

ORDINANCE NO. 1469

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON amending DMMC 18.84.010, adding new sections to chapter 18.84, DMMC adopting 2009 amendments to the City of Des Moines Comprehensive Plan, adopting the preferred land use map designation, and codifying new sections to chapter 18.84 DMMC.

WHEREAS, the 1990 Growth Management Act is codified in RCW 36.70A and requires that each jurisdiction produce a Comprehensive Plan that contains, at a minimum, elements pertaining to land use, transportation, capital facilities, housing, and utilities, and

WHEREAS, the Des Moines Comprehensive Plan was adopted by the City Council on December 7, 1995 by enactment of Ordinance No. 1160, and

WHEREAS, there have been subsequent amendments to the Des Moines Comprehensive Plan, and

WHEREAS, each amendment of the Comprehensive Plan was processed in accordance with the requirements of the State Environmental Policy act and public hearings were conducted in accordance with law, and

WHEREAS, the Growth Management Act requires, among other things, that "cities ... take action to review and, if needed, revise their **comprehensive plans** and development regulations (*emphasis added*) to ensure the plan and regulations comply with the requirements of this chapter . . . Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan," and

WHEREAS, in early 2008, 'Envision Midway' was formed by the City of Kent and Des Moines to work collectively to address inconsistent land use patterns along our jurisdictional boundaries and consider land use changes in anticipation of high-capacity transit improvements along SR-99 through Des Moines' Pacific Ridge, South Des Moines and Woodmont neighborhoods and the Midway area in Kent, and

WHEREAS, the *Envision Midway* partnership brought together private and public leaders, local businesses, educational institutions, neighboring cities, transportation agencies, residents and developers, and

WHEREAS, the City of SeaTac was invited to participate in the Stakeholder Group meetings for *Envision Midway*, and

WHEREAS, from January 1, 2008 through June 2009, Des Moines and Kent worked with the community and stakeholders to create a shared vision for the study area that informs land use policies, regulations, and implementation strategies, and

WHEREAS, at the completion of the *Envision Midway* planning and visioning effort in 2009, City Council directed staff to amend the Comprehensive Plan to add policies regarding the planning for the expansion of light rail through Des Moines, and

WHEREAS, the goals and policies for growth and the provision of services are guided by GMA requirements and are based in part upon state and regional goals, and reflect the vision and goals of elected officials, community advisory groups and citizens, and

WHEREAS, notice of the public hearing before the Planning Agency was given to the public in accordance with law and a public hearing was held on the 14th day of September 2009, and all persons wishing to be heard were heard, and

WHEREAS, notice of the public hearing before the City Council was given to the public in accordance with law and a public hearing was held on the 24th day of September 2009, and all persons wishing to be heard were heard, and

WHEREAS, the Des Moines Planning, Building and Public Works Director acting as the SEPA responsible official issued a determination of nonsignificance (DNS) on the 17th day of August 2009 and the accompanying comment and appeal periods have lapsed, and

WHEREAS, proper and timely notice was given to the Washington State Department of Community Trade and Economic Development (CTED) of these amendments as required by RCW 36.70A, and

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

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

Sec. 1. DMMC 18.84.010 and section 1 of Ordinance No. 1160 as amended by section 1 of Ordinance No. 1376, as amended by section 1 of Ordinance No. 1425 (uncodified) are amended to read as follows:

18.84.010. Adoption of Comprehensive Plan.
The document consisting of 11 chapters, entitled "2009 City of Des Moines Comprehensive Plan", and attached as Exhibit "A" to Ordinance No. 1469 is adopted by reference and constitutes the Comprehensive Plan for the City.

Sec. 2. A new section is added to chapter 18.84 DMMC entitled "Comprehensive Plan Amendments" to read as follows:

Comprehensive Plan amendments. There is adopted by reference a comprehensive plan, on file with the City Clerk, as subsequently amplified, augmented and amended pursuant to the provisions in this title, as identified below.

- (1) Chapter 1: General Planning Element
- (2) Chapter 2: Land Use Element

(a) Amended 2009, Ordinance No. 1469.

(3) Chapter 3: Transportation Element

(a) Amended 2009, Ordinance No. 1469.

(4) Chapter 4: Conservation Element

(5) Chapter 5: Capital Facilities, Utilities, and
Public Services Element

(a) Amended 2009, Ordinance No. 1469.

(6) Chapter 6: Parks, Recreation, and Open Space
Element

(a) Amended 2009, Ordinance No. 1469.

(7) Chapter 7: Housing Element

(8) Chapter 8: Community Character Element

(9) Chapter 9: North Central Neighborhood Element

(10) Chapter 10: Downtown Neighborhood Element

(a) Amended 2009, Ordinance No. 1469.

(11) Chapter 11: Pacific Ridge Element

(a) Amended 2009, Ordinance No. 1469.

(12) Appendix A: Des Moines Housing and
Population Data

(13) Appendix B: City of Des Moines Buildable
Lands Report (2002 - 2012) and Household Growth Targets (2002 -
2022)

(14) Appendix C: Proposed Comprehensive Plan
Review Schedule.

Sec. 3. A new section is added to chapter 18.84 DMMC
entitled "Comprehensive Plan Amendments" to read as follows:

Preferred land use map designation. The map filed in the
City Clerk's office and marked Exhibit "B" to Ordinance No. 1469
and adopted November 12, 2009, constitutes the comprehensive
land use map also referred to as the preferred land use map for
the City. The map referenced herein supersedes all previously
adopted preferred land use maps.

Sec. 4. Codification. Sections 2 and 3 of this
ordinance are codified as new sections in chapter 18.84 DMMC.

Sec. 5. 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. 6. 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 12th day of November, 2009 and signed in authentication thereof this 12th day of November, 2009.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


Interim City Clerk

Published: November 17, 2009

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1469, Adopted November 12, 2009.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends DMMC 18.84.010, adds new sections to chapter 18.84 DMMC, adopts 2009 amendments to the City of Des Moines Comprehensive Plan, adopts the preferred land use map designation, and codifies new sections to chapter 18.84 DMMC.

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

Autumn Lingle
Interim City Clerk

Published: November 17, 2009