

**CITY MANAGER'S EXECUTIVE ORDER NO. 10-001
CITY OF DES MOINES**

AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES establishing the *City-Wide Development Incentive Program* for all commercial and multifamily zoned areas in Des Moines, and to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan, the Downtown Neighborhood and North Central Neighborhood elements of the Comprehensive Plan, the City Council's economic development goals and strategic objectives, and to provide additional incentives to encourage development throughout the City, effective **September 1, 2010**.

RECITALS

WHEREAS, DMMC 12.04.100 provides that the fee for right-of-way permits issued by the City under the authority of Chapter 12.04 DMMC shall be established by the City Manager.

WHEREAS, DMMC 14.04.080 provides that the fee for any permit issued by the City under the authority of Title 14 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 16.04.260 provides that the fee for a State Environmental Policy Act (SEPA) determination issued by the City under the authority of Title 16 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 17.40.010 provides that the fee for any approval issued by the City under the authority of Title 17 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 18.58.050 provides that "the City Manager may adopt by executive order procedural rules for the efficient implementation of this chapter" [Chapter 18.58 DMMC – Design Review], and

WHEREAS, DMMC 18.64.050 provides that "fees for the following land use applications are established by the City Manager

- (a) Change of zone;
- (b) Unclassified use permit;
- (c) Planned unit development;
- (d) Variance;
- (e) Conditional use permit;
- (f) Comprehensive plan amendment

WHEREAS, the Des Moines City Council established “Improved economic vitality and development” as a strategic goal and “facilitate development of the Des Moines Creek Business Park” and changes to Downtown development regulations and improvements to the Downtown water system as strategic objectives to advance this strategic goal; and

WHEREAS, the City Manager by Executive Order No. 07-005, established the Pacific Ridge Redevelopment Incentive Program to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan effective January 1, 2008; and

WHEREAS, DMMC 18.31.010 provides that the purpose of the Pacific Ridge Zone is “to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside,” and

WHEREAS, Policy 11-03-02 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should “encourage increased building heights in this neighborhood to enhance land value, promote redevelopment, expand view opportunities, and to accommodate household growth targets specified by the Countywide Planning Polices for King County,” and

WHEREAS, Policy 11-03-06 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should “ensure that development requirements, land use review procedures, and mitigation measures do not unnecessarily hinder redevelopment. Utilize innovative land use review techniques/procedures to minimize timeframes and uncertainty during permit review. Examples of such techniques/procedures include: streamlined environmental review; optional DNS; impact fees, etc.” within the Pacific Ridge, and

WHEREAS, Policy 11-03-07 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should “promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge,” and

WHEREAS, DMMC 18.25.010 provides that the purpose of the Business Park Zone is, “provide suitable areas of the city for development of compatible business, professional office, light industrial, research and development, service uses, wholesale trade, and retail uses serving the needs of business park tenants,” and

WHEREAS, DMMC 18.27.010 provides that the purpose of the Downtown Commercial Zone is, “to enhance, promote, and maintain the business areas of the downtown neighborhood,” and

WHEREAS, Policy 2-03-08 of the Land Use Element of the Des Moines Comprehensive Plan provides that the City should, “promote new development and

redevelopment within the Downtown Business District to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements,” and

WHEREAS, Policy 10-02-04 of the Downtown Neighborhood Element of the Des Moines Comprehensive Plan provides that the City should, “promote new development and redevelopment within the Downtown Business District to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements,” and

WHEREAS, given the size of the large scale projects envisioned in the Pacific Ridge and Des Moines Creek Business Park and potential for such projects in the Downtown, along Pacific Highway South and in the RM-900B Restricted Service Zones, the City will achieve an economy of scale allowing the City to recover the cost of land use and building permitting at a lower rate than needed for smaller scale projects, and

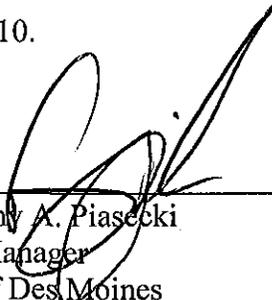
WHEREAS, encouraging development throughout the City is in the best interest of the public health, safety or welfare of the City’s citizens, **NOW THEREFORE.**

It is hereby **ORDERED** as follows:

1. The City-Wide Development Incentive Program is established.
2. The Incentive Program shall reduce fees for design review, environmental review, subdivision, planned unit development, short subdivision and lot line adjustment, engineering plan review, building plan check and building permit, land clearing, grading or filling, mechanical, electrical and plumbing permit, and right of way permits as follows:
 - a. By 20%, provided that the individual permit applications contain a minimum of 50,000 square feet of commercial or residential development or a combination thereof, excluding the area necessary for any required parking.
 - b. By 10%, provided that the individual permit applications contain a minimum of 25,000 square feet of commercial or residential development or a combination thereof, excluding the area necessary for any required parking.
3. The Incentive Program shall not apply to any fee established by ordinance or by another agency including transportation impact fees, park in-lieu fees, South King Fire & Rescue review fees, surface water management hook up fees, or business licenses and taxes. The Incentive Program shall also not include the cost for any third-party review.
4. The Incentive Program shall apply to the first group of tenant improvements provided that the building was constructed as a “shell building.” All future tenant improvements regardless of size shall comply with the City wide fee schedules.

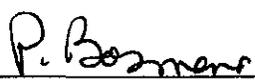
5. The Incentive Program is only available to the first 3,125,000 square feet of occupiable commercial development (excluding the area necessary for any required parking) and 5,541 residential units if the project is in Pacific Ridge. Once the allotments are exhausted this Incentive Program will cease for Pacific Ridge projects unless additional allotments are added by executive order of the City Manger.
6. The Incentive Program for the Downtown Neighborhood and the North Central Neighborhood will cease five years from the date of this Executive Order unless an extension is granted by executive order of the City Manager.
7. Fees for development activity that qualify for the Incentive Program will be assessed in accordance with the City Development Services Fee Schedule (Exhibit A), the Building Permits Fee Schedule (Exhibit B), Right-of-Way Permit Fee Schedule (Exhibit C).
8. Issuance of the Executive Order replaces and supersedes Executive Order Number 07-005 regarding the Pacific Ridge Redevelopment Fee Incentive Program

DATED this 19th day of August, 2010.



Anthony A. Piasecki
City Manager
City of Des Moines

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk