

## AMENDED

### FINANCE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA

April 14, 2016 - North Conference Room

21630 11<sup>th</sup> Avenue South – Des Moines 98198

~~5:30P~~ – 6:50P

5:00-6:20 pm

1. Approval of minutes of 3/10/2016 meeting
2. Siting of Essential Public Facilities  
(Informational Item – 20 min)  
*Staff will provide an update on the draft ordinance, and follow up with information requested by the committee to evaluate buffers around certain types of EPF's. Final direction from the committee on the draft ordinance is needed at this meeting in order to maintain the May 12<sup>th</sup> Public Hearing date. If the committee requests additional work on the Draft Ordinance, the May 12<sup>th</sup> Public Hearing will need to be extended.*
3. DMMC Code Maintenance Part 2  
(Discussion Item – 20 min)  
*Staff will continue a discussion on DMMC Code maintenance items with the committee looking at a few code items that have policy questions to be addressed.*
4. Discussion of Disposition of the Wasson House  
(Discussion Item – 20 min)  
*Staff will discuss what options are available for future use(s) of the "Wasson House", looking at zoning, critical area and Shoreline Management Program regulations and the properties Urban Conservancy designation.*
5. Draft Ordinance – Blocking Mailboxes  
(Discussion Item – 20 min)  
*This item provides the Committee an opportunity to discuss the request from Mr. Richard Kennedy for the City Council to consider an ordinance regarding the blocking of mail boxes.*

**DRAFT MINUTES**

**Finance and Economic Development Committee Meeting**

**Thursday March 10, 2016**

**5:30 p.m. – 6:50 p.m.**

**South Conference Room**

| <b><u>Council Members</u></b> | <b><u>City Staff</u></b>                           |
|-------------------------------|----------------------------------------------------|
| Chair Jeremy Nutting          | Tony Piasecki - City Manager                       |
| Matt Pina                     | Michael Matthias – Assistant City Manager/Economic |
| Vic Pennington                | Development Director (ACM/EDD)                     |
|                               | Dan Brewer – PBPW Director                         |
|                               | Denise Lathrop – Community Development Manager     |
|                               | Dunyele Mason – Finance Director                   |
|                               | Grant Fredricks – Consultant                       |
|                               | Tim George – Assistant City Attorney               |
|                               | Jodi Grager – Community Development Assistant      |

**1. Call to Order**

Chair Nutting called the meeting to order at 5:35 p.m.

**2. Approval of the February 11th, 2016 meeting minutes**

Minutes approved as submitted.

**3. 2015 Preliminary Year-End Financial Update**

Finance Director Dunyele Mason presented information on the 2015 General Fund, Marina Fund and the SWM (Surface Water Management) Fund including:

- Budget charts
- Highlights
  - General Fund net activity profit
  - Marina reserve fund to be transferred to Marina CIP
  - SWM reserve fund set aside for capital projects construction fund
- Overall
  - Although the General Fund balance is not quite where the state auditor recommended, the city is moving in the right direction
  - The original budget, adjusted budget and actual budget calculated by Finance are within an acceptable percentage of accuracy

**4. Siting of Essential Public Facilities (EPFs)**

Community Development Manager Denise Lathrop reviewed the Draft Ordinance and received committee feedback regarding suggested changes to the ordinance.

- Add a Pre-Application fee requirement for EPFs
- Noticing guidelines:
  - Notice prior to applicant submitting a proposal
  - Timeline for applicant to conduct neighborhood meeting prior to project application

- Timeline for applicant to provide City notification of neighborhood meeting
- Notification distance from project
- Notification requirements to public agencies and service providers.
- Clarify decision timing
- Make changes from the Hearing Examiner to City Council under Section 5 of Permit Conditions regarding the Unclassified Use Permit
- Consider creating a shortlist of specific types of EPFs that could not be sited within 1,000 ft of schools and parks
- Bring Draft ordinance back to the Committee prior to the Public Hearing
- Staff indicated that Commerce notice and SEPA review to be completed prior to the public hearing

## **5. Recreational Marijuana Zoning**

Assistant City Attorney Tim George provided an update on current zoning and discussed the options within Pacific Ridge.

- Attachment 1 – Map showing buffer zones and adult use stores in Pacific Ridge Commercial Zone
- Attachment 2 – Police response table showing number and nature of responses to current retail marijuana store in Des Moines
- Attachment 3 – Map showing vacant property that could house a retail store under the current zoning
- The committee will recommend to the City Council that Des Moines doesn't expand the zoning for Recreational Marijuana retail stores at this time.

## **6. DMMC – Code Maintenance**

Planning Consultant Grant Fredericks distributed information on a number of code updates required for clarity. He also pointed out a few policy related issues that should be considered.

- Zoning Code Changes Title 18 – definitions; nonconforming buildings and uses; land use review procedures; the zoning map; permitted uses; residential and commercial zones; signs; height, yards, area and open spaces; landscaping and screening; parking; and design review
- Subdivision Updates Title 17
- Building and Construction Title 14 – land filling, clearing and grading
- Other Discussion included –
  - Pods allowed in RC zones
  - Parking lot lighting requirement
  - Short term rentals (Air B&B)

Draft ordinances on these topics will be prepared by staff. The next meeting is scheduled for April 14, 5:30-6:50 pm in the South Conference room.

Adjourned at 6:50 p.m.

Respectfully submitted by,

Jodi Grager, Community Development Assistant

# Memo

**To:** Council Finance and Economic Development Committee

**From:** Denise Lathrop, AICP - Community Development Manager

**cc:** Tony Piasecki, Michael Matthias and Dan Brewer

**Date:** April 8, 2016

**Re:** Siting of Essential Public Facilities (EPFs)

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At the March 10, 2016 Council Finance and Economic Development Committee meeting, staff provided an overview of essential public facility regulations in other jurisdictions. Staff provided the committee with an annotated outline of the proposed regulations that indicates the jurisdictions from which the proposed code language is based, along with a working draft of the proposed regulations for the siting essential public facilities (Draft Ordinance No. 15-206).

Per direction received at the 3/10/16 F&EDC meeting, staff has incorporated recommended changes to the draft ordinance which are noted in the margins (see Attachment 1). In addition, the following information provides some clarity regarding outstanding questions relating to the review timeline:

Timeline for Processing EPFs (from Woodinville's code): Per Legal's review, RCW 36.70B.140 appears to be the language that Woodinville is relying on to extend the time period. By establishing standards specific to EPFs City can extend the time frame within reason to accomplish a meaningful review:

## **RCW 36.70B.140**

### **Project permits that may be excluded from review.**

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

As for the "Secure community transition facility" under chapter 71.09 RCW, these are EPF's that are for sexually violent offenders. They are defined as:

"Residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

A lot of cities have separate standards for these all together given the extreme danger they present to the community. It definitely makes sense to require these types of EPFs to be a good distance from schools etc.

Attachment 1

**Draft Ordinance No. 15-206  
Essential Public Facilities**

|            |                                                                                                                         |
|------------|-------------------------------------------------------------------------------------------------------------------------|
| 18. __.010 | <b>Title.</b>                                                                                                           |
| 18. __.020 | <b>Application.</b>                                                                                                     |
| 18. __.030 | <b>Purpose.</b>                                                                                                         |
| 18. __.040 | <b>Authority.</b>                                                                                                       |
| 18. __.050 | <b>Permit Type.</b>                                                                                                     |
| 18. __.060 | <b>Local, regional, state, and federal essential public facilities –<br/>Determination process, notice, and appeal.</b> |
| 18. __.070 | <b>Notification and Affected Agencies/Neighborhood meeting.</b>                                                         |
| 18. __.080 | <b>Permit Conditions - Siting and expansion of local essential public<br/>facilities.</b>                               |
| 18. __.090 | <b>Permit Conditions - Siting and expansion of State and regional essential<br/>public facilities.</b>                  |
| 18. __.100 | <b>Decision criteria for siting and expansion of local essential public<br/>facilities.</b>                             |
| 18. __.110 | <b>Decision criteria for siting and expansion of state and regional essential<br/>public facilities.</b>                |
| 18. __.120 | <b>Independent consultant review and environmental review.</b>                                                          |
| 18. __.130 | <b>Decision Timing.</b>                                                                                                 |
| 18. __.140 | <b>Building Permit Application.</b>                                                                                     |
| 18. __.150 | <b>Suspension or revocation of permit.</b>                                                                              |

**18. \_\_.010      Title.**  
This chapter shall be entitled “Essential Public Facilities.”

**18. \_\_.020      Application.**  
This chapter shall be applicable to all zones as set forth herein.

**18. \_\_.030      Purpose.**  
The purpose of this chapter is to implement the Growth Management Act (RCW 36.70A) and the Des Moines Comprehensive Plan by establishing a process for the siting and expansion of essential public facilities, as necessary, to support orderly growth and delivery of public services. Essential public facilities (EPFs) and transportation facilities of state-wide significance are necessary and important in the provision of public systems and services. The city’s goal in promulgating the regulations under this chapter is to ensure the timely, efficient and appropriate siting of EPFs while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities. Nothing in this chapter should be construed as an attempt by the city to preclude the siting of essential public facilities in contravention of applicable state law (RCW 36.70A.200, WAC 365-196-550).

**18. \_\_.040      Authority.**  
This chapter is established to regulate the siting of essential public facilities pursuant to RCW 36.70A.200 and WAC 365-196-550).

**18. \_\_.050 Permit Type.**

- (1) Local Essential Public Facilities/Type A – Conditional Use Permit.
- (2) State, Regional Essential Public Facilities/Type B – Unclassified Use Permit.
- (3) Other EPFs, as defined in WAC 365-196-550, are subject to the limitations of the underlying zone.

**18. \_\_.060 Local, regional, state, and federal essential public facilities – Determination process, notice, and appeal.**

(1) Any public or private entity proposing to site an EPF in the city shall provide a written determination notice to the director of its intent to site the EPF at least 90 days prior to submittal of an application.

(2) A **EPF** pre-application conference fee as listed in ~~\_\_\_\_\_ shall accompany the notice~~ **the City's fee schedule.**

**Comment [DL1]:** Per 3/10/16 F&EDC meeting

(3) The determination notice shall contain a detailed description of the proposal including:

- (a) An explanation of the operations and the need for the proposed facility, why the facility is difficult to site and why it qualifies as a local, regional, state or federal EPF;
- (b) Documentation that affected jurisdictions and the public have been notified and given an opportunity to comment pursuant to chapter 18.20 DMMC;
- (c) Proof of a published notice regarding the proposed EPF in the city's official newspaper describing the proposal and soliciting comments, together with any written comments received on the proposed EPF;
- (d) An analysis of the facility siting criteria, including size, physical characteristics, support facilities, access, future expansion needs and analysis of alternative sites;
- (e) A description of general environmental, traffic and social impacts and proposed mitigation measures;
- (f) The site's relationship to the projected service area and distribution of similar facilities within that service area;
- (g) An analysis of the proposal's consistency with the city's comprehensive plan and applicable development regulations, and an identification of any inconsistencies; and
- (h) A proposed site plan and vicinity map with current zoning designations.

(4) The city manager or designee shall issue a determination that the proposal is designated as a local, regional, state or federal EPF consistent with the definition of EPFs pursuant to RCW

36.70A.200, WAC 365-196-550 or provide in writing why the proposal is not an EPF. The director shall provide written notice of his or her decision within 90 days from the filing of the determination notice to the applicant and council and publish notice of the decision in the official newspaper of record.

(5) The city manager or designee's decision shall be appealable to the city council by the applicant or by any affected person. Appeals shall be filed pursuant to chapter 18.20 DMMC. The city council shall hold a public hearing on the appeal within 30 days of the filing of the appeal. At the hearing, any interested person may provide oral or written comment on matters relevant to the appeal. The council shall issue a decision on the appeal within 14 days of the close of the hearing. The council's decision shall be a final decision subject to appeal under chapter 36.70C RCW.

**18. .070 Affected Agencies/Neighborhood meeting.**

(1) The applicant shall conduct at least one neighborhood meeting to discuss the proposed EPF development. The meeting shall be held at least ~~30~~ 45 days before submitting the EPF determination application pursuant to DMMC 18. .020.

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Comment [DL2]: Per 3/10/16 F&EDC meeting

(2) The purpose of the neighborhood meeting is to:

- (a) Ensure that an applicant pursues early public participation in conjunction with and prior to the application, giving the applicant an opportunity to understand and mitigate any impacts that the proposed development might have, and
- (b) Ensure that neighborhood residents, tribes, public service agencies and utility providers, federal, state and local governments, and business owners have an opportunity at an early stage to learn about how the proposed development might affect them and to work with the applicant to resolve concerns prior to submitting an application.

(3) The applicant is responsible for notifying, facilitating and summarizing the neighborhood meeting pursuant to the following requirements:

(a) Public notice for the neighborhood meeting shall include:

- (i) Date, start time, and location of the meeting;
- (ii) Proposed development name;
- (iii) Map showing the location of the proposed development and the location of the meeting;
- (iv) Description of proposed development; and
- (v) Name, address and phone number of the applicant or representative of the applicant to contact for additional information.

(b) The public notice must be mailed to the city at least ~~40-14~~ days prior to the neighborhood meeting. The public notice also shall, at a minimum, be mailed to:

(i) Each taxpayer of record and each known site address within ~~one-half mile (2,640-000~~ feet) of any portion of the boundary of the property on which the EPF is proposed to be located and any contiguous property owned by the applicant;

Comment [DL3]: Per 3/10/16 F&EDC meeting

(ii) Any city or town whose boundaries are within one mile of the property on which the EPF is proposed to be located and any contiguous property owned by the applicant; and

(iii) Any affected public service agencies and utility providers, federal, state and local governments, ~~and school districts.~~

Comment [DL4]: Per 3/10/16 F&EDC meeting

(c) The city, upon request, shall provide the applicant with necessary names and addresses or mailing labels. The applicant shall reimburse the city for any costs associated with this request consistent with city procedures.

(d) The neighborhood meeting shall be held at a location accessible to the public and within a reasonable distance from the boundary of the proposed development.

(e) At a minimum the applicant shall provide at the neighborhood meeting:

(i) Conceptual graphic presentation depicting the layout and design of the proposed development;

(ii) Size of the proposed development;

(iii) The proposed uses including the square footage;

(iv) Project narrative and description;

(v) Site plan;

(vi) Potential expansion areas; and

(vii) Potential impacts and how those impacts will be addressed by the applicant.

(f) The applicant shall prepare a written summary of the neighborhood meeting to be included with the EPF determination notice required in chapter 18.20 DMMC, including:

(i) A copy of the notice of the neighborhood meeting along with a list of persons to whom it was mailed;

(ii) A signed affidavit listing the persons who attended the meeting and their addresses if provided; and

(iii) A signed affidavit providing a summary of concerns, issues, problems and mitigation expressed during the neighborhood meeting.

**18.080 Permit Conditions - Siting and expansion of local essential public facilities.**

(1) In issuing a conditional use permit under this chapter, the Hearing Examiner may impose such reasonable conditions as necessary in order to ensure that a proposed essential public facility satisfies, to the extent practicable, the applicable permit criteria therefor and does not unreasonably impact the public health, safety, environment and welfare. Such conditions may include, but are not limited to, the following:

(a) Limiting the manner in which the proposed conditional use is conducted, including restricting the time during which an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;

(b) Requiring a special yard or other open space or lot area or dimension;

(c) Limiting the height, size or location of a building or other structure;

(d) Designating the size, number, location or nature of vehicle access points;

(e) Designating the amount of street dedication, roadway width or improvements within the street right-of-way;

(f) Designating the size, location, screening, drainage, surfacing or other improvement of parking or vehicle loading areas;

(g) Limiting or otherwise designating the number, size, location, and height of lighting of signs;

(h) Limiting the location and intensity of outdoor lighting, and/or requiring shielding thereof;

(i) Requiring screening, landscaping or another facility to protect adjacent or nearby property, and designate standards for the installation or maintenance of such facility;

(j) Designating the size, height, location or constituent materials for on-site fencing;

(k) Protecting existing trees, vegetation, water resources, wildlife habitat or other significant natural resources;

(l) Requiring provisions for public access, both physical and visual, to natural, scenic and recreational resources;

(m) Requiring provisions for stormwater drainage, including designating the size, location, screening, or other improvements of detention ponds and related facilities;

(n) Imposing special conditions on the proposed conditional use to reasonably ensure its conformance with the surrounding neighborhood and the intent and purpose of the underlying zoning district; and

(o) Requiring financial guarantees regarding the installation of required infrastructure and landscaping improvements, as well as reasonable evidence or assurances that any permit conditions will be complied with.

(2) The list of conditions enumerated in subsection (1) of this section is nonexclusive. Nothing in this chapter is intended to diminish or otherwise abridge the city's authority to require mitigation measures or impose conditions pursuant to any other applicable State or local requirement, including but not limited to the SEPA regulations codified in chapter 16.05 DMMC.

**18.090 Permit Conditions - Siting and expansion of state and regional essential public facilities.**

(1) An unclassified use permit shall be required as provided in this section before any State or regional essential public facility may be located or expanded within the City of Des Moines, regardless of the zoning district in which such facility is or is proposed to be located.

(2) A complete application for an unclassified use permit for a State or regional essential public facility shall comply with chapter 18.20 DMMC and this chapter. The Director shall develop a supplemental application form which addresses and provides sufficient information to determine the application's estimated compliance with each of the approval criteria set forth in this section.

(3) An unclassified use permit for a state or regional essential public facility shall be processed as a Type III pursuant to chapter 18.20 DMMC. Notice of the application and the required public hearing shall be given as provided in chapter 18.20 DMMC. Notices shall be posted on-site, posted at the city's designated posting places, advertised in the city's official newspaper, and mailed to property owners within ~~one-half mile (2,640+000 feet)~~ of the project site.

(4) State and regional essential public facilities shall satisfy the provisions of this title for development within the zoning district in which they are proposed to be located, except as provided in this section.

(5) The Hearing Examiner shall not deny an unclassified use permit application for a State or regional essential public facility, and shall accept the valid siting determination made by a State or regional sponsor with respect to any such facility. The Hearing Examiner may, pursuant to chapter 18.240 DMMC, impose reasonable conditions upon the state or regional essential public facility in order to ensure that:

**Comment [DL5]:** Per 3/10/16 F&EDC meeting

**Comment [DL6]:** May require amendment to 18.20.130 Public notice of proposed land use action.

(a) Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

(b) Necessary infrastructure is or will be made available to ensure that public safety responders have sufficient capacity to handle increased calls or expenses that will occur as the result of the facility;

(c) All capital costs associated with on-site and off-site improvements necessitated by the facility are borne by the project sponsor to the extent legally permissible;

(d) The facility will not unreasonably increase noise levels in residential areas, especially at night;

(e) Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties;

(f) Any and all probable significant adverse environmental impacts, including but not limited to impacts to wetlands, shorelines and wildlife habitat, are adequately mitigated;

(g) Any other applicable criteria set forth in this title are satisfied; and

(h) The public health, safety and welfare are adequately protected.

(6) In the event that a state or regional essential public facility cannot, by the imposition of reasonable conditions of approval, satisfy the criteria set forth in this section, the Hearing Examiner shall approve the siting or expansion of the state or regional essential public facility with such reasonable conditions of approval as may mitigate such impacts to the maximum extent practicable. The Hearing Examiner shall not impose conditions in such a manner as to preclude the siting or expansion of any state or regional essential public facility in the City of Des Moines. (chapter 18. DMMC)

**18.100 Decision criteria for siting and expansion of local essential public facilities.**

(1) The hearing examiner may impose reasonable conditions (including mitigation measures) on a proposal for a local EPF. As a condition of approval the hearing examiner may:

(a) Increase requirements in the standards, criteria, or policies established by this title;

(b) Stipulate the exact location of a local EPF as a means of minimizing hazards to life or limb, property damage, impacts to the environment, erosion, underground collapse, landslides, and transportation systems;

(c) Impose reasonable conditions necessary to avoid, minimize or mitigate any adverse impacts identified as a result of the project; and

(d) Require the posting of construction and maintenance bonds or other security as provided in chapter 14.20 DMMC sufficient to secure to the city the estimated cost of construction, installation and maintenance of required improvements.

(2) The hearing examiner may approve or approve with conditions, a conditional use permit for a local EPF when the proposal complies with the applicable requirements of chapter 18.240 DMMC and this chapter. The hearing examiner also may consider whether the proposal is consistent with the following factors:

(a) The proposal is consistent with the objectives and policies of the Des Moines 2035 Comprehensive Plan

(b) The project applicant has demonstrated a need for the project, as supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;

(c) If applicable, the project would serve a significant share of the city's population, and the proposed site will reasonably serve the project's overall service population;

(d) The applicant has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology;

(e) The project is consistent with the applicant's own long-range plans for facilities and operations;

(f) The project will not result in a disproportionate burden on a particular geographic area;

(g) The applicant has provided an opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state or federal law;

(h) The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation;

(i) The proposal, as conditioned, adequately mitigates adverse impacts to life, limb, property, the environment, public health and safety, transportation systems, economic development and other identified impacts;

(j) The proposal incorporates specific features to ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property; and

(k) The applicant has proposed mitigation measures that provide assistance to displaced or impacted businesses including assistance in relocating within the city.

(3) The conditional use permit application for a proposed EPF may be denied if the hearing examiner finds that the denial does not preclude the local EPF from being sited within the city, and either:

(a) The proposal does not comply with the requirements of chapter 18.240 DMMC or this chapter; or

(b) The proposal is not consistent with the factors listed in subsection (2) of this section with the imposition of mitigation measures; or

(c) The imposition of reasonable mitigation measures does not adequately mitigate detrimental effects on uses or properties within the immediate vicinity of the proposal site. (chapter 18. \_\_\_ DMMC)

**18. \_\_\_.110 Decision criteria for siting and expansion of state and regional essential public facilities.**

The city council must approve or approve with conditions, a development agreement for a state or regional EPF after considering whether the proposal meets the following criteria:

(1) The applicant has provided opportunity for public participation in the siting decision and development of mitigation measures;

(2) The proposal complies with applicable requirements of this title and all other applicable provisions of the city code except as modified pursuant to chapter 18. \_\_\_ DMMC.

(3) The proposal, as conditioned, adequately mitigates adverse impacts to life, limb, property, the environment, public health and safety, transportation systems, economic development and other identified impacts;

(4) The proposal incorporates specific features to ensure it responds to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property;

(5) If applicable, the applicant agrees to posting of construction and maintenance bonds or other security as provided in chapter 18. \_\_\_ DMMC sufficient to secure to the city the estimated cost of construction, installation and maintenance of required improvements;

(6) If applicable, the applicant has proposed mitigation measures that provide assistance to displaced or impacted businesses, including assistance in relocating within Des Moines; and

**Comment [DL7]:** F&EDC concurrence at 3/10/16 meeting.

**18. \_\_\_\_ .120 Independent consultant review and environmental review.**

(1) The city may require independent consultant review of an EPF proposal to assess its compliance with the criteria contained in this chapter.

(2) If independent consultant review is required, the applicant shall bear and secure all consultant and city costs incurred in the preparation of studies or review as determined by the city. The applicant shall make a deposit with the city sufficient to defray the cost of such review. The applicant shall pay all costs prior to issuance of permits. Unexpended funds will be returned to the applicant following the final decision on the application.

(3) The applicant may, at its expense and to the extent determined by the city, provide additional studies or other information.

(4) Any applicant submitting an application for an EPF shall pay the cost of environmental review and studies necessary under SEPA, pursuant to chapter 16.05 DMMC. The applicant may, at its expense and to the extent determined by the responsible official, provide additional studies or other information.

**18. \_\_\_\_ .130 Decision Timing.**

The review, reconsideration and appeal process set forth in this chapter shall not be used to preclude an EPF. [The Hearing Examiner/City Council shall render a final, appealable decision with respect to an EPF within 240 days of the city's notice of completion regarding the permit application.

**Comment [DL8]:** See explanation in 4/8/16 F&EDC memo.

**18. \_\_\_\_ .140 Building Permit Application.**

(1) Any building permit issued for an EPF approved under this chapter shall be consistent with all conditions of approval in the conditional use permit or the unclassified use permit.

(2) In the event a building permit for an EPF is denied because the building permit application does not comply with construction codes, the city shall submit in writing the reasons for denial to the project applicant.

(3) No construction permits may be applied for prior to approval of a conditional use permit or approval of an unclassified use permit for an EPF unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the city's acceptance of the construction permit applications.

(4) The applicant shall expressly hold the city harmless and accept all financial risk associated with preparing and submitting construction plans before a final decision is made under this chapter.

#### **18.150 Suspension or revocation of permit.**

(1) Any building permit for an EPF approved under this chapter shall comply with all conditions of approval in the conditional use permit or unclassified use permit. In the event a building permit for an EPF is denied, suspended or revoked due to a failure to comply, the Director shall submit in writing the reasons for denial to the project sponsor.

(2) No building or construction permits may be applied for prior to conditional use permit approval of an EPF unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the Director's acceptance of the building or construction permit applications. The applicant shall expressly accept all financial risk associated with preparing and submitting construction plans before the final decision is made under this chapter.

### **Related Code Sections:**

#### **18.01.050 Definitions.**

"Transportation facilities of statewide significance" means transportation facilities and services of statewide significance, as defined in RCW 47.06.140, as now or hereinafter may be amended, to include the interstate highway system, interregional state principal arterials, intercity high-speed ground transportation, major passenger intermodal terminals, regional high-capacity transportation systems, and any improvements identified in the statewide multimodal plan.

~~"Type A essential public facilities" means essential public facilities that are typically difficult to site because they have significant multicounty or statewide impacts, are otherwise of a controversial nature or not specifically included as a Type B essential public facility. Type A essential public facilities include only correctional facilities, secure community transition facilities, drug treatment facilities, transportation facilities of statewide significance, and public facilities that are part of a multicounty project, have significant multicounty or statewide impacts, and are not a Type B essential public facility.~~

~~"Type B-A essential public facilities" means essential public facilities that are not included in the definition of Type A-B essential public facilities. Type B-A essential public facilities include, but are not limited to, public and private schools, capital facilities that are included in the city's capital improvement plan or transportation improvement program, governmental offices, telecommunication facilities, energy transmission lines, energy substations, public facilities that are not part of a multicounty project, group home institutions, group homes subject to fair housing requirements, juvenile foster homes, adult care households, shelter housing for victims of domestic abuse, student housing that is part of a higher education facility located within the city, and remodels or alterations to existing Type A essential public facilities that do not expand the size of the facility.~~

~~"Type AB essential public facilities" means essential public facilities that are typically difficult to site because they have significant multicounty or statewide impacts, are otherwise of a controversial nature or not specifically included as a Type BA essential public facility. Type AB essential public facilities include only correctional facilities, secure community transition facilities, drug treatment facilities, transportation facilities of statewide significance, and public~~

facilities that are part of a multicounty project, have significant multicounty or statewide impacts, and are not a Type B essential public facility.

**Comment [DL9]:** Revised per 3/10/16 F&EDC meeting to provide consistency with proposed development regulations

#### **Chapter 18.20 Land Use Review Procedures**

Will need to amend 18.20.080A Project Review Chart to identify the EPF review processes per the new ordinance.

#### **Table 18.52.010B Commercial Zone Primary Uses**

Will need to amend permitted uses table to add EPFs and permit type/conditions:

- Local Essential Public Facilities/Type A – Conditional Use Permit.
- State, Regional Essential Public Facilities/Type B – Unclassified Use Permit.
- Other EPFs, as defined in WAC 365-196-550, Permitted subject to the limitations of the underlying zone.

#### **Chapter 18.140 Unclassified and Conditional Use Permits**

##### **18.140.020 Application.**

Unconditional and conditional use permits may be granted upon the filing of an application therefor by a property owner or a lessee pursuant to chapters 18.20 and 18.240 DMMC and the provisions of this chapter. The procedure to be followed in considering an application for a conditional use permit shall be those for a Type III land use action as set forth in chapter 18.20 DMMC. The procedure to be followed in considering an application for an unclassified use permit shall be those for a Type IV land use action as set forth in chapter 18.20 DMMC. The procedure to be followed in considering an application for an unclassified use permit or conditional use permit applications filed for uses defined as essential public facilities will be processed in accordance with chapter 18. DMMC. [Ord. 1591 § 321, 2014.]

#### **Chapter 18.240 Hearing Examiner**

May need to amend DMMC 18.240.230(2) to specify any additional time limits for EPFs (question for Legal).

**WORKING FIRST DRAFT (INCOMPLETE) 4/7/2016**  
**FOR DISCUSSION WITH FINANCE & ECONOMIC DEVELOPMENT COMMITTEE**

**DRAFT ORDINANCE NO. 16-023**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to the zoning code and city land use and development regulations, and amending chapters 18.01, 18.15, 18.20, 18.30, 18.52, 18.55, 18.105, 18.190, 18.195, 18.200, 18.210 and 18.235 to correct omissions, errors, inconsistencies and to clarify city council intent.

**WHEREAS**, the City Council directed City staff to prepare an ordinance for its considerations which clarifies DMMC inconsistencies....., and

**WHEREAS**, every seven years, RCW 36.70A.130(1) requires the City of Des Moines to take legislative action to review and, if needed, revise its development regulations, and

**WHEREAS**, ON March 10, 2016, staff presented an analysis of the City's development regulations current in effect and proposed revisions it concluded are needed to comply with Chapter 36.70A RCW and correct omissions, errors, inconsistencies and to clarify city council intent, 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, and

**WHEREAS**, the City Council set the date for the public hearing by Resolution No. 16-023, fixing the public hearing for \_\_\_\_ \_\_\_, 2016 as required by DMMC 18.30.070, and

**WHEREAS**, the textual code amendments proposed in this Draft Ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

4/7/16

Draft Ordinance No. 16-023

**WHEREAS**, notice of the public hearing was issued on \_\_\_\_\_ in accordance with the DMMC, and

**WHEREAS**, a public hearing was held on \_\_\_\_\_, 2016 where all persons wishing to be heard were heard, and

**WHEREAS**, the City Council finds that the Title 18 amendments contained in this Draft Ordinance comply with the requirements of Chapter 36.70A RCW and are appropriate and necessary; now therefore,

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

**Sec. 1.** DMMC 18.01.050, Definitions, and section 5 of Ordinance 1591, shall be amended to amend or add the following definitions:

"Accessory dwelling unit (ADU) ~~living quarters (ALQ)~~" means a detached structure or an attached part of a structure that is subordinate and incidental to the main or primary dwelling unit. ADU's provide complete independent living facilities exclusive for one single housekeeping unit, including provisions for living, sleeping, cooking, and sanitation. ~~within a detached structure or within part of the primary dwelling unit.~~

"Basement" means that portion of a building between floor and ceiling which is partly below and partly above grade as defined below, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling. A basement, when designed for or occupied for business or industrial purposes, or for dwelling purposed (recreational room or family room excepted) shall be considered a story.

"Building" means any structure having a roof, but excluding all forms of vehicles even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, then the term "building" means one so designed and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.

"Building site" means a parcel of land assigned to a use, to a main building, or to the main building and its accessory buildings, together with all yards and open spaces required by this title, whether the area so devoted is comprised of one lot, a combination of lots, or combination of lots and fractions of lots.

"Developable Area" means the "site are" less the following areas:

- (1) Areas within a project site that are required to be dedicated for public rights-of-way;
- (2) Environmentally critical areas and their buffers to the extent they are required by the city to remain undeveloped;
- (3) Areas required for storm water control facilities, including but not limited to retention/detention ponds/vaults, bio filtration swales and setbacks from such ponds and swales;

- (4) Areas required by the city to be dedicated or reserved as on-site recreation areas;
- (5) Other areas, excluding setbacks, required by the city to remain undeveloped.

"Grade" means the average of the finished ground level at the center of all exterior walls of a building. In case walls are parallel to or within five feet of a sidewalk, the sidewalk shall be considered the finished ground level.

"Grade, mean average street frontage" means the mathematical average of the highest and lowest elevations of the public right-of-way parallel to the building frontage. Mean average street frontage grade is a horizontal plane at a specific elevation.

"Home occupation" means an occupation customarily incident to the use of the premises as a dwelling place and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on; provided, such occupation is carried on by a member of the family residing within the dwelling place.

"Housekeeping Unit" means no more than three unrelated, or an unlimited number of individuals who are related. This definition does not limit the number of residents if the limit prevents the city from making reasonable accommodations to disabled persons to afford them equal opportunity to use and enjoy a dwelling as required by federal or state law.

4/7/16

Draft Ordinance No. 16-023

"Kennel" means a place where four or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital or clinic. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months.

"Loading space" means an on-site space or berth on the same lot or site with the buildings or use served, such space to serve for the temporary parking of a vehicle while loading or unloading merchandise, materials, or passengers.

"Lot" means a building site that is described by reference to a recorded plat, by metes and bounds, or by section, township, and range which has direct legal access to a street or has access to a street over an easement approved by the city.

"Lot line"

- (1) Lot front line or front lot line" means in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot and reverse corner lot, the lot front line shall be the line separating the narrowest street frontage of the lot from the street. In case of corner lots or reverse corner lots having equal street frontages, that property line the prolongation of which creates the front property line for the greatest number of interior lots in the same block shall be considered as the lot front line of such corner or reverse corner lot.

(2) "Lot perimeter line or perimeter lot line" means a lot line constituting the boundary of a planned unit development or townhouse development.

(3) "Lot rear line or rear lot line" means a lot line which is opposite and most distant from the lot front line. For the purpose of establishing the lot rear line or a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

- a. For a triangular or gore-shaped lot, a line 10 feet in length with the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the lot rear line;
- b. In the case of a trapezoidal lot, the rear line of which is not parallel to the front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;
- c. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angles shall be employed for determining the lot rear line in the same manner as prescribed for a triangular lot.
- d. In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

(4) "Lot side line or side lot line" means any lot boundary line not a lot front line or a lot rear line.

"North American Industrial Classification System" (NAICS) means the current edition of the book North American Industrial Classification System as published on line by the U.S. Office of Management and Budget.

"Residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotels or motel units having no kitchens. The term "residence" include the term "residential" as referring to the type of or intended use of a building or structure.

"Roof" means a structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure. An open work covering shall not be considered a roof if the upper horizontal surface area of the component solid portions thereof measured on the horizontal plane do not exceed 20 percent of the area of the covering.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under floor space is more than six feet above grade, as defined above,

4/7/16

Draft Ordinance No. 16-023

for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement, cellar, or unused under floor space shall be considered a story.

"Street" means a public or recorded private thoroughfare which affords primary means of access to abutting property.

"Street line" means the boundary line between a street and the abutting property.

"Side street" means a street which is adjacent to a corner lot or reverse corner lot and which extends in the general direction of the line determining the depth of the corner or reverse corner lot.

"Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences less than six feet in height, or paved areas.

"Yard" means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward unless specifically otherwise permitted in this title.

"Yard - types and measurements.

- (1) "Front yard" means an area extending across the full width of the lot and lying between the lot front line and a line drawn parallel thereto, and at a distance therefrom equal to the required front yard depth as prescribed in each

4/7/16

Draft Ordinance No. 16-023

zone. Front yards shall be measured by a line at right angles to the lot front line, or by the radial line or radial line extended in the case of a curved lot front line.

- (2) "Side yard" means an open area measured from the lot side line toward the center of the lot and extending from the rear line of the required front yard, or from the lot front line if there is no required front yard, toward the lot rear line to a point measuring two-thirds of the depth of the lot, except that on the side street side of corner lots and reverse corner lots the required side yard shall extend to the rear line of the lot. The width of the side yard shall be measured horizontally from, and be parallel to the lot side line from which it is measured.

**Sec. 7.** DMMC 18.10.050 and section 1 of Ordinance No. 179 as amended by section 1 of Ordinance No. 1235 as amended by section 8 of Ordinance No. 1237 as amended by section 1 of Ordinance No. 1261 as amended by section 1 of Ordinance No. 1267 as amended by section 1 of Ordinance No. 1289 as amended by section 1 of Ordinance No. 1372 as amended by section 5 of Ordinance No. 1397 as amended by section 1 of Ordinance No. 1420 as amended by section 2 of Ordinance No. 1431 as amended by section 2 of Ordinance No. 1520 as amended by section 3 of Ordinance No. 1546 as amended by Section 13 of Ordinance No. 1576 as amended by Section 35 of Ordinance No. 1591 as amended by Section 13 of Ordinance 1601 as amended by section 9 of Ordinance 1618-A are each amended to read as follows:

**18.10.050 Adoption of official zoning map.**

The map filed in the City Clerk's office and marked Exhibit "A" to ~~Ordinance No. 1618-A~~Draft Ordinance 16-023 and adopted ~~March 12, 2015~~ \_\_\_\_\_, 2016, constitutes the zoning map for

4/7/16

Draft Ordinance No. 16-023

the City. The map referenced herein supersedes all previously adopted maps. If the designations of the map are found to be in conflict with other land use designations, the map is deemed to control.

**Sec. 3.** DMMC 18.15.020, **Nonconforming Buildings and Uses**, and section 38 of Ordinance 1591, shall be amended to read as follows:

**18.15.020 Application.**

(1) The foregoing regulations set forth in this Title shall be subject to the general provisions, conditions, and exceptions contained in this chapter.

(2) The provisions of this chapter shall apply to buildings, structures, land, and uses which become nonconforming as a result of the application of this Title to them, from classification or reclassification of the property under this Title or any subsequent amendments thereto, **or from governmental acquisition of property for right-of-way expansion or essential public facility construction.** If a use originally authorized by a variance, conditional use permit, or other valid use permit prior to August 3, 1964, is located within a zone in which such use is not permitted by the terms of this Title, such use shall be a nonconforming use. Uses validly established prior to August 3, 1964, shall not be deemed nonconforming only because of failure to secure a conditional use permit required under this Title.

**Sec. 4.** DMMC 18.15.050, **Nonconforming Buildings and Uses**, and section 41 of Ordinance 1591, are each amended to read as follows:

4/7/16

Draft Ordinance No. 16-023

**18.15.050 Effect of removal or destruction of nonconforming buildings.**

(1) Except as provided in subsection (2) of this section, if any nonconforming building is, ~~in the judgment of the Planning, Building and Public Works Director, removed, destroyed and removed by means to an extent of more than 50 percent of its replacement cost at time of destruction,~~ every future building constructed, reconstructed or otherwise permitted to remain on the land on which the building was located may be restored within the pre-existing building footprint within the nonconforming portion of the site and the occupancy or use of such building or part thereof which existed at the time of such partial destruction or damage may be continued so long as the existing nonconformities are not being increased or expanded in any way, and subject to all other provisions of this chapter. shall conform to the provisions of this Title. The Planning, Building and Public Works Director may issue written notice to owners of property deemed to be subject to the provisions of this section. The Planning, Building and Public Works Director's determination to the extent of removal or destruction shall be considered a Type I land use action, which is subject to appeal to the Hearing Examiner as provided in DMMC 18.20.150.

(2) Reconstruction Conditions for Nonconforming Single-Family and Condominium-Residential Buildings. In any Residential Zone, nonconforming single-family residential buildings and condominiums destroyed by catastrophe or disaster such as fire, explosion, earthquake, flooding, etc., may be reconstructed as existed prior to the catastrophic event within the pre-existing building footprint within the nonconforming portion of the site, subject to the following limitations:

(a) This subsection (2) shall not apply to reconstruction necessitated by a criminal act involving the property owner, including but not limited to arson.

(b) The work must be vested by permit application within one (1) year of such happening and any restoration or reconstruction not vested by permit application within twelve (12) months from the date of the fire or other casualty shall be deemed abandoned and not allowed to be restored.

(bc) Reconstructed building height and lot coverage shall not exceed preexisting height and lot coverage or the provisions of this Title, whichever is greater.

(ed) Reconstructed yard areas shall not be less than preexisting yards or the provisions of this Title, whichever is less.

(e) The City Manager or his designee may require minor upgrades to the rebuilt improvements that are intended to achieve a greater level of compliance with the site and design guidelines in this Title.

(df) When new building area is proposed in addition to reconstruction of a nonconforming building, the new building area shall conform to the provisions of this Title.

(eg) Reconstructed building area shall conform to the requirements of Title 14 DMMC, Buildings and Construction.

**Sec. 5.** DMMC 18.15.060, Nonconforming Buildings and Uses and section 42 of Ordinance 1591, are each amended to read as follows:

**18.15.060 Reconstruction of buildings partially destroyed or damaged.**

4/7/16

Draft Ordinance No. 16-023

(1) Except as provided in subsection (2) of this section, a nonconforming building damaged or partially destroyed ~~to the extent of not more than 50 percent of its market value at the time of its destruction~~ by fire, explosion, or other casualty or act of God or the public enemy, may be restored within the pre-existing building footprint within the nonconforming portion of the site and the occupancy or use of and the occupancy or use of such building or part thereof which existed at the time of such partial destruction or damage may be continued so long as the existing nonconformities are not being increased or expanded in any way and subject to all other provisions of this chapter.

(2) In a Single-Family Residential Zone, nonconforming single-family residential buildings partially destroyed by catastrophe or disaster such as fire, explosion, earthquake, flooding, etc., may be reconstructed as existed prior to the catastrophic event, subject to the following limitations:

(a) This subsection shall not apply to reconstruction voluntarily initiated by the property owner.

(b) The work must be vested by permit application within one (1) year of such happening and any restoration or reconstruction not vested by permit application within twelve (12) months from the date of the fire or other casualty shall be deemed abandoned and not allowed to be restored.

(bc) Reconstructed building height and lot coverage shall not exceed preexisting height and lot coverage or the provisions of this Title, whichever is greater.

(ed) Reconstructed yard areas shall not be less than preexisting yards or the provisions of this Title, whichever is less.

(e) The City Manager or his designee may require minor upgrades to the rebuilt improvements that are intended to achieve a greater level of compliance with the site and design guidelines in this Title.

(f) When new building area is proposed in addition to partial reconstruction of a nonconforming building, the new building area shall conform to the provisions of this Title.

(g) Reconstructed building area shall conform to the requirements of Title 14 DMMC, Buildings and Construction.

**Sec. 6.** DMMC 18.20.060, Land Use Review Procedures, and section 56 of Ordinance 1591, shall be amended to read as follows:

**18.20.060 Exempt actions.**

(1) As authorized by RCW 36.70B.140(1), the following land use actions are not subject to the provisions of RCW 36.70B.070, 36.70B.080, 36.70B.090, 36.70B.110, 36.70B.120, and 36.70B.130 because the City Council has determined that these projects present special circumstances that warrant a review process different from the process specified by this chapter:

(a) Business Park and Institutional Campus (I-C) master plans (DMMC 18.105.050);

(b) Street vacations and other actions relating to use of public areas or facilities (Title 12 DMMC);

(c) Type VI land use actions (DMMC 18.20.210); and

(d) Abatement of nonconforming uses (DMMC 18.15.110).

(3) As authorized by RCW 36.70B.140(2), the following Type I land use actions shall not be subject to the provisions of RCW 36.70B.060, 36.70B.110, 36.70B.120, and 36.70B.130:

(a) Lot line adjustments (chapter 17.25 DMMC).

4/7/16

Draft Ordinance No. 16-023

(b) Construction permits required under Title 14 DMMC that are categorically exempt from environmental review under chapter 16.05 DMMC, SEPA, or for which environmental review has been completed in conjunction with other project permits.

**Sec. 7.** DMMC 18.20.080, and section 58 of Ordinance 1591 and section 2 of Ordinance 1628, are each amended to read as follows:

**18.20.080 Project review.**

(1) Specific types of project approval are categorized as is set forth in 18.20.080A Project Review Chart below.

**18.20.080A Project Review Chart**

|                                                                                                     | <b>Decision Maker</b>                                 | <b>Applicable Code Section</b>                      |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------|
| <b>Type I - Administrative land use decisions made without legal requirement for public comment</b> | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>18.20.150</u> and <u>18.20.160</u>          |
| Accessory living quarters (ALQ) development permit                                                  | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>18.55.140</u>                               |
| Building height bonus                                                                               | City Manager                                          | DMMC <u>18.115.060</u> (2)                          |
| Comprehensive signage design plan permit                                                            | Planning,<br>Building and                             | DMMC <u>18.200.120</u><br>through <u>18.200.140</u> |

**18.20.080A Project Review Chart**

|                                                                                                                                                         | <b>Decision Maker</b>                        | <b>Applicable Code Section</b>                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|---------------------------------------------------|
|                                                                                                                                                         | Public Works Director                        |                                                   |
| Lot line adjustment (exempt DMMC <u>18.20.060(2)</u> )                                                                                                  | Planning, Building and Public Works Director | Chapter <u>17.25</u> DMMC                         |
| Sign permit                                                                                                                                             | Planning, Building and Public Works Director | DMMC <u>18.200.060</u> and DMMC <u>18.200.080</u> |
| Special use sign permit                                                                                                                                 | Planning, Building and Public Works Director | DMMC <u>18.200.110</u>                            |
| Construction permits required under Title <u>14</u> DMMC (Buildings and Construction) categorically exempt from SEPA (exempt DMMC <u>18.20.060(2)</u> ) | Building Official                            | Title <u>14</u> DMMC                              |
| Design review decisions                                                                                                                                 | Planning, Building and                       | DMMC <u>18.235.110</u> and <u>18.235.120</u>      |

**18.20.080A Project Review Chart**

|                                                                                                                                                                                                                        | <b>Decision Maker</b>                                                           | <b>Applicable Code Section</b>                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                        | Public Works Director                                                           |                                                                                                                                               |
| Determination that action is categorically exempt                                                                                                                                                                      | SEPA Official                                                                   | DMMC <u>16.05.110</u>                                                                                                                         |
| Reasonable use exceptions or determinations in environmentally critical areas                                                                                                                                          | Planning, Building and Public Works Director                                    | Chapter <u>16.10</u> DMMC and DMMC <u>16.10.400</u>                                                                                           |
| Interpretation of Title <u>12</u> DMMC, Streets, Sidewalks, and Public Places, Title <u>14</u> DMMC, Buildings and Construction, Title <u>16</u> DMMC, Environment, Title <u>17</u> DMMC, Subdivisions, and this Title | Planning, Building and Public Works Director or Building Official as applicable | Chapter <u>12.02</u> DMMC<br>Chapter <u>14.02</u> DMMC<br>Chapter <u>16.02</u> DMMC<br>Chapter <u>17.02</u> DMMC<br>Chapter <u>18.50</u> DMMC |
| Off-street parking permit                                                                                                                                                                                              | Planning, Building and Public Works Director                                    | DMMC <u>18.210.060</u>                                                                                                                        |
| Reduction of the minimum retail trade or personal business services                                                                                                                                                    | Planning, Building and                                                          | DMMC <u>18.115.050</u> (9) (b)                                                                                                                |

4/7/16

Draft Ordinance No. 16-023

**18.20.080A Project Review Chart**

|                                                                                                                     | <b>Decision Maker</b>                                 | <b>Applicable Code<br/>Section</b> |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------|
| requirements for mixed use developments                                                                             | Public Works Director                                 |                                    |
| Waiver of zoning requirements                                                                                       | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>18.35.050</u>              |
| Street vacations and other actions relating to use of public areas or facilities (exempt DMMC <u>18.20.060</u> (1)) | Planning,<br>Building and<br>Public Works<br>Director | Title <u>12</u> DMMC               |
| Noise mitigation plan                                                                                               | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>18.185.060</u>             |
| Landscaping site plans                                                                                              | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>18.195.020</u> (4)         |
| Modification of same                                                                                                | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>18.195.420</u>             |

4/7/16

Draft Ordinance No. 16-023

**18.20.080A Project Review Chart**

|                                                                                                               | <b>Decision Maker</b>                                 | <b>Applicable Code<br/>Section</b>                                                                    |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Temporary homeless encampments                                                                                | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>18.170.080</u>                                                                                |
| <b>Type II - Administrative land use decisions made after legally required opportunity for public comment</b> | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>18.20.170</u>                                                                                 |
| Applications for small domestic animals, large domestic animals and bee review                                | City Manager or<br>City Manager's<br>Designee         | Chapter <u>18.150</u> DMMC                                                                            |
| Short subdivisions,<br>preliminary approval                                                                   | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>17.05.060</u><br>through <u>17.05.090</u><br>and <u>17.05.140</u><br>through <u>17.05.210</u> |
| Modified short subdivisions                                                                                   | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>17.05.060</u><br>through <u>17.05.090</u><br>and <u>17.05.140</u><br>through <u>17.05.210</u> |

**18.20.080A Project Review Chart**

|                                                                         | <b>Decision Maker</b>                                 | <b>Applicable Code Section</b>                                                                        |
|-------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Alteration or vacation of binding site plan with no more than four lots | Planning,<br>Building and<br>Public Works<br>Director | Chapter <u>17.20</u> DMMC                                                                             |
| Alteration or vacation of short subdivision without public dedication   | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>17.20.050</u> (2)<br>and chapter <u>17.05</u><br>DMMC                                         |
| Binding site plan with no more than four lots                           | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>17.20.050</u> (2)<br>and chapter <u>17.30</u><br>DMMC                                         |
| Determination of the adequacy of a final environmental impact statement | SEPA Official                                         | DMMC <u>16.05.150</u><br>through <u>16.05.170</u><br>and <u>16.05.300</u><br>through <u>16.05.320</u> |
| Determination of nonsignificance (DNS) and mitigated DNS                | SEPA Official                                         | DMMC <u>16.05.140</u> and<br><u>16.05.300</u> through<br><u>16.05.320</u>                             |
| Determination of significance (DS) (appeal by LUPA action only)         | Planning,<br>Building and                             | DMMC<br><u>16.05.320</u> (5)(d)                                                                       |

4/7/16

Draft Ordinance No. 16-023

**18.20.080A Project Review Chart**

|                                                                                                                                                       | <b>Decision Maker</b>                               | <b>Applicable Code Section</b>                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|
|                                                                                                                                                       | Public Works Director                               |                                                |
| Planning, Building and Public Works Director approval, conditional approval, or denial of a project based upon chapter <u>16.05</u> DMMC (SEPA rules) | Planning, Building and Public Works Director        | DMMC <u>16.05.300</u> through <u>16.05.320</u> |
| Administrative decision made pursuant to chapter <u>16.15</u> DMMC, Flood Hazard Areas                                                                | City Manager or the City Manager's designee         | DMMC <u>16.15.170</u>                          |
| Townhouse development with no more than four lots                                                                                                     | Planning, Building and Public Works Director        | DMMC <u>18.60.050</u> (2) and <u>17.05.150</u> |
| <u>Shoreline substantial development permit</u>                                                                                                       | <u>Planning, Building and Public Works Director</u> | <u>DMMC 16.20.010</u>                          |
| Shoreline substantial development permit revisions                                                                                                    | Planning, Building and                              | DMMC <u>16.20.010</u>                          |

4/7/16

Draft Ordinance No. 16-023

**18.20.080A Project Review Chart**

|                                                                                                                                                         | <b>Decision Maker</b>                                 | <b>Applicable Code<br/>Section</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------|
|                                                                                                                                                         | Public Works<br>Director                              |                                    |
| Exemptions from shoreline<br>substantial development<br>permit                                                                                          | Planning,<br>Building and<br>Public Works<br>Director | DMMC <u>16.20.010</u>              |
| Environmentally critical area<br>development exception                                                                                                  | Hearing<br>Examiner                                   | DMMC <u>16.10.300</u>              |
| <b>Type III - Quasi-judicial and<br/>other decisions by the<br/>Hearing Examiner made after<br/>legally required opportunity<br/>for public comment</b> | Hearing<br>Examiner                                   | DMMC <u>18.20.180</u>              |
| Appeal of an<br>administrative/land use<br>decision                                                                                                     | Hearing<br>Examiner                                   | DMMC <u>18.20.160</u>              |
| Conditional use permit                                                                                                                                  | Hearing<br>Examiner                                   | Chapter <u>18.140</u> DMMC         |
| Hearing Examiner approval,<br>conditional approval or                                                                                                   | Hearing<br>Examiner                                   | Chapter <u>16.05</u> DMMC          |

**18.20.080A Project Review Chart**

|                                                                                                                                                                       | <b>Decision Maker</b> | <b>Applicable Code<br/>Section</b>                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------|
| denial of a project based<br>upon chapter <u>16.05</u> DMMC, SEPA                                                                                                     |                       |                                                   |
| Modification of parking<br>provisions by Hearing<br>Examiner                                                                                                          | Hearing<br>Examiner   | DMMC <u>18.210.070</u>                            |
| Variance                                                                                                                                                              | Hearing<br>Examiner   | DMMC <u>18.35.070</u>                             |
| Abatement of nonconforming<br>uses (exempt DMMC<br><u>18.20.060(1)</u> )                                                                                              | Hearing<br>Examiner   | DMMC <u>18.15.110</u>                             |
| <b>Type IV - Quasi-judicial and<br/>other nonlegislative<br/>decisions by the City Council<br/>made after legally required<br/>opportunity for public<br/>comment</b> | City Council          | DMMC <u>18.20.190</u>                             |
| Zoning map amendments (site<br>specific)                                                                                                                              | City Council          | Chapter <u>18.30</u> DMMC                         |
| Subdivisions - preliminary<br>plat approval                                                                                                                           | City Council          | DMMC <u>17.10.130</u><br>through <u>17.10.200</u> |

**18.20.080A Project Review Chart**

|                                                                                                                       | <b>Decision Maker</b> | <b>Applicable Code Section</b>                             |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------|
| Modified subdivision - preliminary                                                                                    | City Council          | DMMC <u>17.15.060</u> through <u>17.15.090</u>             |
| Alteration or vacation of a subdivision - preliminary                                                                 | City Council          | DMMC <u>17.20.050</u> and chapter <u>17.10</u> DMMC        |
| Alteration or vacation of a short plat with public dedication - preliminary                                           | City Council          | DMMC <u>17.20.050</u> and chapter <u>17.05</u> DMMC        |
| Alteration or vacation of a binding site plan with public dedication - preliminary                                    | City Council          | DMMC <u>17.20.050</u> (1)(b) and chapter <u>17.10</u> DMMC |
| Alteration of vacation of binding site plan with more than four lots; not involving a public dedication - preliminary | City Council          | DMMC <u>17.20.050</u> (1) and chapter <u>17.30</u> DMMC    |
| Approval of business park and institutional campus master plans (exempt DMMC <u>18.20.060</u> (1))                    | City Council          | DMMC <u>18.105.050</u>                                     |

**18.20.080A Project Review Chart**

|                                                                                                         | <b>Decision Maker</b> | <b>Applicable Code Section</b>                                          |
|---------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------|
| Binding site plan with more than nine lots, preliminary approval                                        | City Council          | DMMC <u>17.30.050</u> (2) and <u>17.30.090</u>                          |
| Planned unit development, preliminary approval                                                          | City Council          | Chapter <u>18.230</u> DMMC                                              |
| Townhouse development with more than nine lots                                                          | City Council          | DMMC <u>18.50.050</u> (3) and <u>17.10.130</u> through <u>17.10.170</u> |
| City Council approval, conditional approval or denial of a project based upon chapter <u>16.05</u> DMMC | City Council          | Chapter <u>16.05</u> DMMC                                               |
| Shoreline substantial development permit with an environmental impact statement                         | City Council          | DMMC <u>16.20.010</u>                                                   |
| Shoreline conditional use                                                                               | City Council          | DMMC <u>16.20.010</u>                                                   |
| Shoreline variance                                                                                      | City Council          | DMMC <u>16.20.010</u>                                                   |
| Unclassified use permit                                                                                 | City Council          | DMMC <u>18.20.190</u>                                                   |
| <b>Type V - Quasi-judicial and other nonlegislative</b>                                                 | City Council          | DMMC <u>18.20.200</u>                                                   |

4/7/16

Draft Ordinance No. 16-023

**18.20.080A Project Review Chart**

|                                                                                                                           | <b>Decision Maker</b> | <b>Applicable Code<br/>Section</b>                                             |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------|
| <b>decisions by the City Council<br/>without requirement for<br/>public comment</b>                                       |                       |                                                                                |
| Final alteration or vacation<br>of binding site plan with<br>public dedication                                            | City Council          | DMMC <u>17.20.050</u> and<br><u>17.20.060</u>                                  |
| Final alteration or vacation<br>of binding site plan with<br>more than four lots and not<br>involving a public dedication | City Council          | DMMC <u>17.20.050</u> and<br><u>17.20.060</u>                                  |
| Final alteration or vacation<br>of short subdivision with<br>public dedication                                            | City Council          | DMMC <u>17.20.050</u> and<br><u>17.20.060</u> and<br>chapter <u>17.05</u> DMMC |
| Final alteration or vacation<br>of subdivision                                                                            | City Council          | DMMC <u>17.20.050</u> and<br>chapter <u>17.10</u> DMMC                         |
| Final binding site plan with<br>more than four lots                                                                       | City Council          | DMMC <u>17.30.070</u>                                                          |
| Final modified short<br>subdivision                                                                                       | City Council          | DMMC <u>17.15.090</u>                                                          |
| Final modified subdivision                                                                                                | City Council          | DMMC <u>17.15.090</u>                                                          |

**18.20.080A Project Review Chart**

|                                                                                                                                                                          | <b>Decision Maker</b>                                              | <b>Applicable Code Section</b>                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------|
| Final planned unit development                                                                                                                                           | City Council                                                       | Chapter <u>18.230</u> DMMC                          |
| Final townhouse development with more than four lots                                                                                                                     | City Council                                                       | Chapter <u>18.60</u> DMMC                           |
| Subdivision - final plat                                                                                                                                                 | City Council                                                       | DMMC <u>17.10.240</u> through <u>17.10.270</u>      |
| <b>Type VI - Legislative decisions made by the City Council made after legally required opportunity for public comment (exempt pursuant to DMMC <u>18.20.060(1)</u>)</b> | City Council                                                       | DMMC <u>18.20.210</u>                               |
| Area-wide rezones                                                                                                                                                        | City Council                                                       | DMMC <u>18.30.100</u>                               |
| Comprehensive Plan adoption or amendments                                                                                                                                | City Council                                                       | DMMC <u>18.25.050</u>                               |
| Textual code amendment of Titles <u>12</u> , <u>14</u> , <u>16</u> and <u>17</u> DMMC, Subdivisions, and this Title                                                      | Planning,<br>Building and<br>Public Works<br>Director<br>schedules | Chapter <u>17.45</u> DMMC and DMMC <u>18.30.100</u> |

**18.20.080A Project Review Chart**

|  | <b>Decision Maker</b>                        | <b>Applicable Code Section</b> |
|--|----------------------------------------------|--------------------------------|
|  | public meeting<br>before the City<br>Council |                                |

**Sec. 8.** DMMC 18.52.010A, **Residential Use Chart**, and Limitation 15, and section 132 of Ordinance 1591, shall be amended to read as follows:

| <b>Use is:</b><br><b>P: Permitted</b>                                 | SFR | RA-<br>3600 | RM-<br>2400 | RM-<br>1800 | RM-<br>900 | RM-<br>900A | RM-<br>900B | R-SE | R-SR><br>35000 | R-SR<<br>35000 | PR-R     |
|-----------------------------------------------------------------------|-----|-------------|-------------|-------------|------------|-------------|-------------|------|----------------|----------------|----------|
| <b>P/L:</b><br><b>Permitted, but<br/>with special<br/>limitations</b> |     |             |             |             |            |             |             |      |                |                |          |
| <b>CUP:</b><br><b>Conditional<br/>use review<br/>required</b>         |     |             |             |             |            |             |             |      |                |                |          |
| <b>UUP:</b><br><b>Unclassified<br/>use review<br/>required</b>        |     |             |             |             |            |             |             |      |                |                |          |
| <b>Multiple<br/>family<br/>dwelling</b>                               |     |             | <b>P</b>    | <b>P</b>    | <b>P</b>   | <b>P</b>    |             |      |                |                | <b>P</b> |

|                       |  |                     |                     |                     |                     |  |  |  |  |  |  |
|-----------------------|--|---------------------|---------------------|---------------------|---------------------|--|--|--|--|--|--|
| Townhouse development |  | P/L <sup>[15]</sup> | P/L <sup>[15]</sup> | P/L <sup>[15]</sup> | P/L <sup>[15]</sup> |  |  |  |  |  |  |
|-----------------------|--|---------------------|---------------------|---------------------|---------------------|--|--|--|--|--|--|

15. Townhouse Development. This regulation applies to all parts of Table 18.52.010A that have a [15].

Townhouse developments shall be permitted in the RA-3,600 Zone and multi-family zones as noted in the table above with no more than one townhouse dwelling per lot.

**Sec. 9.** DMMC 18.52.010B, Commercial Use Chart, and Limitation 44, and section 133 of Ordinance 1591 as amended by section 12 of Ordinance 1601 as amended by section 8 of Ordinance 1618-A as amended by Section 1 of Ordinance 1645, shall be amended to read as follows:

| Use is:<br>P: Permitted<br><br>P/L:<br>Permitted, but<br>with special<br>limitations<br><br>CUP:<br>Conditional<br>use review<br>required<br><br>UUP:<br>Unclassified<br>use review<br>required | NC | I-C | B-P | C-C | D-C | H-C | PR-C | T-C | W-C |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|------|-----|-----|
|                                                                                                                                                                                                 |    |     |     |     |     |     |      |     |     |

|                                                |        |     |         |     |         |     |         |         |   |
|------------------------------------------------|--------|-----|---------|-----|---------|-----|---------|---------|---|
| Brewery /<br>Winery /<br>Distillery            |        |     |         |     | P/L[21] |     |         |         |   |
| Contractors <del>7</del><br>general            | P/L[3] |     | P/L[14] |     |         | P   | P[14]   | P       | P |
| Mixed Use                                      | UUP    | UUP | UUP     | UUP | P/L[26] | UUP | P/L[50] | P/L[58] |   |
| Self-<br>storage/mini-<br>warehouse<br>leasing |        |     | P       |     |         |     | P/L[44] | P/L[62] |   |

14. Contractors. This regulation applies to all parts of Table 18.52.010B that have a [14].

Contractors in the B-P and PR-C Zone shall be limited to building and special trade (23).

21. Retail Trade (With Ancillary Wholesale Trade). This regulation applies to all parts of Table 18.52.010B that have a [21].

Retail trade with ancillary wholesale trade in the D-C Zone is limited to the following:

(a) Breweries/Wineries/Distilleries (3121) if in conjunction with eating or drinking places.

(b) Building materials, hardware, and garden supply, except mobile home dealers (52);

(bc) General merchandise stores (53);

(ed) Food stores (54);

(de) Gasoline service stations, and other alternative motor vehicle fuels (5541);

(ef) Apparel and accessory stores (56);

(fg) Home furniture, furnishings, and equipment stores (57);

(gh) Eating and drinking places (58); and

(hi) Miscellaneous retail (59), except fuel dealers (598).

44. Real Estate Rental and Leasing. This regulation applies to all parts of Table 18.52.010B that have a [44].

Mini-warehouses and self-storage units (53113) may be on joint use parcels abutting Pacific Highway provided another non-storage commercial use ~~not~~ fronts on Pacific Highway South.

**Sec. 10.** DMMC 18.55.130, Residential Use Chart, and Limitation 15, and section 146 of Ordinance 1591, shall be amended to read as follows:

**18.55.130 Placement of buildings and structures.**

4/7/16

Draft Ordinance No. 16-023

Placement of buildings and structures on any lot in a Single-Family Residential Zone shall conform to the following:

(1) Interior Lots.

(a) Any building or structure any portion of which contains a dwelling unit or accessory living quarters shall not be located closer to any property line than allowed by the yard requirements of this chapter;

(b) The distance between a building or structure containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a lot accessory buildings or structures not containing accessory living quarters may be built on the lot side lines and the lot rear line; provided, not less than 10 feet of the lot rear line shall be free and clear of buildings and structures; and provided further, if the lot rears upon an alley, a garage with a vehicular entrance from the alley shall maintain a distance of not less than 15 feet from the centerline of the alley.

(2) Corner Lots and Reverse Corner Lots.

(a) Except as specified below, any building or structure containing a dwelling unit or accessory living quarters and any other building on the same lot shall observe a distance from any lot side line of five feet from one

4/7/16

Draft Ordinance No. 16-023

side and 10 feet from the side street side and the rear property line specified by this chapter;

(b) The distance between a building or structure containing a dwelling unit or accessory living quarters and any other buildings on the same lot shall be not less than 10 feet;

(c) On the rear third of a corner lot accessory buildings or structures not containing accessory living quarters may be built on the lot interior side line and the lot rear line; provided, if the lot rears upon an alley, a garage with a vehicular entrance from the alley shall maintain a distance not less than 15 feet from the centerline of such alley;

(d) On the rear third of a reverse corner lot accessory buildings or structures not containing accessory living quarters may be built to the lot interior side line, but no building or structure shall be erected closer to the lot rear line than five feet unless an alley intervenes, in which case accessory buildings or structures may be built to the lot rear line unless the accessory building is a garage with a vehicular entrance directly from the alley, in which case such building or structure shall maintain a distance of not less than 15 feet from the centerline of the alley;

(e) In all cases the width of the required side yard on the side street side shall be observed.

**Sec. 11.** DMMC 18.105.070, **B-P Zone Performance Standards (2), Outdoor Storage**, and section 263 of Ordinance 1591, shall be amended to read as follows:

**18.105.070 Performance standards.**

Every use permitted within the B-P Zone pursuant to this chapter shall conform to the following performance standards:

(2) Outdoor Storage.

(a) Outdoor storage shall only be allowed as an accessory use to another principal use.

(b) The material(s) being stored shall not exceed 12 feet in height as measured from the high point of the outdoor storage area.

(c) The material(s) being stored shall be wrapped or enclosed to prevent wind-blown debris.

(d) The outdoor storage area shall not exceed 40 percent of the building footprint or 15 percent of the lot area, whichever is less.

(e) Outdoor storage shall be screened from ~~adjacent properties~~ public view by a 12-foot landscaped buffer ~~or another building~~. ~~The A~~ buffer shall contain at least 75 percent coniferous trees of a minimum size of six feet at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper as measured per ANSI Z 60.1-2004. All trees shall be planted no less than 20 feet

apart on-center. For every 16 square feet of buffer area, at least one evergreen shrub of a minimum size of two feet shall be provided. Ground cover of a minimum one-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting. Landscaping shall not serve as a substitute for the required setbacks of the underlying zoning.

(f) Outdoor storage areas adjacent to public streets and to future or existing bicycle or pedestrian paths shall be screened by a minimum of a six-foot masonry wall in addition to the landscaping requirements established by subsection (2)(e) of this section. The screening wall shall be set back a maximum distance of 15 feet from the property line. The height of the wall shall be measured from the high point of the outdoor storage area.

(g) Outdoor storage shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no outdoor storage is allowed between a building and a side street lot line.

(h) The City Manager or the City Manager's designee may modify the requirements for spacing, number and size of plantings upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals.

**Sec. 12.** DMMC 18.190.200, Location and height of wall, fence, or hedge, and section 400 of Ordinance 1591, shall be amended to read as follows:

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**18.190.200 Location and height of wall, fence, or hedge.**

In any Residential Zone a wall, fence, or hedge is permitted under the following conditions:

(1) Where a fence is installed directly on the ground, the height of the fence shall be the vertical distance from the top board, rail, or wire to the ground directly below the fence; where a masonry or stone wall is used as a fence, the height shall be the vertical distance from the top surface of the wall to the ground on the high side of the wall;

(2) A wall, fence, or hedge not more than 42 inches in height may be permitted on any part of a lot that is not otherwise restricted;

(3) On all residential lots, either partially or fully view-obscuring walls, fences, or hedges not exceeding six feet in height shall be permitted on any lot line; except that any wall, fence, or hedge greater than 42 inches in height and located within the required front yard and side yard adjacent to a street shall be constructed of wrought iron, chain link, or similar materials that, as a whole, shall not be greater than 20 percent view obscuring or, if other materials are used that are greater than 20 percent view obscuring, the property owner shall first obtain approval from the City Traffic Engineer to ensure

4/7/16

Draft Ordinance No. 16-023

that safe sight distance is maintained and a traffic hazard shall not be created;

(4) Where a retaining wall protecting a cut below the natural grade is located on the line separating lots or parcels, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed, and the top of the retaining wall shall be considered the bottom of the fence;

(5) Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a wall, fence, or hedge, and shall be measured from the ground on the low side; provided, that in any event a protective fence not more than 42 inches in height may be erected at the top of the retaining wall and any portion of such fence above the six-foot maximum height shall be no greater than 50 percent view obscuring;

(6) Electric fences shall not be permitted in any Residential Zone except as allowed in DMMC 18.190.310 (2);

(7) No fence shall be located in any public right-of-way, unless a right-of-way permit is obtained from the City;

(8) Any fence exceeding a height of six feet, and any retaining wall exceeding a height of 48 inches, shall require the property owner to obtain a building permit; the provisions and conditions of this section shall not apply to fences required by state law to surround and enclose public utility installations, or to

4/7/16

Draft Ordinance No. 16-023

chain link fences enclosing school grounds and public playgrounds. [Ord. 1591 § 400, 2014.]

**FOR CITY COUNCIL REFERENCE ONLY – NOT TO BE INCLUDED IN FINAL ORDINANCE**

**18.190.310 Dangerous fences – Restrictions.**

Dangerous fences are subject to the following restrictions:

(2) Electric fences are not permitted in the City *except (emphasis added)* when used to contain grazing animals in an area zoned to allow such a use. Electric fences must be set back at least five feet from the property line or must be enclosed by additional fencing or other barriers which prevent access to the electric fence by small children on the adjacent property.

**Sec. 13.** DMMC 18.195.060, General Landscaping Requirement(s), Storage Areas, and section 417 of Ordinance 1591, shall be amended to read as follows:

**18.195.060 Storage areas.**

All outside storage areas and loading docks shall be screened from public view by another building or by fencing and a Type III landscaping strip with a minimum depth of five feet unless determined by design review that such screening is not necessary because stored materials are not visually obtrusive. The five-foot deep landscaped area may occur within the street right-of-way abutting the property line upon approval of the Planning, Building and Public Works Department.

**Sec. 14.** DMMC 18.195.420, Modification of Landscaping Requirement(s), and section 453 of Ordinance 1591, shall be amended to read as follows:

**18.195.420 Modification of landscaping requirement(s).**

4/7/16

Draft Ordinance No. 16-023

(1) The Planning, Building and Public Works Department may authorize reduced width of plantings or waive some or all landscaping requirements in the following instances:

(a) Whenever a building utilized for business or office purposes is proposed to be placed within 10 feet of the street right-of-way and there are no loading docks on such street, and at least 50 percent of the wall length is utilized for window and door construction, and the setback is utilized in effect as a sidewalk; provided, approved street trees are planted within the 10-foot setback no more than 30 feet on center;

(b) When architectural barriers or berms are incorporated into the design of the landscaping and contribute to the intent of the type of landscaping required and the minimum width of planting is not reduced by more than 50 percent;

(c) When application of requirements of this section for commercial properties would result in more than 15 percent of the site area being landscaped, in which instance the Planning, Building and Public Works Department may modify those requirements such that not more than 15 percent of the site must be landscaped; provided, however, that the landscaping and corresponding setbacks required are those most beneficial to the public;

(d) When the inclusion of significant existing vegetation located on the site would result in as good as or better satisfaction of the purposes of this chapter;

(e) When, in the case of required perimeter landscaping adjacent to street rights-of-way, the ultimate street improvements for that right-of-way have been installed or will be installed as a requirement of approval of the development, and the Planning, Building and Public Works Department determines that the proposed landscaping of that portion of the right-of-way between the property line and sidewalk is acceptable, the Planning, Building and Public Works Department may allow such landscaping in lieu of required landscaping within the development; provided, the type and area of planting is comparable to that normally required and adequate provisions are made for permanent maintenance;

(f) When conditions on or adjacent to the site, including differences in elevation, existing vegetation, location of existing structures or utilities, continuity of design concepts within a zone, emergency vehicle access would render application of requirements of this chapter ineffective or result in scenic view obstruction.

(g) When supported by a crime prevention assessment of their property using principles from the crime

prevention through environmental design (CPTED) program to reduce opportunities for criminal activity to occur.

(2) An application for adjustment of landscaping requirements shall be filed on forms prescribed by the City, executed and sworn to by the owner or tenant of the property concerned or by duly authorized agents. Such application shall clearly and in detail state what adjustments of requirements are being requested and the reasons such adjustments are warranted, and shall be accompanied with such supplementary data, such as sketches, surveys, and statistical information, as deemed necessary to substantiate the adjustment.

(a) The applicant shall give all owners of property located within 100 feet of any boundary of the subject property written notice of the proposed alternative landscaping within 20 days of filing an application. The Planning, Building and Public Works Department shall allow 15 days for comment before making a decision.

(b) The decision of the Planning, Building and Public Works Department regarding alternative landscaping shall be made within 45 days of filing of an application, shall be transmitted in writing to the applicant and all interested parties and shall identify reasons for denial or requirements for modifications, if any.

(c) The decision of the Planning, Building and Public Works Department shall be final unless an aggrieved

4/7/16

Draft Ordinance No. 16-023

person appeals that decision to the Hearing Examiner by filing a written notice of appeal within 10 days of such decision in accordance with the Hearing Examiner code.

**Sec. 14.** DMMC 18.200,070 Sign Code Permit Exemptions, and section 467 of Ordinance 1591, shall be amended to read as follows:

**18.200.070 Exemptions.**

The following shall not require a sign permit; these exemptions shall not be construed as relieving the owner of a sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance regulating the same:

(1) The changing of the advertising copy or message on a lawfully erected, painted, or printed sign, theater marquee, or similar signs specifically designed for the use of replaceable copy.

(2) Painting, repainting or cleaning of a lawfully erected sign structure or the changing of the advertising copy or message thereon and other normal maintenance unless a structural or electrical change is made.

(3) Temporary decorations customary for special holidays, such as Christmas and Independence Day, erected entirely on private property.

(4) Real estate signs subject to the following requirements:

(a) Signs shall not exceed eight square feet in Residential Zones and 24 square feet in Commercial Zones.

(b) Signs shall be limited to one sign per street frontage on the premises for sale, lease, or rent, and five portable directional signs to such property.

(c) Portable off-premises directional real estate signs providing directions to an open house at a specified residence or commercial building that is offered for sale or rent are permitted only when:

(i) Signs are not placed on trees, foliage, utility poles, or placed on or interfere with official traffic control devices and their support structures installed by the City Traffic Engineer or the state.

(ii) Each sign does not exceed four square feet in area and 36 inches in height.

(iii) The agent or seller is physically present at the property for sale or rent.

(iv) The total number of directional signs is limited to five.

(v) Each sign if located in the public right-of-way is subject to the requirements and regulations of subsections (12)(e) through (k) of this section.

(vi) The signs may only be in place on the day of the open house.

(5) On-premises information signs guiding or directing traffic onto or off of a lot or within a lot, incidental signs, and internal information signs not over eight square feet in area and do not exceed six feet in height. The information or copy displayed by or on any internal informational sign shall be limited to only those letters and/or symbols necessary to convey the required message in as brief a manner as reasonably possible

4/7/16

Draft Ordinance No. 16-023

and shall not advertise in any manner the facility occupying the premises nor goods or services available nor hours of operation.

(6) Political signs subject to the following requirements:

(a) Political signs promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on private property. Such signs shall be removed within 10 days following the election; provided, that signs promoting successful candidates in a primary election may remain displayed until 10 days following the immediately subsequent general election.

(b) It is prohibited for any person to paste, paint, affix, or fasten a political sign on any tree, foliage, utility pole, on any public building or structure, or on or to interfere with any official traffic control device and their support structures installed by the City Traffic Engineer or the state.

(c) Political signs posted within public right-of-way are subject to the requirements and regulations of subsections (12)(e) through (k) of this section. Additionally, political signs in the right-of-way are limited to a maximum surface area of four square feet and a maximum height of five feet.

(d) It shall be the responsibility of the candidate to have the signs removed.

~~(7) One nonelectrical and nonilluminated business identification sign not over 36 square feet in area if allowed in that zone. (Note: If Council does not want to eliminate this exemption, which would then require a permit application and staff review, then change to read "wall" sign and reduce exempted size to not more than 24 square feet.)~~

(8) One on-premises nonilluminated bulletin board not over 24 square feet in area for a charitable or religious organization.

(9) For each street frontage of the premises, one nonilluminated temporary construction sign denoting the architect, engineer, and/or contractor when placed on work under construction, and not exceeding 32 square feet in area.

(10) Memorial signs or tablets, including names of buildings, and date of erection when cut into a masonry surface or when constructed of bronze or other noncombustible materials.

(11) Nonelectrical identification signs which contain no more than the name and address of the dweller or tenant of a residence shall be allowed. Only one such sign not over two square feet in area shall be allowed for each street frontage of a residential dwelling within the City.

(12) Portable signs located in the public right-of-way subject to the following requirements:

(a) Signs shall not be affixed to the ground, including through the use of stakes or other means that may damage property.

(b) No more than two signs are allowed per business and no person may have more than two signs at any one time.

(c) Sign area shall neither exceed six square feet per sign face nor 36 inches in height.

(d) Signs are allowed only during the hours of operation of the business or for the duration of special events and must be taken indoors each day.

(e) Signs may not be placed on or attached to other objects, including but not limited to buildings, structures, trees,

plants, utility poles, utility boxes, utility equipment, other signs, or on or to interfere with any official traffic control device and their support structures installed by the City Traffic Engineer or the state.

(f) Signs shall not be placed in a manner that interferes with vehicle, bicycle, wheelchair, or pedestrian sight line views, or travel.

(g) Signs shall not be placed in street medians or traffic islands.

(h) Signs shall not be placed in a manner that will damage City landscaping, irrigation or other City infrastructure or obstruct a drainage system. Any damage as the result of the placement of the portable sign will be the responsibility of the owner of the sign.

(i) Signs shall have a professional appearance and be maintained in good condition so as to preserve the aesthetic value of the total environment.

(j) Signs shall have a name and contact phone number or other contact information on them.

(k) Signs placed in violation of this subsection (12) are subject to immediate removal and may be subject to destruction by the City, without prior notice. If the owner of the sign is present at the time of removal, the owner is given an opportunity to remove the sign immediately.

(13) Signs used exclusively for:

(a) Display of official notices used by any court, public body, or official, or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice; provided, however, that such

4/7/16

Draft Ordinance No. 16-023

notices are subject to the requirements and regulations of subsections (12)(e) through (k) of this section.

(b) Official directional, warning, or information signs of a public or nonprofit entity erected by or with the approval of the City; provided, however, the design and placement of such signs shall be subject to the approval of the City Manager or the City Manager's designee and, if located in the public right-of-way, shall require a right-of-way use permit and shall be subject to the requirements and regulations of subsections (12)(e) through (k) of this section. All such signs shall be installed by or under the direction of the City Manager or the City Manager's designee and may be removed by the City if they become damaged, unsightly, or otherwise fall into a state of disrepair. Upon such removal, replacement signs may be installed. The City Manager or the City Manager's designee is authorized to establish a fee schedule for labor, equipment, and materials expended from public funds for installation of signs and/or posts.

(14) Official traffic control devices and their support structures installed by the City Traffic Engineer or state.

(15) Signs not intended to be viewed from and not readable from off premises.

(16) Window merchandise displays.

(17) Point-of-purchase advertising displays, such as product dispensers.

(18) National flags, flags of political subdivisions and symbolic flags of an institution.

(19) Barber poles.

(20) Historic site markers and plaques.

4/7/16

Draft Ordinance No. 16-023

- (21) Gravestones.
- (22) Structures intended for separate use, such as phone booths.
- (23) Identification signs upon recycling collection containers or other collection containers for public, charitable or nonprofit organizations.
- (24) Lettering or symbols painted directly onto or flush-mounted magnetically onto an operable motor vehicle operating in the normal course of business.
- (25) Sculptures, fountains, mosaics, or other public art features that do not incorporate advertising or identification of a business or product.
- (26) Temporary construction signs subject to the following standards:
  - (a) Sign shall not exceed 32 square feet.
  - (b) No more than one sign is allowed per street frontage.
  - (c) Sign shall be removed upon completion of the project, except as provided in DMMC 18.200.140.

**Sec. 15.** DMMC 18.210,090 (15)(d), **Required Number of Off Street Parking Spaces**, and section 513 of Ordinance 1591 as amended by section 16 of Ordinance 1601 as amended by section 12 of Ordinance 1618-A, shall be amended to read as follows:

- (15) Residences.
  - (a) Single-family: two parking spaces per dwelling unit.
  - (b) Duplex and townhouse: two parking spaces per dwelling unit and one parking space for every five dwellings for use

as visitor parking. A minimum of one visitor parking space shall be provided.

(c) Multifamily.

(i) Two parking spaces per dwelling.

(ii) One guest parking space shall be provided per each 10 dwellings.

(iii) For one-bedroom dwellings within the PR Zone: one and one-half parking spaces per dwelling.

~~(d) Multifamily (as Part of a Mixed Use Development) in the T-C Zone. (This section moved to Mixed Use below as a more appropriate location)~~

~~(i) For a studio dwelling: one parking space.~~

~~(ii) For one bedroom dwellings: one parking space.~~

~~(iii) For two bedroom or more dwellings: 1.75 parking spaces.~~

(iv) One guest parking space shall be provided per each 10 dwellings.<sup>1</sup>

(e) Retirement apartments: one parking space per dwelling unit, except that the plan shall show two parking spaces, spaces not initially installed. The additional parking spaces plus required landscaping shall be installed at such time that the structure is not used for retirement apartment purposes.

(f) Rooming and lodging houses: one space per occupant.

(g) Children's institutions, homes for the retired (group homes): one space for each five employees plus one for each four beds.

(h) **Mixed Use.**

(i) Except as provided below, two parking spaces per dwelling.

(ii) For one-bedroom dwellings within the PR Zone: one and one-half parking spaces per dwelling.

(iii) On-site parking for nonresidential areas shall be provided based upon the ratio specified by this section.

~~(d)~~ (iv) **Multifamily (as Part of a Mixed Use Development) in the T-C Zone.**

(i) **For a studio dwelling: one parking space.**

(ii) **For one-bedroom dwellings: one parking space.**

(iii) **For two-bedroom or more dwellings: 1.75 parking spaces.**

(i) Accessory living quarters: one parking space.

**Sec. 16.** DMMC 18.210,130, Parking Area Dimensions, and section 517 of Ordinance 1591 shall be amended to read as follows:

**18.210.130 Parking area dimensions.**

Minimum parking area dimensions for surface and structured parking facilities shall be as provided in Table 1 following DMMC ~~18.210.180~~ **18.210.100**.

**Sec. 17.** DMMC 18.210,130, Parking Area Dimensions (Stacked Parking), and section 520 of Ordinance 1591 shall be amended to read as follows:

**18.210.160 Driveways and maneuverability.**

(1) Adequate ingress to and from each parking space shall be provided without moving another vehicle and without backing more than 50 feet, except that vehicles may be parked in a stacked or tandem way on commercial properties upon City approval of a stacked or valet parking plan developed in accordance with subsection (7) of this section. All parking spaces shall be so arranged that ingress and egress is possible without backing over a sidewalk or walkway/bicycle area unless specifically approved by the City Manager or City Manager's designee.

(2) Turning and maneuvering space shall be located entirely on private property except that the usable portion of an alley may be credited as aisle space subject to approval as to safety by the City Manager or City Manager's designee.

(3) Backing onto public streets to exit a parking stall shall be prohibited, except in Single-Family Residential and RA Zones.

(4) When off-street parking is provided in the rear of a building and a driveway lane alongside the building provides access to the rear parking area, such driveway shall require a minimum width of 12 feet and a sidewalk of at least a three-foot section, adjoining the building, curbed or raised six inches above the driveway surface.

(5) Ingress and egress to any off-street parking lot shall not be located closer than 20 feet from point of tangent to an intersection or crosswalk. They may not be permitted where, in

the opinion of the City Manager or City Manager's designee, dangerous or confusing traffic patterns would result.

(6) Driveway intersections with north-south bearing streets shall be minimized to the extent possible in order to diminish traffic hazards, to conserve space and to promote orderly development generally. Driveways shall be limited to one per building site per street frontage, except the lesser of one driveway for each 150 feet of street frontage or three driveways for two lots having common parking may be permitted upon a finding of the City Manager or City Manager's designee that smoother or safer flow of traffic can result without significant disruption of the streetscape.

(7) Stacked or Valet Parking Plan Requirements.

(a) Stacking spaces for vehicle parking or for auto rental/sales uses may be allowed on commercial properties; provided, that the area utilized for stacking spaces conforms with the parking lot landscaping requirements of DMMC 18.210.220. Stacking of required off-street parking spaces shall not be allowed for employee or customer parking. Stacking aisle widths shall be a minimum of eight feet, six inches.

(b) Stacking spaces for commercial uses other than vehicle parking or auto rental/sales may be allowed through the use of valet parking, upon approval of a valet parking plan, by the City Manager or City Manager's designee. The area of the lot utilized for stacking spaces shall conform with the parking lot landscaping requirements of DMMC 18.210.220. Stacking aisle widths shall be a minimum of eight feet, six inches. At a minimum, the valet parking plan shall include, but not be limited to:

(i) A site plan showing the location of the valet parking on the property;

(ii) The hours of operations;

(iii) A detailed description of the valet parking system's operation including methods to control noise, glare from impacting adjacent properties, and methods to eliminate any impacts on adjacent or nearby residential neighborhoods;

(iv) The name, address and phone number of the operator of the valet parking.

Valet parking is allowed on or off-site. No valet parking shall be allowed on public rights-of-way.

**Sec. 18.** DMMC 18.210,180, Loading Areas and Off-Street Parking Lighting, and section 522 of Ordinance 1591 shall be amended to read as follows:

**18.210.180 Lighting.**

Any lighting on a parking lot shall illuminate only the parking lot, and be designed to avoid undue glare or reflection on adjoining premises, including public streets. Where a common boundary is shared with any residential property, illuminating devices shall be so shaped and directed to focus their light away from residential property. Parking lot lighting shall not exceed ~~14~~ 20 feet in height, except that the City Manager or his designee may approve a taller light post standard based on an energy efficient lighting design. (Adjoining city standards are mixed. SeaTac sets a 16 foot standard but provides for a higher standard based on a lighting design. Kent allows a light post

4/7/16

Draft Ordinance No. 16-023

*standard up to 25 feet. Federal Way allows 30 feet for institutional uses and 20 feet in residential uses.)*

**Sec. 19. 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. 20. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its final approval by the Des Moines City Council in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this \_\_\_\_\_th day of \_\_\_\_\_ and signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
M A Y O R

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

Ordinance No. \_\_\_\_\_  
Page 55 of 55

Published: \_\_\_\_\_

4/7/16  
Draft Ordinance No. 16-023

Finance & Economic Development Committee

April 14, 2016

Agenda Item: Wasson House

Due to the unfortunate passing of Mr. Wasson, the following items need to be considered.

1. Disposition (please see email from Tim George below)
  - a. Status of the building – Building inspection by Larry P.
  - b. Status of utilities
2. Process requirements
  - a. Zoning (parking, permitted uses)
  - b. Shoreline Master Program (footprint and renovation options)
  - c. Urban conservancy (potential change of designation)
3. Uses
  - a. Connectivity between Marina and Beach Park
  - b. Economic Development opportunity – generate retail revenue
  - c. Recreation amenities
  - d. Short-term and interim options
  - e. Long-term options

**Email from Tim George re: Disposition of Wasson House:**

The language in the lease states "Lessor shall permit the heirs... a minimum of 60 days following the demise ..... In which to vacate the premises and remove all personal property." The lease doesn't mention anything about requiring the property to be cleaned etc and there is no deposit or anything like that to recoup costs from.

I would recommend putting a letter together informing the heirs of the lease language and respectfully asking that they remove personal property within 60-90 days and to inform the City when this process is complete if it is done earlier. I can prepare a rough draft but I will need contact info from Joe.

As far as legal issues, a life estate terminates automatically with the death of the grantee. But in order to clean up the title, we should file an affidavit of death of life tenant and include the death certificates. Legal can do that.

Regarding any property left in the house, either after the heirs inform us they have removed everything they want or nearing the expiration of the 90 days we can send another letter letting them know that any property left will be considered abandoned and removed and disposed of by the City.

**Email from Jason Sullivan re: parking on the Wasson house site:**

**From:** Jason Sullivan

**Sent:** Thursday, March 24, 2011 6:31 PM

**To:** Patrice Thorell

**Subject:** RE: MFCommittee asked for the parking code numbers related to Beach Park buildings

Patrice,

Below are the Parking Requirements for the Dining Hall and the Auditorium:

Dining Hall: 182 Parking Stalls

Auditorium: 215 Parking Stalls

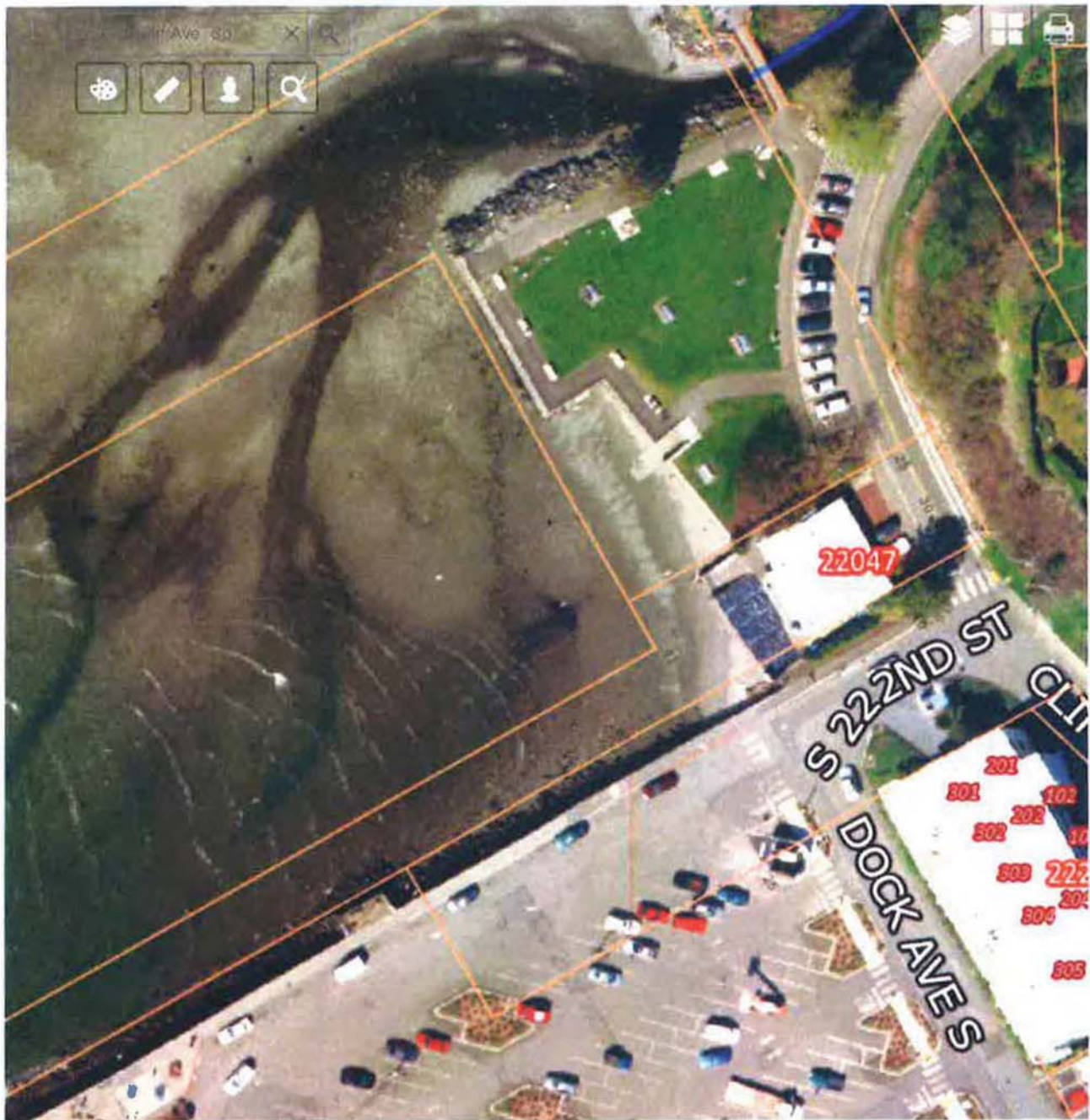
If the Wasson House was converted into a restaurant it would require approximately 23 parking stalls. If the Wasson House was converted into some retail use it would require approximately 8 parking stalls. However, I am not sure if these uses would be permitted as the property is located in the RS-E zone which is a residential zone which does not allow commercial uses. This is also true for the remainder of the Beach Park; parks are a permitted use in the RS-E zone, but independent for profit commercial uses are not permitted such as restaurants or retail establishments. If the City would like to be able to allow these types of uses within the park there are a number of options.

In addition the zoning requirements, the Wasson House is located with the area designated as Urban Conservancy under the Shoreline Master Program. Commercial uses are prohibited in the classification per the Shoreline Master Program. Therefore, an amendment to the Shoreline Master Program would be required to utilize the Wasson House for any commercial purposes.

Please let me know if you would like to setup a meeting to discuss the various options.

Sincerely,

*Jason Sullivan  
Development Services  
Land Use Planner II*



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### PARCEL

**Parcel Number** 200900-3245  
**Name** DES MOINES CITY OF  
**Site Address** 22047 CLIFF AVE S 98198  
**Legal** DES MOINES TOWN OF & VAC W 10 FT OF CLIFF AVE ADJ & TD LDS ADJ 18

### BUILDING 1



**Year Built** 1967  
**Total Square Footage** 2740  
**Number Of Bedrooms** 4  
**Number Of Baths** 2.00  
**Grade** 7 Average  
**Condition** Good  
**Lot Size** 13324  
**Views** Yes  
**Waterfront** PUGET SOUND

### TOTAL LEVY RATE DISTRIBUTION

Tax Year: 2016 Levy Code: 1105 Total Levy Rate: \$13 73014 Total Senior Rate: \$8 07198



44.97% Voter Approved

[Click here to see levy distribution comparison by year.](#)

### TAX ROLL HISTORY

**This is a government owned parcel.**

Change to state law (RCW 84 40 045 and 84 40 175) by the 2013 Legislature eliminated revaluation of government owned parcels

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### Reference Link

[King County Tax Districts Codes Levies \(.PDF\)](#)

[King County Tax Links](#)

[Property Tax Advisor](#)

[Washington State Department of Revenue \(External link\)](#)

[Washington State Board of Tax Appeals \(External link\)](#)

[Board of Appeals/Equalization](#)

[Districts Report](#)

[iMap](#)

[Recorder's Office](#)

[Scanned images: surveys and other map documents](#)

[Scanned image: plats](#)

TOP 8  
TRENDS FOR 2016  
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Selected parcels: 1

| Parcel number | Address                 |
|---------------|-------------------------|
| ✕ 2009003245  | 22047 CLIFF AVE S 98198 |

0822049029



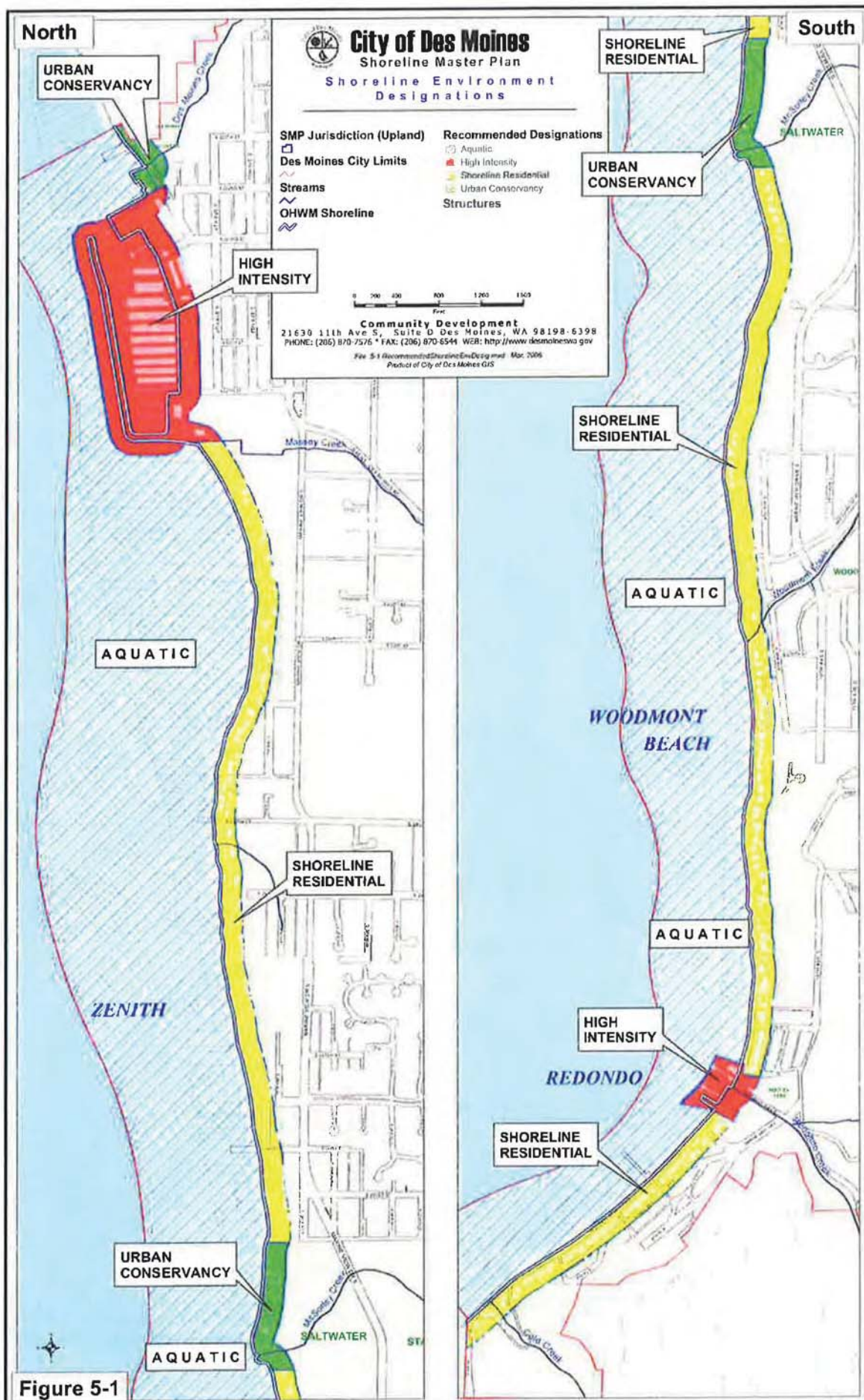


Figure 5-1

## **5.1 High-Intensity Environment**

### **5.1.1 Purpose**

The purpose of the “high-intensity” environment is to provide for high-intensity water-oriented commercial and transportation uses while protecting existing ecological functions. Opportunities to restore or enhance degraded ecological functions should be identified and implemented during redevelopment of high-intensity areas. “High intensity” areas should maintain open space along the shoreline and the natural character of the shoreline to the extent possible, to make these areas vibrant parts of the City. An additional purpose is to provide appropriate public access and recreational uses.

### **5.1.2 Management Policies**

1. Full utilization of existing urban areas should be achieved before further expansion is allowed. Consideration should be given to the potential for displacement of nonwater-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.
2. In regulating uses within “high-intensity” designated areas, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of mixed-use developments. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses, as demonstrated through a shoreline use analysis or special area planning process, as described in WAC 173-26-200 (3)(d).
3. Create development standards for setbacks, buffers, shoreline stabilization, vegetation conservation and enhancement, critical areas protection, and water quality to assure no net loss of shoreline ecological functions, and contribute to the restoration of ecological functions over time in areas where ecological degradation has occurred.
4. Redevelopment and renewal of substandard high intensity areas should be encouraged in order to accommodate future users and make maximum use of the shoreline.
5. Aesthetic considerations should be actively promoted by means of sign control regulations, architectural design standards, planned unit development standards, landscaping requirements and other such means.
6. The City should encourage new development or redevelopment plans to include environmental cleanup, restoration components, or otherwise result in the overall improvement of shoreline conditions. At a minimum, development plans should result in no net loss of shoreline ecological functions.
7. To enhance the waterfront and ensure maximum public use, commercial facilities in the “high intensity” areas should be designed to permit pedestrian waterfront activities consistent with public safety and security.
8. Emphasis should be given to developing visual and physical access to the shoreline in “high intensity” areas.

6. Activities or uses that would strip the shoreline of vegetative cover, cause or contribute to substantial erosion or sedimentation, or adversely effect aquatic life should be prohibited.
7. Boardwalks and other similar improvements intended to promote public use of waterfront areas and water dependent or water related recreational activities that are compatible with the urban conservancy environment should be encouraged on publicly owned property.
8. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
9. Development that would be a hazard to public health and safety should not be allowed.
10. Public access opportunities to publicly owned shorelines and/or water bodies should be encouraged without having at any time to trespass upon private upland or tideland properties.
11. Commercial development should not be allowed.
12. Residential development should not be allowed.
13. Access, utilities and public services should be available and adequate to serve existing needs and allowed planned future development.
14. In areas with poorly draining soils, developments should not be allowed unless connected to a sewer line.
15. Shoreline developments that have a risk of adversely disrupting the shoreline or beach profile or contributing to the accumulation of water-borne drift should be discouraged.
16. Adequate surface water controls that will effectively reduce pollutants from surface water runoff should be encouraged.

### **5.2.3 Designation Criteria**

Areas designated as “urban conservancy” should be those areas that are generally not suited for high-intensity water-dependant uses, that that lie in incorporated municipalities or urban growth areas, and that meet any of the following characteristics:

1. They are suitable for a mix of water-related or water-dependant uses, with other uses that allow a substantial number of people to enjoy the shoreline;
2. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
3. They have potential for ecological restoration;
4. They retain important ecological functions, even though partially developed; or
5. They have the potential for development that is compatible with ecological restoration.

### **5.2.4 Boundary Description**

The limits of shoreline jurisdiction within Des Moines Beach Park and Saltwater State Park as shown on Figure 5-1, representing the official Des Moines SMP map.



## Parks, Recreation & Senior Services

## Park Review Plan

# Des Moines Beach Park Promenade

### Existing Park Description:

Des Moines Beach Park is a special purpose park providing public access to Puget Sound tidal flats and Des Moines Creek. The promenade will link the Marina and the Beach Park with a linear park along the waterfront.

Address: 22030 Cliff Avenue South  
 Size:  
 Zoning:  
 Park Classification: Waterfront Park  
 Features: Walkways, beach access, water features, connections to Marina from Beach Park  
 Goal: Waterfront recreation

### Previous 2010 Plan Accomplishments

None

### Proposed Improvements

- A. Add Promenade from the Marina through the park.
- B. Create public plaza.
- C. Remove existing house from promenade area. Design park entrance, may include water feature or play sculpture.
- D. Add promenade play area/water feature.
- E. Repair / replace bulkhead along waterfront to the Marina Promenade.
- F. Provide improved beach access.

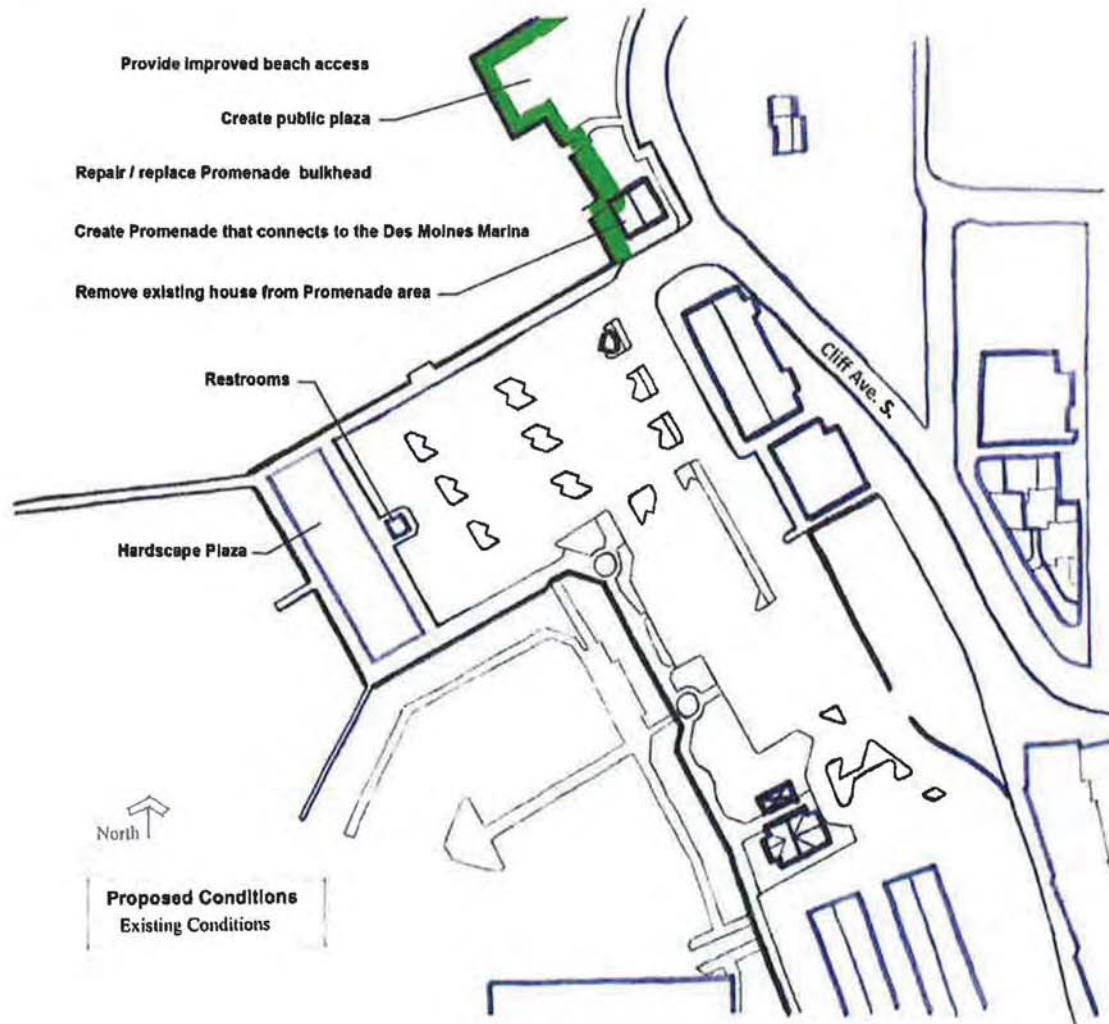
Design & Construction Cost: \$4,666,000  
 Maintenance Level: I  
 Existing Annual Maintenance Cost: \$ 140,434  
 Annual Maintenance Cost with Proposed Improvements: \$ 15,500



Parks, Recreation & Senior Services

Park Review Plan

## Des Moines Beach Park Promenade



**DAVID A. CLARK  
ARCHITECTS, PLLC**

**Des Moines Master Plan**

**Park Cost Estimates**

Created 6/28/2015

Revised 9/17/2015

**5.6 Beach Park Promenade**

| Action                                            | Unit cost | 43%         |                     |
|---------------------------------------------------|-----------|-------------|---------------------|
|                                                   |           | Soft Costs  | Total               |
| A Continue promenade from Marina                  | 119,000   | 51,527      | 170,527             |
| B Plaza                                           | 150,000   | 64,950      | 214,950             |
| C Remove existing house from promenade area       | 75,000    | 32,475      | 107,475             |
| D Promenade play area/water feature               | 375,000   | 162,375     | 537,375             |
| E Repair/replace bulkhead to the Marina Promenade | 2,492,000 | 1,079,036   | 3,571,036           |
| F Improve beach access                            | 45,000    | 19,485      | 64,485              |
| <b>Total</b>                                      |           | <b>FRRP</b> | <b>\$ 4,665,848</b> |

Annual Maintenance Costs 140,434

Annual Maint. Costs with Prop. Improvements 15,500

FRRP: Repair and Renovation Plan



**Parks, Recreation & Senior Services**

**Park Review Plan**

## **Des Moines Marina Promenade**

### **Existing Park Description:**

The Des Moines Marina constructed in 1970, is a premier community recreational boating, fishing and pedestrian activity facility. It also features permanent moorage, guest moorage, sling hoist launch, dry sheds, fishing pier, CSR boat yard, yacht sales, and a restaurant and picnic area. The promenade will link the Marina and the Beach Park with a linear park along the waterfront.

Address: 22307 Dock Avenue South  
 Size:  
 Zoning:  
 Park Classification: Waterfront Park  
 Features: Walkways, connections to Beach Park from Marina  
 Goal: Waterfront recreation

### **Previous 2010 Plan Accomplishments**

None

### **Proposed Improvements**

- A. Add Promenade from the Beach Park through the Marina.
- B. Create public plaza.
- C. Sheet piling, north side parking lot



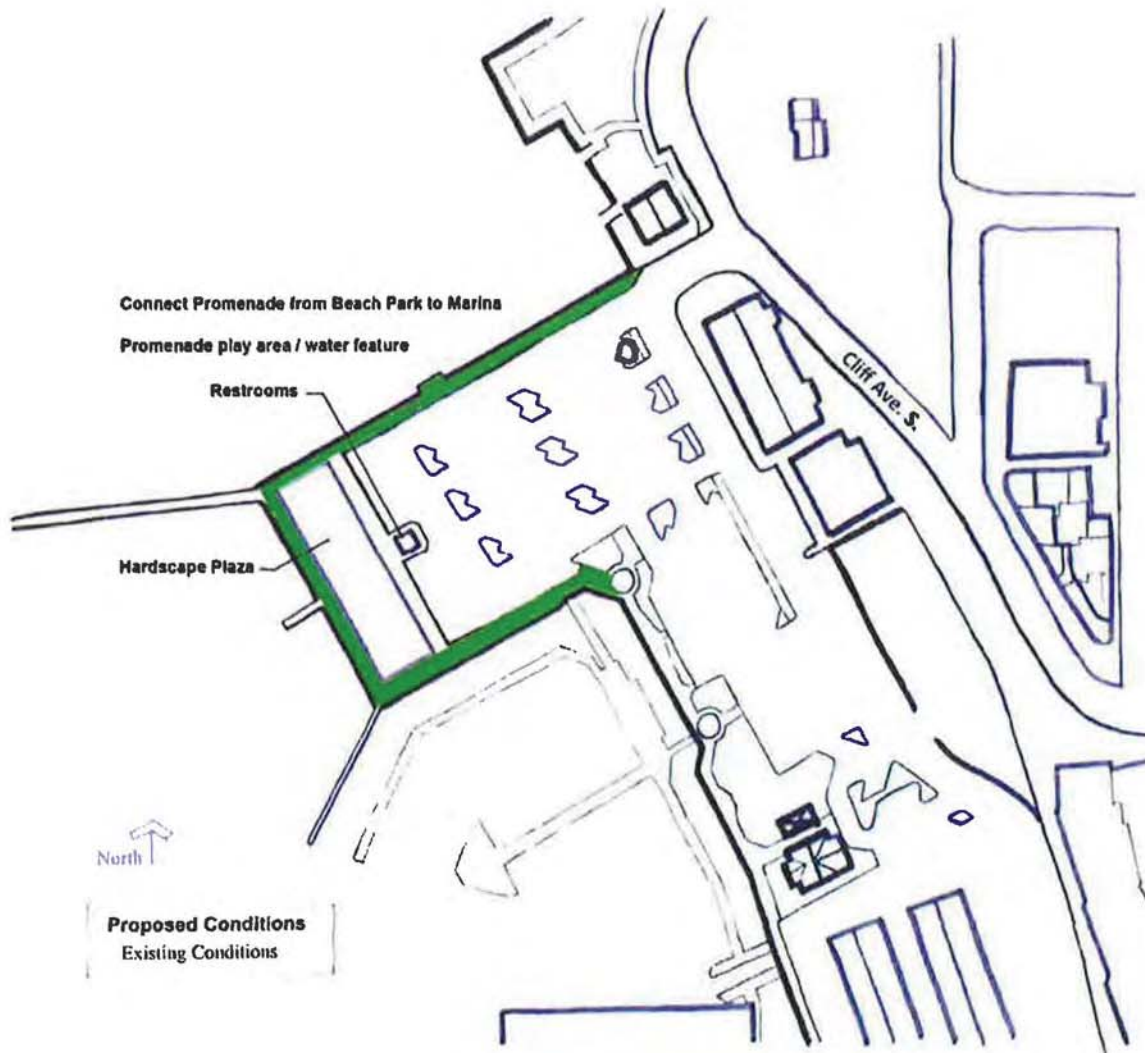
Design & Construction Cost: \$6,006,000  
 Maintenance Level: 1  
 Existing Annual Maintenance Cost: \$0  
 Annual Maintenance Cost with Proposed Improvements: \$15,500



Parks, Recreation & Senior Services

Park Review Plan

## Des Moines Marina Promenade





**Des Moines Master Plan**  
**Park Cost Estimates**

Created 6/28/2015  
Revised 9/16/2015

**8.1 Des Moines Marina Promenade**

| Action                                      | Unit cost | 43%        |              |
|---------------------------------------------|-----------|------------|--------------|
|                                             |           | Soft Costs | Total        |
| A Continue promenade from Beach Park        | 119,000   | 51,527     | 170,527      |
| B Plaza                                     | 150,000   | 64,950     | 214,950      |
| C Sheet pile north side parking lot         | 4,200,000 | 1,806,000  | 6,006,000    |
| Total                                       |           | FDP        | \$ 6,391,477 |
| Annual Maintenance Costs                    |           |            |              |
| Annual Maint. Costs with Prop. Improvements |           |            | 15,500       |

FRRP: Repair and Renovation Plan

**From:** RICHARD [<mailto:desmoine@comcast.net>]

**Sent:** Saturday, April 02, 2016 6:05 PM

**To:** Matt Pina <[mpina@desmoineswa.gov](mailto:mpina@desmoineswa.gov)>

**Subject:** Blocking Mailbox Problem

Dear Mayor Pina,

We had previously corresponded about an issue concerning my mother's home. In a recent visit to the Des Moines Police station I discovered that there are no state or municipal prohibitions against blocking access to mailboxes. A quick check showed that many other Washington State municipalities have adopted such ordinances. To remedy this situation I have created and attached a draft ordinance that would make blocking access to mailboxes a civil infraction. Are you willing to sponsor this or a similar ordinance before the city council?

-- Richard T. Kennedy  
-- 18825 6th Avenue Southwest  
-- Normandy Park, WA 98166-3978

DRAFT ORDINANCE NO. 16-xx

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to parking regulations and codifying a new section in chapter 10.16 DMMC.

WHEREAS, the U.S. Postal Service asks for assistance in keeping the approach to mailboxes clear to facilitate mail delivery, and

WHEREAS, elderly and disabled residents of Des Moines often collect their mail by driving to their mailboxes, and

WHEREAS, the parking of vehicles on City streets and right of way so as to obstruct delivery or pickup of mail from mailboxes creates an unsafe condition for carriers, residents, and slows down mail delivery, and

WHEREAS, the Revised Code of Washington contains no prohibitions against blocking access to mailboxes, and

WHEREAS, creating a municipal penalty for blocking access to mailboxes will decrease its occurrence, and

WHEREAS, the City Council finds that the public good is served by adoption of this Ordinance; now therefore,

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

Sec. 1. A new section is added to chapter 10.16 DMMC to read as follow:

**Parking - Blocking Mailboxes.** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, or momentarily to pick up or discharge a passenger or passengers, no person shall park a vehicle, whether occupied or not, within ten feet on either side of a public or private curbside mailbox between the hours of eight a.m. and six p.m.

**Sec. 2. Codification.** Section 1 of this Ordinance shall be codified as a new section in chapter 10.16 DMMC entitled *Parking - Blocking Mailboxes*.

**Sec. 3. 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. 4. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this \_\_\_\_\_ day of \_\_\_\_\_, 2016 and signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

Published: \_\_\_\_\_, 2016

Effective Date: \_\_\_\_\_, 2016

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. \_\_\_\_\_, Adopted \_\_\_\_\_, 2016.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to parking regulations, and codifies a new chapter 10.16 DMMC.

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

Bonnie Wilkins  
City Clerk

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