274 feet of SW Quarter;
THENCE N 00° 56' 27" W 475.13 feet along said E line to S line of S 212TH Street;

THENCE S 86° 39' 36" E to point of beginning; and excluding portion within the S 216TH Street (taxable portion).

Parcel No. 0822049014 (Wesley Homes) :

That portion of the Northwest Quarter of the Southeast Quarter of Section 08 Township 22 North Range 04 East of the W.M., in King County, Washington described as follows:

Beginning at point on W line of NW Quarter of SE Quarter 1827.42 feet north of SW corner of SE Quarter of said Section 8;
THENCE E 418.00 feet;
THENCE S to N line of S 219th Street formerly Ethel O. Peck County Road (40 feet wide);
THENCE E along N line of said S 218th Street to W line of H. J. Latimer County Road No. 823;
THENCE N along said W line of Road to N line of said NW Quarter SE Quarter;
THENCE W along said N line to NW corner of said NW Quarter SE Quarter;
THENCE S along W line thereof to point of beginning;

EXCEPT that portion included in Morgan O'Brien County Road No. 155 along N line thereof; and
EXCEPT following described portion thereof:

Beginning at point on N line of said S 219th Street distance of 115 feet west of W line of said H. J. Latimer County Road No. 823;
THENCE continuing along N line of said S 219th Street 200.00 feet;
THENCE N parallel with W line of H. J. Latimer County Road No. 823 a distance of 107.10 feet;
THENCE E parallel with N line of said 219th Street 200.00 feet;
THENCE S parallel with W line of said H. J. Latimer County Road No. 823 a distance of 107.10 feet to point of beginning; and

EXCEPT S 10 feet thereof conveyed to King County by deed under Recording No. 4801586; and
EXCEPT the following described portion thereof:

Beginning at intersection of N line of S 219th Street of formerly Ethel O. Peck County Road and W line of 11th Avenue S formerly H. J. Latimer County Road No. 823;
THENCE N along W line of 11th Avenue S 97.1 feet;
THENCE westerly parallel to S 219th Street 115 feet;
THENCE S parallel to 11th Avenue S 97.1 feet to said N line of S 219th Street;
THENCE easterly along said N line 115 feet to point of beginning; and

EXCEPT portion thereof conveyed to City of Des Moines by deed under Recording No. 20100301000781 described as follows:

Beginning at intersection of S margin of S 216th Street and W Margin of 11th Avenue S;
THENCE S $00^{\circ} 01' 43''$ E along said W Margin 11.22 feet;
THENCE N $54^{\circ} 50' 35''$ W 20.58 feet to said S margin;
THENCE S $84^{\circ} 51' 30''$ E along said S margin 16.84 feet to point of beginning.

Parcel No. 0822049133 (Wesley Homes) :

That portion of the E half E 15 acres SW Quarter NE Quarter Section 08 Township 22 North Range 04 East of the W.M., in King County, Washington; less W 80 feet of S 330 feet thereof; less portion thereof lying within following described tract:

Commencing at center of NE Quarter said Section 8;
THENCE S $00^{\circ} 13' 23''$ W 747.43 feet;
THENCE N $87^{\circ} 15' 32''$ W 242.48 feet;
THENCE N $00^{\circ} 03' 29''$ E 749.98 feet;
THENCE S $86^{\circ} 39' 35''$ E 242.60 feet along N line SW Quarter NE Quarter said Section to point of beginning;
LESS portion thereof if any lying within W half of E 15 acres SW Quarter NE Quarter said Section 8;
LESS S 30 feet of remainder lying within S 216th Street together with portion SW Quarter SE Quarter NE Quarter Section 08 Township 22 North Range 04 East of the W.M., in King County, Washington described as follows:

Beginning at point on W line said SW Quarter which is N 00° 03' 23" E 42.03 feet from SW corner thereof (said point lying ON N margin S 216TH Street);
THENCE N 00° 03' 23" E along said W line of said subdivision 556.67 feet;
THENCE S 87° 15' 32" E parallel with N line said SW Quarter a distance of 48.75 feet;
THENCE S 20° 21' 27" E 114.83 feet;
THENCE S 00° 03' 23" W 450.00 feet to N margin S 216TH Street;
THENCE N 87° 41' 30" W 88.81 feet along N margin said street to point of beginning - as delineated per city of Des Moines lot line adjustment No. LL 93-007 Recording No. 9303230783 -- together with 80 feet of N 300 feet of S 330 feet of E half E 15 acres of SW Quarter NE Quarter Section 08 Township 22 North Range 04 East of the W.M., in King County, Washington.

Parcel No. 1722049025 (Judson Park):

Parcel A: portion of tract 22 Des Moines two-acre tracts and of N 346.50 feet of NE Quarter SW Quarter SE Quarter Section 17 Township 22 North Range 04 East of the W.M., in King County, Washington described as follows:

Beginning S Quarter corner said Section 17;
THENCE N 00° 58' 22" E along N-S center line of said Section a distance 972.48 feet;
THENCE S 88° 28' 52" E 30.00 feet to point on E margin of Marine View Drive S (as now established) which point is also the west end of existing old fence line as disclosed in King County Superior Court Cause No. 390139 and to point of beginning;
THENCE S 88° 28' 52" E along said existing old fence line 627.21 feet to E line of said NW Quarter SW Quarter SE Quarter Section 17;
THENCE N 00° 59' 30" E along E line said subdivision 325.90 feet to NE corner thereof;
THENCE N 88° 28' 47" W along N line said subdivision 15.00 feet to SE corner said tract 22;
THENCE N 00° 58' 22" E along E line said tract 22 a distance of 117.25 feet to NE corner thereof;
THENCE N 88° 28' 47" W along N line said tract 22 a distance of 612.27 feet to E margin of said Marine View Drive S;

THENCE S 00° 58' 22" W along said E margin 442.17 feet to point of beginning;

EXCEPT E 15 feet of S 90 feet of said tract 22: together with parcel B: that portion of W half of SW Quarter of SE Quarter Section 17 Township 22 North Range 04 East of the W.M., in King County, Washington described as follows:

Beginning S Quarter corner of said Section 17;

THENCE N 00° 58' 22" E along N-S center line of said Section a distance of 816.75 feet;

THENCE S 88° 28' 07" E 30.00 feet to point on E margin of Marine View Drive and to point of beginning;

THENCE continuing S88° 28' 07" E 627.16 feet to E line said W half of SW Quarter of SE Quarter Section 17;

THENCE N 00° 59' 30" E along said E line 155.88 feet to existing old fence line as disclosed in King County Superior Court Cause No. 390139;

THENCE N 88° 28' 52" W along said old fence line 329.21 feet to point which is 328 feet easterly (measured along said fence and westerly extension thereof) from W line of said SE Quarter;

THENCE S 00° 53' 47" W 135.79 feet;

THENCE N 88° 28' 10" W 298.18 feet to said E margin Marine View Drive S;

THENCE S 00° 58' 22" W along said E margin 20.00 feet to point of beginning; together with parcel C: that portion of SW Quarter SE Quarter Section 17 Township 22 North Range 04 East of the W.M., in King County, Washington described as follows:

Beginning at point 836.75 feet north of SW corner said subdivision;

THENCE north 135 feet more or less to westerly production of line of fence decreed to be property line in King County Superior Court Cause No. 390139;

THENCE easterly 30.00 feet to point on said line which is 325.50 feet south of N line said subdivision;

THENCE easterly along said E creed line (which would intersect E line of NW Quarter of SW Quarter of SE Quarter of said Section at point 325.90 feet south of NE corner of said subdivision) a distance of 298.00 feet;

THENCE south 135 feet more or less to a point 328.18 feet east of point of beginning;

THENCE west 328.18 feet to point of beginning;

EXCEPT that portion thereof lying within Marine View Drive S: together with parcel D: that portion of tract 24 of Des Moines two-acre tracts described as follows:

Beginning N Quarter corner Section 17 Township 22 North Range 04 East of the W.M., in King County, Washington

THENCE S 00° 58' 52" W along N-S center line of said Section a distance of 3795.51 feet;

THENCE S 88° 55' 14" E 32.48 feet to E margin 8th Avenue S (Marine View Drive S);

THENCE continuing S88° 55' 14" E 297.52 feet to W line of E 315 feet of said tract 24;

THENCE S 00° 58' 52" W along said W line 34.49 feet to S line of said tract 24;

THENCE N 88° 55' 14" W along said S line 297.58 feet to point on E margin 8th Avenue S (Marine View Drive S);

THENCE N 01° 04' 46" E along said margin 34.49 feet more or less to point of beginning;

Parcel No. 1622049016 (Highline Community College):

SW 1/4 of SE 1/4 less County Road and portion vacant Street adjacent to Section 16 Township 22 North Range 4 East of the W.M., in King County, Washington.

Parcel No. 1622049013 (Highline Community College):

SE 1/4 of SW 1/4 less County Road of Section 16 Township 22 North Range 4 East of the W.M., in King County, Washington.

Sec. 3. 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 No. 1420 amended by section 2 of Ordinance No. 1431, amended by section 2 Ordinance No. 1520,

Sec. 5. Effective Date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 28th day of March, 2013 and signed in authentication thereof this 28th day of March, 2013.


M A Y O R

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: April 2, 2013

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1563, Adopted March 23, 2013.

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) and Restricted Service Zone (RM-900B) to Institutional Campus (I-C).

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

Bonnie Wilkins
City Clerk

Published: April 2, 2013

EXHIBIT A TO ORDINANCE NO. 1563

FINDINGS of FACT

1. In 2012, Des Moines City Council identified a short-term strategic objective to "Review and modify or update the institutional zoning code regulations pertaining to Highline Community College and retirement communities."

2. On June 28, 2012, Des Moines City Council adopted Ordinance No. 1544 adding a new chapter to Title 18 DMMC entitled I-C Institutional Campus Zone, establishing new development standards for a new Institutional Campus Zone (I-C) in the City of Des Moines and amending DMMC 18.06.020 and 18.06.030 to add the new I-C zone to the list of existing zoning categories in the City.

3. On October 25, 2012, the City Council adopted Ordinance 1551 adopting the *2012 Comprehensive Plan Amendments*, which included among other items, changing the preferred land use designation for the area described in Section 2 of Draft Ordinance 13-002 from RF-Retirement Facility and PF-Public Facility to IC-Institutional Campus.

4. The area described in Section 2 of Draft Ordinance No. 13-002 subject to this zoning reclassification to Institutional Campus (I-C) is currently zoned Residential Single Family 7,200 (RS-7,200) and Restricted Service Zone (RM-900B) is inconsistent with the current preferred land use designation of IC-Institutional Campus established by *City of Des Moines Comprehensive Plan*.

5. *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 2-1 through 2-09, 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."

6. *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."

7. *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."

8. *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."

9. 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.

10. The Des Moines Planning Agency held a public meeting on February 4, 2013 and recommended that the City Council adopt the zoning reclassification for the subject properties.

11. Draft Ordinance 13-002 was reviewed pursuant to the State Environmental Policy Act (SEPA) - chapter 43.21C RCW as a non-project action.

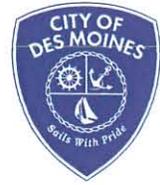
12. A SEPA Determination of Nonsignificance (LUA2012-0004) was issued on February 13, 2013.

13. Pursuant to the Growth Management Act - chapter 36.70A RCW the Draft Ordinance was provided to the Department of Commerce for 60-day review and comment by the Department and other State agencies. Expedited review was requested and granted by Commerce and the review period concluded on February 7, 2013.

14. A public hearing with the City Council was held on March 7, 2013 as required by DMMC 18.56.200 and 18.60.040.

15. The date of the public hearing to consider the Draft Ordinance was set by the City Council on February 7, 2013 pursuant to Resolution 13-002 as required by DMMC 18.60.120(3).

16. 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).



City of Des Moines

Zoning

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-3,000 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

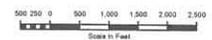
- N-C Neighborhood Commercial
- B-C Business Commercial
- C-C Community Commercial
- D-C Downtown Commercial
- C-G General Commercial
- B-P Business Park
- I-C Institutional Campus
- H-C Highway Commercial
- PR-C1 Pacific Ridge Commercial 1
- PR-C2 Pacific Ridge Commercial 2

- 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
Renaming of zones	1237	May 17, 1999
Business Park (B-P) rezone	1281	June 21, 2000
Pacific Ridge rezone	1287	July 25, 2000
Redondo Plaza rezoning	1270	September 1, 2000
Adoption of GIS maps	1280	October 11, 2001
Mitoni/Champion rezone	1372	January 11, 2006
Redondo Rezone	1367	March 7, 2007
Crestwood Park	1420	December 6, 2007
Granville Rezone	1431	June 26, 2008
Dee Mar Rezone	1520	October 12, 2011
Barton Rezone	1546	July 26, 2012
I-C	1563	March 28, 2013

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