

AMENDED AGENDA

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington**

November 15, 2018 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

CONSENT CALENDAR

Page 3 Item 1: Approval of Minutes
 Motion is to approve the Minutes from the October 11 and October 18, 2018 City Council Regular Meetings, and the November 1, 2018 Study Session.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Page 15 Item 1: CONTINUED PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-105 AMENDING THE DES MOINES 2035 COMPREHENSIVE PLAN AND PREFERRED LAND USE MAP

Page 35 Item 2: PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE NO. 18-099 REGARDING SOUTH 216TH STREET REZONE.

COUNCIL BREAK

ADMINISTRATION REPORT

BOARD & COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

EXECUTIVE SESSION

NEXT MEETING DATE

December 6, 2018 City Council Study Session

ADJOURNMENT

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MINUTES

**DES MOINES CITY COUNCIL
STUDY SESSION
City Council Chambers
21630 11th Avenue South, Des Moines**

October 11, 2018 – 7:00 p.m.

CALL TO ORDER

Mayor Pina called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Buxton.

ROLL CALL

Council present: Mayor Matt Pina; Deputy Mayor Vic Pennington; Councilmembers Traci Buxton, Jeremy Nutting, Luisa Bangs, Robert Back and Matt Mahoney.

Staff present: City Manager Michael Matthias; Chief Operations Officer Dan Brewer; Chief Strategic Officer Susan Cezar; City Attorney Tim George; Director of Emergency Management George Delgado; Acting Harbormaster Scott Wilkins; Finance Director Beth Anne Wroe; Police Chief Ken Thomas; Assistant City Attorney Matt Hutchins; Public Works Director Brandon Carver; City Clerk/Communications Director Bonnie Wilkins; Deputy City Clerk Taria Keane.

COMMENTS FROM THE PUBLIC

- J.C. Harris, Des Moines, Aviation Committee

DISCUSSION ITEMS

Item 1: EMERGING ISSUES

- Cities Response to Sustainable Airport Master Plan
- SCATBd Letter

Direction/Motion

Motion made by Councilmember Back to have the Mayor sign a letter siting a second airport that Councilmember Mahoney will hand deliver; seconded by Councilmember Bangs.

Motion passes 7-0.

- Legislative Agenda
- Study Session with Legislative Delegates from Districts 30 and 33
- SCORE Letter
- Ferry Conference
- Prevailing Wages Rate
 - A PowerPoint presentation was presented to Council by Public Works Director Carver regarding Prevailing Wages Rates.

Item 2: CITY MANAGER MONTHLY REPORT

- City Manager Matthias updated the Council on the City Manager's Report.

Item 3: **EMERGENCY MANAGEMENT UPDATE**

- Director of Emergency Management Delgado gave a PowerPoint presentation to Council.

At 9:21 p.m. Council took a 9 minute break, and resumed the meeting at 9:30 p.m.

EXECUTIVE SESSION

At 9:30 p.m. Council went into Executive Session. The purpose of the Executive Session was to discuss Potential Litigation under RCW 42.30.110(1)(i). Those in attendance: Mayor Pina; Deputy Mayor Pennington; Councilmembers Buxton, Bangs, Back, Nutting, and Mahoney; City Manager Matthias; Chief Operations Officer Brewer; Chief Strategic Office Cezar; City Attorney George; City Clerk/Communications Director Wilkins. The Executive Session was expected to last 30 minutes.

The Executive Session lasted 30 minutes.

No formal action was taken.

NEXT MEETING DATE

October 18, 2018 City Council Regular Meeting

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Respectfully Submitted,
Taria Keane
Deputy City Clerk

MINUTES

DES MOINES CITY COUNCIL REGULAR MEETING City Council Chambers 21630 11th Avenue South, Des Moines

October 18, 2018 – 7:00 p.m.

CALL TO ORDER

Deputy Mayor Pennington called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Mahoney.

ROLL CALL

Council present: Mayor Matt Pina; Deputy Mayor Vic Pennington; Councilmembers Traci Buxton, Luisa Bangs, Jeremy Nutting, Robert Back and Matt Mahoney.

Mayor Pina arrived at the meeting at 7:15 p.m.

Staff present: City Manager Michael Matthias; Chief Operations Officer Dan Brewer; Chief Strategic Officer Susan Cezar; City Attorney Tim George; Director of Emergency Management George Delgado; Acting Harbormaster Scott Wilkins; Finance Director Beth Anne Wroe; Police Chief Ken Thomas; Assistant City Attorney Matt Hutchins; Public Works Director Brandon Carver; Judge Lisa Leone; Probation Officer Melissa Patrick; Court Administrator Jennefer Johnson; Domestic Violence Victim Advocate/Management Analyst Nicole Nordholm; Police Officer Dan Lindstrom; Community Development Manager Denise Lathrop; Budget Manager Cecilia Pollock; City Clerk/Communications Director Bonnie Wilkins; Deputy City Clerk Taria Keane.

COMMENTS FROM THE PUBLIC

- J.C. Harris, Des Moines, Aviation
- Anne Kroeker, Des Moines, Port of Seattle Commissioners Meeting
- Rick Johnson, Des Moines, Speed Board Signs
- Elaina Garcia, Burien, Mount Rainier High School Choir

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Mahoney

- Art & Wine Walk
- Spanish Castle at the Oddfellows Hall
- Transportation Meeting
- Police Advisory Board
- SCATBd Meeting
- Des Moines Marina Association Meeting

Councilmember Back

- No Report
- Paul Allen's Passing
 - Asked for a moment of Silence for the passing of Paul Allen

Councilmember Bangs

- Police Department Advisory Meeting
- Destination Des Moines Board Meeting
- Rainbow Bingo

Councilmember Nutting

- No Report

Councilmember Buxton

- Rainbow Bingo
- Art & Wine Walk
- State of the City of Des Moines
- Human Services Committee Meeting
- Environment Committee Meeting
- StormFest
- Region Public Issues Meeting

Deputy Mayor Vic Pennington

- No Report

PRESIDING OFFICER'S REPORT

- Seattle Symphony
- Highline College President Dr. John Mosby
- Des Moines Police Foundation
 - Presentation of the K-9 Check to the City for \$12,000
- Rainbow Bingo
- Art & Wine Walk
- Lunch with the Mayor
- North Hill Community Club Meeting
- Des Moines Marina Association Meeting
- Nextdoor.com

ADMINISTRATION REPORT

- Human Services Advisory Committee
 - Domestic Violence Victim Advocate/Management Analyst Nicole Nordholm and Human Services Member Judi Armer gave a PowerPoint Presentation for Funding Recommendations to the council.

CONSENT CALENDAR

Item 1: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers through October 18, 2018 included in the attached list and further described as follows:

Total A/P Checks/Vouchers	#155377-155600	\$ 892,297.91
Electronic Wire Transfers	# 1111-1124	\$ 423,001.63
Payroll Checks	# 19095-19097	\$ 934.36
Payroll Direct Deposit	#400001-400178	\$ 349,511.53
Total Checks and Wires for A/P and Payroll:		\$1,665,745.43

- Item 2: **APPROVAL OF MINUTES**
Motion is to approve September 27, 2018 and October 4, 2018 City Council Regular Meeting Minutes.
- Item 3: **ACCEPTANCE OF WASHINGTON TRAFFIC SAFETY COMMISSION GRANT: DES MOINES MUNICIPAL COURT-DUI COURT**
Motion is to accept the grant from Washington Traffic Safety Commission IN the Amount of \$65,000 for the purpose of continuing operations of the Des Moines Municipal Court-DUI Court and further to ratify and confirm the City Manager's approval of the attached contract.
- Item 4: **DRAFT RESOLUTION NO. 18-077 UPDATING THE SICK LEAVE POLICY FOR NON-REPRESENTED EMPLOYEES TO COMPLY WITH STATE LAW AND PROVIDE EQUITY WITH EMPLOYEE BARGAINING GROUPS**
Motion is to adopt Draft Resolution 18-077 to update sick leave provisions for non-represented employees retroactive to January 1, 2018 to comply with state law and to provide equity with City bargaining groups.
- Item 5: **SENIOR SERVICES ADVISORY COMMITTEE APPOINTMENT**
Motion is to confirm the Mayoral appointment of Christine Mark to an unexpired term on the City of Des Moines Senior Services Advisory Committee, effective immediately and expiring on December 31, 2021.
- Item 6: **LODGING TAX ADVISORY COMMITTEE APPOINTMENTS**
Motion is to confirm the Mayoral appointment of Peter Philips, Ben Osgood, Martin Sanchez, and Alex Candalla to the Lodging Tax Advisory Committee effective immediately.
- Item 7: **CONSULTANT SERVICES CONTRACT ADDENDUM - DAVID A. CLARK ARCHITECTS**
Motion is to approve Contract Addendum No. 1 with David A. Clark Architects for additional Design and Construction Administration Services on the Sun Home Lodge and Founder's Lodge in the amount of \$24,319.00, bringing the total Contract amount to \$102,748.94, and further authorize the City Manager to sign said Contact Addendum substantially in the form as submitted.
- Item 8: **CONSULTANT SERVICES CONTRACT ADDENDUM – ENVIRONMENTAL SCIENCE ASSOCIATES**
Motion is to approve Contract Addendum No. 2 with Environmental Science Associates for additional emergency permitting work on the Van Gasken Property in the amount of \$5,900.00, bringing the total Contract amount to \$66,990.00, and further authorize the City Manager to sign said Contract Addendum substantially in the form as submitted

Direction/Motion

Motion made by Councilmember Nutting to approve the consent calendar; seconded by Councilmember Bangs.
 Motion passed 7-0.

NEW BUSINESS

- Item 1: AMENDING CHAPTER 5.04 DMMC, ADOPTING A MODEL BUSINESS LICENSE ORDINANCE
Staff Presentation: Finance Director Beth Anne Wroe

Finance Director Wroe gave a presentation to council

Direction/Action

Motion 1 made by Councilmember Nutting to suspend Council Rule 26(a) in order to enact Draft Ordinance 18-089 on first reading; seconded by Deputy Mayor Pennington.
Motion passed 7-0

Motion 2 made by Councilmember Nutting to enact Draft Ordinance No. 18-089, amending chapter 5.04 DMMC, adopting a model business license ordinance; seconded by Deputy Mayor Pennington.
Motion passed 7-0

PUBLIC HEARING/CONTINUED PUBLIC HEARING

- Item 2: PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-105 AMENDING THE DES MOINES 2035 COMPREHENSIVE PLAN AND PREFERRED LAND USE MAP
Staff Presentation: Chief Strategic Officer Susan Cezar

Mayor Pina opened the Public Hearing at 8:00 p.m.

Chief Strategic Officer requested that the Public Hearing be moved to a second reading on November 15, 2018.

Mayor Pina asked 3 times if anyone wished to speak. Seeing none Mayor Pina asked Council if they had any questions.

Direction/Action

Motion made by Councilmember Bangs to continue the public hearing to a second reading on November 15, 2018, or as soon thereafter as the matter may be heard, to consider Draft Ordinance No. 18-105 amending Chapters 18.05 and 18.25 DMMC; seconded by Councilmember Nutting.
The Motion Passed 7-0

At 8:10 p.m. Council took a 7 minute break, and resumed the meeting at 8:17 p.m.

- Item 3: PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-099 RELATED TO THE S. 216TH STREET ZONING RECLASSIFICATION
Staff Presentation: Chief Strategic Officer Susan Cezar

Mayor Pina opened the Public Hearing at 8:18 p.m.

Chief Strategic Officer requested that the Public Hearing be moved to a second reading on November 15, 2018.

As this public hearing is a Quasi-Judicial Mayor Pina asked all councilmembers to give consideration as to whether they have:

- 1.) Demonstrated bias or prejudice for or against any party to the proceeding;
- 2.) A direct or indirect monetary interest in the outcome of the proceedings;
- 3.) A prejudgment of the issue prior to hearing the facts on the record; or
- 4.) Ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing.

The following councilmembers answered yes, and provided details to Administration to determine if there is a violation of the Appearance of Fairness Doctrine exists:

- Mayor Pina
- Councilmember Buxton
- Deputy Mayor Pennington

City Attorney George asked each Councilmember if this contact would create a bias or prejudice or keep them from making a fair decision in this matter. All councilmembers answered no.

City Attorney George asked if there was any parties seeking to disqualify each of councilmember in Appearance of Fairness Doctrine. There was none, the council was allowed to proceed.

Mayor Pina asked the speakers to affirm the truth of their testimony by standing, raising their right hand and respond with "I do."

Mayor Pina called for those that wished to speak:

- Russell Brown, Bellevue, proponent
- Charles & Dee Cantellay, Des Moines, proponent
- Jim Morrison, Des Moines, proponent
- Wendy Fosberg, Des Moines, opponent
- Patricia Booze, Des Moines, opponent
- Michael Wicklund, Des Moines, neither proponent nor opponent; concerned about privacy.
- Christian Clevis, Des Moines, opponent
- Sean Kelly, Des Moines, opponent

Mayor Pina asked 3 times if anyone else wished to speak.

Mayor Pina asked the speaker to affirm the truth of their testimony by standing, raising their right hand and respond with "I do."

- Jeffery Johnson, Des Moines, proponent

Mayor Pina asked 3 times if anyone else wished to speak.

Mayor Pina asked the speaker to affirm the truth of their testimony by standing, raising their right hand and respond with "I do."

- Matthew Fulton, Des Moines, opponent

Mayor Pina asked 3 times if anyone else wished to speak.

Mayor Pina asked the speakers to affirm the truth of their testimony by standing, raising their right hand and respond with "I do."

- Brian Fosberg, Des Moines, opponent
- Patricia Palucci, Des Moines, opponent

Mayor Pina asked 3 times if anyone else wished to speak.

Mayor Pina asked the Administration as to whether there have been any mis-statements of fact or whether the administration wishes to introduce any material as to subjects raised by the proponent or opponents or alter in any regard its initial recommendations.

Mayor Pina asked Council if they had any questions.

Direction/Action

Motion made by Councilmember Nutting to continue the public hearing to a second reading on November 15, 2018, or as soon thereafter as the matter may be heard, to consider Draft Ordinance No. 18-099 amending DMMC 18.10.050 (Adoption of official zoning map), to reclassify 12 tax parcels from RA-3,600 Residential Attached Townhouse and Duplex Zone and RS-8,400 Residential Single-Family Zone to RM-2,400 Residential Multifamily Zone; seconded by Councilmember Bangs.
The motion passed 7-0

- Item 1: PUBLIC HEARING: 2019 PRELIMINARY ANNUAL BUDGET, 1ST READING
Staff Presentation: Finance Director Beth Anne Wroe

Mayor Pina opened the Public Hearing at 9:01 p.m.

City Manager Matthias and Finance Director Wroe gave a PowerPoint presentation to council.

Mayor Pina called 3 times if anyone wished to speak. Seeing none he asked council if they had any question.

Direction/Action

Motion made by Mayor Pina to extend the meeting until 10:15 p.m.; seconded by Councilmember Back.
The Motion passed 5-2.

For: Mayor Pina, Deputy Mayor Pennington, Councilmembers Mahoney, Back, and Bangs.

Against: Councilmembers Bangs and Nutting.

Direction/Action

Motion made by Councilmember Nutting to pass Draft Ordinance No. 18-108 to a second reading on November 8, 2018 for further City Council consideration and approval; seconded by Councilmember Bangs.
The Motion passed 7-0

NEXT MEETING DATE:

November 1, 2018 City Council Study Session

ADJOURNMENT**Direction/Action**

Motion made by Deputy Mayor Pennington to adjourn; seconded by Councilmember Bangs.
The motion passed 7-0.

The meeting adjourned at 9:59 p.m.

Respectfully Submitted,
Taria Keane
Deputy City Clerk

MINUTES

DES MOINES CITY COUNCIL STUDY SESSION City Council Chambers 21630 11th Avenue South, Des Moines

November 1, 2018 – 7:00 p.m.

CALL TO ORDER

Mayor Pina called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Back.

ROLL CALL

Council present: Mayor Matt Pina; Deputy Mayor Vic Pennington; Councilmembers Traci Buxton, Jeremy Nutting, Robert Back and Matt Mahoney.

Direction/Action

Motion made by Councilmember Nutting to excuse Councilmember Bangs; seconded by Deputy Mayor Pennington.
Motion passed 6-0

Staff present: City Manager Michael Matthias; Chief Operations Officer Dan Brewer; Chief Strategic Officer Susan Cezar; City Attorney Tim George; Director of Emergency Management George Delgado; Acting Harbormaster Scott Wilkins; Finance Director Beth Anne Wroe; Police Chief Ken Thomas; Assistant City Attorney Matt Hutchins; Public Works Director Brandon Carver; Court Administrator Jennefer Johnson; Prosecutor Tara Vaughn; Legislative Advocate Conner Edwards; City Clerk/Communications Director Bonnie Wilkins; Deputy City Clerk Taria Keane.

COMMENTS FROM THE PUBLIC

- Kim Richmond, Des Moines Farmers Market Update
- J.C. Harris, Des Moines, 2019 Airport

DISCUSSION ITEMS

- Item 1: EMERGING ISSUES
- Voicemail transcription to Building Inspector Larry Pickard
- Item 2: CITY MANAGER MONTHLY REPORT
- Staff presented their monthly report items to Council.
- Item 3: 2019 LEGISLATIVE PRIORITIES AND INTERGOVERNMENTAL POLICES AND POSITIONS
- City Manager Matthias gave a PowerPoint presentation to the Council on Legislative Polices and Positions.

NEXT MEETING DATE

November 8, 2018 City Council Regular Meeting

ADJOURNMENT**Direction/Action**

Motion made by Councilmember Nutting to adjourn; seconded by Deputy Mayor Pennington.

The motion passed 6-0.

The meeting was adjourned at 8:01 p.m.

Respectfully Submitted,
Taria Keane
Deputy City Clerk

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A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Continued Public Hearing to consider Draft Ordinance 18-105 amending the Des Moines 2035 Comprehensive Plan and Preferred Land Use Map

ATTACHMENTS:

1. Draft Ordinance 18-105
2. Decision Criteria

FOR AGENDA OF: November 15, 2018

DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: November 6, 2018

CLEARANCES:

- [X] Community Development *SME*
 [] Marina _____
 [] Parks, Recreation & Senior Services _____
 [X] Public Works *PHC*

CHIEF OPERATIONS OFFICER: *DSB*

- [X] Legal *JB*
 [] Finance _____
 [] Courts _____
 [] Police _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation

The purpose of this Agenda Item is for the City Council to continue the public hearing for the consideration of Draft Ordinance No. 18-105 (Attachment 1) that would amend the Des Moines 2035 Comprehensive Plan codified in Chapter 18.05 and Chapter 18.25 Des Moines Municipal Code (DMMC).

Suggested Motions

Motion 1a: "I move to amend Draft Ordinance No. 18-105 to remove Section 1 and direct staff to docket Amendment 2018-1 for further consideration in 2019."

Motion 1b: "I move to enact Draft Ordinance No. 18-105 as amended, amending Chapter 18.25 DMMC."

Alternative Motion: "I move to enact Draft Ordinance No. 18-105 amending Chapters 18.05 and 18.25 DMMC."

Background

The comprehensive plan *Des Moines 2035 – Charting Our Course for a Sustainable Future* is the City's official statement with respect to its vision for future growth and development. It identifies goals, policies, and strategies for maintaining the health, welfare, and quality of life of the Des Moines' residents. The comprehensive plan is comprised of individual elements addressing general planning, land use, transportation, environment, capital facilities/utilities/ public services, parks, recreation and open space, housing, economic development, neighborhoods and public health.

The 1990 Growth Management Act is codified in RCW 36.70A. It requires, among other things, that "cities ... take action to review and, if needed, revise their ***comprehensive plans*** and development regulations (*emphasis added*) to ensure the plan and regulations comply with the requirements of this chapter ... Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan."

Chapter 18.25 Comprehensive Plan of the Des Moines Municipal Code sets forth the process and standards of review that must be used by staff and City Council in analyzing proposed amendments to the Comprehensive Plan and associated maps, including initiation of amendments, schedule for initiation and review of amendments, contents for application for amendment and decision criteria. Applications for amendment of the City of Des Moines Comprehensive Plan may be submitted between January 1st and June 30th of each calendar year (DMMC 18.25.060(1)). Consistent with the provisions of DMMC 18.20.080A, the Comprehensive Plan amendments are considered Type VI land use actions and require a public hearing before the City Council.

Discussion

The docket for the 2018 comprehensive plan amendments includes seven (7) proposed amendments of which one was a public request and the remaining six are City staff initiated housekeeping amendments. A staff report that evaluated the proposed amendments for consistency with the criteria in DMMC 18.25.100 was provided in the October 18, 2018 Council agenda packet. The Decision Criteria are provided in Attachment 2.

2018-1: Preferred Land Use Map Amendment #1 – On June 28, 2018, the City of Des Moines received an application for a Comprehensive Plan map amendment and zoning reclassification. The requested Comprehensive Plan map amendment is to change the preferred land use designation for 12 properties from SF-Single Family and T-Townhome to MF-Multifamily (Refer to Attachment 1). The properties include tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080, 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166, and 0822049161. The requested rezone would implement the revised land use designation through a zoning reclassification from Residential Single Family 8,400 (RS-8,400) and Residential Attached Townhome and Duplex (RA-3,600) to Residential Multifamily 2,400 (RM-2,400).

Pursuant to DMMC 18.25.050(4), "requests for redesignation of property shall be considered and the final decision rendered prior to City Council consideration of any request for reclassification of the same property." The public hearing for the zoning reclassification was opened on October 18, 2015 and will follow the hearing for the 2018 Comprehensive Plan Amendments, and will be considered in a quasi-judicial process.

When evaluating proposed changes to the preferred land use for a specific property or properties, key criteria consider whether:

- The amendment is compatible with adjacent land use and the surrounding development pattern as existing or as specified by the City of Des Moines Comprehensive Plan; and
- The subject property is suitable for development as allowed by the development regulations of the potential zone.

Other factors that may be considered include:

- Effects on the physical, economic and social environments; open space, surface waters, and environmentally critical areas; parks of local significance; and historic and archaeological resources of local significance;
- Adequacy of and impact upon capital facilities, utilities, and public services;
- Quantity and location of land planned for the proposed land use type and density; and
- Current and forecasted population in the area or City.

While Amendment 2018-1 may meet these criteria, community comments received on the zoning reclassification, revealed that two (2) of the 12 property owners were not in support of the proposed zoning reclassification. This information was not included in the application. Removing the two properties from the proposed area would leave two isolated parcels with a preferred land use designation of Single Family (SF) surrounded by properties designated Multi-Family (MF) which staff would not recommend.

There are two options that Council can consider as it relates to proposed Amendment 2018-1:

1. Approve the comprehensive plan amendments without amendment 2018-1 and docket this item for the 2019 Comprehensive Plan amendment process, allowing for further study and community outreach. *Under this alternative, City Council would not be able to approve the zoning reclassification because the preferred land use and proposed zoning would not be consistent (staff recommendation).*

OR

2. Change the preferred land use designation for all 12 parcels which would enable City Council to move forward in considering the zoning reclassification.

2018-2 Preferred Land Use Map Amendment #2 – Change the preferred land use for Mary Gay Park (tax parcels 0576000753, 0576000755 and 0576000760) from SF-Single Family to PARK.

2018-3 Preferred Land Use Map Amendment #3 – Change the preferred land use for the Van Gasken Special-Use Park (tax parcel 2009003295) from MF-Multifamily to PARK.

2018-4 Preferred Land Use Map Amendment #4 – Add a PUD boundary around the Blueberry Lane PUD Subdivision.

2018-5 Preferred Land Use Map Amendment #5 – Add a PUD boundary around the Des Moines Creek Business Park Phase IV PUD.

2018-6 Chapter 5: Capital Facilities, Utilities and Public Services Element – Amend the adoption dates for the following plans:

- City of Des Moines Comprehensive Transportation Plan (2016, as amended)
- City of Des Moines Parks, Recreation and Senior Services Master Plan (2016, as amended)
- Highline Water District Water System Plan (2016)
- Southwest Suburban Sewer District Sewer Plan (2014)
- Lakehaven Utility District Sewer Facility Plan (2016)
- Highline School District 2018-2023 Capital Facilities Plan (2018, as amended)
- Federal Way Public Schools 2019 Capital Facilities Plan (2018, as amended)
- Highline College Master Plan (2017)

2018-7 Chapter 6: Parks, Recreation and Open Space Element – Amend PR 13.3.2 Existing Neighborhood Parks to add Mary Gay Park, PR 13.3.3 to remove Zenith Park, PR 13.3.5 Existing Special-Use Parks to add Van Gasken Park along with minor text amendments to update park acreages and correct numbering on several implementation strategies.

Alternatives

The City Council may:

1. Enact Draft Ordinance No. 18-105 as amended to remove proposed Amendment 2018-1 and direct staff to bring forward this amendment as part of the 2019 Comprehensive Plan Amendments (Recommended).
2. Enact Draft Ordinance No. 18-105.

Financial Impact

The proposed comprehensive plan amendments will allow for additional flexibility in the development of the property and further the economic vision for the City by promoting development in a manner that strengthens community sustainability, livability, business vitality, and housing capacity.

Recommendation or Conclusion

Staff recommends that the City Council take final action on Draft Ordinance No. 18-105 without draft amendment 2018-1 and docket this amendment for consideration in 2019.

CITY ATTORNEY'S FIRST DRAFT 9/12/2018

DRAFT ORDINANCE NO. 18-105

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, adopting the 2018 amendments to the *Des Moines 2035: Charting Our Course for a Sustainable Future* (the comprehensive plan) and amending chapters 18.05 and 18.25 DMMC.

WHEREAS, the Growth Management Act requires, among other things, that "cities ... take action to review and, if needed, revise their *comprehensive plans* (*emphasis added*) and development regulations to ensure the plan and regulations comply with the requirements of this chapter . . . Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan," and

WHEREAS, the goals and policies for growth and the provision of services are guided by GMA requirements and are based in part upon state and regional goals, and reflect the vision and goals of elected officials, community advisory groups and citizens, and

WHEREAS, pursuant to DMMC 18.25 comprehensive plan amendments are legislative (Type VI) land use decisions and require the City Council to conduct a public hearing to receive public comment regarding the amendments, and

WHEREAS, each amendment of the Comprehensive Plan was processed in accordance with the requirements of the State Environmental Policy Act (chapter 197-11 WAC) and public hearings were conducted in accordance with law, and

WHEREAS, the Des Moines Community Development Director acting as the SEPA responsible official issued a determination of nonsignificance (DNS) on the 18th day of September 2018 and the accompanying comment and appeal periods have lapsed, and

WHEREAS, notice was given to the Washington State Department of Commerce of these amendments as required by chapter 36.70A RCW, and

WHEREAS, the City Council set the date for the public hearing by motion on September 13, 2018, fixing the public hearing for October 18, 2018, and

Draft Ordinance No. 18-105

Ordinance No. _____
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WHEREAS, notice of the public hearing before the City Council was provided to the public in accordance with law and a public hearing was opened on October 18, 2018, and

WHEREAS, the City Council continued the public hearing on November 15, 2018 to allow for the 60 day notice period for Department of Commerce review to lapse, and all persons wishing to be heard were heard, and

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

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

Sec. 1. DMMC 18.05.050 and section 3 of Ordinance No. 1469 as amended by section 2 of Ordinance No. 1528, as amended by section 19 of Ordinance No. 1551, as amended by section 1 of Ordinance No. 1623, as amended by section 1 of Ordinance No 1664 are amended to read as follows:

Preferred land use map designation.

The map filed in the City Clerk's office and marked Exhibit "B" to Ordinance No. 1469 and adopted November 12, 2009, as amended by Exhibit "B" to Ordinance No. 1528, as amended by Exhibit "B" to Ordinance No. 1551, as amended by Exhibit "B" to Ordinance No. 1623, as amended by Exhibit "B" to Ordinance No. 1664 is amended as described in Exhibit "B" to Draft Ordinance No. 18-105 and constitutes the comprehensive land use map, also referred to as the preferred land use map, for the City. The map referenced herein supersedes all previously adopted preferred land use maps.

Ordinance No. _____
Page 3 of 5

Sec. 2. DMMC 18.25.120 and section 3 of Ordinance No. 1623, as amended by section 2 of Ordinance No. 1664 are amended to read as follows:

18.25.120 Comprehensive Plan amendments. There is adopted by reference a Comprehensive Plan, on file with the City Clerk, as subsequently amplified, augmented and amended pursuant to the provisions in this Title, as identified below.

(1) Chapter 1: Introduction;

(2) Chapter 2: Land Use Element;

(3) Chapter 3: Transportation Element;

(4) Chapter 4: Conservation and Environment Element;

(5) Chapter 5: Capital Facilities, Utilities, and Public Services Element;

(a) 2018 Amendment: Selected portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Draft Ordinance No. 18-105.

(6) Chapter 6: Parks, Recreation, and Open Space Element;

(a) 2016 Amendment: This element of the Comprehensive Plan is amended as described in Exhibit "A" to Ordinance No. 1664.

(b) 2018 Amendment: Selected portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Draft Ordinance No. 18-105.

(7) Chapter 7: Housing Element;

(8) Chapter 8: Economic Development Element;

Ordinance No. _____
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(9) Chapter 9: North Central Neighborhood
 Element;

(10) Chapter 10: Marina District Element;

(11) Chapter 11: Pacific Ridge Element;

(12) Chapter 12: Healthy Des Moines Element;

(13) Appendix A: City of Des Moines Buildable
 Lands Report;

(14) Appendix B: Transportation Technical
 Memorandum;

(15) Appendix C: City of Des Moines Housing
 Inventory and Needs Assessment.

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. Effective date. This Ordinance shall take effect and be in full force five (5) 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 October, 2018 and signed in authentication thereof this
 ___ day of October, 2018.

M A Y O R

Ordinance No. _____
Page 5 of 5

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published:

The availability of capital facilities, utilities, and public services directly influences the quality of life in Des Moines. Adequate facilities, utilities, and services are needed to ensure that those who reside and work in Des Moines are reasonably free of safety and environmental hazards, and provided with adequate public services.

The increase in population within the City has and will continue to create a corresponding increase in the demand for capital facilities, utilities, and public services. The demand for, and the delivery of facilities, utilities, and services is influenced by regional factors, such as regional population densities, and the services provided by other jurisdictions. These regional factors must be considered in the planning for adequate facilities and utilities.

The siting, construction, and operation of capital facilities and utilities, including essential public facilities, has sometimes resulted in adverse impacts upon nearby properties and the natural environment. The City currently receives more than its fair share of adverse impacts associated with air transportation. Therefore, as permitted by state and federal law, before permitting the siting or expansion of any capital facilities or utilities it is extremely important that comprehensive environmental review of such proposals be completed so that decision makers are fully informed of the proposal's adverse impacts and whether adequate mitigation measures can be implemented to mitigate such impacts.

Comprehensive plans and capital improvement plans have been prepared by many of the providers of public facilities, utilities, and services within Des Moines. Such plans are applicable to Des Moines' Comprehensive Plan in that they contain detailed inventories of existing improvements, projected demand for services in the future, and funding strategies for capital improvements. The City adopts by reference, the following Capital Facilities, Utilities, and Public Services Plans:

1. City of Des Moines Comprehensive Marina Master Plan (2007)
2. City of Des Moines Surface Water Management Comprehensive Plan (2015, as amended)
3. City of Des Moines Comprehensive Transportation Plan (~~2016~~2009, as amended)
4. City of Des Moines Six-Year Capital Improvement Plan (updated annually)
5. City of Des Moines Parks, Recreation and Senior Services Master Plan (~~2016~~2009, as amended)
6. King County Water District #54 Capital Facilities Plan (2011)
7. Highline Water District Water ~~Facilities-System~~ Plan (~~2016~~2006)
8. Lakehaven Utility District Water Facilities Plan (2015)
9. Midway Sewer District CFP (2008)
10. Southwest Suburban Sewer District Sewer Plan (~~2014~~2015)
11. Lakehaven Utility District Sewer Facility Plan (~~2016~~2009)
12. Highline School District ~~2014-2018-2023~~ Capital Facilities Plan (~~2018, as amended~~2014)

13. Federal Way Public Schools ~~2019~~~~2015~~ Capital Facilities Plan (~~2018, as amended~~~~2014~~)
14. Highline College Master Plan (~~2017~~~~2014~~)

An inventory and analysis of the publicly owned capital facilities, and public/private utilities within the City of Des Moines are summarized below.

City Administration: The City of Des Moines owns several properties and buildings that are used for the administration of City services. The maintenance, improvement and expansion of City facilities are guided by a six-year capital improvement plan and an annual budget approved by the City Council. The capital improvement plan prioritizes projects, establishes improvement schedules, and identifies revenue sources.

Electricity and Natural Gas: The transmission of electricity and natural gas to the City is provided by Puget Sound Energy (PSE), a private electric utility whose operation and rates are governed by the Washington Utilities and Transportation Commission, the National Electric Reliability Corporation (NERC), and Federal Energy Regulatory Commission (FERC). PSE provides to approximately 12,700 electric customers and 6,350 natural gas customers in Des Moines. Bulk electrical power is distributed via 115 kilovolt (kV) high-voltage transmission lines from transmission stations in Kent and Renton to switching stations in Des Moines, Kent and Renton. Natural gas is distributed regional supply stations to district regulators (Doug Corbin - PSE, Personal Communication, 2/03/15).

Fire Protection: Fire protection and other emergency services within the City are provided by South King County Fire and Rescue. These services are guided by the comprehensive plans of the districts/departments.

Hazardous Waste Collection and Disposal: The collection and disposal of hazardous waste within the City is provided for through an Interlocal Agreement between King County and the municipalities within the City. The Local Hazardous Waste Management Plan for Seattle-King County provides for regional coordination and funding of this program.

Library: Library services in the City are provided by King County Library District. Adopted level of service guidelines direct the construction and expansion of library facilities. The Highline College also operates a library that is utilized by many residents of the City.

Marina: An 840-slip marina along Des Moines' shoreline is owned and operated by the City of Des Moines. The City's capital improvement program and annual budget guide the expenditure of funds for the operation of the facility. The 2007 Comprehensive Marina Master Plan identifies near-term and long-term capital improvements, funding strategies and project schedules for the existing marina.

Parks and Recreation: Publicly owned recreational facilities within the City are operated by the City of Des Moines, the State of Washington, and the Highline and Federal Way School Districts. A regional dog park is located in the City of SeaTac. City, County and State Parks and Recreation Plans guide the administration of recreational programs of the respective jurisdictions. Various services, such as the Des Moines Senior Center, are provided at one or more of Des Moines' recreational facilities. The Parks, Recreation and Senior Services Master Plan guides the scheduling and funding of future capital and programmatic improvements which are further addressed in Chapter 6: Parks Recreation and Open Space Element.

Chapter 6: Parks, Recreation and Open Space Element

BACKGROUND AND CONTEXT

The Parks, Recreation, and Open Space Element contains goals and policies regarding how Des Moines parks, recreational facilities and open space will be acquired, designed, managed, and programmed. The City parks system contains ~~26-27~~ parks totaling ~~194.1~~**190.64** acres of park land and 3.85 miles of trails (2015). These are made up of conservancy and open space, mini-parks, neighborhood parks, community parks, special/waterfront parks, trails, pathways, streetscapes and ROWs, and Interlocal City/School District facilities.

The goals and policies in this element are taken from, and must be consistent with, the City's Parks, Recreation, and Senior Services Master Plan also known as the PRO Plan, which is required by the Washington State Recreation and Conservation Office (RCO) to remain eligible for grant funding. This element also connects and supports other comprehensive plan elements, such as the Land Use Element (through discussion of quality of life and public health), Transportation Element (through the discussion of trails, bikeways, and paths), the Environment & Conservation Element (through the objectives on water conservation and recycling), and the Healthy Des Moines Element (through the discussion of healthy eating and active living).



Consistent with the Comprehensive Plan's framework for sustainability and healthy communities, this element plays an important role in promoting good public health. Park, waterfront, and recreation facilities provide opportunities for physical activity through the use of park, waterfront, trails and athletic fields and participation in a broad array recreation activities, programs and services, countering national trends toward physical inactivity and obesity. Studies have also shown that parks and recreation can provide mental health benefits, including reduction of depression and anxiety.

Background information for this element is found in the Parks, Recreation and Senior Services Master Plan (2016) which includes estimates of demand for parks, a needs assessment, as well as a discussion about opportunities to coordinate with other jurisdictions to provide parks, recreation, senior services, human services, health and wellness, cultural arts, historic preservation, tourism and aquatics. Refer to Sections 1 through 3 of the Master Plan for this information.

Goals

To ensure the Parks, Recreation and Senior Services Vision is achieved, the City has the following goals:

Goal PR 1 *Provide adequate and accessible park, waterfront and recreation facilities that are responsive and inclusive to the diverse interests and needs of people of all ages, income levels, cultural or educational backgrounds, or physical abilities. Such recreational facilities should satisfy outdoor*

Goal PR 12 Pursue funding for Parks and Facilities improvements from all potential sources.

Goal PR 13 Utilize a ratio of 6.5 acres per 1,000 population and specific standards for the development of mini, neighborhood, community, waterfront, sports fields/complexes, trails and pathways, conservancy and open space areas as a general guide in the acquisition and development of park and facility resources.

POLICIES AND IMPLEMENTATION STRATEGIES

Parks and Land Use

PR 1.1 Develop and maintain procedures and priorities for the selection, classification and acquisition of park lands and the use of such lands for recreation purposes. All lands designated for recreation purposes shall be suitable for the intended recreation activity.

PR 1.1.1 Work with other entities and public agencies (Highline and Federal Way School Districts, Highline College, State Parks and Utility and Jr. Taxing Districts) to maximize opportunities for acquisition of land that qualifies for the City's park system through Interlocal agreements for "right-of-use" and/or joint development agreements, land transfers, lease, property exchange, dedication and surplus or easement land acquisition procedures.

PR 1.1.2 Utilize the resources of national, regional and local conservation organizations corporations, non-profit associations and benevolent entities to identify and acquire environmentally sensitive land, urban wildlife habitat or preservation areas.

PR 1.1.3 Identify lands that enhance the appearance and character of the City. Such lands may serve as community or neighborhood connectors, create gateway features into Des Moines, enhance the park system, preserve local history or link existing natural or built amenities.

PR1.1.4 Preserve significant critical areas as passive open space. The City may construct improvements that enhance the public's awareness of, and appreciation for, natural areas.

PR 1.1.5 Ensure that the quantity and quality of park land increases and is located proportionately with population growth, and that new acquisition reflects the community's recreational, health and cultural needs. Des Moines should use a variety of means to provide recreational opportunities.

PR 1.1.~~76~~ Coordinate and maintain procedures for conservation of open space through mechanisms such as zoning, land donation, purchase of easements, conservation easements with coordinated planning, taxing and management actions.

PR 1.1.~~8-7~~ Ensure that proposed land-use and transportation facilities that would subject locally significant parks, trails and conservation resources, historic buildings or districts, recreation and sports facilities to exterior noise exposure levels which exceed limits identified in the DMMC are opposed or include mitigation measures commensurate with the magnitude of adverse impact anticipated.

- PR 1.1.~~98~~ Where appropriate for recreation or open-space purposes, transfer derelict land, easements, tax delinquent land, surplus roadway/highway rights-of-way, and other land not presently in productive use where such land can be used for land exchange, purchase or long-term leases to increase City park land.
- PR 1.1.~~109~~ Make maximum use of lands associated with surface water management and other public utilities to meet recreation and conservation needs.
- PR 1.1.~~110~~ Work with conservation groups and the private sector to encourage donations, bargain sales of land or recreation or conservation easements through equitable incentives and to identify, acquire and conserve or manage natural open space areas and other recreational land.

Park and Facility Improvement

- PR 2.1 Develop and maintain procedures and priorities for the selection, classification and acquisition of park lands and the use of such lands for recreation purposes. All lands designated for recreation purposes shall be suitable for the intended recreation activity.
- PR 2.1.1 Enforce regulations for new residential, business, commercial or industrial development and redevelopment which require either the dedication of park lands, provision of recreation facilities and/or payment of impact fees or fees in-lieu of land to a park and recreation trust fund.
- PR 2.1.2 Park and facility design shall conform to local ordinance or recognized standards for access, safety, environmental sustainability, health and protection of humans, domestic animals, wildlife and tidal life. Park development shall be of high quality and aesthetically pleasing, sensitive to the opportunities or constraints of the natural, physical or architectural environment.
- PR 2.1.3 Consider community recreational needs during planning stages of all single family, multi-family, subdivisions and planned unit residential developments; retail, commercial and business park development; educational institutions, utilities and other governmental facilities development.
- PR 2.1.4 Provide barrier-free access by modifying existing facilities when designing and/or constructing.
- PR 2.1.5 Whenever possible and appropriate provide basic amenities at recreation and open space facilities including restrooms, lighting, seating, public art, drinking fountains, trash and recycling receptacles, bicycle racks, shelters, signage and parking.
- PR 2.1.6 Recreational facilities should be connected by linear open spaces, pedestrian paths, or bicycle routes. Linkages between Des Moines' waterfront facilities along Puget Sound connecting from Des Moines Creek Trail to Redondo Beach are a priority for the park system.



Amendment 2018-7

- PR 2.1.7 Actively seek joint- development and programming opportunities with intergovernmental and private partners and the application of reasonable standards and conditions for such use.
- PR 2.1.8 Encourage and support development of local neighborhood and community-based programs for park improvements, including participation of civic clubs, non-profit organizations, neighborhoods, schools, churches, businesses, and other organized volunteer groups.
- PR 2.1.9 Establish sustainable park and facility design and construction and historic preservation practices that result in facilities that are high-performing, good for the environment, healthy, and culturally enriching for our park visitors and building occupants.
- PR 2.1.910 Protect existing and planned park, waterfront and recreation resources from adverse impacts associated with incompatible land uses and/or transportation activities. Adverse impacts may include traffic congestion, inadequate parking, surface water runoff, vibration, air, water and noise pollution.



Open Space, Cultural and Locally Significant and Historic Resources

- PR 3.1 Conserve open space, natural and cultural resources.
 - PR 3.1.1 Coordinate and maintain procedures for conservation of open space through mechanisms such as zoning, land donation, purchase of easements, conservation easements with coordinated planning, taxing and management actions.
 - PR 3.1.2 Ensure that proposed land-use and transportation facilities that would subject locally significant parks, trails and conservation resources, historic buildings or districts, recreation and sports facilities to exterior noise exposure levels which exceed limits identified in the DMMC are opposed or include mitigation measures commensurate with the magnitude of adverse impact anticipated.
 - PR 3.1.3 Where appropriate for recreation or open-space purposes, transfer derelict land, easements, tax delinquent land, surplus roadway/highway rights-of-way, and other land not presently in

Amendment 2018-7

PR 13.3.2 Existing Neighborhood Parks

Neighborhood Parks within Des Moines	Size (acres)
Dr. Shirley Gordon Park	0.88
<u>Mary Gay Park</u>	<u>1.78</u>
Midway Park	1.58
Parkside Park	4.04
Water Tower Park*	1.0
Wooton Park	2.24
Total Neighborhood Parks	<u>11.529.74</u>

* Water Tower Park is leased from Highline Water District

PR 13.3.3 Existing Community Parks

Community Parks/Sports Complexes within Des Moines	Size (acres)
Des Moines Field House Park	5.2
Steven J. Underwood Memorial Park and Activity Center	21.6
<u>Zenith Park*</u>	<u>5.5</u>
Total Community Parks	<u>26.829.6</u>

*Zenith Park is leased from Highline School District

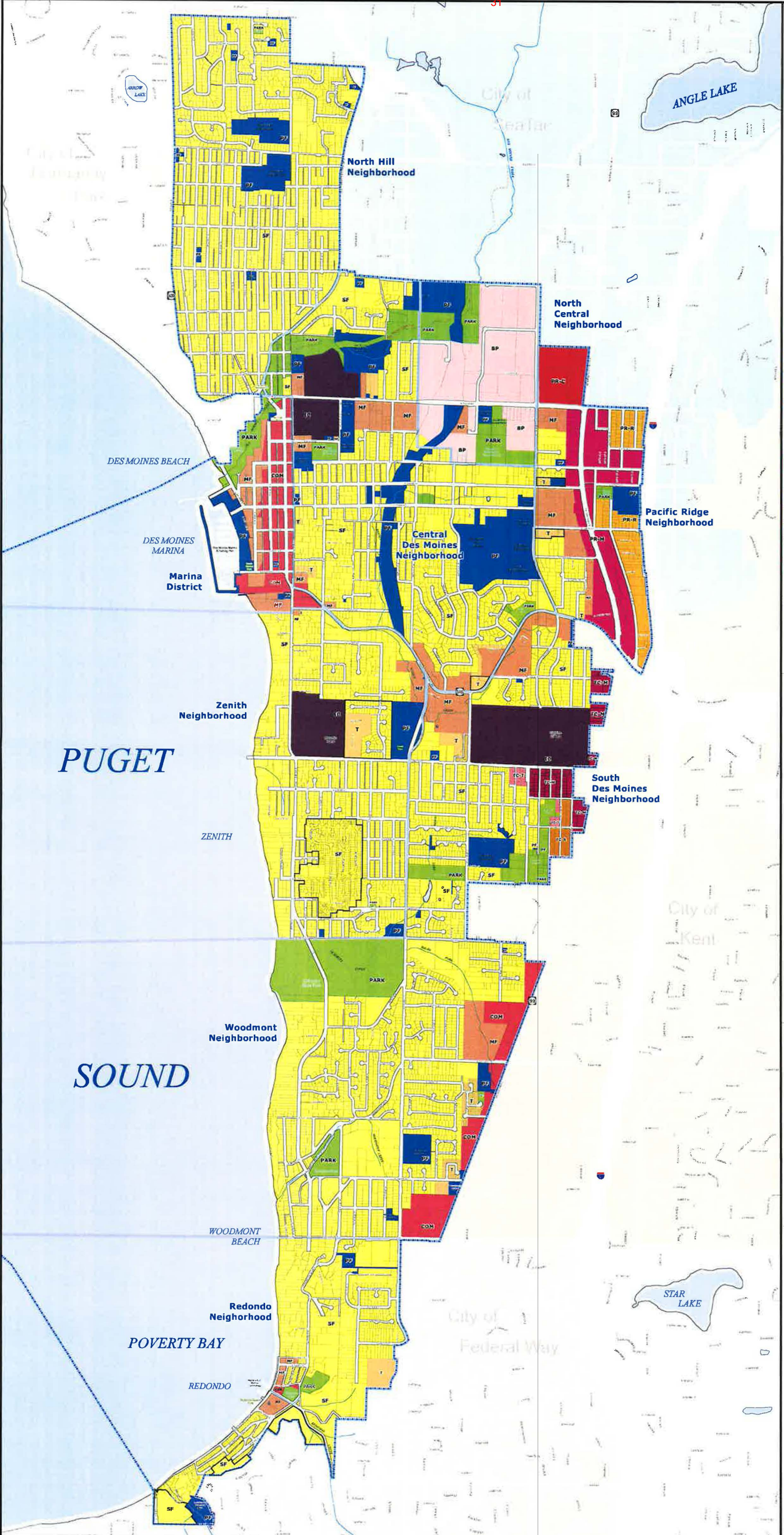
PR 13.3.4 Existing Regional Parks

Regional Parks within Des Moines	Size (acres)
Saltwater State Park*	88.0
Total Regional Parks	88.0

*Saltwater State Park is of waterfront resource of particular local significance to the residents of Des Moines and should be protected and preserved.

PR 13.3.5 Existing Special-Use Parks

Special-Use Parks within Des Moines	Size (acres)
Des Moines Beach Park and Tidelands	22.3
Marina, Fishing Pier and Tidelands	15.9
Redondo Park, Beach and Tidelands	3.94
<u>Van Gasken Park</u>	<u>0.67</u>
Total Special Parks	<u>42.8142.14</u>



City of Des Moines
Comprehensive Plan
**Preferred
Land Use**

- Designations**
- RESIDENTIAL**
- MF - Multifamily
 - PR-R - Pacific Ridge Residential
 - SF - Single Family
 - T - Townhome
 - TC-R - Transit Community Residential
 - TC-T - Transit Community Townhome
- COMMERCIAL/NON RES**
- BP - Business Park
 - COM - Commercial
 - IC - Institutional Campus
 - PARK - Park
 - PF - Public Facility
 - PR-C - Pacific Ridge Commercial
 - PR-M - Pacific Ridge Mixed
 - TC-M - Transit Community Mixed
- Des Moines City Limits
- Streams
- Neighborhood Planning Areas
- PUD See Plan For Density

**CITY OF DES MOINES
COMPREHENSIVE PLAN MAP SERIES**
This map series is intended for general planning purposes related to the City of Des Moines Comprehensive Plan.

Enacting Ordinances

ORDINANCE, YEAR
Ord. 1664, 2016
Ord. 1623, 2015
Ord. 1551, 2012
Ord. 1528, 2011
Ord. 1499, 2010
Ord. 1469, 2009
Ord. 1425, 2008
Ord. 1376, 2006
Ord. 1232, 2003
Ord. 1265, 2000
Ord. 1238, 1999
Ord. 1176, 1996
Ord. 1160, 1995



**Planning, Building &
Public Works**
21630 11th Ave S, Suite D
Des Moines, WA 98198-6398
PHONE: (206) 870-7576 * FAX: (206) 870-6544
WEB: <http://www.desmoineswa.gov>

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DECISION CRITERIA PER DMMC 18.25.100

(1) Amendment of the City of Des Moines Comprehensive Plan is a legislative action (Type VI land use action) and the City Council shall be afforded the broadest possible discretion during review of amendment requests. The City Council may approve, approve with modifications, or deny any application for amendment.

(2) The City Council may approve or approve with modifications an amendment to the City of Des Moines Comprehensive Plan when:

- (a) The amendment would correct a technical error; or
- (b) The amendment addresses changing circumstances or the needs of the City as a whole, and will benefit the City as a whole; and
- (c) All of the following conditions are satisfied:
 - (i) The amendment is consistent with the Growth Management Act.
 - (ii) The amendment is not inconsistent with other elements or policies of the City of Des Moines Comprehensive Plan.
 - (iii) The amendment will not adversely impact community facilities and bears a reasonable relationship to public health, safety, and welfare.
 - (iv) For amendments relating to a specific property:
 - (A) The amendment is compatible with adjacent land use and the surrounding development pattern as existing or as specified by the City of Des Moines Comprehensive Plan; and
 - (B) The subject property is suitable for development as allowed by the development regulations of the potential zone.

(3) During the review of a proposed amendment to the City of Des Moines Comprehensive Plan, factors that may be considered by the Planning, Building and Public Works Director and the City Council include, but are not limited to, the following:

- (a) The effect upon the physical environment.
- (b) The effect upon the economic environment.
- (c) The effect upon the social environment.
- (d) The effect upon open space, surface waters, and environmentally critical areas.
- (e) The effect upon parks of local significance.
- (f) The effect upon historic and archaeological resources of local significance.
- (g) The compatibility with an impact upon adjacent land uses and surrounding neighborhoods.
- (h) The adequacy of and impact upon capital facilities, utilities, and public services.
- (i) The quantity and location of land planned for the proposed land use type and density.
- (j) The current and forecasted population in the area or City.
- (k) The effect upon other aspects of the City or the City of Des Moines Comprehensive Plan

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A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Public Hearing to consider Draft Ordinance No. 18-099 regarding South 216th Street Rezone.

ATTACHMENTS:

1. Draft Ordinance 18-099
2. Comment Letters

FOR AGENDA OF: November 15, 2018

DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: November 6, 2018

CLEARANCES:

- ☒ Community Development *SJC*
☐ Marina _____
☐ Parks, Recreation & Senior Services _____
☒ Public Works *RHC*

CHIEF OPERATIONS OFFICER: *DSB*

- ☒ Legal *MB*
☐ Finance _____
☐ Courts _____
☐ Police _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation

The purpose of this agenda item is to for City Council to consider Draft Ordinance No. 18-099 (Attachment 1) to reclassify tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080 from RA-3,600 Residential Attached Townhouse or Duplex 3,600 Zone and tax parcels 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166 and 0822049161 from RS-8,400 Residential Single-Family 8,400 Zone to RM-2,400 Residential Multifamily 2,400 Zoning.

Motion 1

Motion 1: “I move to deny application No. LUA2018-0027 to amend the Zoning Map as the proposed zoning reclassification is inconsistent with the City’s Comprehensive Plan and therefore does not meet the criteria outlined in DMMC 18.30.080(2) and further to direct staff to prepare a Notice of Decision consistent with this decision.”

OR**Motion 2****Motion 2:**

“I move to enact Draft Ordinance No. 18-099 amending the Zoning Map for the tax parcels identified within the ordinance from RA-3,600 Residential Attached Townhouse or Duplex to RM-2,400 Residential Multifamily 2,400 and additional parcels from RS-8,400 Residential Single-Family 8,400 Zone to RM-2,400 Residential Multifamily 2,400 Zoning.”

Background

The Residential Multifamily 2,400 Zone was established to provide areas for a greater population density and to ensure efficient and economical provision of public service facilities to meet the needs of future development within the zone. The proposed zoning reclassification area consists of five parcels zoned Residential Attached Townhouse or Duplex (RA-3,600) and seven parcels zoned Single-Family Residential 8,400 (RS-8,400).

The developments located immediately adjacent to the west and east of the proposed zoning reclassification area are currently zoned RA-2,400 and developed with multi-family housing. Abutting the site to the west is Regatta Apartments, a development built in 1983 consisting of 86 units within eight separate buildings. Located directly to the east, Spinaker’s Landing and Sound Ridge condominiums have been constructed. Spinaker’s Landing was built in 1987 and includes 14 buildings (including parking structures) with 66 units while the Sound Ridge condominiums consist of seven buildings with 57 units and were constructed in 1980. Additionally, across S 216th Street to the north there is RA-3,600 Residential Attached Townhouse or Duplex and RS-7,200 Single-Family Residential zoning. The zoning to the south is RS-8,400 Single-Family Residential.

The site area included in the rezone proposal is currently located within the Comprehensive Plan preferred land use designations of Townhome and Single-Family. The zoning reclassification would be an opportunity to provide increased housing options to serve the current and future needs of the community and aid the City in reaching the housing demand goal of incorporating 3,480 additional housing units by 2035 as outlined within the City of Des Moines Comprehensive Plan – Des Moines 2035: Charting Our Course for a Sustainable Future.

Previous Development on the site includes ten (10) single-family homes, the majority of which were built in the 1950s (1900 – 1984) or prior and recorded by King County Assessor as being in “Low Average” to “Good” Condition. There are two parcels of vacant land totaling 71,000 square feet (1.63 acres) that have not previously been developed which are currently zoned for single-family development.

Discussion

On June 28, 2018, the City of Des Moines received an application for a Comprehensive Plan map amendment and zoning reclassification. The requested Comprehensive Plan map amendment to change the preferred land use from SF-Single Family and T-Townhome to MF-Multifamily has been docketed for consideration with the City of Des Moines 2018 Comprehensive Plan amendments and will be considered by the City Council prior to the hearing for this zoning reclassification request.

A State Environmental Policy Act (SEPA) threshold determination of non-significance was issued on September 18, 2018. One comment and several inquiries were received and were related to traffic, development access, density, and animal habitat.

A Public Hearing related to the South 216th Street Zoning Reclassification was opened on October 18, 2018 and continued. The City Council heard testimony from thirteen (13) individuals, including six (6) proponents, six (6) opponents and one (1) person who did not state that they were an opponent or proponent. Two additional comment letters were received on October 23, 2018 both of which were proponents of the rezone (Attachment 2).

It is noted that two of the property owners within the potential rezone area are not applicants for the rezone. While City regulations allow for the two properties to be included in the rezone, staff do not recommend approving the rezone application without all the property owners as proponents.

City Council will be asked to make a motion either to approve or deny the rezone. In order to approve the rezone, the Council must determine that the project is consistent with the City's Comprehensive Plan and development regulations outlined within the Des Moines Municipal Code. If the Council does not amend the Comprehensive Plan in the prior hearing, then the Council cannot approve this rezone.

Staff has reviewed the application for compliance with the site-specific rezone criteria outlined within DMMC 18.30.080 as follows:

1. The amendment meets the concurrency requirements set forth in chapter 36.70A RCW;

Response: The Growth Management Act requires the timely provision of public facilities and services to accommodate development impacts. Any future development of the proposed site will be subject to additional review for potential impacts and adequacy of public facilities and services at each phase of the project.

2. The amendment is consistent with the Comprehensive Plan;

Response: The requested Comprehensive Plan map amendment to change the preferred land use from SF-Single Family and T-Townhome to MF-Multifamily has been docketed for consideration with the City of Des Moines 2018 Comprehensive Plan amendments and will be considered by the City Council prior to the hearing for this zoning reclassification request. If the Council approves the related comprehensive plan amendment, this criteria would be met. If the Council does not approve the comprehensive plan amendment, this criteria would not be met.

3. The amendment bears a substantial relation to the public health, safety and welfare:

Response: If the comprehensive plan amendment is approved, the rezone of the property would bear a substantial relation to the public health, safety and welfare as expressed in the City's vision for growth in the adopted comprehensive plan. However, if the comprehensive plan amendment is not approved, this criteria would not be met.

4. *The amendment is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property;*

Response: The MF Zone provides additional flexibility for the appropriate use of land in providing a variety of housing stock within a close proximity to mass transit options along Pacific Highway South and South 216th Street. If the comprehensive plan amendment is not approved, the rezone would not be consistent with the comprehensive plan.

5. *The property in question is adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same or higher zoning classification;*

Response: The property is adjacent and contiguous to the Regatta Apartments property to the west, which is zoned RM-2,400.

6. *The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;*

Response: Future development of the proposed site will be reviewed for compliance with development standards at each phase of the project and appropriate mitigation and conditions imposed.

7. *The amendment has merit and value for the community as a whole.*

Response: The amendment would encourage the appropriate use of partially undeveloped land within the City to allow for a variety in housing stock for middle-income families and provide the opportunity to revitalize a gateway to the community. Providing zoning that allows for denser housing within close proximity to mass transit would also have the potential benefit of decreasing auto-oriented commutes. This in turn could help further the economic vision for the City by promoting development in a manner that strengthens community sustainability, livability, business vitality, and employment and housing capacity.

Process and Procedure

As stated above, site specific rezones require a “quasi-judicial” public hearing before the City Council. When the City Council acts in a quasi-judicial manner, the Council is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action. Quasi-judicial proceedings are governed by the same strict fairness rules that apply to cases in court.

In a quasi-judicial public hearing, the Appearance of Fairness Doctrine applies to the decision-makers. The Appearance of Fairness Doctrine is a rule of law requiring government decision-makers to conduct non-court hearings and proceedings in a way that is fair and unbiased in both appearance and fact. It was developed by the courts as a method of insuring that due process protections, which normally apply in courtroom settings, extend to certain types of administrative decision-making hearings, such as rezones of specific property. The doctrine attempts to make sure that all parties to an argument receive equal treatment.

The doctrine requires that adjudicatory or quasi-judicial public hearings meet two requirements:

- They must be procedurally fair.
- They must appear to be conducted by impartial decision-makers.

During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte (outside the hearing) communications with proponents or opponents about a proposal involved in the pending proceeding, unless that member:

- a. Places on the record the substance of such oral or written communications; and
- b. Provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is taken or considered on that subject.

Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such facts to the City Manager who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.

Alternatives

The City Council may:

- 1. If the corresponding comprehensive plan amendment is not approved, to deny application No. LUA2018-0027 to amend the Zoning Map as the proposed zoning reclassification is inconsistent with the City's Comprehensive Plan and therefore does not meet the criteria outlined in DMMC 18.30.080(2) and further to direct staff to prepare a Notice of Decision consistent with this decision.
- 2. If the corresponding comprehensive plan amendment is approved, staff recommends approving the proposed Draft Ordinance.

Financial Impact

The zoning reclassification would allow for additional flexibility in the redevelopment of housing stock within the City, and a future development would add to the city's tax base.

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CITY ATTORNEY'S FIRST DRAFT 9/18/18**DRAFT ORDINANCE NO. 18-099**

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, amending the official zoning map of the City of Des Moines in order to effectuate a zoning reclassification for tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080 from RA-3,600 Residential Attached Townhouse and Duplex 3,600 Zone and tax parcels 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166 and 0822049161 from RS-8,400 Residential Single-Family 8,400 Zone to RM-2,400 Residential Multifamily 2,400 Zone.

WHEREAS, the application requested to redesignate the *Des Moines 2035 Comprehensive Plan* Preferred Land Use Designation of the subject parcels from T-Townhome and SF-Single Family (SF) to MF-Multifamily, and

WHEREAS, the City has received a concurrent application for a rezoning classification for tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080, 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166 and 0822049161 and

WHEREAS, the application requests to reclassify the zoning for the subject parcels from RS-8,400 Single-Family Residential 8,400 and RA-3,600 Residential Attached Townhouse and Duplex 3,600 to the RM-2,400 Residential Multifamily 2,400 Zone, and

WHEREAS, the City Council considered the Comprehensive Plan redesignation request at a public hearing on October 18, 2018, and the rezone application would implement the requested redesignation, and

WHEREAS, the zoning map amendment proposed by this Ordinance has been processed in accordance with the SEPA requirements established by chapter 197-11 WAC, and

WHEREAS, pursuant to DMMC 18.20.210 amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment regarding this proposal, and

WHEREAS, DMMC 18.30.100(3) requires that the date of the public hearing to consider amendments to Title 18 DMMC be set by motion of the City Council, and

Ordinance No. _____
 Page 2 of 7

WHEREAS, the City Council set the date for the public hearing by motion on September 13, 2018, fixing the public hearing for October 18, 2018, and

WHEREAS, notice of the public hearing was issued on September 18, 2018 in accordance with the DMMC, and

WHEREAS, a public hearing was held on October 18, 2018 and continued on November 15, 2018, and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the site-specific rezone and associated zoning map amendment contained in this Ordinance meets the criteria of DMMC 18.30.080 and has merit for the community as a whole; now therefore,

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

Sec. 1. Area of zone reclassification. The zoning classification of the following legally described property is amended from RS-8,400 Single-Family Residential 8,400 and RA-3,600 Residential Attached Townhouse and Duplex 3,600 Zones to RM-2,400 Residential Multifamily 2,400 Zone:

PARCEL "082204-9163"

THAT PROTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M. IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 87°51'35" EAST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 329.35 FEET TO THE NORTHEAST CORNER OF THE WEST 5 ACRES OF SAID NORTHWEST QUARTER; THENCE SOUTH 00°17'05" WEST, ALONG THE EAST LINE OF SAID WEST 5 ACRES, A DISTANCE OF 30.02 FEET TO THE SOUTH LINE OF THE NORTH 30 FEET OF SAID NORTHWEST QUARTER AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°17'35" WEST, A DISTANCE OF 189.98 FEET; THENCE SOUTH 87°51'35" EAST, A DISTANCE OF 23.00 FEET; THENCE NORTH 00°17'05" EAST, A DISTANCE OF 144.98 FEET TO THE SOUTH LINE OF SAID BEGINNING.

Ordinance No. _____
 Page 3 of 7

ALSO KNOWN AS LOTS 2, OF DES MOINES LOT LINE ADJUSTMENT NO. LUA07-018, RECORDED JULY 18, 2007 UNDER RECORDING NUMBER 20070718900009, RECORDS OF KING COUNTY, WASHINGTON THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127520-16.

PARCEL "082204-9013"

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMEETE MERIDIAN, IN KING COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST 5 ACRES OF SAID SUBDIVISION THENCE EASTERLY ALONG THE NORTH LINE OF SAID SUBDIVISION 75.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID WEST 5 ACRES 175.00 FEET; THENCE WESTERLY WITH SAID NORTH LINE 23.0 FEET; THENCE SOUTHERLY WITH THE EAST LINE OF SAID WEST 5 ACRES 45.0 FEET; THENCE EASTERLY PARALLEL WITH SAID NORTH LINE 88 FEET, MORE OR LESS, TO THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO G.W. CHILDS AND LAURA CHILDS, HUSBAND AND WIFE, BY DEED RECORDED UNDER RECORDING NUMBER 4342743; THENCE NORTHERLY ALONG SAID LINE 220 FEET TO THE NORTH LINE OF SAID SUBDIVISION; THENCE WESTERLY ALONG SAID NORTH LINE 49.5 FEET, MORE OR LESS TO THE POINT OF BEGINNING; EXCEPT THAT PORTION FOR SOUTH 216TH STREET. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127510-16.

PARCEL "082204-9093"

COMMENCING AT THE NORTHWEST CORNER OF EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; THENCE S 87°51'30" E ALONG THE NORTH LINE OF SAID SUBDIVISION 264.00 FEET; THENCE S 0°35'18" W 30.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 0°35'18" W 198.57 FEET; THENCE N 87°51'30" W 138.81 FEET; THENCE N 0°25'43" E 198.57 FEET; THENCE S 87°51'30" E 139.36 FEET TO THE POINT OF BEGINNING. LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES

Ordinance No. _____
Page 4 of 7

SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127517-16.

PARCEL "082204-9122"

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; EXCEPT THE EAST 572.6 FEET AND THE SOUTH 312; EXCEPT THE NORTH 30 FEET THEREOF FOR SOUTH 216TH STREET (ALSO KNOWN AS LOT "B" CITY OF DES MOINES LOT LINE ADJUSTMENT, APPROVED AUGUST 11, 1981, AND RECORDED UNDER RECORDING NUMBER 8108110675). RECORDS OF KING COUNTY, WASHINGTON. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127519-16.

PARCEL "082204-9186"

LOT 1 OF CITY OF DES MOINES SHORT PLAT NUMBER DE-MO-SP3-81, RECORDED UNDER RECORDING NUMBER 8108210316, IN KING COUNTY, WASHINGTON, SAID SHORT PLAT BEING A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127522-16.

PARCEL "082204-9187"

LOT 2 OF CITY OF DES MOINES SHORT PLAT NO. DE-MO-SP3-81, RECORDED AUGUST 21, 1981 UNDER RECORDING NO. 8108210316, IN KING COUNTY, WASHINGTON. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127525-16.

PARCEL "082204-9118"

LOT 3 OF SHORT PLAT NO. DE-MO-SP3-81, ACCORDING TO THE SHORT PLAT SURVEY RECORDED UNDER RECORDING NO. 8108210316, IN KING COUNTY, WASHINGTON. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127518-16.

Ordinance No. _____
 Page 5 of 7

PARCEL "082204-9011"

THE SOUTH 145 FEET OF THE SOUTH 315 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; EXCEPT THE EAST 572.6 FEET THEREOF. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127503-16.

PARCEL "082204-9012"

THE SOUTH 145 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY WASHINGTON. EXCEPT THE WEST 264 FEET. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0127506-16.

PARCEL "082204-9166"

THAT PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SUBDIVISION 264.00 FEET; THENSE SOUTH 87°51'30" EAST ALONG THE NORTH LINE OF SAID SUBDIVSION 264.00 FEET; THENCE SOUTH 0°35'18" WEST 660.31 FEET TO THE SOUTH LINE OF SUBDIVISION AND THE TRUE POINT OF BEGINNING; THENCE NORTH 88°00'52: WEST ALONG SAID SOUTH LINE 137.60 FEET, MORE OR LESS TO A POINT WHICH BEARS NORTH 0°35'18" EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°35'18" WEST 360 FEET, MORE OR LESS OT THE TRUE POINT OF BEGINNING. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0126498-16.

PARCEL "082204-9080"

BEGINNING 124.55 FEET EAST OF THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAT QUARTER, SECTION 08, TOWNSHIP 22 NORTH, RANGE 04 EAST, W.M., IN KING COUNTY, WASHINGTON; THENCE EAST 139.45 FEET; THENCE SOUTH TO THE SOUTHLINE OF SAID

Ordinance No. _____
 Page 6 of 7

SUBDIVISION; THENCE WEST 137.40 FEET; THENCE NORTH TO THE POINT OF BEGINNING; EXCEPT THE NORTH 228.58 FEET; ALSO EXCEPT THE SOUTH 360 FEET. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0126474-16.

PARCEL "082204-9161"

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP, 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 87°51'35" EAST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 329.35 FEET TO THE NORTHEAST CORNER OF THE WEST 5 ACRES OF SAID NORTHWEST QUARTER; THENCE SOUTH 00°17'05" WEST, ALONG THE EAST LINE OF SAID WEST 5 ACRES, A DISTANCE OF 220.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°51'35" EAST A DISTANCE OF 139.17 FEET TO THE WEST LINE OF A TRACT CONVEYED TO G.W. CHILDS AND LAURA CHILDS, HIS WIFE, BY DEED RECORDED UNDER RECORDING NUMBER 4342743; THENCE SOUTH 00°25'50" WEST, ALONG SAID WEST LINE, A DISTANCE OF 440.78 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 88°00'58" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 138.04 FEET TO THE SOUTHEAST CORNER OF SAID WEST 5 ACRES; THENCE NORTH 00°17'05" EAST A DISTANCE OF 441.19 FEET TO THE POINT OF BEGINNING. THE LEGAL DESCRIPTIONS, RESTRICTIONS, EASEMENTS, AND ENCUMBRANCES SHOWN ON THIS SURVEY ARE BASED ON CHICAGO TITLE COMMITMENT NO. 0126494-16.

Sec. 2. DMMC 18.10.050, *Adoption of official zoning map*, and section 35 of Ordinance No. 1591 as amended by section 13 of Ordinance No. 1601 as amended by section 9 of Ordinance No. 1618-A as amended by section 2 of Ordinance No. 1655 as amended by section 2 of Ordinance No. 1660 as amended by section 3 of Ordinance No. 1663, as amended by section 2 of Ordinance No. 1704, are each amended to read as follows:

18.10.050 Adoption of official zoning map. The map filed in the City Clerk's office and marked

Ordinance No. _____
 Page 7 of 7

Exhibit "A" to Ordinance _____ and adopted _____, 2018, constitutes the zoning map for the City. The map referenced herein supersedes all previously adopted maps. If the designations of the map are found to be in conflict with other land use designations, the map is deemed to control.

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. Effective date. This Ordinance shall take effect and be in full force five (5) days after its final approval by the Des Moines City Council in accordance with law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____ and signed in authentication thereof this _____ day of _____, 2018.

 M A Y O R

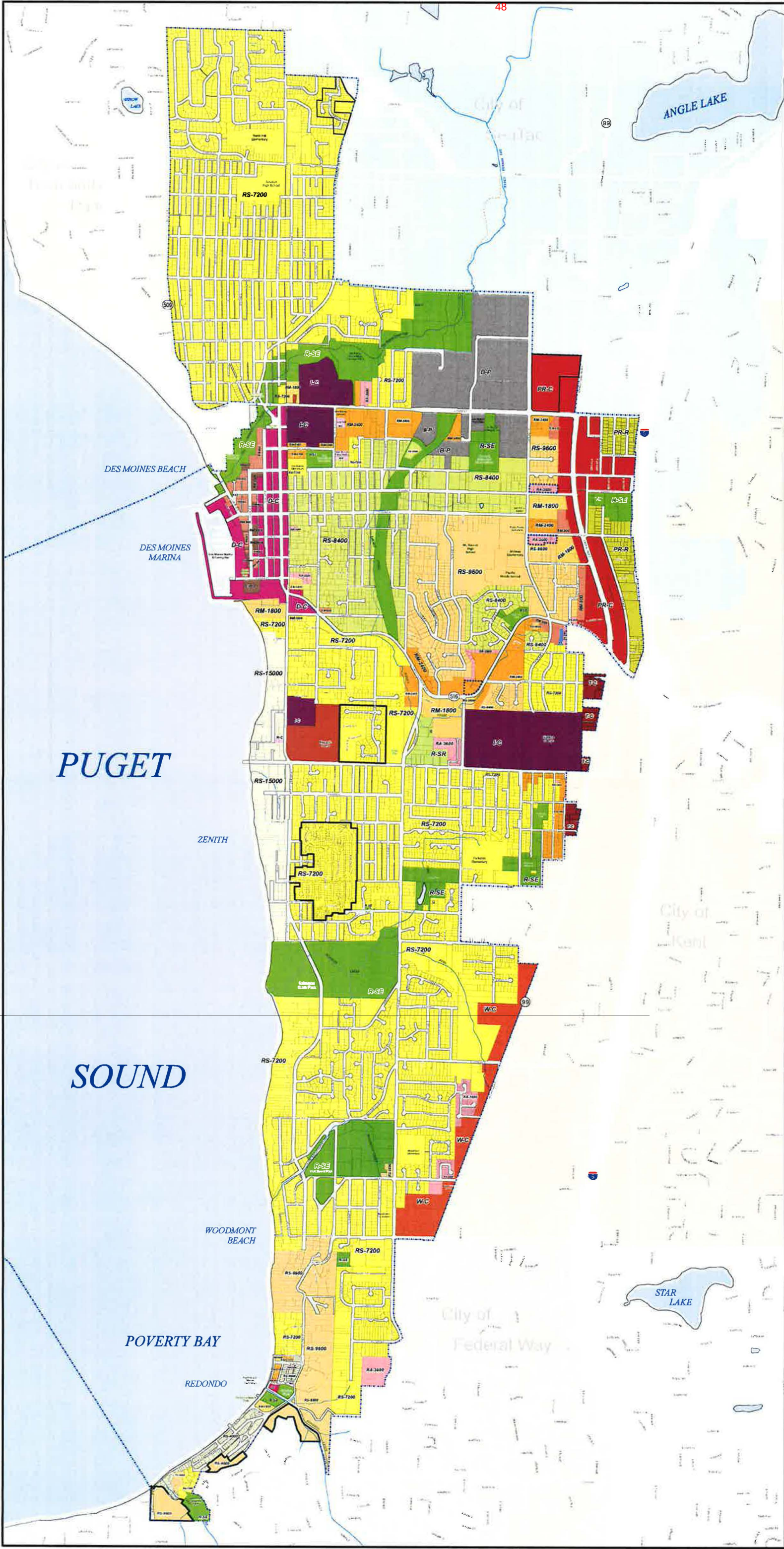
APPROVED AS TO FORM:

 City Attorney

ATTEST:

 City Clerk

Published: _____



City of Des Moines
Zoning

- RESIDENTIAL ZONING**
- R-SE Residential: Suburban Estates
 - R-SR Residential: Suburban Residential
 - RS-15,000 Residential: Single Family 15,000
 - RS-9,600 Residential: Single Family 9,600
 - RS-8,400 Residential: Single Family 8,400
 - RS-7,200 Residential: Single Family 7,200
 - RS-4,000 Residential: Single Family 4,000
 - RA-3,600 Residential: Attached Townhouse & Duplex
 - RM-2,400 Residential: Multifamily 2,400
 - RM-1,800 Residential: Multifamily 1,800
 - RM-900 Residential: Multifamily 900
 - RM-900A Residential: Multifamily 900A
 - RM-900B Restricted Service Zone
 - PR-R Pacific Ridge Residential

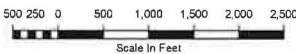
- COMMERCIAL ZONING**
- N-C Neighborhood Commercial
 - B-C Business Commercial
 - C-C Community Commercial
 - D-C Downtown Commercial
 - C-G General Commercial
 - B-P Business Park
 - I-C Institutional Campus
 - H-C Highway Commercial
 - PR-C Pacific Ridge Commercial
 - T-C Transit Community
 - W-C Woodmont Commercial

- See Comprehensive Plan for Development Potential
- Planned Unit Development
- Des Moines City Limits
- Tax Parcels
- Tidelands

Enacting Ordinances

Description	Ordinance	Effective Date
Adoption of digital zoning map	1235	May 5, 1999
Renaming of zones	1237	May 17, 1999
Business Park (B-P) rezone	1261	June 21, 2000
Pacific Ridge rezone	1267	July 25, 2000
Redondo Riviera annexation	1270	September 1, 2000
Adoption of GIS maps	1298	October 11, 2001
Mitchell/Chamlian rezone	1372	January 11, 2006
Redondo rezone	1397	March 7, 2007
Creswood Park	1420	December 5, 2007
Granville rezone	1431	June 26, 2008
Sea Mar rezone	1520	October 13, 2011
Barton rezone	1546	July 26, 2012
Addition of I-C zone	1563	March 28, 2013
Pacific Ridge rezone	1576	September 12, 2013
Addition of T-C Zone	1601	June 26, 2014
Addition of W-C Zone	1619-A	March 17, 2015
Blueberry Lane Rezoning	1660	September 8, 2016
S 216th Street Rezoning	1663	October 13, 2016

IN PROVIDING THIS MAP, THE CITY MAKES NO WARRANTY OF ANY KIND, expressed or implied, including without limitation, any warranties as to its fitness for a particular purpose or use. To the fullest extent permitted by law, the City shall not be liable for any damages to persons or property, whether direct, indirect, special or consequential, arising from the distribution or use of this map, including without limitation claims for damages based upon inaccuracies or erroneous information presented on this document. The user should not rely upon this document as a complete, current or accurate depiction of existing City zoning, definitions, or other regulations, and IN USING THIS DOCUMENT, THE USER ASSUMES ALL RISK OF INJURY OR DAMAGE THAT MIGHT FLOW THEREFROM.



Planning, Building & Public Works
21630 11th Ave S, Suite D
Des Moines, WA 98198-6398
PHONE: (206) 870-7576 * FAX: (206) 870-6544
WEB: <http://www.desmoineswa.gov>

Bonnie Wilkins

From: Dion Cantellay <dioncantellay@gmail.com>
Sent: Tuesday, October 23, 2018 7:25 PM
To: _CityCouncil
Cc: DeeandDion Cantellay
Subject: South 216th Zoning Classification

RECEIVED

October 23, 2018

OCT 23 2018

Des Moines Council Members

**CITY OF DES MOINES
CITY CLERK**

City of Des Moines
 21630 11th Ave. S.
 Des Moines, WA 98198

RE: South 216th Zoning Classification

Dear Des Moines Council Members:

My wife and I have lived in Des Moines at 1330 South 218th Street for over 14 years. We have raised 3 children here and have been very happy in our community. We are in favor of the proposed rezone to RM-2400.

Des Moines is a growing community. There is new residential development east of us on International Boulevard/Highway 99 and commercial development, both with the FAA headquarters and many warehouse facilities. We also see expansion and improvement in nearby Wesley Homes. Des Moines will continue to be a place that people will want to call home as the city is ideally situated between major cities with many transportation options (bus and light rail). South 216th is a major arterial connecting homes to businesses.

Obviously, a rezone is beneficial to our family. Beyond this, however, we believe it is important to look at how our city would be better served by this rezone and future development. With increased growth and accessibility, the need for affordable family homes must be addressed. We believe that a rezone and development would be a more efficient use of the land and provide necessary beautification and upgrades to the look and functionality of our community. In addition, any development would include better walkability and better traffic safety, neither of which have been addressed in our aging neighborhood. The current homes are old and a new development would add modernization and improvements to the neighborhood.

The proposed development would need to be approved by the city and work to address accessibility to the property. South 218th could be improved as a pedestrian walkway and the traffic flow of the development could be designed to enter and exit onto South 216th, to include a traffic signal at the intersection of South 216th and 14th Avenue South. If the zoning becomes uniform, the city will be better able to control the design of the project to address traffic concerns.

We are not the first community to tackle the question of smart growth. Many cities all over have struggled to grow in a way that doesn't lose that "local flavor" or lose sight of their identity. We are fortunate to live in a city that is an attractive destination where people desire to live. It is important to move forward with a thoughtful plan to offer more homes that improve the look and accessibility of our community.

Sincerely,

Charles Dion & Deirdre Cantellay

1330 S. 218th St.
Des Moines, WA 98198

October 20, 2018

RECEIVED

OCT 24 2018

**CITY OF DES MOINES
CITY CLERK**

Des Moines Council Members
City of Des Moines
21630 11th Ave. S.
Des Moines, WA 98198

Dear Council Members,

Sheila and I have lived in our present property at 1300 S. 218th St. for 40 years; Sheila has been a home owner in Des Moines since 1964. Our children and grandchildren have attended Des Moines elementary, Pacific middle school and Mt. Rainier high school. Our son and grandson and I have all three graduated from Highline College (in that order).

Thank you for your time Thursday night at the Public Hearing to consider draft ordinance 18-099 related to the S. 216th Street zoning reclassification. We are long term Des Moines residents and are in favor of the rezoning. As property owners affected by the rezoning we obviously have a vested interest in the outcome. We have been planning for several years to sell and downsize but have been waiting for the right time to attempt to develop our 1.14 acre parcel. The rezoning adds considerable value to our property. If the rezoning fails, we lose considerable value. This is a once in a lifetime opportunity for us.

We would like to share some further thoughts based on what we heard Thursday night. Our first thought is the rezoning is good for the city and fits into the Des Moines comprehensive plan. With the recent development north of S. 216th St with light industrial construction and the Regional FAA headquarters, there is definitely an increase in the number of people working in Des Moines. The recent expansion of Light Rail to S. 200th St. also increases the demand for housing in Des Moines by bringing convenient mass transit to downtown Seattle and other local communities. South 216th Street has been widened and improved and designated the "Gateway to Des Moines". What better way is there to showcase a growing, vibrant city than a new beautiful four square block townhome development? What better time than right now?

There are currently over four acres of undeveloped land on the parcel being considered for rezoning and all three property owners intend to develop that property regardless of a zoning change. Currently there are two different zoning areas—RM3600 along S. 216th St. and RM8400 along S. 218th St. This will insure the need to widen and improve S. 218th Street between 12th Ave. S. and 13th Ave. S. and cause additional traffic along those two streets. If the zoning is uniform at RM2400 the City will be able to control the design of the project to better address community traffic concerns. Ingress and egress could be limited to S. 216th St. and a traffic light could be installed at the intersection of S.216th St. and 14th Ave. S. With limited access for Fire control, S. 218th St. between 12th Ave. S. and 13th Ave. S. could be improved as a pedestrian walkway with no impact to traffic patterns on either street. Rezoning to RM2400 would also match the current zoning of the parcels to the West and East of the subject property. Rezoning would actually help traffic concerns expressed Thursday night compared to keeping the current zoning.

Besides traffic the other concern heard was fear of an increase in the crime rate if apartments are built. The master plan for this project is to construct townhomes that will probably sell for \$500,000 or more. We doubt this price range would bring any increase in crime to the neighborhood. Currently the apartments to the West and the Condominiums to the East of the subject property are in better repair and upkeep than the surrounding residential area. Constructing nice townhomes will enhance the neighborhood and not detract from it. Rezoning to RM2400 also allows more dense construction and results in more affordable housing compared to single family homes.

For any city to grow responsibly, compromise is necessary. Hopefully we have pointed out ways that both sides of the rezoning issue can be addressed and satisfied. It is easy to jump to conclusions without knowing the facts. Hopefully at the next meeting a presentation by the City of Des Moines Land Use Planner will help explain the zoning change in greater detail and answer many unanswered questions our neighbors have. The benefit of new homes bringing in new families to the city has to hold weight against the impact it may have for existing neighborhoods.

Sincerely,


Jim and Sheila Morrison
1300 S. 218th Street
Des Moines, WA 98198-8326

NOTICE OF DECISION

A Type IV LAND USE DECISION OF THE CITY OF DES MOINES, WASHINGTON, concerning land use application LUA2018-0027, seeking to amend the official zoning map of the City of Des Moines in order to reclassify tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080 from RA-3,600 Residential Attached Townhouse and Duplex 3,600 Zone and tax parcels 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166 and 0822049161 from RS-8,400 Residential Single-Family 8,400 Zone to RM-2,400 Residential Multifamily 2,400 Zone.

APPLICATION

On June 28, 2018, the City of Des Moines received an application for a Comprehensive Plan map amendment and zoning reclassification. The requested Comprehensive Plan map amendment sought to change the preferred land use designation for 12 properties from SF-Single Family and T-Townhome to MF-Multifamily (Refer to Attachment 1). The properties include tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080, 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166, and 0822049161.

The requested rezone would implement the revised land use designation through a zoning reclassification from Residential Single Family 8,400 (RS-8,400) and Residential Attached Townhome and Duplex (RA-3,600) to Residential Multifamily 2,400 (RM-2,400).

Amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment pursuant to DMMC 18.20.210. The date of the public hearing to consider amendments to Title 18 DMMC shall be set by motion of the City Council pursuant to DMMC 18.30.100(3).

FINDINGS OF FACT

1. The requested zoning map amendment has been processed in accordance with the State Environmental Policy Act requirements established by chapter 197-11 WAC.
2. The City Council set the date for the public hearing by motion on September 13, 2018, fixing the public hearing for October 18, 2018.
3. Notice of the public hearing was issued on September 18, 2018.
4. A public hearing was held on October 18, 2018 and continued to November 15, 2018, and all persons wishing to be heard were heard.
5. The City Council considered the application to amend the Comprehensive Plan preferred land use designation for the subject parcels from T-Townhome and SF-Single Family (SF) to MF-Multifamily at a public hearing on October 18, 2018 and the amendment was not approved.
6. The preferred land use for the subject parcels under the Comprehensive Plan is not consistent with the proposed zoning classification.

Decision Criteria

The decisional criteria for a zoning reclassification as set forth by DMMC 18.30.080, states that a site-specific zoning map amendment must meet all of the following:

1. The amendment meets the concurrency requirements set forth in chapter 36.70A RCW;
2. The amendment is consistent with the Comprehensive Plan;
3. The amendment bears a substantial relation to public health, safety and welfare;

4. The amendment is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property;
5. The property in question is adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same or higher zoning classification;
6. The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
7. The amendment has merit and value for the community as a whole. [Ord. 1591 § 102, 2014.]


The zoning reclassification does not meet all of outlined criteria as it is not consistent with the Comprehensive Plan (Criteria 2 of 7) and therefore cannot be enacted as proposed.

Decision

The City Council finds that the site-specific rezone and associated zoning map amendment contained in Draft Ordinance No. 18-099 do not meet all of the criterion of DMMC 18.30.080 required for the approval of a privately initiated, site specific zoning reclassification, specifically Criteria 2 of 7 and Criteria 4 of 7.

The zoning reclassification application is hereby denied due to the inconsistency of the application with the Comprehensive Plan.

PASSED BY the City Council of the City of Des Moines this 15 day of November and signed in authentication thereof this 19 day of NOV, 2018.



MAYOR

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: 11/19/18

APPEAL

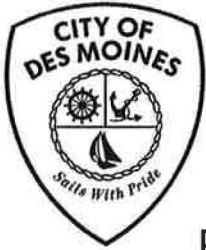
The City Council's decision regarding a Type IV land use action is appealable to the Superior Court of Washington for King County as specified by DMMC 18.20.290 (appeal from decision of the City Council).

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CONTINUED PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-105 AMENDING
THE DES MOINES 2035 COMPREHENSIVE PLAN AND PREFERRED LAND USE MAP

[illegible]



CITY COUNCIL

PUBLIC HEARING Speaker Sign-Up Sheet

PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE NO. 18-099
REGARDING SOUTH 216TH STREET REZONE

November 15, 2018

NAME (PLEASE PRINT)	ADDRESS	PHONE/E-MAIL ADDRESS
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X Jim Morrison	1308 S. 218 th St.	206-218-6764 morrison.jim@comcast.net
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X Jeffrey Johnson	1225 S 216 th St	206-552-6520 J.S.John314@comcast.net
X JC HARRIS	Des Moines 12 th Ave	Against
↳ Process Concern		

Dear Des Moines City Council,

This letter compiles the concerns of many neighbors in the area of the proposed 216th Street rezone and we are opposed to the rezoning of this area.

A proposal to rezone to multifamily, with no prior commitments on how to buffer the bordering single-family neighborhood, should not be approved. The city planners have consistently told our group that our concerns pertain to development phase and not the rezone. Many of us feel that if the rezone passes, many of our concerns immediately become inevitable, regardless of what happens in the development process.

Here is the compilation of our concerns:

- Increased amount of short-term neighbors. The majority of the people who live in our single-family neighborhood have been there for many years. We enjoy the family community that has been built as a result.
- Traffic: This is already a significant problem on 14th Ave S and many of the other backroads. The increased traffic on 14th Ave S, headed south, will create traffic issues on numerous neighborhood streets to the south. This dangerous issue is further compounded by the lack of sidewalks and many schools and churches in the area.
- Development Access Locations: The Transpogroup document shows an entrance/ exit to the development on 218th Street, which would cause 13th Street to become another option to bypass the arterial roads.
- Property Values: There is concern about a decrease in property value. Many of us rely on our home as our primary source of building wealth and this potential rezone could have detrimental effects on the home values of over 100 Des Moines homeowners.
- Crime: There is concern that the increase in density and short term neighbors will result in increased crime. The existing multifamily complexes on 216th Street are already known for criminal activity.
- Schools: There is concern that the schools are not prepared for additional students moving to the area as a result of the increased housing density.
- Destruction of the mature trees and foliage: This location currently provides an important barrier from 216th and airplane noise. Destruction of just a few of the mature trees would significantly change the views for dozens of residents in the single-family neighborhoods.
- Current reputation of the existing multifamily apartment complexes: Our single-family neighborhood has had numerous issues the existing multifamily apartment complexes. Many complaints have been made to the city and code enforcement with minimal improvement. If the current apartment complexes are not making an effort to be good neighbors, the city should not allow another to be built next door.
- Lost Opportunity: Des Moines is in a unique situation to attract families who have been priced out of buying a single family home in Seattle or Tacoma. The city should be focused on growing density and population with homes for purchase, and not rentals. The reputation of many apartment complexes in Des Moines actively deters potential residents from considering moving here.

We hope that we have made it clear that this multifamily rezone is bad for our neighborhood and bad for Des Moines. If this developer were proposing a single-family development, with similar size lots and houses to our neighborhoods, many of our concerns would be alleviated or reduced. This is why it is imperative that the rezone is denied. While not all of us agree with every point of concern in this letter, we agree that the rezone will be detrimental to our neighborhood.

Please vote against the proposed rezone.

Your Neighbors,

Sean Kelly
Kristin Kelly
Wendy Fosberg
Chris Clevish
Amy Clevish
Patricia Paolucci
Tony Paolucci
Michael Wicklund
Michelle Stephens
Josh Horton
Cath Horton
Hilda Campos
Marco Palermo
Danna Robinson
Marcus Perkins
JD McAlpine
Jim Fullwiler
Alisa Murray
Mike LeRoy
Les Kelly
Kerri Kelly
Gaile Kennedy
David Martel
Susan Martel
Michelle Wilson
JC Harris
Maybry Klein
Lance King
Rebecca King
Ed Hubbel

Continued Public Hearing 2018 Comprehensive Plan Amendments

SUSAN CEZAR, LEG – CHIEF STRATEGIC OFFICER

DENISE LATHROP, AICP – PLANNING & DEVELOPMENT SERVICES MGR.

NOVEMBER 15, 2018

CLARIFICATION OF PROCESS STEPS

Tonight there will be two continued public hearings

- First - comprehensive plan amendments, including a change in the land use to MF for the 216th rezone area.
- Second - the implementing rezone for the 216th area.

If the land use change is not approved, the public hearing will still proceed on the rezone, since the application must be decided.

However, if the Council does not approve the comprehensive plan change of land use for the 216th area, the rezone would not meet the approval criteria.

Staff have prepared two different presentations for the next (rezone) hearing, depending upon the Council's decision on the comprehensive plan land use change.

Purpose of this Public Hearing

Complete the Public Hearing.

Take action on the 2018 Comprehensive Plan Amendments.

Comprehensive Plan Amendments

Des Moines 2035: Charting Our Course for a Sustainable Future (2015).

Blueprint for how we will grow and prosper into the future.

Comprehensive Plans can be amended no more than once per year per State law.

Legislative decision that requires a public hearing with the City Council, not quasi-judicial.

Decision Criteria

City Council has broad discretion related to the Comprehensive Plan amendments pursuant to DMMC 18.25.100.

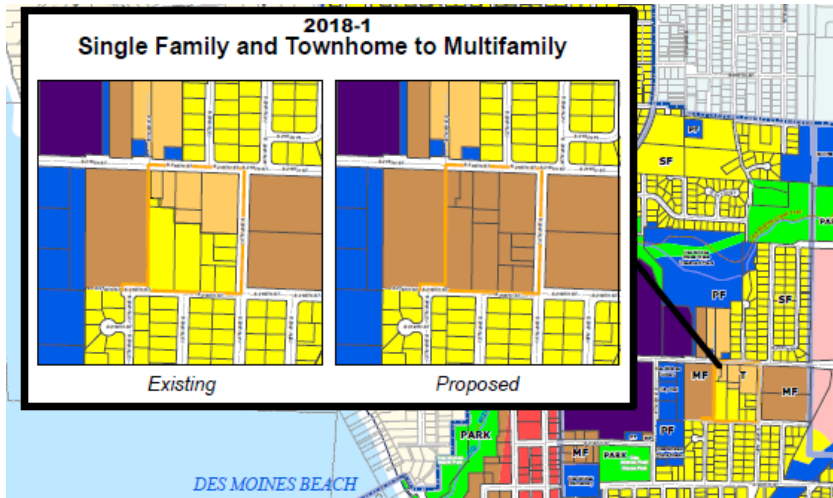
2018 Comprehensive Plan Amendments

Docket includes seven proposed amendments - one private application and six city-initiated:

- **2018-1: Preferred Land Use Map Amendment #1** – Citizen-request to change the preferred land use designation for 12 properties from SF-Single Family and T-Townhome to MF-Multifamily.
- **2018-2 Preferred Land Use Map Amendment #2** – Change the preferred land use for Mary Gay Park from SF-Single Family to PARK.
- **2018-3 Preferred Land Use Map Amendment #3** – Change the preferred land use for the Van Gasken Special-Use Park from MF-Multifamily to PARK.
- **2018-4 Preferred Land Use Map Amendment #4** – Add a Planned Unit Development (PUD) boundary around the Blueberry Lane PUD Subdivision.
- **2018-5 Preferred Land Use Map Amendment #5** – Add a PUD boundary around the Des Moines Creek Business Park Phase IV PUD.
- **2018-6 Chapter 5: Capital Facilities, Utilities and Public Services Element** – Amend adoption dates for several capital facility, utility and public service plans from other entities that provide these services to the City.
- **2018-7: Chapter 6: Parks, Recreation and Open Space Element** – Add Mary Gay Park and Van Gasken Park and remove Zenith Park from the City's park inventory and make several minor text amendments.

2018-1: Preferred Land Use Map Amendment #1

Citizen-request to change the preferred land use designation from SF-Single Family and T-Townhome to MF-Multifamily



Staff Clarification:

- Evident that not all of the 12 property owners are in support the preferred land use map amendment.
- Removing properties from the proposed area would leave isolated parcels with a different preferred land use designation (not recommended).
- Staff is recommending that this amendment be removed and the remaining comprehensive plan amendments be approved.

Recommended Motions

(Different from Council Packet)

Motion 1a: “I move to amend Draft Ordinance No. 18-105, Exhibit B to remove Amendment 2018-1.” *(This Amendment will remove the private application, maintaining the status quo for the land use.)*

Motion 1b: “I move to enact Draft Ordinance No. 18-105 as amended, amending Chapter 18.25 DMMC.”



Public Hearing:

Draft Ordinance 18-099 South 216th Street Zoning Reclassification

OCTOBER 18, 2018 THROUGH NOVEMBER 15, 2018

HOLLY KEETON, LAND USE PLANNER II

PURPOSE TONIGHT

- ▶ **Decision process:**

- ▶ Continue the quasi-judicial public hearing to receive any additional public testimony
- ▶ Determine the application's compliance with approval criteria and decide the application.

The Application

- ▶ Site specific rezone for the proposed area south of S 216th Street from RS-8,400 and RA-3,600 to RM-2,400: Mixed Single-Family and Townhome Multifamily to Multifamily.
- ▶ The associated Comprehensive Plan map amendment to change the preferred land use from SF-Single Family and T-Townhome to MF-Multifamily was considered during the previous hearing for the 2018 Comprehensive Plan amendments.
- ▶ If the Comprehensive Plan map amendment is **not** approved, then this rezone does not meet the criteria for approval.

Decision Criteria

1. The amendment meets the concurrency requirements (for provision of public services and facilities) set forth in chapter 36.70A RCW.
2. The amendment is consistent with the Comprehensive Plan. **Does Not Meet Requirement**
3. The amendment bears a substantial relation to the public health, safety and welfare.
4. The amendment is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property. **Does Not Meet the Requirement**
5. The property in question is adjacent and contiguous...to property of the same or higher zoning classification.
6. The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property.
7. The amendment has merit and value for the community as a whole.

Staff Recommended Motion

- ▶ Staff recommends that the City Council move to "...deny application No. LUA2018-0027 to amend the Zoning Map as the proposed zoning reclassification is inconsistent with the City's Comprehensive Plan and therefore does not meet the criteria outlined in DMMC 18.30.080(2) and further to direct staff to prepare a Notice of Decision consistent with this decision."

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT INTERNAL OPERATIONS REVIEW

November 15, 2018 City Council Meeting
Susan Cezar, Chief Strategic Officer
Dan Brewer, Chief Operations Officer

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT ACKNOWLEDGEMENT

- **First we would like to acknowledge the efforts of the current Parks, Recreation and Senior Services staff in moving forward and exemplifying the best qualities of public employees, continually making the extra effort to serve our community.**
- **We are proud of them and working together we can continue to provide the highest quality Parks, Recreations and Senior Services.**
- **The issues that we are about to discuss are not related to current Parks, Recreation and Senior Services staff, but occurred under the former management of the Department.**

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT PROCESS

- **Retirements of long-term PRSS Director and Senior Services Manager**
- **Important distinction is that Legacy Foundation is not legally affiliated with the City and is an independent non-profit entity.**
- **Succession planning review of Parks, Recreation, and Senior Services Department Operations, Programs, Processes**
- **Independent investigation initiated (A&M) based on:**
 - **Potential theft of funds (violation of RCW 9A.56.020),**
 - **Illegal public records deletion (violation of RCW 40.16.020), and**
 - **State Auditor requirements to notify and investigate (RCW 43.09.185)**
- **Additional issues identified and corrective actions taken – shown in the following slides**

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT ADMINISTRATIVE

Issue:

Programs initiated and funded outside of City Administration and City Council budget process (violates RCW 35A.13.120 and Chapter 3.80 DMMC).

- **True cost of programs not able to be determined.**
- **No Administration or City Council control of programming or Department work program.**

Corrective actions taken:

- *City staff have been informed that all approvals for City programs are to be through proper administrative channels.*
- *Staff will adhere to approved budget process in accordance with State law.*

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT

ADMINISTRATIVE

Issue:

Unchecked use of City employees and facilities to participate in non-profit (Legacy) events without payment, agreements or insurance protections.

- **Diversion of City staff to fundraise for an outside organization limited City resources that should have been available for Council-authorized Parks and Senior programs.**
- **Put the City at risk of claims without coverage.**

Corrective actions taken:

- *Future events will be clearly defined as to the event partners and responsibilities, with appropriate agreements in place.*
- *Charges for City facilities usage will be in accordance with Council-adopted policy.*
- *Use of city staff time and resources will be subject to Administration approval, and subject to staff capacity and ability to perform their regular City work duties.*
- *Funds raised by the City will be retained for City programs in accordance with appropriate agreements.*

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT ADMINISTRATIVE

Issue:

City staff independently requesting funding and receiving direction from the Legacy Board (violation of RCW 35A.13.120).

- **RCW 35A.13.120 prohibits public employees from receiving direction from anyone other than the City Manager or Administration.**

Corrective actions taken:

- *Department staff have been informed that they are not authorized to independently request funding/program approvals from other agencies/non-profits. Direction to staff must be through proper administrative channels, reflecting the direction of the City Council.*

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT

FINANCIAL

Issue: Financial Controls - City staff handling of money for the Legacy Foundation.

- No receipts given, not entered into the City's financial accounting system, money held at City facilities overnight.
- The process of receiving money must be highly regimented to ensure financial controls are in place in accordance with proper financial practices. This assures that money is recorded correctly, deposited promptly, and not stolen or altered anywhere in the process. This practice put City employees and the City at risk from claims of improper handling of funds. (RCW 43.09.240)
- This practice created opportunity for staff serving dual roles as City employees and Legacy Board members to divert City funds.
- Funds intended for the City were, in fact, diverted to an outside organization.

Corrective actions taken:

- *PRSS staff have received direction that they are not to handle money for the Legacy Foundation as part of their job duties.*
- *Department staff have received additional training related to best financial practices and all money will be receipted and processed through the City's financial system.*

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT FINANCIAL

Issue:

True cost of activities/services – cannot be ascertained when supplemented outside of the City's accounting/budget system.

- **No accounting for City staff or facilities usage expense.**
- **No recording of expenditures and the corresponding donation/contribution revenue.**
- **The City must ensure that levels of service are sustainable, that all expenditures and the role of donations are recognized in the budget, and that this is part of an open public process.**

Corrective actions taken:

- ***All program expenses and revenues will be processed through the City accounting system and City Council approved budget.***

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT EMPLOYEE COMPENSATION

Issue: City Parks, Recreation and Senior Services (PRSS) employees were directed to work at Legacy events as “volunteers” without compensation.

- **Violation of federal employment law (29 CFR 285.44).**
- **Some employees challenged this direction, yet in some cases this practice continued under the previous PRSS management.**
- **Employees were under the false impression that fundraising for Legacy was required in order to support their jobs.**
- **Some employees were directed to falsify their timesheets (violation of City personnel policies).**

Corrective actions taken:

- ***Settlement agreements have been reached with most affected employees, with a cumulative cost of approximately \$20,000.***
- ***Employees have been given additional direction to properly record all time worked.***
- ***Updating policy and practice for volunteer work by City staff.***

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT SAFETY

Issue: Safety

- **Site visit conducted with the Building Official as part of succession review.**
- **Safety issues have been identified at the Field House and Senior Center that had not previously been brought to the attention of the Administration.**

Corrective actions taken:

- ***Urgent issues are being addressed immediately.***
- ***Additional work will be completed in 2019.***

PARKS, RECREATION AND SENIOR SERVICES DEPARTMENT NEXT STEPS

- *State Auditor will review the City's investigation and recommend appropriate remedial actions.*
- *City likely to receive a negative "finding" from the State Auditor.*
- *Outside agencies as appropriate will continue the investigation.*
- *City will continue to monitor PRSS Department expenses, revenue, money-handling to assure use of best financial practices.*
- *Appropriate agreements will be in place for City partnerships with other organizations.*
- *Staff will receive approvals for programs and budget through proper administrative channels.*
- *City Council and Administration have an absolute and on-going commitment to assure the public trust is maintained through appropriate use of public resources.*
- *While donations are helpful and appreciated, sufficient City resources are budgeted for 2019 to assure on-going and sustainable PRSS programs.*