

AGENDA

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

October 25, 2012 - 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CORRESPONDENCE

COMMENTS FROM THE PUBLIC:

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORTS

Change Order Amendment for the Nordic Construction Agreement
Suburban Cities Association Report – Deanna Dawson, Executive Director

CONSENT CALENDAR

Page 1 Item 1: APPROVAL OF MINUTES

Motion is to approve the minutes of October 4 and 11, 2012 City Council meetings

Page Item 2: APPROVAL OF VOUCHERS

Motion is to approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks \$
Payroll fund transfers in the total amount of \$
Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$

Page 9 Item 3: DRAFT RESOLUTION 12-178, NOTICE OF PUBLIC HEARING FOR
PACIFIC RIDGE RESIDENTIAL BUILDING HEIGHTS

Motion is to adopt Draft Resolution No. 12-178 setting a public hearing on November 29, 2012 to consider the proposed amendments to dimensional standards established by Chapter 18.31 DMMC.

Page 21 Item 4: COOPERATIVE AGREEMENT TO PROMOTE THE DEVELOPMENT
OF A JOINT USE AGREEMENT BETWEEN HIGHLINE SCHOOL DISTRICT NO. 401 AND THE
CITIES OF BURIEN, DES MOINES, NORMANDY PARK AND SEATAC ONE WITH THE OTHER

Motion is to authorize entering into a Cooperative Agreement to promote the development of a Joint Use Agreement between Highline School District No. 401 and the cities of Burien, Des Moines, Normandy Park and SeaTac, and between the said Cities one with the other and to authorize the City Manager to sign said Agreement in the form as submitted.

Page 29 Item 5: MAYOR'S REAPPOINTMENTS TO THE PLANNING AGENCY

Motion is to confirm the following Mayoral reappointments to the Des Moines Planning Agency: Shan Hoel, Position 1, term to expire December 31, 2016; Mel McDonald, Position 3, term to expire December 31, 2016; Shelley Murray, Position 5, term to expire December 31, 2016; Scott Evans, Position 7, term to expire December 31, 2016.

Page 36 Item 6: MARINA DISTRICT PARKING LOT LEASE (FISHER PROPERTY)

Motion is to approve the Lease Agreement between William O. and George D. Fisher and the City for the use of their property for a municipal parking lot at an annual cost of the actual property tax owed for the property plus \$100, and to authorize the City Manager to sign the Agreement substantially in the form as attached.

PUBLIC HEARING

Page 46 1. 2012 COMPREHENSIVE PLAN AMENDMENTS
Staff Presentation: Planning Manager Denise Lathrop

Page 73 2. MASTER DEVELOPMENT APPLICATION TO AMEND A COUNCIL-
APPROVED SUBDIVISION CONDITION RECORDED ON THE PLAT EXTENDING THE
REQUIRED PAVING DATE OF THE LANDMARQUE INTERNAL ROADS (NOW CITY
STREETS) FROM SEPTEMBER 1, 2012 TO SEPTEMBER 1, 2013
Staff Presentation: Development Manager Robert Ruth

OLD BUSINESS

Page 91 1. 2013 OPERATING BUDGET
Staff Presentation: Finance Director Paula Henderson

NEXT MEETING DATE November 1, 2012, City Council Regular Meeting

ADJOURNMENT

Consent Agenda Item #1

AGENDA

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

October 4, 2012 - 7:00 p.m.

CALL TO ORDER - Mayor Pro-Tem Pina called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was led by Councilmember Caldwell.

ROLL CALL

Present were Mayor Pro-Tem Matt Pina; Councilmembers Dan Caldwell, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Mayor Dave Kaplan and Councilmember Melissa Musser were absent. Councilmember Burrage moved to excuse Mayor Kaplan and Councilmember Musser; Councilmember Scott, second; all the votes were *ayes*.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Planning Building and Public Works Director Grant Fredricks; Police Chief George Delgado; Finance Director Paula Henderson; Finance Operations Manager Cecilia Pollock; Harbormaster Joe Dusenbury; Parks Recreation and Senior Services Director Patrice Thorell; Assistant Director of Transportation and Engineering Dan Brewer; Assistant Director of Utilities and Environmental Engineering Loren Reinhold; Senior Planner Jason Sullivan; CIP Project Manager Scott Romano; Economic Development Manager Marion Yoshino; City Clerk Sandy Paul

COMMENTS FROM THE PUBLIC:

Jeff Hart, 22609 6th Avenue South, #302, spoke about a huge gathering of cars and people at the Marina which had gathered in the parking lot and proceeded to party. He called it an extraordinary event. He commented on other events involving petty crime, alcohol abuse and drug dealing. He spoke in favor of paid parking at the Marina.

Will Huisingh, President of Waterford at Des Moines, also spoke about gatherings in the Marina parking lot during the summer and some of the activities he has witnessed. He asked for a permanent fix in the Marina to curb these activities, such as a hard gate at the south end of the Marina.

Ben Smith, 22515 6th Avenue, also asked for a permanent fix to the drug problems and eventual violence in the Marina.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Friday evening is the Spaghetti dinner at the Activities Center to support senior activities
- Des Moines' calendar for 2013 is almost ready and will be for sale for \$5 at the dinner
- Invited all to come to the Farmer's Market on Saturdays through October
- IOOF hall is downhill from Scotch and Vine and on October 13 they are putting on a celebratory spaghetti dinner. Please RSVP by October 8. Cost is a suggested \$10 donation

Councilmember Caldwell

- Said that seniors who are released from the hospital but are not well enough to go home can go to the Landmark Center and participate in its Transitional Care Project (the former Masonic Temple)

- Complimented the City Manager for having the July 12 Council meeting at Woodmont/Redondo and followed up with letters to all those who spoke at the meeting to share their concerns
- Stated the when he attends meetings he often finds the acoustics prevent him from hearing well
- Was at the beach today and saw for himself the problem the harbormaster has launching boats into rough water

PRESIDING OFFICER'S REPORT

- Attended the stakeholders meeting where the review of the potential development at the Marina is taking place

ADMINISTRATION REPORTS

- Thanked Councilmember Caldwell for his comments about the letters that went out to those speakers at the Woodmont meeting. He said all he did was to sign them and other staff did all the work!
- Please note that the first 2 consent items were switched. The clerk will read them in their proper order
- Grant Fredricks has announced his retirement after 47 years of public service in the Corps of Engineers, Washington state, and the City of Des Moines. Dan Brewer, Transportation Engineer, will be Acting Public Works Director, and Denise Lathrop, Planning Manager, will assume the duties of Acting Community Development/Building/Planning Director. Additionally, Senior Planner Jason Sullivan is going to take a position in Bonney Lake, nearer to his home.

CONSENT CALENDAR

Item 1: MARINA DISTRICT PARKING LOT LEASE (FISHER PROPERTY)

Motion is to approve the Lease Agreement between William O. and George D. Fisher and the City for the use of their property for a municipal parking lot at an annual cost of the actual property tax owed for the property plus \$100, and to authorize the City Manager to sign the Agreement substantially in the form as attached.

Item 2: NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PHASE II

APPEAL

Motion is to adopt contribute \$15,000 to the NPDES Coalition Fund for the City's share of litigation costs and expenses in the appeal of the NPDES Phase II permits and to authorize the City Manager to sign an ILA reflecting the City's participation and contribution to the litigation expenses, substantially in the form as attached.

Item 3: RESOLUTION NO. 11-074C SETTING THE DATE FOR LAND USE REVIEW PROCEDURES

Motion is to adopt Draft Resolution No. 11-074C setting a public hearing on November 29, 2012 to consider proposed amendments to the City's land use review procedures.

ACTION/DIRECTION

Item 1 was pulled by Councilmember Burrage.

Councilmember Burrage moved to approve the remaining Consent items; Councilmember Scott, second. The motion passed 5-0.

Councilmember Burrage asked to make changes to the length of time the City would have to use the property if a sale were pursued. She pointed out that since the City was responsible for all utilities, the City could be made exempt for any future hook-up charges. SWM fees would continue to be the City's responsibility. And dumpsters placed there would be included in the City's contract with CleanScapes. Protection from invalid liens should also be clarified.

No action was taken. This matter will come appear on a later agenda after further staff review.

OLD BUSINESS

City Manager Tony Piasecki called Mayor Kaplan on the telephone at this time.

1. RECONSIDERATION OF ORDINANCE NO. 1549, RELATING TO THE CITY'S IMPOSITION OF GAMBLING TAXES AND PROVIDING A GRADUATED TAX STRUCTURE FOR PUBLIC CARDROOMS AS A COMMERCIAL STIMULANT

ACTION/DIRECTION

Councilmember Sheckler moved to modify Ordinance No. 1549 by changing the phase-in period of the gambling tax on card rooms as follows: One percent (1%) in the first twelve months, four percent (4%) in the second twelve months, seven percent (7%) in the third twelve months, and ten percent (10%) thereafter; Councilmember Burrage, second.

Councilmember Burrage moved to amend the motion to change 10% to 8% to encourage more business in the City of Des Moines and realize more revenue; seconded by Councilmember Scott. The motion to amend failed 4-2. Councilmembers Sheckler and Scott voted *yes*.

Councilmember Burrage moved to amend the original motion to reduce 10% to 9% where it appears twice in the ordinance; second by Councilmember Scott. The motion passed, 5-1. Councilmember Caldwell voted *no*.

Councilmember Sheckler moved to modify Ordinance No. 1549 (as amended) by changing the phase-in period of the gambling tax on card rooms as follows: One percent (1%) in the first twelve months, four percent (4%) in the second twelve months, seven percent (7%) in the third twelve months, and nine percent (9%) thereafter; Councilmember Burrage, second. The motion passed 5-1. Councilmember Caldwell voted *no*.

City Manager Piasecki read the title of the reconsidered ordinance.

Mayor Kaplan left the meeting.

NEW BUSINESS

1. MARINA/BEACH PARK SECURITY ISSUES AND PAID PARKING

Harbormaster Joe Dusenbury made a short introductory presentation. Police Chief George Delgado and Parks Recreation and Senior Services Director Patrice Thorell spoke afterwards.

ACTION/DIRECTION

Councilmember Sheckler moved to direct staff to proceed with the analysis and discussion of ways to improve the management of Marina and Beach Park including investing in security equipment and technology, parking and traffic management systems, and develop a parking fee structure that would support improvements to the facilities; second by Mayor Pro-Tem Pina. The motion passed 5-0.

Councilmember Sheckler moved to establish an ad-hoc committee for the purpose of seeing this project through and making recommendations for improvements. The committee would dissolve at the end of the assignment; second by Councilmember Burrage. The motion failed 3-2. Councilmembers Sheckler and Caldwell voted *yes*.

Councilmember Sheckler left the meeting at 8:35 p.m.

2. SWIM CIP

Assistant Director of Utilities and Environmental Engineering Loren Reinhold presented the Surface Water Management CIP for 2013-2018. He highlighted projects completed in 2012 moving into projects scheduled for next year and through 2018.

ACTION/DIRECTION

This was a policy discussion and there was no action taken.

3. MARINA CIP

Harbormaster Joe Dusenbury presented the 2013-2018 Marina CIP. He pointed out projects that were completed in 2012. One project desired for 2013 is a more permanent 'tent' with sides to keep out the wind and rain and made of a more durable material. He also talked about the need for an offsite storage yard/shelter for spare floats, pilings, and lumber to get them out of the weather and out of sight. It would be located at the south end of the Public Works yard on South 223rd street.

ACTION/DIRECTION

This was a policy discussion and there was no action taken.

NEXT MEETING DATE October 11, 2012, City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Caldwell moved to adjourn; second by Councilmember Burrage. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Sandy Paul CMC
City Clerk

MINUTES

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

October 11, 2012 - 7:00 p.m.

CALL TO ORDER - Mayor Kaplan called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was led by Mayor Kaplan.

ROLL CALL

Present were Mayor Dave Kaplan; Mayor Pro-Tem Matt Pina; Councilmembers Dan Caldwell, Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Attorney Tim George; Planning Building and Public Works Director Grant Fredricks; Police Chief George Delgado; Finance Director Paula Henderson; Finance Operations Manager Cecilia Pollock; Parks Recreation and Senior Services Director Patrice Thorell; Senior Planner Jason Sullivan; City Clerk Sandy Paul

COMMENTS FROM THE PUBLIC:

Greg Knutson, 23115 Marine View Drive South and president of the Des Moines Historical Society, thanked the Council for their enduring support. The Historical Society maintains records and artifacts in the museum, which is open on Saturdays in the summer or by appointment.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Burrage

- Attended North Hill Community Club meeting on October 9. Chief Delgado was there talking about the Des Moines Police Department.

Mayor Pro-Tem Pina

- Attended the Suburban Cities Association (SCA) Public Issues Council (PIC) on Wednesday October 10. He asked the Council to draft a letter in support of the drug take-back program
- At the SCA meeting, King County did a budget presentation, where the revenue issues mirror those of the cities. Sales tax collections have been significantly reduced since 2009. There is no money to take care of the roads and very little will be spent on them.
- November 14 is the annual SCA networking dinner.

Councilmember Musser

- No report, but Mt. Rainier High School's homecoming festivities take place this weekend

Councilmember Caldwell

- Also attended the North Hill Community Club meeting on October 9 where the police chief made a presentation.
- Mentioned that the VFW and some of the other local service clubs are offering college scholarships

PRESIDING OFFICER'S REPORT

- Had a really good vacation visiting the capitals of New York, New Hampshire, Vermont, and Massachusetts. He complained that he had rain every day while Seattle was basking in sunshine.
- He appreciated the opportunity to call in and be included in the gambling tax reconsideration
- Spoke at Wesley homes Tuesday October 9. Many residents were keenly interested in the completion of sidewalks the full length of 216th and all economic development in general.
- Reviewed last week's council meeting video and weighed in on the pending departures of Jason Sullivan and Grant Fredricks

ADMINISTRATION REPORTS

- Planning Building Public Works Director Grant Fredricks presented an Energy Conservation Update following McKinstry's energy saving project. The one year audit demonstrated the City is saving more than predicted in the original audit
- The South 216th Street project has gone to bid. Bids are due November 8.
- The ILA with Normandy Park for Prosecution Services will take effect November 1, 2012, rather than in January 2013

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve the minutes of the meetings of September 27, 2012.

Item 2: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers described as follows:

Claim checks **\$475,186.06**

Payroll fund transfers in the total amount of **\$438,567.24**

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are **\$913,753.30**

Item 3: DRAFT ILA WITH NORMANDY PARK FOR DES MOINES TO PROVIDE PROSECUTION SERVICES

Motion is to approve the Interlocal Agreement with the City of Normandy Park allowing Des Moines to provide prosecution services to Normandy Park for a total cost of \$25,000 per year, and to authorize the City Manager to sign the Agreement substantially in the form as submitted.

Item 4: DRAFT RESOLUTION NO. 12-148 – SURPLUS OF PARKS & RECREATION PROPERTY – BASKETBALL HOOPS AND TRAILER

Motion is to adopt Draft Resolution No. 12-148 declaring certain Parks & Recreation Department property identified by Exhibit 'A' as surplus and authorizing disposal of said Parks & Recreation Department surplus property by sale for the price of \$5,000.

ACTION/DIRECTION

Councilmember Musser moved adoption of the Consent agenda; Mayor Pro-Tem Pina, second. The motion passed 7-0.

NEW BUSINESS

1. 2013 BUDGETS – COUNCIL BUDGET RANKINGS DISCUSSION AND 2013 BUDGET BALANCING STRATEGIES

City Manager Tony Piasecki and Finance Director Paula Henderson joined forces to explain budget line items and where specific expenditures might be located within the budget. The discussion was then turned over to the City Council.

ACTION/DIRECTION

There was no other action than a lengthy discussion at this time.

NEXT MEETING DATE

October 18, 2012, City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Caldwell moved to adjourn; Councilmember Burrage, second. The motion passed 7-0. The Council meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Sandy Paul CMC
City Clerk

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Setting Date for Public Hearing
for Amendments to the Pacific Ridge Zone
(Chapter 18.31 DMMC)

FOR AGENDA OF: October 25, 2012

DEPT. OF ORIGIN: Planning, Building, &
Public Works

ATTACHMENTS:

- 1. Draft Resolution 12-178
- 2. Draft Ordinance 12-178

DATE SUBMITTED: October 16, 2012

CLEARANCES:

- Legal *PS*
- Finance N/A
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works *AS*
- Police N/A
- Economic Development *May*

APPROVED BY CITY MANAGER
FOR SUBMITTAL: *AS*

Purpose and Recommendation:

The purpose of this Agenda Item is to set a public hearing date to consider the amendments related to the Pacific Ridge Zone codified in Chapter 18.31 DMMC. Administration recommends that the City Council approve as part of the Consent Calendar Draft Resolution 12-178 setting a public hearing on November 29, 2012 to consider the proposed amendments to Chapter 18.31 DMMC.

Suggested Motion:

“I move to adopt Draft Resolution No. 12-178 setting a public hearing on November 29, 2012 to consider the proposed amendments to dimensional standards established by Chapter 18.31 DMMC.”

Background:

On July 13, 2000, the City Council adopted Ordinance No. 1267, establishing the Pacific Ridge Zone codified as Chapter 18.31 DMMC, an effort aimed at providing regulations to promote redevelopment of properties in Pacific Ridge in order to create an attractive, safe, and desirable area to work and reside. The Pacific Ridge Neighborhood was also the first neighborhood in the City of

Des Moines' history that was zoned to allow for mid-rise and high-rise construction. However, during the establishment of the dimensional standards, the City utilized a number of standards that had been previously developed by the City to regulate low-rise commercial development. As the City gains a better understanding of how these types of buildings are constructed and the unique challenges that are associated with regulating taller buildings, refinements to the dimensional regulations are necessary to better regulate mid-rise and high-rise buildings.

Under the current code, the *minimum* building height limit in the Pacific Ridge Commercial 1 (PR-C1) and Pacific Ridge Residential (PR-R) zones is 35 feet. Additionally, in the PR-R zone, there is a *maximum* building height limit of 35 feet, with a height bonus allowed only for condominium projects.

The City Council will be asked to evaluate a maximum building height of 100 feet for apartment buildings, and up to 120 feet for condominiums (or 200 feet with height bonus) in the PR-R zone. **Please note language allowing greater height limits for condominiums is still included in this ordinance, it is indicated in Section 10 and 11a.**

Discussion:

Amendments to Title 18 DMMC (Zoning) are considered Type VI Land Use Actions pursuant to DMMC 18.56.080(1) and as such require a public hearing with the City Council pursuant to DMMC 18.56.200 and 18.60.040. The date of the public hearing to consider the amendments to the Pacific Ridge Zone – Chapter 18.31 DMMC is required to be set by motion of the City Council pursuant to DMMC 18.60.120(3). Approval of the resolution setting the hearing date does not obligate the City Council to approve any of the amendments that would be presented at the public hearing.

Alternatives:

With respect to Draft Resolution 12-178, the City Council has the following alternatives:

1. Alternative 1: Do Nothing

The City Council could decline to adopt Draft Resolution 12-178. Doing so would retain the existing minimum and maximum building height requirements. This is not the recommended action.

2. Alternative 2: Adopt the Draft Resolution

The City Council may adopt Draft Resolution 12-178 establishing the hearing date for the amendments to the dimensional standards for the PR-C1 and PR-R zones. This is the recommended action.

3. Alternative 3: Adopted the Draft Resolution with a different hearing date.

The City Council may adopt Draft Resolution 12-178 establishing a different hearing date for the amendments to the dimensional standards for the PR-C1 and PR-R zones.

Financial Impact:

No financial impact is foreseen by setting the public hearing.

Recommendation/Conclusion:

Administration recommends that the City Council set a hearing date.

Concurrence:

Economic Development; Planning, Building, & Public Works; and the Legal Departments concur.

DEVELOPMENT SERVICES' FIRST DRAFT
09/28/2012

DRAFT RESOLUTION NO. 12-178

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, fixing a time for a public hearing to consider Draft Ordinance No. 12-178 which amends dimensional standards established by the Pacific Ridge Zone codified as Chapter 18.31 DMMC.

WHEREAS, the City Council is considering amendments to Chapter 18.31 DMMC relating to the dimensional standards for new buildings in the Pacific Ridge Neighborhood, and

WHEREAS, a public hearing is necessary to receive public comment regarding this proposal, and

WHEREAS, a public hearing is required for adoption of an ordinance which amends a portion of the Title 18 DMMC commonly referred to as the Zoning Code; now therefore,

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

The matter of amendments to Chapter 18.31 DMMC, *Pacific Ridge Zone*, is set for a public hearing before the City Council on Thursday, November 15, 2012, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 21630 11th Avenue South, suite B, Des Moines, Washington.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2012 and signed in authentication thereof this ____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Attachment 1

**DEVELOPMENT SERVICES FIRST DRAFT
09/28/12**

DRAFT ORDINANCE NO. 12-178

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, amending DMMC 18.31.090 by increasing the maximum building height in the Pacific Ridge-Residential zone.

WHEREAS, the City seeks to encourage and promote new development in the Pacific Ridge Zone, and

WHEREAS, The *Des Moines Comprehensive Plan* Strategy 2-04-08 of Land Use Element states that the City should "[E]ncourage improvement of the ... Pacific Ridge Neighborhood by working with the business community and other representative organizations to achieve the goals of the City of Des Moines Comprehensive Plan", and

WHEREAS, the intent of the Pacific Ridge Neighborhood as established by the *Des Moines Comprehensive Plan* Goal 11-01-01 of the Pacific Ridge Element is "...to transform Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, stable soils, and view potential. The transformation of Pacific Ridge will include replacement of lower-scale, existing buildings with new structures that will dramatically enhance the appearance, character, economics, and safety of the area", and

WHEREAS, the Des Moines Planning Agency at its _____, 2012 regular meeting recommended that the City Council raise the maximum building height in the PR-R and remove the minimum building height requirements in the PR-R and PR-C1, and

WHEREAS, the Des Moines Planning, Building and Public Works director acting as the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental documents, and

WHEREAS, the Des Moines Planning, Building and Public Works Director acting as the SEPA responsible official determined that the existing environmental documentation fulfilled the SEPA requirements established by chapter 197-11 WAC and chapter 16.04 DMMC pursuant to WAC 197-11-600 and DMMC 16.04.108, and

Attachment 2

Draft Ordinance No. 12-178
Page 2 of 8

WHEREAS, pursuant to DMMC 18.56.080 amendment of the Zoning Code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.56.200 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 18.60.120(3) requires that the date of the public hearing to consider amendments to the Title 18 be set by motion of the City Council, and

WHEREAS, The City Council set the public hearing and date by resolution which was, in this case, established by Resolution No. _____ fixing the public hearing for _____, and

WHEREAS, the textual code amendments proposed in this ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, notice of the public hearing was issued on _____ in accordance with the DMMC, and

WHEREAS, a public hearing was held on _____, 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; now therefore,

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

Sec. 1. DMMC 18.31.090 and Section 1 of Ordinance 1513 are each amended to read as follows:

Dimensional standards.

(1) Lot Area. Every lot shall have a minimum area of 7,500 square feet.

Draft Ordinance No. 12-178
Page 3 of 8

(2) Lot Width. Every lot shall have a minimum width of 75 feet.

(3) Front Yard.

(a) In the PR-R zone, every lot shall have a front yard of not less than 15 feet.

(b) In the PR-C1 and PR-C2 zones, no front yard is required.

(4) Side Yard.

(a) In the PR-R zone, every lot shall have a side yard on each side of the lot. The side yards shall have a width of not less than 10 feet.

(b) In the PR-C1 and PR-C2 zones, no side yard is required.

(5) Rear Yard. Every lot shall have a rear yard of not less than 15 feet.

(6) Measurement of Building Height.

(a) PR-R zone: Building height shall be measured from average finish grade.

(b) PR-C1 zone: Building height shall be measured from mean sidewalk grade of Pacific Highway South.

(c) PR-C2 zone: Building height shall be measured from mean sidewalk grade as follows:

(i) Building height for properties abutting Pacific Highway South is measured from Pacific Highway South.

(ii) Building height for properties abutting 24th Avenue South is measured from 24th Avenue South.

(iii) Building height for properties that do not abut Pacific Highway South or 24th Avenue South is measured from South 216th Street.

Draft Ordinance No. 12-178
Page 4 of 8

(7) Minimum Building Height.

(a) Except for buildings containing only a full-service restaurant or a gasoline service station, and other instances specifically authorized by the city manager or designee in writing, no building shall be less than the height specified below:

(i) PR-R zone: 35 feet.

(ii) PR-C1 zone: 35 feet.

(iii) PR-C2 zone: No minimum building height.

(b) For the purposes of this subsection, minimum building height shall not include decorative towers or appurtenances, roof slopes out of character with the building's architecture, or other contrivances provided solely for achievement of the required minimum building height. In calculating minimum building height, the city manager or designee shall include regular architectural features enclosing functional, occupiable building areas.

(8) Maximum Building Height. Buildings and structures may be built to the height specified:

(a) PR-R zone: ~~35-100 feet. Buildings may be built to a height of 120 feet with approval of a condominium height bonus or 200 feet with approval of a floor area clustering height bonus as provided by this chapter.~~

(b) PR-C1 zone:

(i) Except as provided by subsection (8)(b)(ii) of this section, 55 feet.

(ii) In that portion of the PR-C1 zone east of Pacific Highway: 85 feet.

(c) PR-C2 zone: 55 feet.

Draft Ordinance No. 12-178
Page 5 of 8

(9) Building Height Limitation Adjacent to Single-Family. When an abutting property is designated single-family residential by the Des Moines Comprehensive Plan, building height shall be limited as follows:

(a) Within 20 feet of the abutting single-family residential property, maximum building height shall be 35 feet.

(b) Within 40 feet of the abutting single-family residential property, maximum building height shall be 45 feet.

(c) During the design review and environmental review, the city manager or designee may impose other conditions of approval in order to mitigate potential height, bulk, and scale impacts upon adjacent single-family residents not sufficiently mitigated by existing regulations.

(10) Condominium Building Height Bonus. In the PR-R zone, the city manager or designee may authorize buildings ~~36~~ up to 120 feet in height when a condominium declaration which satisfies chapter 64.34 RCW is recorded for all dwellings within the building.

(11) Floor Area Clustering Building Height Bonus. In the PR-R zone, the city manager or designee may authorize buildings up to 200 feet in height when all of the following provisions are met:

(a) A condominium height bonus was granted pursuant to the condominium building height bonus established by ~~subsection (10) of this section~~ DMMC 18.31.090(10).

(b) The total floor area of the building does not exceed the total maximum floor area of a building that could have been built under the condominium building height bonus established by ~~subsection (10) of this section~~ DMMC 18.31.090(10).

(c) The minimum building site area is 43,560 square feet.

(d) Useable pedestrian plazas and open space are provided.

Draft Ordinance No. 12-178

Page 6 of 8

(12) Height Allowance for Enhanced Design of Distinctive Rooflines. In the PR-C1, PR-C2 and PR-R zones, a portion of a building may exceed the maximum building height; provided, that the following provisions are met:

(a) The purpose of the additional height for the building is to provide a roofline that is of distinctive form through the use of design elements such as pitched roofs, sloped roofs, vertical offsets or other similar roof features that achieve the goals of Pacific Ridge Design Guideline 2.B.2.

(b) The maximum building height established in ~~subsection (9) of this section~~ DMMC 18.31.090(9) shall only be increased by a maximum of seven percent.

(c) Architectural features associated with the distinctive roofline shall be used to emphasize significant architectural elements of the building such as the main entrance of the building or the buildings orientation to a corner, or to provide for pitched or sloped roofs for the building.

(d) Height allowed for distinctive rooflines under this section shall not be used to determine the building height for the purposes of establishing the maximum gross floor area under DMMC 18.31.110(3).

(e) The building area or amount of building structure extending above the maximum height established in ~~subsection (9) of this section~~ DMMC 18.31.090(9) shall be limited to 30 percent of the building roof deck area. When multiple building rooflines exist at different building levels or stories, the 30 percent requirement shall only apply to the area of the roof deck of the tallest portion of a building.

(13) Placement of Buildings.

(a) Where a building site abuts the public right-of-way of Pacific Highway South, at least one of the main buildings on the site shall be placed as follows:

Draft Ordinance No. 12-178
Page 7 of 8

(i) Except as provided below, the building shall abut, or be in close proximity to, the public right-of-way of Pacific Highway South.

(ii) Through the permit review process, the city manager or designee may determine it is in the public interest to allow the proposed building to be set back from the right-of-way. In considering a request for setback, the director shall consider matters such as adopted land use policies, vehicular and pedestrian circulation, sight distances, landscaping, existing site improvements, adjacent site improvements, easements or other encumbrances, and public benefit features such as plazas and public artwork.

(b) The distance between a building containing dwelling units and any other building shall be not less than 10 feet.

(c) On the rear third of an interior lot, accessory buildings not containing dwellings may be built to the side lot lines and the rear lot line; provided, not less than 10 feet of the rear lot line shall be free and clear of buildings.

(d) On the rear one-third of a corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line and the rear lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than 10 feet to the street side lot line.

(e) On the rear third of a reverse corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than 10 feet to the street side lot line.

Draft Ordinance No. 12-178
Page 8 of 8

(iii) No building shall be erected closer than five feet to the rear lot line.

Sec. 2. 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. 3. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____, 2012 and signed in authentication thereof this _____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

Assistant City Attorney

ATTEST:

City Clerk

Effective Date:

Published:

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Highline Communities Coalition

FOR AGENDA OF: October 25, 2012

ATTACHMENTS:

1. Draft Cooperative Agreement
between Highline School District NO. 401 and the
Cities of Burien, Des Moines, Normandy Park and
SeaTac

DEPT. OF ORIGIN: Parks, Recreation and Senior
Services

DATE SUBMITTED: October 9, 2012

2. Highline Communities Coalition Joint Use
Work Plan

CLEARANCES:

- Legal N/A
- Finance NA
- Marina NA
- Parks, Recreation & Senior Services NA
- Planning, Building & Public Works NA
- Police NA
- Courts NA

APPROVED BY CITY MANAGER
FOR SUBMITTAL:

Purpose and Recommendation

The purpose of this agenda item is to request Council’s approval for a Cooperative Agreement to promote the development of a Joint Use Agreement between Highline School District NO. 401 and the Cities of Burien, Des Moines, Normandy Park and SeaTac.

Suggested Motion

Motion: “To authorize entering into a Cooperative Agreement to promote the development of a Joint Use Agreement between Highline School District NO. 401 and the cities of Burien, Des Moines, Normandy Park and SeaTac, and between the said Cities one with the other and to authorize the City Manager to sign said Agreement in the form as submitted.”

Background

In late 2010, a small group of elected officials comprised of representatives from the Highline School District and the Cities of Burien, Des Moines, Normandy Park, and SeaTac came together for the

purpose of completing the tasks detailed in the Communities Putting Prevention to Work (CPPW) Healthy Eating Active Living (HEAL) grants awarded to each of the Highline entities.

The group of Highline officials became known as the Healthy Highline Communities Coalition with the mission to develop policy to support sustainable relationships, maximize resources, and services to support thriving families, schools, and communities.

The purpose of the Draft Cooperative Agreement is to promote the creation of a Joint Use Agreement or Agreements between the HHCC member agencies over the next 12 months and forward. At the conclusion of the HEAL grant, The HHCC member agencies shorten the name of the organization to Highline Communities Coalition.

Discussion

One of the Cities' five CPPW HEAL grant deliverables set forth as a stipulation of the grant award is multi-jurisdictional approvals to formalize a Joint Use Agreement for the shared use Highline School District and Highline Cities' facilities such as: parks, play fields, indoor facilities, and open spaces. Unfortunately, this deliverable was not achieved during the term of the grant.

An HHCC Joint Use Agreement (JUA) Work Plan was created by Des Moines HEAL Policy Analyst Sue Anderson as a road map for the completion of the deliverable prior to the end of the grant term. The Plan was reviewed and approved by King County Public Health in August 2012. King County Public Health has authorized the final CPPW HEAL grant payment to the City of Des Moines with the expectation that the HCC member agencies will promote the signing and implementation of a JUA in a timely manner to meet the intent of the attached Joint Use Work Plan (Attachment 2).

The JUA proposed by this Draft Cooperative Agreement would promote shared use of School District facilities by the Cities and the sharing of the Cities resources with each other for the betterment of the quality of life of our residents and ease of access to open play spaces.

It is the goal of the HCC appointed representatives that the School District and Cities will all pass this Agreement to send a clear, positive message that a Joint Use Agreement is an important and crucial step toward promoting a healthy Highline Community for better and higher use of existing places and facilities within our communities at large.

Alternatives

- 1) Authorize the Draft Cooperative Agreement.
- 2) Do not authorize the Draft Cooperative Agreement.

Financial Impact

There will not be a negative financial impact to the City.

Recommendation and Concurrence

Councilmember Melissa Musser and Mayor Pro Tem Matt Pina are the City of Des Moines' leaders serving on the Highline Communities Coalition and support this Draft Cooperative Agreement.

Cooperative Agreement to promote the development of a Joint Use Agreement between Highline School District NO. 401 and the Cities of Burien, Des Moines, Normandy Park and SeaTac, and between the said Cities one with the other

This Cooperative Agreement (“Agreement”) is entered into this _____ day of _____, 2012 with the intent of joint use agreement development by and between the Highline School District No. 401, and hereinafter referred to as “the District,” and the Cities of Burien, Des Moines, Normandy Park and SeaTac, which are municipal corporations under the laws of the State of Washington, and hereinafter referred to as the “City” or “Cities” respectively.

RECITALS

WHEREAS, the Cities and District have established a positive and cooperative relationship between and among each other; and

WHEREAS, the Cities among each other and the District are authorized to enter into agreements with each other to maximize available opportunities, to provide community recreation and student activities, and to cooperate for the betterment of the community; and

WHEREAS, the Cities and the District have agreed to coordinate and collaborate with respect to planning and implementations of policies concerning health promotion and active living for the benefit of the citizens of the respective jurisdictions; and

WHEREAS, the parties desire to enter into an agreement with each other that is mutually advantageous and thereby to provide services and facilities in a manner pursuant to forms of governmental organizations that will accord best geographic economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the Cities and the District share a common goal to develop adequate recreation and school facilities for all students and residents and realize the Cities and the District have a limited number of athletic fields and indoor recreation areas available for public use and face a great demand for these facilities; and

WHEREAS, a partnership agreement for the use of individual athletic fields and indoor areas would allow and encourage the Cities and the District to work together to utilize the existing outdoor and indoor facilities and create an opportunity to plan, develop, upgrade and build similar facilities.

NOW, THEREFORE, the Cities and the District authorize staff to pursue the above collaborative efforts and to identify and initiate partnership opportunities regarding the use of individual existing sites and the opportunity for the development of future sites and to forward those agreements for approval to the City Councils, respectively, and the Highline School District School Board.

DATED this _____ day of _____, 2012.

Mike Martin,
Burien City Manager



Tony Piasecki,
Des Moines City Manager



Dr. Susan Enfield,
Highline Schools Superintendent



Cherie Gibson,
Normandy Park Interim City
Manager



Todd Cutts,
SeaTac City Manager



2010-2012 HCC Joint Use Agreement Work Plan



Deliverable: CPPW Grant Period: HCC Joint Use Agreement Work Plan August 14, 2012

Tactics	Who	Resources Needed	Tasks/Deliverables	Dates	Status
1. Prepare	HCC	HEAL Scope of Work; Technical Advisory Committee; HCC	<ul style="list-style-type: none"> ▪ Review Scope of Work to determine outcome, tasks, deliverables, due dates ▪ Create Technical Advisory Committees and Identify other City staff actively involved in City facilities ▪ Facilitate HCC and TAC meetings to work toward deliverables, gain input and make decisions. ▪ Prepare JUA Work Plan (prepare; consult, learn, plan; develop/change; approve; implement; evaluate/sustain) ▪ Determine JUA key informants and resources and create a list of membership for the HCC Joint Use Task Force 	1/11 – 5/11	<p>X Completed</p> <p>X Completed</p> <p>Ongoing</p> <p>X Completed</p> <p>X Completed</p>
2. Consult Learn & Plan	HCC	<ul style="list-style-type: none"> ▪ Joint use Matrix ▪ Built Environment group & CPPW consultants ▪ Review Best Practices policies, guides, tools, resources 	<ul style="list-style-type: none"> ▪ Create JUA matrix of facilities for the Cities/SD ▪ Attend JUA built environment meeting ▪ Review best practices ▪ Review current City/School District procedures related to JUA's 	4/11- 12/11	<p>X Completed</p> <p>X Completed</p> <p>X Completed</p> <p>X Completed</p>
3. Develop & Change	HCC	<ul style="list-style-type: none"> ▪ Membership list ▪ Draft JUA created by the Highline School District ▪ Highline Communities Coalition ▪ HCC Staff/departments meetings 	<ul style="list-style-type: none"> ▪ First draft Robust JUA created by the Highline School District (12 + pages) ▪ Conduct facilitated Cities/SD JUA review meeting to discuss first draft and outline principles of agreement ▪ Cities provided feedback/input to draft 1 JUA ▪ HCC unable to complete a 12+ page robust JUA at this time and moves to a 2 page Resolution prepared by Elected Officials with a Letter of Intent to continue to move to the Robust JUA & document within the next 2-3 years as the HCC documents what's working and what's not working in the process 	6/11 – 6/12	<p>X Completed</p> <p>X Completed</p> <p>X Completed</p> <p>In Progress/ Ongoing</p>
4. Approve	HCC	<ul style="list-style-type: none"> ▪ Technical Advisory Committees 	<ul style="list-style-type: none"> ▪ Present Resolution & Letter of Intent to City staff for next steps 	8/12-	In Progress

	City Councils Staff	<ul style="list-style-type: none"> ▪ City/School staff and leaders and City Councils ▪ HCC Electeds & Staff ▪ Planning Agencies ▪ Final draft JUA ▪ Signed Letter of Intent and Resolution ▪ Technical Advisory Committees ▪ Cities/SD staff/leaders ▪ Signed JUA 	<ul style="list-style-type: none"> ▪ Present Resolution & Letter to Planning Agency, City Councils, School District Board to get direction ▪ Present Resolution & Letter to Legal, Planning Agency, City Councils, School District Board for hopeful adoption ▪ Provide the signed resolution/letter of intent to funder: Public Health – Seattle & King County ▪ Cities/Highline SD update staff/leaders about the adopted resolution and letter of intent ▪ Cities/Highline SD collaborate to create a robust JUA 	9/12	In Progress
5. Implement & Enforce	HCC Staff	<ul style="list-style-type: none"> ▪ Technical Advisory Committees ▪ Update Comprehensive Plans ▪ Evaluation Tools ▪ Share model robust JUA 	<ul style="list-style-type: none"> ▪ Parks, Recreation & Senior Services Directors, elected officials and other lead staff will evaluate the process and agreement after the first signed agreement and upon renewal dates of the agreement ▪ Parks, Recreation & Senior Services Directors, elected officials and other lead staff will sustain the JUA to impact community wellness ▪ Make needed updates (if any) to Comprehensive Plans regarding JUA goals, policies and strategies ▪ Add a link to the Model JUA on the Cities, HSD, Healthy King County Coalition, Highline Communities Coalition, Cities, SD, and Prevention Institute websites. 	9/12 +	In Progress
6. Evaluate, Sustain & Share	HCC Staff	<ul style="list-style-type: none"> ▪ Technical Advisory Committees ▪ Update Comprehensive Plans ▪ Evaluation Tools ▪ Share model robust JUA 	<ul style="list-style-type: none"> ▪ Parks, Recreation & Senior Services Directors, elected officials and other lead staff will evaluate the process and agreement after the first signed agreement and upon renewal dates of the agreement ▪ Parks, Recreation & Senior Services Directors, elected officials and other lead staff will sustain the JUA to impact community wellness ▪ Make needed updates (if any) to Comprehensive Plans regarding JUA goals, policies and strategies ▪ Add a link to the Model JUA on the Cities, HSD, Healthy King County Coalition, Highline Communities Coalition, Cities, SD, and Prevention Institute websites. 	9/12 +	Future work Ongoing Update Periods Future work

Deliverable: CPPW Grant Period: A Sampling of Shared Use Sites, Populations Served, and Sample Activities

Des Moines

Sites	Populations Served	Sample Activities
<p><u>Des Moines Elementary School</u> - 22001 9th Avenue South, Des Moines</p> <p><u>Parkside Elementary School</u> - 2104 247th Street South, Des Moines</p> <p><u>North Hill Elementary School</u> - 19835 8th Avenue South, Des Moines</p> <p><u>Marvista Elementary School</u> - 19800 Marine View Drive South, Normandy Park</p>	<p>School-Aged Youth</p> <p>Annually: 5,500</p> <p>61,540 with spectators of youth sports</p>	<ul style="list-style-type: none"> • Before and After School Programs • Youth Sports (basketball, soccer, softball) • Summer Picnic in the Park (physical activity/active living & nutrition education/healthy eating)

<p>Midway Elementary School - 22447 24th Avenue South (program location: Des Moines Elementary School) Woodmont Elementary School - 26454 16th Avenue South, Federal Way Pacific Middle School - 22705 24th Place., S., Des Moines Aviation High School – 615 S. 200th Street, Des Moines Parkside Elementary School, 2104 S. 247th, Des Moines Gregory Heights Elementary School, 16201 16th Avenue SW, Burien</p>		
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Deliverable: CPPW Grant Period: “Joint Use Taskforce”

City of Des Moines City Staff: Sue Anderson (HEAL grant Lead/Policy Analyst); Patrice Thorell (Parks, Recreation & Senior Services Director); Electeds: Councilmembers Melissa Musser and Matt Pina; City Manager: Tony Piasecki; Des Moines’ HEAL Technical Advisory Committee

City of Burien City Staff: Dori Babcock (HEAL grant Lead/Policy Analyst); Susan Coles (Community Development Department Assistant), Michael Lafreniere (Director of Parks and Recreation); Electeds: Councilmembers Rose Clark and Brian Bennett; City Manager: Mike Martin; Buriens’ HEAL Technical Advisory Committee

City of SeaTac City Staff: Anne Antonini (HEAL grant Lead/Policy Analyst); Kate Kaehny (Associate Planner); Colleen Brandt-Schluter (Human Services Manager), Kit Ledbetter (Director of Parks and Recreation); Electeds: Councilmembers Mia Gregerson and Terry Anderson; City Manager: Todd Cutts; SeaTacs’ Technical Advisory Committee

City of Normandy Park City Staff: Chad Tibbets (Planner); Electeds: Councilmember Shawn McEvoy and Stacia Jenkins; City Manager: Doug Schulze

Highline School District City Staff: Aimee Denver (Compliance Specialist) and Andrea Johnson Facilities Director; Electeds: Board Members Bernie Dorsey and Michael Spear; Superintendent: Susan Enfield; Highline School District Coordinated School Health Education Advisory Committee

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Mayor's Re-Appointments to
Planning Agency

ATTACHMENTS:
1. Original Applications

FOR AGENDA OF: October 25, 2012

DEPT. OF ORIGIN: Planning, Building & Public
Works

DATE SUBMITTED: October 17, 2012

CLEARANCES:

- Legal N/A
- Finance N/A
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works AB
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AA

Purpose and Recommendation

The purpose of this agenda item is to recommend City Council approval of Mayoral re-appointments to the Des Moines Planning Agency.

Suggested Motion

Motion: I move to confirm the following Mayoral re-appointments to the Des Moines Planning Agency:

Mr. Shan Hoel	Position 1	1st term	Term expires	December 31, 2016, and
Mr. Mel McDonald	Position 3	1st term	Term expires	December 31, 2016, and
Ms. Shelley Murray	Position 5	1st term	Term expires	December 31, 2016, and
Mr. Scott Evans	Position 7	1st term	Term expires	December 31, 2016.

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CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE
21630 11th Avenue South
Des Moines, WA 98198

Recvd. 9/16/2011

Please Check

NAME: SHELLEY MURRAY
ADDRESS: 22319 MARINE VIEW DR S #B
CITY, ZIP: DESMOINES WA 98198
PHONE: Home 206 387 7177 Work 253 638 9811
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 4+YRS
REGISTERED VOTER? Y

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission

EMPLOYMENT SUMMARY LAST FIVE YEARS:
WPM SOUTH LLC COMMUNITY ASSOCIATION MANAGER KENT WA 98042 2007-PRESENT
PRIME PROPERTY MANAGER SEATTLE 2005-2007

Are you related to anyone presently employed by the City or a member of a City Board? N
If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? N If so, please describe: _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? I WANT TO GIVE BACK TO THE COMMUNITY I LIVE IN AND USE MY PROFESSIONAL EXPERIENCE TO APPLY PRACTICAL AND REALISTIC KNOWLEDGE TOWARD ISSUES AND SOLVING PROBLEMS. MY CONTRIBUTION WILL COME FROM OVER 20YRS OF REAL ESTATE SALES, MANAGEMENT, CONSULTING AND COMMUNITY ASSOCIATION MANAGEMENT.

2. What problems, programs or improvements are you most interest in? BALANCING PROGRESS WITH PRESERVATION. REVITALIZING COMMERCE AND CREATING A VIBRANT LIVING ENVIRONMENT.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.
1) MAY 2008 APPOINTED TO SERVE ON THE DES MOINES AD HOC PARKS RECREATION AND SR SERVICES MASTER PLAN CITIZEN ADVISORY COMMITTEE
2) HIGHLINE WATER DISTRICT CITIZEN ADVISORY COMMITTEE

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EMAIL : SHELLEYMURRAY@YAHOO.COM
OR
SMURRAY@WINDERMERE.COM



**CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE**

21630 11th Avenue South
Des Moines, WA 98198

Recvd. _____

Please Check

NAME: Mel McDonald
 ADDRESS: 22005 6th Ave. S. #306
 CITY, ZIP: Des Moines 98198
 PHONE: Home 206 653 7650 Work _____
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 3 months
 REGISTERED VOTER? yes
 EMPLOYMENT SUMMARY LAST FIVE YEARS: Retired from Federal Army
Schools 1998.

- Civil Service Commission
 Planning Agency
 Library Board
 Human Services
 Senior Services
 Arts Commission

Are you related to anyone presently employed by the City or a member of a City Board? No
 If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? No If so, please describe: _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? Once I retire
I felt I needed to give back to my community. I have
serve on Lib Bd., Human Services, Planning Comm. in Seattle
I would like to continue this service in Des Moines.

2. What problems, programs or improvements are you most interest in?
I enjoy seeing a city looking ahead and continually
improving itself for the good of its citizens.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____

None - New resident



CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE
21630 11th Avenue South
Des Moines, WA 98198

Recvd. 9/21/2011

Please Check

NAME: Scott Evans
ADDRESS: 1127 S 243rd Court
CITY, ZIP: Des Moines 98198
PHONE: Home 206.878.1066 Work 206.890.2949
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 12 yrs
REGISTERED VOTER? yes
EMPLOYMENT SUMMARY LAST FIVE YEARS:
1990 - present Thomas Rengstorf Associates
Landscape Architects

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission

Are you related to anyone presently employed by the City or a member of a City Board? no
If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? no If so, please describe: _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute?
I wish to utilize the experience I have attained over the past twenty years of professional practice to help Des Moines grow and flourish.

2. What problems, programs or improvements are you most interest in?
I am anxious to see the growth of our city with the new zoning within the Marina District.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.
I applied for a position on a proposed Park Board, a board which was never created.

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CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE
21630 11th Avenue South
Des Moines, WA 98198

Recvd. _____

*OK
4 YR TERM
RHS*

NAME: Shannon (Shan) Hoel
ADDRESS: 201 South 216th Street
CITY, ZIP: Des Moines, WA 98198
PHONE: Home 206-824-3347 Work 206-577-4803
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 3 Years
REGISTERED VOTER? Yes

Please Check

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission

EMPLOYMENT SUMMARY LAST FIVE YEARS:

TransGroup Worldwide Logistics (Corporate Office) located at 18850 8th Ave. S. SeaTac, WA 98148

I have been with the company since 1995 and have progressed through a variety of positions from freight operations to warehouse management to various corporate administrative roles involving new station setups, training, marketing, website development, national sales support and liaison work with the U.S. EPA SmartWay Transport Partnership.

Are you related to anyone presently employed by the City or a member of a City Board? No
If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? No
If so, please describe: _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute?

I would like to lend my voice and vision to help make the community that I live, work and play in an even better place.

I believe that I can contribute to the planning agency's mission of making advisory recommendations to the City Council on land use and zoning matters in the context of:

1 - Local Residential History (I have more than 30 years of local residency and am a graduate of Kent Meridian H.S. and Central Washington University);

2 - Out-of-State Residential Experience (I lived in the Southern California Beach Cities area for several years as an adult, which I believe offers some valuable insight into what an asset we have in the downtown/marina area of Des Moines and it's economic and social potential);

3 - Business Ownership experience (I started, owned and sold a small retail store, which I believe gives me a good understanding of many of the challenges and opportunities surrounding small business operations, which are a key to the future of this community) .

4 - Aviation and Transportation Background (I understand the social and economic importance of having a thriving airport and freight industry in the local region);

5 - Civil Engineering and Infrastructure Familiarity (My father was a Professional Engineer based in Seattle and, among other professional accomplishments, was a key project manager for the design and development of the Island Crest Parkway segment of the I-90 expansion through Mercer Island. Having grown up as the son of a Civil Engineer, I have had some unique exposure to the why's and how's of the protocols surrounding civil planning and development, which I believe will be beneficial to my role as a Planning Agency member).

6 - Sustainability and Environmental Responsibility (I am very interested in balancing community development and resource conservation/preservation, which I believe are both key elements in building a sustainable community).

2. What problems, programs or improvements are you most interest in?

I am most interested in the improvement/revitalization of the downtown/marina area of Des Moines and the development (both economic and open space) of vacant land under the flight path and adjacent to 216th St. I am also interested in light rail and other forms of public transit.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.

None

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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: Marina District Parking Lot Lease

FOR AGENDA OF: October 25, 2012

ATTACHMENT:

DEPT. OF ORIGIN: Administration

Lease Agreement with changes noted

DATE SUBMITTED: October 18, 2012

CLEARANCES:

Legal RB

Finance NA

Marina NA

Parks, Recreation & Senior Services NA

Planning, Building & Public Works NA

Police NA

Courts NA

APPROVED BY CITY MANAGER

FOR SUBMITTAL: TP by SK

Purpose and Recommendation

The purpose of this agenda item is to review and approve a Lease of vacant property on Marine View Drive to establish a temporary municipal parking lot.

Suggested Motion

MOTION: I move to approve the Lease Agreement between William O. and George D. Fisher and the City for the use of their property for a municipal parking lot at an annual cost of the actual property tax owed for the property plus \$100, and to authorize the City Manager to sign the Agreement substantially in the form as attached.

Background

William and George Fisher own vacant property located on the east side of Marine View Drive across from the Des Moines Theater Building. The City would like to lease the property in order to establish a municipal parking lot for customers of Marina District businesses. The annual cost of the lease is the actual property taxes owed on the property plus an additional \$100.

Discussion

The Marina District (downtown Des Moines) is in need of additional parking for customers and visitors of local businesses. A municipal parking lot would be an asset for bringing new business to downtown.

This lease was discussed at the October 4, 2012 Council meetings, the comments of Council were considered and reviewed with the property owner; the lease you see before you has those agreed upon terms included. Specifically, Section 3.3 limits the utility costs to those that are the City's responsibility; and Section 3.6 limits the liens that the City is responsible for to those resulting from the City's use of the property. The changes to Section 5 change terms referenced to more readily understood terms. Section 7.2 clarifies the indemnity language in the Lease, and the final change adds the City Attorney's signature.

Alternatives

To decline to accept the Agreement terms.

Financial Impact

The City shall pay an annual rent, on or before June 1st, of \$100.00 plus the total amount of all King County property taxes owing on the property for the calendar year in which the payment is made. (approximately \$7,200 for 2012). The City would pay an initial amount, yet to be determined, for the remainder of 2012.

The City would also be responsible for all lot improvements necessary to convert the lot into a gravel municipal parking lot, utilities serving the property, maintenance, permits, and signage.

The City shall also maintain general liability insurance in the total aggregate sum of at least one million dollars.

Recommendation or Conclusion

To approve the attached Agreement.

LEASE AGREEMENT

AGREEMENT between William O. Fisher, George D. Fisher (collectively "Fisher") and the City of Des Moines, a Washington Municipal Corporation ("City").

RECITALS

1. Fisher owns vacant property (the "Property") located on Marine View Dr. S. in Des Moines, WA, constituting the contiguous King County tax parcel numbers 2006600165, 2006600160, 2006600146, 2006600145, 2009004851 and legally described as follows:

THE SOUTH 15 FEET OF LOT 7 AND ALL OF LOT 8, BLOCK 64, THE TOWN OF DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE(S) 165, IN KING COUNTY, WASHINGTON, AND

LOTS 9, 10, 11, 12 AND 13, BLOCK 64, CITY OF DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE(S) 33, IN KING COUNTY, WASHINGTON.

2. City would like temporary use of the Property for a municipal parking lot.
3. Fisher is willing to lease the Property to City in accord with the conditions and terms set out below.

AGREEMENT

In consideration of the mutual promises contained in this Lease Agreement, Fisher hereby leases the Property to City and City leases the Property from Fisher subject to City's compliance with the following terms and conditions:

1. **Lease Period and Termination Rights.** The Lease Period shall begin on _____, 2012 and continue until December 31, 2017 subject to early termination by either party with 60 days advance written notice. Neither Fisher nor City will owe any payment to the other as a result of any such early termination.
2. **Scope of Lease.** During the Lease Period, City shall have the right to use the Property for a municipal parking lot and for no other purposes without the advance written consent of Fisher. Fisher shall retain a right of entry onto the Property as necessary to insure City's compliance with this Lease Agreement and for other reasonable purposes. City has the right to charge for parking on the lot and shall have the right to retain 100% of the parking proceeds.
3. **City Responsibilities.** City shall be solely responsible for all costs and actions necessary to comply with the following responsibilities:
 - 3.1. **Annual Rent.** City shall pay Fisher on an annual basis, on or before, June 1st, \$100.00 plus the total amount of all King County property taxes owing on the Property for the calendar year in which the payment is made. An initial payment of \$_____ shall be

made for the remainder of 2012 within thirty days of mutual execution of the Lease. City shall issue fifty percent of the payment payable to William O. Fisher and fifty percent payable to George D. Fisher and shall mail the payments to the notice addresses listed below. In the event the Lease is terminated prior to the end of the term, the annual rent shall be prorated and, if the full amount has been previously paid to Fisher, Fisher shall refund the amount allocable to the portion of the calendar year following the date of termination.

- 3.2. **Parking Lot Construction.** City shall be responsible for all lot improvements (brush removal, grading, etc.) necessary to convert the lot into a gravel municipal parking lot.
- 3.3. **Utilities.** City shall be responsible for all utilities serving the Property that are necessary for the City's use of the property.
- 3.4. **Maintenance of Property.** City agrees not to allow conditions of waste and refuse to exist on the Property and to keep the Property in a neat, clean and orderly condition and to be responsible for all damages caused to the Property by City, its agents or any third party on the Property. City shall be responsible for maintaining the Property to remain in compliance with all City codes.
- 3.5. **Permits.** City agrees to obtain and comply with all necessary permits for any leasehold improvements.
- 3.6. **Liens.** City agrees to keep the Property free and clear of all liens and charges whatsoever. City shall not allow any materialmen's, mechanic's or other liens to be placed upon the Property. If such a lien is placed or recorded resulting from City's use of the Property, City shall cause it to be discharged of record, at its own expense, within 10 days of Fisher's demand. Failure to comply with Fisher's demand within 10 days shall be a default under the terms of this Lease.
- 3.7. **Signs.** City may install signage necessary for the parking area consistent with City Codes. City shall not install additional signage, and will not grant the right to others to install any additional signage, without the advance written consent of Fisher.
4. **Condition of the Property.** Fisher makes no representation about the condition of the Property. City has inspected the Property and has determined that the Property is suitable for City's purposes. City is not relying on any representations of Fisher as to condition, suitability, zoning restrictions, or usability, except Fisher's right to grant a Lease of the Property.
5. **Insurance:** City shall maintain public liability-general liability insurance in the total aggregate sum of at least one million dollars (\$1,000,000). Fisher shall have the right to require that Fisher receive notice of any termination of such insurance policies. Any insurance, self-insurance, or insurance pool coverage maintained by Fisher shall be excess of City's insurance and shall not contribute with it. City shall provide a certificate of insuranceevidence of coverage evidencing the required insurance before using the Property.

6. **Indemnification:** City hereby indemnifies and agrees to hold Fisher harmless from and against any and all claims, liabilities, damages, cost and expenses arising from or relating to any act, omission or negligence of City, or its customers, invitees, contractors, licensees, agents, servants or employees, or arising from or relating to any accident, injury or damage whatsoever to any person or property occurring in, on, or about the Property, except that caused by the sole negligence of Fisher.
7. **Hazardous Substances.** City shall not use, store, generate, process, transport, handle, treat, release, or dispose of any hazardous substance or other pollutants in or on the Property.
- 7.1. The term "hazardous substance," as used herein, shall mean any substance heretofore or hereafter designated as hazardous under the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6901 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. Sec. 1257 et seq.; the Clean Air Act, 42 U.S.C. Sec. 7401 et seq.; the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. Sec. 9601 et seq.; or the Hazardous Waste Cleanup-Model Toxic Control Act, RCW 70.105D all as amended and subject to all regulations promulgated thereunder.
- 7.2. City shall indemnify, defend and hold Fisher harmless from any and all claims, demands, judgments, orders, or damages resulting from hazardous substances on the Property caused in whole or in part by the activity of City, its agents, or any other person or entity on the Property during any period of time that City has occupied all or a portion of the Property during the term of the Lease. Fisher shall, to the extent permitted by law, indemnify, defend and hold City harmless from any and all claims, demands, judgments, orders or damages resulting from hazardous substances found on the Property and determined to be pre-existing prior to the City entering into this lease or on the Property caused by Fisher or any other person after the term or termination of the lease, other than the City, its officials, agents and employees.
8. **Attorney Fees, Venue and Controlling Law.** In the event that either party takes legal action to enforce the provisions of this Lease Agreement, the prevailing party in such action shall be entitled to its reasonable attorneys' fees and costs, in addition to any other relief to which the prevailing party is entitled. Venue for any such action shall be in King County Superior Court. The laws of the state of Washington shall govern any dispute and the interpretation of this Lease Agreement.
9. **Assignment.** City shall be prohibited from assigning, licensing, or subleasing its interests, rights or responsibilities under this Lease Agreement.
10. **Successors and Assigns.** This Lease Agreement shall be binding on and inure to the benefit of the successors, and assigns of Fisher and City.
11. **Severability.** If any section of this Lease Agreement is adjudicated to be invalid, such action shall not affect the validity of any section not so adjudicated.
12. **Notice.** All communications regarding this Lease Agreement shall be sent to the parties at the addresses listed on the signature page of the Lease Agreement, unless notified to the contrary. Any written notice hereunder shall become effective upon personal service or three

(3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Lease Agreement or such other address as may be hereafter specified in writing.

13. Non-Waiver of Breach. No term or provision hereof shall be deemed waived and no breach consented to unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. Any consent by any party, or waiver of, the breach of the other whether expressed or implied shall not constitute a continuing waiver of or consent to, nor excuse, a different or subsequent breach. The failure of Fisher to enforce one portion of this Lease Agreement shall not constitute a waiver, or excuse the breach, of another portion of this Lease Agreement.

14. Entire Agreement. The written terms and provisions of this Lease Agreement shall supersede all prior communications, negotiations, representations or agreements, either verbal or written, of any officer or other representative of each party, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner this Agreement.

15. Modification. No waiver, alteration, or modification of any of the provisions of this Lease Agreement shall be binding unless in writing and signed by (1) William O. Fisher, or a duly authorized representative; (2) George D. Fisher, or a duly authorized representative; and (3) City, acting through a duly authorized representative.

City of Des Moines.

William O. Fisher

By: _____
Tony Piasecki, City Manager

DATE: _____

DATE: _____

George D. Fisher

Approved as to Form:

DATE: _____

Pat Bosmans, City Attorney

Formatted: None, Indent: First line: 0", Space Before: 0 pt, Tab stops: Not at 1"

NOTICES TO BE SENT TO:

NOTICES TO BE SENT TO:

Formatted: Font: Bold, English (United States)

William O. Fisher

() _____ (telephone)
() _____ (facsimile)

() _____ (telephone)
() _____ (facsimile)

George D. Fisher

() _____ (telephone)
() _____ (facsimile)

DRAFT

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2012, before me a Notary Public in and for the State of Washington, personally appeared Tony Piasecki, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument on behalf of the **CITY OF DES MOINES** as its City Manager and such execution to be the free and voluntary act of such party for the uses and purposes mentioned in the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC, in and for the
State of Washington
Residing at _____, Washington
My Appointment Expires _____

STATE OF VIRGINIA)
) ss.
County of _____)

On this day personally appeared before me William O. Fisher to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Dated this ____ day of _____, 2012.

Notary Public in and for the State of
Virginia, residing at _____ County
My appointment expires on _____

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Proposed 2012 Comprehensive Plan Amendments

FOR AGENDA OF: October 25, 2012

ATTACHMENTS:

- 1. Draft Ordinance No. 12-168
- 2. SEPA DNS and Hearing Notice
- 3. Staff Report - Proposed 2012 Comprehensive Plan Amendments

DEPT. OF ORIGIN: Planning, Building & Public Works

DATE SUBMITTED: October 15, 2012

CLEARANCES:

- Legal PB
- Finance N/A
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works DE
- Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this public hearing is to review the proposed 2012 Amendments to the Des Moines Comprehensive Plan. At this hearing, the focus of the City Council efforts will be to hear testimony from the public related to the proposed 2012 Comprehensive Plan Amendments and consider adoption of Draft Ordinance No. 12-168 (Attachment 1).

The Planning Agency and staff recommend that City Council adopt the proposed 2011 Des Moines Comprehensive Plan Amendments 2012-1 through 2012-5 by passing one or more of the following motions:

Suggested Motions

- Motion 1A:** "I move to suspend City Council Rule 26a in order to adopt Draft Ordinance No. 12-168 on first reading."
- Motion 1B:** "I move to adopt Draft Ordinance No. 12-168 amending the Des Moines Comprehensive Plan."

Alternate Motion 2: “I move to pass Draft Ordinance No. 12-168 amending the Des Moines Comprehensive Plan to a second reading on _____.”

Background

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 18.84, Comprehensive Plan of the Des Moines Municipal Code sets forth the process and standards of review that must be used by staff, the Planning Agency and the 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 to the Planning, Building and Public Works Department between January 1st and June 30th of each calendar year (DMMC 18.84.060(1)). No public requests for amendment to the Des Moines Comprehensive Plan were received during this period in 2012.

Consistent with the provisions of DMMC § 18.56.080, the Comprehensive Plan amendments are considered Type VI land use actions and require a public hearing with the Planning Agency and the City Council. A public hearing will be scheduled before the Des Moines Planning Agency and the Agency recommendations will be forwarded to City Council for consideration. A public hearing will then be held before the City Council for consideration and adoption of 2012 Comprehensive Plan Amendments.

Staff briefed the City Council Finance and Economic Development Committee on the proposed docket for the 2012 Comprehensive Plan amendments on July 31, 2012 and the full Council on September 6, 2012. A public hearing was held before the Planning Agency on October 1, 2012 and the Agency recommended approval of proposed Amendments 2012-1 through 2012-5.

The proposed 2012 Comprehensive Plan amendments are considered non-project actions. The Optional DNS process was utilized as authorized by WAC 197-11-355 and the comment period was provided from August 24, 2012 to September 10, 2012. The SEPA Official concluded that the proposal will not cause significant adverse environmental impact and subsequently issued the final threshold determination of a “Determination of Nonsignificance” on September 26, 2012 (Attachment 2) and the appeal period closed on October 8, 2012. This decision was made after review of a completed SEPA Checklist and review and adoption of previous environmental documentation related to the proposed amendments.

Discussion

The 2012 Comprehensive Plan amendment docket includes five (5) amendments that are based on and/or influenced by the Planning, Building and Public Works 2012-2013 Work Program and the 2012 City Council priorities. Proposed amendments would:

- 2012-1** Amend Policy 2-03-11 to indicate 2011 as the most recent update to the WSDOT Aviation's *Airport and Compatible Land-Use Program Guidebook*.
- 2012-2** Change the Des Moines Comprehensive Plan Preferred Land Use map to re-designate Highline Community College and all retirement facilities to an IC - Institutional Campus preferred land use per City Council direction on April 26, and September 6, 2012.
- 2012-3** Remove Policy 2-03-14, from the Land Use Element as the policy, which relates to the establishment of an institutional campus land use designation and zoning, has been implemented.
- 2012-4** Amend Goal 6-1-10 which states "Utilize Fee-In-Lieu" for "park and facilities system improvements" and/or "project improvements" which are "on-site" and provide service for a particular new development." In-lieu fees cannot be used in this manner. The Goal should be amended to "Utilize Park Impact Fees for ..." to correct an inconsistency with State law.
- 2012-5** Add a policy that a Park Impact Fee system should be established per the City Council direction.

A staff report that includes the decision criteria, an analysis of the merits of each proposal, a map show changes to the land use designation and a staff recommendation are provided as Attachment 3.

Alternatives

City Council has the option to amend or add to the 2012 Comprehensive Plan Amendments.

Financial Impact

Amended goals, policies and strategies proposed for the Comprehensive Plan will help promote a healthy economic environment for the City and strategically plan for capital improvements and investments in conjunction with growth and development.

Recommendation or Conclusion

The Des Moines Planning Agency and City staff recommend that the City Council adopt the proposed Comprehensive Plan Amendments 2012-1 through 2012-5.

Concurrence

N/A

**ATTACHMENT 1
CITY ATTORNEY'S FIRST DRAFT 10/15/2012**

DRAFT ORDINANCE NO. 12-168

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON adopting 2012 amendments to the Des Moines 2009 Comprehensive Plan and amending DMMC 18.84.010 and 18.84.090.

WHEREAS, the 1990 Growth Management Act is codified in Chapter 36.70A RCW and requires that each jurisdiction produce a Comprehensive Plan that contains, at a minimum, elements pertaining to land use, transportation, capital facilities, housing, and utilities, and

WHEREAS, the Des Moines Comprehensive Plan was adopted by the City Council on November 12, 2009 by enactment of Ordinance No. 1469, and

WHEREAS, there have been subsequent amendments to the Des Moines Comprehensive Plan, and

WHEREAS, each amendment of the Comprehensive Plan was processed in accordance with the requirements of the State Environmental Policy Act and public hearings were conducted in accordance with law, and

WHEREAS, the Growth Management Act 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," 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, notice of the public hearing before the Planning Agency was given to the public in accordance with law and a

ATTACHMENT 1

Draft Ordinance No. 12-168
Page 2 of 7

public hearing was held on the 1st day of October 2012, and all persons wishing to be heard were heard, and

WHEREAS, notice of the public hearing before the City Council was given to the public in accordance with law and a public hearing was held on the 25th day of October 2012, and all persons wishing to be heard were heard, and

WHEREAS, the Des Moines Planning, Building and Public Works Director acting as the SEPA responsible official issued a determination of nonsignificance (DNS) on the 26th day of September 2012 and the accompanying comment and appeal periods have lapsed, and

WHEREAS, proper and timely 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 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 18.84.090 and section 2 of Ordinance No. 1469, as amended by Section 2 of Ordinance No. 1499 are amended to read as follows:

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: General Planning Element

(a) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

Draft Ordinance No. 12-168
Page 3 of 7

(2) Chapter 2: Land Use Element

(a) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(b) 2011 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1532.

(c) 2012 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. .

(3) Chapter 3: Transportation Element

(a) 2009 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(c) 2012 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1532.

(4) Chapter 4: Conservation Element

(a) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

Draft Ordinance No. 12-168
Page 4 of 7

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

(a) 2009 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

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

(a) 2009 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(c) 2011 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1532.

(d) 2012 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. _____.

(7) Chapter 7: Housing Element

(a) 2010 Amendment: Selective portions of this element of the comprehensive plan are amended as described in Exhibit "A" to Ordinance No. 1499.

Draft Ordinance No. 12-168
Page 5 of 7

(b) 2011 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No.1532.

(8) Chapter 8: Community Character Element

(9) Chapter 9: North Central Neighborhood Element

(10) Chapter 10: Marina District Element

(a) 2009 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(11) Chapter 11: Pacific Ridge Element

(a) 2009 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1469.

(b) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(12) Chapter 12: Healthy Des Moines Element

(a) 2011 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1532.

Draft Ordinance No. 12-168
Page 6 of 7

(13) Appendix A: Des Moines Housing and Population Data

(14) Appendix B: City of Des Moines Buildable Lands Report (2002 - 2012) and Household Growth Targets (2002 - 2022)

(15) Appendix C: Proposed Comprehensive Plan Review Schedule

Sec. 2. DMMC 18.84.100 and section 3 of Ordinance No. 1469 as amended by section 2 of Ordinance No. 1528 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, is amended as described in Exhibit "B" to Ordinance No. , 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.

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 passage, approval, and publication in accordance with law.

Draft Ordinance No. 12-168
Page 7 of 7

PASSED BY the City Council of the City of Des Moines this
____ day of _____, 2012 and signed in authentication thereof
this ____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____, 2012



CITY OF DES MOINES COMPREHENSIVE PLAN

MAYOR

Bob Sheckler

CITY COUNCIL

Dan Sherman, Mayor Pro Tem

Scott Thomasson

Ed Pina

Carmen Scott

Dave Kaplan

Susan White

CITY MANAGER

Tony Piasecki

PLANNING, BUILDING AND PUBLIC WORKS DEPARTMENT

Grant L. Fredricks, P.E., Director

Adopted November 12, 2009 by Ordinance No. 1469
 Amended November 18, 2010 by Ordinance No. 1499
 Amended December 1, 2011 by Ordinance No. 1528
 Amended January 5, 2012 by Ordinance No. 1532
Amended _____, 2012 by Ordinance No. _____

Printed on recycled paper with a minimum 20% post-consumer content

Ordinance No.

Amending the land use map, Chapter 2 Land Use Element
and Chapter 6

*Adopted Nov. 12, 2009 by Ordinance No. 1469
Amended November 18, 2010 by Ordinance No. 1499
Amended December 1, 2011 by Ordinance No. 1528
Amended January 5, 2012 by Ordinance No. 1532
Amended _____, 2012 by Ordinance No. _____*

- 2-03-08** Enhance and improve the economic health of existing business districts and recognize each district's special attributes.
- (1) Promote new development and redevelopment within the Marina District to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements.
 - (2) Promote new development and redevelopment within the Marina District to create a vibrant district with a quality mix of businesses that will enhance the waterfront and serve as a destination for local residents and visitors. Require that new construction contain and exhibit high-quality design elements and building materials as outlined by the *Marina District Design Guidelines*.
 - (3) Promote new development and redevelopment within Pacific Ridge to create a district with a broad range of uses, serving a local and regional clientele and using the *Pacific Ridge Design Guidelines* to reduce crime and create a better working and living environment.
- 2-03-09** Future development in the North Central Neighborhood shall recognize
- (1) The impact to the district of existing aircraft noise.
 - (2) Plans for future business park and similar commercial development within the district and north of the district, within the City of SeaTac;
 - (3) The impact of future development to existing development within and adjacent to the district;
 - (4) Requirements of new development for transportation and other infrastructure improvements; and
 - (5) The potential for new development to enhance the economic or environmental quality of the City.
- 2-03-10** Within the Des Moines Marina property, allow commercial uses that are water dependent or related, serve marina users, or promote public access to the shoreline.
- 2-03-11** Regulate the siting of incompatible uses adjacent to the Sea-Tac airport, as defined in RCW 36.70.547 and the Washington State Department of Transportation's *Airports and Compatible Land Use Guidebook, M 3074.00 Volume I (January 2011-1999)*.
- 2-03-12** Recognize the City of Des Moines Comprehensive Plan Preferred Land Use Maps, Figures 2-3 through 2-11, as the official land use maps of the City of Des Moines, providing a geographic representation of the Land Use Element Goal and Policies. Recognize

the City of Des Moines Zoning Map as the official zoning map. Undertake all planning activities to implement and support the designated land use pattern.

2-03-13 Recognize that the existence of concomitant agreements, contract rezones, development agreements and similar restrictions may limit the degree to which properties may be developed. Such restrictions established by the City shall be given substantial weight during consideration of requested amendments.

~~2-03-14 — Work with Highline Community College to establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan.~~

2-03-15 Healthy Community

- (1) Support fresh food distribution through farmers markets, urban farm stands, urban agriculture, community gardens and Community Supported Agriculture programs.
- (2) Encourage mixed-use, pedestrian, and transit-oriented development along major transit corridors and near transit nodes to enable residents to be physically active through daily activity, such as walking to school, work, and shopping.
- (3) Support concentrations of neighborhood, community, and retail amenities and services in close proximity to residential neighborhoods.

6-01-08 Combine new recreational facilities with adjacent recreational, open space, municipal facility, pedestrian/bicycle transportation system or other appropriate areas as feasible. Joint use of such recreation areas should be encouraged. Design and development of such projects should be coordinated with the Parks, Recreation and Senior Services Department as part of the building permit process. (Chapters 17.36, 18.25, 18.45, 18.52 DMMC).

6-01-09 Implement Parks and Recreational Facilities Impact Fees for “park and facilities system improvements” necessary due to growth based on the development’s proportionate share of system improvements that are reasonably related to the new development.

6-01-10 Utilize Park Impact Fees~~Fee-In-Lieu~~ for “park and facilities system improvements” and/or "project improvements" which are "on-site" and provide service for a particular new development.

6-01-11 Implement as required by State law, improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

6-01-12 Implement sustainable park and facility design and construction practices that result in facilities that are high-performing, good for the environment, healthy, and enriching for our park visitors and building occupants.

6-02 **FINDINGS**

6-02-01 An adequate open space, park, and recreation program provides personal, social, economic and environmental opportunities to:

- (1) Enrich each person's life by providing opportunities for self-expression; self esteem and character enhancement, skill development, healthy lifestyles; wellness and physical fitness, mental stimulation and growth; social belonging; and provide a lifeline for older citizens; and
- (2) Enrich the community by providing leadership opportunities, social interaction, community involvement, leadership, and cultural awareness and tolerance; community pride; and
- (3) Enrich the economy by providing opportunities to enhance land values and support business by providing public resources that beautify business areas and neighborhoods, generate revenue through self supporting recreation programs, reduce crime and vandalism through community involvement, and increase tourism through quality recreation facilities, community events and programs; and
- (4) Enrich the environment by protecting open spaces, wildlife habitat, tidal life and near shore ecosystems; thereby reducing pollution and enhancing natural beauty.

6-02-02 Parks and conservancy areas can preserve and protect critical areas and wildlife habitat, provide natural areas in urban areas, and allow for certain low impact recreational opportunities.

6-03 POLICIES

6-03-01 **Park Land Acquisition**

- (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.
- (2) Work with other entities and public agencies (Highline and Federal Way School Districts, Highline Community 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.
- (3) 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.
- (4) Identify lands that enhance the appearance and character of the City. Such lands may serve as community or neighborhood separators, create gateway features into Des Moines, enhance the park system, or link existing natural or built amenities.
- (5) Preserve significant critical areas as passive open space. Where appropriate, the City may construct improvements that enhance the public's awareness of, and appreciation for, natural areas. (chapter 19.20 DMMC).
- (6) Ensure that the quantity and quality of park land increases proportionately with population growth. Des Moines should use a variety of means to provide recreational opportunities.
- (7) Establish a Park Impact Fee program to replace the current park in-lieu provisions that address the long term need to provide park space for future population growth.

6-03-04 **Park & Facility Improvement**

- (1) Provide for the orderly and comprehensive planning of park lands and recreation resources through design standards, specific site planning and Master Plan procedures. Such procedures should respond to public need and service area requirements for park and recreation services. Actively seek joint- development and programming opportunities with intergovernmental and private partners and the application of reasonable standards and conditions for such use.

- (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.



City of Des Moines Comprehensive Plan Preferred Land Use

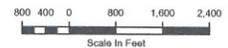
Designations

- RESIDENTIAL
 - MF - Multifamily
 - PR-R - Pacific Ridge Residential
 - SF - Single Family
 - T - 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
- Des Moines City Limits
- Neighborhood Planning Areas
- North Central Subareas
- 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.

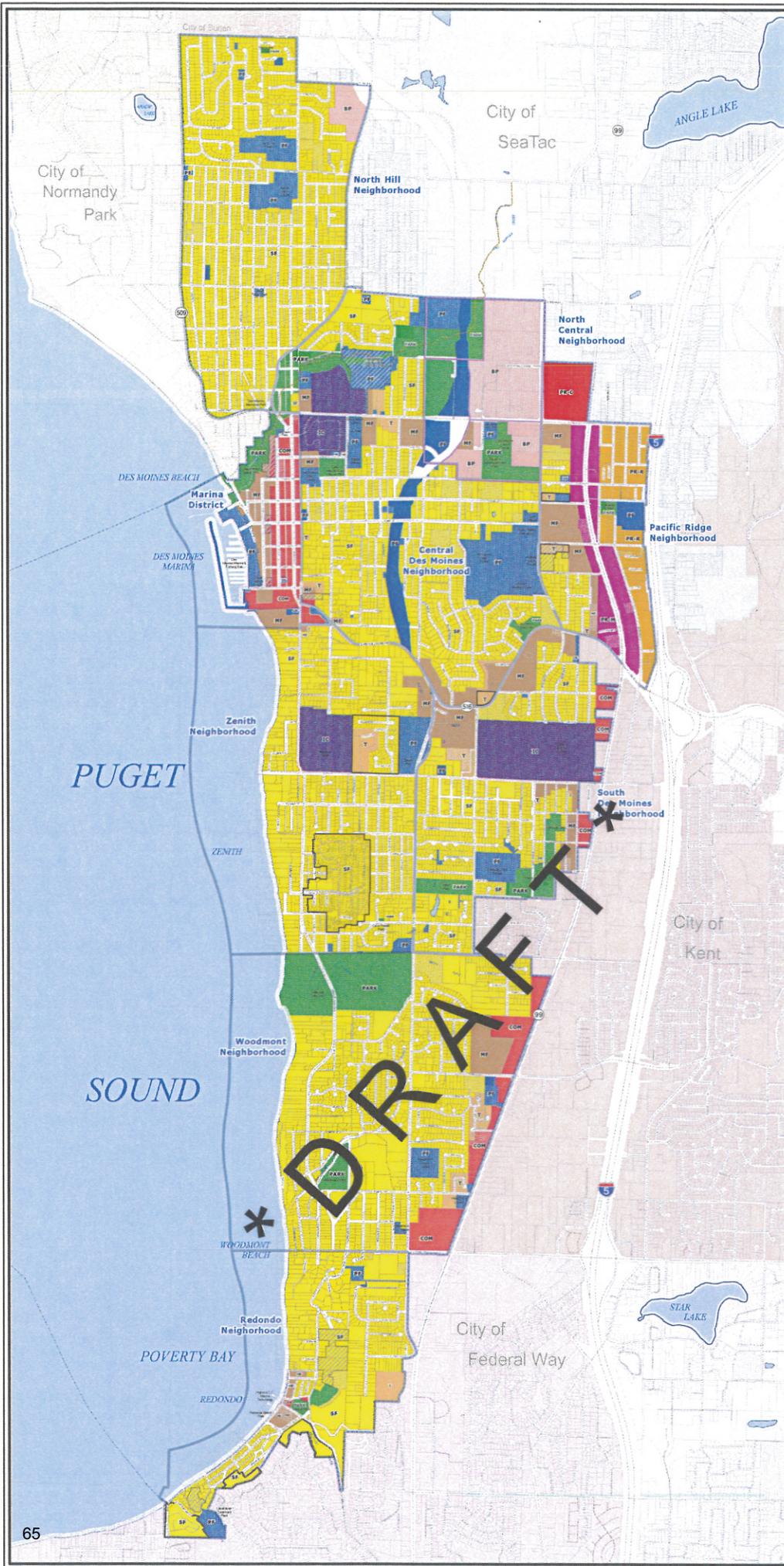
Enacting Ordinances

- ORDINANCE, YEAR
- Ord. XXXX, 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

EXHIBIT B



NOTICE OF PUBLIC HEARING

Notice is hereby given on **10/3/12** that the Des Moines City Council will conduct a public hearing on **10/25/12** at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, 21630 11th Avenue South, Des Moines, WA 98198 to consider the 2012 Amendments to the *2009 Des Moines Comprehensive Plan* filed under **LUA2012-0026**. The Proposal includes amendments related to administrative changes to reference documents and policy implementation; establish an Institutional Campus (I-C) designation; address a nonconforming use in the Pacific Ridge Neighborhood; and establish a park impact fee system.

The SEPA Official issued an optional determination of nonsignificance on August 24, 2012 in accordance with WAC 197-11-355 and the SEPA comment period closed on September 10, 2012.

The public has the right to review contents of the official file for the proposal, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. Written comments may be submitted to Denise Lathrop, Planning Manager, City of Des Moines Planning, Building, and Public Works Department, located at 21630 11th Avenue South, Suite D, Des Moines, WA 98198, by 4:30 p.m., **10/18/12**.

Documents associated with the 2012 Comprehensive Plan Amendments are available at the following website: www.desmoineswa.gov/mypermits. Once on the above website, please click on **Click to Search** under the Permit Search Section and then enter the File Number identified above in **The Search By ID Number** box and then click **Search** to access the information.

The City of Des Moines provides special accommodations such as hearing devices, wheelchair space, and large print material for city meetings. Anyone needing special assistance should contact the city clerk at 206-878-4595.

ATTACHMENT 3

STAFF REPORT - DES MOINES 2012 COMPREHENSIVE PLAN AMENDMENTS

INTRODUCTION

Des Moines adopted its comprehensive plan in 1995. The Comprehensive Plan was updated in March 2006 and subsequently amended in January 2008, November 2009, December 2010, and December 2011. Several of the proposed 2011 amendments were reconsidered and adopted in January 2012. Pursuant to RCW 36.70A.130(2)(a), the Growth Management Act limits plan updates to no more than once per year, except under the following circumstances:

1. The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea.
2. The adoption or amendment of a shoreline master program.
3. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.
4. The adoption of comprehensive plan amendments necessary to enact a planned action.

Except as otherwise provided above, all proposals are to be considered concurrently, so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation, a county or city may adopt amendments or revisions to its comprehensive plan whenever an emergency exists, or to resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board or with the court.

2012 COMPREHENSIVE PLAN AMENDMENTS

Chapter 18.84 DMMC, the Comprehensive Plan of the Des Moines (hereinafter "DMCP") sets forth the process and standards of review that must be used by staff, the Planning Agency and the 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 DMCP may be submitted to the Planning, Building and Public Works Department between January 1st and June 30th of each calendar year (DMMC 18.84.060(1)). No public requests for amendments to the DMCP were received during this period in 2012.

The 2012 amendments to the Des Moines Comprehensive Plan include five (5) City-initiated amendments as described below:

- 2012-1** Amend Policy 2-03-11 to indicate 2011 as the most recent update to the WSDOT Aviation's *Airport and Compatible Land-Use Program Guidebook*.
- 2012-2** Change the Des Moines Comprehensive Plan Preferred Land Use map to re-designate Highline Community College and all retirement facilities to an IC - Institutional Campus preferred land use per City Council direction on April 26, and September 6, 2012 (Figure 1).
- 2012-3** Remove Policy 2-03-14, from the Land Use Element as the policy, which relates to the establishment of an institutional campus land use designation and zoning, has been implemented.
- 2012-4** Amend Goal 6-1-10 which states "Utilize Fee-In-Lieu" for "park and facilities system improvements" and/or "project improvements" which are "on-site" and provide service for a particular new development." In-lieu fees cannot be used in this manner. The Goal should be amended to "Utilize Park Impact Fees for ..." to correct an inconsistency with State law.
- 2012-5** Add a policy that a Park Impact Fee system should be established per the City Council direction.

Decision Criteria

- (1) Amendment of the DMCP is a legislative action (Type VI land use action) and the Planning Agency and the City Council shall be afforded the broadest possible discretion during review of amendment requests. The Planning Agency may recommend approval, approval with modifications, or denial of any application for amendment. The City Council may approve, approve with modifications, or deny any application for amendment.
- (2) The Planning Agency may recommend and the City Council may approve or approve with modifications an amendment to the DMCP 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 DMCP.
 - (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 DMCP; 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 DMCP, factors that may be considered by the Planning, Building and Public Works Director, Planning Agency, 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 and 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 DMCP.

Proposed Amendments

Staff review and recommendation for each of the proposals is presented separately. Background information about the subject site or area and the intent of each proposal are provided, followed by staff review. The Decision Criteria listed above for Comprehensive Plan amendments are then addressed for each proposal prior to the recommendation.

Reference #: 2012-1

Applicant: City of Des Moines, Planning Building and Public Works Department

Location: Citywide

Request: Amend Policy 2-03-11 to indicate 2011 as the most recent update to the Washington State Department of Transportation (WSDOT) Aviation's *Airport and Compatible Land-Use Program Guidebook*.

PROPOSED AMENDMENTS

Policy 2-03-11 Regulate the siting of incompatible uses adjacent to the Sea-Tac airport, as defined in RCW 36.70.547 and the Washington State Department of Transportation's *Airports and Compatible Land Use Guidebook, M 3074.00 Volume I* (January 2011+999).

Background: In 2011, the WSDOT updated the *Airport and Compatible Land-Use Program Guidebook*. This guidebook provides guidance to prevent development of incompatible land uses around airports in Washington State. Jurisdictions can use the tools and resources found in the guidelines to develop policies and development regulations that discourage the encroachment of incompatible land use adjacent to public use general aviation facilities. It does not prescribe a one size fits all approach to land use compatibility planning, rather it provides recommended best management practices for local land use jurisdictions.

Staff Recommendation

In accordance with DMMC 18.84.050 decision criteria (1), (2)(b), (2)(c)(i-iii), (3)(a, h, i and k), the proposed Comprehensive Plan amendment will provide the city with the tools and resources to develop policies and development regulations that discourage the encroachment of incompatible land use adjacent to Sea-Tac Airport.

Staff recommends that Council approve proposed Amendment No. 2012-1.

Reference #: 2012-2

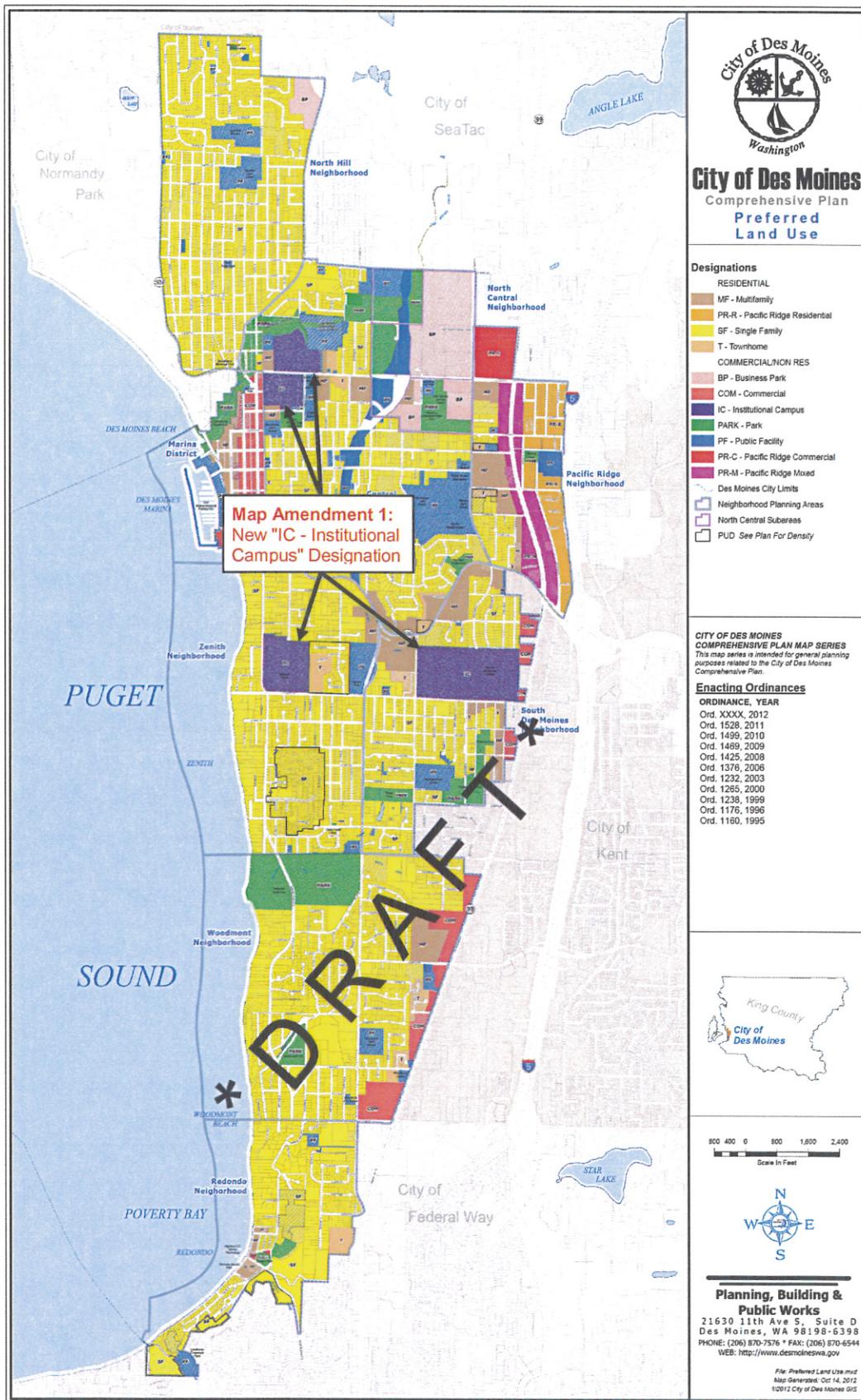
Applicant: City of Des Moines, Planning Building and Public Works Department

Location: Properties located in the Central Des Moines, South Des Moines and Zenith Neighborhoods - Highline Community College, 2400 S. 240th Street – Assessor Parcel Number (APN) #1622049016 and APN #1622049013; Wesley Homes, 815 S 216th Street – APN #0822049014, APN #0822049087, and APN #0822049133; Judson Park, 23600 Marine View Drive S – APN #1722049025; and Landmark on the Sound, 23660 Marine View Drive S – APN #1722049023.

Request: Change the official land use map to establish the IC-Institutional Campus preferred land use for Highline Community College - 2400 S. 240th Street, Wesley Homes - 815 S 216th Street, Judson Park - 23600 Marine View Drive S, Landmark on the Sound - 23660 Marine View Drive S (Figure 1).

Background: Large institutional facilities in the City that serve a regional clientele include Highline Community College, Wesley Homes, Judson Park, and the Highline School District. In 2012, the City Council established the I-C Institutional Campus zone and development standards through adoption of Ordinance No. 1544 on June 28, 2012. The proposed changes to establish an IC - Institutional Campus preferred land use designation would support the uses, services, operations, and redevelopment plans as established in agency Master Plans, and will make comprehensive plan and zoning maps consistent.

Figure 1 – Map Amendments



Staff Recommendation

In accordance with DMMC 18.84.050 and decision criteria (1), (2)(b), (2)(c)(i-iii), and (3) the proposed change to the Comprehensive Plan Preferred Land Use map to establish an IC - Institutional Campus land use designation will support future redevelopment and operational plans for large institutional facilities in the City that serve a regional clientele.

Staff recommends that Council approve proposed Amendment No. 2012-2.

Reference #: 2012-3

Applicant: City of Des Moines, Planning Building and Public Works Department

Location: Citywide

Request: Remove Policy 2-03-14, from the Land Use Element as the policy, which relates to the establishment of an institutional campus land use designation and zoning, has been implemented.

PROPOSED AMENDMENTS

Chapter 2: Land Use Element, 2-03 Policies

2-03-14 Work with Highline Community College to establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan.
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Background: Policy 2-03-14 provided direction for the City to establish an Institutional Campus land use designation and zone that supports Highline Community College's Master Plan. In 2012, Policy 2-03-14 was implemented with the establishment of the I-C Institutional Campus zone and development standards through adoption of Ordinance No. 1544 on June 28, 2012. The I-C zone was applied to Highline Community College and retirement facilities in the City that serve a regional clientele. Related changes to the Preferred Land Use map are included as amendment 2012-2.

Staff Recommendation

In accordance with DMMC 18.84.050 and decision criteria (1), (2)(b), (2)(c)(i-iii), and (3) the proposed change would update the Comprehensive Plan to remove Policy 2-03-14 that has been implemented.

Staff recommends that Council approve proposed Amendment No. 2012-3.

Reference #: 2012-4

Applicant: City of Des Moines, Planning Building and Public Works Department

Location: Citywide

Request: Amend Goal 6-1-10 which states "Utilize Fee-In-Lieu" for "park and facilities system improvements" and/or "project improvements" which are "on-site" and provide service for a particular new development" to "Utilize Park Impact Fees for ..." to correct an inconsistency with State law.

PROPOSED AMENDMENTS

6-01-10 Utilize Fee-In-Lieu Park Impact Fees for "park and facilities system improvements" and/or "project improvements" which are "on-site" and provide service for a particular new development.

Background: Applicants requesting to subdivide or short plat property are required to develop, dedicate, and improve space for recreational use or provide a payment in lieu of this dedication in order to mitigate impacts on the existing parks and recreational facilities within the City. In-lieu fees must be related to the specific value of land that would have otherwise been dedicated to fulfill the requirement to provide “appropriate provisions” for parks and playgrounds as established by RCW 58.17.110(2). In contrast, park impact fees are not directly tied to the value of the land that would have been dedicated, but to the total cost to develop the required park facilities identified in the Parks Master Plan on an adopted per unit cost.

Staff Recommendation

In accordance with DMMC 18.84.050 decision criteria (1), (2)(a), (2)(b), (2)(c)(i-iii), (3)(a, e, h, j and k), the proposed amendment would correct a technical error related to the application of Fee-In-Lieu payments for parks and facility system improvements.

Staff recommends that Council approve proposed Amendment No. 2012-4.

Reference #: 2012-5

Applicant: City of Des Moines, Planning Building and Public Works Department

Location: Citywide

Request: Add a policy to establish a Park Impact Fee system per the City Council direction.

PROPOSED AMENDMENTS

<u>Policy 6-03-01</u>

<u>(7) Establish a Park Impact Fee program to replace the current park in-lieu provisions that address the long term need to provide park space for future population growth.</u>

Background: When the new subdivision park in-lieu fees were being developed, there was a discussion with the Council Finance and Economic Development Committee regarding the need to have a park impact fee system to address the long term impacts on the City’s parks from other types of residential development such as individual homes and multi-family developments. Following this discussion, Council added the development of a park impact fee system was added to their 2012 – 2013 work program.

A park impact fee system would address impacts to the City’s parks and recreation system associated with new subdivisions as well as impacts created by new multi-family developments or the construction of new homes on vacant lots not located within new subdivisions. Impacts on the City’s parks and recreation system from these two sources are not currently addressed in the City’s development regulations.

Staff Recommendation

In accordance with DMMC 18.84.050 decision criteria (1), (2)(a), (2)(b), (2)(c)(i-iii), (3)(a, e, h, j and k), the proposed policy to establish a park impact fee program would address the long-term impacts on the City’s parks from other types of residential development.

Staff recommends that Council approve proposed Amendment No. 2012-5.

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Landmarque Plat Amendment

FOR AGENDA OF: October 25, 2012

ATTACHMENTS:

- 1. Draft Resolution 12-176
- 2. Resolution 1170
- 3. Landmarque Final Plat
- 4. Landmark Homes Request for Plat Amendment

DEPT. OF ORIGIN: Planning, Building and Public Works

DATE SUBMITTED: October 19, 2012

CLEARANCES:

- Legal PB
- Finance N/A
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works HA
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this Agenda Item is to seek the City Council’s approval regarding an amendment to the Landmarque Plat which will delay the installation of the final lift of asphalt until September 1, 2013. The City Council can approve the amendment to the Landmarque Plat by passing the following motion:

Suggested Motion

Motion: “I move to adopt Draft Resolution 12-176 amending the Landmarque Plat – Note 20 modifying the date for the installation of the final lift of asphalt to September 1, 2013.”

Background

On August 11, 2011, Landmark Homes (the Applicant), received final plat approval for a subdivision entitled “Landmarque.” At the time of final plat, the infrastructure improvements which served the new subdivision were substantially complete; however, the final lift of asphalt had not been completed so a note was added to the final plat documents which required this work to be completed prior to the construction of the twenty-first home or by September 1, 2012. In addition to the note on the final plat

documents the applicant posted a bond equal to the value of the work in order to guarantee that the work would be completed by the Applicant.

State Environmental Policy Act

Amendments to final plats are not contained on the list of actions exempted from review under the State Environmental Policy Act (SEPA) – Chapter 43.21C RCW established by WAC 197-11-800. Therefore, the SEPA Responsible Official evaluated the Mitigated Determination of Non-Significance (MDNS) issued on March 26, 2007 for the Landmarque Subdivision and readopted the previous decision. Therefore, further SEPA review and comment is not required pursuant to WAC 197-11-600 and DMMC 16.04.108

Public Hearing

Plat amendments are considered quasi -judicial land use actions which require a public meeting with the Planning Agency and a public hearing with the City Council. On October 1, 2012, the Planning Agency conducted the required public meeting and recommended that the City Council approve the proposed final plat amendment. The City Council will consider the recommendations made by Administration and the Planning Agency during the required public hearing scheduled for October 25, 2012.

Discussion

In early 2012, the property to the south of the Landmarque Plat, which was developed as a Salvation Army Thrift Store with access only to Pacific Highway South at the time that the final plat was approved by the City, was purchased by Healthpoint. Healthpoint has since demolished the Salvation Army building and commenced with the construction of a new medical arts building. As part of this project, Healthpoint will need to connect to the new utility lines within the new South 263rd Street constructed as part of the Landmarque Plat. Additionally, Healthpoint will be gaining access to the new building via South 263rd Street and is currently using the roadway as construction access to the site. Due to the construction of the medical arts building, Landmark Homes has requested that the final lift of asphalt be delayed so that the asphalt will not be damaged or impacted as a result of the Healthpoint project.

Alternatives

With respect to Draft Resolution 12-176, the City Council has the following alternatives:

1. Alternative 1: Do Nothing

The City Council could decline to adopt Draft Resolution 12-176 which require the installation of the final lift of asphalt prior to any further development of the homes located within the Landmarque Plat. This is not the recommended action.

2. Alternative 2: Adopt the Draft Resolution

The City Council may adopt Draft Resolution 12-176 extending the date for the installation of the final lift of asphalt. Doing so would allow for installation of the final lift of asphalt to be completed in a coordinated manner. This is the recommended action.

3. *Alternative 3: Adopted the Draft Resolution with a different hearing date.*

The City Council may adopt Draft Resolution 12-176 establishing a different date for the installation of the final lift of asphalt.

Financial Impact

Approval of the plat amendment will not have any direct or indirect financial impacts.

Recommendation/Conclusion

Staff recommends the date for the installation of the final lift of asphalt be moved to September 1, 2013 so that the work can be coordinated with the construction of the Healthpoint project.

Concurrence

The requested plat amendment received a “do pass” recommendation from the Planning Agency.

**DEVELOPMENT SERVICES FIRST DRAFT
09/24/2012**

DRAFT RESOLUTION NO. 12-176

A RESOLUTION OF THE CITY OF DES MOINES, WASHINGTON approving an Amendment to the Final Plat entitled "Landmarque".

WHEREAS, the City Council at its regular meeting on August 11, 2011 passed Resolution 1170 approving the final plat entitled "Landmarque", which subdivided property within the RA-3600 and Community Commercial Zones into 68 residential lots and 1 commercial lot; and

WHEREAS, Landmark Homes posted securities to ensure completion of all outstanding infrastructure improvements at the time of final plat and compliance with all Mitigation Items established by the Environmental Mitigation Agreement dated March 26, 2007; and

WHEREAS, the City received a request on September 5, 2012 to amend one of the conditions of approval related to the installation of the final lift of asphalt due to construction of the Healthpoint project; and

WHEREAS, The SEPA Responsible Official reevaluated and readopted Mitigated Determination of Non-Significance (MDNS) issued on March 26, 2007 for the Landmarque Subdivision; and

WHEREAS, the City Council, at its October 25, 2012 regular meeting, reviewed the proposed amendment to the final plat entitled "Landmarque"; now, therefore

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

Sec. 1. Final Plat Amendment. The final plat entitled "Landmarque" - Note 20 approved pursuant to Resolution 1170 is hereby amended to read:

THE FINAL LIFT OF ASPHALT MUST BE INSTALLED BEFORE THE ISSUANCE OF THE BUILDING PERMIT FOR THE 21ST HOME OR SEPTEMBER 1, ~~2012~~2013, WHICHEVER OCCUR FIRST.

Sec. 2. Compliance with other law. Nothing in this Resolution shall be construed as excusing the applicant from

Draft Resolution No. 12-176
Page 2 of 2

compliance with all federal, state, or local statutes, ordinances, or regulations applicable to this subdivision other than as expressly set forth herein.

Sec. 3. Distribution of resolution following City Council action. Certified or conformed copies of this Resolution shall be delivered to the following:

- (1) Landmark Homes;
- (2) King County Auditor's Office
- (3) City of Des Moines Planning Building and Public Works Department and Building Department;
- (4) South King Fire and Rescue; and
- (5) City Clerk of the City of Des Moines.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2012 and signed in authentication thereof this ____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

RESOLUTION NO. 1170

A RESOLUTION OF THE CITY OF DES MOINES, WASHINGTON approving the Final Plat entitled "Landmarque" as shown and described in City Administration file number LUA06-014.

WHEREAS, the City has received an application for the Final Plat entitled "Landmarque", which will subdivide property within the RA-3600 and Community Commercial Zones, said application having been made by Landmark Homes, the owner of the real property described in said application, and

WHEREAS, pursuant to the State Environmental Policy Act, chapter 43.21C RCW, and the Administrative Guideline, chapter 197-11 WAC, and local ordinance, chapter 16.04 DMMC adopted to implement it, the SEPA Official reviewed all relevant environmental documents and determined that the proposed subdivision would not result in probable significant adverse environmental impacts, and

WHEREAS, based on information within those environmental documents, a Mitigated Determination of Non-Significance was issued, and

WHEREAS, said environmental documents have been available and accompanied the application throughout the entire review process, and

WHEREAS, the City Council, in regular meeting on June 24, 2004, reviewed the preliminary plat entitled "Landmarque", and

WHEREAS, the City Council passed Resolution No. 1046 at its regular meeting on June 14, 2007 approving the preliminary plat entitled "Landmarque", and

WHEREAS, the City Council, in regular meeting on August 11, 2011, reviewed the proposed Final Plat entitled "Landmarque"; now, therefore

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

Sec. 1. The following findings of fact are adopted by the Des Moines City Council:

Resolution No. 1170
Page 2 of 3

(1) The Final Plat is consistent with the preliminary subdivision approved by the City Council on June 14, 2007, pursuant to Resolution No. 1046.

(2) All required improvements are installed or securities to cover the cost of installation are submitted in accordance with DMMC 17.40.090.

(3) The Final Plat is consistent with the provisions of Title 17 DMMC, and chapter 58.17 RCW.

Sec. 2. Decision criteria. The criteria used in making the decision are those required by DMMC 17.16.230.

Sec. 3. Approval. The subdivision and the Final Plat entitled "Landmarque" is hereby approved by the Des Moines City Council.

Sec. 4. Compliance with other law. Nothing in this Resolution shall be construed as excusing the applicant from compliance with all federal, state, or local statutes, ordinances, or regulations applicable to this subdivision other than as expressly set forth herein.

Sec. 5. Resolution attached to approval documents. A certified copy of this Resolution shall be attached to and become a part of the evidence of said subdivision and Final Plat and shall be delivered to the Applicant.

Sec. 6. Distribution of resolution following City Council action. Certified or conformed copies of this Resolution shall be delivered to the following:

(1) City of Des Moines Planning Building and Public Works Department and Building Division;

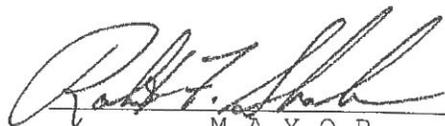
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Resolution No. 1170
Page 3 of 3

(2) South King Fire and Rescue; and

(3) City Clerk of the City of Des Moines.

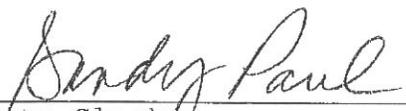
ADOPTED BY the City Council of the City of Des Moines,
Washington this 11th day of August, 2011 and signed in
authentication thereof this 11th day of August, 2011.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

VOL/PG
258/074

LANDMARQUE

POR. SE 1/4 OF NW 1/4 AND NE 1/4 OF SW 1/4, SEC. 28, TWP. 22 N., RNG. 04 E., W.M.
CITY OF DES MOINES, KING COUNTY, WASHINGTON

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND PROPOSED TO BE SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION OF SAID LAND, AND DO HEREBY DEDICATE TO THE CITY OF DES MOINES FOR PERMANENT PUBLIC USE, ALL STREETS, AVENUES AND ALLEYS NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC STREET PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE OR GRANT TO THE CITY OF DES MOINES THE USE OF ALL PUBLIC EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDED BUT NOT LIMITED TO UTILITIES, ROADS AND DRAINAGE, UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF DES MOINES, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THE SUBDIVISION OTHER THAN CLAIMS RESULTING FROM NEGLIGENCE BY THE CITY OF DES MOINES.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF DES MOINES, ITS SUCCESSORS AND ASSIGNS HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION, TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR THE ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF DES MOINES, ITS SUCCESSORS OR ASSIGNS FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF DES MOINES, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

LANDMARK HOMES, INC., A WASHINGTON CORPORATION.

BY: [Signature] President
ITS:

FIRST FINANCIAL SERVICES CORPORATION, INC.

BY: [Signature] CEO
ITS:

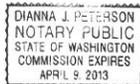
ACKNOWLEDGMENTS

STATE OF WASHINGTON)
COUNTY OF KING) SS
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT DAVID LITOWITZ SIGNED THIS DEDICATION AND ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE PRESIDENT OF LANDMARK HOMES TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.



DATED SEPT 7, 2011
SIGNATURE OF NOTARY PUBLIC
[Signature]
PRINTED NAME OF NOTARY PUBLIC
JONATHAN BECKER
TITLE
NOTARY PUBLIC
MY APPOINTMENT
EXPIRES 07/19/12

STATE OF Washington)
COUNTY OF King) SS
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Victor Kovach SIGNED THIS DEDICATION AND ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE President CEO OF First Savings Bank TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.



DATED 9-8-11
SIGNATURE OF NOTARY PUBLIC
[Signature]
PRINTED NAME OF NOTARY PUBLIC
Dianna Peterson
TITLE
Notary Public
MY APPOINTMENT
EXPIRES 4/9/13



DIVISION OF RECORDS AND ELECTIONS
MANAGER
SUPERINTENDENT OF RECORDS

RECORDING NO. _____

PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, KING COUNTY, WASHINGTON.

CITY OF DES MOINES
LUA 06-014
83

APPROVALS

PLANNING, BUILDING, PUBLIC WORKS

ALL REQUIRED SEWAGE DISPOSAL, WATER SUPPLY AND OTHER PUBLIC IMPROVEMENTS HAVE BEEN INSTALLED, INSPECTED AND ACCEPTED, OR PERFORMANCE SECURITY HAS BEEN DEPOSITED WITH THE CITY OF DES MOINES

THIS 17 DAY OF October, 2011

[Signature]
PLANNING, BUILDING, PUBLIC WORKS DIRECTOR

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS 22nd DAY OF November, 2011

[Signature] KING COUNTY ASSESSOR
[Signature] DEPUTY KING COUNTY ASSESSOR

ACCOUNT NUMBER 282204-9209 + 9253 + 9967

FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL PREVIOUS ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION OR ANY OF THE PROPERTIES HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL

THIS 28th DAY OF November, 2011

[Signature] MANAGER, FINANCE DIVISION
[Signature] DEPUTY



UTILITY EASEMENT PROVISION

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF DES MOINES, PUGET SOUND ENERGY, QWEST COMMUNICATIONS, COMCAST CABLE, HIGHLINE WATER DISTRICT (ACROSS PORTIONS OF TRACTS C, D AND H, ONLY) AND OTHER NECESSARY UTILITIES, AUTHORIZED TO OPERATE BY THE CITY OF DES MOINES WITHIN ITS CORPORATE LIMITS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, ACROSS, OVER, UNDER AND UPON THE EXTERIOR 10 FEET OF ALL LOTS AND TRACTS HEREON, PARALLEL WITH AND ADJOINING THE RIGHT OF WAYS HEREON, AS WELL AS WITHIN TRACTS B, C, D, G AND H HEREON, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND DISTRIBUTION SYSTEMS WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION, AND OTHER PROPERTY, WITH UTILITIES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT OR TELEPHONE USE, CABLE TELEVISION, FIRE OR POLICE SIGNALS, OR FOR OTHER PURPOSES, SHALL BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO BUILDING.

MIDWAY SEWER DISTRICT EASEMENT PROVISION

AN EASEMENT IS HEREBY GRANTED TO MIDWAY SEWER DISTRICT, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, FOR SEWER LINES ACROSS, OVER, UNDER AND UPON ALL OF TRACTS B, D, AND H HEREON, AS WELL AS THE AREAS SPECIFIED AS EASEMENTS C, D, J AND K ON SHEET 4 HEREON. MIDWAY SEWER DISTRICT SHALL HAVE THE RIGHT WITHOUT PRIOR INSTITUTION OF ANY SUIT OR PROCEEDING AT LAW, AT TIMES AS MAY BE NECESSARY, TO ENTER UPON SAID PRIVATE PROPERTY FOR THE PURPOSE OF CONSTRUCTING, REPAIRING, ALTERING OR RECONSTRUCTING SAID SEWER, OR MAKING ANY CONNECTIONS THEREWITH WITHOUT INCURRING ANY LEGAL OBLIGATION OR LIABILITY THEREFORE; PROVIDED THAT SUCH CONSTRUCTING, REPAIRING, ALTERING OR RECONSTRUCTING OF SAID SEWER MAIN SHALL BE ACCOMPLISHED IN SUCH A MANNER THAT PRIVATE IMPROVEMENTS EXISTING WITHIN SAID TRACTS B, D, AND H AND WITHIN SAID EASEMENTS C, D, J AND K SHALL NOT BE DISTURBED OR DESTROYED, OR IN THE EVENT THEY ARE DISTURBED OR DESTROYED, THEY WILL BE REPLACED IN AS GOOD A CONDITION AS THEY WERE IMMEDIATELY BEFORE THE PROPERTY WAS ENTERED UPON BY MIDWAY SEWER DISTRICT. THIS EASEMENT SHALL RUN WITH THE LAND AND SHALL BE BINDING ON THE SUCCESSORS, HEIRS, AND ASSIGNS OF ALL PARTIES INVOLVED.

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF LANDMARQUE IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 04 EAST, W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS WILL BE STAKED CORRECTLY ON THE GROUND AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATING REGULATIONS.

[Signature]
JONATHAN M. BECKER
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 41277
DUNCANSON COMPANY, INC.



CIVIL ENGINEERING · SURVEYING · LAND PLANNING
145 SW 155th Street, Ste. 102, Seattle, Washington 98166
Phone: (206) 244-4141 Fax: (206) 244-4455

JOB NO 09312

SHEET 1 OF 6





VOL/PG
258/075

LANDMARQUE

POR. SE 1/4 OF NW 1/4 AND NE 1/4 OF SW 1/4, SEC. 28, TWP. 22 N., RNG. 04 E., W.M.
CITY OF DES MOINES, KING COUNTY, WASHINGTON

LEGAL DESCRIPTION

* TITLE PER ORDER NO. 4209-1575786, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED MAY 18, 2010.

PARCEL 1:
THE WEST 330 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, EXCEPT THE NORTH 390 FEET THEREOF, ALSO EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:
THE WEST 115 FEET OF THE NORTH 490 FEET OF THE WEST 330 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, EXCEPT THE NORTH 390 FEET THEREOF.

PARCEL 2:
THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WESTERLY OF STATE HIGHWAY NO. 1 DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER;
THENCE SOUTH 89°03'31" EAST, ALONG THE NORTH LINE OF SAID HALF, A DISTANCE OF 490.00 FEET;
THENCE SOUTH 03°05'31" WEST, A DISTANCE OF 156.03 FEET;
THENCE SOUTH 88°10'18" EAST, A DISTANCE OF 190.56 FEET TO A POINT ON THE WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH (STATE ROAD NO. 1);
THENCE ALONG SAID WESTERLY MARGIN SOUTH 20°43'16" WEST, A DISTANCE OF 134.70 FEET TO THE NORTH LINE OF THE SOUTH 375.00 FEET, AS MEASURED ALONG THE WEST LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28;
THENCE NORTH 88°10'18" WEST, ALONG THE NORTH LINE OF SAID SOUTH 375.00 FEET, A DISTANCE OF 636.78 FEET TO THE WEST LINE OF SAID SOUTH HALF;
THENCE NORTH ALONG SAID WEST LINE 288.42 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 2A:
AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL:
BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;
THENCE SOUTH 89°03'31" EAST, ALONG THE NORTH LINE THEREOF, 490.00 FEET;
THENCE SOUTH 03°05'31" WEST, 138.03 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 79°46'32" EAST, 150.74 FEET;
THENCE SOUTH 88°10'18" EAST, 46.95 FEET TO THE WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH;
THENCE SOUTH 20°43'16" WEST, ALONG SAID WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH, 61.39 FEET TO AN INTERSECTION WITH AN ARC OF A CURVE, THE CENTER OF SAID CURVE BEARING NORTH 69°16'44" WEST;
THENCE NORTHWESTERLY ALONG THE ARC OF A 25.00 FEET RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 108°53'32", AN ARC DISTANCE OF 47.51 FEET TO A POINT OF TANGENCY;
THENCE NORTH 88°10'18" WEST, 7.312 FEET;
THENCE NORTH 78°26'16" WEST, 147.85 FEET;
THENCE NORTH 03°05'51" EAST, 22.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3:
THE NORTH 175 FEET, AS MEASURED ALONG THE WEST LINE OF THE FOLLOWING DESCRIBED PROPERTY:
THE SOUTH 375 FEET, AS MEASURED ALONG THE WEST LINE OF THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WESTERLY OF STATE HIGHWAY NO. 1.

PARCEL 3A:
THE SOUTH 200 FEET, AS MEASURED ALONG THE WEST LINE OF THE FOLLOWING DESCRIBED PROPERTY:
THE SOUTH 375 FEET, AS MEASURED ALONG THE WEST LINE OF THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WESTERLY OF STATE HIGHWAY NO. 1.

PARCEL 3B:
TRACT B, SECOND A HI-WAY TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 37 OF PLATS, PAGE 42, RECORDS OF KING COUNTY, WASHINGTON, EXCEPT THAT PORTION OF THE SOUTH 375 FEET, AS MEASURED ALONG THE WEST LINE OF THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., LYING WESTERLY OF PACIFIC HIGHWAY SOUTH (STATE ROUTE 99); AND OF TRACTS B, SECOND A HI-WAY TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 37 OF PLATS, PAGE 42, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT B;
THENCE NORTH 88°10'17" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 133.01 FEET;
THENCE NORTH 01°08'58" EAST, PARALLEL WITH THE WEST LINE OF SAID TRACT B, A DISTANCE OF 200.00 FEET;
THENCE SOUTH 88°10'17" EAST, PARALLEL WITH THE SOUTH LINE OF SAID TRACT B, A DISTANCE OF 401.86 FEET TO THE WESTERLY MARGIN OF SAID PACIFIC HIGHWAY SOUTH;
THENCE SOUTH 20°43'24" WEST ALONG SAID MARGIN, A DISTANCE OF 211.39 FEET TO THE POINT OF BEGINNING.

(ALSO KNOWN AS PARCEL B OF BOUNDARY LINE ADJUSTMENT NO. LL87-066, RECORDED NOVEMBER 24, 1997, UNDER RECORDING NO. 9711249013, RECORDS OF KING COUNTY, WASHINGTON.)

GENERAL NOTES

- THE LANDMARQUE OWNERS ASSOCIATION WAS ESTABLISHED ON SEPTEMBER 2, 2010; THE ARTICLES OF INCORPORATION ARE ON FILE WITH THE STATE OF WASHINGTON IN OLYMPIA. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AT KING COUNTY UNDER RECORDING NO. 20110902000875
- TRACTS A, B, C, D, E, F, G, H, AND I ARE CONSIDERED A TRACT(S) PURSUANT TO DMCC 17.08.350; A TRACT IS LAND RESERVED FOR SPECIAL USES INCLUDING BUT NOT LIMITED TO OPEN SPACE, SURFACE WATER RETENTION, UTILITIES, OR ACCESS. TRACTS ARE NEITHER COUNTED AS LOTS NOR CONSIDERED AS BUILDING SITES.
- TRACT A IS A PRIVATE PARKING TRACT FOR THE BENEFIT OF ALL LOT OWNERS IN THIS PLAT. UPON RECORDING OF THIS PLAT, OWNERSHIP INTEREST AND MAINTENANCE RESPONSIBILITIES OF TRACT A ~~REVERTS TO THE LANDMARQUE OWNERS ASSOCIATION.~~ **is conveyed**
- TRACT B IS A PRIVATE ACCESS TRACT FOR INGRESS, EGRESS, PRIVATE DRAINAGE AND PUBLIC UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 1 THROUGH 4. INDIVIDUAL OWNERSHIP OF LOTS 1 THROUGH 4 WITHIN THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT B, AND AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT.
- TRACT C IS A PRIVATE ACCESS TRACT FOR INGRESS, EGRESS, PRIVATE DRAINAGE AND PUBLIC UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 10 THROUGH 13. INDIVIDUAL OWNERSHIP OF LOTS 10 THROUGH 13 WITHIN THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT C, AND AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT.
- TRACT D IS A PRIVATE ALLEY TRACT FOR INGRESS, EGRESS, PUBLIC DRAINAGE SERVING PUBLIC STREET AREAS, PRIVATE DRAINAGE AND PUBLIC UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 18 THROUGH 26 AND LOTS 62 THROUGH 69. INDIVIDUAL OWNERSHIP OF LOTS 18 THROUGH 26 AND LOTS 62 THROUGH 69 WITHIN THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT D, AND AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT. TRAFFIC FLOW WILL BE RESTRICTED TO ONE-WAY IN A NORTHERLY-WESTERLY DIRECTION, ENTERING VIA SOUTH 262ND COURT AND EXITING AT THE CORNER OF SOUTH 261ST COURT AND 21ST COURT SOUTH.
- TRACT E IS A PUBLIC STORM DRAINAGE AND PARK TRACT FOR THE BENEFIT OF THE PUBLIC. TRACT E WILL BE DEEDED TO THE CITY OF DES MOINES UNDER SEPARATE INSTRUMENT AFTER RECORDING OF THIS PLAT FOR PUBLIC STORM DRAINAGE OPERATION, MAINTENANCE AND REPAIRS AND PARK USE.
- THE PUBLIC PARK SHALL BE NAMED IN HONOR OF DR. SHIRLEY B. GORDON.
- TRACT F IS A PUBLIC SENSITIVE AREA AND OPEN SPACE TRACT FOR THE BENEFIT OF THE PUBLIC. TRACT F WILL BE DEEDED TO THE CITY OF DES MOINES UNDER SEPARATE INSTRUMENT AFTER RECORDING OF THIS PLAT FOR WETLAND CONSERVATION AND PUBLIC OPEN SPACE.

GENERAL NOTES, CONTINUED

- TRACT G IS A PRIVATE ALLEY TRACT FOR INGRESS, EGRESS, PUBLIC DRAINAGE SERVING PUBLIC STREET AREAS, PRIVATE DRAINAGE AND PUBLIC UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 27 THROUGH 42. INDIVIDUAL OWNERSHIP OF LOTS 27 THROUGH 42 WITHIN THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT G, AND AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT. TRAFFIC FLOW WILL BE RESTRICTED TO ONE-WAY IN AN EASTERLY-NORTHERLY DIRECTION, EXITING TO THE CUL-DE-SAC ON SOUTH 262ND COURT.
- TRACT H IS A PRIVATE ACCESS TRACT FOR INGRESS, EGRESS, PRIVATE DRAINAGE AND PUBLIC UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 44 THROUGH 49. INDIVIDUAL OWNERSHIP OF LOTS 44 THROUGH 49 WITHIN THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT H, AND AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT.
- TRACT I IS A PRIVATE PARKING TRACT FOR THE BENEFIT OF ALL LOT OWNERS IN THIS PLAT AND FOR PUBLIC DRAINAGE. UPON RECORDING OF THIS PLAT, OWNERSHIP INTEREST AND MAINTENANCE RESPONSIBILITIES OF TRACT A ~~REVERTS TO THE LANDMARQUE OWNERS ASSOCIATION.~~ **is conveyed**
- THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO OR FROM SOUTH 261ST COURT FROM LOTS 1 THROUGH 4; NO DIRECT VEHICULAR ACCESS TO OR FROM SOUTH 262ND STREET FROM LOTS 35 THROUGH 42; AND NO DIRECT VEHICULAR ACCESS TO OR FROM 21ST PLACE SOUTH FROM LOTS 34 THROUGH 35 AND LOTS 62 THROUGH 69.
- TRAFFIC IMPACT FEES WILL BE ASSESSED AND DUE AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT FOR THE SINGLE FAMILY RESIDENCES AND COMMERCIAL LOT.
- FOUNDATION NOTE FOR LOTS 18 THROUGH 23:
AS A CONDITION OF THE PERMIT FOR THE STORMWATER VAULT ON TRACT 'E', LOTS 18 THROUGH 23 SHALL HAVE THE FOLLOWING BUILDING PERMIT RESTRICTION: FOUNDATION FOOTERS SHALL BEAR SO THAT THE MAXIMUM ANGLE OF REPOSE BETWEEN THE BUILDING FOUNDATION ON EACH LOT AND THE AS-BUILT FLOOR ELEVATION OF THE STORMWATER VAULT SHALL BE 1:1. HORIZONTAL STRAIN ON THE STORMWATER VAULT WALLS IS LIMITED TO LATERAL EARTH PRESSURE AND IS NOT TO BE SURCHARGED BY THE BUILDINGS ON LOTS 18-23. NOTE THAT THE EAST SIDE OF THE VAULT ALREADY PROVIDES FOR THE MINIMUM 1:1 ANGLE OF REPOSE BETWEEN THE VAULT FLOOR AND THE EXISTING ADJACENT BUILDING.
- THE APPLICANT SHALL COMPLY WITH THE SEPA ENVIRONMENTAL MITIGATION AGREEMENT DATED MARCH 26, 2007.
- HOMES CONSTRUCTED WITHIN THE PROPOSED SUBDIVISION WILL BE CONSISTENT WITH THE CONCEPTUAL HOME DESIGNS ON FILE WITH THE CITY OF DES MOINES PLANNING, BUILDING AND PUBLIC WORKS DEPARTMENT UNDER LUA 06-014.
- WHEN THE SAME OR SIMILAR BUILDING DESIGNS ARE LOCATED ON THE SAME BLOCK, THE DEVELOPER SHALL DIFFERENTIATE THAT DESIGN THROUGH THE USE OF AT LEAST TWO DIFFERENT BUILDING MATERIALS AND DIFFERENT COLOR SCHEMES.
- FOLLOWING RECORDING OF THIS PLAT, DEEDS SHALL BE RECORDED TRANSFERRING THE OWNERSHIP OF THE SURFACE WATER DETENTION/PARK TRACT AND THE ENVIRONMENTAL SENSITIVE AREA TRACT TO THE CITY OF DES MOINES.
- THE FINAL LIFT-UP ASPHALT MUST BE INSTALLED BEFORE THE ISSUANCE OF THE BUILDING PERMIT FOR THE 21ST HOME OR SEPTEMBER 1, 2012, WHICHEVER OCCURS FIRST.
- THE HOMES LOCATED ON LOTS 1-4 ARE REAR LOAD HOMES ACCESSED VIA TRACT B; THEREFORE, THE FRONT FACADE AND DOOR OF THE HOME MUST BE ORIENTED TOWARDS SOUTH 261ST COURT. ADDITIONALLY, THE YARD AREA ON LOTS 1-4 BETWEEN THE HOMES AND SOUTH 261ST COURT IS THE FRONT YARD AS DEFINED BY DMCC 18.04.670(1) AND REGULATED UNDER DMCC 18.10.040(4). NO FENCES ARE ALLOWED WITHIN THE FRONT YARD.
- THE HOMES LOCATED ON LOTS 27-34 ARE REAR LOAD HOMES ACCESSED VIA TRACT G; THEREFORE, THE FRONT FACADE AND DOOR OF THE HOME MUST BE ORIENTED TOWARDS SOUTH 262ND COURT. ADDITIONALLY, THE YARD AREA ON LOTS 27-34 BETWEEN THE HOMES AND SOUTH 262ND STREET IS THE FRONT YARD AS DEFINED BY DMCC 18.04.670(1) AND REGULATED UNDER DMCC 18.10.040(4). NO FENCES ARE ALLOWED WITHIN THE FRONT YARD.
- THE HOMES LOCATED ON LOTS 35-42 ARE REAR LOAD HOMES ACCESSED VIA TRACT G; THEREFORE, THE FRONT FACADE AND DOOR OF THE HOME MUST BE ORIENTED TOWARDS SOUTH 262ND COURT. ADDITIONALLY, THE YARD AREA ON LOTS 35-42 BETWEEN THE HOMES AND SOUTH 263RD STREET IS THE FRONT YARD AS DEFINED BY DMCC 18.04.670(1) AND REGULATED UNDER DMCC 18.10.040(4). NO FENCES ARE ALLOWED WITHIN THE FRONT YARD.
- THE HOMES LOCATED ON LOTS 62-69 ARE REAR LOAD HOMES ACCESSED VIA TRACT D; THEREFORE, THE FRONT FACADE AND DOOR OF THE HOME MUST BE ORIENTED TOWARDS 21ST PLACE SOUTH. ADDITIONALLY, THE YARD AREA ON LOTS 62-69 BETWEEN THE HOMES AND 21ST PLACE SOUTH IS THE FRONT YARD AS DEFINED BY DMCC 18.04.670(1) AND REGULATED UNDER DMCC 18.10.040(4). NO FENCES ARE ALLOWED WITHIN THE FRONT YARD.
- THE HOMES LOCATED ON LOTS 18-26 ARE REAR LOAD HOMES ACCESSED VIA TRACT D; THEREFORE, THE FRONT FACADE AND DOOR OF THE HOME MUST BE ORIENTED TOWARDS THE PUBLIC PARK LOCATED IN TRACT E. ADDITIONALLY, THE YARD AREA ON LOTS 18-26 BETWEEN THE HOMES AND THE PUBLIC PARK LOCATED IN TRACT E IS THE FRONT YARD AS DEFINED BY DMCC 18.04.670(1) AND REGULATED UNDER DMCC 18.10.040(4). NO FENCES ARE ALLOWED WITHIN THE FRONT YARD.
- ANY MODIFICATIONS TO THE REQUIRED LANDSCAPING BUFFERS LOCATED IN EASEMENTS B, E, H, AND L REQUIRE APPROVAL OF THE CITY OF DES MOINES DEVELOPMENT SERVICES DIVISION.
- LOTS 1, 2, 6 AND 61 SHALL HAVE NO ACCESS VIA 20TH AVENUE SOUTH.
- AT THE TIME OF BUILDING PERMIT ISSUANCE FOR THE HOMES LOCATED ON LOTS 1-42 AND 44-69 THE PRORATED PORTION OF THE SEPA MITIGATION FEES FOR IMPACTS ON THE FEDERAL WAY SCHOOL MUST BE PAID. THE PRORATED AMOUNT FOR THE FIRST 67 HOMES IS \$919.58 AND THE AMOUNT FOR THE LAST HOME IS \$920.14.
- PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT FOR THE THIRTIETH HOME WITHIN THE SUBDIVISION, ALL REQUIRED PARK IMPROVEMENTS AS ILLUSTRATED ON THE APPROVED CIVIL PLANS FILED WITH THE CITY OF DES MOINES UNDER LUA06-074 MUST BE INSTALLED AND ACCEPTED BY THE CITY'S PARK AND RECREATION DEPARTMENT.
- ALL LANDSCAPING SHOWN ON THE APPROVED CIVIL PLANS FILED WITH THE CITY OF DES MOINES UNDER LUA06-014 SHALL BE INSTALLED CONSISTENT WITH THE APPROVED CIVIL PLANS AND SHALL BE INSTALLED IN CONJUNCTION WITH THE CONSTRUCTION OF THE UNITS ON EACH OF THE INDIVIDUAL LOTS.
- ALL PRIVATE ACCESS TRACTS MUST BE PAVED WITHIN ONE YEAR FROM THE DATE OF RECORDATION OF THE FINAL PLAT DOCUMENTS, PROVIDED THAT A ONE-YEAR EXTENSION CAN BE GRANTED BY THE CITY AS PROVIDED FOR IN DMCC 17.40.090. IF THE PRIVATE ACCESS TRACTS ARE NOT PAVED WITHIN THE TIMEFRAME DISCUSSED, NO FURTHER BUILDING PERMITS FOR RESIDENTIAL UNITS WITHIN THE SUBDIVISION WILL BE ISSUED UNTIL THE PRIVATE ACCESS TRACTS HAVE BEEN PAVED.
- THE OPTICOM GATE LOCATED AT THE INTERSECTION OF SOUTH 261ST COURT AND 20TH AVENUE SOUTH MUST BE INSTALLED PRIOR TO COMMENCING WITH THE VERTICAL FRAMING OF THE RESIDENTIAL UNITS PER SOUTH KING FIRE AND RESCUE.
- THE HOMEOWNERS ASSOCIATION IS RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND OTHER COST ASSOCIATED WITH THE OPERATION OF THE OPTICOM GATE INSTALLED AT THE INTERSECTION OF SOUTH 261ST COURT AND 20TH AVENUE SOUTH WHICH WAS INSTALLED AS A CONDITION OF THE PRELIMINARY PLAT APPROVED UNDER CITY OF DES MOINES RESOLUTION 1046 AND THE UNDERLYING ZONING RECLASSIFICATION APPROVED UNDER CITY OF DES MOINES ORDINANCE 1372.

CITY OF DES MOINES
LUA 06-014

	DUNCANSON Company, Inc.	
	CIVIL ENGINEERING - SURVEYING - LAND PLANNING 145 SW 155th Street, Ste. 102, Seattle, Washington 98166 Phone: (206) 244-4141 Fax: (206) 244-4455	
JOB NO 09312	SHEET 2 OF 6	SEPTEMBER 1, 2011

VOL/PG
 258/076

LANDMARQUE

FOR SE 1/4 OF NW 1/4 AND NE 1/4 OF SW 1/4, SEC. 28, TWP. 22 N., RNG. 04 E., W.M.
 CITY OF DES MOINES, KING COUNTY, WASHINGTON

BASIS OF BEARING

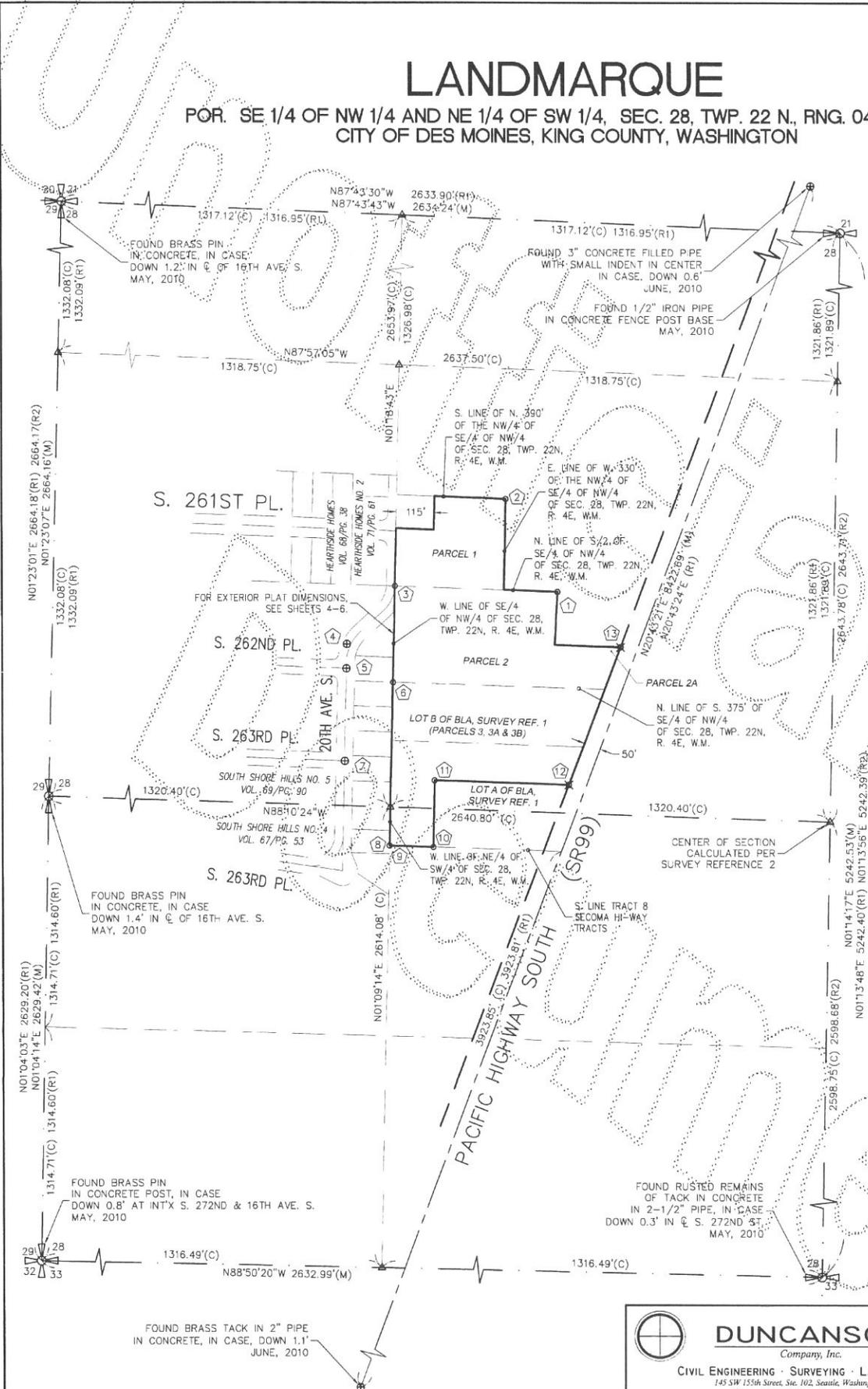
FIELD BEARING OF NORTH 20°43'24" EAST, BETWEEN FOUND CENTERLINE SURVEY CONTROL ALONG PACIFIC HIGHWAY SOUTH, REFERENCED TO NAD83.

SURVEY REFERENCES

- BOUNDARY LINE ADJUSTMENT NO. LLA97-066, RECORDING NO. 9711249013, RECORDS OF KING COUNTY, WASHINGTON.
- LOT CONSOLIDATION NO. LUA 01-008, RECORDING NO. 20010514900002, RECORDS OF KING COUNTY, WASHINGTON.

FOUND BOUNDARY CORNER SCHEDULE

- FOUND REBAR & CAP "DMP INC"
- 0.19' SOUTH & 0.40' WEST OF CALCULATED POSITION VISITED IN OCTOBER, 2009
 - FOUND REBAR & CAP "LS 23601"
 - 0.13' SOUTH & 0.44' WEST OF CALCULATED POSITION VISITED IN JUNE, 2010
 - FOUND 5/8" IRON PIPE (LEANING-SHOT AT BASE) 0.34' NORTH & 0.29' EAST OF CALCULATED POSITION VISITED IN JUNE, 2009
 - FOUND 3/8" BRASS PLUG WITH PUNCH, IN CONCRETE, IN CASE DOWN 0.8' VISITED IN JUNE, 2009
 - FOUND 3/8" BRASS PLUG WITH PUNCH, IN CONCRETE, IN CASE DOWN 0.8' VISITED IN JUNE, 2009
 - FOUND REBAR & CAP "LS 10703"
 - 0.07' SOUTH & 0.54' EAST OF CALCULATED POSITION VISITED IN JUNE, 2010
 - FOUND 3/8" BRASS PLUG WITH PUNCH, IN CONCRETE, IN CASE DOWN 0.7' VISITED IN JUNE, 2009
 - FOUND REBAR & CAP "DMP INC PLS 22962"
 - 0.07' SOUTH & 0.20' WEST OF CALCULATED POSITION VISITED IN JUNE, 2010
 - FOUND REBAR & CAP "BATES 10711"
 - 0.16' SOUTH & 0.58' EAST OF CALCULATED POSITION VISITED IN JUNE, 2010
 - FOUND REBAR & CAP "DMP INC PLS 22962"
 - 0.14' SOUTH & 0.15' WEST OF CALCULATED POSITION VISITED IN JUNE, 2010
 - FOUND REBAR & CAP "DMP INC PLS 22962"
 - 0.22' SOUTH & 0.11' WEST OF CALCULATED POSITION VISITED IN JUNE, 2010
 - FOUND LEAD & TACK WITH WASHER, "DMP INC 22962"
 - 0.13' SOUTH & 0.05' EAST OF CALCULATED POSITION VISITED IN JUNE, 2009
 - FOUND LEAD & TACK WITH WASHER, "DMP INC 22962"
 - 0.11' SOUTH & 0.00' EAST OF CALCULATED POSITION VISITED IN JUNE, 2009



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JOB NO 09312 SHEET 3 OF 6

Professional Engineer Seal for King County, Washington, No. 41277, dated September 7, 2011.

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 258/077

LANDMARQUE

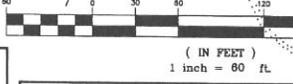
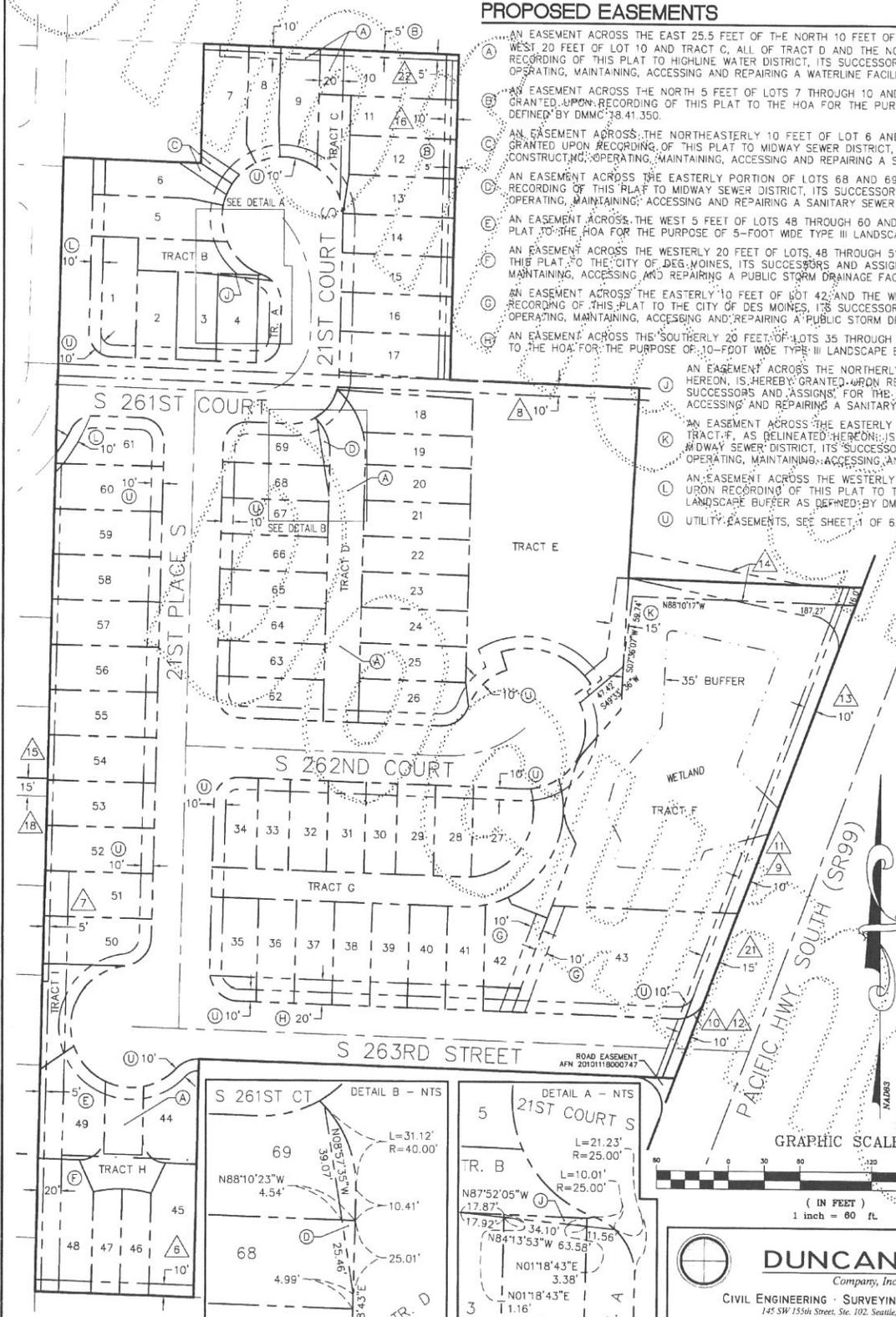
POR. SE 1/4 OF NW 1/4 AND NE 1/4 OF SW 1/4, SEC. 28, TWP. 22 N., RNG. 04 E., W.M.
 CITY OF DES MOINES, KING COUNTY, WASHINGTON

PROPOSED EASEMENTS

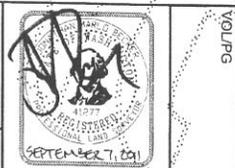
- (A) AN EASEMENT ACROSS THE EAST 25.5 FEET OF THE NORTH 10 FEET OF LOT 7, THE NORTH 10 FEET OF LOTS 8 AND 9 AND THE WEST 20 FEET OF LOT 10 AND TRACT C, ALL OF TRACT D AND THE NORTHERLY 50.91' OF TRACT H IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO HIGHLINE WATER DISTRICT, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, ACCESSING AND REPAIRING A WATERLINE FACILITY.
- (B) AN EASEMENT ACROSS THE NORTH 5 FEET OF LOTS 7 THROUGH 10 AND THE EAST 5 FEET OF LOTS 10 THROUGH 17 IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO THE HOA FOR THE PURPOSE OF 5-FOOT WIDE TYPE II LANDSCAPE BUFFER AS DEFINED BY DMMC 18.41.350.
- (C) AN EASEMENT ACROSS THE NORTHEASTERLY 10 FEET OF LOT 6 AND THE SOUTHWESTERLY 10 FEET OF LOT 7 IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO MIDWAY SEWER DISTRICT, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, ACCESSING AND REPAIRING A SANITARY SEWER FACILITY.
- (D) AN EASEMENT ACROSS THE EASTERLY PORTION OF LOTS 68 AND 69, AS DELINEATED HEREON, IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO MIDWAY SEWER DISTRICT, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, ACCESSING AND REPAIRING A SANITARY SEWER FACILITY.
- (E) AN EASEMENT ACROSS THE WEST 5 FEET OF LOTS 48 THROUGH 60 AND TRACT I IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO THE HOA FOR THE PURPOSE OF 5-FOOT WIDE TYPE III LANDSCAPE BUFFER AS DEFINED BY DMMC 18.41.350.
- (F) AN EASEMENT ACROSS THE WESTERLY 20 FEET OF LOTS 48 THROUGH 51 AND TRACT I IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO THE CITY OF DES MOINES, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, ACCESSING AND REPAIRING A PUBLIC STORM DRAINAGE FACILITY.
- (G) AN EASEMENT ACROSS THE EASTERLY 10 FEET OF LOT 42 AND THE WESTERLY 10 FEET OF LOT 43 IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO THE CITY OF DES MOINES, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, ACCESSING AND REPAIRING A PUBLIC STORM DRAINAGE FACILITY.
- (H) AN EASEMENT ACROSS THE SOUTHERLY 20 FEET OF LOTS 35 THROUGH 42 IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO THE HOA FOR THE PURPOSE OF 10-FOOT WIDE TYPE III LANDSCAPE BUFFER AS DEFINED BY DMMC 18.41.360.
- (J) AN EASEMENT ACROSS THE NORTHERLY PORTION OF LOTS 3, 4 AND TRACT A, AS DELINEATED HEREON, IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO MIDWAY SEWER DISTRICT, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, ACCESSING AND REPAIRING A SANITARY SEWER FACILITY.
- (K) AN EASEMENT ACROSS THE EASTERLY PORTION OF TRACT E AND THE NORTHERLY PORTION OF TRACT F, AS DELINEATED HEREON, IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO MIDWAY SEWER DISTRICT, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, ACCESSING AND REPAIRING A SANITARY SEWER FACILITY.
- (L) AN EASEMENT ACROSS THE WESTERLY 10 FEET OF LOTS 1, 5, 6 AND 61 IS HEREBY GRANTED UPON RECORDING OF THIS PLAT TO THE HOA FOR THE PURPOSE OF 10-FOOT WIDE TYPE III LANDSCAPE BUFFER AS DEFINED BY DMMC 18.41.360.
- (U) UTILITY EASEMENTS, SEE SHEET 1 OF 6.

EXISTING EASEMENTS

- 6 10' WIDE DRAINAGE EASEMENT PER RECORDING NO. 5349280, RECORDS OF KING COUNTY, WASHINGTON.
- 7 5' WIDE SEWER EASEMENT PER RECORDING NO. 8610476, RECORDS OF KING COUNTY, WASHINGTON.
- 8 10' WIDE SEWER EASEMENT PER RECORDING NO. 7109290524, RECORDS OF KING COUNTY, WASHINGTON.
- 9 10' WIDE SEWER EASEMENT PER REC. NO. 7207310392 & 7608310631, RECORDS OF KING COUNTY, WASHINGTON.
- 10 10' WIDE SEWER EASEMENT PER REC. NO. 7207310393 & 7611100577, RECORDS OF KING COUNTY, WASHINGTON.
- 11 10' WIDE SEWER EASEMENT PER RECORDING NO. 7612020623, RECORDS OF KING COUNTY, WASHINGTON.
- 12 INGRESS/EGRESS EASEMENT PER RECORDING NO. 7804280512, RECORDS OF KING COUNTY, WASHINGTON.
- 13 15' WIDE WATERLINE EASEMENT PER RECORDING NO. 8108260667, RECORDS OF KING COUNTY, WASHINGTON.
- 14 10' WIDE SEWER EASEMENT PER RECORDING NO. 8206080581, RECORDS OF KING COUNTY, WASHINGTON.
- 15 10' WIDE ELECTRIC TRANSMISSION EASEMENT PER RECORDING NO. 8409070693, RECORDS OF KING COUNTY, WASHINGTON. AFFECTS CENTERLINE OF GRANTEE FACILITIES "AS CONSTRUCTED" IN PARCEL 3. UNABLE TO SHOW.
- 16 15' WIDE WATERLINE EASEMENT PER RECORDING NO. 8604170409, RECORDS OF KING COUNTY, WASHINGTON.
- 17 15' WIDE SLOPE EASEMENT PER RECORDING NO. 28050103002578, RECORDS OF KING COUNTY, WASHINGTON.
- 18 5' WIDE SEWER EASEMENT PER RECORDING NO. 20950131000598, RECORDS OF KING COUNTY, WASHINGTON.



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POR. SE 1/4 OF NW 1/4 AND NE 1/4 OF SW 1/4, SEC. 28, TWP. 22 N., RNG. 04 E., W.M.
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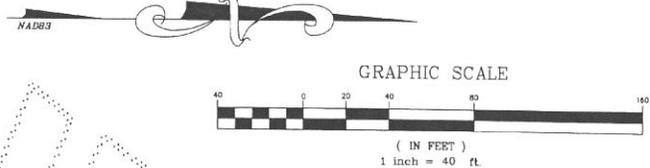


SEE SHEET 8 OF 6

SOUTH 262ND COURT

SENSITIVE AREA AND OPEN SPACE

CITY OF DES MOINES
 LUA 06-014



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C17	42.42	70.00	34°43'09"
C18	19.08	70.00	15°36'58"
C19	61.50	70.00	50°20'07"
C20	73.77	100.00	42°16'07"
C21	31.24	25.00	71°35'29"
C22	46.44	51.00	52°10'20"
C23	85.57	67.00	73°10'34"
C24	112.37	51.00	126°14'36"
C25	80.57	51.00	90°30'45"
C52	34.20	20.00	89°22'27"
C53	22.82	20.00	65°22'51"
C54	24.69	130.00	10°53'02"
C55	31.24	20.00	89°29'06"
C56	31.63	20.00	90°37'33"
C57	183.27	40.00	144°08'48"
C58	30.82	40.00	14°46'40"
C59	10.32	40.00	31°42'05"
C60	22.13	40.00	48°13'16"
C61	33.66	40.00	48°13'16"

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	31.20	20.00	89°22'27"
C2	0.21	20.00	0°56'33"
C3	31.43	20.00	90°02'06"
C4	31.63	20.00	90°37'33"
C5	77.50	49.00	90°37'33"
C6	37.24	25.00	71°35'30"
C7	223.95	51.00	251°35'29"
C8	41.29	51.00	48°23'07"
C9	31.23	51.00	35°04'47"
C10	19.61	51.00	22°02'08"
C11	27.05	51.00	30°23'51"
C12	21.46	51.00	24°06'51"
C13	32.83	51.00	36°53'15"
C14	45.42	51.00	51°01'24"
C15	5.05	51.00	6°40'26"
C16	73.77	100.00	42°16'07"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N88°03'44"W	19.22
L2	N78°10'7"E	2.98
L3	N78°48'53"W	28.89
L4	N56°46'44"W	31.46
L5	N26°23'13"W	17.88
L6	N02°16'22"W	28.89
L7	N08°39'44"E	33.22
L8	N01°18'43"E	8.18
L9	N07°10'23"W	20.14
L10	N17°35'32"W	16.00
L11	S55°35'02"W	16.00
L14	N40°34'40"E	48.54
L29	N01°18'43"E	8.26
L30	N01°18'43"E	4.76

- LEGEND**
- SET REBAR & CAP, L.S. #41277
 - SET STANDARD KING COUNTY MONUMENT IN CASE
 - FOUND REBAR, AS NOTED
 - ⊗ FOUND LEAD & TACK, AS NOTED
 - ⊕ FOUND BOUNDARY CORNER-SEE SHEET 3/6
 - ⊖ EXISTING EASEMENT - SEE SHEET 4/6
 - ⊕ PROPOSED EASEMENT - SEE SHEET 4/6
 - XXXXX PROPERTY ADDRESS NUMBER

FRONT CORNER NOTE:
 IN LIEU OF FRONT PROPERTY CORNERS BEING SET DIRECTLY, TACK IN LEAD WITH WASHERS (PLS #41277) HAVE BEEN SET AT VARIOUS OFFSET DISTANCES AT THE TOP OF CURB, ON AND EXTENSION OF IT'S RESPECTIVE BOUNDARY.



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JOB NO 09312 SHEET 5 OF 6

Landmark Homes, INC.

P.O Box 26116
Federal Way, WA 98093
Phone: 253-927-6116
Fax: 253-927-4652
Email: Djlito@comcast.net

September 5, 2012

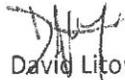
Development Services
ATTN: Grant Fredericks
21630 11th Avenue South Suite D
Des Moines, WA 98198-6398

Dear Grant,

I would like to request an extension of the final lift of Asphalt at the Landmarque plat per note 20 on the final plat. I am requesting a plat amendment to extend the date from 9/1/2012 until 9/1/2013. The reason for the request is with the Health Point project using the roads we put in as haul roads, the roads curbs and sidewalks are taking abnormal use with heavy truck and trailer traffic. The Health Point schedule is to be complete by 9/1/2013 and we would like to do the final lift at that time.

Thank you for reviewing this request and feel free to contact me with any questions or concerns.

Sincerely,



David Litowitz
President

