

ORDINANCE NO. 1551

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON adopting 2012 amendments to the Des Moines 2009 Comprehensive Plan and amending DMMC 18.84.010 and 18.84.090.

WHEREAS, the 1990 Growth Management Act is codified in Chapter 36.70A RCW 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 November 12, 2009 by enactment of Ordinance No. 1469, 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, 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 1st day of October 2012, 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 25th day of October 2012, 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 26th day of September 2012 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, 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 18.84.090 and section 2 of Ordinance No. 1469, as amended by section 2 of Ordinance No. 1499 are amended 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

(a) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(2) Chapter 2: Land Use Element

(a) 2009 Amendments: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(c) 2011 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1528.

(d) 2012 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1532.

(e) 2012 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1551.

(3) Chapter 3: Transportation Element

(a) 2009 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(c) 2012 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1532.

(4) Chapter 4: Conservation Element

(a) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

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

(a) 2009 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

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

(a) 2009 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(c) 2012 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1532.

(d) 2012 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1551.

(7) Chapter 7: Housing Element

(a) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(b) 2012 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No.1532.

(8) Chapter 8: Community Character Element

(9) Chapter 9: North Central Neighborhood Element

(10) Chapter 10: Marina District Element

(a) 2009 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(11) Chapter 11: Pacific Ridge Element

(a) 2009 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(12) Chapter 12: Healthy Des Moines Element

(a) 2012 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1532.

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

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

(15) Appendix C: Proposed Comprehensive Plan Review Schedule

Sec. 2. DMMC 18.84.100 and section 3 of Ordinance No. 1469 as amended by section 2 of Ordinance No. 1528 are amended 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, as amended by Exhibit "B" to Ordinance No. 1528, is amended as described in Exhibit "B" to Ordinance No. 1551, and 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. 3. 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.

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Sec. 4. 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 25th day of October, 2012 and signed in authentication thereof this 25th day of October, 2012.

M A Y O R

APPROVED AS TO FORM:

Assistant City Attorney

ATTEST:

City Clerk

Published: October 30, 2012

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1551, Adopted October 25, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

Ordinance No. 1551
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This ordinance adopts the 2012 amendments to the Des Moines 2009 Comprehensive Plan and amends DMMC 18.84.010 and 18.84.090.

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

Sandy Paul, CMC
City Clerk

Published: October 25, 2012