

ORDINANCE NO. 1232

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, adopting an immediate moratorium on the acceptance of applications for and issuance of any permit or approval currently required for building, construction and other land use action in the area known as "Pacific Ridge" to be effective for a period of six months, setting a date for a public hearing on the moratorium, providing exceptions to the moratorium, enacting an interim conditional use permit process for Pacific Ridge that is subject to review and approval by the City Council, reconfirming the Council's direction for Administration to develop a comprehensive ordinance designed to encourage redevelopment and improvements in the Pacific Ridge area that promote and enhance the quality of life in the community, encouraging participation by interested residents and businesses in the development of the long-range plan and rezoning for Pacific Ridge, declaring illegal drug activity to be a nuisance, and declaring an emergency.

WHEREAS, the City Council finds that enactment of this ordinance constitutes an emergency, due to specific negative experiences in Des Moines involving crime, social problems, blight, and economic disinvestment in the area of the City known as Pacific Ridge, and

WHEREAS, the current situation and development in the Pacific Ridge area does not promote viable neighborhoods, public health and safety, and sustainable business development, and

WHEREAS, previous experiences in Des Moines with conflicting and incompatible land uses in the Pacific Ridge area require that the City thoroughly consider all aspects of zoning and land use regulations applicable to Pacific Ridge, and

WHEREAS, in the absence of a moratorium, new applications for permits could establish certain rights to locate and develop in the Pacific Ridge neighborhood contrary to the intent of the City Council to carefully and thoroughly provide for appropriate development regulations, and

WHEREAS, the City Council envisions a neighborhood which is substantially different from the current eclectic mix of development along and around Highway 99, and substantial detriment to this vision would be caused by allowing contrary land uses and development, and

WHEREAS, reasonable exemptions to this moratorium adequately protect those who might suffer an undue process due to the existence of this moratorium, and

WHEREAS, the City Council has initiated review of new comprehensive plan policies, potential zoning and development regulations for Pacific Ridge, and

WHEREAS, there is substantial risk that new development applications will not be in accordance with the developing comprehensive plan and zoning policies and create unacceptable non-conforming uses, and

WHEREAS, RCW 35A.63.220 and 36.70A.390 authorize cities to establish development moratoria and interim zoning regulations under circumstances such as those described above, and

WHEREAS, the potential adverse impacts on the public health, property, safety and welfare of the City, as discussed above, justify the declaration of an emergency; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES DOES ORDAIN AS FOLLOWS:

Sec. 1. Declaration of moratorium. A moratorium is hereby declared with respect to the acceptance of applications for any permit or approval currently required to construct, install, alter, remove, relocate, or perform any other work on property or buildings located in the area known as Pacific Ridge in the City of Des Moines, which area is specifically described and depicted on Exhibit A, attached hereto and incorporated by reference.

Sec. 2. Exemptions. This moratorium specifically exempts permits or approvals that are required for upkeep, repair, or maintenance of existing buildings and properties, or work mandated by the City to maintain public health and safety. The City Manager or designee shall have authority to make written determinations as to the applicability of this section. Such determinations are subject to appeal to the Hearing Examiner within the time period and subject to the requirements established in the Hearing Examiner Code, Chapter 18.96 DMMC.

Sec. 3. Duration. This moratorium shall be in effect for six months following the effective date of this ordinance.

Sec. 4. Direction to develop redevelopment plan and regulations for Pacific Ridge. The City Council hereby reconfirms its prior direction to the City Manager to develop a redevelopment plan and regulations for Pacific Ridge which shall be presented to the City Council and/or the planning agency on the earliest possible date. The City Manager is encouraged to seek informal input from area residents, City staff, business leaders, and other interested members from the general public.

Sec. 5. Interim Conditional Use Permit Process. Recognizing the need to work with individuals and businesses that may step forward with proposals for projects that are substantially consistent with the City Council's goals and vision for the Pacific Ridge area before the final adoption of comprehensive plan amendments and a comprehensive zoning ordinance covering such area, the City Council hereby establishes an Interim Conditional Use Process for the Pacific Ridge area, which process shall be in full force and effect for the duration of this moratorium.

(1) The City Manager or designee may accept applications for an Interim Conditional Use Permit from applicants who believe they can demonstrate substantial compliance and consistency with the goals established in subsection (5).

(2) Applications for an Interim Conditional Use Permit will not be accepted until after the applicant has scheduled and attended a pre-application meeting with the Community Development Director.

(3) Applications must conform to the requirements of DMMC 18.58 and any other written requirements provided by the

Community Development Director at or after the pre-application meeting.

(4) The fee for an Interim Conditional Use Permit shall be \$750.00, the same as charged for a standard Conditional Use Permit.

(5) Applicants for an Interim Conditional Use Permit must demonstrate to the satisfaction of the City Manager or designee that the proposed project is in substantial compliance with and generally promotes the following goals and objectives for the Pacific Ridge area:

(a) Creation of a new urban community that takes advantage of its geographic location, local and regional transportation linkages, and view potential.

(b) Transformation of Pacific Ridge to include replacement of lower-scale existing buildings with new structures that enhance the appearance, character, economics, and safety of the area.

(c) Development of buildings and open spaces designed for pedestrians as well as the motorist.

(d) Development of businesses and residences that are well-suited for one another.

(e) New buildings should be approximately three to five stories in height along Pacific Highway emphasizing mixed retail and office uses. Development between Pacific Highway and Interstate 5 should be buildings of eight or more stories in height emphasizing residential high-rise home ownership with significant green open spaces and view corridors.

(f) Development in Pacific Ridge should exhibit superior design features that make the area inviting to residents and businesses, complement other areas of Des Moines, and foster community pride.

(6) Projects that receive a favorable determination as provided in subsection 5 will be forwarded to the City Council for review and consideration. No project will be considered by the City Council unless it receives a favorable recommendation from the City Manager.

(7) Interim Conditional Use Permit Applications that are forwarded to the City Council by the City Manager will be reviewed and considered by the City Council in a timely manner. The City Council may a) approve any Interim Conditional Use Permit Application as recommended by the City Manager; b) approve a permit as amended with additional conditions imposed by the City Council; c) return the application to the City Manager for additional review and consideration; or d) deny any application for an Interim Conditional Use Permit.

Sec. 6. SEPA Exemption. The City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under existing regulations. SEPA review of

any proposed permanent regulations shall be conducted as required by law.

Sec. 7. Vested Rights. The moratorium created by this ordinance does not apply to properties with vested rights on the date of enactment of this ordinance. "Vested Rights" shall be defined in accordance with Washington state case law as those properties which have submitted to the City a fully completed building permit application which is in compliance with the zoning and land use codes in effect on the effective date of this ordinance.

Sec. 8. Public hearing required. As required by RCW 35A.63.220 and RCW 36.70A.390, within sixty (60) days of the passage of this ordinance the City Council will hold a public hearing on this moratorium and interim zoning control and consider Administration's progress report on developing a redevelopment plan and regulations for Pacific Ridge. The City Clerk is directed to provide notice of such public hearing as required by law.

Sec. 9. Declaration of nuisance—Abatement of illegal drug activity. The following are declared to be nuisances in the City of Des Moines: all houses, housing units, other buildings, premises or places of resort where controlled substances identified in Article II of chapter 69.50 RCW and not authorized by that chapter, are manufactured, delivered, or possessed, or where any such substance not obtained in a manner authorized by chapter 69.50 RCW is consumed by ingestion, inhalation, injection, or any other means.

Any person, firm or corporation found by a court of competent jurisdiction to be keeping or maintaining a nuisance as provided in this ordinance shall be liable for all costs and expenses of abating the same, when the nuisance is abated by any officer of the City, and the costs and expenses shall be taxed as part of the cost of said prosecution against the party liable, to be recovered as other costs are recovered. In addition to other powers given in the Des Moines Municipal Code and other applicable law to collect such costs and expenses, the City may bring suit for the same in any court of competent jurisdiction against the person, firm or corporation allowing, creating, enabling, keeping, maintaining or otherwise failing to correct the nuisance so abated.

Sec. 10. Emergency declared--Immediate effect. For the reasons set forth above, and to promote the objectives stated herein, the City Council finds that a public emergency exists, necessitating that this ordinance take effect immediately upon its passage by a majority plus one of the whole membership of the Council in order to protect the public health, safety, property and general welfare.

Sec. 11. Severability - Construction.

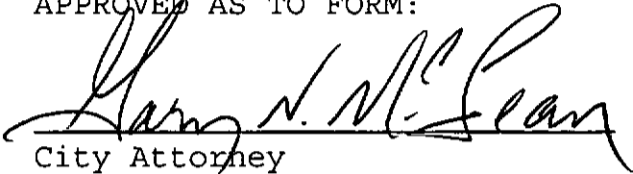
(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(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.

PASSED BY the City Council of the City of Des Moines this 1st day of April, 1999 and signed in authentication thereof this 1st day of April, 1999.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: April 5, 1999

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1232, Adopted April 1, 1999.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance adopts an immediate moratorium on the acceptance of applications for and issuance of any permit or approval currently required for building, construction and other land use action in the area known as "Pacific Ridge" to be effective for a period of six months, sets a date for a public hearing on the moratorium, provides exceptions to the moratorium, enacts an interim conditional use permit process for Pacific Ridge that is subject to review and approval by the City Council, reconfirms the Council's direction for Administration to develop a comprehensive ordinance designed to encourage redevelopment and improvements in the Pacific Ridge area that promote and enhance the quality of life in the community, encourages participation by interested residents and businesses in the development of the long-range plan and rezoning for Pacific Ridge, declares illegal drug activity to be a nuisance, and declares an emergency.

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

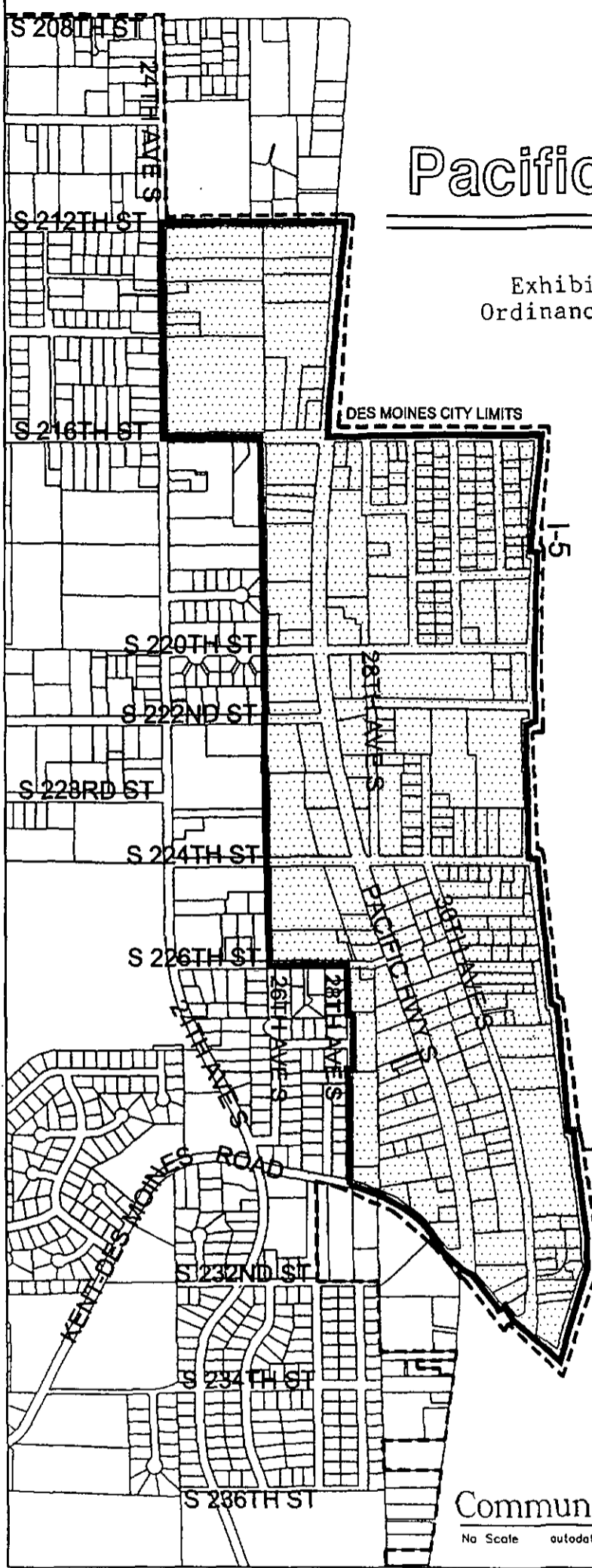
Denis Staab
City Clerk

Published: April 5, 1999



Pacific Ridge

Exhibit A
Ordinance 1232



Study Area

11/04/98

City of SeaTac

City of Kent

Des Moines
Community Development

No Scale autodata\gloria\commdev\pachwy\NENeigh.dwg