

**ORDINANCE NO. 1838**

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to land use, reinstating a City planning commission, amending DMMC 17.10.130, 17.10.140, 17.10.150, 17.10.160, 18.20.190, 18.20.210, 18.20.230, and 18.30.100, and adding a new chapter to Title 4 DMMC entitled "Planning Commission".

**WHEREAS**, Pursuant to RCW 35A.63.020 a code City may create a planning agency, and

**WHEREAS**, the City of Des Moines creates a planning agency titled the Planning Commission, and

**WHEREAS**, The Planning Commission shall serve in an advisory capacity as may be provided by this ordinance and shall have such other powers and duties as shall be provided by this ordinance, and

**WHEREAS**, The City Council retains the authority of the planning agency to prepare a comprehensive plan under RCW 35A.63.060, and

**WHEREAS**, the Des Moines City Council held a duly noticed public hearing on December 4, 2025, and

**WHEREAS**, based on the careful consideration of the facts, the City Council finds that the proposed amendments attached and incorporated herein should be approved as presented; now therefore,

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

**NEW SECTION. Sec. 1. Planning Commission established.**

Pursuant to RCW 35A.63.020 there is established a planning commission which shall function in accordance with the provisions of this chapter.

**NEW SECTION. Sec. 2. Membership - term.**

(1) The Planning Commission shall consist of seven members, appointed by the City Council.

(2) If qualified candidates are available, members should represent each of the following interests:

(a) Five members should consist of members qualified by experience or interests in areas related to topics related to Growth Management, Land Use, Housing, Transportation, Economic Development, Parks, or Environment management.

(b) One should include an owner, operator, or employee of a small business within the City limits.

(3) Requirements for Residency

(a) Members of the Commission shall be residents of the City who have lived within the City for at least one year prior to appointment to the Commission.

(b) One member of the Commission may be a nonresident if the member has been an owner, operator, or employee of a small business operating within the City limits for at least one (1) year prior to appointment to the Commission.

(4) Members of the Commission shall not sit on any other City standing commissions or committees.

(5) The term of office for members of the Commission shall be four years.

(6) Three of the seven initial appointments to the Planning Commission shall be appointed for two year terms as determined by the City Council.

(7) Commission terms shall be limited as stated in DMMC 4.24.040(2).

**NEW SECTION. Sec. 3. Purpose, duties, and responsibilities**

The Planning Commission shall review staff proposals, hold public hearings, and submit recommendations to the City Council on certain Type IV and Type VI land use actions. The Planning Commission shall review such other matters and take such further action as the City Council may direct from time to time by motion, resolution, or ordinance.

Planning Commission meetings shall be scheduled once per month, and the planning commission shall meet no less than four times per year.

**NEW SECTION. Sec. 4. Administrative support.**

The City Manager shall designate a member of the paid staff of the City to serve as secretary of the Planning Commission.

**NEW SECTION. Sec. 5. Procedure.**

(1) Members of the Planning Commission members will choose a presiding officer from their number. The presiding officer can be removed by majority vote of the Planning Commission or majority vote of the City Council.

(2) The Planning Commission may prescribe rules concerning procedures for hearings authorized in the Des Moines Municipal Code, subject to approval by the City Attorney. In the absence of rules of procedure approved by the City Attorney, hearings shall be conducted as required by chapter 4.12 DMMC, City Council - Rules of Procedure.

**NEW SECTION. Sec. 6. Public disclosure information.**

Between January 1 and April 16 of each year during which a member of the planning commission holds office, the member shall file with the City Clerk a financial disclosure statement on a form approved by the City Attorney. Failure to file such form in a timely fashion shall result in the immediate removal of the member from office.

**Sec. 7.** DMMC 17.10.130 and section 50 of Ordinance No. 1585 are each amended to read as follows:

**Planning Commission review.**

(1) General. Pursuant to this chapter and chapter 18.20 DMMC, the Planning Commission shall hold a public hearing on each proposed Type IV land use action. No later than the first regular public meeting after receiving the recommendation of the Director on the preliminary subdivision, the City Council shall set by motion the date of the hearing.

(2) Notice. The Director shall prepare and distribute public notice of the hearing as set forth in DMMC 17.40.120.

(3) Electronic Sound Recording. The City shall make a complete electronic sound recording of each public meeting involving the review of a Type IV land use action.

(4) Recommendation. Upon consideration of the information presented at the public hearing, the Planning Commission shall, by a majority vote of a quorum of its membership, make a recommendation to the City Council.

(5) Recommendation criteria. The Planning Commission may recommend approval of the proposed Type IV land use action only if it finds that it meets the applicable decisional criteria.

(6) Transmittal of Recommendation. The Director shall inform the City Council of the Planning Commission's recommendation not later than within the next two (2) regular City Council meetings following the adoption of the Planning Commission's recommendation.

**Sec. 8.** DMMC 17.10.140 and section 51 of Ordinance No. 1585 are each amended to read as follows:

**Public testimony and participation at public hearings.**

Any person may participate in the public hearing in either or both of the following ways:

(1) By submitting written testimony either by delivering this testimony to the Department prior to the hearing or by giving it directly to the Planning Commission at the hearing.

(2) By appearing in person, or through a representative, at the hearing and making oral testimony directly to the Planning Commission. The presiding officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.

**Sec. 9.** DMMC 17.10.150 and section 52 of Ordinance No. 1585 are each amended to read as follows:

**Continuation of hearing.**

The Planning Commission may continue the hearing if, for any reason:

- (1) It is unable to hear all of the public testimony on the matter;
- (2) It determines that it needs more information on the matter; or
- (3) It directs that the proposed preliminary subdivision be modified.

If, during the hearing, the Planning Commission announces the time and place of the next hearing on the matter, no further notice of that hearing need be given.

**Sec. 10.** DMMC 17.10.160 and section 53 of Ordinance No. 1585 are each amended to read as follows:

**City Council's decision.**

(1) General. Following its consideration of the record and the Planning Commission's recommendation in the matter, the City Council shall by motion direct administration to return the proposed preliminary subdivision to the applicant for modification or draft a resolution to either:

- (a) Approve the preliminary subdivision; or
- (b) Approve the preliminary subdivision subject to certain conditions; or
- (c) Disapprove the preliminary subdivision.

(2) Decisional Criteria. The City Council may approve the proposed preliminary subdivision only if it finds that:

- (a) It is consistent with the applicable provisions of the Comprehensive Plan, Zoning Code, Shoreline Master Program, and other City policies and regulations; and

(b) It is consistent with the applicable provisions of chapter 17.35 DMMC (layout and design of subdivisions); and

(c) There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools; and

(d) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The City Council shall be guided by the policy and standards and may exercise the powers and authority set forth in chapter 58.17 RCW, as presently constituted or as may be subsequently amended; and

(e) The proposed preliminary subdivision provides for coordinated development with adjoining properties or future development of adjoining properties including but not limited to provisions for improved or shared access where appropriate.

(3) Conditions, Restrictions, and Modifications. The City Council shall include in its decision any conditions, restrictions, and modifications that are determined as necessary to eliminate or minimize any undesirable effects or impacts that would result from approving the proposed subdivision. Any conditions, restrictions, and modifications that are imposed shall become part of the decision.

(4) Dedication. The City Council may require dedication of tracts, easements, or rights-of-way for utility or other public purposes. Such dedications shall be clearly shown and described on all documents required by this chapter.

(5) Contents of Decision. The City Council shall adopt by resolution:

(a) A statement approving, approving with conditions, or denying the preliminary subdivision; and

(b) Any conditions, restrictions, and modifications that are imposed; and

(c) Findings of fact that support the decision, including any conditions, restrictions, and modifications that are imposed; and

(d) A statement of the criteria used in making the decision; and

(e) A summary of the rights, as established in this chapter, of the applicant and others to request reconsideration of the decision of the City Council.

(6) Distribution of Decision. Within fifteen days following the City Council decision, the City Clerk shall distribute the resolution to the applicant.

(7) Failure to Resubmit. Preliminary subdivision applications returned to the applicant for modification that are not resubmitted to the planning official within 60 days of the date of the City Council public hearing will be, for the purposes of this chapter, considered withdrawn; except that the Director may extend the period to resubmit the application for an additional 60 days upon written request by the applicant submitted within the initial 60-day resubmittal period. Time spent by the applicant to make modifications as directed by the City Council shall not be counted toward application time limits specified in DMMC 17.10.190, Processing preliminary subdivisions - Time limits.

**Sec. 11.** DMMC 18.20.190 and section 69 of Ordinance No. 1591 as amended by section 4 of Ordinance No. 1737 are each amended to read as follows:

**Review process for Type IV land use action.**

(1) For all Type IV land use actions except matters governed by DMMC chapter 16.05, chapter 16.20, and zoning map amendments that require a Comprehensive Plan Amendment, the Planning Commission shall conduct a public hearing for the review of the proposed land use action. The Planning Commission

may recommend approval, approval with conditions or amendments, or denial of a Type IV land use action. The recommendation(s) of the Planning Commission shall be forwarded to the City Council. Hearings not delegated to the Planning Commission shall be conducted by the City Council or as otherwise directed by motion of the City Council.

(2) Upon conclusion of the 15-day comment period and any applicable SEPA appeal period, the City Council may approve, approve with conditions, or deny a Type IV land use action upon compliance with the procedural requirements of chapter 18.240 DMMC, Hearing Examiner.

(3) The City Council's decision regarding a Type IV land use action is appealable to the Superior Court of Washington for King County as specified by DMMC 18.20.290 (Appeal from decision of the City Council).

**Sec. 12.** DMMC 18.20.210 and section 71 of Ordinance No. 1591 as amended by section 6 of Ordinance No. 1737 are each amended to read as follows:

**Review process for Type VI land use action.**

(1) For all Type VI land use actions except textual code amendments for titles 12, 14, and 16, adoption or amendment of the Comprehensive Plan, and Area-wide rezones that require Comprehensive Plan amendment, the Planning Commission shall conduct a public hearing for the review of the proposed land use action. The Planning Commission may recommend approval, approval with conditions, or denial of a Type VI land use action. The recommendation(s) of the Planning Commission shall be forwarded to the City Council. Hearings not delegated to the Planning Commission shall be conducted by the City Council or as otherwise directed by motion of the City Council.

(2) For textual code amendments, the Director may schedule a public hearing before the Planning Commission as provided in DMMC 18.30.100.

(3) Upon conclusion of the 15-day comment period, the City Council may approve, approve with conditions, or deny a Type VI land use action upon compliance with the procedural requirements

of chapter 18.30 DMMC, Amendments to the Zoning Code, Map and Planned Unit Developments.

(4) Except for matters subject to review by the Central Puget Sound Growth Management Hearings Board as provided by RCW 36.70A.280, as presently constituted or as may be subsequently amended, the City Council's decision regarding a Type VI land use action is appealable to the Superior Court of Washington for King County as specified by DMMC 18.20.290 (Appeal from decision of the City Council).

**Sec. 13.** DMMC 18.20.230 and section 71 of Ordinance No. 1591 as amended by section 6 of Ordinance No. 1737 are each amended to read as follows:

**Procedures for open record public hearings.**

(1) Open record public hearings shall be conducted as required by chapter 4.12 DMMC, City Council - Rules of Procedure, and chapter 18.240 DMMC, Hearing Examiner, and other applicable law.

(2) Written information received from the public or other agencies shall be admitted to the record during the time between the publication of the applicable public notice, and the closing of the open record public hearing by the presiding officer of the City Council or Planning Commission hearing.

(3) Oral testimony from the public or other agencies shall be admitted to the record during the time between the opening and closing of the open record public hearing by the presiding officer of the City Council or Planning Commission hearing.

(4) Upon the closing of the open record public hearing by the presiding officer of the City Council or Planning Commission hearing, no additional written information or oral testimony from the public or other agencies will be accepted or considered.

**Sec. 14.** DMMC 18.30.100 and section 104 of Ordinance No. 1591 as amended by section 7 of Ordinance No. 1737 are each amended to read as follows:

**Textual changes to zoning code or area-wide rezones.**

Amendments to this Title that constitute a textual change or an area-wide rezone are made in the following manner:

(1) As used in this section, unless the context or subject matter clearly requires otherwise, "textual change" means a change or amendment to this Title except:

(a) Amendments changing the zone of a particular parcel of property (commonly known as a rezone); or

(b) Actions relating to adoption or amendment to the Comprehensive Plan.

(2) No textual change is made without at least one public hearing before the Planning Commission.

(3) Notice of the public hearing shall generally conform with DMMC 17.45.070, Notice. Continued hearings may be held at the discretion of the Planning Commission but no additional notice is required.

(4) The Director may schedule a public meeting of the Planning Commission to allow for review of a proposed textual code amendment. The Planning Commission may recommend approval, approval with conditions or amendments, or denial of the proposed textual code amendment. The recommendation(s) of the Planning Commission shall be forwarded to the City Council for review during the public hearing.

**Sec. 15. Codification.** Sections 1 through 6 of this ordinance shall be codified as a new chapter in Title 4 DMMC entitled "Planning Commission".

**Sec. 16. 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. 17. Effective date.** This ordinance shall take effect and be in full force sixty (60) days after its passage, approval, and publication in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 11th day of December, 2025 and signed in authentication thereof this 11th day of December, 2025.

  
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APPROVED AS TO FORM:

/s/ Tim George  
City Attorney

ATTEST:

  
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City Clerk

Published: December 16, 2025