

## NOTICE OF DECISION

**A Type IV LAND USE DECISION OF THE CITY OF DES MOINES, WASHINGTON**, concerning land use application LUA2018-0027, seeking to amend the official zoning map of the City of Des Moines in order to reclassify tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080 from RA-3,600 Residential Attached Townhouse and Duplex 3,600 Zone and tax parcels 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166 and 0822049161 from RS-8,400 Residential Single-Family 8,400 Zone to RM-2,400 Residential Multifamily 2,400 Zone.

### APPLICATION

On June 28, 2018, the City of Des Moines received an application for a Comprehensive Plan map amendment and zoning reclassification. The requested Comprehensive Plan map amendment sought to change the preferred land use designation for 12 properties from SF-Single Family and T-Townhome to MF-Multifamily (Refer to Attachment 1). The properties include tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080, 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166, and 0822049161.

The requested rezone would implement the revised land use designation through a zoning reclassification from Residential Single Family 8,400 (RS-8,400) and Residential Attached Townhome and Duplex (RA-3,600) to Residential Multifamily 2,400 (RM-2,400).

Amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment pursuant to DMMC 18.20.210. The date of the public hearing to consider amendments to Title 18 DMMC shall be set by motion of the City Council pursuant to DMMC 18.30.100(3).

### FINDINGS OF FACT

1. The requested zoning map amendment has been processed in accordance with the State Environmental Policy Act requirements established by chapter 197-11 WAC.
2. The City Council set the date for the public hearing by motion on September 13, 2018, fixing the public hearing for October 18, 2018.
3. Notice of the public hearing was issued on September 18, 2018.
4. A public hearing was held on October 18, 2018 and continued to November 15, 2018, and all persons wishing to be heard were heard.
5. The City Council considered the application to amend the Comprehensive Plan preferred land use designation for the subject parcels from T-Townhome and SF-Single Family (SF) to MF-Multifamily at a public hearing on October 18, 2018 and the amendment was not approved.
6. The preferred land use for the subject parcels under the Comprehensive Plan is not consistent with the proposed zoning classification.

### Decision Criteria

The decisional criteria for a zoning reclassification as set forth by DMMC 18.30.080, states that a site-specific zoning map amendment must meet all of the following:

1. The amendment meets the concurrency requirements set forth in chapter 36.70A RCW;
2. The amendment is consistent with the Comprehensive Plan;
3. The amendment bears a substantial relation to public health, safety and welfare;

4. The amendment is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property;
5. The property in question is adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same or higher zoning classification;
6. The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
7. The amendment has merit and value for the community as a whole. [Ord. 1591 § 102, 2014.]


The zoning reclassification does not meet all of outlined criteria as it is not consistent with the Comprehensive Plan (Criteria 2 of 7) and therefore cannot be enacted as proposed.

**Decision**

The City Council finds that the site-specific rezone and associated zoning map amendment contained in Draft Ordinance No. 18-099 do not meet all of the criterion of DMMC 18.30.080 required for the approval of a privately initiated, site specific zoning reclassification, specifically Criteria 2 of 7 and Criteria 4 of 7.

The zoning reclassification application is hereby denied due to the inconsistency of the application with the Comprehensive Plan.

**PASSED BY** the City Council of the City of Des Moines this 15 day of November and signed in authentication thereof this 19 day of NOV, 2018.

  
\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

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

ATTEST:

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

Published: 11/19/18

**APPEAL**

The City Council's decision regarding a Type IV land use action is appealable to the Superior Court of Washington for King County as specified by DMMC 18.20.290 (appeal from decision of the City Council).