

SPECIAL MEETING DES MOINES CITY COUNCIL

MINUTES

May 2, 2006

The special meeting of the Des Moines City Council was called to order at 7:30 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Thomasson.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman (arrived at 7:57 p.m.) and Susan White. Also in attendance were City Manager Tony Piasecki, Assistant City Attorney Richard Brown, Planning, Building and Public Works Director Grant Fredericks, Land Use Planner I Jason Sullivan, Land Use Planner II Denise Lathrop, and Deputy City Clerk Angela Chaufy.

DISCUSSION ITEM

Growth Management Act Compliance Issues - Continued Discussion

Planning, Building, and Public Works Director Fredricks introduced the subject. The proposed ordinance would be presented to Council for adoption on May 4, 2006.

Land Use Planner II Lathrop and Land Use Planner I Sullivan briefly highlighted the proposed language revisions for the Environmental Protection, Zoning Code, Impact Fees, and Siting Essential Public Facilities development regulation sections. They then led Council through a detailed review of Draft Ordinance No. 06-088. Discussion was as follows:

Section 2 – 18.04.489 Qualified professional

Land Use Planner II Lathrop confirmed that, in order to gain consistency, the term “qualified professional” would eventually replace the terms “engineer, architect, etc.” throughout the Code.

At 7:57 p.m., Councilmember Sherman arrived at the meeting.

Section 3 – New section 18.08.095 Accessory Living Quarters (ALQ)

Through discussion, Council concurred that Section 3(4) should state that an accessory dwelling unit shall either be accessed through a common front door or from a side or rear door.

In regard to Section 3(5), Land Use Planner I Sullivan explained that the square footage of the primary dwelling included the square footage of the house and garage. He noted that an ALQ was defined by a separate kitchen area rather than by the rental status of the unit.

In regard to Section 3(6), Mayor Pro Tem suggested that the City publicize an amnesty period for existing ALQ's.

Assistant City Attorney Brown recommended that the code define the class of civil infraction.

Section 4 – New section 18.86.072

Mayor Pro Tem Thomasson noted that the term “hillside” was not tied to the definition of geologically hazardous areas. He also questioned whether the City had any critical facilities as

noted in Section 4(b). Mayor Pro Tem Thomasson recommended that Section 4 be deleted and that “hillsides” be included in Section 20 (DMMC 18.86.020) of the purposed ordinance.

Land Use Planner II Lathrop confirmed that Section 4 was a housekeeping item and was not required by GMA.

Council concurred to delete Section 4 and to have the definition in DMMC 18.04 revert back to the original definition.

Section 5 -18.86.093 Best management practices required.

Land Use Planner II Lathrop clarified that the section referred to King County’s surface water design manual.

Mayor Pro Tem Thomasson recommended that Council later confirm that the code sections regarding wetlands regulations and critical areas were in agreement.

Upon questioning from Councilmember Scott, Land Use Planner II Lathrop explained that the language would ensure that construction practices were in keeping with best management practices.

Section 6 – Imposition of impact fee on development activity.

Mayor Pro Tem Thomasson said that Section 6(7) was confusing as DMMC 12.56.040 did not define a system improvement.

Land Use Planner I Sullivan clarified that the intent of the language was to not charge twice for the same improvement.

City Manager Piasecki said that staff would work to better clarify the intent of the language .

Section 7 – 14.44.030 Basis for establishing the areas of special flood hazard.

Land Use Planner II Lathrop informed Council that the language from Ordinance 1361 had been incorporated into the draft ordinance.

Mayor Pro Tem Thomasson said that Section 7(2) needed to be reconciled with DMMC 14.44.100. He recommended that the proposed language be placed in DMMC 14.44.100 rather than in DMMC 14.44.030 as other sections of the code referenced DMMC 14.44.100. He noted that no “V” zones were identified on the maps.

Land Use Planner II Lathrop noted that, as the reference to “Community Development Director” would need to be global changed, it would be handled next year.

Section 8 – 14.44.080 Establishment of development permit.

Mayor Pro Tem Thomasson questioned whether the City had a Flood Zone Development Permit.

Section 9 – 14.44.160 General standards.

In regard to Section 9(2), Mayor Pro Tem Thomasson recommended that the first sentence “Structures shall be located outside the floodplain” be deleted as it was redundant.

Land Use Planner II Lathrop agreed. Upon request, she defined an active hyporheic exchange.

Councilmember Pina recommended that the term active hyporheic exchange be replaced with the phrase's definition.

Mayor Pro Tem Thomasson recommended that if the City did not have any active hyporheic exchanges, the reference to them should not be included in the ordinance.

At 9:00 p.m., Mayor Sheckler declared a ten minute break.

Mayor Pro Tem Thomasson said that Section 9(4) was redundant as the subdivision code already addressed the issues. He recommended that Section 9(4) be deleted.

Land Use Planner II Lathrop confirmed that the language could be deleted.

Mayor Pro Tem Thomasson said that the FEMA maps did not provide an accurate depiction of the flood boundary. He noted that DMMC 44.100 already provided discretion to the Community Development Director to study and determine a reasonable 100 year floodplain.

Land Use Planner II Lathrop noted that Section 9(4e) could be removed.

Council concurred.

Councilmember Pina cited an example of the inaccuracy of the maps.

Section 10 DMMC 14.44.170

Land Use Planner II Lathrop confirmed that the reference to Ordinance No. 938 would be changed to Ordinance 1361.

Mayor Pro Tem Thomason asked staff to ensure Section 10.1(a) was consistent with section 10.2(e).

In regard to Section 10(3), City Manager Piasecki noted that no change to the existing code was proposed.

Section 12 18.04.015 Accessory Living Quarter.

Council concurred that the first sentence of the section should state that an ALQ refers to a detached structure or part of the primary structure.

Section 16

Mayor Pro Tem Thomasson felt that the language of Section 16(14) was ambiguous.

Planning, Building, and Public Works Director Fredricks confirmed that GMA required the City to address this issue.

Council generally concurred to accept the language as proposed.

Section 18

Land Use Planner I Sullivan noted that an Accessory Living Quarter Development Permit had been added as a Type I land use action.

Section 19

Mayor Pro Tem Thomasson said that the language should direct the publisher of the Code to change the title.

Section 20

Council concurred that “hillsides” should remain a part of the list in Paragraph 1 of the Purpose section.

Councilmember Pina stated opposition to the word “restoring” in Section 20(1) as other sections of the code do not require restoration.

City Manager Piasecki noted that the word “restore” was currently in the Code.

Council concurred to maintain the existing language, “Protect public against loss from:” in Section 20(4).

Council concurred to keep Section 20(11) in the draft Ordinance.

Section 21

Land Use Planner II Lathrop noted that the proposed changes to Section 21 were not required by GMA but suggested by the consultant.

Council concurred to leave DMMC 18.86.083 as it currently exists and delete proposed Section 21 from Draft Ordinance 06-088.

Mayor Pro Tem Thomasson asked staff to research the depths of the water districts’ wells when this topic is addressed by Council in the future.

Section 22

Land Use Planner II Lathrop informed Council that the City currently did not have a map of fish and wildlife conservation areas, but the intent of the language was to recognize the Washington Department of Fish and Wildlife Priority Habitats and Species maps.

Councilmember Kaplan spoke in support of including the language as it would provide a tool for Council and staff.

Land Use Planner II Lathrop noted that specific language regarding eagles’ nests had been deleted from Section 22(5).

Mayor Pro Tem Thomasson said the findings of fact should be revised to reflect Council’s direction.

City Manager Piasecki said that staff would call Council if an updated version of Draft Ordinance 06-088 was available tomorrow.

NEXT MEETING DATE - Regular Meeting, May 4, 2006

ADJOURNMENT

At 10:13 p.m., **motion** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk