

## AGENDA

DES MOINES CITY COUNCIL  
ECONOMIC DEVELOPMENT  
City Council Chambers  
21630 11th Avenue S, Suite C.  
Des Moines, Washington  
Thursday, March 27, 2025 - 5:00 PM

**Economic Development Committee:** Chair Jeremy Nutting; Vice Chair Harry Steinmetz; Traci Buxton

### CALL TO ORDER

### AGENDA

- Item 1. APPROVAL OF FEBRUARY 27, 2025 MINUTES  
[02.27.2025 Economic Development Committee Draft Minutes](#)
- Item 2. SOUND CODE DISCUSSION
- Staff will discuss the information in the attached memo  
[Analysis and Recommendations for Updating Des Moines' Sound Transmission Code and Possible Future Adoption Memo](#)
- Item 3. SHORT TERM RENTAL DISCUSSION
- Staff will discuss the draft short term rental code  
[Proposed Short Term Rental Ordinance 25-001 Memo](#)  
[Draft Ordinance no 25-001 Final](#)
- Item 4. LONG-RANGE FINANCIAL PLAN AND DEVELOPMENT IMPACT ANALYSIS
- Staff will provide a memo for discussion  
[Long-Range Financial Plan and Development Impact Analysis Memo](#)

### ADJOURNMENT

**DRAFT MINUTES**

**Economic Development Committee Meeting  
Thursday, February 27, 2025  
5:00 p.m. – 5:50 p.m.  
Council Chamber**

**Council Members**

Jeremy Nutting, Chair  
Dep Mayor Harry Steinmetz, Vice Chair  
Mayor Traci Buxton

**City Staff**

Katherine Caffrey – City Manager  
Rebecca Deming – Community  
Development Director  
Mike Slevin – Public Works Director  
Tim George – City Attorney  
Dan Hopp – Building Official  
Matt Hutchins – Assistant Attorney  
Taria Keane – City Clerk  
Laura Hopp – Admin Coordinator I  
Jodi Grager – Admin Coordinator I

Guests: Councilmembers Gene Achziger and Matt Mahoney  
Dan Wahlstrom and Mason Watt

Meeting was called to order at 5:00 p.m.

**1. Approval of January 23, 2025 Minutes**

Minutes approved as submitted.

**2. Frontage Treatments Presentation**

Mayor Buxton introduced Mason Watt, M4 Enterprises LLC. Mr. Watt proposed a pilot project which incorporates visual screens in front of unused downtown Des Moines properties. He suggested these screens would provide a more unified streetscape visual. Mr. Watt thanked Studio – iva murphy for the renderings that were included in the presentation. Mr. Watt believes that the initial prototype using volunteers and donated materials could be built for \$15,000. The committee discussion included:

- Plans, permits, maintenance, costs
- Public safety
- Potential business interests
- Timeline

Chair Nutting requested City Manager and Mayor provide a letter that Mr. Watt could use as he continues the research and planning necessary to proceed. Chair Nutting invited Mr. Watt to return to this committee to present additional details for further consideration.

**3. Woodmont Development Agreement**

Rebecca Deming, Community Development Director stated staff are

preparing a Woodmont Development Agreement for a mixed use project with the potential for 7500 sq ft of commercial frontage along Pacific Highway South. Currently, the Des Moines Municipal Code requires Development Agreements (DA) and the Planned Unit Development (PUD) receive City Council Approval. Staff proposed that the DA first come to Council, then the Planned Unit Development be forwarded to the Hearing Examiner. Director Deming added that requirements can be added to the DA per Council request. The DA would need to receive Council approval. The Committee supported this change.

**4. Sound Code Discussion**

Due to time constraints, this item was postponed until the next meeting.

Adjourned at 5:51 p.m.

Respectfully submitted by, Jodi Grager, Public Works Administrative Coordinator



## MEMORANDUM

**DATE:** March 17, 2025

**TO:** City of Des Moines Economic Development Committee, City Manager Katherine Caffrey

**FROM:** Daniel Hopp, Building Official

**SUBJECT:** Analysis and Recommendations for Updating Des Moines' Sound Transmission Code and Possible Future Adoption

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### Introduction

This memo summarizes recommendations for updating Des Moines' sound transmission code as a follow-up to the Economic Development Committee's initial meeting on June 27, 2024. The City of Des Moines currently lacks a sound code, as the original ordinance (Ordinance 1407), adopted in 2007 to mitigate aircraft noise from SeaTac Airport, was repealed in 2012. This memo aims to provide a path for a new sound code while balancing effective noise reduction with economic feasibility.

Note: See Appendix A for definitions, neighborhood comparisons, and other information.

### Background

- **Ordinance 1407 (2007):** Required sound mitigation in two noise zones for most buildings near SeaTac Airport. It addressed a gap in state building and energy codes, which focus primarily on interior sound control and energy efficiency.
- **Repeal in 2012 (Ordinance 1539):** The ordinance was repealed due to quieter aircraft, improved building codes, developer concerns about cost, and a focus on promoting development.
- **Current Gap:** There are no specific requirements for exterior noise mitigation in new construction or remodels. Interior sound control is only required between dwelling units in commercial structures under the Washington State Building Codes.

### Summary of Recommended Approach

#### Engage a Sound Engineering Consultant

While ordinance 1407 was effective in its time, advancements in state building codes, as well as practices from neighboring jurisdictions like Burien and SeaTac, offer opportunities to modernize Des Moines' sound transmission code. To support the successful development and implementation of an updated sound code, it is recommended that the City engage a sound engineering consultant in a targeted and advisory role.

Depending on budget constraints and the cost-based approach chosen, below is a more detailed look at what the consultant's key tasks could include:

### 1. **Drafting the New Sound Code:**

- Assist City staff in establishing STC targets and ensuring compatibility with the Washington State Energy Code (WSEC).
- Focus on validating and recommending pre-tested ASTM assemblies (e.g., from USG, UL, GA files) to streamline compliance and reduce the need for custom prescriptive development.
- Ensure the sound code aligns with regional, state, and federal standards while offering practical compliance options for developers and builders.

### 2. **Conducting a Cost Analysis and Feasibility Study:**

- Evaluate the financial impact, identify cost-effective noise reduction solutions, and recommend incentives or phased implementation to ensure affordability and feasibility for all stakeholders.

### 3. **Evaluating and Redefining Noise Zones:**

- Evaluate previous zones and the potential impacts of creating a multi-zone framework that includes a third zone and that reflects current and projected noise conditions, offering tiered standards for different areas.

### 4. **Developing Prescriptive Compliance Methods:**

- Propose prescriptive methods based on tested assemblies (UL and GA files), detailing specific construction requirements for walls, windows, doors, roofs, and ventilation systems. This would be for both new and existing structures.
- Create visual aids and compliance guides for applicants to clarify requirements and simplify the review process.
- Use ASTM E90 (laboratory testing) and ASTM E336 (field-testing) to measure the sound attenuation performance of current wall and ceiling assemblies required by the Washington State Energy Code. Analyze results to determine how these assemblies contribute to noise reduction.
- Alternatively, assist City staff in adopting a mostly performance-based approach using pre-tested STC-rated assemblies to reduce administrative complexity and testing requirements. This would be similar to Burien's approach, but would offer specific assemblies to streamline compliance.

If needed, the consultant may also collaborate with additional experts (such as financial consultants) to support the cost analysis and feasibility study. This approach ensures that Des Moines will adopt a modern and effective sound transmission code that serves the community's long-term needs.

### **Advancements in Modern Codes**

The 2021 Washington State Residential Energy Code has significantly improved sound attenuation through, but is not limited to the following:

- Airtight construction.
- Continuous insulation for walls.

- Improved Roof and Ceiling Insulation.
- Energy-efficient windows.

While these improvements raise the baseline for noise reduction, their full impact on sound attenuation is unclear without independent studies. Engaging a sound engineering consultant will ensure a thorough evaluation and provide updated prescriptive methods.

A new sound code should focus on enhancing walls, roofs, windows, and ventilation systems based on sound engineer recommendations. This could include additional insulation, thicker drywall, and sound-dampening techniques like 90-degree bends in exhaust piping.

### **Targeted Approach for Remodels and Alterations**

Since much of Des Moines is already built out, the updated code should include targeted sound mitigation for major remodels, which can have the most meaningful impact for residents. While Ordinance 1407 did address alterations, it did so only through IRC 104.11 and IBC 104.10 and 104.11 (alternative materials and methods), relying on the Building Official's discretion. The new code can improve upon this by adopting clear prescriptive measures for key improvements.

**Prescriptive Approach:** Major remodels—particularly when exterior walls are opened or significant systems like windows or HVAC are replaced—offer the best opportunity for sound upgrades. Prescriptive measures can rely on ASTM-tested solutions, such as those found in resources like the USG Acoustical Assemblies Guide, to ensure compliance without requiring custom testing.

**Expert Guidance and Flexibility:** Specific prescriptive measures could be developed with input from a sound engineering consultant to ensure practicality and effectiveness. A prescriptive framework will create clarity and consistency while still allowing limited flexibility for unique cases under existing code provisions for modifications.

### **Integrate Federal and State Resources for Existing Structures**

While the updated Noise Exposure Map (NEM) has limited coverage within Des Moines, partnering with the Port of Seattle and FAA could still provide valuable support for future noise mitigation efforts. The [Port's recent \\$5 million pilot program](#) for repairing and replacing noise insulation packages may not significantly impact Des Moines initially, but maintaining this partnership could:

- Provide access to technical expertise and noise mitigation tools.
- Position Des Moines for future funding opportunities if the program expands.
- Support community outreach and education on available sound mitigation resources.

### **Modernize Noise Control Zones**

Reassess the two original noise zones to reflect current and projected noise impacts more accurately.

- **Area 1:** Focus on higher-noise areas, such as north of South 252nd Street.
- **Area 2:** Target moderate-noise areas with appropriate mitigation requirements.

Alternatively, consider introducing a third tier or using an updated sound exposure map, similar to models used by Burien and SeaTac, for a more precise approach.

### **Land Use Considerations**

- Ensure compliance with DMMC 18.135.060 (1)(e), which requires new construction in Pacific Ridge zones to meet FAA Part 77 regulations for airspace compatibility.
- Use FAA guidelines (AC 150/5190-4B) for additional land-use compatibility planning.

### **Anticipate Future Challenges**

- The Sustainable Airport Master Plan (SAMP) outlines future improvements at SeaTac Airport, including new terminals, expanded cargo facilities, and roadway realignments.
- While no new runways are planned, increased flight operations are expected, which could raise surrounding noise levels. Future noise mitigation efforts should anticipate these impacts.

### **Conclusion**

While the City of Des Moines does not currently have a sound code, Des Moines' original sound ordinance provided a strong foundation for noise mitigation. To enhance its effectiveness, the City could update the ordinance by refining area definitions, incorporating best practices from Burien and SeaTac, and crafting a comprehensive, adaptable framework that balances community welfare with economic feasibility.

By leveraging advancements in the Washington State Energy Code, addressing future challenges identified in the SAMP, and consulting sound engineering experts, the City can ensure cost-effective implementation and maximize community benefits. These updates would enable Des Moines to tackle current and future noise issues while maintaining alignment with neighboring jurisdictions.

## Appendix A

### Definitions:

- **Sound Transmission Control (STC)** is a single number rating for describing sound transmission loss of a wall, roof, floor, window, door, partition or other individual building components or assemblies.
- **“Noise reduction level” (NRL)** is the decibels (dB) of sound decrease required (35 dB, 30 dB, or 25 dB).
- **“Noise reduction coefficient (NRC)”** is the arithmetic average of the sound absorption coefficients of a material at two hundred fifty (250), five hundred (500), one thousand (1,000), and two thousand (2,000) Hz.
- **Performance-Based Compliance**  
Performance-based compliance focuses on achieving a specific sound reduction target, such as an STC (Sound Transmission Class) rating, without dictating how that target must be met. Builders have the flexibility to select materials, assemblies, or construction techniques, as long as they can demonstrate compliance through documentation or testing.
  - This method allows for innovation and customization while ensuring that the end result meets the required standard. Builders may rely on pre-tested and certified assemblies (e.g., GA or UL-rated wall assemblies) or conduct field testing (ASTM E336) to verify that the design achieves the desired sound attenuation.
- **Prescriptive Compliance Method**  
Prescriptive compliance provides specific construction requirements and material specifications that must be followed to achieve the required sound attenuation, without the need for field testing or further verification. Builders meet compliance by constructing assemblies exactly as detailed in the code.

### Examples of Prescriptive Requirements:

- **Walls:** Double-stud wall construction with 1-inch sheathing, R-channel resilient clips, and 5/8-inch gypsum board on both sides, filled with sound-absorbing insulation.
- **Ceilings:** Use of suspended ceilings with resilient channels and 5/8-inch drywall to reduce sound transmission from upper floors.
- **Windows:** Multi-pane windows with laminated glass and STC-rated frames, designed to meet the required STC ratings for the noise reduction zone.
- **Doors:** Solid-core exterior doors with weather-stripping and soundproof thresholds to prevent air and sound leakage.
- **Ventilation:** Installation of 90-degree bends, rigid exhaust ducts with R-11 insulation, and self-closing dampers to minimize sound transmission through mechanical systems.

### Impact of Ordinance 1407

**Residential Buildings (IRC-Regulated):** Ordinance 1407 required sound attenuation for the exterior envelope of single-family homes and townhomes—something not covered by either the base IRC or Appendix AK.

**Multifamily and Commercial Buildings (IBC-Regulated):** Similarly, Ordinance 1407 provided exterior sound mitigation requirements for multifamily units and commercial buildings, filling the gap left by the IBC's limited focus on internal noise control.

#### **Option to Adopt IRC Appendix AK**

Appendix AK of the International Residential Code (IRC) provides specific sound attenuation requirements for walls, ceilings, and floors between attached dwelling units (e.g., townhomes or duplexes), similar to the IBC requirements. It aims to reduce interior noise transfer but does not address sound mitigation for the building envelope (exterior walls, windows, and roofs).

If adopted, Appendix AK could enhance interior noise control for new construction of attached units, but it would not offer the comprehensive exterior noise protection needed for mitigating aircraft noise in high-noise areas like those near SeaTac Airport.

#### **Neighboring Cities Comparison**

Understanding how neighboring cities address sound mitigation provides valuable insights for improving Des Moines' original sound transmission code. Both Burien and SeaTac have established frameworks that reflect their unique priorities, offering a range of compliance options and strategies. Comparing these approaches can help Des Moines refine its code to achieve a balance of clarity, flexibility, and effectiveness.

#### **Burien: Three-Zone Framework with a Performance-Based Focus**

**Framework:** Burien's code uses a three-zone noise reduction system based on noise exposure levels. The zones require 35 dB, 30 dB, and 25 dB reductions, with areas defined by proximity to the airport.

**Compliance Approach:** Burien relies heavily on a performance-based approach, requiring specific STC ratings for walls, windows, doors, and other building components.

- Unlike SeaTac and Des Moines, Burien offers minimal prescriptive guidance, meaning developers must identify and use pre-tested assemblies (UL or GA files) or provide field verification to meet the required sound attenuation standards.

**Ventilation Requirements:** Burien specifies detailed requirements for ventilation systems, such as minimum duct lengths, 90-degree bends, and R-11 insulation for rigid exhaust ducts. This ensures sound transmission through mechanical systems is minimized.

### Strengths and Challenges:

- **Strength:** Burien's performance-based approach provides flexibility and encourages innovation in meeting noise reduction standards. The inclusion of a third noise zone allows for less stringent requirements in lower-noise areas, benefiting both developers and residents by reducing unnecessary costs.
- **Challenge:** The reliance on performance-based compliance without detailed prescriptive guidance can be difficult for small-scale projects or less experienced builders, who must engage professional consultants or conduct field tests to verify compliance. However, ASTM-tested assemblies, such as those listed in the USG Acoustical Assemblies Guide, offer pre-tested solutions that could simplify compliance. Incorporating similar prescriptive options could reduce this challenge and provide practical alternatives for developers.

### SeaTac: Balanced Two-Zone System with Multiple Compliance Options

**Framework:** SeaTac adopts a **two-zone system**, offering three noise reduction levels (35 dB, 30 dB, and 25 dB) based on FAA-approved Noise Exposure Maps (NEMs). These maps define boundaries with updated noise contours, providing greater precision in identifying affected areas.

**Compliance Approach:** SeaTac offers a **balanced approach**, with both prescriptive and performance-based options for compliance.

- **Prescriptive Options:** Clear construction guidelines are provided, detailing specific requirements for walls, ceilings, floors, windows, and ventilation systems.
- **Performance-Based Compliance:** Developers can also meet noise reduction standards through custom designs, provided they submit verified documentation or field test results.

**Visual Aids and Clarification:** SeaTac's code includes detailed figures and diagrams illustrating prescriptive methods, helping applicants understand and implement the requirements accurately.

### Strengths and Challenges:

- **Strength:** Offers flexibility while providing clear guidance for less experienced builders. The visual aids help reduce errors and streamline compliance.
- **Challenge:** Although the use of the Sound Exposure Map is clear and concise, it limits impact for residents outside those areas.

### Des Moines' Original Ordinance 1407: Balanced but Outdated Framework

**Framework:** Des Moines' original ordinance used a **two-area system**:

- **Area 1 (North of S. 252nd Street)** required a 35 dB reduction.
- **Area 2 (Remaining parts of the city)** required a 30 dB reduction.

**Compliance Approach:** The ordinance provided a balanced approach, with both prescriptive and performance-based compliance methods. Builders could follow detailed construction requirements or achieve compliance by meeting target STC ratings.

**Geographic Definitions:** Unlike SeaTac, Des Moines relied on less precise geographic definitions for its noise reduction areas, which created inconsistencies in enforcement and coverage.

**Strengths and Challenges:**

- **Strength:** Provided multiple compliance options, giving developers the flexibility to choose the most cost-effective approach.
- **Challenge:** The lack of updated prescriptive options can add unnecessary costs to developers and residents. The wide-reaching “Area 2” could potentially add costs in the form of design, materials, and labor where minimum noise exposure exists.

**Comparison Table**

Category	Burien	SeaTac	Des Moines (Original)
Purpose	Safeguard life, health, welfare, and property, and public welfare, by reducing airport noise	Safeguard life, health, welfare, and property, and public welfare, by reducing airport noise	Safeguard life, health, welfare, and property, and public welfare, by reducing airport noise
Areas of Application	Three-tier system: 35 dB, 30 dB, 25 dB areas. West of 1 <sup>st</sup> Ave, between 1 <sup>st</sup> and 12 <sup>th</sup> and East of 12 <sup>th</sup> .	Two noise areas: Neighborhood (35/30 dB) and Standard (30/25 dB), with exceptions. Uses Noise Level Reduction Map.	Two-area system: Area 1 (north of S. 252nd St.) and Area 2 (remaining areas).
Scope	Applies to new construction for human occupancy, with exceptions.	Applies to human occupancy and buildings in the Noise Remedy Program, with exceptions.	Applies to all living and working areas, including businesses and residences, with exceptions.
Exceptions	(1) Additions under 500 sq. ft. not used for sleeping rooms. (2) Remodels based on valuation.	Alterations and repairs.	(1) Additions under 500 sq. ft. not used for sleeping rooms. (2) Remodels based on valuation.

<b>Floor Requirements</b>	N/A	Prescriptive – Fully enclosed basement/ crawl space or slab on grade. NRL 35 dB – No crawlspace. Floors over fully enclosed garage – STC 35 (30 dB)/ STC 40 (35 dB)	Prescriptive - Fully enclosed basement/ crawl space or slab on grade.
<b>Wall Requirements</b>	STC 40 (35 dB) / STC 35 (30 dB) / STC 30 (25 dB)	STC 40 (35 dB) / STC 35 (30 dB) / STC 30 (25 dB) or prescriptive	STC 40 (Area 1) / STC 35 (Area 2) or prescriptive
<b>Roof/Ceiling Requirements</b>	STC 49 (35 dB) / STC 44 (30 dB) / STC 39 (25 dB)	STC 49 (35 dB) / STC 44 (30 dB) / STC 39 (25 dB) or prescriptive	<b>Roof/Ceiling</b> - STC 49 (35 dB) / STC 44 (30 dB) or prescriptive <b>Ceiling</b> - Prescriptive
<b>Window Requirements</b>	STC 38 (35 dB) / STC 33 (30 dB) / STC 28 (25 dB)	STC 36 (35 dB) / STC 33 (30 dB) / STC 28 (25 dB) or prescriptive	STC 38 (35 dB) / STC 33 (30 dB) or prescriptive
<b>Door Requirements</b>	STC 33 (35 dB) / STC 33 (30 dB) / STC 26 (25 dB)	STC 33 (35 dB) / STC 33 (30 dB) / STC 26 (25 dB) or prescriptive	STC 33 for exterior doors or prescriptive
<b>Ventilation Requirements</b>	90° bends, 10-ft duct lining, gravity vents, and dampers	90° bends, R-11 insulation, and damper plates	Rigid exhaust ducts, 90° bends, insulated ducts, and self-closing dampers
<b>Air Leakage</b>	N/A	N/A	Prescriptive
<b>Compliance Options</b>	Performance-based (STC Ratings only)	Prescriptive or performance-based	Prescriptive or performance-based

**City Attorney's Office  
21630 11th Avenue So., Suite C  
Des Moines, WA 98198  
206.870.6515**

# Memo

Date: March 18, 2025  
To: Economic Development Committee  
From: Legal  
Re: Proposed Short Term Rental Ordinance 25-001

Committee members, attached for your consideration is a draft of the Proposed Short Term Rental Ordinance which would create policies and requirements that property owners must follow in order to run a short term or amenities rental within the City. The reasons and justifications for the provisions are given below.

**Purpose** - The proposed short term rental ordinance is intended to establish standards for the operation of property being used as short-term or amenities rentals to ensure the safety of short term renters, amenities renters, the safety of the neighborhood and surrounding community, and the preservation of neighborhood peace.

**Registration** - The application for a short term rental permit requires the property owner to list a Local Property Representative (“LPR”) who would be reachable at all times to respond to complaints about the property/renters and remedy any issues.

**Notification Letter** - Property owners must provide the names and addresses of all neighbors to the property and provide them notice of the use of the property as a short term rental and list the contact information for the LPR. This puts neighbors on notice of the intended use and allows them to contact the LPR about any issues, hopefully reducing the need for police response and maintaining peaceful neighbor relations.

**Good Neighbor Agreement (“GNA”)** - The GNA is intended to maintain the peace, health, and safety of the neighborhood, neighbors, and renters by listing all requirements that the renters and property owners are expected to abide by. The GNA must be posted where renters can easily see it so that they are aware of the requirements.

**Requirements of Rental Platforms** - The purpose of having requirements on any rental platforms used by property owners is to ensure compliance with the permit requirements of the

ordinance as property owners would not be able to list or complete bookings without a valid permit.

**Taxes** - This section puts property owners on notice that unless the rental platform collects and remits all applicable taxes, it is the property owners responsibility to do so. It also puts the rental platforms on notice that if they collect applicable taxes, they must be remitted to the proper authorities.

**Zoning** – The ordinance allows short term and amenity rentals in all zones that allow residential uses.

**Occupancy for both Short Term and Amenities Rentals** – Including a Table of Occupancy, that lists maximum occupancy, will ensure that the number of occupants is appropriate for the size of the rental, maintaining renter safety and neighborhood peace.

**Hours of Operation for Amenities Rentals** – Amenities rentals will be restricted to day time hours which promotes the safety and peaceful enjoyment of the neighborhood by its residents.

**Parking** – Limiting the number of vehicles to on-site parking spaces prevents renters from occupying a disproportionately large number of street parking and avoids unnecessary traffic/parking congestion in the neighborhood.

**Garbage** – Requiring trash bins to be installed and a contract for removal services guarantees the health and safety of the neighborhood is maintained by not attracting rodents/pests. It also ensures the continued aesthetic of the area.

**Conduct of Guests and Response** – Including this section gives property owners and renters clear expectations of conduct and instructions on how to deal with complaints. This will hopefully avoid prolonged issues at the rental and reduce the need for police response. However, it also informs neighbors that noise or other disturbances may be reported to the police department.

**Denial or Revocation of a Short Term Rental permit – Appeal** – This section is intended to provide sufficient notice of what conditions would lead to a denial or revocation of a permit, and sufficient Due Process by way of allowing for appeals of said denial or revocation.

**Violations – Penalties and Appeal** – This section allows the City to enforce the provisions of the ordinance by making violations civil infractions under the Municipal Code, and provides sufficient Due Process by allowing for appeals of citations for violations. Further, by requiring a Noise Monitoring System upon 3 or more verified noise complaints, the City would ensure compliance with the noise restrictions of the ordinance and City Code, and that loud noises caused by rentals are not continued or prolonged thereby maintaining neighborhood peace and good neighbor relations.

Draft Short Term and Amenities Rental Regulation

For provisions of state law on short term rentals, see Chapter 64.37 RCW.

**5.70.010 Definitions.**

- 1) “Amenities Rental” means a portion or portions of a property or any building or structure on the property which are rented to guests, often on an hourly basis, and which are not intended for sleeping. Examples of amenities include, but are not limited to, swimming pools, hot tubs, sports courts, and backyards.
- 2) “Daytime” means 7:00 a.m. – 10:00 p.m.
- 3) “Guest” has the same definition as “Guest” in RCW 64.37.010(5).
- 4) “Overnight” means 10:01 p.m. – 6:59 a.m.
- 5) “Person” has the same definition as “Person” in RCW 82.04.030.
- 6) “Property Owner” means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an owner.
- 7) “Rental Platform” has the same definition as “Short-term rental platform” or “platform” in RCW 64.37.010(11).
- 8) “Short Term Rental” has the same definition as “Short-term rental” in RCW 64.37.010(9).
- 9) “Verified Noise Complaint” is a complaint about excessive or unlawful noise emanating from a Short Term Rental or Amenities Rental that is supported by evidence showing that the noise was more likely than not excessive or unlawful. Supporting evidence may include, but is not limited to a video or audio recording.

**5.70.020 Application.**

The regulations in this chapter specifically apply to both Short Term Rentals and Amenities Rentals.

**5.70.030 Registration.**

Prior to use of a property as a short term rental or amenities rental, the owner of the property must apply to the City for a Short Term Rental permit demonstrating compliance with this Chapter. The registration application shall be available online and at the City Clerk’s office. The permit shall be renewed by the property owner on an annual basis. The permit requires the Property Owner to agree to abide by the requirements of this section and to comply with the requirements outlined in Chapter 64.37 RCW.

(1) Application

- (a) The property owner must complete a Short Term Rental Application bearing the address of the property, the name, address, telephone number, and signature of the Property Owner and of the Local Property Representative, as described in section \_\_\_\_\_.

Draft Short Term and Amenities Rental Regulation

- (b) An application fee as described in section \_\_\_\_\_.
- (c) A copy of the property owner's current City of Des Moines business license.
- (d) A copy of the Notification Letter and a list of the names and addresses of all neighboring property owners that will be receiving the letter.
- (e) A signed Good Neighbor Agreement form.

(2) Notification Letter

- (a) In addition to the permit application, the Property Owner must prepare a Notification Letter that:
  - i. Describes the rental and the number of bedrooms and/or other spaces that will be rented to guests; and
  - ii. Provides the phone number for the Local Property Representative, as described in section \_\_\_\_\_.
- (b) Upon issuance of the Short Term Rental permit, the Property Owner must deliver the Notification Letter to neighboring property owners with property abutting and directly across the street from the rental.

- (3) The City of Des Moines is not responsible for compliance with any home owner's association (HOA), condo ownership group, or rental agreement restrictions that may exist regarding short-term rentals. It is the responsibility of the applicant to review for compliance with any superseding regulations, and receive approvals from any bodies as needed prior to submitting materials to the City of Des Moines for review.

**5.70.040 Fees.**

To obtain a Short Term Rental permit, the Property Owner must pay a local application fee of \$\_\_\_\_\_.

**5.70.050 Local Property Representative.**

The Property Owner must designate a Local Property Representative who shall be available 24 hours per day, seven days per week, for the purpose of: (a) responding within one hour to complaints regarding the condition, operation, or conduct of guests; and (b) taking remedial action to resolve any such complaints. The name, address, and telephone contact number of the Local Property Representative shall be kept on file at the City. The failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated complaints may result in the suspension or revocation of permit approval and/or civil or criminal penalties.

**5.70.060 Good Neighbor Agreement.**

Property Owners must sign and abide by the City's Short Term Rental and Amenities Rental "Good Neighbor Agreement." A copy of the agreement shall be posted in an easily visible location within the main space of the rental. It shall be the Property Owner's responsibility to ensure that their guests comply with the policy.

## Draft Short Term and Amenities Rental Regulation

### **5.70.070 Rental Platform Requirements.**

- (1) All Rental Platforms that display short term rental listings or amenities rental listings for properties in the City shall remove any listings for short term rentals or amenities rentals from the platform within 24 hours of City notification that the short term rental is unlicensed or if the permit associated with a listing is invalid, expired, or has been revoked. The notification must identify the listing(s) to be removed by the listing URL and state the reason for removal.
- (2) Rental Platforms shall not complete any booking transaction for any residential dwelling or other property purporting to be a short term rental or amenities rental in the City unless the dwelling or property has a current and valid short term rental permit issued pursuant to this chapter for the dates and times proposed as part of the booking transaction.
- (3) A Rental Platform shall not accept or publish a listing that does not include a valid current City-issued short term rental permit registration number within the listing.

### **5.70.080 Taxes.**

Property Owners must remit all applicable local, state, and federal taxes unless a Rental Platform does this on the owner's behalf. This includes occupancy, sales, lodging, and other taxes, fees, and assessments to which an owner or operator of a hotel or bed and breakfast is subject in the jurisdiction in which the rental is located. If the Rental Platform collects and remits an occupancy, sales, lodging, and other tax, fee, or assessment to which a Property Owner is subject on behalf of such operator, the Rental Platform must collect and remit such tax to the appropriate authorities.

### **5.70.090 Zoning.**

Short Term Rentals and Amenities Rentals are a permitted use in all zones that allow residential uses.

### **5.70.100 Occupancy.**

The Property Owner and Local Property Representative shall limit occupancy of the short term rental to a specific number of occupants as set for in the following Table of Occupancy. The property owner is responsible for ensuring that the property is in conformance with its maximum occupancy.

Draft Short Term and Amenities Rental Regulation

<b>Table of Occupancy</b>			
<b>Number of Bedrooms</b>	<b>Total of Overnight Occupants</b>	<b>Additional Daytime Occupants</b>	<b>Total Daytime Occupants</b>
0-Studio	2	2	4
1	4	2	6
2	6	3	9
3	8	4	12
4	10	5	15
5 or more	12	6	18

**5.70.110 Hours of Operation and Occupancy for Amenities Rentals.**

Amenities rentals shall only be allowed to operate during daytime as defined above. The Property Owner shall not allow any overnight rentals of the amenity and shall limit the Occupancy of the amenities rental to a specific number of occupants as set forth in the above Table of Occupancy for Daytime Occupants.

**5.70.120 Parking.**

The Property Owner and Local Property Representative shall limit the number of vehicles of overnight occupants at an amount not to exceed the number of designated on-site parking spaces. No overnight street parking shall be allowed. All persons shall comply with all applicable City parking regulations.

**5.70.130 Garbage.**

The property owner shall cause to be installed trash bins for the proper removal of trash and must have contracted for waste/garbage removal services.

**5.70.140 Conduct of Guests and Response.**

- (1) The Property Owner and Local Property Representative shall ensure that the occupants and guests of the short term rental or amenities rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the municipal code, or State or Federal law, rule, or regulation.
- (2) Any person may report unreasonable noise, disturbances, disorderly conduct or violations of the Municipal Code at a short term rental unit or an amenities rental, to the City's Code Enforcement Department or Police Department.
- (3) In the event the City receives a complaint related to noise, trash, or other violation of this chapter, the Property Owner or Local Property Representative shall contact the individual

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responsible for the rental immediately and provide the individual with a warning, or take action to terminate the occupancy. In addition, the Property Owner or Local Property Representative must contact the occupant within 30 minutes of notice of the complaint. Failure of the Property Owner or Local Property Representative to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the short term rental or amenities rental shall be a violation of this Chapter.

### **5.70.150 Denial or Revocation of a Short Term Rental permit – Appeal.**

- (1) A property owner shall be denied a Short Term Rental permit, permit renewal, or shall have their permit revoked, if:
  - (a) A property owner has been found in violation of any federal, state, or local law or regulations.
  - (b) A property owner is not in compliance with any provisions of this Chapter (insert number).
  - (c) A property owner has received three or more notice of infractions for the same short term rental or amenities rental property.
  - (d) The property owner has an active Code compliance matter.
  - (e) The property owner has not taken steps to activate or move forward with a permit application for a period of thirty (30) days.
  - (f) Non-payment of applicable local, state, and federal taxes.
- (2) Appeal by a property owner of a permit denial or revocation shall be heard by the hearing examiner and shall be governed by Chapter 18.20.160 of the Des Moines Municipal Code.

### **5.70.160 Violations – Penalties and Appeal.**

- (1) Property owners shall be liable for violations of any provisions of this Chapter.
- (2) Violations of the provisions of this chapter shall be Class 1 civil infractions and punishable pursuant to Chapter 1.24 of the City Municipal Code.
- (3) A separate offense occurs for each day any violation of, or failure to comply with, any provision of this chapter is committed, continued, maintained, or allowed to be continued.

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- (4) Appeal by a property owner of a notice of infraction shall be governed by the provisions of Chapter 1.24 of the City Municipal Code.
- (5) Noise Monitoring System. Upon receipt by the City of three (3) or more verified noise complaints, the property owner must cause to be installed a noise monitoring system, which shall alert the owner/representative of any loud noises which are more than 55 Ldn dBA. Upon notification that any occupant or guest of the rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of the municipal code or any State law, the property owner or local property representative shall contact the renter immediately and provide the individual with a warning, or take action to terminate the occupancy.

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Short Term Rentals and Amenities Rentals  
Good Neighbor Agreement  
(per Des Moines Municipal Code 5.70)

Property Owner Name: \_\_\_\_\_

Property Owner Phone Number: \_\_\_\_\_

Local Property Representative Name: \_\_\_\_\_

Local Property Representative Phone Number: \_\_\_\_\_

This Agreement shall be presented to guests as part of the contract and must be posted on site in an easily visible location within the main space of the rental. It shall be the responsibility of the property owner to ensure the Agreement is enforced.

- 1) 24-Hour Contact Information
  - a) If at any time during your stay you have concerns regarding your neighbors or issues that may arise regarding your rental, please call the Local Property Representative provided above and posted in the unit.
  - b) In the event of an emergency, please call 911.
- 2) General Respect for Neighbors  
Express a general regard and respect for neighbors' privacy and property at all times.
- 3) Noise  
Be considerate of the neighborhood and neighbors' right to quiet enjoyment of their homes and property, especially between the quiet hours of 10:00pm to 7:00am.
- 4) Maintenance and Garbage Disposal  
Pick up after yourself and keep the property clean, presentable, and free of trash. Place trash, compost, and recycling in the designated containers on site.
- 5) Pets  
If allowed on-site, promptly clean-up after pets, prevent excessive and prolonged pet noise, and keep pets from roaming the neighborhood. Control aggressive pets and abide by local leash laws. Store pet food indoors and in a secure location to reduce the likelihood of pest problems.
- 6) Parking and Traffic Safety  
Park in a respectful manner. Drive safely and slowly through neighborhoods and watch for pedestrians and children playing. Utilize the onsite parking made available for your use and

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limit street parking to daytime hours (7:00 a.m. – 10:00 p.m.). No street parking shall be allowed overnight (10:01 p.m. – 6:59 a.m.).

7) Occupancy

Occupancy shall not exceed the maximum occupancy permitted by DMMC 5.70.100.

8) Guest Responsibility

All guests and visitors are expected to follow this Good Neighbor Agreement. Please read your rental agreement for additional terms and conditions and be aware that there may be consequences for failure to follow this policy.

By signing below, you agree to abide by, and be responsible for your guests abiding by, the terms of this Agreement, applicable state and county laws, and Des Moines Municipal Code 5.70.

Property Owner Signature: \_\_\_\_\_

Rental Property Address: \_\_\_\_\_

Date Signed: \_\_\_\_\_

## MEMORANDUM

**DATE:** March 17, 2025  
**TO:** Economic Development Committee  
**FROM:** Katherine Caffrey, City Manager  
**SUBJECT:** Long-Range Financial Plan and Development Impact Analysis

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At the January 23, 2025 Economic Development Committee meeting, Staff discussed the potential of conducting a long-range financial plan for the City. The Plan will assess the City's financial health, and provide strategic fiscal recommendations. Part of the overall Plan will include a "Development Options Analysis." Staff has identified the firm FCS Group to provide these services. Additional detail is provided below.

The project consists of two major components:

1. Long-Range Financial Plan:

- Conduct budget assessments to analyze historical revenue and expenditure trends.
- Develop a 10-year financial forecast incorporating three scenarios with varying revenue and expenditure assumptions.
- Identify revenue enhancement strategies, including potential tax adjustments and cost-saving measures.
- Deliver a comprehensive financial report with policy recommendations.
- Conduct presentations and discussions with City staff and the City Council.

2. Development Options Analysis:

This analysis will model potential general fund revenue generated by various development types. The analysis will include potential recurring revenue and one-time revenue from new development.

- Assess up to four development types and their fiscal impact.
- Identify revenue sources from new developments, including property taxes, impact fees, and sales tax.
- Estimate service costs associated with each development type.
- Develop a fiscal impact model to help the city evaluate future development decisions.

### Key Takeaways

- The City's financial condition will be evaluated, identifying risks and opportunities for improvement.
- A custom financial model will enable long-term fiscal planning and decision-making.
- Policy recommendations will focus on sustainable revenue growth and cost management strategies.
- The City will receive detailed analysis on the financial impacts from potential development types.

The FCS Group has experience and familiarity with the City of Des Moines' finances, and specializes in financial planning

and analysis for public sector entities. Additionally, FCS has done this work for other communities in Washington. The contract is \$68,650, and Staff recommends Fund 105 pay for the Development Options Analysis (\$23,120) and the General Fund pay for the financial plan (\$43,730). FCS estimates the work can be completed within six months.

At the Economic Development Committee meeting, Staff will discuss the proposal with the committee and receive any feedback prior to taking the contract before the City Council for consideration at the April 10 City Council meeting.