

ORDINANCE NO. 19-866

AN ORDINANCE of the City of Federal Way, Washington, relating to amendments to the Federal Way Comprehensive Plan, amending the Federal Way Comprehensive Plan, Comprehensive Plan Map, and Zoning Map, and approving a City-initiated Comprehensive Plan amendment and legislative rezone of 56.06 acres located north of South 376th Street, east of Interstate 5, from Single-Family Medium Density (RS 35.0, one unit per 35,000 square feet) to Single-Family High Density (RS 7.2, one unit per 7,200 square feet). (Amending Ordinance Nos. 90-43, 95-248, 96-270, 98-330, 00-372, 01-405, 03-442, 04-460, 04-461, 04-462, 05-490, 05-491, 05-492, 07-558, 09-614, 10-671, 11-683, 13-736, 13-745, 15-796, 15-798, and 18-843)

WHEREAS, the Growth Management Act of 1990 as amended (“Chapter 36.70A RCW” or “GMA”), requires the City of Federal Way to adopt a comprehensive plan that includes a land use element (including a Comprehensive Plan Map, which has also historically been referred to as a land use map), housing element, capital facilities plan element, utilities element, economic development element, transportation element (including transportation system maps), and a parks and recreation element; and

WHEREAS, the GMA also requires the City of Federal Way to adopt development regulations implementing its Comprehensive Plan; and

WHEREAS, the Federal Way City Council adopted its Comprehensive Plan with Comprehensive Plan Map (the “Plan”) on November 21, 1995, and adopted development regulations and Zoning Map implementing the Plan on July 2, 1996; and

WHEREAS, the Federal Way City Council subsequently amended the Comprehensive Plan, Comprehensive Plan Map, and Zoning Map on: December 23, 1998, September 14, 2000, November 1, 2001, March 27, 2003, July 20, 2004, June 16, 2005, July 16, 2007, June 11, 2009, October 28, 2010, January 27, 2011, January 23, 2013, August 14, 2013, July 29, 2015, and January 26, 2018; and

WHEREAS, the City may consider Plan and development regulation amendments pursuant to Process VI, under Title 19 (Zoning and Development Code) of the Federal Way Revised Code (“FWRC”), Chapter 19.80 FWRC, and Chapter 19.35 FWRC; and

WHEREAS, under RCW 36.70A.130, the Plan and development regulations are subject to continuing review and evaluation; however, subject to certain exceptions, the Plan may be amended no more than one time per year; and

WHEREAS, the Council considered this Comprehensive Plan amendment concurrently with another Comprehensive Plan amendment, Council Bill No. 754, both of which were evaluated cumulatively and will be acted on simultaneously and concurrently in order to comply with RCW 36.70A.130; and

WHEREAS, on January 2, 2018, the City Council initiated this Comprehensive Plan amendment and legislative rezone for 56.06 acres located north of South 376th Street, east of Interstate 5, from Single-Family Medium Density (RS 35.0, one unit per 35,000 square feet) to Single-Family High Density (RS 7.2, one unit per 7,200 square feet); and

WHEREAS, this ordinance includes approving changes to the Comprehensive Plan, associated maps, and zoning designation of the 56.06 acres; and

WHEREAS, on November 1, 2018, the City complied with RCW 36.70A.106 when it notified the Department of Commerce of the City’s intent to adopt this Comprehensive Plan amendment, which was acknowledged by the Department of Commerce on November 6, 2018; and

WHEREAS, on January 4, 2019, the City’s SEPA Responsible Official issued a Determination of Nonsignificance on the proposed Comprehensive Plan amendment and legislative rezone actions; and

WHEREAS, the Determination of Nonsignificance was not appealed; and

WHEREAS, the City's Planning Commission held a public hearing on February 20, 2019, at the close of which it recommended to the Council approval of amendments to the Comprehensive Plan, Comprehensive Plan Map, and Zoning Map; and

WHEREAS, the Land Use and Transportation Committee of the Federal Way City Council considered the amendments to the Comprehensive Plan, Comprehensive Plan Map, and Zoning Map on March 4, 2019, and recommended approval of the same; and

WHEREAS, the City Council, through its staff, Planning Commission, and Land Use and Transportation Committee, received, discussed, and considered the testimony, written comments, and material from the public, and considered the proposed Comprehensive Plan amendment, Comprehensive Plan Map amendment, and Zoning Map (via a legislative rezone) at its regular City Council meeting on March 19, 2019; and

WHEREAS, the City Council desires to approve the change to the Comprehensive Plan, associated maps, and zoning designation of the 56.06 acres located north of South 376th Street and east of Interstate 5.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions.

(a) The Proposed Amendment to the Comprehensive Plan, Comprehensive Plan Map, and Zoning Map as set forth in Exhibit A, attached hereto and incorporated by this reference, to change the Comprehensive Plan and zoning designation of 56.06 acres located north of south 376th Street and east of Interstate 5, from Single-Family Medium Density (RS 35.0, one unit per 35,000 square feet) to Single-Family High Density (RS 7.2, one unit per 7,200 square feet) (the "Proposed Amendment"), is consistent with the overall vision of the Comprehensive Plan, which states that the

demand for and development of single-family housing is expected to continue for the foreseeable future. Single-family development will occur as in-fill development of vacant lots scattered throughout existing neighborhoods, and as subdivision development upon vacant tracts of land depending on the availability of utilities. Water is available along Milton Road South to the west and sewer will be available with extension of sewer from Brittany Lane to the east.

(b) The Proposed Amendment is consistent with the following goals of the Comprehensive Plan:

Housing Goal (HG) 1 Preserve and protect the quality of existing residential neighborhoods and require new development to be of a scale and design that is compatible with existing neighborhood character.

Land Use Goal (LUG) 1 Create an attractive, welcoming, and functional built environment.

Land Use Goal (LUG) 3 Preserve and protect Federal Way's single-family neighborhoods.

(c) The Proposed Amendment is consistent with the following policies of the Comprehensive Plan:

Land Use Policy (LUP) 8 Designate and zone land to provide for Federal Way's share of regionally adopted demand forecasts for residential, commercial, and industrial uses for the next 20 years.

Housing Policy (HP) 15 As appropriate, reduce minimum lot sizes to allow construction of smaller, detached single-family houses on smaller lots.

Housing Policy (HP)16

Increase capacity and encourage greater diversity of housing types and costs for both infill and new development through various methods, such as inclusionary zoning, density bonuses, and transfer of development rights, cluster housing, cottage housing, garden housing, duplexes, and low to moderate density housing types.

(d) The Proposed Amendment is consistent with the Council vision for the City of Federal Way, and will allow development that is compatible with the surrounding land uses.

(e) The Proposed Amendment will allow for growth and development consistent with the Comprehensive Plan's overall vision and with the Comprehensive Plan's land use element and household projections, and will allow reasonable use of property subject to constraints necessary to protect environmentally sensitive areas.

(f) The Proposed Amendment will not negatively impact open space, streams, lakes, wetlands, or the physical environment.

(g) The Proposed Amendment is consistent with the GMA goals to: encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, reduce the inappropriate conversion of undeveloped land into sprawling, low-density development, encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(h) The Proposed Amendment is consistent with the goal of the King County Countywide Planning Policies for growth to occur in a compact, centers-focused pattern that uses land and infrastructure efficiently.

(i) The Proposed Amendment is consistent with the Puget Sound Regional Council goal of VISION 2040 to focus growth within already urbanized areas to create walkable, compact, and transit-oriented communities that maintain unique local character.

(j) The Proposed Amendment bears a substantial relationship to the public health, safety and welfare, is in the best interest of the residents of the City, and is consistent with the requirements of Chapter 36.70A RCW, VISION 2040, the Countywide Planning Policies, and the unamended portion of the Comprehensive Plan.

(k) The Proposed Amendment satisfies the FWRC 19.80.110 legislative rezone criteria, is consistent with the applicable provisions of the Comprehensive Plan and the Comprehensive Plan Map proposed to be amended in Section 2 below, and bears a substantial relation to public health, safety, and welfare, and is in the best interest of the public and the residents of the City.

(l) The Proposed Amendment has complied with the appropriate processes under state law and the FWRC.

Section 2. Legislative Comprehensive Plan, Comprehensive Plan Map, and Zoning Map Amendments Adoption. The 1995 City of Federal Way Comprehensive Plan, as thereafter amended in 1998, 2000, 2001, 2003, 2004, 2005, 2007, 2009, 2010, 2011, and 2013, 2015, and 2018, copies of which are on file with the Office of the City Clerk, Comprehensive Plan Map (and all related maps), and Zoning Map are amended and rezoned consistent with and as set forth in Exhibit A, attached hereto and incorporated by this reference.

Section 3. Amendment Authority. The adoption of the Comprehensive Plan, Comprehensive Plan Map, and Zoning Map amendments in Section 2 above are pursuant to the authority granted by Chapters 36.70A and 35A.63 RCW, and Chapters 19.35 and 19.80 FWRC.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not impact the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 5. Savings Clause. The 1995 City of Federal Way Comprehensive Plan, as thereafter amended in 1998, 2000, 2001, 2003, 2004, 2005, 2007, 2009, 2010, 2011, 2013, 2015, and 2018 shall remain in full force and effect until these amendments become operative upon the effective date of this ordinance.

Section 6. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This ordinance shall take effect concurrently with Council Bill No. 754 and be in force five (5) days from and after its passage and publication, as provided by law.

PASSED by the City Council of the City of Federal Way this 2nd day of April, 2019.

[Signature Page to Follow]

CITY OF FEDERAL WAY:



JIM FERRELL, MAYOR

ATTEST:



STEPHANIE COURTNEY, CMC, CITY CLERK

APPROVED AS TO FORM:



J. RYAN CALL, CITY ATTORNEY

FILED WITH THE CITY CLERK:	<u>03/13/2019</u>
PASSED BY THE CITY COUNCIL:	<u>04/02/2019</u>
PUBLISHED:	<u>04/05/2019</u>
EFFECTIVE DATE:	<u>04/10/2019</u>
ORDINANCE NO.:	<u>19-866</u>

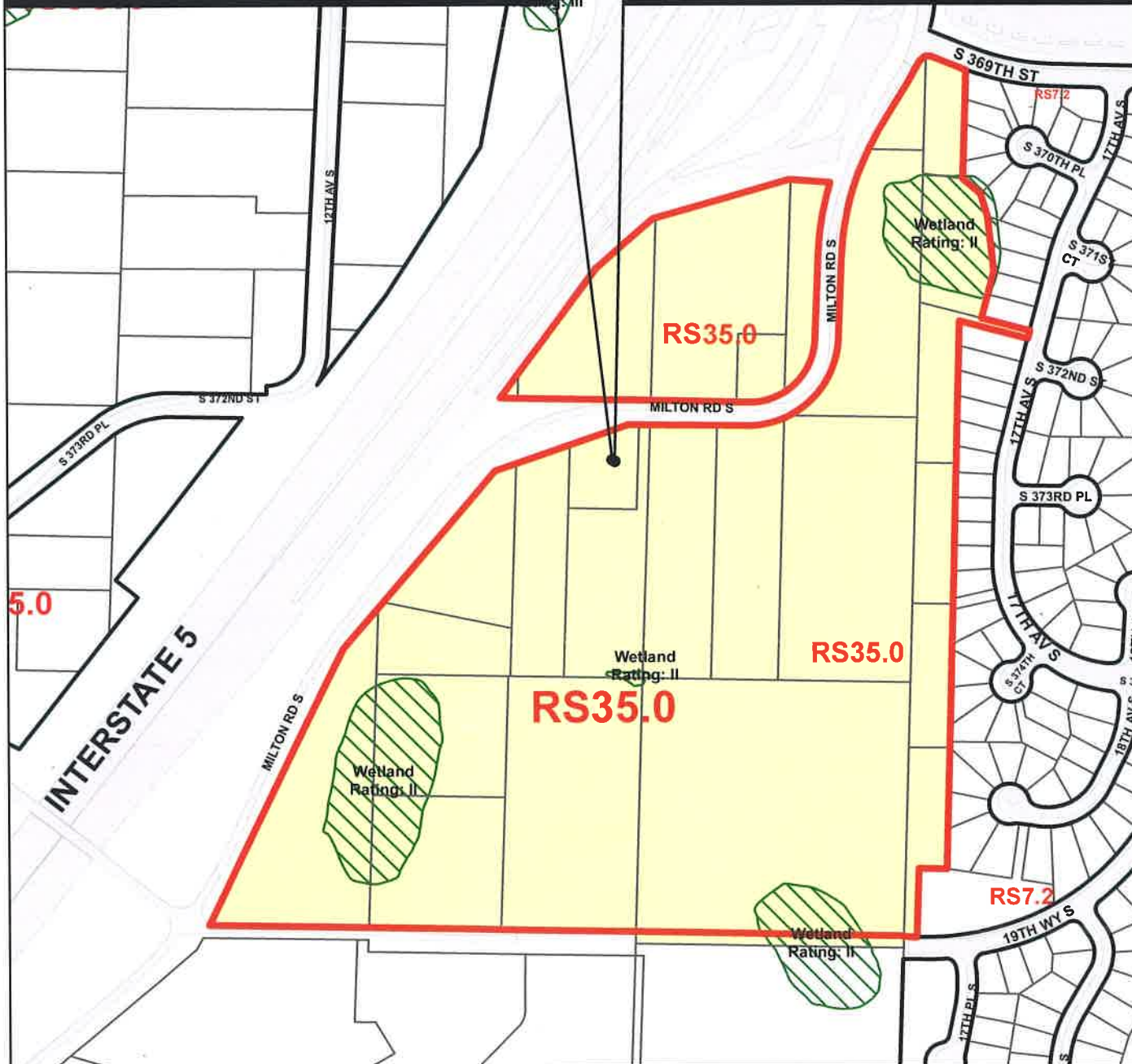
EXHIBIT A

City of Federal Way

Legislative Rezone and Amendments to the Comprehensive Plan, Comprehensive Plan Map (Map II-1) & Zoning Map (Map II-2)

Existing Designations
Comprehensive Plan: Single Family Medium Density
Zoning: Single Family (RS35.0)

Proposed Designations
Comprehensive Plan: Single Family High Density
Zoning: Single Family (RS7.2)



Legend

- Proposed Comprehensive Plan & Legislative Rezone Area
- Wetlands (1998 City Survey)
- Zoning Boundary



This map is accompanied by no warranties, and is simply a graphic representation.