

ORDINANCE NO. 1425

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON amending the Comprehensive Plan Land Use Map to change the land use designation for Tax Parcels Nos. 7203601445, 7203601450, and 7203601455 from T-Townhome to SF-Single Family to be consistent with the zonings established by Ordinance No. 1397; changing Tax Parcel No. 3222049123 from PF-Public Facility to SF-Single Family to reflect the fact that the property is no longer owned by a public entity; and amending the Des Moines Comprehensive Plan text to reflect updates to the Environmentally Critical Areas regulations that were adopted by Ordinance No. 1400 and codified in chapter 18.86 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, 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 5<sup>th</sup> day of November 2007, 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 10th day of January 2008, 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 20th day of October 2007 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.** The 2007 Des Moines Comprehensive Plan Amendments attached to this ordinance as Exhibit "A" are hereby adopted as an addition to the Des Moines Comprehensive Plan.

**Sec. 2. 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. 3. 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 10th day of January, 2008 and signed in authentication thereof this 10th day of January, 2008.

  
M A Y O R

APPROVED AS TO FORM:

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

ATTEST:

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

Published: January 18, 2008

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1425, Adopted January 18, 2008.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends the Comprehensive Plan Land Use Map to change the land use designation for Tax Parcels Nos. 7203601445, 7203601450, and 7203601455 from T-Townhome to SF-Single Family to be consistent with the zonings established by Ordinance No. 1397; changes Tax Parcel No. 3222049123 from PF-Public Facility to SF-Single Family to reflect the fact that the property is no longer owned by a public entity; and amends the Des Moines Comprehensive Plan text to reflect updates to the Environmentally Critical Areas regulations that were adopted by Ordinance No. 1400 and codified in chapter 18.86 DMMC.

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

Denis Staab  
City Clerk

Published: January 18, 2008

# EXHIBIT A

## ORDINANCE NO. 1425

### 2007 CITY OF DES MOINES COMPREHENSIVE PLAN AMENDMENTS

**Reference #:** 2007-1

**Applicant:** City of Des Moines, Planning Building and Public Works Department

**Location:** Tax Parcel #7203601445 – 903 S 281<sup>st</sup> Street, Tax Parcel #7203601450 – 28107 9<sup>th</sup> Place S, and Tax Parcel #7203601455 – 28109 9<sup>th</sup> Place S

**Request:** Amend the Comprehensive Plan Land Use Map to change the land use designation for Tax Parcels #7203601445 – 903 S 281<sup>st</sup> Street, #7203601450 – 28107 9<sup>th</sup> Place S, and #7203601455 – 28109 9<sup>th</sup> Place S from T-Townhome to SF-Single Family to be consistent with the zoning established by the Redondo Rezone (Ordinance No. 1397, adopted February 22, 2007).

Amendment	Existing Designation	Proposed Change
Comprehensive Plan Land Use Map	T – Townhome	SF – Single Family



Comprehensive Plan designation needs to be changed from T-Townhome to SF-Single Family consistent with the Redondo Rezone.

**Figure 1:** Amendment 2007-1

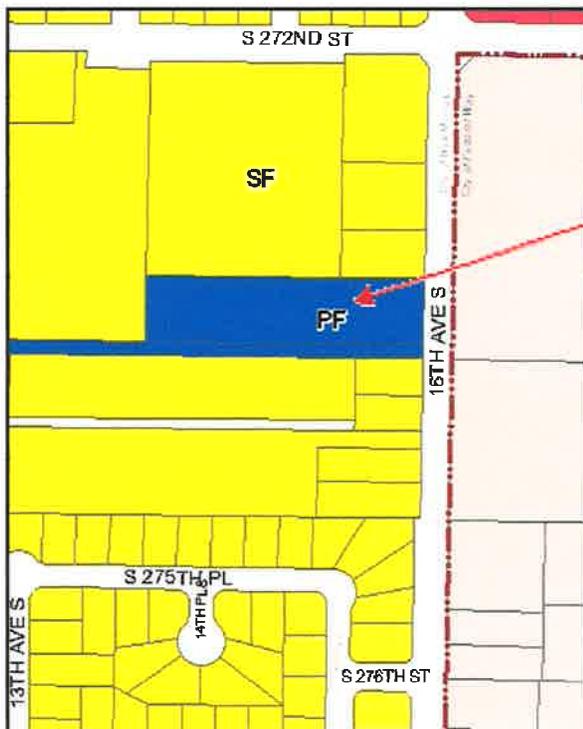
**Reference #:** 2007-2

**Applicant:** City of Des Moines, Planning Building and Public Works Department

**Location:** Tax Parcel 3222049123

**Request:** Amend the Comprehensive Plan Land Use Map to change the designation for Tax Parcel #3222049123 from PF-Public Facility to SF-Single Family to reflect the fact that the property is no longer owned by a public entity.

Amendment	Previous Designation	Change
Comprehensive Plan Land Use Map	PF – Public Facility	SF – Single Family



Comprehensive Plan designation needs to be changed from PF-Public Facility to SF-Single Family.

**Figure 2:** Amendment 2007-2

**Reference #:** 2007-3

**Applicant:** City of Des Moines, Planning Building and Public Works Department

**Location:** Not applicable.

**Request:** Amend the City of Des Moines Comprehensive Plan text to reflect updates to the Environmentally Critical Areas regulations that were adopted through Ordinance No. 1400 and codified in Chapter 18.86 of the Des Moines Municipal Code (DMMC).

<b>Text Amendments</b>
<p><b><u>Chapter 2: Land Use Element</u></b></p> <p><b>2-01-01</b> Preserve and enhance the diverse residential neighborhoods, of the community and serve them with vibrant business districts, open space, recreational facilities, affordable housing, and other supportive land uses; protect environmentally critical areas, and promote economic development.</p>
<p><b><u>Chapter 3: Transportation Element</u></b></p> <p><b>3-04-07 Miscellaneous, (4)</b> Construct roads and other transportation facilities to minimize adverse impacts upon surface water runoff, drainage patterns, and environmentally critical areas.</p>
<p><b><u>Chapter 4: Conservation Element</u></b></p> <p><b>4-02-10</b> Critical areas within the City of Des Moines include wetlands, streams, areas with a critical recharging effect on aquifers, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. The locations of critical areas within the City of Des Moines are shown in figures 4-1 through 4-7.</p> <p><b>4-02-19</b> Buffer requirements for streams and wetlands intended to protect wildlife resources in those critical areas were established using "best available science." Development regulations have also been established to protect areas with critical fish and wildlife habitat.</p> <p><b>4-03-11</b> Analyze the chain of environmental impacts from public and private development proposals in context of the whole watershed. Approve, condition, restrict, or deny development proposals based upon accurate and well-documented environmental information.)</p> <p><b>Amendments to Environmentally Critical Area Maps:</b></p> <p>Replace the figures in the Comprehensive Plan document to reflect the recent amendments to the environmentally critical area regulations and maps that were adopted by Ordinance No. 1400:</p> <ul style="list-style-type: none"><li>• Figure 4-3 Surface Water and Figure 4-4 Wetlands are replaced by Figure 4-3 Wetlands and Surface Water</li><li>• Figure 4-5 Geologically Hazardous Areas is updated and renumbered to Figure 4-4</li><li>• A new Figure 4-5 Fish and Wildlife Habitat Conservation Areas has been added</li><li>• Figure 4-7 Critical Aquifer Recharge Areas is updated and renumbered to Figure 4-6</li><li>• Figure 4-6 Frequently Flooded Areas is renumbered to Figure 4-7</li></ul>
<p><b><u>Chapter 6: Parks, Recreation and Open Space Element</u></b></p> <p><b>6-02-02</b> Parks and conservancy areas can preserve and protect environmentally-critical areas and wildlife habitat, provide natural areas in urban areas and allow for certain recreational opportunities.</p> <p><b>6-03-01 Park Land Acquisition:</b></p> <p><b>(3)</b> Utilize the resources of national, regional and local conservation organizations, corporations, non-profit associations and benevolent entities to identify and acquire environmentally critical land, urban wildlife habitat or preservation areas.</p> <p><b>(5)</b> Preserve significant environmentally critical areas as passive open space. When appropriate, the City may construct improvements that enhance the public's awareness of, and appreciation for, natural areas.</p> <p><b>6-04 STRATEGIES, 6-04-05: (5)</b> The park or recreation area contains environmentally critical areas as defined in the Zoning Code that serves a significant role or provides a significant function in the natural systems within Des Moines.</p>