Pub

AGENDA

Finance and Economic Development Committee Meeting
Tuesday, October 12, 2010
5:00 p.m. – 6:30 p.m.
City Hall South Conference Room

1. **Call to Order**
2. **Approval of minutes of the September 28, 2010 meeting.**
3. **Discussion of DMMC changes needed to accelerate economic development to build into 2011 staff and Committee work program.**
4. **Committee member comments.**
5. **Future meetings.**

Matt - need action plan on issues brought to committee
- retail / comm. C Marina

6:50

MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

September 28, 2010
South Conference Room
21630 11th Avenue South, Des Moines, WA

Council Members
Melissa Musser
Matt Pina
Carmen Scott

City Staff
Tony Piasecki – City Manager
Lorri Ericson – Assistant City Manager
Grant Fredricks – PBPW Director
Denise Lathrop – Senior Planner
Marion Yoshino – Economic Dev Manager
Robert Ruth – Planning & Dev Svs Manager

1. Call to Order

Chair Scott called the meeting to order at 6:05 p.m.

2. Approval of the Minutes

The minutes for 7/29/2010 were approved as submitted.

3. Final Review of Permitted Uses Ordinance in the Marina District/Downtown

The committee reviewed the draft of the Marina District/Downtown ordinance to determine if it accurately reflected the intent and recommendations of the council as a whole.

There was considerable discussion about the issue of a parking lot and the committee determined that is a subject that needs to be revisited and discussed again with the full council.

There was further discussion about non-conforming uses areas with multiple tenants in single mall areas, but the consensus was that the document accurately reflected the councils' discussion.

4. Proposed Changes to Business and Solicitor licenses.

Lorri reviewed the current business license fees and explained that there was currently no charge for solicitors licenses. She asked the council if there was support for changing the fees to provide a break for the brick and mortar businesses in the City and bringing the out of city licenses fees more in line with surrounding cities. The committee helped to draft recommended fee changes for consideration by the entire council.

Tony discussed the fees associated with those businesses that had not renewed their business license for multiple years. He directed Lorri to work with legal and bring forward an ordinance waiving all but one late fee.

5. Update on Marina District Stakeholder Committee Process

Denise reviewed the first stakeholder committee meeting. She advised there was consensus around the need to slow the traffic on MVD and that several of the discussion groups felt one solution might be a round-a-bout. They also discussed angle parking along MVD and enhancing the street with plantings, etc. The stakeholders were not consistent in height recommendations and Denise believes the modeling they are currently working on will be a help.

6. Review of preliminary Marina District modeling on S. 223rd

Denise shared the modeling work that has been done to date. She had two diagrams ready for some feedback. One height level was 35' and the other was 45'.

7. Discussion of Des Moines Economic Development Strategy Development

Marion reviewed the Economic Development Strategy. It was broken down into 3 parts: City Development, Business Development and Market Development. She outlined where we are on City Development and highlighted the fact that historically Des Moines has not been very active in the areas of Business Development and Market Development. The committee will review the strategy and bring feedback to the next meeting.

8. Committee Member Comments

Chair Scott wanted to share with the committee that she felt the Marina District Stakeholder Committee did not have enough representation from the downtown business community, downtown investors or landowners, or those who live in the condominiums. She thought the committee was made up too heavily of staff and those who have no control over the properties that are being discussed. Denise explained that the original direction given to staff was to try and involve people from all areas of the city and attempt to get some "new faces." Denise explained that there are opportunities to meet with more focused groups as we moved forward. Councilmembers Pina and Musser explained their reasoning behind some of their recommendations for the stakeholder group. Tony explained that staff was doing support work and facilitation, not there as official members of the stakeholders' group. Tony suggested that a couple more people could be added to the group for the next two meetings. Denise will follow up with those suggested.

9. Discussion of DMMC changes needed to accelerate economic development to build into 2011 staff and Committee work program

There was no time for this discussion, but Grant asked the committee to review the document he provided that outlined areas of the code that were of concern and needs to be updated. Staff will attempt to coordinate an additional Finance and Economic Development Committee meeting between now and the next regularly scheduled meeting.

10. Future meetings

October 26, 2010 5:00 pm

Meeting adjourned at 7:00 p.m.

Respectfully submitted by:
Lorri Ericson, Assistant City Manager

PROPOSED CODE CHANGES 2011 WORK PROGRAM FOR PB&PW

NO.	DMMC	Brief Description	Proposed Action
1	Title 5, Business Licensing	Business Licenses	Modernize and make more staff and business efficient
2	Building Code, 14.08,	Ventilation & Indoor Air Quality Code	This section refers to the WA State Ventilation & Indoor Air Quality Code. This document will disappear once the State Bldg. Code Council implements the new Energy Code.
3	Building Code, 14.XX	High rise buildings	South King Fire wishes us to add a few items that reflect what Federal Way has done. They would also reflect what City of Seattle currently has in their Code and brings some smoke control issues and other items into focus where the code is currently silent. This is also in preparation for our new wave of high rise buildings that are coming.
4	Building Code, 14.08	Noise Reduction Zone	14.08.180, Article 1, Sound Decibel Reduction Zone, should be updated when the Port's 150 study is completed.
5	Building Code, 14.08	Sprinkler requirements	At our last building adoption, "B" occupancies somehow got left out of the requirement for sprinklers for buildings over 5,000 square feet. I know how it happened upon reflection and do want to "fix" this item.
6	Land Filling, Clearing & Grading Code, 14.24.170	Grading exemption reads "not less than a total of 50 cubic yards"	Correct to read "less than"
7	Land filling, Clearing & Grading Code, 14.24.xx	Flood plain code	Revamp to be consistent with NiMFs challenge to FEMA requiring broader buffers for ecological reasons
8	14.24.170	New/Green Technology	Certain technologies are emerging but our codes/fees appear to be punitive compared to traditional technologies, e.g., Geo-thermal heat/cooling systems. Modify code to provide incentives for these technologies. Start with Grading Code, but other may be discovered as well.
9	Subdivision Definitions, 17.08.075	Definition of Community Development Director	Change for consistency with new Department Director or to City Manager or Designee
10	Subdivision Definitions, 17.08.230	Definition of Planning Official	Change for Consistency with new Department Director or to City Manager or Designee
11	Short Subdivisions, 17.12.070	Public Notice section requires the City provide notice of the public hearing per DMMC 17.40.070	A public hearing is not required for Type II Land Use Actions per DMMC 18.56.040 and DMMC 18.86.160
12	Short Subdivisions, 17.12.080	Deadline for Comments only 15 days	Change timeline to be ~~more~~ consistent with state law
13	Short Subdivisions, 17.12.180(3)	Time limit for short plats to file for final plat within six months of preliminary approval	Extend to reflect time needed to review/construct civil improvements associated with most short plats. Add extension language?

O = quick housekeeping.
☐ = more difficult committee wants to tackle

14	Short Subdivisions, 17.28.010	Limits lot line adjustments to 2-4 lots	Authority to limit?
15	Layout & Design of Subdivisions, 17.36.010	Layout Requirements Applicability	Why does a plat vacation require compliance with the plat layout requirements?
16	Layout & Design of Subdivisions, 17.36.020(2)	Lot to Depth Width Ratio	Change to exempt Townhouse Developments from the requirement
17	Layout & Design of Subdivisions, 17.36.030(3)	Street Connectivity	Change for consistency with Case Law which prevents the requiring improvements that benefit other property owners
18	Layout & Design of Subdivisions, 17.36.100	City owned tracts required for all drainage facilities	Change to City operate facilities must be in City owned tract – private facilities for commercial projects not required to be separate tract
19	Layout & Design of Subdivisions, 17.36.120(1)	Requires existing above-ground electrical and communication systems in all rights-of-way adjoining the subdivision to be undergrounded	Commensurate with project impacts? Inconsistent with 12.48.050
20	Layout & Design of Subdivisions, 17.36.150	Park land dedication and improvement in-lieu fees	Formula is problematic, unfairly penalizes large lots
21	Layout & Design of Subdivisions, 17.36.150(1)	Amount of Land Dedicate is mandatory minimum 5%	In order to comply with Case Law - Change to park a minimum necessary to maintain current ratio of park land to pop established by Parks Plan. Also insert language regarding the minimum park size acceptable to the City is 0.5 Acres – provide for an in-lieu option.
22	Application Requirement, 17.40.010	Blue Line Paper Required	Blue Line Paper no longer used. Additional only 3 copies required – City Typically requires 5 copies
23	Subdivision Applications, 17.40.050	Requires all final plats, alterations, vacations, binding site plans to submit on mylar	Amend as necessary to coincide with current King County Recorder's Office requirements
24	Zoning Definitions, 18.04.xx	State defined terms that are preempted in residential zones	Verify that all definitions for Group homes, halfway houses, Adult Family Homes, etc., are consistent with the States definitions.
25	Zoning Definitions, 18.04.018	Adult Family Home definition	Check for consistency with RCW/WAC
26	Zoning Definitions, 18.04.090	Board defined as City Council	Change to be consistent with DMMC 18.94.340 which defines board of adjustment as Hearing Examiner
27	Zoning Definitions, 18.04.094	Def of Boarding Home	Verify Def consistent with State Law regarding Boarding Homes
28	Zoning Definitions, 18.04.095	Def of Boarding House	Verify Def consistent with State Law regarding Boarding Homes
29	Zoning Definitions, 18.04.XXX	Lot Coverage	Add definition of Lot Coverage – what is included? How is it calculated?
30	Zoning Definitions, 18.04.XXX	Building Height for Commercial Buildings with partial exposed basements or parking garages	Add definition of How it is determined – what is included? How is it calculated?

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31	Zoning Definitions, 18.04.120	Building height definition	Revise for clarity and consistency with subsequent code interpretations
32	Zoning Definitions, 18.04.XXX		Add definition of 'vacation/short-term rental'? And separate license process?
33	Zoning Definitions, 18.04.252	'Environmentally sensitive areas'	Update for consistency with 18.86 terminology
34	Zoning Definitions, 18.04.270	Definition of 'Family'	Enforceable? Consistent with State?
35	Zoning Definitions, 18.04.320	Definition of 'Grade'	Revise for clarity and consistency with subsequent code interpretations
36	Zoning Definitions, 18.04.385	Definition of 'Lot'	Add 'legal lot of record' definition?
37	Zoning Definitions, 18.04.395	Definition of 'Lot Lines'	Simplify/clarify? Add definitions of terms like 'gore-shaped',
38	Zoning Definitions, 18.04.432	Definition of 'Ordinary High Water Mark'	Consistent with State definitions?
39	Single Family Residential Zone, 18.08.090	Permissible lot coverage	Amend for clarity – does not address eaves/overhangs
40	Single Family Residential Zone, 18.08.100	Accessory building setbacks in rear third of lots	Add language re. consistency with building/fire codes
41	Zoning, 18.10 – 18.18	Permitted Uses and Density	All Sections refer back to SF zone is that appropriate or should have own specific list. Not clear how density for MF zones is calculated see 18.12.040 as an example of confusion
42	N-C Neighborhood Commercial Zone, 18.20	Neighborhood Commercial – Only 4 properties zoned NC of which 1 is City Hall and the other is the Police Station	Rezone 4 properties and Delete Chapter
43	B-C Business Commercial Zone, 18.24	Business Commercial – Only a small portion of one lot is zoned BC and the remainder is zoned RM 900. Property current has an apartment complex on the site – creates nonconforming problems for the owner	Rezone portion of property for consistency with other portion and Delete Chapter
44	C-G General Commercial Zone, 18.28	General Commercial - No Properties in the City Zone General Commercial	Delete General Commercial Chapter
45	C-G General Commercial Zone, 18.28	C-G General Commercial Zone	No lots currently under this zoning – remove?
46	H-C Highway Commercial Zone, 18.29.070(1)	Minimum front yard Setback 60 feet	Given depth of remaining HC lots – no front should be required
47	R-SF Residential: Suburban Residential	25' height limit	Purpose? Raise to 30' consistent with other SF zones?

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[illegible]	Single Family [illegible] Zone, 18.01.[illegible]	[illegible]	[illegible]
[illegible]	R-C1 (Lightbelt) Commercial Zone, 18.01.[illegible]	[illegible]	[illegible]
[illegible]	C-3 General Commercial Zone, 18.28	General Commercial - This Property [illegible] General Commercial	[illegible]
[illegible]	R-C1 (Lightbelt) Commercial Zone, [illegible]	[illegible]	[illegible]

	Zone, 18.30.070		
48	Unclassified Uses, 18.32	All Unclassified Uses and Conditional Uses allowed in all zones	Need to clarify which are acceptable in the different zones or add Unclassified and Conditional use section to each zone chapter – Please note some chapters already do this see DMMC 18.26.050 (CC zone) and DMMC 18.29.030 (HC zone) for examples
49	Keeping of Animals in Residential Zone, 18.33	Keeping of animals in residential zone	Rewrite in conjunction with Animal Control?
50	Noise Levels, 18.38	Noise Levels	Entire chapter invalid as written – Noise levels can regulated if Chapter is consistent with state law – rewrite for consistency with WAC 173-060
51	Height, Yards, Area & Open Space, 18.40.130	Permitted intrusions into required yards	Include mechanical units (e.g. HVAC?)
52	Substandard Lots, 18. 40.230	Substandard Lots	Rewrite to be consistent with numerous code interpretations to address question related to date of enforcement and substandard lots created by judicial decision or purchased from different owners
53	Off Street Parking, 18.44.060	Required Number of Stalls	Modify section to allow number of stalls to be established by parking study as option for uses listed and for uses not listed.
54	Nonconforming Buildings & Uses, 18.48.XXX	Abandonment of Non-Conforming Use	Create section address how long a building with a non-conforming use can be unoccupied before the City considers that non-conforming use abandoned and no longer "grandfathered"
52	Planned Unit Development, 18.52.100	Permissive Variations	Section is very difficult to understand and read – rewrite for clarity
56	Land Use Review Procedures, 18.56.040(8)	Townhouse with 4 or less lots Type II Land Use Action	Listed as Type II land use, but short plats is now up to 9 should be changed to 9 or less lots
57	18.56.050(3)		
58	Land Use Review Procedures, 18.56.050(4)	Shoreline Substantial Development Permit	Listed as Type III land use, but SMP states it is Administrative as such should be Type II
59	Land Use Review, 18.56.060(13)	Type IV land use action – Preliminary Townhouse Developments with more than 4 lots Type IV LUA	Revise for consistency with new short subdivision increase. Listed as Type IV land use, but short plats is now up to 9 should be changed to 10 or more lots.
60	Land Use Review Procedures, 18.56.060(14)	Shoreline Substantial Development Permit w/ EIS	Listed as Type IV land use, but SMP states it is Administrative as such should be Type II
61	(15)(16)?		
62	Land Use Review Procedures, 18.56.060(16)	Shoreline Substantial Variance	Listed as Type IV land use, but SMP states it is Board of Adjustment/Hearing Examiner as such should be Type III
63	Land Use Review Procedures,	Final Townhouse Development with more than 4 lots Type V	Listed as Type V land use, but short plats is now up to 9 should be changed to 10 or more lots

	18.56.070(11)	Land Use Action	
64	Land Use Review Procedures, 18.56.130	Notice of Complete Application	Section not clear and is no longer consistent with RCW 36.70B.
65	Land Use Review Procedures, 18.56.260	Final Decision	Section not clear and is no longer consistent with RCW 36.70B. Additional reference sections not longer applicable and does not correctly reference applicable sections
66	Procedures, Fees, Hearings & Notices, 18.64	Procedural Requirements	Additional procedural requirements for permit reviews and hearings and notices – should be combined with 18.56
67	Environmentally Critical Areas 18.86		Incorporate language re. repair/replacement of non-conforming structures
68	Environmentally Critical Areas, 18.86.190	Ravines, bluffs	Reinstate option to reduce opposite yard setback to 10'
69	Environmentally Critical Areas, 18.86	Emergencies	Should have exemption for Emergency Actions needed to protect property
70	Environmentally Critical Areas 18.86.300(1)	"shall be of a dimension of not less than 5,000 square feet"	Revise to read 4,000 consistent with new RS-4000 zoning.
71	Hearing Examiner, 18.94.112	Matter to be heard by Hearing Examiner	Should be in Chapter 18.56
72	Hearing Examiner, 18.94.130 – 18.94.300 and 18.94.330	Review and Appeal Procedures, and Noticing Requirements	More review and appeal procedures and **very good noticing language and procedures – superior to language in SEPA but not used because not referenced in other portions of the Code** – should be moved to DMMC 18.56 and all noticing sections in code except SEPA should refer to these new sections
73	Hearing Examiner, 18.94.320	Conditional Use Permit Criteria	Should be in the Conditional Use Chapter not in Hearing Examiner Code for ease of use
74	Zoning, 18.xx.xxx	Public Facilities Zone	Should created Public Facilities Zone to overlay on these facilities
75	Zoning, 18.xx.xxx	Electric Vehicle Infrastructure	Provide for charging stations in zones where appropriate to be consistent with State Law and Sept. 2011 deadline
76	Zoning, 18.xx.xxx	Churches	Review regulation of churches city-wide and eliminate loophole for housing for sex offenders, drug addicts, alcohol treatment in conjunction with churches as a treatment facility when not consistent with the "Oxford House" court supported scenario.
77	Landscaping & Screening, 18.41	Scenic View Preservation	Eliminate City obligation to preserve scenic views between private properties because it is unenforceable
78	Sign Code, 18.42	The land use components of the sign code, including but not limited to application process, criteria, and specific regulations by zone. .	Modernize and make the sign code more business and community friendly after the Legal Dept addresses the constitutional aspects of the sign code this year,

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79	Planned Unit Development, 18.52.080	PUD permitted uses	Unclear and ambiguous needs to be clarified
80	Unauthorized Use of Land, 18.72.040	Shipping Containers	Prohibit use on commercial or residential properties