

**RESOLUTION NO. 1400**

**A RESOLUTION OF THE CITY OF DES MOINES, WASHINGTON** approving the Final Plat entitled "Pacific Heights" as shown and described in City Administration file number LUA2012-0001.

**WHEREAS**, the City has received an application for the Final Plat entitled "Pacific Heights," from DR Horton/SSHI, LLC, the owner of the real property described in said application, and

**WHEREAS**, pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, the Administrative Guideline and local ordinance adopted to implement it, the SEPA Official reviewed all relevant environmental documents and determined that the proposed subdivision would not result in probable significant adverse environmental impacts, and based on information within those environmental documents, a Mitigated Determination of Non-significance was issued on December 4, 2007, and

**WHEREAS**, said environmental documents have been available and accompanied the application throughout the entire review process, and

**WHEREAS**, the *Settlement Agreement, Waiver and Release By and Between Granville Southern Corporation, Donald & Marie Tavis, and the Cities of Des Moines and Federal Way* governs the review and approval of the subdivision, and

**WHEREAS**, the City Council, in regular meeting on March 27, 2008, reviewed the preliminary plat entitled "Pacific Heights," and

**WHEREAS**, the City Council passed Resolution Number 1069 at its regular meeting on March 27, 2008 approving the preliminary plat entitled "Pacific Heights," and

**WHEREAS**, the Community Development and Public Works Directors approved two minor deviations to the preliminary plat entitled "Pacific Heights" dated August 26, 2015 and March 6, 2018, and

**WHEREAS**, the City Council, in regular meeting on July 11, 2019, reviewed the proposed Final Plat entitled "Pacific Heights"; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:**

**Sec. 1.** The following findings of fact are adopted by the Des Moines City Council:

(1) The Final Plat is consistent with the preliminary subdivision approved by the City Council on March 27, 2008, under Resolution No. 1069 and the Minor Deviations dated August 26, 2015 and March 6, 2018, and

(2) All required improvements are installed or securities to cover the cost of installation are submitted in accordance with DMMC 17.40.090, and

(3) The Final Plat is consistent with the provisions of Title 17 DMMC, and Chapter 58.17 RCW.

**Sec. 2. Decision criteria.** The criteria used in making the decision are those required by chapter 17.10 DMMC and chapter 18.230 DMMC.

**Sec. 3. Approval subject to conditions.** The PUD subdivision and the Final Plat entitled "Pacific Heights" is hereby approved by the Des Moines City Council subject to the following conditions:

(1) The applicant has submitted a Declaration of Covenants, Conditions and Restrictions. The document will be recorded concurrently with the final plat, and

(2) The park in lieu fee shall be paid upon final approval of the Planned Unit Development pursuant to the settlement agreement, and

(3) Ownership of the surface water tract and environmentally sensitive area tract shall be deeded to the city after recording of the final plat and upon acceptance, and

(4) The 15 foot storm drainage easement between Pacific Highway South and South 292<sup>nd</sup> Street for the City of Federal Way shall be recorded upon approval.

**Sec. 4. Compliance with other law.** Nothing in this Resolution shall be construed as excusing the applicant from compliance with all federal, state, or local statutes,

ordinances, or regulations applicable to this subdivision other than as expressly set forth herein.

**Sec. 5. Resolution attached to approval documents.** A certified copy of this Resolution shall be attached to and become a part of the evidence of said subdivision and Final Plat and shall be delivered to the applicant.

**Sec. 6. Distribution of resolution following City Council action.** Certified or conformed copies of this Resolution shall be delivered to the following:

(1) City of Des Moines Community Development and Public Works Departments;

(2) South King Fire and Rescue;

(3) City Clerk of the City of Des Moines; and

(4) City of Federal Way.

**ADOPTED BY** the City Council of the City of Des Moines, Washington this 11th day of July, 2019 and signed in authentication thereof this 11th day of July, 2019.

  
M A Y O R

APPROVED AS TO FORM:

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

ATTEST:

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