

ORDINANCE NO. 1606

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City's Subdivision Code to allow for ownership of environmentally critical area tracts by City-designated political subdivisions and amending DMMC 17.35.190(2).

WHEREAS, DMMC 17.35.190(2) requires that all wetlands, streams, and required buffers, pursuant to chapter 16.20 DMMC, shall be located in separate tracts which limit development activity, and that the area dedicated under this section shall become the property of the City, which shall thereafter assume all maintenance and other ownership responsibilities, and

WHEREAS, situations may arise where a political subdivision believes it may be both in its own and the City's best interest to retain ownership of critical area tracts required by the subdivision of its property, and

WHEREAS, the City Council may wish to approve such requests and allow environmentally critical area tracts to remain in the ownership of a political subdivision, and

WHEREAS, the Planning, Building and Public Works Director acting as the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental documents and fulfilled the SEPA requirements established by chapter 197-11 WAC and chapter 16.05 DMMC pursuant to WAC 197-11-600 and DMMC 16.05.280, and

WHEREAS, DMMC 17.45.070(2) requires that the date of the public meeting to consider amendments to Title 17 DMMC be noticed no less than 15 calendar days prior to the date of the City Council meeting where the amendment will have its first reading, and

WHEREAS, the required notice was published on September 10, 2014, and

WHEREAS, a public meeting was held on September 25, 2014 where all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this Draft Ordinance are appropriate and necessary; now therefore,

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

Sec. 1. DMMC 17.35.190 and section 114 of Ordinance No. 1585 are amended to read as follows:

17.35.190 Natural features - General.

(1) General. The proposed subdivision shall demonstrate sensitivity to the natural features of the property including, but not limited to, topography, streams, lakes, wetlands, habitat, geologic features, and vegetation. Any division of land shall be designed to preserve and enhance as many of these valuable features as possible. In addition to the specific provisions of this chapter, the subdivision shall comply with all applicable provisions of Title 18 DMMC and other specific requirements regarding development restrictions due to natural features.

(2) Tracts Required. All wetlands, streams, and required buffers, pursuant to chapter 16.10 DMMC, shall be located in separate tracts which limit development activity. The area dedicated under this section shall become the property of the City, or any political subdivision designated by the City, and the City or the political subdivision shall thereafter assume all maintenance and other ownership responsibilities.

(3) Lot Area. The area of the open space tracts shall not be included in the computation of lot area for any lot area.

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 thirty (30) 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 September, 2014 and signed in authentication thereof this 25th day of September, 2014.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: September 30, 2014

Effective Date: October 25, 2014

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1606, Adopted September 25, 2014.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the City's Subdivision Code to allow for ownership of environmentally critical area tracts by City-designated political subdivisions and amends DMMC 17.35.190(2).

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

Bonnie Wilkins
City Clerk

Published: September 30, 2014