

## **CHAPTER 8: COMMUNITY CHARACTER ELEMENT**

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### **8-01 GOALS**

#### **8-01-01 Residential Neighborhood Preservation**

- (1) To continue to provide residents with stable and relatively quiet residential neighborhoods.
- (2) To maintain an adequate residential tax base.
- (3) To ensure that residential neighborhoods are protected from undue adverse impacts associated with incompatible land uses or transportation facilities including, but not limited to, noise, air and water pollution, glare, excessive traffic, and inadequate on-site parking.
- (4) To ensure that residential neighborhoods are identified and protected from detrimental environmental noise levels.
- (5) To ensure that residential streets are protected from heavy commercial traffic that inhibits the free flow of traffic or exceeds prescribed weight limits.

#### **8-01-02 Historic Preservation**

- (1) To ensure historic properties and archeological sites are protected from undue adverse impacts associated with incompatible land uses or transportation facilities.
- (2) To ensure that historic properties and archeological sites are identified and protected from detrimental environmental noise levels.

#### **8-01-03 Noise**

- (1) To safeguard the health and safety of residents as progress and change take place within and outside the City.
- (2) To prevent community and environmental degradation by limiting environmental noise levels.

### **8-02 BACKGROUND AND CONTEXT**

#### **8-02-01 Residential Neighborhood Preservation**

- (1) Des Moines has within its jurisdiction residential neighborhoods that are unique community resources, worthy of protection from commercial development and other incompatible uses/activities that are inconsistent with the residential character of the City's neighborhoods.

- (2) If not protected, residential neighborhoods can be adversely affected by the impacts of incompatible land uses such as noise, air and water pollution, glare, excessive traffic, and inadequate on-site parking.
- (3) The Environmental Protection Agency (EPA) has found environmental sound exposure levels in excess of Ldn of 55 dBA may be incompatible with residential land uses.
- (4) It is in the public interest to protect the character and stability of residential neighborhoods from incompatible land uses and associated activities.
- (5) It is in the public interest to protect residential streets from heavy commercial traffic that exceeds the design weight of such streets and threatens the efficient operation of other modes of surface transportation.

**8-02-02 Historic Preservation**

- (1) Des Moines has within its jurisdiction historic properties and archeological sites that are unique community resources, worthy of protection from commercial development and other incompatible land uses and activities. Many such resources are identified in the 1995 City of Des Moines Inventory of Historic Properties.
- (2) If not protected, historic properties and archeological sites can be adversely affected by the impacts of incompatible land uses.
- (3) The Washington State Growth Management Act states that local jurisdictions are to develop comprehensive plans that “identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.”
- (4) King County Countywide Planning Policies state that “significant historic, archaeological, cultural, architectural and environmental features shall be respected and preserved.”
- (5) It is in the public interest to protect historic properties and archeological sites from incompatible land uses and associated activities.
- (6) Average noise levels above 65 dBA are incompatible with the preservation and enjoyment of historic properties and archeological sites.

**8-02-03 Property Acquisition Areas**

- (1) Designation and delineation of comprehensive plan land use districts and zoning districts within Des Moines are exclusively the right of the City of Des Moines. It is essential that the City continue to maintain control over land use within its borders in order to prevent degradation of economic vitality, property values, essential infrastructure, and the natural environment.

#### **8-02-04**      **Noise**

- (1) Noise can be generated from numerous sources -- sounds from musical instruments, audio sound systems, band sessions, social gatherings, motor vehicles, aircraft, industrial and construction activities, and other sources.
- (2) Noise can interrupt and degrade sleep, cause stress-related psychological and physiological disorders, interfere with speech, interrupt and degrade education, reduce residential and commercial property values, reduce the use, enjoyment, and value of public recreational facilities, and reduce the use, enjoyment and value of historic and other cultural resources.
- (3) Federal regulations establish that the responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise levels rests solely with the City of Des Moines.

#### **8-03**      **POLICIES**

##### **8-03-01**      **Residential Neighborhood Preservation**

- (1) Recognize all neighborhoods designated “R” or “S-E” in the official zoning map of the City, including, RS, RA, RM, and S-E as unique community resources worthy of protection from commercial development and other incompatible land uses and activities inconsistent with their residential character.
- (2) Develop plans, land use regulations and review procedures to preserve and protect designated residential communities from inconsistent and incompatible land uses which threaten to undermine their stability and their residential character.
- (3) To the extent permitted by state and federal law, maintain appropriate plans, zoning, development and building regulations and review procedures to ensure that designated residential neighborhoods will not be exposed to environmental noise levels that exceed an Ldn of 55 dBA, or existing noise levels as of April 20, 1995, whichever is greater. To the extent permitted by state and federal law, a reduction in the environmental noise level (greater than 55 Ldn) that existed as of April 20, 1995 should become the new maximum environmental level.
- (4) Maintain restrictions on the use of surface streets in residential neighborhoods to ensure that extraordinary increases in commercial traffic do not damage residential roads or subject residential neighborhoods to unusual congestion and noisy surface street traffic.

**8-03-02      Historic Preservation**

- (1) Designate historic properties and archeological sites that exhibit one or more of the following characteristics as locally significant:
  - (a) Listing, or eligibility for listing, in the State or National Register for Historic Places, or eligibility for designation as a King County Landmark.
  - (b) Association with events that have made a significant contribution to the broad patterns of national, state, or local history.
  - (c) Association with the life of a person that is important in the history of the community, City, state, or nation or who is recognized by local citizens for substantial contribution to the neighborhood or community.
  - (d) Embodiment of distinctive characteristics of a type, period, style or method of construction.
  - (e) Representative as an outstanding or significant work of an architect, builder, designer or developer who has made a substantial contribution to the art.
  - (f) Yielding, or may be likely to yield, information important in prehistory or history.
  - (g) Because of its location, age or scale, representative as an easily identifiable visual feature of a neighborhood, community, or the City, and contributes to the distinctive quality or identity of such neighborhood, community or the City, or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or City, or recognition by local citizens for substantial contribution to the neighborhood, community, or the City.
- (2) Identify and designate historic properties and archeological sites as locally significant and worthy of protection from commercial development and other incompatible land uses and activities. Take all reasonable actions within its means to preserve and protect these locally significant historic properties and archeological sites from inconsistent and incompatible land uses.
- (3) To the extent permitted by state and federal law, in order to minimize adverse impacts related to noise, protect historic properties and archeological sites of local significance from environmental noise exposure levels that exceed an Ldn of 55 dBA, or existing levels as of April 20, 1995, whichever is greater. To the extent permitted by state and federal law, a reduction in the environmental noise level

(greater than 55 Ldn) that existed as of April 20, 1995 should become the new maximum environmental level.

**8-03-03**      **Property Acquisition Areas**

- (1) Continue to require that all land within Des Moines acquired by public entities be subject to the City's zoning and planning jurisdiction.
- (2) Require that all land within Des Moines acquired by public entities be developed in a manner consistent with city planning, zoning regulations, health, and safety requirements.
- (3) Establish an open space zoning district for parks, recreational areas, and public land uses.
- (4) To the extent permitted by state and federal law, designate all land within Des Moines acquired by public entities as of April 20, 1995 for use as open space land, or for public facilities designed to benefit the City and its residents (e.g. fire station, school building). Allow designation for other uses only through adopted procedures.
- (5) To the extent permitted by state and federal law, prohibit property within Des Moines acquired by public entities from being used for new commercial activities, unless the City makes a finding that such land uses are of value to the City and should be permitted, or such property is already designated for business park or commercial use. Require that all commercial land uses be subject to City land use regulations and therefore restricted in accordance with the City's land use plans, zoning ordinances, and development regulations.
- (6) Require City approval and all necessary permits prior to the modification, demolition, and relocation of buildings and structures on land within Des Moines acquired by public entities.
- (7) Require that public entities complete environmental surveys for properties within Des Moines acquired by public entities to investigate soil and site contamination before allowing site preparation, construction, or demolition activities. Require remediation of identified soil and site contamination as a condition of site modification.
- (8) Require that any site development activity on land within Des Moines acquired by public entities meet City zoning regulations.
- (9) Retain full authority over the management, operation, and maintenance of streets and street-right-of-way within areas acquired by public entities.

**8-03-04**      **Noise**

- (1) Discourage the introduction of noise levels that are incompatible with current or planned land uses. Encourage the reduction of incompatible noise levels, and discourage the introduction of new land uses into areas where existing noise levels are incompatible with such land uses.
- (2) Encourage the reduction of noise from Seattle-Tacoma International Airport.
- (3) Campaign aggressively for the development of new and quieter aircraft engines as well as modifications and/or retrofitting programs that promote the greatest reductions possible in aircraft noise emission levels.
- (4) Require that noise levels generated from all land uses be restricted to the most stringent standard allowed by federal, state, or local standards.
- (5) Require buffering of noise from land uses that are highly noise generating through substantial berming, landscaping, setbacks, tree planting, and building construction and siting methods.
- (6) Require developers to limit construction activities to those hours of the day when nearby residents will not be unreasonably disturbed.
- (7) Within the North Central Neighborhood, encourage land uses and construction techniques that are tolerant of and compatible with the high noise and vibration levels generated by aircraft.

**8-04**      **STRATEGIES**

**8-04-01**      **Residential Neighborhood Protection**

- (1) Protect and preserve residential neighborhoods by:
  - (a) Adopting appropriate regulations, plans and procedures, and working with neighboring jurisdictions to ensure that proposed land use changes and infrastructure improvements include measures necessary to mitigate their adverse environmental impacts, including, but not limited to the effects on ground and surface water quality, vehicular traffic, noise levels, and air quality.
  - (b) To the extent permitted by state and federal law, ensuring that land use changes and infrastructure improvements do not subject residential neighborhoods to environmental noise exposure levels which exceed an Ldn of 55 dBA, or existing levels as of April 20, 1995 or the date of this plan, whichever is greater.
  - (c) To the extent permitted by state and federal law, ensuring that land use changes and infrastructure improvements do not subject residential

neighborhoods to environmental noise exposure levels which exceed an Ldn of 55 dBA, or existing levels as of April 20, 1995, or the date of this plan, whichever is later.

**8-04-02      Historic Preservation**

- (1) Protect and preserve historic properties and archeological sites by:
  - (a) Establishing a program for designating locally significant properties and archeological sites.
  - (b) Periodically reviewing historic properties and archeological sites for characteristics that support designation as being of local significance.
  - (c) Ensuring nearby land and transportation proposals include mitigation measures commensurate with the magnitude of the adverse impact anticipated.
  - (d) To the extent permitted by state and federal law, ensuring that land use and transportation proposals do not subject historic and archeological sites of local significance to environmental noise exposure levels of Ldn of 65 dBA, or existing levels as of April 20, 1995, whichever is higher. To the extent permitted by state and federal law, a reduction in the environmental noise level (greater than 65 Ldn) that existed as of April 20, 1995 or the date of this plan, which ever is later, should become the maximum environmental noise level.
  - (e) To the extent permitted by state and federal law, requiring sponsors of any land use or transportation proposal that would expose historic and archeological properties of local significance to environmental noise levels of an Ldn of between 55 dBA and 65 dBA to submit a site-specific study addressing the uses of the particular resource, its historic or cultural significance, and the direct and indirect effect which noise may have upon the resource.

**8-04-03      Property Acquisition Areas**

- (1) Protect the health and welfare of Des Moines citizens, and maintain the economic and social integrity of our communities by:
  - (a) Identifying land parcels likely to be acquired by public entities and designate each for open space, public facilities, or commercial use.
  - (b) Revising the Zoning Code to establish a zoning district for parks, recreational areas and public facilities.
  - (c) Revising land use plan and zoning ordinances to prohibit or restrict the establishment of new commercial land uses upon properties acquired by public entities, except to the extent otherwise provided in state and federal law, unless the City makes a finding that such land uses are of value to the

City and should be permitted. Areas already identified as business park or for commercial uses may remain designated as such.

**8-04-04**      **Noise**

- (1) Protect the health and welfare, and quality of life of Des Moines citizens by:
  - (a) Enacting city-wide land use compatibility guidelines and criteria for the consideration of noise impacts in all planning and zoning decisions.
  - (b) Taking appropriate legislative and regulatory action to ensure that environmental noise levels not exceed the most stringent of federal, state, and local standards.
  - (c) Taking appropriate legislative and regulatory action to require the buffering of noise from noise generating land uses through substantial berming, landscaping, setbacks, tree planting, and building construction and siting methods.
  - (d) Taking appropriate legislative and regulatory action to require building contractors to limit construction activities to those hours of the day when nearby residents will not be unreasonably disturbed.
  - (e) Taking advantage of every opportunity to work with the Port of Seattle (POS) and the Federal Aviation Administration (FAA) to promote the development and implementation of airport operational procedures that will decrease the adverse noise effects of airport operations on the City and its residents.
  - (f) Maintaining a noise attenuation program through the incorporation of structural modifications to reduce sound transmissions from both inside and outside sources.
  - (g) Maintaining an ordinance requiring insulation and other noise reducing construction techniques as part of the building permit process.