

## AGENDA

**Finance and Economic Development Committee Meeting**  
**Thursday March 10, 2016**  
**5:30 p.m. – 6:50 p.m.**  
**South Conference Room**

- 1. Call to Order**
- 2. Approval of the February 11<sup>th</sup>, 2016 meeting minutes**
- 3. 2015 Preliminary Year-End Financial Update**  
*Staff will provide a discussion on the 2015 Preliminary Year-End Financial Report.*
- 4. Siting of Essential Public Facilities**  
*Staff will provide a discussion of the initial Draft Ordinance for essential public facilities, and seek direction from the committee.*
- 5. Recreational Marijuana Zoning**  
*Staff will provide an update on the current zoning and land use regulations for recreational marijuana, discuss potential options within Pacific Ridge, and seek direction from the Committee.*
- 6. DMMC – Code Maintenance**  
*Staff will provide a discussion of a number of code updates and revisions that are needed to add clarity to the code, and point out a few policy related issues that need to be addressed. Staff will seek confirmation from the committee on these items, and seek direction to bring an ordinance forward to the full Council.*

## MINUTES

**Finance and Economic Development Committee Meeting**  
**Thursday February 11, 2016**  
**5:30 p.m. – 6:50 p.m.**  
**South Conference Room**

### Council Members

Chair Matt Pina  
Jeremy Nutting  
Vic Pennington

### City Staff

Tony Piasecki, City Manager  
Michael Matthias – Assistant City Manager/Economic  
Development Director (ACM/ED)  
Dan Brewer – PBPW Director  
Denise Lathrop – Community Development Mgr.  
Grant Fredricks – Consultant  
Tim George - Assistant City Attorney  
George Delgado, Police Chief

#### **1. Call to Order**

Chair Matt Pina called the meeting to order at 5:39 p.m.

#### **2. Approval of the January 11<sup>th</sup>, 2016 meeting minutes**

Minutes approved as submitted.

#### **3. Recreational Marijuana Zoning**

Tim George presented information about the current zoning regulations, including the current code, current zoning maps, potential zoning area, I-502 election results for Des Moines by precinct, and tax information to local governments. George Delgado expressed his concerns with recreational Marijuana sales in general, and that his Department is still in the process of collecting and processing data related to potential impacts of marijuana sales. There was discussion about the potential to expand the zoning to include Pacific Ridge. The committee wanted to see more information.

##### Direction/Action:

Committee asked for additional information including property and mapping information for Pacific Ridge as well as crime stats from the Police Department. Staff will prepare a more detailed map for the next committee meeting.

#### **4. Siting of Essential Public Facilities**

Denise Lathrop presented a summary of Essential Public Facility (EPF) siting criteria and regulations from agencies that have already established standards, primarily from those located near Brightwater. Staff is reviewing codes from these cities and will bring an initial draft ordinance back to the committee in March for review and discussion.

##### Direction/Action:

Committee directed staff to prepare a draft ordinance and for staff to provide updated timelines to committee next month.

The next meeting is scheduled for March 10, 2016.

Adjourned at 6:50 p.m.  
Respectfully submitted by,  
Dan Brewer, PBPW Director

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# MEMO

TO: Tony Piasecki, City Manager   
FROM: Dunyele Mason, Finance Director   
RE: 2015 Year End Preliminary Analysis

Attachment A: General Fund Annual Report Spreadsheet  
Attachment B: Marina Fund Annual Report Spreadsheet  
Attachment C: SWM Fund Annual Report Spreadsheet

## GENERAL FUND – See Attachment A

### 2015 YEAR END GENERAL FUND RECAP:

|                           |                     |
|---------------------------|---------------------|
| Revenues                  | 18,031,253          |
| Expenditures              | <u>(17,369,542)</u> |
| Net Activity              | <u>661,711</u>      |
| Ending Fund Balance       | 1,339,266           |
| Required Min Fund Balance | <u>2,243,225</u>    |
| Fund Balance Shortfall    | <u>(903,959)</u>    |

Council has requested information regarding how close budget projections run as compared to what actually happens. In order to understand this information, clarity regarding budget definitions may be helpful. Comparisons are provided for three different budget stages:

Original Budget – This is the legal binding budget adopted by council before the next year starts.

Adjusted Budget - This is the legal binding budget adopted by council usually near the end of the current year.

Revised Budget – This is management’s internal estimate and working plan to manage the current year’s budget. This estimate is the tightest, contains the least amount of contingency and is used to estimate the beginning fund balance used during the development of next year’s Original Budget. This is not a legally binding budget, however this estimate often provides the information from which Budget Adjustments are brought forward to council as part of the Adjusted Budget process.

Actual Year-to-Date – This is the amount of actual spending or revenues during the current year. The General Fund revenues are on a “modified accrual” basis which means revenues relating to the current year which are received by January of the following year are included in Actual Year-to-Date amounts. Similarly, costs which are incurred during the year and which are paid in January of the next year are included in the Actual Year-to-Date amounts.

**Historical Perspective (Differences 1 & 2): How well did 2014's Budget match reality?**

**Revenues:** 2014 Revenue comparisons show 2014's difference between the Original Revenue Budget (\$18,154,022) and 2014's Actual Revenues (\$16,846,356) was \$1,307,666 (Difference 1) or about 7.8% different. During 2014 the revenue budget was lowered to \$17,430,289 which was still \$583,933 (Difference 2) more than Actual Revenues and was about 3.47% different from Actual Revenues. \$385,196 of this difference was in the overly optimistic development revenue estimates.

**Expenditures:** 2014 Expenditure comparisons show 2014's difference between the Original Expenditure Budget (\$18,058,629) and 2014's Actual Expenditures (\$17,214,963) was \$843,666 (Difference 1) or about 4.9% different. During 2014 the Expenditures budget was lowered to \$18,008,975 which was still \$794,012 (Difference 2) more than Actual Expenditures and was about 4.6% different from Actual Expenditures. About half was in Police expenditures which didn't happen and the other half was in Planning, Bldg. & Permit expenditures which didn't happen.

**Net 2014 Activity:** The Original Budget anticipated *adding* \$95,393 to ending fund balance. The Adjusted Budget changed that to *consuming* (subtracting) \$578,686 of ending fund balance. What actually occurred was *consuming* (subtracting) of \$368,607 of ending fund balance.

**Current Perspective (Differences 3 & 4): How well did 2015's Budget match reality?**

**Revenues:** 2015 Revenue comparisons show 2015's difference between the Original Revenue Budget (\$18,230,444) and 2015's Actual Revenues (\$18,031,253) was \$199,191 (Difference 3) or about 1.1% different. During 2015 the revenue budget was not changed as the Original Revenue Budget was considered adequate.

**Expenditures:** 2015 Expenditure comparisons show 2015's difference between the Original Expenditure Budget (\$17,814,765) and 2015's Actual Expenditures (\$17,369,542) was \$445,223 (Difference 4) or about 2.56% different. During 2015 the expenditure budget was not changed as the Original Expenditure Budget was considered adequate.

**Net 2015 Activity:** The Original Budget (and since there was no change) the Adjusted Budget anticipated *adding* \$415,679 (Difference 5) to ending fund balance. What actually occurred was *the addition* of \$661,711 to ending fund balance; \$246,032 (Difference 6) more than originally budgeted for 2015.

**2015 Revised Budget:** The difference between the 2015 Revised Revenues of \$18,430,955 and Actual Revenues of \$18,031,253 was \$399,702 (Difference 7) which is within 2.2%. \$392,000 of the difference is attributable to Zoning, Plan Check Fees and Engineer Plan Review fee estimates primarily related to the Business Park project revenue estimates. Some of this is a timing difference as the money will be received in 2016 rather than 2015 and some of it is a calculation difference whereby the total development revenue as recalculated based on actual plans is somewhat lower than originally estimated.

The difference between the 2015 Revised Expenditures of \$17,568,049 and the Actual Expenditures of \$17,369,542 is just \$198,507 (Difference 8) or within 1.1% (it's unlikely to get much closer).

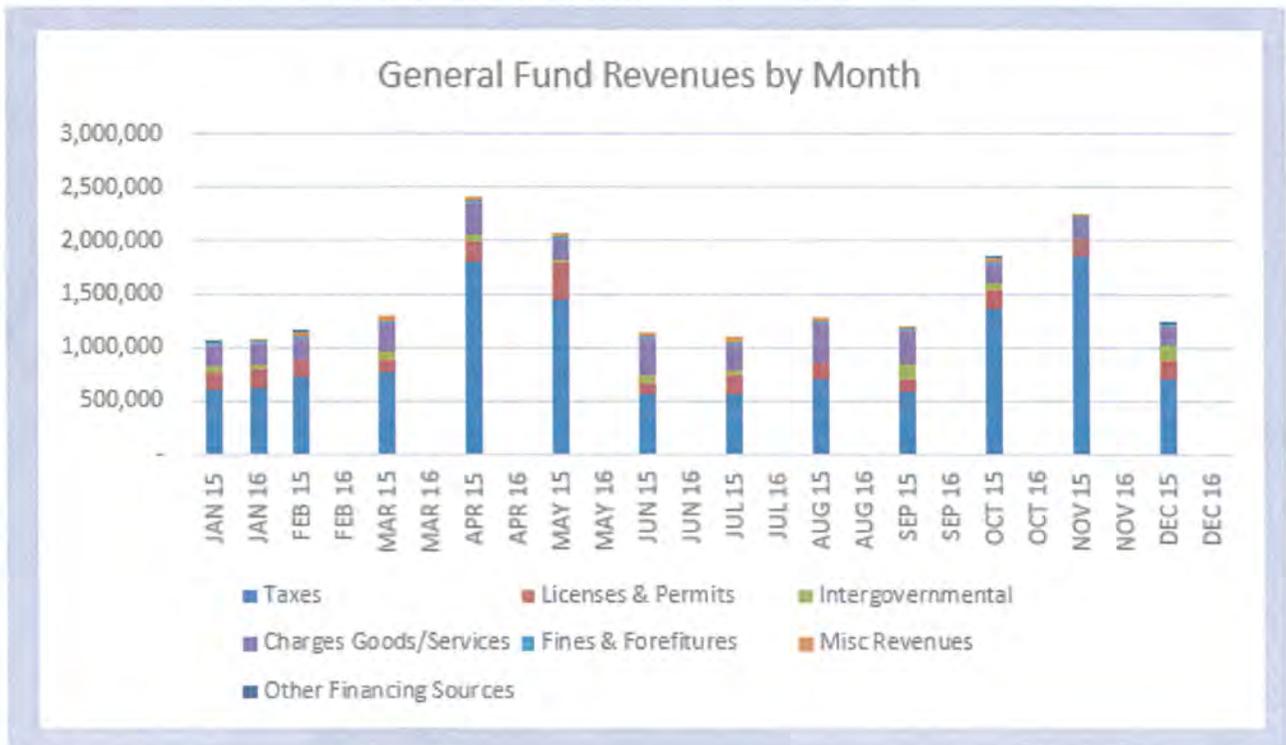
**Fund Balance Trend: How's it looking?**

Ending fund balance was \$979,908 in 2013, then decreased to just \$677,556 in 2014 and this is when the city received its audit finding regarding its ability to sustain itself. In 2015 council took action, did not add new police positions, reversed the trend and the ending fund balance increased to \$1,339,266. This is improved but is still only about 57% of the 2016 minimum fund balance requirement of \$2,365,819.

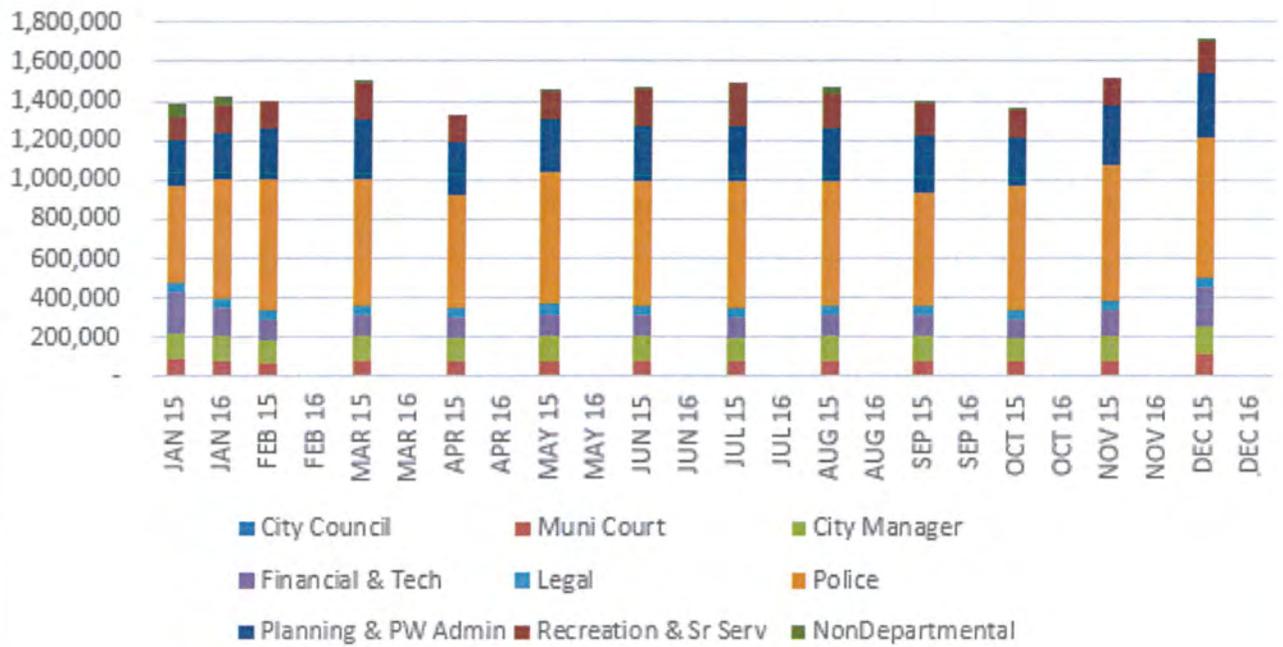
**What are some of the major changes since the 2016 Original Budget was adopted?**

|  |                  |
|--|------------------|
| Beginning fund balance change                                  | (\$200,000)      |
| Business Park Ph II development fees in 2016 not 2015          | \$ 245,000       |
| 2016/2017 Business Park Ph II develop fee recalculation        | ( \$24,000)      |
| City Manager turnover costs: (Increase in Expenditures)        | (\$80,000)       |
| Other employee turnover net savings: decrease in expend        | \$102,000        |
| Police Holiday cash out not budgeted (furlough impact assumed) | ( \$63,000)      |
| Water District #54 back franchise fee collection               | <u>\$ 20,000</u> |
| Net Anticipated 2016 Fund Balance Changes                      | <u>\$ 0</u>      |

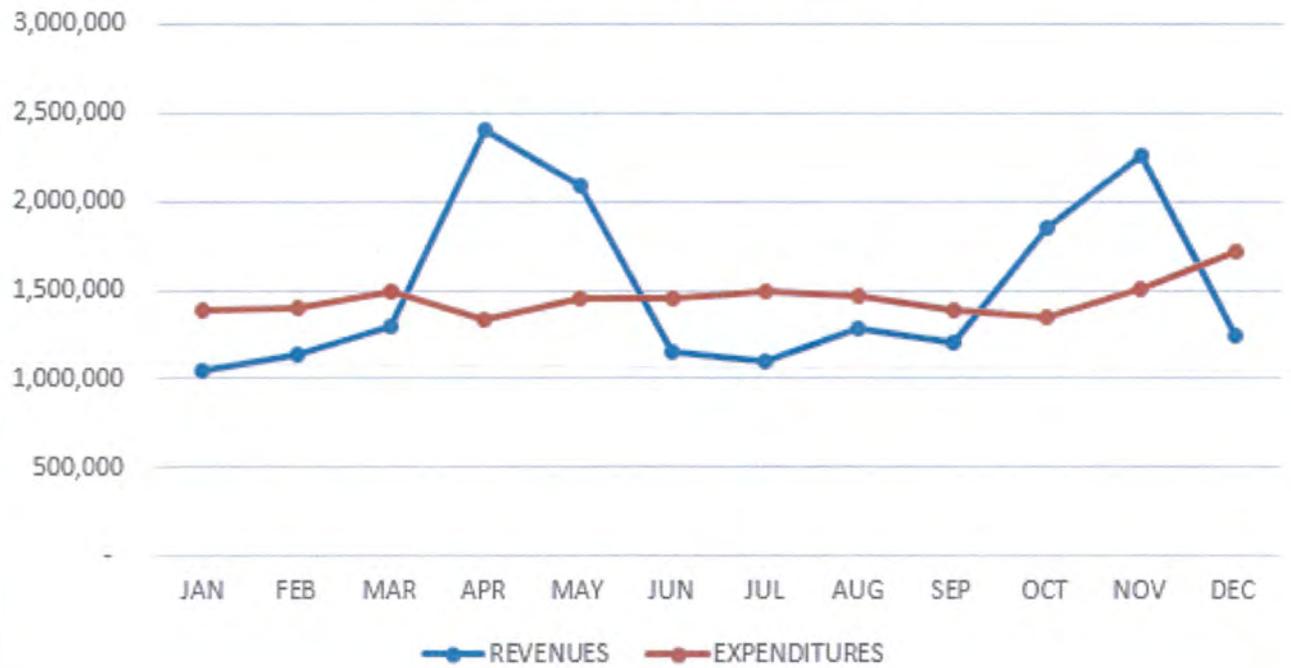
**What did the 2015 General Fund revenue and spending patterns look like?**



### General Fund Expenditures by Month



### 2015 General Fund Monthly Activity



**Revenues:** The above shows how the General Fund revenues are seasonal; it varies by month. Some revenue sources such as utility taxes come in monthly or quarterly. Other sources such as property taxes only come in twice a year. The April/May and October/November peaks are from property tax receipts.

**Expenditures:** The above shows slight fluctuations in spending patterns but most of the year is fairly constant. This is because personnel costs (with the exception of over time) are the largest source of spending and those expenditures occur monthly. The peak in December spending (and the low in January spending) is a function of our modified accrual basis of accounting. During the year, invoices are recorded in the month they are paid with the exception of December. December's activities paid in January are required for financial statement and audit purposes to be pulled back out of January and included in December.

**Fund Balance:** The difference between the blue line (revenues) and the red line (expenditures) closely represents the amount of fund balance (which largely means cash) needed at the end of the year to carry through until April when the property tax revenues come in. For 2015 this was approximately \$1.4 million.

**MARINA FUND – See Attachment B**

**2015 YEAR END MARINA FUND RECAP:**

|                           |                    |
|---------------------------|--------------------|
| Revenues                  | 4,049,892          |
| Expenditures              | <u>(3,552,223)</u> |
| Net Activity              | <u>497,669</u>     |
| Ending Fund Balance       | 1,126,225          |
| Required Min Fund Balance | <u>710,445</u>     |
| Available for CIP         | <u>415,780</u>     |

***Current Perspective*** (Differences 1 & 2): ***How well did 2015's Budget match reality?***

**Revenues:** 2015 Revenue comparisons show 2015's difference between the Original Revenue Budget (\$4,061,695) and 2015's Actual Revenues (\$4,049,892) was \$11,803 (Difference 1) or about 0.29% different. During 2015 the revenue budget was not changed as the Original Revenue Budget was considered adequate.

**Expenditures:** 2015 Expenditure comparisons show 2015's difference between the Original Expenditure Budget (\$4,130,290) and 2015's Actual Expenditures (\$3,552,223) was \$578,067 (Difference 1) or about 16.3% different. During 2015 the expenditure budget was not changed as the Original Expenditure Budget was considered adequate.

**Net 2015 Activity:** The Original Budget (and since there was no change) the Adjusted Budget anticipated *consuming* \$68,595 (Difference 3) to ending fund balance. What actually occurred was *the addition* of \$497,669 to ending fund balance; \$566,264 more than originally budgeted for 2015.

**2015 Revised Budget:** The difference between the 2015 Revised Revenues of \$4,053,690 and Actual Revenues of \$4,049,892 was \$3,798 (Difference 4) which is within 0.9%.

The difference between the 2015 Revised Expenditures of \$3,760,060 and the Actual Expenditures of \$3,552,223 is just \$207,837 (Difference 4) or within about 6%. The challenge in predicting Marina expenditures revolves around the cost of fuel sold. Fuel is variable both in how much we sell year to year as well as the price at which the fuel is purchased. The current policy is to mark-up fuel cost by \$0.25/gallon no matter the cost.

Below is a comparison of fuel activity between 2014 and 2015:

|                | 2015<br>Actual      | 2014<br>Actual      |               |
|----------------|---------------------|---------------------|---------------|
| <u>RESALE</u>  | <u>Year to Date</u> | <u>Year to Date</u> | <u>Change</u> |
| Fuel Sales     | 1,064,952           | 1,315,079           | (250,127)     |
| Fuel Costs     | 927,899             | 1,197,911           | (270,012)     |
| Net            | 137,053             | 117,168             | 19,885        |
| Profit % Costs | 15%                 | 10%                 |               |

The net difference between revenues and expenditures based on the Revised Budget was \$293,630 and the actual difference was \$497,669. Thus the year finished with ending fund balance increasing \$204,039 (Difference 5) more than the 2016 Budget anticipated.

**2015 vs. 2014: What is different?**

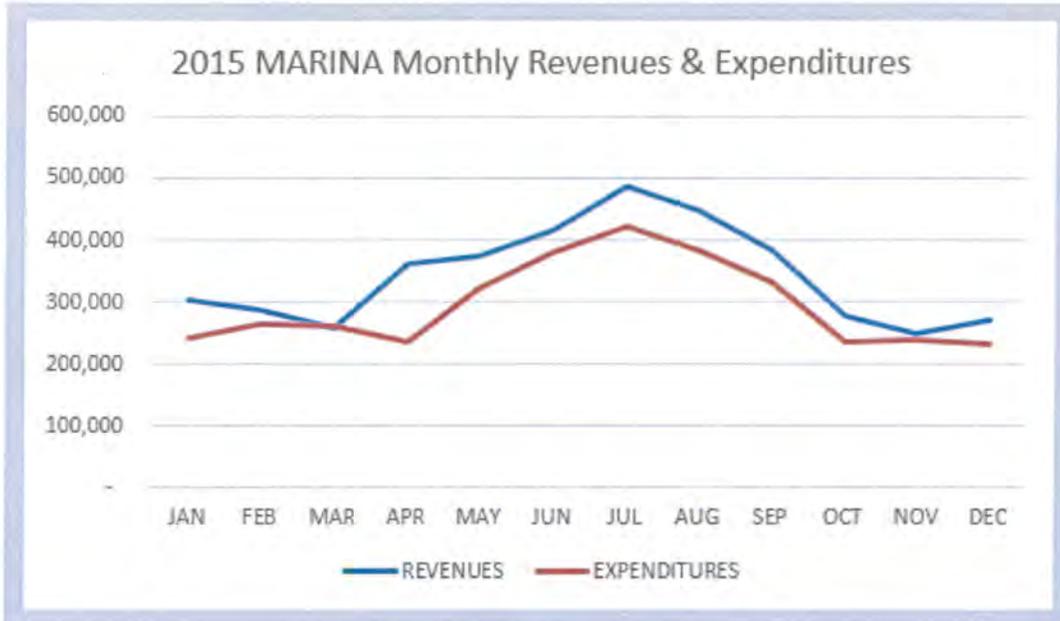
The main change in both revenues and expenditures relates to fuel as shown above. Overall revenues decreased \$192,366 (Difference 6). Fuel sale decreases of \$250,127 were slightly offset by increases in other types of revenues. Fuel sale decreases were due mainly to the decreasing cost of fuel. As previously mentioned, the mark up is a flat amount so when costs of fuel decrease then revenues from fuel sales similarly decrease.

In addition to costs related to fuel for resale decreasing (\$270,012), the costs for general fund services also decreased by \$200,000 in 2015 as compared to 2014. Personnel costs also decreased about \$27,000 due to an unfilled vacant position. Miscellaneous small capital purchases fluctuate from year to year and account for approximately another \$38,000 of the decrease. Payments for a variety of other services were trimmed with about \$97,000 less spent in 2015. Overall decrease in spending between 2014 and 2015 was \$648,316.

**What did the 2015 Marina Fund revenue and spending patterns look like?**



Unlike the General Fund, the Marina Fund tends to spend in the same pattern it earns its revenues. This is in part because fuel purchases and sales represents approximately 26% of both revenues and spending. Also, the Marina utilizes a seasonal workforce which is only employed during the peak revenue (monthly & guest moorage) season.



**Revenues are more than Expenditures: Are all the bills paid?**

The Marina revenues and expenditures above include the operating costs of the Marina and the debt service on the outstanding loans. It does not include construction project expenditures. What the area between the Revenue (blue) line above and the Expenditures (red line above) represents is the amount of net operating funds available to set aside for the Marina’s capital replacement program.

**Operating Fund Balance – Where did we end up?**

The preliminary 2015 ending operating fund balance is \$1,126,225. Based on prior council discussion, the desired level of ending operating reserves was set at 20% of annual expenditures (including debt service expenditures but excluding capital fund transfers), which for December 31, 2015 was \$710,445. Council also provided instruction to have the annual surplus (\$415,780) be transferred to the Marina CIP fund to be set aside for a Dock Replacement project.

**SURFACE WATER MANAGEMENT (SWM) FUND – See Attachment C**

**2015 YEAR END SWM FUND RECAP:**

|                           |                    |
|---------------------------|--------------------|
| Revenues                  | 2,764,863          |
| Expenditures              | <u>(2,248,272)</u> |
| Net Activity              | <u>516,591</u>     |
| Ending Fund Balance       | 1,556,789          |
| Required Min Fund Balance | <u>326,652</u>     |
| Available for CIP         | <u>1,230,137</u>   |

**Current Perspective (Differences 1 & 2): How well did 2015's Budget match reality?**

**Revenues:** 2015 Revenue comparisons show 2015's difference between the Original Revenue Budget (\$2,858,843) and 2015's Actual Revenues (\$2,764,863) was \$93,980 (Difference 1) or about 3.4% different. During 2015 the revenue budget was not changed as the Original Revenue Budget was considered adequate.

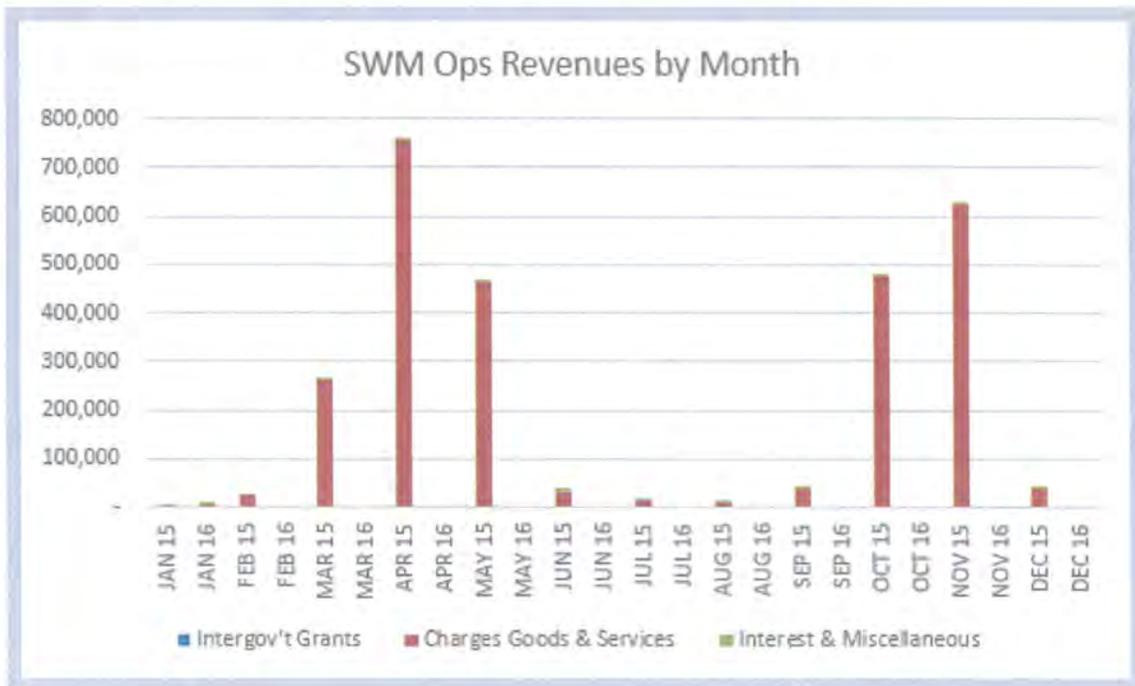
**Expenditures:** 2015 Expenditure comparisons show 2015's difference between the Original Expenditure Budget (\$2,433,544) and 2015's Actual Expenditures (\$2,248,272) was \$185,272 (Difference 1) or about 8% different. During 2015 the expenditure budget was not changed as the Original Expenditure Budget was considered adequate.

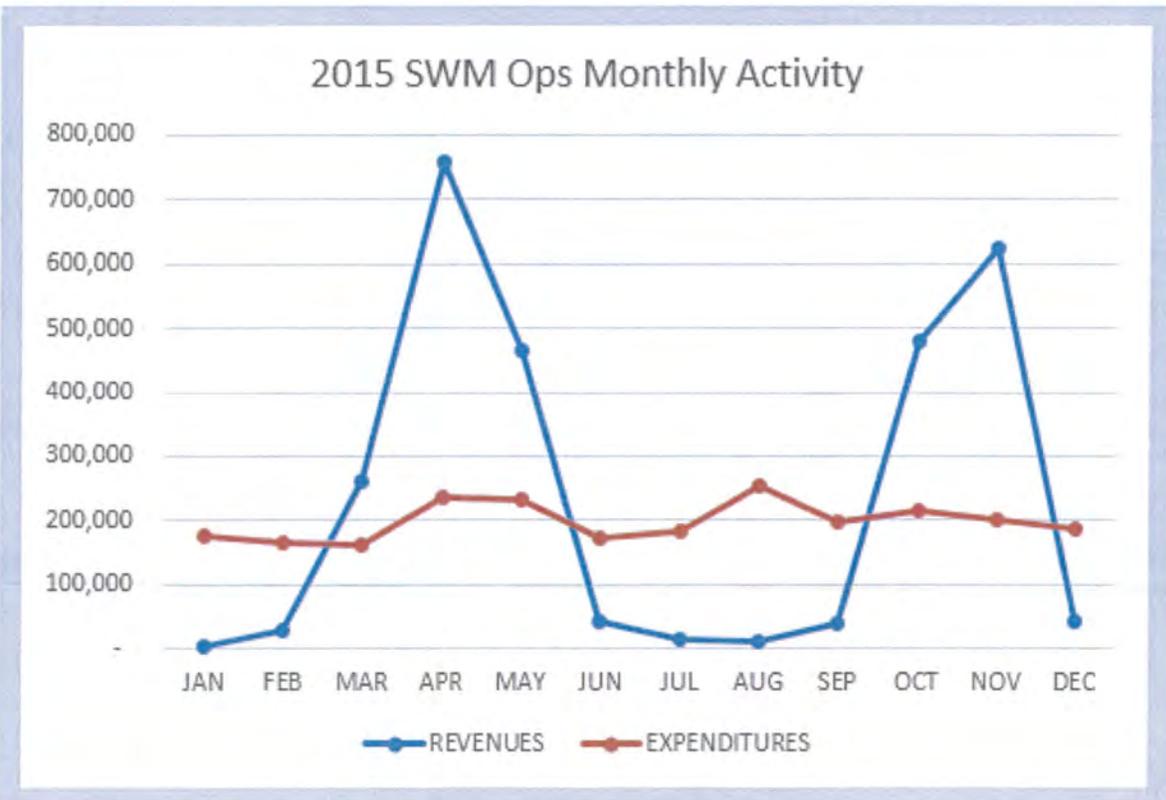
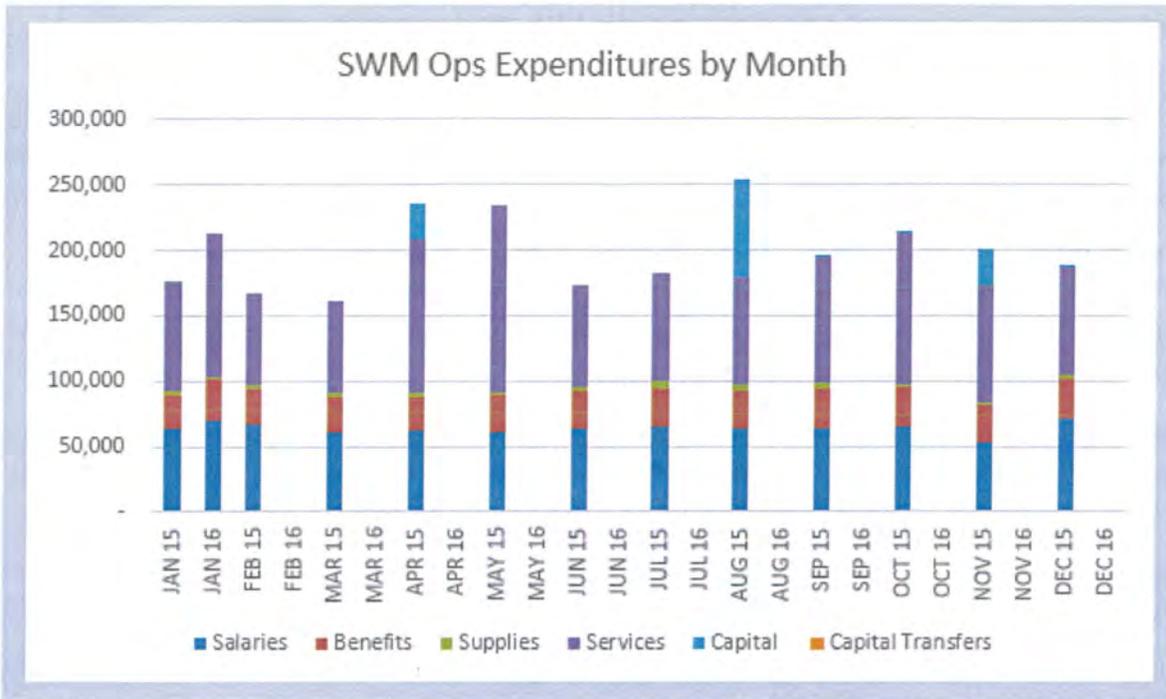
**Net 2015 Activity:** The Original Budget (and since there was no change) the Adjusted Budget anticipated providing \$425,299 (Difference 3) to ending fund balance. What actually occurred was providing \$516,591 to ending fund balance; \$91,292 more than originally budgeted for 2015.

**2015 Revised Budget:** The difference between the 2015 Revised Revenues of \$2,770,206 and Actual Revenues of \$2,764,863 was \$5,343 (Difference 4) which is within 0.2%.

The difference between the 2015 Revised Expenditures of \$2,179,385 and the Actual Expenditures of \$2,248,272 is just \$68,887 (Difference 4) or within about 3%.

**What did the 2015 SWM Fund revenue and spending patterns look like?**





**Revenues:** The above shows how the SWM Fund revenues are seasonal; it varies by month. The vast majority of SWM revenues come in twice a year as they are collected by King County along with the property taxes. The April/May and October/November peaks reflect property tax collection schedule.

**Expenditures:** The above shows slight fluctuations in spending patterns but most of the year is fairly constant. This is because personnel costs (with the exception of over time) are the largest source of spending and those expenditures occur monthly.

**Fund Balance:** The difference between the blue line (revenues) and the red line (expenditures) closely represents the amount of fund balance (which largely means cash) needed at the end of the year to carry through until April when the SWM fee revenues come in with the property tax collections. Minimum operating reserves of 10% of revenues provide for adequate cash flow throughout the year and a cushion of about \$76,000 for contingencies. The 2015 ending operating fund balance was \$1,556,789 and the minimum reserve level was \$326,652 leaving \$1,230,137 available to transfer to the construction fund for capital projects.

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# ATTACHMENT A

## GENERAL FUND ANNUAL REPORT REVENUES, EXPENDITURES & FUND BALANCES

|   | 2016<br>Budget<br>Annual | 2015<br>Adjusted<br>Budget | 2015<br>Actual<br>Year to Date | %            | 2014<br>Adjusted<br>Budget | 2014<br>Actual<br>Year to Date | %            | 2015<br>Original Budget<br>Annual | 2014<br>Original Budget<br>Annual | 2015<br>Revised<br>Budget | 2015<br>Actual<br>Year to Date |
|---|--------------------------|----------------------------|--------------------------------|--------------|----------------------------|--------------------------------|--------------|-----------------------------------|-----------------------------------|---------------------------|--------------------------------|
| <b>REVENUES</b>   |                          |                            |                                |              |                            |                                |              |                                   |                                   |                           |                                |
| 310 Taxes   | 12,514,977               | 11,714,541                 | 11,732,376                     | 100.2%       | 10,016,244                 | 9,747,013                      | 97.3%        | 11,714,541                        | 10,543,610                        | 11,553,406                | 11,732,376                     |
| 320 Licenses & Permits                                    | 2,597,670                | 2,228,087                  | 2,048,118                      | 91.9%        | 2,224,912                  | 1,839,716                      | 82.7%        | 2,228,087                         | 2,660,343                         | 2,187,385                 | 2,048,118                      |
| 330 Intergovernmental                                     | 642,875                  | 631,597                    | 680,664                        | 107.8%       | 596,569                    | 627,087                        | 105.1%       | 631,597                           | 582,060                           | 708,615                   | 680,664                        |
| 340 Charges Goods/Services                                | 3,308,986                | 3,085,169                  | 2,938,642                      | 95.3%        | 3,256,126                  | 3,264,700                      | 100.3%       | 3,085,169                         | 3,760,371                         | 3,359,427                 | 2,938,642                      |
| 350 Fines & Foreitures                                    | 221,350                  | 249,750                    | 237,702                        | 95.2%        | 735,000                    | 673,797                        | 91.7%        | 249,750                           | 350,000                           | 230,769                   | 237,702                        |
| 360 Misc Revenues   | 481,800                  | 316,300                    | 369,181                        | 116.7%       | 282,638                    | 375,075                        | 132.7%       | 316,300                           | 252,638                           | 379,122                   | 369,181                        |
| 380 Other Financing Sources                               |                          | 5,000                      | 24,570                         | 491.4%       | 318,800                    | 318,968                        | 100.1%       | 5,000                             | 5,000                             | 12,231                    | 24,570                         |
| <b>TOTAL</b>  | <b>19,767,658</b>        | <b>18,230,444</b>          | <b>18,031,253</b>              | <b>98.9%</b> | <b>17,430,289</b>          | <b>16,846,356</b>              | <b>96.6%</b> | <b>18,230,444</b>                 | <b>18,154,022</b>                 | <b>18,430,955</b>         | <b>18,031,253</b>              |
|   |                          | Difference 4               | (199,191)                      |              | Difference 2               | (583,933)                      |              | (199,191)                         | (1,307,666)                       | Difference 7              | (399,702)                      |
|   |                          |                            | -1.10%                         |              |                            | -3.47%                         |              | Difference 3                      | Difference 1                      |                           | -2.22%                         |
| <b>EXPENDITURES</b>                                       |                          |                            |                                |              |                            |                                |              |                                   |                                   |                           |                                |
| 021 City Council  | 80,227                   | 77,801                     | 65,728                         | 84.5%        | 102,216                    | 81,097                         | 79.3%        | 77,801                            | 92,216                            | 72,716                    | 65,728                         |
| 022 Muni Court  | 893,013                  | 925,331                    | 970,664                        | 104.9%       | 853,516                    | 873,121                        | 102.3%       | 925,331                           | 853,877                           | 945,500                   | 970,664                        |
| 023 City Manager  | 1,553,576                | 1,445,328                  | 1,502,516                      | 104.0%       | 1,733,050                  | 1,705,717                      | 98.4%        | 1,445,328                         | 1,603,573                         | 1,494,573                 | 1,502,516                      |
| 024 Financial   | 1,148,708                | 982,677                    | 969,401                        | 98.6%        | 1,049,523                  | 952,239                        | 90.7%        | 982,677                           | 963,420                           | 995,395                   | 969,401                        |
| 026 Legal   | 590,111                  | 607,147                    | 590,590                        | 97.3%        | 592,824                    | 565,151                        | 95.3%        | 607,147                           | 593,437                           | 592,382                   | 590,590                        |
| 030 Police  | 8,556,161                | 8,187,390                  | 7,756,384                      | 94.7%        | 8,388,361                  | 8,006,006                      | 95.4%        | 8,187,390                         | 8,497,076                         | 7,893,778                 | 7,756,384                      |
| 040 Planning & PW Admin                                   | 3,578,116                | 3,481,270                  | 3,425,321                      | 98.4%        | 3,313,001                  | 3,072,427                      | 92.7%        | 3,481,270                         | 3,351,010                         | 3,512,425                 | 3,425,321                      |
| 045 Recreation & Sr Serv                                  | 1,920,881                | 1,977,917                  | 1,967,061                      | 99.5%        | 1,816,394                  | 1,813,430                      | 99.8%        | 1,977,917                         | 1,788,602                         | 1,942,003                 | 1,967,061                      |
| 050 NonDepartmental<br>Transfers Out                      | 133,872<br>286,440       | 129,904                    | 121,877                        | 93.8%        | 160,090                    | 145,775                        | 91.1%        | 129,904                           | 315,418                           | 119,277                   | 121,877                        |
| <b>TOTAL</b>  | <b>18,454,665</b>        | <b>17,814,765</b>          | <b>17,369,542</b>              | <b>97.5%</b> | <b>18,008,975</b>          | <b>17,214,963</b>              | <b>95.6%</b> | <b>17,814,765</b>                 | <b>18,058,629</b>                 | <b>17,568,049</b>         | <b>17,369,542</b>              |
|   |                          | Difference 4               | (445,223)                      |              | Difference 2               | (794,012)                      |              | (445,223)                         | (843,666)                         | Difference 8              | (198,507)                      |
|   |                          |                            | -2.56%                         |              |                            | -4.61%                         |              | Difference 3                      | Difference 1                      |                           | -1.14%                         |
| <b>REVENUES MORE THAN OR<br/>(LESS THAN) EXPENDITURES</b> |                          |                            |                                |              |                            |                                |              |                                   |                                   |                           |                                |
|   | 1,312,993                | 415,679                    | 661,711                        |              | (578,686)                  | (368,607)                      |              | 415,679                           | 95,393                            | 862,906                   | 661,711                        |
|   |                          |                            | 246,032                        |              |                            |                                |              | Difference 5                      |                                   | Difference 9              |                                |
|   |                          |                            | Difference 6                   |              |                            |                                |              |                                   |                                   |                           |                                |
| <b>FUND BALANCES</b>                                      |                          |                            |                                |              |                            |                                |              |                                   |                                   |                           |                                |
| Orig End Fund Balance                                     | 2,566,144                | 1,128,584                  | 1,339,266<br>210,682           |              | 1,940,532                  | 677,556                        |              |                                   |                                   |                           |                                |
| Revised End Fund Balance<br>(2016 Budget Process)         | 2,365,819                | 1,539,591                  | 1,339,266<br>(200,325)         |              | 401,221                    | 677,556                        |              |                                   |                                   |                           |                                |
|   |                          | Difference 10              |                                |              |                            |                                |              |                                   |                                   |                           | 4%                             |
| Min Budget Reserves                                       | 2,243,225                |                            |                                |              |                            |                                |              |                                   |                                   |                           |                                |

## ATTACHMENT B

### MARINA FUND 401 OPERATIONS MONTHLY REPORT

|  | 2016<br>Budget<br>Annual | 2015<br>Adjusted<br>Budget | 2015<br>Actual<br>Year to Date | %            | 2015<br>Original<br>Budget | 2015<br>Actual<br>Year to Date |              | 2015<br>Revised<br>Budget | 2015<br>Actual<br>Year to Date |              | 2015<br>Actual<br>Year to Date | 2014<br>Actual<br>Year to Date |           |
|--|--------------------------|----------------------------|--------------------------------|--------------|----------------------------|--------------------------------|--------------|---------------------------|--------------------------------|--------------|--------------------------------|--------------------------------|-----------|
| <b>REVENUES</b>  |                          |                            |                                |              |                            |                                |              |                           |                                |              |                                |                                |           |
| Intergov't Grants  | -                        | -                          | 38,729                         |              | -                          | 38,729                         |              | -                         | 38,729                         |              | 38,729                         | 13,040                         |           |
| Charges Goods & Services   | 1,473,060                | 1,473,060                  | 1,165,902                      | 79.1%        | 1,473,060                  | 1,165,902                      | 79.1%        | 1,204,664                 | 1,165,902                      | 96.8%        | 1,165,902                      | 1,428,920                      |           |
| Fines & Foreitures   | 18,000                   | 18,000                     | 17,716                         | 98.4%        | 18,000                     | 17,716                         | 98.4%        | 2,659                     | 17,716                         | 666.3%       | 17,716                         | 18,162                         |           |
| Moorage, Parking & Misc  | 2,570,635                | 2,570,635                  | 2,792,606                      | 108.6%       | 2,570,635                  | 2,792,606                      | 108.6%       | 2,821,307                 | 2,792,606                      | 99.0%        | 2,792,606                      | 2,765,626                      |           |
| Interfund Maint Services   |                          | -                          | 34,939                         |              |                            | 34,939                         |              | 25,060                    | 34,939                         | 139.4%       | 34,939                         | 16,510                         |           |
| <b>TOTAL</b>   | <b>4,061,695</b>         | <b>4,061,695</b>           | <b>4,049,892</b>               | <b>99.7%</b> | <b>4,061,695</b>           | <b>4,049,892</b>               | <b>99.7%</b> | <b>4,053,690</b>          | <b>4,049,892</b>               | <b>99.9%</b> | <b>4,049,892</b>               | <b>4,242,258</b>               |           |
|  |                          | Difference 2               | (11,803)                       |              | Difference 1               | (11,803)                       |              | Difference 4              | (3,798)                        |              | (192,366)                      | Difference 6                   |           |
|  |                          |                            | -0.29%                         |              |                            | -0.29%                         |              |                           | -0.09%                         |              |                                | -4.53%                         |           |
| <b>EXPENDITURES</b>  |                          |                            |                                |              |                            |                                |              |                           |                                |              |                                |                                |           |
| Salaries   | 651,693                  | 678,384                    | 609,486                        | 89.8%        | 678,384                    | 609,486                        | 89.8%        | 693,266                   | 609,486                        | 87.9%        | 609,486                        | 616,262                        |           |
| Benefits   | 271,946                  | 290,998                    | 247,773                        | 85.1%        | 290,998                    | 247,773                        | 85.1%        | 271,456                   | 247,773                        | 91.3%        | 247,773                        | 267,987                        |           |
| Supplies   | 1,118,218                | 1,441,908                  | 1,048,961                      | 72.7%        | 1,441,908                  | 1,048,961                      | 72.7%        | 1,126,043                 | 1,048,961                      | 93.2%        | 1,048,961                      | 1,335,263                      |           |
| Services   | 876,082                  | 893,726                    | 817,501                        | 91.5%        | 893,726                    | 817,501                        | 91.5%        | 848,079                   | 817,501                        | 96.4%        | 817,501                        | 1,114,201                      |           |
| Capital  | -                        | 4,058                      | 7,286                          | 179.5%       | 4,058                      | 7,286                          | 179.5%       |                           | 7,286                          |              | 7,286                          | 44,753                         |           |
| Debt Transfers   | 819,830                  | 821,216                    | 821,216                        | 100.0%       | 821,216                    | 821,216                        | 100.0%       | 821,216                   | 821,216                        | 100.0%       | 821,216                        | 822,073                        |           |
| <b>TOTAL</b>   | <b>3,737,769</b>         | <b>4,130,290</b>           | <b>3,552,223</b>               | <b>86.0%</b> | <b>4,130,290</b>           | <b>3,552,223</b>               | <b>86.0%</b> | <b>3,760,060</b>          | <b>3,552,223</b>               | <b>94.5%</b> | <b>3,552,223</b>               | <b>4,200,539</b>               |           |
|  |                          | Difference 2               | (578,067)                      |              | Difference 1               | (578,067)                      |              | Difference 4              | (207,837)                      |              | (648,316)                      | Difference                     |           |
|  |                          |                            | -16.27%                        |              |                            | -16.27%                        |              |                           | -5.85%                         |              |                                | -15.43%                        |           |
| <b>REVENUES MORE THAN OR<br/>(LESS THAN) EXPENDITURES<br/>BEFORE CAPITAL XFERS</b> | <b>323,926</b>           | <b>(68,595)</b>            | <b>497,669</b>                 |              | <b>(68,595)</b>            | <b>497,669</b>                 |              | <b>293,630</b>            | <b>497,669</b>                 |              | <b>497,669</b>                 | <b>41,719</b>                  |           |
|  |                          |                            |                                |              | Difference 3               | 566,264                        |              | Difference 5              | 204,039                        |              |                                |                                |           |
| Ending Cash & Investments  |                          |                            | 1,126,225                      |              |                            |                                |              |                           |                                |              | 2015<br>Actual                 | 2014<br>Actual                 |           |
| Min Reserves - 20%   |                          |                            | 710,445                        |              |                            |                                |              |                           |                                |              | <b>RESALE</b><br>Year to Date  | Year to Date                   |           |
| Avail to Xfer to Dock Replace  | <b>88,926</b>            |                            | <b>415,780</b>                 |              |                            |                                |              |                           |                                |              | Fuel Sales                     | 1,064,952                      | 1,315,079 |
|  |                          |                            |                                |              |                            |                                |              |                           |                                |              | Fuel Costs                     | 927,899                        | 1,197,911 |
|  |                          |                            |                                |              |                            |                                |              |                           |                                |              | Net                            | 137,053                        | 117,168   |
|  |                          |                            |                                |              |                            |                                |              |                           |                                |              | Profit % Costs                 | 15%                            | 10%       |

## ATTACHMENT C

### SWM FUND 450 OPERATIONS MONTHLY REPORT

|  | 2016<br>Budget<br>Annual | 2015<br>Adjusted<br>Budget | 2015<br>Actual<br>Year to Date | %            | 2015<br>Original<br>Budget | 2015<br>Actual<br>Year to Date |              | 2015<br>Revised<br>Budget | 2015<br>Actual<br>Year to Date |               |
|--|--------------------------|----------------------------|--------------------------------|--------------|----------------------------|--------------------------------|--------------|---------------------------|--------------------------------|---------------|
| <b>REVENUES</b>  |                          |                            |                                |              |                            |                                |              |                           |                                |               |
| Charges Goods & Services   | 3,264,518                | 2,820,343                  | 2,756,227                      | 97.7%        | 2,820,343                  | 2,756,227                      | 97.7%        | 2,770,206                 | 2,756,227                      | 99.5%         |
| Misc & Interest  | 2,000                    | 3,230                      | 8,636                          | 267.4%       | 38,500                     | 8,636                          | 22.4%        | -                         | 8,636                          |               |
| <b>TOTAL</b>   | <b>3,266,518</b>         | <b>2,823,573</b>           | <b>2,764,863</b>               | <b>97.9%</b> | <b>2,858,843</b>           | <b>2,764,863</b>               | <b>96.7%</b> | <b>2,770,206</b>          | <b>2,764,863</b>               | <b>99.8%</b>  |
|  |                          | Difference 2               | (58,710)                       | -2.12%       | Difference 1               | (93,980)                       |              | Difference 4              | (5,343)                        | -0.19%        |
| <b>EXPENDITURES</b>  |                          |                            |                                |              |                            |                                |              |                           |                                |               |
| Salaries   | 799,230                  | 784,530                    | 761,468                        | 97.1%        | 784,530                    | 761,468                        | 97.1%        | 763,281                   | 761,468                        | 99.8%         |
| Benefits   | 393,022                  | 369,261                    | 342,924                        | 92.9%        | 369,261                    | 342,924                        | 92.9%        | 248,335                   | 342,924                        | 138.1%        |
| Supplies   | 75,300                   | 92,645                     | 39,127                         | 42.2%        | 92,645                     | 39,127                         | 42.2%        | 65,578                    | 39,127                         | 59.7%         |
| Services   | 1,375,804                | 1,172,293                  | 1,077,055                      | 91.9%        | 1,172,293                  | 1,077,055                      | 91.9%        | 1,087,376                 | 1,077,055                      | 99.1%         |
| Capital  |                          | 14,815                     | 27,698                         | 187.0%       | 14,815                     | 27,698                         | 187.0%       | 14,815                    | 27,698                         | 187.0%        |
| <b>TOTAL</b>   | <b>2,643,356</b>         | <b>2,433,544</b>           | <b>2,248,272</b>               | <b>92.4%</b> | <b>2,433,544</b>           | <b>2,248,272</b>               | <b>92.4%</b> | <b>2,179,385</b>          | <b>2,248,272</b>               | <b>103.2%</b> |
|  |                          | Difference 2               | (185,272)                      | -8.24%       | Difference 1               | (185,272)                      |              | Difference 4              | 68,887                         | 3.06%         |
| <b>REVENUES MORE THAN OR<br/>(LESS THAN) EXPENDITURES<br/>BEFORE CAPITAL XFERS</b> | <b>623,162</b>           | <b>390,029</b>             | <b>516,591</b>                 |              | <b>425,299</b>             | <b>516,591</b>                 |              | <b>590,821</b>            | <b>516,591</b>                 |               |
|  |                          |                            |                                |              | Difference 3               |                                |              |                           |                                |               |
| Ending Cash & Investments  |                          |                            | 1,556,789                      |              |                            |                                |              |                           |                                |               |
| Min Reserves - 10% Revenues  |                          |                            | 326,652                        |              |                            |                                |              |                           |                                |               |
| <b>Avail for capital transfer</b>  |                          |                            | <b>1,230,137</b>               |              |                            |                                |              |                           |                                |               |

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# Memo

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

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

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

**Date:** March 10, 2016

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

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At the February 11, 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 a matrix that compared the requirements of the jurisdictions that included **the most comment permit type, decision authority and review criteria:**

Permit Type: Conditional Use Permit

Decision Authority: Hearing Examiner

Process/Criteria:

- Local EPFs vs. Regional\State\Federal EPFs
  - Local - must demonstrate local need and CUP typically tied to underlying zoning requirements
  - Regional - requires a regional siting study to ensure multiple sites were considered; more stringent review and approval process
- Project Notification - varies from 300 feet (SEPA); 1,000 feet (Snohomish County); one-half mile (Mountlake Terrace)

Staff discussed the merits of the various regulations and received concurrence to prepare a draft ordinance for further consideration by the Committee. For discussion purposes, Attachment 1 is an annotated outline of the proposed regulations that indicates the jurisdictions from which the proposed code language is based. Attachment 2 is a working draft of the proposed regulations for the siting essential public facilities (Draft Ordinance No. 15-206). Staff has provided marginal notes to identify policy questions for Council consideration and to identify related code changes.

## Attachment 1

### Annotated Outline - Essential Public Facilities Ordinance

- 18.\_\_\_.010 Title.  
This chapter shall be entitled “Essential Public Facilities.”
- 18.\_\_\_.020 Application.
- 18.\_\_\_.030 Purpose. (Woodinville)
- 18.\_\_\_.040 Authority.  
This chapter is established to regulate the siting of essential public facilities pursuant to RCW 36.70A.200.
- 18.\_\_\_.050 Permit Type: (from Mountlake Terrace)  
Local EPF/Type – CUP w/ Hearing Examiner approval.  
State/Regional EPF/Type – UUP w/ City Council approval.  
Other –EPFs permitted outright per Zoning Code (i.e., utility facilities, schools, group homes)
- 18.\_\_\_.060 Local, regional, state, and federal essential public facilities – Determination process, notice, and appeal. (Snohomish County)
- 18.\_\_\_.070 Notification and Affected Agencies/Neighborhood meeting. (Snohomish County)
- 18.\_\_\_.080 Permit Conditions: Siting and expansion of local EPFs. (Woodinville – instead of SUP, use CUP for DM)
- 18.\_\_\_.090 Permit Conditions: Siting and expansion of State and regional EPFs. (Woodinville– instead of SUP, use UUP for DM)
- 18.\_\_\_.100 Decision Criteria: Siting and expansion of local EPFs. (Snohomish County)
- 18.\_\_\_.110 Decision Criteria: Siting and expansion of State and regional EPFs. (Snohomish County)
- 18.\_\_\_.120 Independent consultant review and environmental review. (Snohomish County)
- 18.\_\_\_.130 Decision Timing. (Woodinville)
- 18.\_\_\_.140 Building Permit Application. (Snohomish County – replace permit types w/ CUP & UUP)
- 18.\_\_\_.150 Suspension or revocation of permit. (Woodinville)

Note: There will be some cross-over to other sections in Title 18 – definitions are contained in Chapter 18.01, review procedures are in Chapter 18.20, CUP/UUP Processes in Chapter 18.140 and Chapter 18.240 Hearing Examiner.

## Attachment 2

### 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.

**Commented [DL1]:** City of Edmonds requires CUP fee + an additional fee of \$5,000 to cover the cost to review EPFs.

**Commented [DL2]:** w/Hearing Examiner approval (per research of other jurisdictions)

**Commented [DL3]:** w/City Council approval (per research of other jurisdictions)

**Commented [DL4]:** We reference state law for EPF facilities rather than add these to our definitions.

**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 pre-application conference fee as listed in \_\_\_\_\_ shall accompany the notice.
- (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.

**Commented [DL5]:** Policy Question: Should the city require a pre-application meeting fee when we don’t charge for other projects?

- (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 days before submitting the EPF determination application pursuant to DMMC 18. \_\_.020.

(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 10 days prior to the neighborhood meeting. The public notice also shall, at a minimum, be mailed to:

**Commented [DL6]:** Policy Question: May want to consider 14 days prior, which provides for 2 weeks notice.

(i) Each taxpayer of record and each known site address within 1,000 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;

**Commented [DL7]:** Policy Question: Does Council want to expand? Or differentiate by type of EPF? Other jurisdictions notice requirements range from 300-1,000 feet.

(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.

(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 1,000 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:

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

**Commented [DL8]:** Policy Question: Does Council want to expand? Or differentiate by type of EPF? Other jurisdictions notice requirements range from 300-1,000 feet.

**Commented [DL9]:** May require amendment to 18.20.130 Public notice of proposed land use action.

- (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:

**Commented [DL10]:** Policy Question: Should this be a UUP with a Development Agreement/Good Neighbor Agreement?

(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

**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.

#### **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.

**Commented [DL11]:** Not sure it is necessary to specify Hearing Examiner/City Council (i.e., "A final, appealable decision with respect to an EPF shall be rendered within 240 days of the city's notice of complete permit application."). Need to cross reference to Permitted Uses Table and Chapter 18.20 Land Use Review Procedures and Chapter 18.240 Hearing Examiner code. Note: Per DMMC 18.240.230(2) "The Hearing Examiner shall issue a written decision within 14 days of the date of closing of the hearing, unless the applicant agrees in writing to a longer time."

**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 essential public facilities” means essential public facilities that are not included in the definition of Type A essential public facilities. Type B 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.

**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.

**Commented [DL12]:** Note to Reviewers - We need to make sure this new chapter is consistent with processes set forth in other chapters of the code. Other references to review type and processes should be consistent.

**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).

**Tim George, Assistant City Attorney**  
**21630 11th Avenue So., Suite C**  
**Des Moines, WA 98198**  
**206.870.6553**  
**Fax: 206.870.6872**

**OFFICE OF THE  
DES MOINES  
CITY ATTORNEY**

# Memo

**Date:** March 1, 2016  
**To:** Council Finance & Economic Development Committee  
**From:** Tim George, Assistant City Attorney *TG*  
**Re:** Recreational Marijuana Zoning

This is a follow up to the February 11, 2016 Council Finance & Economic Development Committee meeting where staff provided information regarding amending the current zoning for recreational marijuana to allow for additional business locations within the City of Des Moines.

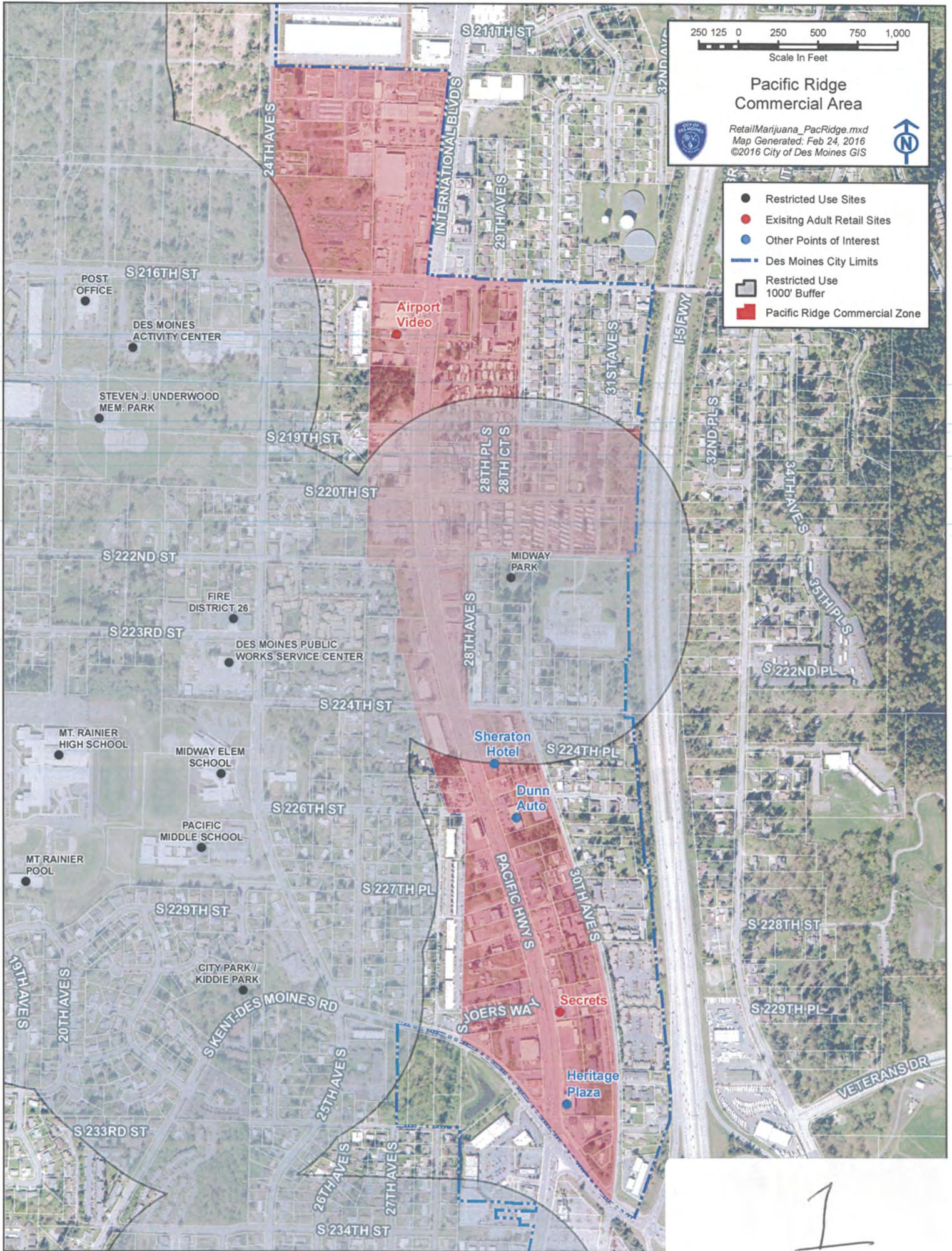
The following attachments (not included with this packet) were provided at the February 11, 2016 meeting:

1. Current Zoning Code (Chapter 18.250 DMMC)
2. Current Zoning Map
3. Liquor and Cannabis Board Proposed Licenses by Jurisdiction
4. I-502 Des Moines' election results by precinct
5. 2016 Distributions of Marijuana Tax to local governments

The Committee asked staff to provide supplemental information which is attached:

1. Map showing buffer zones and adult use stores in Pacific Ridge Commercial Zone. (**Attachment 1**).
2. Police response table showing number and nature of responses to current retail marijuana store in Des Moines. (**Attachment 2**).

Additionally, since the February committee meeting, staff has been contacted regarding a vacant piece of land that potentially could house a retail store under the current zoning. A map of that location has been included as **Attachment 3**.



250 125 0 250 500 750 1,000  
Scale In Feet

**Pacific Ridge Commercial Area**

RetailMarijuana\_PacRidge.mxd  
Map Generated: Feb 24, 2016  
©2016 City of Des Moines GIS

- Restricted Use Sites
- Existing Adult Retail Sites
- Other Points of Interest
- Des Moines City Limits
- Restricted Use 1000' Buffer
- Pacific Ridge Commercial Zone

1

# Incident summary for: 03/01/14 - 03/01/16

Output for: DP9202 (DPW016)

Click on heading to change sort order.

| Inc IncName                 | Pri | Type   | Dispo | Group | RD/MapBox | Unit | From  | To    | Location                        |
|-----------------------------|-----|--------|-------|-------|-----------|------|-------|-------|---------------------------------|
| [07/01/14 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">DP140010198</a> | 4   | DRUG2  | T     | D1    | DP0062    | NUAD | 15:39 | 16:26 | 23407 PACIFIC HWY S #PHONE, DES |
| [12/30/14 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">DP140020044</a> | 3   | ACC    | S     | D1    | DP0062    | 3D4  | 19:33 | 19:52 | 23407 PACIFIC HWY S, DES        |
| [01/18/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">DP150000876</a> | 3   | UNWANT | Z     | D1    | DP0062    | NUAD | 18:20 | 18:26 | 23407 PACIFIC HWY S, DES        |
| [03/13/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">DP150003474</a> | 3   | ALMCOM | P     | D1    | DP0062    | 3D3  | 23:47 | 23:58 | 23407 PACIFIC HWY S, DES        |
| [03/17/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">DP150003623</a> | 4   | FRAUD2 | T     | D1    | DP0062    | 1D2  | 11:22 | 12:30 | 23407 PACIFIC HWY S, DES        |
| [03/21/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">DP150003810</a> | 3   | ALMCOM | P     | D1    | DP0062    | 3D4  | 00:53 | 01:04 | 23407 PACIFIC HWY S, DES        |
| [04/01/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">DP150004383</a> | 1   | ALMHUP | T     | D1    | DP0062    | 6D3  | 20:52 | 21:05 | 23407 PACIFIC HWY S, DES        |
| [04/02/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">DP150004406</a> | 2   | PANCOM | P     | D1    | DP0062    | 1D4  | 11:28 | 11:36 | 23407 PACIFIC HWY S, DES        |
| [04/05/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">P150004544</a>  | 3   | DISPUT | T     | D1    | DP0062    | 1D2  | 10:22 | 11:10 | 23407 PACIFIC HWY S, DES        |
| [04/12/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">P150004928</a>  | 3   | UNWANT | T     | D1    | DP0062    | 3D2  | 19:13 | 20:01 | 23407 PACIFIC HWY S, DES        |
| [04/13/15 ]                 |     |        |       |       |           |      |       |       |                                 |
| <a href="#">P150004959</a>  | 4   | ADMIN  | T     | D1    | DP0062    | 6D1  | 16:05 | 16:58 | 23407 PACIFIC HWY S #PHONE, DES |

2



|             |   |        |   |    |        |     |       |       |  |
|-------------|---|--------|---|----|--------|-----|-------|-------|--|
| DP150012174 | 4 | ASLT2  | S | D1 | DP0062 | 3D4 | 22:04 | 22:56 | GREENSIDE RECREATIONAL, DES              |
| [10/03/15 ] |   |        |   |    |        |     |       |       |  |
| DP150014132 | 3 | DISPUT | O | D1 | DP0062 | 1D3 | 16:43 | 16:59 | 23407 PACIFIC HWY S, DES                 |
| [10/06/15 ] |   |        |   |    |        |     |       |       |  |
| DP150014285 | 3 | DISPUT | T | D1 | DP0062 | 3D2 | 18:35 | 18:48 | GREENSIDE RECREATIONAL, DES              |
| DP150014286 | 4 | ADMIN  | N | D1 | DP0062 | 6D3 | 18:49 | 19:58 | GREENSIDE RECREATIONAL #FONE<br>DES, DES |
| [10/12/15 ] |   |        |   |    |        |     |       |       |  |
| DP150014576 | 2 | FRAUD  | U | D1 | DP0062 | 3D2 | 22:01 | 22:35 | GREENSIDE RECREATIONAL, DES              |
| [12/01/15 ] |   |        |   |    |        |     |       |       |  |
| DP150016883 | 4 | PROP   | T | D1 | DP0062 | 1D3 | 10:42 | 11:07 | GREENSIDE RECREATIONAL<br>#PHONE, DES    |
| [12/03/15 ] |   |        |   |    |        |     |       |       |  |
| DP150016965 | 4 | FUP    | T | D1 | DP0062 | 1D2 | 10:40 | 11:55 | GREENSIDE RECREATIONAL #FONE,<br>DES     |
| [12/05/15 ] |   |        |   |    |        |     |       |       |  |
| DP150017113 | 2 | FRAUD  | G | D1 | DP0062 | 3D3 | 21:30 | 21:46 | 23407 PACIFIC HWY S, DES                 |
| [12/09/15 ] |   |        |   |    |        |     |       |       |  |
| DP150017266 | 3 | SUSSUB | T | D1 | DP0062 | 6D1 | 10:33 | 11:21 | GREENSIDE RECREATIONAL, DES              |
| [12/31/15 ] |   |        |   |    |        |     |       |       |  |
| DP150018302 | 3 | THEFT1 | O | D1 | DP0062 | 3D3 | 19:27 | 20:33 | GREENSIDE RECREATIONAL, DES              |
| [01/02/16 ] |   |        |   |    |        |     |       |       |  |
| DP160000075 | 4 | FUP    | H | D1 | DP0062 | 3D4 | 18:24 | 19:08 | GREENSIDE RECREATIONAL #FONE,<br>DES     |
| [01/04/16 ] |   |        |   |    |        |     |       |       |  |
| DP160000132 | 4 | FUP    | H | D1 | DP0062 | 1D3 | 11:16 | 11:47 | GREENSIDE RECREATIONAL<br>#PHONE, DES    |
| [01/13/16 ] |   |        |   |    |        |     |       |       |  |
| DP160000530 | 2 | T      | E | D1 | DP0062 | 6D3 | 17:54 | 18:09 | GREENSIDE RECREATIONAL, DES              |
| [01/24/16 ] |   |        |   |    |        |     |       |       |  |

|             |   |        |      |      |        |     |       |       |                                      |
|-------------|---|--------|------|------|--------|-----|-------|-------|--------------------------------------|
| DP160001006 | 3 | CIVIL  | T    | D1   | DP0062 | 3D2 | 19:51 | 19:58 | GREENSIDE RECREATIONAL, DES          |
| [02/03/16 ] |   |        |      |      |        |     |       |       |                                      |
| DP160001446 | 2 | T      | W    | D1   | DP0062 | 3D2 | 18:36 | 18:40 | GREENSIDE RECREATIONAL, DES          |
| [02/04/16 ] |   |        |      |      |        |     |       |       |                                      |
| WF160001745 | 2 | AID    | 13Y4 | FIR2 | WF1462 | A67 | 12:37 | 12:49 | GREENSIDE RECREATIONAL, DES          |
| [02/08/16 ] |   |        |      |      |        |     |       |       |                                      |
| DP160001676 | 2 | PANCOM | K    | D1   | DP0062 | 1D3 | 12:45 | 12:49 | GREENSIDE RECREATIONAL, DES          |
| [02/19/16 ] |   |        |      |      |        |     |       |       |                                      |
| DP160002163 | 4 | PARKG  | T    | D1   | DP0062 | 1D3 | 16:07 | 17:11 | GREENSIDE RECREATIONAL, DES          |
| [02/22/16 ] |   |        |      |      |        |     |       |       |                                      |
| DP160002279 | 4 | ACCHR2 | R    | D1   | DP0062 | 1D3 | 10:00 | 10:29 | GREENSIDE RECREATIONAL #FONE,<br>DES |
| DP160002282 | 4 | ACCHR2 |      | K1   | DP0062 |     | 10:29 | 10:31 | GREENSIDE RECREATIONAL #FONE,<br>DES |



300 150 0 300

Scale In Feet

### Marijuana Retail Parcel #2822049244

RetailMarijuana\_2822049244.mxd  
Map Generated: Feb 24, 2016  
©2016 City of Des Moines GIS



- Restricted Use Sites
- Des Moines City Limits
- ▭ Parcel #2822049244
- ▭ Restricted Use 1000' Buffer

Evergreen Lutheran  
High School

● Holy Trinity  
Lutheran School

3

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## MEMO

To: Finance and Economic Development Committee  
From: Grant Fredricks  
Cc: Tony Piasecki, Michael Matthias, Dan Brewer, Denise Lathrop, Laura Techico  
Date: March 3, 2016  
Re: DMMC Code Maintenance

The Planning, Building & Public Works Department has been discussing DMMC code maintenance issues with the Finance and Development Committee (F&ED) over the past several months.

At the March 10<sup>th</sup> meeting, staff will provide a list and present a plan to bring forward a single “housekeeping” ordinance that will propose to “fix” 38 municipal code development regulation sections that are posing problems to applicants or staff (Attachment 1).

The majority of these 38 “fixes” were items omitted when the development regulations were re-codified by Ordinance 1591 in 2014 or where inconsistencies between code sections were inadvertently created by Ordinance 1591 or when other Title 18 ordinances were passed. In some cases State law has changed necessitating a change in the DMMC.

Ten of these 38 items have a policy implication (noted by a  most

of which have already been discussed with either F&ED or the full Council and where staff believes they have a clear understanding of F&ED's or the Council's intent if not clear direction.

Attachment 2 is a list of 5 additional issues requiring Council attention, but not proposed at this time because the policy issues are more substantive. Essential Public Facilities is currently under development. The other 4 are proposed to be more fully developed once the Attachment 1 items are addressed and when staff resources permit.

# DMMC Code Maintenance Inventory

| DMMC Citation   | Proposed Change  | Benefit of DMMC Change  |
|---|--|---|
| <b>Zoning Code - Title 18</b>                           |  |   |
| <b>Definitions (18.01.050)</b>                          |  |   |
| 18.01.050   | Add 'basement' definition back in (previously 18.04.080)   | Needed for development/height review  |
| 18.01.050   | Add back in definition of building height  | Needed for development/height review  |
| 18.01.050   | Add back in the definition of "building site"  | Referenced in 17.25.050(2) & elsewhere & needed for development/height review   |
| 18.01.050   | Add back in the definition of "grade"  | Needed for development/height review  |
| 18.01.050   | Add back in the definition of "lot"  | Needed for development/height review  |
| 18.01.050   | Add back in the definitions of types of "lot lines" as previously detailed in 18.04.395(1)-(4)   | Needed for setback review   |
| 18.01.050   | Add back in the definition of "structure"  | Helpful for "lot coverage" & setbacks reviews   |
| 18.01.050   | Add back in the definition of "yard"   | Needed for setback/encroachment review  |
| 18.01.050   | Add back in the definition of "building"   | Needed for development review   |
| 18.01.050   | *Check old and new definitions for any other deleted definitions   | *Assess whether intentionally omitted   |
| <b>Nonconforming Buildings and Uses (18.15)</b>         |  |   |
| 18.15.050 & 060   | Allow rebuilding in damaged or destroyed building (1) the non-conforming portion of the parcel so long as the extent of the non-conformity is not increased  | To incorporate earlier direction from F&ED  |
| <b>Land Use Review Procedures (18.20)</b>               |  |   |
| 18.20.060(1)(a) & 18.20.080A Chart                      | Reference only business park master plans, not L-C zone  | Needed for clarifying land use types (I-C)  |
| 18.20.080A Type II                                      | Missing 'Shoreline Substantial Development Permit  | References 'revisions' and 'exemptions' only  |
| <b>Zoning Map (18.30)</b>                               |  |   |
| 18.30.050   | Incorporates the City's full zoning map instead of the Ordinance 1618-A exhibit which was referred to as the Zoning Map but only included the zone being changed by the ordinance  | Incorporates the correct City-wide zoning map into the DMMC   |
| <b>Permitted Uses (18.52)</b>                           |  |   |
| 18.52 Residential                                       | Amend Note 15: limits townhouses to RA-3600 zone - should be multiple MF zones   | Discrepancy in permitted uses table & notes   |
| 18.52 Residential                                       | Multi-family dwellings should be a "P" in RM 2400, and other MF zones?   | Corrects error  |
| 18.52 Commercial  | Contractor, general. Should not be permitted in PRC  | Corrects error  |
| 18.52 Commercial  | Business Park (BP) - Mixed Use with UUP should not be permitted  | Corrects error  |
| 18.52 Commercial  | Commercial table Note 44 - clarify whether self/minor storage lot or just use can front on PHS   | Clarifies that self or "mini" storage is allowed on a parcel fronting on PHS so long as the specific use fronting on PHS is not storage, but rather retail or commercial. |
| 18.52 Commercial  | Brewery/Distillery downtown  | Clarifies that breweries/distilleries are a permitted use if they are part of a dining or retail business.  |
| <b>Residential and Commercial Zones (18.55- 18.136)</b> |  |   |
| 18.55.130 (SFR)   | Section title refers to 'buildings and structures', but text does not refer to structures. Assume to include?  | Resolves discrepancy in section languages   |
| 18.105.070  | Outdoor storage of PODS in B-P Zone  | Clarifies that outdoor PODS storage is permitted when screened from public view   |
| <b>Signs (18.200)</b>                                   |  |   |
| 18.200 Signs  | Missing new language re. signs on fences? (addressed in 7-24 ordinance?)   | Brings DMMC into line with Council intent   |
| 18.200.070  | Commercial district sign size subject to design review   | Clarifies when real estate signs in commercial zones up to 24 square feet in size should be outright permitted or subject to sign permit and design review.               |
| 18.200.300(2)   | (b) Each multiple business property is permitted a total sign area not to exceed 20(0) square feet plus 40 square feet per licensed business; provided, however, that each business must be guaranteed a minimum of at least 25 square feet signage. | Corrects error; the intent was to say 200 square feet, not 20.  |
| <b>Height, Yards, Area and Open Spaces (18.190)</b>     |  |   |
| 18.190.200(6) & 18.190.310(2)                           | Discrepancy in language regarding electric fences  | Clarifies when electric fences are allowed.   |
| <b>Landscaping &amp; Screening (18.195)</b>             |  |   |
| 18.195  | Add CPTED exception to the landscaping code?   | Makes CPTED be an explicit criteria in the landscape code to allow flexibility for safety reasons   |
| 18.195  | Add storage containers   | Clarifies that storage containers/PODS are permitted under certain  |
| <b>Parking (18.210)</b>                                 |  |   |
| 18.210.090(15)(d)                                       | Noticed when we adopted the T-C zone the parking provision we added as DMMC 18.210.090(15)(d) would have been better if we added under (h) Mixed Use. It currently creates some confusion.   | Clarifies staff and Council intent  |
| 18.210.130 Parking                                      | Should say ...provided in Table 1 following DMMC 18.210.00, not 18.210.180   | Corrects error  |
| 18.210.160(1) & (7)                                     | Stacked Parking  | Clarifies original Council intent to allow stacked parking in only commercial properties, not residential.  |
| 18.210.180  | 14' height maximum outdated? Research current technology & other cities' codes   | Modifies DMMC to accommodate newer LED street lighting technology.  |
| <b>Design Review (18.235)</b>                           |  |   |
| 18.235.070  | 40 day timeline - clarity? Achievable?   | Make consistent with state law - 120 days   |
| <b>Subdivisions (Title 17)</b>                          |  |   |
| 17.10.210(2)  | Update reference to 'five-year period' to 'time period set forth in RCW ...'   | Makes DMMC consistent with state law  |
| 17.35.190(2)  | Update 'Title 18' to 'chapter 16.20'   | Corrects inaccurate code reference  |
| 17.10.210   | Subdivision extension expiration   | Makes DMMC consistent with state law  |
| <b>Land Filling, Clearing and Grading Code (14.20)</b>  |  |   |
| 14.20.150 Grading                                       | Previously contained separate grading/large equipment hours of operation   | Reconciles the old DMMC language with general construction hours of operation   |
| 14.20.150(12) Grading                                   | Update reference to 18.86 at end of section to 16.XX   | Corrects inaccurate code reference  |

Indertently Omitted or Recalled During Recodification or Failed to Adequately Address When New Codes Adopted

# DMMC Code Maintenance Inventory

| DMMC Citation  | Proposed Change  |  | Benefit of DMMC Change   |
|--|--|--|--|
| <b>Zoning Code - Title 18</b>                            |  |  |  |
| <b>Unclassified and Conditional Use Permits (18.140)</b> |  |  |  |
| 18.14.050 (7)  | Group Homes, UUP   |  | Policy question: Should DMMC be more explicit on the provisions of state and federal law ?   |
| 18.14.050 (13)   | Essential Public Facilities  |  | Denise preparing draft ordinance for review of F&ED in March.  |
| <b>Signs (18.200)</b>                                    |  |  |  |
| 18.200.070   | Commercial district sign size subject to design review                                       |  | Policy question: Should real estate signs in commercial zones up to 24 square feet in size be outright permitted as currently or subject to design review? |
| <b>Height, Yards, Area and Open Spacees (18.190)</b>     |  |  |  |
| 18.190.280/290   | Apply 280 to MF zones? Property owner of RM-2400 sold off lots smaller than minimum lot size |  | Policy question: Should a property owner be allow to sell off lots smaller than the minimum lot size in multi-family zone??                                |
| <b>Rental Housing (5.64)</b>                             |  |  |  |
| 5.64 & 18.52   | Short term rentals/air b&b   |  | Policy question: Are/should Airb&b rentals be allowed in SF zones, and if so, under what conditions?   |

Policy is Outdated or Unclear Based on DMMC Differences, Society Changes or Federal or State Law Changes

ATTACHMENT 2

2/25/16