

# **MUNICIPAL FACILITIES COMMITTEE AGENDA**

**April 28, 2016 - North Conference Room  
21630 11th Avenue South – Des Moines 98198  
5:30 – 6:50 PM**

1. Call to order
2. Approve minutes from March 8, 2016 meeting
3. Park Impact Fees (Residential and Commercial) - Parks, Recreation & Senior Services Director, Patrice Thorell - 10 minutes
4. Facility Repair and Replacement Needs (Fund 506) – CIP Manager, Scott Romano and Planning, Building & Public Works Director, Dan Brewer - 40 minutes
5. Disposition of the Wasson House – Tony P., Dan B., Joe D., Patrice T. – 20 minutes
6. Marina/Beach Park Pay Parking – Harbor Master, Joe Dusenbury – 5 minutes

## **Draft - Minutes Des Moines City Council Municipal Facilities Committee – 3/8/2016**

Meeting called to order: 5:30 pm on March 8, 2016 in North Conference Room @ 21630 11<sup>th</sup> Ave S. Des Moines, WA 98198

### **Council Members**

Melissa Musser – Chair  
Luisa Bangs – Council Member  
Jeremy Nutting – Council Member

### **City Staff**

Tony Piasecki, City Manager  
Michael Matthias, Asst. City Manager  
Joe Dusenbury, Harbormaster  
Scott Romano, CIP Manager  
Patrice Thorell, Parks, Recreation and Senior Services Director  
Scott Wilkins, Asst. Harbormaster  
Janet Best, Administrative Assistant

### **Guests**

Carol DeVries  
Bill Linscott  
Ting Rice  
Rikke Marohl  
Wayne Corey  
Todd Powell  
Ken Rogers

Minutes of the 2/25/2016 meeting were unanimously approved.

### **AGENDA:**

1. Pay Parking Revenue Analysis Discussion – Joe Dusenbury, Patrice Thorell, Guest Speaker
2. 2016 CIP Project Updates – Scott Romano
3. Park Irrigation and Maintenance and Custodial Services Reductions Discussion – Scott Romano

### **MEETING:**

1. Harbormaster Joe Dusenbury introduced Brian Winningham of BSTAssociates who are well known in the Marina Industry. Brian gave a presentation on parking trends, rates, revenue estimates, results from the new parking program implemented in Mukilteo and comparative data from Redondo. Using Redondo's current rates, the number of stalls available at the Marina (less 100 reserved stalls), and based on the number of cars counted by staff over a long period of time, he estimated \$224,000 in parking revenue annually. Additional revenue could be realized during the Waterland Festival, July 4<sup>th</sup> celebration and during the Farmers Market. He stated initial results in the Mukilteo parking program were that the program worked although revenues came in lower than projected for several reasons. Other results from Mukilteo were that by hiring Rangers there were no fights over parking stalls, less illegal activity, a 77% decrease in 911 calls yet contested tickets increased police paperwork costs. The Committee suggested that a contingency plan be in place if parking on 6<sup>th</sup> and 7<sup>th</sup> became overwhelmed and that a comprehensive plan be prepared to include, capital costs, revenue projections and operating costs for review to the full Council April 14 or sooner.
2. CIP Manager Scott Romano updated the Committee on seven (7) 2016 CIP Projects. At Parkside Park a design consultant has been chosen, bidding will take place in May with project completion in October. The design for the Beach Park Picnic Shelter/Restroom Rehabilitation project is underway. Bidding is anticipated in April with completion in August. Resurfacing of the Field House Tennis Courts will be done later this year in better weather. For the Field House Roof, ½" CDX plywood will need to be installed for a proper roof deck and new attic louvers will need to be installed for adequate ventilation on both ends of the building. The attic louvers will need to be cleared with King County Historic Preservation. The LED Exterior Lighting was rescheduled to 2018 and the Activity Center Floor Repair Contingency was deleted in order to fund the Field House Roof replacement. Staff recommends keeping the Council Chambers Lighting project in the 2016 work program contingent upon the actual cost of the completed Field House Roof. Once the Beach Park bathrooms are available and the porta-potties removed, the Committee would like to see what the on-line cleaning cost offset is.
3. CIP Manager Scott Romano reviewed the cost saving measures related to Park Irrigation and Landscape Maintenance and Custodial Services. Annual savings for landscape maintenance are \$13,129.68 (achieved

primarily by reducing mowing frequency from 39 times to 26 times). Annual savings for custodial services are \$9,594.24 (achieved primarily by reducing cleaning frequency in five City buildings). Additional irrigation savings will be realized now that certain irrigation meters throughout the City have been locked.

The meeting was adjourned at 6:24pm. Minutes submitted by: Janet Best, Administrative Assistant.

**DMMC Chapter 17.35**  
**LAYOUT AND DESIGN OF SUBDIVISIONS AND SIMILAR REQUIREMENTS**

**17.35.180 Parks.**  [SHARE](#) 

---

(1) General Obligation. Proposed residential subdivisions shall either provide a minimum of 778 square feet of park area per lot consistent with the requirements of subsections (2) through (4) of this section or make an in-lieu fee payment consistent with the requirements of subsection (5) of this section in order to comply with the level of service standard of 6.5 acres of park land per 1,000 population established in the City of Des Moines 2010 Parks, Recreation and Senior Services Master Plan, Section 2.3.

(2) Criteria for City Acceptance of a Mini-Park. Applicants proposing to develop a mini-park in order to fulfill the general obligation to provide appropriate provisions for parks and playgrounds as established in subsection (1) of this section shall comply with the following criteria:

(a) Use/Description. The proposed mini-park shall be designed and improved as play space for toddlers and young children to serve the basic needs of the neighborhood.

(b) The amenities within the mini-park shall include sand play areas, play apparatus, play equipment, picnic area, sports courts, and sanitation accommodations.

(c) Size. The proposed mini-park shall be a minimum of one-half acre.

(3) Tracts Required. Recreational areas shall be located in a separate tract which shall be deeded to the City.

(4) Lot Area. The area of the mini-park tract shall not be included in the compilation of lot area for any lot.

(5) Payment in Lieu of Mini-Park Development. If the land proposed to be developed as a mini-park does not meet the criteria established in subsection (2) of this section, then the applicant shall make an in-lieu cash payment to the City which shall be deposited into the City's MCI fund. The in-lieu amount shall be based on the following formula:

Total number of existing residential units equals (=) W

Total number of lots within the subdivision equals (=) X

Total site area of the proposed subdivision equals (=) Y

Total appraised value of all property within the proposed subdivision as determined by the King County Assessor's website at the time of approval of the final plat documents equals (=) Z

In-lieu fee equals (=) Z multiplied by  $((X - W) \text{ multiplied by } 778 \text{ square feet})$  divided by Y).

## **Park Impact Fees**

Impact fees are charges assessed by local governments against new development projects that attempt to recover the cost incurred by government in providing the public facilities required to serve new development. Impact fees are only used to fund facilities, such as roads, schools, and parks, that are directly associated with the new development. They may be used to pay only the development's proportionate share of the cost of public facilities that benefit and are "reasonable related" to the new development. Impact fees cannot be charged to pay for the cost of reducing or eliminating deficiencies in existing facilities.

In Washington, impact fees are authorized for those jurisdictions planning under the Growth Management Act (RCW 82.02.050 - .100), as part of "voluntary agreements" under RCW 82.02.020, and as mitigation for impacts under the State Environmental Policy Act (SEPA – Ch. 43.21C RCW). GMA impact fees are only authorized for public streets and roads, publicly owned parks, open space, and recreation facilities, school facilities, and fire protection facilities in jurisdictions that are not part of a fire district. If impact fees are collected, the fee revenue must be earmarked for specific uses related to public facilities on identifiable projects, the benefit of which can be demonstrated, and the fee revenue must be expended within six years or returned.

Impact fees cannot recover the full cost of a new facility since these fees must be directly and proportionately related to impacts associated with new development. The impact fee shall be based on a formula or other method of calculating the fee that determines the proportionate share. RCW 82.02.050 (3)(b) and RCW 82.02.060(1). Setting fee schedules for impact fees is a complex process typically involving rate studies. Prior to considering the adoption of an impact fee ordinance, several issues must be addressed in order to determine the need for, and validity of such fees. Such factors include, but are not limited to, responsibility for public facilities, the need for additional park and recreational facilities, the need for revenue for additional parks and recreational facilities, and the benefit of new parks and recreational facilities to new development. It is critical that available data support a nexus between the impact fee charged and the new development. This nexus can be particularly difficult to establish with regard to impact fees related to commercial development and most cities have been unable to show the required nexus.

## **Council Questions**

During prior Parks, Recreation and Senior Services Master Plan "Master Plan" discussions, Council asked the following:

**Question:** Can the City of Des Moines include School District owned properties within Des Moines' boundaries in its level of service or other calculation?

**Answer:** In general, local governments that are authorized to charge impact fees are responsible for specific public facilities for which they may charge such fees. In no case

may a local government charge impact fees for private facilities, but it may charge impact fees for some public facilities that it does not administer if such facilities are "owned or operated by government entities." RCW 82.82.090(7). Therefore, it is the recommendation of this office that school facilities should not be included in our level of service figures, except for those facilities that we jointly operate pursuant to a lease or interlocal agreement.

Question: Does the Proposed Master Plan address the necessary requirements for considering a Park Impact Fee Ordinance in the future?

Answer: Impact fees must be expended on public facilities in a capital facilities plan element and must conform with the Growth Management Act. It must identify existing deficiencies in facility capacity for current development, capacity of existing facilities available for new development, and additional facility capacity needed for new development. RCW 82.02.050(4), 82.02.060(7), and 82.02.070(2). Also, as previously discussed, impact fees must be determined based upon a formula method of calculation usually based in part on the Parks, Recreation and Senior Services Department's level of service figures. The proposed Master Plan meets these required elements.

It is the opinion of this office that the currently proposed Master Plan meets the requirements necessary for the Council to consider an impact fee ordinance in the future. It is the recommendation of this office, that before such an ordinance is considered that a consultant be used to complete an appropriate study to provide the necessary data to adopt a valid and defensible ordinance. Setting fee schedules for impact fees is a complex process typically involving rate studies.

CITY ATTORNEY'S FIRST DRAFT 03/29/2016

DRAFT ORDINANCE NO. 16-043

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** establishing a new chapter of the DMMC entitled "Parks Impact Fees."

**WHEREAS**, the City has authority to adopt impact fees to address the impact on publicly owned parks, open space and recreational facilities caused by new development, pursuant to RCW 82.02.050 through 82.02.100, and

**WHEREAS**, adoption of an impact fee ordinance is categorically exempt from the State Environmental Policy Act pursuant to WAC-I97-11-800(19), and

**WHEREAS**, the City Council held a public meeting and considered this Ordinance during its regular City Council meetings of \_\_\_\_\_ and \_\_\_\_\_ 2016, and

**WHEREAS**, the City Council finds that the amendments contained in this Ordinance are appropriate and necessary for the preservation of the public health and welfare; now therefore,

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

**Sec. 1.** A new chapter is added to Title 19 DMMC to read as follows:

**PARKS IMPACT FEES**

**(1) Title.** This chapter shall be entitled "Parks Impact Fees."

**(2) Application.** This chapter shall apply to all \_\_\_\_\_. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety, and welfare.

**(3) Purpose.** The purpose of this chapter is to:

(a) Develop a program consistent with the City's Comprehensive Plan for joint public and private financing of publicly-owned parks, open space, and recreational facilities ("park facilities") consistent with the capital facilities plan of the City of Des Moines Comprehensive Plan, as such public facilities are necessitated in whole or in part by development in the City;

(b) Ensure adequate levels of service in park facilities;

(c) Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of park facilities reasonably related to new development, in order to ensure the availability of adequate park facilities at the time new development occurs, and

(d) Ensure fair collection and administration of such impact fees.

**(4) Authority.** This chapter is enacted pursuant to the City's police powers, the Growth Management Act as codified in chapter 36.70A RCW ("The Act"), and the impact fee statutes as codified in RCW 82.02.050 through 82.02.100.

**(5) Definitions - Use of words and phrases.** As used in this Ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

"Affordable housing unit" means:

(a) An owner-occupied housing unit affordable to households whose household income is less than eighty percent (80%) of the King County median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than thirty percent (30%) of the household income is paid for housing expenses (e.g., mortgage, property taxes, hazard and mortgage insurance and homeowners dues (if applicable), or

(b) A renter-occupied housing unit affordable to households whose income is less than sixty percent (60%) of the King County median income, adjusted for household size, as determined by HUD, and no more than thirty percent (30%) of the household income is paid for housing expenses (rent and appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the City may use another method as it may choose to determine the King County median income, adjusted for household size. The code official will make a determination of sales prices or rents that meet the affordability requirements of this chapter.

"Capital facilities plan" means the Capital Facilities Element of the City of Des Moines's Comprehensive Plan.

"City" means the City of Des Moines.

"Developer" means the person or entity that owns or holds purchase options or other development control over property for which development activity is proposed.

"Development activity" means having any residential construction or expansion of a residential building, structure or use, any change in use of a residential building or structure, or any change in the use of residential land that creates additional demand for park facilities.

" Dwelling unit" means a dwelling as defined in DMMC 19.16.010. For purposes of this chapter, an accessory dwelling unit as regulated in DMMC 19.02.030 is considered an adjunct to the associated primary structure and is not charged a separate impact fee.

"Encumbered" means impact fees identified by the City as being committed as part of the funding for a park facility for which the publicly funded share has been assured or building permits sought or construction contracts let.

"Impact fee" means a payment of money imposed upon development activity as a condition of development approval to pay for park facilities needed to serve new growth and development,

that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

"Impact fee schedule" means the table of impact fees to be charged per unit of development, computed by the formula contained in the Parks Impact Fee Rate Study, indicating the standard fee amount per unit of development that shall be paid as a condition of such development within the City.

**(6) Impact Fee Program elements.**

(a) The City shall impose impact fees on every development activity in the City for which an impact fee schedule has been established.

(b) Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development. The impact fee formula shall account in the fee calculation for future revenues the City will receive from the development.

(c) The impact fee shall be based on the Capital Facilities Element adopted by the City as part of the City's Comprehensive Plan and the City's Comprehensive Parks & Recreation Plan.

**(7) Fee calculations.**

(a) The fee shall be calculated based on the methodology set forth in the Parks Impact Fee Rate Study.

(b) Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the cost of system improvements that are reasonably related to the new development. The impact fee formula shall take into account the future revenues the City will

receive from the development, along with system costs related to serving the new development.

(c) For the purpose of this chapter, mobile homes shall be treated as single family dwellings and duplexes shall be treated as multi-family dwellings.

(d) The methodology shall provide for a credit for park facilities or sites actually provided by a developer which the City finds acceptable.

**(8) Assessment and collection of impact fees.**

(a) The City shall collect impact fees, based on the City's permit and impact fee schedule, from any applicant seeking a residential building permit from the City.

(b) All impact fees shall be collected from the applicant prior to issuance of the building permit unless the use of an independent fee calculation has been approved or unless the applicant applies for deferred payment of impact fees pursuant to section 1(9) of this Ordinance. The fee shall be calculated based on the impact fee schedule in effect at the time the building permit is issued unless otherwise required pursuant to section 1(9) of this Ordinance.

(c) For building permits for mixed use developments, impact fees shall be imposed on the residential component of the development found on the City's permit and impact fee schedule.

(d) For building permits within new subdivisions approved under chapter 19.08 DMMC (Subdivisions), a credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the City subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.

(e) The City shall not issue the required building permit unless and until the impact fees set forth in the impact fee schedule have been paid.

(f) The City may impose an application fee, as provided for in the City's adopted permit and impact fee schedule, to cover the reasonable cost of administration of the impact fee program. The fee is not refundable and is collected from the applicant of the development activity permit at the time of permit issuance.

**(9) Option for deferred payment of impact fees.** An applicant may request, at any time prior to building permit issuance, and consistent with the requirements of this section, to defer to final inspection the payment of an impact fee for a residential development unit. The following shall apply to any request to defer payment of an impact fee:

(a) The applicant shall submit to the City a written request to defer the payment of an impact fee for a specifically identified building permit. The applicant's request shall identify, as applicable, the applicant's corporate identity and contractor registration number, the full names of all legal owners of the property upon which the development activity allowed by the building permit is to occur, the legal description of the property upon which the development activity allowed by the building permit is to occur, the tax parcel identification number of the property upon which the development activity allowed by the building permit is to occur, and the address of the property upon which the development activity allowed by the building permit is to occur. All applications shall be accompanied by an administrative fee as provided for in the City's adopted permit and impact fee schedule.

(b) The impact fee amount due under any request to defer payment of impact fees shall be based on the schedule in effect at the time the applicant provides the City with the information required in subsection (a) of this section.

(c) Prior to the issuance of a building permit that is the subject of a request for a deferred payment of impact fee, all applicants and/or legal owners of the property upon which the

development activity allowed by the building permit is to occur must sign a deferred impact fee payment lien in a form acceptable to the City Attorney. The deferred impact fee payment lien shall be recorded against the property subject to the building permit and be granted in favor of the City in the amount of the deferred impact fee. Any such lien shall be junior and subordinate only to one mortgage for the purpose of construction upon the same real property subject to the building permit. In addition to the administrative fee required in subsection (a) of this section, the applicant shall pay to the City the fees necessary for recording the lien agreement with the King County Recorder.

(d) The City shall not approve a final inspection until the park impact fees identified in the deferred impact fee payment lien are paid in full.

(e) In no case shall payment of the impact fee be deferred for a period of more than eighteen (18) months from the date of building permit issuance.

(f) Upon receipt of final payment of the deferred impact fee as identified in the deferred impact fee payment lien, the City shall execute a release of lien for the property. The property owner may, at his or her own expense, record the lien release.

(g) In the event that the deferred impact fee is not paid within the time provided in this subsection, the City shall institute foreclosure proceedings under the process set forth in chapter 61.12 RCW.

(h) An applicant is entitled to defer impact fees pursuant to this section for no more than twenty (20) single family dwelling unit building permits per year in the City. For purposes of this section, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

**(10) Exemptions.** The following development activities are exempt or partially exempt from the payment of park impact fees:

(a) Reconstruction, remodeling or construction of any form of affordable (low-income) housing units, as defined in this chapter, may request an exemption of eighty percent (80%) of the required impact fee. Any claim for an exemption for affordable housing units must be made prior to payment of the impact fee, and any claim not so made shall be deemed waived. Prior to any development approval, the owner shall execute and record against the property in the King County real property title records a City-prepared covenant that shall guarantee that the affordable housing shall continue, which covenant shall run with the land, address annual reporting requirements to the City, price restrictions and household income limits and be consistent with the provisions of RCW 82.02.060(3) as now adopted or hereafter amended. In the event that the exempt housing unit is no longer used for affordable (low-income) housing as defined in this chapter, the current owner shall pay the applicable impact fees in effect at the time of conversion.

(b) Rebuilding of legally established building(s) destroyed or damaged by fire, flood, explosion, act of God or other accident or catastrophe, or remodeling of existing legally established building(s), or replacing demolished legally established building(s), provided that a complete building permit for construction or reconstruction is submitted to the city within 12 months of the date of the loss or demolition, as the case may be, and so long as no additional dwelling units are created.

(c) Condominium projects in which existing dwelling units are converted into condominium ownership and where no new dwelling units are created.

(d) Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act.

(e) Any development activity for which park impacts have been mitigated pursuant to a condition of plat approval to pay fees, dedicate land or construct or improve park facilities, unless the condition of the plat approval provides otherwise; and further provided that the condition of the plat approval predates the effective date of fee imposition.

(f) Any development activity for which park impacts have been mitigated pursuant to a voluntary agreement entered into with the City to pay fees, dedicate land or construct or improve park facilities, unless the terms of the voluntary agreement provide otherwise; and further provided that the agreement predates the effective date of fee imposition.

**(11) Determination of the fee, adjustments, exceptions and appeals.**

(a) The City shall determine a developer's impact fee, according to the impact fee schedule.

(b) The fee amount established in the schedule shall be reduced by the amount of any payment previously made for the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement.

(c) Whenever a developer is granted approval subject to a condition that the developer provide a park facility acceptable to the City, the developer shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by this chapter. The cost of construction shall be estimated at the time of approval, but must be documented, and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a park impact fee.

(d) The standard impact fees may be adjusted, if one of the following circumstances exist, provided that any discount set forth in the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the fee:

(i) The developer demonstrates that an impact fee assessment was improperly calculated; or

(ii) Unusual circumstances identified by the developer demonstrate that if the standard impact fee amount was applied to the development, it would be unfair or unjust.

(e) A developer may provide studies and data to demonstrate that any particular factor used by the City may not be appropriately applied to the development proposal.

(f) Any appeal of the decision of the City with regard to fee amounts shall follow the process for the appeal of the underlying development application, as set forth in the Des Moines City Code. Any errors in the formula identified as a result of the appeal should be referred to the Council for possible modification.

(g) Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

**(12) Impact fee Accounts and refunds.**

(a) Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the City solely for the City's park impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which impact fees were imposed. Annually, the City shall prepare a report on the impact fee account showing the source and amount of all moneys collected, earned or received, and capital or system improvements that were financed in whole or in part by impact fees.

(b) Impact fees for park system improvements shall be expended by the City for capital improvements including but not limited to park planning, land surveys, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, capital equipment pertaining to recreational facilities, and any other expenses which could be capitalized, and which are consistent with the City's capital facilities element of its Comprehensive Plan or the City's Comprehensive Parks & Recreation Plan.

(c) Impact fees may be used to recoup costs for system improvements previously incurred by the City to the extent that new growth and development will be served by the previously constructed system improvements.

(d) In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended and where consistent with the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section.

(e) Impact fees shall be expended or encumbered by the City for a permissible use within ten (10) years of receipt by the City, unless there exists an extraordinary or compelling reason for fees to be held longer than ten (10) years.

(f) The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within ten (10) years of receipt of the funds by the City on park facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The City shall notify potential claimants by first-class mail deposited with the United States postal service addressed to the owner of the property as shown in the County tax records.

(g) An owner's request for a refund must be submitted to the City in writing within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered by the City in conformance with the capital facilities element within these time limitations, and for which no application for a refund has been made within this one (1) year period, shall be retained and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned on the impact fees.

(h) Should the City seek to terminate any or all park impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a park impact fee was paid. Upon the finding that any or all fee requirements are to be terminated,

the City shall place notice of such termination and the availability of the refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the County tax records. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the City, but must be expended by the City, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(i) A developer may request and shall receive a refund, including interest earned on the impact fees, when:

(A) The developer has not received final plat approval, the building permit, the mobile home permit, the site plan approval, nor final approval for the development activity as required by statute or City Code including the International Building Code; and

(B) No impact on the City has resulted. "Impact" shall be deemed to include cases where the City has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the City has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three (3) years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the City and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The City shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in section 1(11) of this Ordinance.

(j) Interest due upon the refund of impact fees required by this section shall be calculated according to the average rate received by the City on invested funds throughout the period during which the fees were retained.

**(13) Fee schedule and updates.**

(a) The following impact fees are based on the City's 2015 rate study.

(i) Single-family dwelling unit: \$2,054 per dwelling unit;

(ii) Multi-family: \$1,320 per dwelling unit;

(b) Park impact fee rates shall be updated annually using the following procedures:

(i) The code official shall use the Construction Cost Index for Seattle (June-June) published by the *Engineering News Record* to calculate annual inflation adjustments in the impact fee rates. The park impact fees shall not be adjusted for inflation should the index remain unchanged.

(ii) The indexed impact fee rates shall be effective January 1. A copy of the indexed impact fee rates shall be provided to the City Council but the indexed rates shall become effective without further Council review.

(c) The code official shall review the park impact fee rates annually to determine when a new park impact fee rate study should be prepared and recommend to the City Council when a new study should be prepared.

**Sec. 2. Codification.** Section 1 of this Ordinance shall be codified as a new chapter in Title 19 DMMC, entitled "Parks Impact Fees."

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is here ratified and affirmed.

**Sec. 5. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its final passage by the Des Moines City Council in accordance to law.

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

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

APPROVED AS TO FORM:

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

ATTEST:

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

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

Effective Date: \_\_\_\_\_

MUNICIPAL FACILITIES COMMITTEE MEETING  
APRIL 28, 2016

**FACILITY REPAIR & REPLACEMENT NEEDS -- FUND 506**

Brief Fund 506 History: We have been assessing ourselves \$0.70 per square foot over the last decade (and probably longer). The 2015 Assessment was \$75,835, and the 2015 Expenditures were \$215,821.74. The 2016 Assessment is \$75,835, and projected 2016 Expenditures are \$145,000.

Following is a listing of the City facilities currently being maintained:

- 1) City Hall
- 2) PW Engineering & Shop
- 3) PW Storage Building
- 4) Police Services Center
- 5) Redondo PD Substation (*To Be Determined*)
- 6) Field House
- 7) Senior Activity Center
- 8) SJU Park Restrooms
- 9) PW Service Center
- 10) Sonju House
- 11) BP Auditorium
- 12) BP Dining Hall
- 13) BP Founders Lodge
- 14) BP Picnic Shelter

Soon to come on-line → BP Restrooms, BP Wasson House

Existing, but not currently maintained:

- BP Sports Cabin
- BP Roadside Cabin
- BP Carlson Cottage
- BP Caretaker's Residence
- BP Sun Home Lodge

Policy Question – Do we want to include these within the Fund 506 assessments?

Existing, but currently maintained by the Marina:

- Marina Office/Restrooms
- Fishing Pier Restrooms
- South Marina Restrooms
- Redondo Restrooms

Policy Question – Do we want to include these within the Fund 506 assessments?

Examples of typical information for tracking sheets for the listed facilities are included. Have we captured the crucial elements we wish to track and assess? Any additional Committee suggestions?

## **TYPICAL INFORMATION FOR FACILITY TRACKING SHEETS**

### **ROOFING**

Metal, Asphalt shingles, Wood shakes, Gutters and Downspouts, Scupper drains, Chimneys, Fall protection anchors

### **HVAC SYSTEMS**

Rooftop Units, Ground units, Furnaces, Wall units, Air conditioners

### **INTERIOR FLOORING**

Carpet, Tile, VCT, Vinyl, Hardwoods, Concrete, Fitness Room, Plywood Stage, Gym Floor, Hardwood laminate

### **INTERIOR FURNISHINGS**

Tables, Chairs, Conference room furniture, Council/Court furniture, Light fixtures, Window treatments, Windows, Council/Court audio and video system, Refrigerators, Freezers, Ovens, Stoves, Microwaves, Coffee makers, Defibrillators, Defibrillator battery replacement

### **EXTERIOR PAINTING**

Wood, CMU, Wood trim, Logs, Metal, Hardiplank (concrete siding), Lead paint abatement needed?

### **INTERIOR PAINTING**

Wood, CMU, Wood trim, Logs, Metal, Sheetrock, Plywood, Lead paint abatement needed?

### **PLUMBING SYSTEMS**

Hot water tanks, On demand hot water systems, Garbage disposals, Dishwashers, Drinking fountains, Grease traps, Boilers

### **FIRE CONTROL SYSTEMS**

Wet systems, Dry systems, Kitchen hood systems, Annual testing and inspection, Periodic sprinkler head replacement due to age, Alarm panel and monitoring

### **SECURITY AND ALARM SYSTEMS**

Security alarm panel and monitoring, Opticom access gate (opticom and opener motor), Keyless entry system (locks, fobs/cards, power panels, and software/hardware)

### **BUILDING PERIMETER**

Parking lot(s), Sidewalks, Asphalt walkways, Stairs, Hand railings, Curb stops, Parking lot signage, Doors, Garage doors, Gates, Removable bollards, Curbing, Parking lot lighting, Exterior lighting

### **ADA COMPLIANCE**

Accessible route of travel, Wheelchair ramp(s), Signage, Parking space(s), Elevator (if needed), Push button door openers, Restroom facilities, Counter heights

## UNIQUE SITE FEATURES FOR THE EXISTING MAINTAINED CITY BUILDINGS

- 1) City Hall – Covered walkway, Large paved parking areas, Keyless entry system, Council/Court audio and video system, Council/Court furniture, Conference room(s) furniture, Old generator building at the SE corner
- 2) Public Works Engineering and Mechanic Shop -- Groundwater remediation site (for another 3 years), Large paved/gravel parking area, Ecology block wall supporting City Hall parking lot, Vehicle lifts, Air compressor, Welders, Solvent tanks, Garage doors, Tire balancing machine, Vehicle diagnostic equipment
- 3) Public Works Storage Building – Garage doors, Electric vehicle charging station
- 4) Police Services Center – Standby generator, Jail cells, Security clearance required for entry, Large upper and lower paved parking areas, Large CMU block wall supporting parking lots, Opticom access gate, Specialized and segregated HVAC systems
- 5) Redondo Police Substation – *To Be Determined*; was located within an existing strip mall
- 6) Field House – Historic building (site of King County’s first park), Basement floods during heavy rains and high groundwater levels, Paved parking area, Gym floor finish and markings, Large chimney
- 7) Senior Activity Center – Standby generator, Large paved parking lot, Commercial kitchen, Large chimney, Floor finish, Sliding entry doors, Readerboard, Tables and chairs, Grease trap, Kitchen hood
- 8) SJU Park Restrooms – Large paved parking lot, Security camera, Roll-up equipment storage room door
- 9) Public Works Service Center – Standby generator, Underground Gas/Diesel storage tanks and fuel pumps, Large paved parking areas, Anti-icing solution and storage tank, Salt pile for mixing with sand during snow removal operations, Opticom access gate, Air compressor, Garage doors, Contaminated soil (PCB’s) on the western portion of the site, Conference room furniture
- 10) Sonju House – Rental house and working community garden, Old vacant barn and additional house on site
- 11) BP Auditorium – Historic building, Boiler, Folding windows and doors, Plywood stage, Colored concrete floor, Tables and chairs
- 12) BP Dining Hall – Historic building, Sits above creek, Commercial kitchen, Wraparound deck, Kitchen hood, Grease trap, Tables and chairs, Hardwood laminate floor
- 13) BP Founders Lodge – Sits above creek, Two stories, Wraparound deck (half of the building), Tables and chairs
- 14) BP Picnic Shelter – Historic structure, Picnic tables

Finance & Economic Development Committee

April 14, 2016

Agenda Item: Wasson House

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

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

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

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

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

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

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

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

**From:** Jason Sullivan  
**Sent:** Thursday, March 24, 2011 6:31 PM  
**To:** Patrice Thorell  
**Subject:** RE: MFCommittee asked for the parking code numbers related to Beach Park buildings

Patrice,

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

Dining Hall: 182 Parking Stalls  
Auditorium: 215 Parking Stalls

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

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

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

Sincerely,

*Jason Sullivan  
Development Services  
Land Use Planner II*



# Easy Excel Dashboards

Create Stunning Excel Dashboards Explore Your Excel Data Try Free!

ADVERTISEMENT

- [New Search](#)
- [Property Tax Bill](#)
- [Map This Property](#)
- [History of Taxes](#)
- [View Report](#)
- [Property Detail](#)

## PARCEL

**Parcel Number** 200900-3245  
**Name** DES MOINES CITY OF  
**Site Address** 22047 CLIFF AVE S 98198  
**Legal** DES MOINES TOWN OF & VAC W 10 FT OF CLIFF AVE ADJ & TD LOS ADJ 1B

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

### BUILDING 1



### TOTAL LEVY RATE DISTRIBUTION

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



44.97% Voter Approved

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

### TAX ROLL HISTORY

**This is a government owned parcel.**

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

## Property Appraisal

Enter Your Zip Code & Connect To Pre-Screened Real Estate Appraisers

ADVERTISEMENT

ADVERTISEMENT

TOP 8 TRENDS FOR 2016

BIG DATA

GET THE WHITEPAPER

tableour

ADVERTISEMENT

### Reference Lin

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

[King County Tax Links](#)

[Property Tax Advisor](#)

[Washington Sta Department of Revenue \(Extern link\)](#)

[Washington Sta Board of Tax Appeals \(Extern link\)](#)

[Board of Appeals/Equaliz](#)

[Districts Report](#)

[Map](#)

[Recorder's Office](#)

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

[Scanned image: plans](#)

by: Address Search Find Intersection Zoom to Advanced tools Basomaps Print

Search results

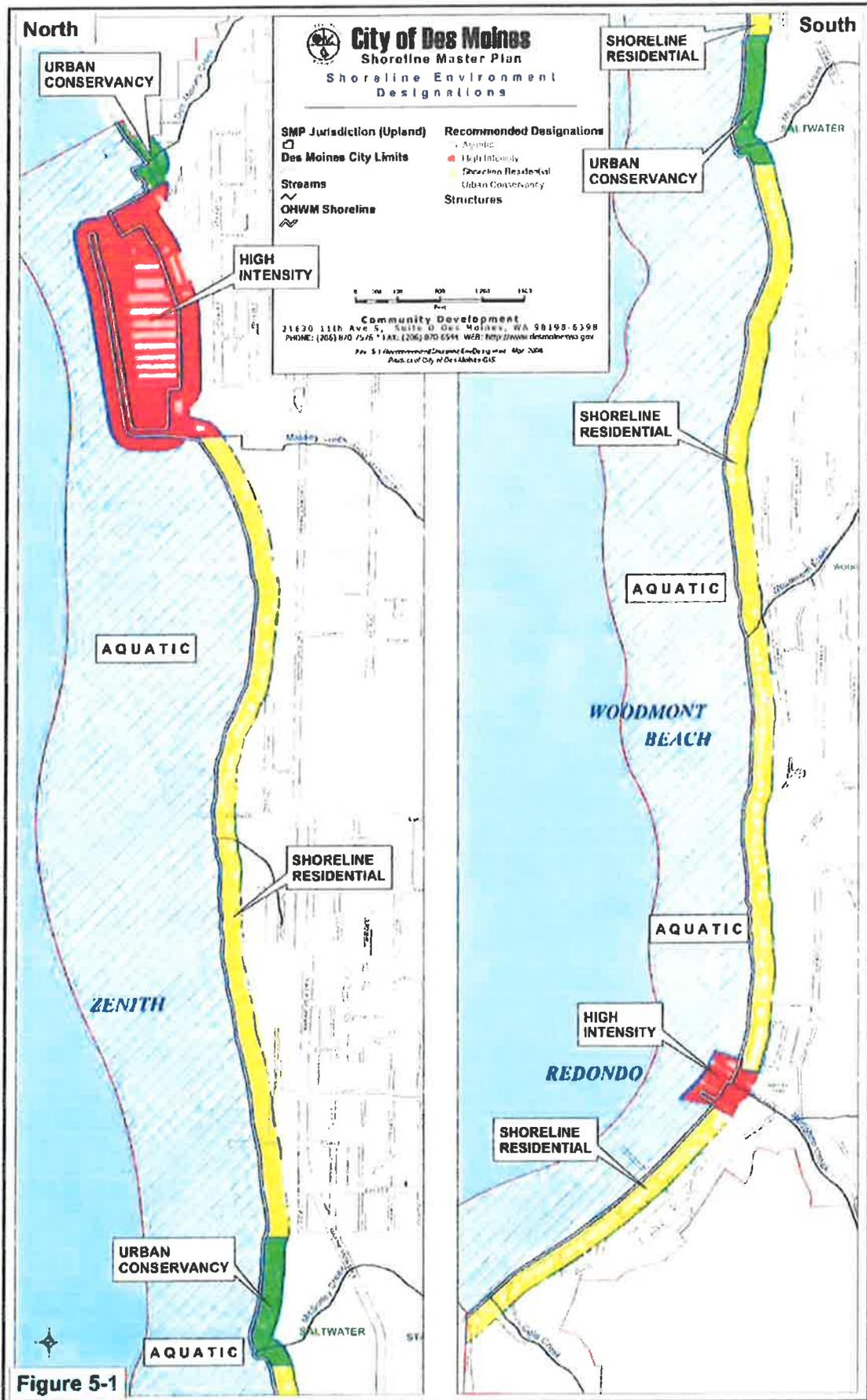
Selected parcel(s)

- New selection
  - Add to selection
- Export Clear

Parcel number	Address
X 2009003245	22047 DUFF AVE S 9A158

118725453432





## 5.1 High-Intensity Environment

### 5.1.1 Purpose

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

### 5.1.2 Management Policies

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

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

### **5.2.3 Designation Criteria**

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

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

### **5.2.4 Boundary Description**

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



**Parks, Recreation & Senior Services**

**Park Review Plan**

# Des Moines Beach Park Promenade

**Existing Park Description:**

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

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

**Previous 2010 Plan Accomplishments**

None

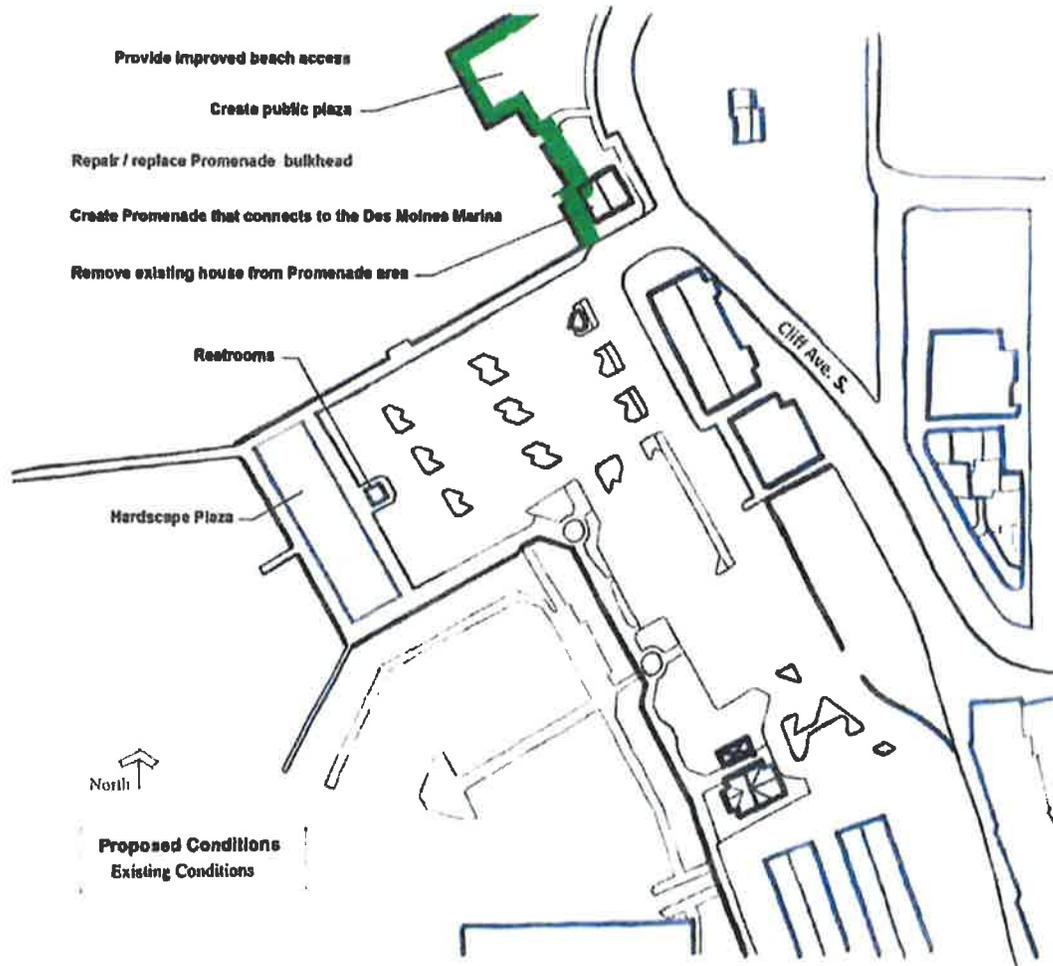
**Proposed Improvements**

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

<b>Design &amp; Construction Cost:</b>	<b>\$4,666,000</b>	
<b>Maintenance Level:</b>	<b>1</b>	
<b>Existing Annual Maintenance Cost:</b>	<b>\$ 140,434</b>	
<b>Annual Maintenance Cost with Proposed Improvements:</b>		<b>\$ 15,500</b>



# Des Moines Beach Park Promenade



**Des Moines Master Plan**

**Park Cost Estimates**

Created 6/28/2015  
Revised 9/17/2015

**5.6 Bench Park Promenade**

Action	Unit cost	43%	
		Soft Costs	Total
A Continue promenade from Marina	119,000	51,527	170,527
B Plaza	150,000	64,950	214,950
C Remove existing house from promenade area	75,000	32,475	107,475
D Promenade play area/water feature	375,000	162,375	537,375
E Repair/replace bulkhead to the Marina Promenade	2,492,000	1,079,036	3,571,036
F Improve beach access	45,000	19,485	64,485
<b>Total</b>		<b>FRRP</b>	<b>\$ 4,665,848</b>
Annual Maintenance Costs			140,434
Annual Maint. Costs with Prop. Improvements			15,500

FRRP: Repair and Renovation Plan



Parks, Recreation & Senior Services

Park Review Plan

## Des Moines Marina Promenade

### **Existing Park Description:**

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

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

### **Previous 2010 Plan Accomplishments**

None

### **Proposed Improvements**

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



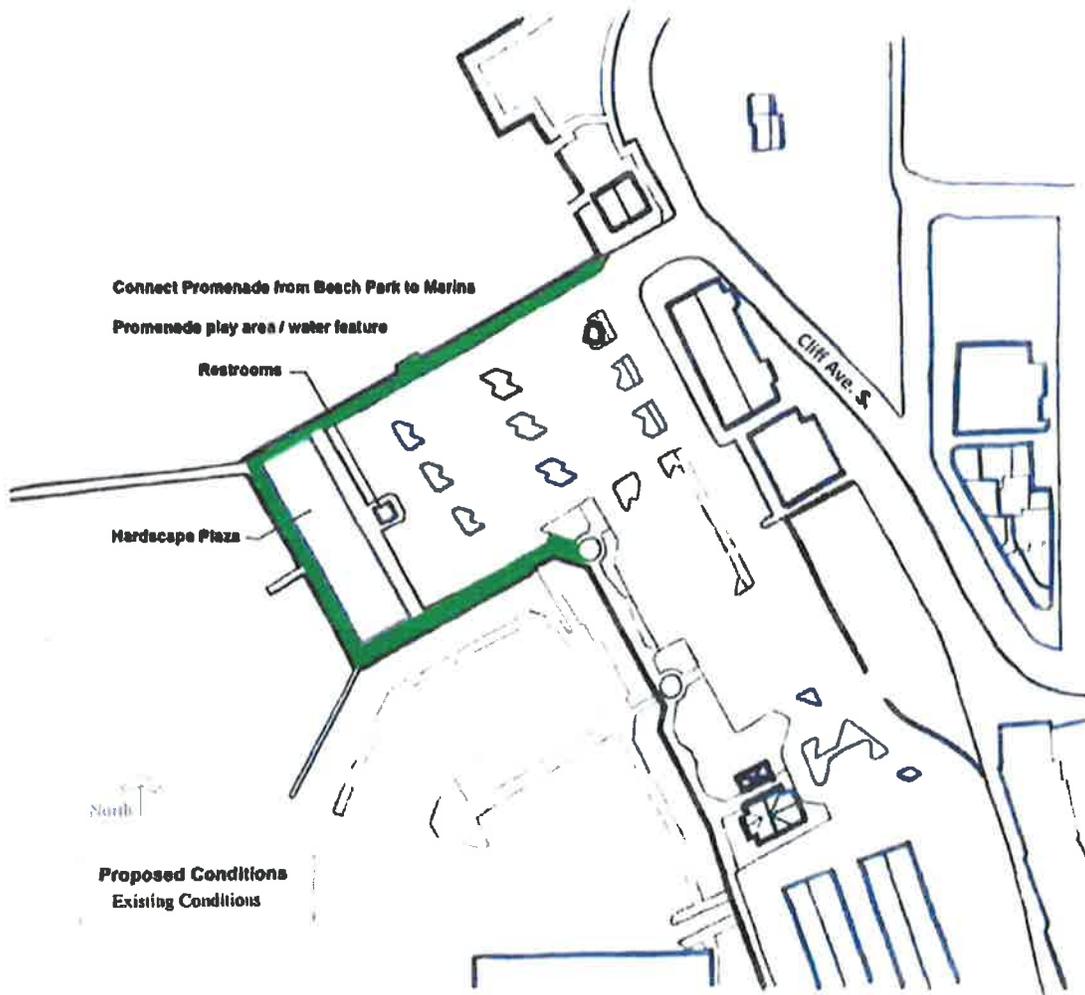
Design & Construction Cost: \$6,006,000  
Maintenance Level: I  
Existing Annual Maintenance Cost: \$0  
Annual Maintenance Cost with Proposed Improvements: \$15,500



Parks, Recreation & Senior Services

Park Review Plan

# Des Moines Marina Promenade



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

Created 6/28/2015

Revised 9/16/2015

**8.1 Des Moines Marina Promenade**

<b>Action</b>	<b>Unit cost</b>	<b>43% Soft Costs</b>	<b>Total</b>
A Continue promenade from Beach Park	119,000	51,527	170,527
B Plaza	150,000	64,950	214,950
C Sheet pile north side parking lot	4,200,000	1,806,000	6,006,000
<b>Total</b>		<b>FDP</b>	<b>\$ 6,391,477</b>

Annual Maintenance Costs

Annual Maint. Costs with Prop. Improvements

-

15,500

FRRP: Repair and Renovation Plan