

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 2, 2006

The regular study session of the Des Moines City Council was called to order at 7:30 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Pina.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott and Dan Sherman. Absent: Councilmember Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Development Services Manager Robert Ruth and City Clerk Denis Staab.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan and passed unanimously, to excuse Councilmember White.

DISCUSSION ITEMS

2004/2005 Comprehensive Plan Amendments

Consultant Judith Kilgore reminded Council of the process to date, noting that in early December Council reached consensus on the first seven of the thirty-two issues. She advised that on December 5, 2005, the City became out of compliance with the Growth Management Act and therefore currently are unable to receive grants or loans from the State until the document is adopted. At this point Council continued review as follows:

- *Issue 8: Shall the following statement be revised as follows? (1) Promote new development and redevelopment within the Downtown Business District consistent with community character*
...

MOTION was made by Councilmember Sherman, seconded by Councilmember Scott and passed unanimously, to accept the change.

- *Issue 9: Shall single family residential density designations be removed from the land use maps included in this element?*

Consultant Kilgore noted staff has received a written legal opinion on this issue from Michael Walter, which is contained within Council's packet. His recommendation is to removed the density designations from the land use maps. She also noted this recommendation was also made by Anne Fritzel, Associate Planner, with Growth Management Services of the Washington State Department of Community, Trade and Economic Development. Ms. Kilgore felt a good option would be to adopt, as a land use map in the Comprehensive Plan, the City's Zoning Map.

MOTION was made by Councilmember Pina, seconded by Councilmember Kaplan, to accept the following: '2-04-01 Create consistency between the uses designated in the City of Des Moines Comprehensive Plan with those designated on the City of Des Moines Zoning Map. The Zoning Map included as Appendix or as amended, shall officially designate land use and density in the City. Single family residential land uses designated by the Zoning Map must reflect and maintain existing neighborhood character by providing a variety of densities.'

Ms. Kilgore noted there are some split use designations on the land use map that are not on the zoning map. She advised that the Zoning Map is the official map and the State laws states that when there is a conflict, the Zoning Map prevails.

City Manager Piasecki suggested that the land use map in the Comp Plan stay as it is with the exception of removing the densities, and then note that the densities are contained within the Zoning Map that is an appendix to the Comp Plan.

Mayor Pro Tem Thomasson expressed concern about a change in the land use map as we have notice requirements about land use changes being considered by Council.

Councilmember Scott expressed agreement with Mr. Walter's statement that the Comprehensive Plan is no more than a general policy and it is subordinate to the specific zoning in the Zoning Map. Therefore if the zoning map has the specifics, and it is attached, she does not see that there is a conflict in not having the specifics in the Comp Plan.

VOTE ON MOTION: Motion passed 5 to 1 with Mayor Pro Tem Thomasson opposed.

Issue 10: Shall the following strategy be included in the final draft of the Comprehensive Plan? (Public Facilities designated zone)

Ms. Kilgore noted that right now there is an inherent inconsistency as the Comp Plan land use maps showing 'public facilities and parks' and the zoning map does not.

Councilmember Pina requested that any leased land (such as with Zenith Park) not have the underlying zoning denoted as something it is not.

Ms. Kilgore advised that the majority of the land that is used for public facilities and parks are zoned residential.

Mayor Pro Tem Thomasson felt the strategy should be revised to say a special permitting process should be developed for public facilities, so a stormwater pond or a sewage lift station does not take a special permit.

MOTION was made by Councilmember Pina, seconded by Councilmember Kaplan, to drop 2-04-14. Motion passed unanimously.

Ms. Kilgore suggested a new strategy that says 'consider development of zoning performance standards for public facilities over 2 acres'.

Council's consensus was for staff develop appropriate language to consider in next years amendments.

Issue 11. Administrations is recommending removal of listed property designations.
Council concurred by consensus.

Issue 12. Shall the following revision be included in the final draft to read: '3-03-03 Create and maintain a road network containing a hierarchy of roads, with each road designed and improved to serve its desired function in the hierarchy'?, and

Issue 13. Shall the following revision be included in the final draft to read: ‘3-03-13 Ensure adequate funding for needed transportation improvements and maintenance’?

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan, to accept both issues.

Councilmember Scott felt the word “desired” in Issue 12 should be changed to ‘appropriate’, and in Issue 13 the word “necessary” should be inserted between ‘and’ and ‘maintenance’.

Mayor Pro Tem Thomasson noted in the Transportation Plan there is a map that speaks to the hierarchy, therefore it is actually a classification, so it is not a desired function but a stated function. While he understands Councilmember Scott’s concerns, he feels it is taken care of through the Transportation Plan where the actual hierarchy is established.

Councilmember Pina opposed Councilmember Scott’s word changes.

VOTE ON MOTION: Motion passed 5 to 1 with Councilmember Scott opposed.

Issue 14. Shall the following be included in the final draft: ‘3-04-01 (1) Support programs of the King County Dept. of Metropolitan Services (METRO-King County) that expand the number of transit routes including intra-city, shuttle and circulator routes serving Des Moines, and that increase the frequency of service on existing routes.’

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to accept proposed language.

Councilmember Scott questioned why only METRO and not both public and private.

Mayor Pro Tem Thomasson commented that this is specifically written to King County as a policy statement in terms of the transit route. He would prefer not to see this statement weakened, and felt other policies would better address Councilmember Scott’s concerns.

VOTE ON MOTION: Motion passed unanimously.

8:48 p.m. Mayor Sheckler declared a 10 minute break.

MOTION was made by Mayor Sheckler, seconded by Mayor Pro Tem Thomasson and passed unanimously, to move the Comprehensive Plan Amendments to the meeting of February 9, 2006.

Mayor’s Appointments

Mayor Sheckler advised there are still openings on the Suburban Cities Public Issues Committee, SR 509 Steering Committee, WRIA 9 and South County Transportation Board. The following actions occurred.

MOTION was made by Councilmember Sherman, seconded by Mayor Sheckler, to appointment Councilmember Pina as the City representative to the Suburban Cities Public Issues Committee. Motion passed unanimously.

MOTION was made by Mayor Sheckler, seconded by Mayor Pro Tem Thomasson and passed unanimously, to appoint Councilmember Kaplan as the City representative to the SR 509 Steering Committee and Mayor Pro Tem Thomasson as the City representative to the Water Resource Inventory Area 9 with Assistant City Engineer Reinhold as the alternate.

MOTION was made by Councilmember Sherman, seconded by Mayor Sheckler and passed unanimously, to appoint Councilmember Kaplan as the City representative to the South County Transportation Board. (ED NOTE: Planning, Building and Public Works Director was appointed alternate at an earlier Council meeting.)

Mayor Sheckler announced the following standing Committee appointments:

ENVIRONMENT: Scott Thomasson, Chair; Dave Kaplan; Bob Sheckler

ECONOMIC DEVELOPMENT: Bob Sheckler, Chair; Susan White; Carmen Scott

MUNICIPAL FACILITIES: Dan Sherman, Chair; Carmen Scott; Scott Thomasson

PUBLIC SAFETY & TRANSPORTATION: Dave Kaplan, Chair; Ed Pina; Dan Sherman

and the following Council liaisons:

HUMAN SERVICES ADVISORY BOARD: Bob Sheckler

PLANNING AGENCY: Dave Kaplan

SENIOR ADVISORY COMMITTEE: Susan White

City Priorities for Federal Funding Requests

City Manager Piasecki noted the City's consultant, Dale Learn of Smith Alling Lane, recommends the following priorities to be presented to the Washington State Congressional delegation for funding:

1. Beach Park Historic District Rehabilitation
2. Des Moines Creek Trail, Waterfront Downtown Access Project
3. 24th Avenue/S 216th Street Improvements for Des Moines Redevelopment Project

City Manager Piasecki reminded Council that we are scheduled to go to Washington, DC the third week of February.

MOTION was made by Councilmember Sherman, seconded by Mayor Sheckler, to authorize the City Manager to submit to the Washington State Congressional delegation the following projects as the City of Des Moines requests for federal funding: 1. Beach Park Historic District Rehabilitation, 2. Des Moines Creek Trail, Waterfront Downtown Access Project, and 3. 24th Avenue/S 216th Street Improvements for Des Moines Redevelopment Project.

Upon questioning by Mayor Pro Tem Thomasson in regards to project 3, City Manager Piasecki advised that the Port's responsibilities will be limited to the impacts of their development. He noted that improvements to both sides of South 216th are going to support the project and make it more economically feasible and more desirable to locate there. He felt that even if we receive some funding that might offset some of the improvements that the Port or the developer may be required to put in, if that helps the project move along, that is a good thing for the City. If the Port or developer can pay for all the improvements that are required of them then the City can use the funds to expand the improvements for an even better facility.

Mayor Pro Tem Thomasson noted that there is no description of what the City is asking the lobbyist to obtain funds to do.

Councilmember Kaplan felt that any funds received will not supplant any requirement that is on the Port to comply with City requirements. He pointed out that right now we don't know if we are talking about undergrounding utilities, placing sidewalks on the south side of 216th, as we don't know the scope yet.

City Manager Piasecki advised that this is a type of question we should put to Mr. Learn. His sense is any support that we provide to the Port project because it provides economic development to the City and jobs to the region, anything we do support the project, the better chances are that the funding would be obtained.

Mayor Pro Tem Thomasson stated he would prefer it stated funding for full street improvements and then if the money comes in, we would have the choice on spending it and then if there is any money left over, to cover what the Port can't afford to do.

Councilmember Sherman noted he made the motion with the understanding that this would include the full build out of the roads, and that we could use the funding as we want to. He suggested it would be helpful if Council could see the full written proposals that will be taken to Washington, DC and give Councilmembers an opportunity to make comments.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Kaplan, and seconded, to authorize Mayor Sheckler and Councilmember Scott to travel to Washington, DC to assist the City's lobbyist in securing funds for the projects as identified.

9:25 p.m. Mayor Sheckler left the Council meeting.

CONTINUED PUBLIC HEARING

Shoreline Master Program Update

Mayor Pro Tem Thomasson declared the hearing open for continued discussion.

Development Services Manager Ruth distributed a printed recap and review of discussions to date and where we will go from here. He remarked that to date Council has received three exhibits: A) Administration Report from December 8, 2005, B) Administration Report from January 26, 2005, and C) Hard copies of the slide presentation from January 26, 2006. He noted the handout "Shoreline Master Program Recap and Review of January 26, 2006, City Council Comments" will be Exhibit D and the slide program this evening will be Exhibit E. He advised that discussion will continue with chapter 5 and as time permits, move to chapters 3 and 4. He reintroduced the City's consultant, Kent Hale, Planner with Adolfson and Associates.

Mr. Hale began with a recap of the environment designations, noting they apply to the regulatory zone of the Shoreline Management Program which is generally 200' landward of the ordinary high water mark and includes wetlands and mouths of freshwater streams emptying into Puget Sound. He advised that these designations provide policy, specific standards and development regulations. He noted the City currently has two designations which are Urban and Conservancy

and some of the management policies from these have been carried forward into the new ones. He briefly reviewed the designations as follows:

5.1 High-Intensity Environment: Includes ports and marinas that would have a relatively high impact on the shoreline. This would involve the Marina, the Yacht Club, basically everything within the downtown breakwater area, also the Redondo waterfront area.

5.2 Urban Conservancy Environment: Suggested this be applied to the public park areas which are fairly intensively used but also provide open space and habitat. This would include the Des Moines Beach Park and Saltwater State Park.

5.3 Shoreline Residential Environment: Basically applied to all the remaining portions of the City. He noted that the City's critical areas ordinance will provide protection for bluffs, setbacks and development standards, therefore the Planning Agency felt all neighborhoods, including Zenith, could fall into this designations.

5.4 Aquatic Environment: This would be water-ward of the ordinary high water mark known as the inter-tidal area. Basically the area that has not been altered. This would apply everywhere except inside of the breakwater. The breakwater does not meet the same criteria as it is a highly modified environment.

Mayor Pro Tem Thomasson asked three times if there were any public comments in regards to Chapters 1, 2 and 5. As there were no speakers, he concluded this portion of public testimony.

In regards to the map, Figure 5-1, Mayor Pro Tem Thomasson noted the designation of Urban Conservancy for the Des Moines Beach Park. He noted that the Park Plan calls for pretty high usage and questioned whether staff considered the Park Plan in applying this designation.

Development Planning Manager Ruth advised they looked at the current use as a park facility and their rational was that because it is a park facility, open space in nature and it has the mouth of a creek running through it, that some additional environmental protections could be afforded under the Urban Conservancy zone that may not be as available in the high intensity zone. In regards to future uses and build-out of the Park there are two options. One is to make sure that the policies within the Urban Conservancy zone match up with what the Council wants to do, or two, change the designation to reflect high intensity use. He noted you do not have to change the designation, but make sure the underpinnings of Urban Conservancy match what you want to do in the future. He advised that the objective was to match up the character of the area, as best they could, to the conditions that were available.

Mr. Hale confirmed Mayor Pro Tem Thomasson's opinion that the Urban Conservancy is generally the most restrictive. He remarked that the policies intent is to look for opportunities to look at alternative designs that will eventually mimic a more natural condition. He requested staff review the Park Plan and whether the policies will work with this designation.

Councilmember Scott noted that since 1916 the Beach Park property was revised from being natural shoreline beginning with a mill, dance hall, swimming pool, and recently has been given a National Historic Designation based upon not making major changes to the elements that cause it to be historic.

Mr. Hale noted they will go back and look at the policies in light of the Parks Plan for future development of the Beach Park and make sure there are no conflicting policies or an overly prohibitive permitting process, or maybe looking at changing the actual boundary.

Mayor Pro Tem Thomasson questioned whether the High Intensity area should be mapped 20' north of the bulkhead, so any bulkhead work or things associated with the Marina would be inside of the High Intensity.

Mr. Hale advised that we can adjust the lines on the map, or for each of the environment designations add a text boundary description. He noted we can be as general or detailed as Council feels appropriate.

Councilmember Scott stated that about 16 years ago Council was considering adding a new divers reef outside of the breakwater. During a hearing on the matter, a gentleman addressed Council advising he was one of the original engineers that designed the shipping lanes and he informed Council that this area is the tightest spot on the Sound and that the City should not take even one inch away from the shipping lanes.

Mayor Pro Tem Thomasson also noted that the Marina Fishing Pier should also be included in the High Intensity area, especially if the City ever has a passenger ferry service.

Mayor Pro Tem Thomasson advised that lower Woodmont has a privately owned open space area and he questioned whether it should be designated Urban Conservancy instead of Shoreline Residential. He also suggested the Redondo High Intensity area should be expanded further to the west to include all outward structures.

Upon questioning, Development Planning Manager Ruth advised that McSorley, Massey, Cold and Des Moines Creeks do not qualify for regulation under the Shoreline Management Act due to the amount of low volume that runs through them.

At this point, Mr. Hale began review of *Chapter 3 - Master Program Goals and Policies*. He reminded Council there will be subsequent action to fold this Chapter into Chapter 14 of the City's Comprehensive Plan. He noted that basically policies that were developed in the 1998 plan were carried forward. The intent of the Program Goal is to recognize that the shoreline in Des Moines is largely developed. He advised that the Planning Agency had a large discussion about new development and redevelopment and the concept from the State about "no net loss" and what it means. If conditions are already altered, it means status quo. The Planning Agency recommended that the goal be rephrased to acknowledge that there is an overall intent that the long range goal, over time, would be a net improvement rather than any further degradation. He noted there are specific elements that the State requires be addressed which includes: Shoreline Use, Public Access, Economic Development and Circulation. The purpose of this Chapter is to set the stage to support development standards and permitting procedures. He noted the following Elements: 3.2.1 Shoreline Use, 3.2.2 Public Access, 3.2.3 Recreation, 3.2.4 Circulation, 3.2.5 Economic Development, 3.2.6 Archeological and Historic Resources, 3.2.7 Critical Areas and 3.2.8 Conservation and Restoration.

Councilmember Scott questioned how we can keep things (steep banks) from eroding if we use soft or degradable components versus concrete, stone bulkheads or riprap.

Mr. Hale replied that they tried to identify opportunities where you can consider alternative designs. He advised there is nothing that would require a land owner to remove an existing bulkhead and replace it. Even if you consider an alternative design, such as anchored logs, basically it must meet the protection of the property and not put the property at risk. Each property needs to be looked at on a case by case basis from engineering feasibility and protection of existing structures.

Development Services Manager Ruth advised that any design currently in place can be restored. However, to satisfy the State, we must set a tone that we are not turning our back to the ecological functions of the Shoreline.

Mayor Pro Tem Thomasson noted Council will move forward to Chapter 4, and at the next meeting will we begin with public testimony on Chapters 3 and 4, and then Council questions and discussion.

Mr. Hale moved on to Chapter 4 - Restoration Planning: Assessment, Long-term Goals and Opportunities. He informed Council this is one of the new elements of the State's revised guidelines. He stated this is more of a technical document that talks about existing plans and programs and contains a collection of ideas. There is nothing in the plan that mandates restoration. He noted that he would like to begin the next meeting by moving to Chapter 6.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan and passed unanimously, to continue the Public Hearing at the February 9, 2006, Council meeting.

NEXT MEETING

Mayor Pro Tem Thomasson announced that the next regular meeting will be February 9, 2006.

ADJOURNMENT

At 10:28 **MOTION** was made by Councilmember Sherman, seconded by Councilmember Pina and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk