

**AMENDED AGENDA**

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

**September 27, 2018 – 7:00 p.m.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CORRESPONDENCE**

**COMMENTS FROM THE PUBLIC**

**BOARD & COMMITTEE REPORTS/COUNCILMEMBER COMMENTS**

**PRESIDING OFFICER'S REPORT**

**ADMINISTRATION REPORT**

Item 1: ~~RCO GRANT PRESENTATION~~ **SCORE UPDATE**

**COUNCIL BREAK**

**CONSENT CALENDAR**

Page 1      Item 1:      APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers through September 20, 2018 included in the attached list and further described as follows:

|                                             |                |                |
|---------------------------------------------|----------------|----------------|
| Total A/P Checks/Vouchers                   | #155239-155376 | \$1,024,424.24 |
| Electronic Wire Transfers                   | # 1106-1110    | \$ 396,721.58  |
| Payroll Checks                              | # 19090-19094  | \$ 4,668.10    |
| Payroll Direct Deposit                      | #380001-380172 | \$ 346,380.97  |
| Total Checks and Wires for A/P and Payroll: |                | \$1,772,192.89 |

Page 3      Item 2:      APPROVAL OF MINUTES

Motion is to approve the September 6, 2018 City Council Study Session and the September 13, 2018 Regular Meeting Minutes.

Page 9      Item 3:      CHILDHOOD CANCER AWARENESS MONTH

Motion is to approve the Proclamation supporting September as Childhood Cancer Awareness Month.

- Page 13     Item 4:     ARTS COMMISSION APPOINTMENT  
Motion is to confirm the Mayoral appointment of Jerry Farmer to an unexpired term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2019.
- Page 17     Item 5:     CITY MANAGER STEP INCREASE  
Motion is to approve a pay range increase for the City Manager from M-43 E to M-44 E, effective October 1, 2018.
- Page 19     Item 6:     TRANSPORTATION GATEWAY PROJECT: S. 216<sup>TH</sup> STREET  
SEGMENT 3 IMPROVEMENTS RIGHT-OF-WAY ACQUISITION  
Motion 1 is to approve and accept a temporary construction easement on Parcel Number #082204-9177, owned by Regatta Apartments, LLC and provide compensation to the owner of \$4,049.03 for the easement (1,979 SF), and \$520.00 for property damage, and an administrative settlement of \$5,400, totaling **\$9,970** (rounded), plus reasonable closing costs, and authorize the City Manager to sign the Easement and Real Property Voucher Agreement substantially in the forms submitted.
- Motion 2 is to approve and accept a Permanent Sidewalk Easement (59 SF), a utility easement (200 SF) and a Temporary Construction Easement (2,598 SF) on Parcel Number #082204-9092, owned by Spinnaker Landing Apartments, LLC, and provide compensation to the owner \$306.90 for the Permanent Sidewalk Easement, \$2,046.00 for the Utility Easement , \$5,315.51 for the Temporary Construction Easement, \$3,600.00 for property damages, totaling **\$11,329** (rounded), plus reasonable closing costs, and authorize the City Manager to sign the Easements and Real Property Voucher Agreement substantially in the forms submitted.
- Page 57     Item 7:     SURPLUS PROPERTY – VEHICLES  
Motion to accept the additions to the 2018 Surplus Vehicle List declaring certain vehicles and equipment identified in Attachment 1 as surplus and authorize disposal of said surplus vehicles and equipment by auction or trade-in.
- Page 61     Item 8:     ACCEPTANCE OF THE CITY OF SEATTLE HUMAN SERVICES  
DEPARTMENT, AGING AND DISABILITY SERVICES DIVISION (ADS)  
GRANT  
Motion is to accept City of Seattle grant funds for kitchen tools and enhanced fresh foods at the City's Senior Activity Center, and authorize the City Manager to complete the appropriate paperwork.
- Page 65     Item 9:     2019 VEHICLE PURCHASE  
Motion is to approve the purchase of vehicles and equipment identified in Attachment 1 for a total estimated amount of \$555,000 and to authorize the City Manager or the City Manger's designee to sign the purchase orders at the time they are created.



## **NEW BUSINESS**

Page 71    Item 1:    DRAFT ORDINANCE 18-104: GENERAL FUND ENDING BALANCE POLICY

Motion 1 is to suspend Council Rule 26(a) in order to enact Draft Ordinance 18-104 on first reading

Motion 2 is to approve Draft Ordinance No. 18-104 relating to revenue and finance, amending and repealing sections of the Des Moines Municipal Code to update the General Fund Ending Balance Policy.

## **PUBLIC HEARING/CONTINUED PUBLIC HEARING**

Page 79    Item 1:    PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-101 RELATED TO THE LANDMARK ON THE SOUND ZONING RECLASSIFICATION

Motion 1 is to suspend Rule 26(a) in order to enact Draft Ordinance No. 18-101 on first reading.

Motion 2 is to enact Draft Ordinance No. 18-101 amending DMMC 18.10.050 (Adoption of official zoning map), to reclassify tax parcel 1722049023 from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone for the Landmark on the Sound property.

## **EXECUTIVE SESSION**

## **NEXT MEETING DATE**

October 4, 2018 City Council Regular Meeting

## **ADJOURNMENT**

THIS PAGE LEFT INTENTIONALLY BLANK

**CITY OF DES MOINES**  
**Voucher Certification Approval**

**27-Sep-18**

**Auditing Officer Certification**

Vouchers and Payroll transfers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the City Council.

As of **Sept 27, 2018** the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers through September 20, 2018 included in the attached list and further described as follows:

The vouchers below have been reviewed and certified by individual departments and the City of Des Moines Auditing Officer:

  
 Beth Anne Wroe, Finance Director

|                                                     | # From | # To     | Amounts             |
|-----------------------------------------------------|--------|----------|---------------------|
| <b>Claims Vouchers:</b>                             |        |          |                     |
| Total A/P Checks/Vouchers                           | 155239 | - 155376 | 1,024,422.24        |
| Electronic Wire Transfers                           | 1106   | - 1110   | 396,721.58          |
| <b>Total claims paid</b>                            |        |          | <b>1,421,143.82</b> |
| <b>Payroll Vouchers</b>                             |        |          |                     |
| Payroll Checks                                      | 19090  | - 19094  | 4,668.10            |
| Direct Deposit                                      | 380001 | - 380172 | 346,380.97          |
| Payroll Checks                                      |        | -        |                     |
| Direct Deposit                                      |        | -        |                     |
| <b>Total Paychecks/Direct Deposits paid</b>         |        |          | <b>351,049.07</b>   |
| <b>Total checks and wires for A/P &amp; Payroll</b> |        |          | <b>1,772,192.89</b> |

THIS PAGE LEFT INTENTIONALLY BLANK

**MINUTES**

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

**September 6, 2018 – 7:00 p.m.**

**CALL TO ORDER**

Mayor Pina called the meeting to order at 7:02pm

**PLEDGE OF ALLEGIANCE**

The flag salute was led by Councilmember Mahoney.

**ROLL CALL**

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

Staff present: City Manager Michael Matthias; Chief Operations Officer Dan Brewer; Chief Strategic Officer Susan Cezar; City Attorney Tim George; Police Chief Ken Thomas; Acting Harbormaster Scott Wilkins; Finance Director Beth Anne Wroe; Community Development Manager Denise Lathrop; City Clerk/Communications Director Bonnie Wilkins; Deputy City Clerk Taria Keane.

**COMMENTS FROM THE PUBLIC**

- JC Harris, Des Moines, Sustainable Airport Master Plan
- Sheila Brush, Des Moines, Sustainable Airport Master Plan

**DISCUSSION ITEMS**

Item 3: SET A PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-101 RELATED TO THE LANDMARK ON THE SOUND ZONING RECLASSIFICATION

Councilmember Nutting Recused himself due to his affiliation with the Masons.

City Manager Matthias requested a motion to hold a Public Hearing on September 27, 2018.

**Direction/Action**

Motion made by Deputy Mayor Pennington to set a public hearing on September 27, 2018, or as soon thereafter as the matter may be heard, to consider Draft Ordinance No. 18-101 amending DMMC 18.10.050 (Adoption of official zoning map), to reclassify tax parcel 17220493023 from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone for the Landmark on the Sound Property; seconded by Councilmember Bangs.  
The Motion passes 6-0

Item 1: EMERGING ISSUES

- SCORE
- Scoping for the Environmental Review of the Sustainable Airport Master Plan
- Successful Sale of our Bonds
- Ken Rogers gave Council an update on the Quarter Deck
- Scoping Consultants

Item 2: MARINA REDEVELOPMENT UPDATE

- City Manager Matthias presented a PowerPoint to the Council
- Chief Operations Officer Brewer presented a PowerPoint to Council
- Council heard a presentation from Robert Holmes with The Holmes Group; Adam Seidman with The Concord Group; and Jeff Kovel from Skylab Architecture

**NEXT MEETING DATE**

September 13, 2018 City Council Regular Meeting

**ADJOURNMENT**

**Direction/Action**

**Motion** made by Councilmember Back to adjourn; seconded by Councilmember Bangs.

The motion passed 7-0.

The meeting was adjourned at 9:15 p.m.

Respectfully Submitted,  
Taria Keane  
Deputy City Clerk

## MINUTES

### DES MOINES CITY COUNCIL REGULAR MEETING City Council Chambers 21630 11<sup>th</sup> Avenue South, Des Moines

**September 13, 2018 – 7:00 p.m.**

#### CALL TO ORDER

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

#### PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Back.

#### ROLL CALL

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

Staff present: City Manager Michael Matthias; City Attorney Tim George; Finance Director Beth Anne Wroe; Public Works Director Brandon Carver; Community Development Manager Denise Lathrop; Principal Planner Laura Techico; Director of Emergency Management George Delgado; Marina Office Manager Katy Bevegne; Marina Office Specialist Tara Reilly; Commander Mick Graddon; Recreation Manager Rick Scott; Court Clerk Theresa Duvall; Deputy City Clerk Taria Keane.

#### COMMENTS FROM THE PUBLIC

- Natalie & Lilah Nutting, Des Moines, Lemonade Stand Fundraiser
- John Stewart, Seattle, Red-Light Camera
- Barbara McMichael, Des Moines, Engaging Trees
- Jennifer Johnson, Des Moines, Marina Incident
- JC Harris, Des Moines, Emergency Readiness

#### BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

##### Councilmember Back

- Sustainable Airport Master Plan Public Scoping Meeting
- September 11<sup>th</sup> Memorial at South King Fire Station
- Coffee with a Cop at Wesley
- Environment Committee Meeting
- Score Jail Annual Open House

##### Councilmember Bangs

- September 11<sup>th</sup> Memorial at South King Fire Station
- Arts Commission Meeting
- Coffee with a Cop at Wesley
- Farmers Market
- AD-HOC Franchise Committee Meeting
- Meet your Chief at Highline College
- Homeland Security Emergency Management



Councilmember Nutting

- National Night Out
- Police Foundation Auction
- Nutting Girls Lemonade Fundraiser
- School Zones

Councilmember Buxton

- Blues and Brews Festival
- Parkrun
- Sustainable Airport Master Plan Public Scoping Meeting
- North Hill Community Club Meeting
- Farmers Market
- Domestic Violence Symposium at Seattle University
- Public Issues Committee Meeting
- Environment Committee Meeting

Deputy Mayor Vic Pennington

- Public Safety Meeting
- Farmers Market
- Sustainable Airport Master Plan Public Scoping Meeting

Councilmember Mahoney

- Blues and Brews Festival
- Public Safety Meeting
- Parkrun
- Sustainable Airport Master Plan Public Scoping Meeting
- North Hill Community Club Meeting
- Des Moines Marina Association
- Farmers Market

**PRESIDING OFFICER'S REPORT**

- Celebrated 36 Wedding Anniversary

**ADMINISTRATION REPORT**

- North Hill Community Club Meeting
- City Manager Monthly Report
  - Staff presented their Monthly Reports to Council
- City Managers Quarterly Report
- Sustainable Airport Master Plan Update
  - Public Agency Scoping Meeting
  - Sustainable Airport Master Plan Public Scoping Meeting
- 2019 Comprehensive Solid Waste Management Plan
  - Pat McLaughlin, King County Solid Waste Director informed Council on the Solid Waste Management Plan
- City Bond Issuance Update
  - Caitlin Caldwell, Vice President KeyBanc Capital Market Public Finance Group gave an update to the Council.



## CONSENT CALENDAR

- Item 1: APPROVAL OF VOUCHERS  
Motion is to approve for payment vouchers and payroll transfers through September 5, 2018 included in the attached list and further described as follows:
- |                                             |                |                |
|---------------------------------------------|----------------|----------------|
| Total A/P Checks/Vouchers                   | #155064-155238 | \$1,289,617.11 |
| Electronic Wire Transfers                   | # 1094-1105    | \$ 678,796.59  |
| Payroll Checks                              | # 19082-19084  | \$ 908.55      |
| Payroll Direct Deposit                      | #330001-330187 | \$ 362,063.43  |
| Payroll Checks                              | # 19085-19089  | \$ 3,272.99    |
| Payroll Direct Deposit                      | #360001-360189 | \$ 368,207.39  |
| Total Checks and Wires for A/P and Payroll: |                | \$2,702,866.06 |
- Item 2: APPROVAL OF MINUTES  
Motion is to approve the August 23, 2018 City Council Regular and Special Meeting Minutes.
- Item 3: SENIOR SERVICES ADVISORY COMMITTEE APPOINTMENTS  
Motion is to confirm the Mayoral appointments of Priscilla Vargas and Jeff Crompe each to an unexpired term on the City of Des Moines Senior Services Advisory Committee, effective immediately and expiring December 31, 2021.
- Item 4: AMENDMENT #2 TO COMMUNICATIONS SITE LEASE AGREEMENT – FIELDHOUSE  
Motion is to approve the second amendment to the Communications Site Lease Agreement with New Cingular to allow for the fencing and maintenance of the area immediately around the leased pole. And to authorize the City Manager to sign the amendment substantially in the form as attached.
- Item 5: SETTING A PUBLIC HEARING DATE TO CONSIDER DRAFT ORDINANCE 18-105 AMENDING THE DES MOINES 2035 COMPREHENSIVE PLAN AND PREFERRED LAND USE MAP  
Motion is to set a public hearing on October 18, 2018, or as soon thereafter as the matter may be heard, to consider Draft Ordinance No. 18-105 amending Chapters 18.05 and 18.25 DMMC.
- Item 6: SET A PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-099 RELATED TO THE S. 216<sup>TH</sup> STREET ZONING RECLASSIFICATION  
Motion is to set a public hearing on October 18, 2018, or as soon thereafter as the matter may be heard, to consider Draft Ordinance No. 18-099 amending of official zoning map, to reclassify tax parcels 0822049163, 0822049013, 0822049093, 0822049122, 0822049080 from RA-3,600 Residential Attached Townhouse or Duplex 3,600 Zone and tax parcels 0822049118, 0822049186, 0822049187, 0822049011, 0822049012, 0822049166 and 0822049161 from RS-8,400 Residential Single Family 8,400 Zone to RM-2,400 Residential Multifamily 2,400 Zoning.

Item 7: HUMAN SERVICES ADVISORY COMMITTEE APPOINTMENTS

Motion is to confirm the Mayoral appointments of John Scully, Jr., Sile Grace Matsui, and Lauren Frederick each to an unexpired term on the City of Des Moines Human Services Advisory Committee effective immediately and expiring on December 31, 2019.

**Direction/Action**

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

At 8:50 p.m. Council took a 5 minute break.

**EXECUTIVE SESSION**

At 8:55 p.m. Council went into Executive Session. The purpose of the Executive Session was to discuss Performance of a Public Employee under RCW 42.30.110(1)(g). Those in attendance: Mayor Pina; Deputy Mayor Pennington; Councilmembers Buxton, Nutting, Bangs, Back and Mahoney; City Manager Matthias, and City Attorney George.

The Executive Session was expected to last 45 minutes.

At 9:40 p.m. Mayor Pina extended the Executive Session an additional 15 minutes.

At 9:55 p.m. Mayor Pina extended the Executive Session an additional 5 minutes.

The Executive Session concluded at 10:00 p.m.

The Executive Session lasted 65 minutes.

No formal action was taken.

**NEXT MEETING DATE:**

September 27, 2018 City Council Regular Meeting

**ADJOURNMENT**

The meeting adjourned at 10:00 p.m.

Respectfully Submitted,  
Taria Keane  
Deputy City Clerk

# A G E N D A   I T E M

## BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Childhood Cancer Awareness Month

FOR AGENDA OF: September 27, 2018

DEPT. OF ORIGIN: Administration

ATTACHMENTS:

1. Proclamation

DATE SUBMITTED: September 20, 2018

CLEARANCES:

- ☐ Community Development
- ☐ Marina
- ☐ Parks, Recreation & Senior Services \_\_\_\_\_
- ☐ Public Works

CHIEF OPERATIONS OFFICER: \_\_\_\_\_

- ☐ Legal \_\_\_\_\_
- ☐ Finance
- ☐ Courts
- ☐ Police

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: 

The purpose of this agenda item is to recommend City Council approval of the attached Proclamation supporting September as Childhood Cancer Awareness Month.

### Suggested Motion

**Motion:** “I move to approve the Proclamation supporting September as Childhood Cancer Awareness Month.”

### Background

Each year in the United States more than 15,000 children, from birth to 19 years of age are diagnosed with cancer, equal to about 42 childhood cancer diagnoses each day. Worldwide, there are more than 300,000 new childhood cancer diagnoses, equal to about a child being diagnosed with cancer every 3 minutes.

**Discussion**

Council previously approved a Proclamation supporting September as Childhood Cancer Awareness Month in August, 2015.

**Alternatives**

None provided.

**Financial Impact**

No financial impact.

**Recommendation/Concurrence**

Administration supports Council approving the Proclamation supporting September as Childhood Cancer Awareness Month.



# City of Des Moines



ADMINISTRATION  
21630 11<sup>th</sup> AVENUE S, SUITE A  
DES MOINES, WASHINGTON 98198-6398  
(206) 878-4595 T.D.D: (206) 824-6024 FAX: (206) 870-6540



## Proclamation

**WHEREAS**, each year in the United States more than 15,000 children from birth to 19 years of age are diagnosed with cancer, equal to about 42 childhood cancer diagnoses each day; and

**WHEREAS**, each year worldwide, there are more than 300,000 new childhood cancer diagnoses, equal to about a child being diagnosed with cancer every 3 minutes; and

**WHEREAS**, although the five-year survival rate for childhood cancers has reached 80 percent, nearly 2,000 American children under the age of nineteen will die each year from cancer, making it the leading killer of children by disease; and

**WHEREAS**, those that do survive will face at least one chronic health condition later on in life – not limited, but including – heart, liver, lung damage, infertility, secondary cancers and growth deficits; and

**WHEREAS**, the causes of childhood cancer are largely unknown and more studies are needed to understand which treatments work best for children; and

**WHEREAS**, cancer treatment for children often must differ from traditional adult treatments to take into account children's developmental needs and other factors; and

**WHEREAS**, children including Layla Beckstrand are among the hundreds of children being treated for cancer in Washington State; and

**WHEREAS**, Washington is a caring state and community that supports children and families;

**NOW THEREFORE, THE DES MOINES COUNCIL HEREBY PROCLAIMS** the month of September as

## ***CHILDHOOD CANCER AWARENESS MONTH***

**SIGNED** this day 27<sup>th</sup> of September, 2018.

---

Matt, Mayor

THIS PAGE LEFT INTENTIONALLY BLANK

# A G E N D A   I T E M

## BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Arts Commission Appointment

FOR AGENDA OF: September 27, 2018

DEPT. OF ORIGIN: Administration

ATTACHMENTS:

DATE SUBMITTED: September 19, 2018

1. Application

CLEARANCES:

☐ Community Development

☐ Marina

☒ Parks, Recreation & Senior Services *SMC*

☐ Public Works

CHIEF OPERATIONS OFFICER: \_\_\_\_\_

☐ Legal \_\_\_\_\_

☐ Finance

☐ Courts

☐ Police

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *[Signature]*

The purpose of this agenda item is to recommend City Council approval of an appointment to the City of Des Moines Arts Commission.

### Suggested Motion

**Motion:** "I move to confirm the Mayoral appointment of Jerry Farmer to an unexpired term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2019."

### Background

The City Council adopted Ordinance No. 1393 establishing the Des Moines Arts Commission in November 30, 2006. The nine Arts Commission positions were appointed in February 2007. The terms were staggered so that six positions are retained each year and three positions expire each year on December 31.



The Arts Commission was created to:

- (1) Represent the interest of the city in matters of the arts, to be a spokes group for the arts in the city and to keep the city council informed on all such related matters.
- (2) Evaluate, prioritize, and make recommendations on funding for cultural arts needs within the city.
- (3) Review and recommend works of art for the city, especially works to be acquired through appropriations set aside from municipal construction projects. Local artists will be encouraged and given equal consideration for these projects.
- (4) Inform, assist, sponsor or coordinate with arts organizations, artists, or others interested in the cultural advancement of the community.
- (5) Encourage and aid programs for the cultural enrichment of the citizens of Des Moines and encourage more public visibility of the arts.
- (6) Develop cooperation with schools, local, regional, state and national arts organizations.
- (7) Obtain private, local, regional, state or federal funds to promote arts projects within the Des Moines community.

### **Discussion**

Former Arts Commissioner Beverly Reich has resigned and will not be able to serve the remainder of her term. This agenda seeks confirmation of the Mayoral appointment of Jerry Farmer to the Des Moines Arts Commission effective immediately and expiring on December 31, 2019.

### **Alternatives**

None provided.

### **Financial Impact**

No financial impact.

### **Recommendation/Concurrence**

Parks, Recreation & Senior Services Staff support the appointment of Jerry Farmer to the Des Moines Arts Commission.

RECEIVED

AUG 20 2018



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

Recd. **CITY OF DES MOINES**  
**CITY CLERK**

**Jerry Farmer**  
**PO Box 13667**  
**Des Moines, WA. 98198**

MAILING →

NAME: JERRY J. FARMER  
 ADDRESS: 22103 43RD AVE S  
 CITY/ZIP: KENT, WA. 98032  
 PHONE: Home 253-973-4072 Work SAME  
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 12 YEARS  
 REGISTERED VOTER? YES  
 E-MAIL ADDRESS: JFARMER345@AOL.com

- ☐ Civil Service Commission  
☐ Library Board  
☐ Human Services  
☐ Senior Services  
☒ Arts Commission  
☐ Marina Beach Park  
☐ Landmarks Commission  
☐ Lodging Tax Committee

EMPLOYMENT SUMMARY LAST FIVE YEARS: SALES REPRESENTATIVE  
(INDEPENDENT CONTRACTOR) FOR HOME FURNISHING  
MANUFACTURES. ACTUALLY I HAVE SPENT THE  
LAST 50 YEARS IN THE SAME INDUSTRY. MY  
AREA OF RESPONSIBILITY IS THE PACIFIC NW

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? \_\_\_\_\_

PLEASE SEE ATTACHMENT  
FOR 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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

3. Please list any Des Moines elective/appointive offices you have run/applied for previously: NONE

Jerry J Farmer  
 PO Box 13667  
 Des Moines, WA. 98198  
 253-973-4072 Cell  
 253-872-6838 Fax  
[JFarmer345@aol.com](mailto:JFarmer345@aol.com)

Regarding:  
 CITY OF DES MOINES  
 APPLICATION FOR APPOINTIVE OFFICE

I would like to answer questions 1 and 2 using this separate sheet of paper.

1. My passion is Art and the Arts. I have been in the wholesale side of the Furniture Industry for 50 years but being an Independent contractor affords me lots of unscheduled time. That unscheduled worktime has allowed me to pursue my true passion of Photography and Photo-Art. You can see examples of my Artistry at different locations in Des Moines. I guess I could be considered a Professional Photographer. I volunteered at the Seattle Art Museum; I was a SAMBASSADOR (Docent Light). Music is another Art that I love, Blue's in particular; Kal David a guitar Artist (toured with Mayall opened for Joplin and BB King) is a personal friend. ART can take many forms but it all comes down to creating a product that the public wants to see, hear, taste and purchase if possible. Wine and Cheese go hand and hand with the visual Art. I know how much the public loves Art. I have witnessed that love at SAM and many Art shows and concerts that I have attended. People will drive for miles to see other people's creativity while sampling the food and libations. I believe Des Moines is an uncut diamond from an Arts standpoint. The current Art and Music venues and the Farmers Market are a great foundation. Physically, everything is in place, perfect venue locations and high volume traffic flow on Marine View Drive. Des Moines, maybe, just needs to do some fine tuning and condense several events into a major venue. Foot traffic is what attracts Artists and word travel fast in the Art's community. I believe Des Moines could become a major Art and Music destination. What can I contribute? Passion, enthusiasm and maybe some fresh ideas.

You may have noticed I live in Kent. But, my townhome is up for sale and I plan on moving into Des Moines as soon as it's sold. I love Des Moines and all of its character. Hopefully, Des Moines will not become over homogenized like so many towns become as they grow and their funky character is lost.

Thanks for the opportunity to express my thoughts.

Jerry Farmer



# A G E N D A   I T E M

## BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: City Manager Pay Range Increase

FOR AGENDA OF: September 27, 2018

DEPT. OF ORIGIN: Legislative

ATTACHMENTS: None

DATE SUBMITTED: September 19, 2018

CLEARANCES:

- ☐ Community Development \_\_\_\_\_
- ☐ Marina \_\_\_\_\_
- ☐ Parks, Recreation & Senior Services \_\_\_\_\_
- ☐ Public Works \_\_\_\_\_

CHIEF OPERATIONS OFFICER: \_\_\_\_\_

- ☒ Legal TS
- ☒ Finance Law
- ☐ Courts \_\_\_\_\_
- ☐ Police \_\_\_\_\_

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: Blm

### **Purpose and Recommendation**

The purpose of this agenda item is for the City Council to acknowledge the sustained exemplary performance of City Manager Michael Matthias since his appointment and to authorize a pay range increase effective October 1, 2018.

### **Suggested Motion**

**Motion 1:** "I move to approve a pay range increase for the City Manager from M-43 E to M-44 E, effective October 1, 2018."

## **Background**

The City Council conducted the semi-annual performance review of City Manager Michael Matthias in executive session on September 13, 2018. A number of significant accomplishments in the last 6 months were highlighted including:

Succession Planning at Senior Staff level completed

Hired new Police Chief

Created new Director level position for Emergency Management

Hired new Finance Director

Hired new Human Resources Director

Appointed new Interim Parks Director

Appointed Acting Harbormaster

Partnered with Wesley for Senior Services Manager: this relationship has worked incredibly well. Wesley has been able to provide increased services to our seniors at a lower cost than what the City had been previously been paying. The savings will be used to further increase programs and make needed improvements to the Activity Center.

Successfully completed Phase 2 of Marina redevelopment process.

Successfully managed budget to retain Sustainable financial dynamic for the City.

Received a significant bond rating upgrade, as a result of establishing and managing sustainable finances. Standard & Poors reviewed the City's financial practices and future resulting in this upgrade. The City realized a savings of over \$500,000 as a result of the upgrade and refinance of outstanding 2008 bonds in addition to future savings based on the current bond interest rate.

Involvement with SCORE and focus on changing the business model and reducing City costs.

Dedicating time and resources to actively participate in Airport issues, Chairing the City's Aviation Advisory Committee; participating on the University of Washington Ultra-Fine Particle Study Technical Advisory Board; participating in the Budget Proviso Airport Impacts Baseline Study; engaging with Burien, SeaTac, Normandy Park to coordinate efforts to respond to the environmental scoping of the Sustainable Airport Master Plan, contracting with independent consultants and coordinating with the cities' SEPA officials to assure comprehensive review of environmental impacts resulting from potential Airport growth; participating on the StART (Sea-Tac Airport Stakeholders Roundtable) meetings.

Initiated Active Shooter training for entire City staff.

The result of the performance review was overwhelmingly positive. Accordingly, the City Council will be considering a pay range increase for the City Manager position to recognize the City Manager's outstanding performance.

## **Financial Impact**

The pay range increase from a M-43 E to a M-44 E represents an increase of \$7,008 in annual compensation.

# AGENDA ITEM

## BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Transportation Gateway Project:  
S. 216<sup>th</sup> Street Segment 3 Improvements  
Right-of-Way Acquisition

Parcel #082204-9177 Regatta Apartments  
LLC

Parcel #082204-9092 Spinnaker Landing  
Apartments, LLC

### ATTACHMENTS:

1. Regatta Apartments LLC; ROW Plan  
Parcel #23 ,Temporary Construction  
Easement & Voucher
2. Spinnaker Landing Apartments, LLC,  
ROW Plan #28, Sidewalk Easement,  
Utility Easement, Temporary Construction  
Easement & Voucher
3. Status ROW Acquisition - Graphic
4. CIP Budget S. 216<sup>th</sup> St Segment 3

AGENDA OF: September 27, 2018

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: September 14, 2018

### CLEARANCES:

- [ X ] Community Development SMC  
 [ ] Marina N/A  
 [ ] Parks, Recreation & Senior Services N/A  
 [X] Public Works PBC

### CHIEF OPERATIONS OFFICER: \_\_\_\_\_

- [X] Legal TG  
 [X] Finance Baw  
 [ ] Courts N/A  
 [ ] Police N/A

APPROVED BY CITY MANAGER  
FOR SUBMITTAL [Signature]

### **Purpose and Recommendation:**

The purpose of this agenda item is to seek City Council approval to acquire property and easements necessary to construct S. 216<sup>th</sup> Street Improvements consistent with the Right of Way Plan for properties fronting the street. The following motions will appear on the Consent Calendar:



### **Suggested Motions:**

1. "I move to approve and accept a temporary construction easement on Parcel Number #082204-9177, owned by Regatta Apartments, LLC and provide compensation to the owner of \$4,049.03 for the easement (1,979 SF), and \$520.00 for property damage, and an administrative settlement of \$5,400, totaling **\$9,970** (rounded), plus reasonable closing costs, and authorize the City Manager to sign the Easement and Real Property Voucher Agreement substantially in the forms submitted."
2. "I move to approve and accept a Permanent Sidewalk Easement (59 SF), a utility easement (200 SF) and a Temporary Construction Easement (2,598 SF) on Parcel Number #082204-9092, owned by Spinnaker Landing Apartments, LLC, and provide compensation to the owner \$306.90 for the Permanent Sidewalk Easement, \$2,046.00 for the Utility Easement, \$5,315.51 for the Temporary Construction Easement, \$3,600.00 for property damages, totaling **\$11,329** (rounded), plus reasonable closing costs, and authorize the City Manager to sign the Easements and Real Property Voucher Agreement substantially in the forms submitted."

### **Background:**

In order to facilitate the widening of the S. 216<sup>th</sup> Street, Segment #3 of the Transportation Gateway Project, CIP Project #319.334, right of way and easements are necessary to secure property for placement of underground utilities, walls, slopes and sidewalks. The requested action is consistent with the Council motion of January 16, 2018 approving the ROW plan, with allowance for minor modifications, and the start of the right of way acquisition phase for the improvements. Segment 3 is the last link for the S. 216<sup>th</sup> Street improvements west of State Route 99, collectively known as the City of Des Moines Transportation Gateway Project.

### **Discussion:**

Design of this project is nearly complete including the SEPA Declaration of Non-Significance (DNS) issued on November 8, 2017. KPG's licensed surveyor has prepared legal descriptions and the right of way plan, updated August 2, 2018. The requested easements are included in Attachment 1 and 2. The easements permit the City, and its assigns, to access the properties, install and maintain utilities, sidewalks, and a bus stop and restore the properties. The easements authorize the owner to make use of the property where there are no conflicts (i.e. landscaping, access, etc.). Property owner compensation associated with this City Council request totals **\$21,299**.

Individual meetings have been held with the property manager who represents the apartment owner including discussions of how best to coordinate plans and construction, restore the properties, and make settlements. These agreed upon easements allow the City to restore the properties in a collaborative effort with the owner whereby the City will grade and restore soil, bark and/or grass on the properties and the owner intends to follow with installation of landscaping, irrigation and/or fencing fronting the two apartments complexes.

The City Council adopted a condemnation ordinance affecting these properties on August 23, 2018; however, acceptance of these easements makes this matter moot and no further legal action is anticipated.

There are 27 properties adjoining the project. Following Council acceptance of these easements, all permanent and temporary property rights identified in ROW plan have been secured. The City will match

said improvements to all adjacent properties. The City will also agree to maintain access to these properties during construction and will restore the properties as close to the “before” condition as noted in individual licenses and agreements. Consistent with other Gateway Project improvements, the City’s contractor will underground all overhead electrical and communication lines along the corridor, including, secondary service connections to avoid construction delays and cost increases.

Attachment 3 illustrates the status of ROW acquisition. Upon Council action approving these motions, staff will finalize the bid documents, obtain TIB authorization to solicit bids and advertise the project for construction in November, 2018. Following approval award of a construction contract by the City Council, construction is expected to begin in the 1<sup>st</sup> quarter of 2018.

**Alternatives:**

The final design and alignment for the roadway requires these easements. An effort was made to only acquire property and easements where there was inadequate right of way to accommodate the improvements. Other alternatives are currently unavailable.

**Financial Impact:**

Funds for acquisition of this easement were approved as part of the City of Des Moines 2018 budget (Attachment 4). These acquisitions are funded, in part, by a grant from the Washington State Transportation Improvement Board.

**Recommendation/Conclusion:**

Staff recommends the Council approve the proposed motions.

**Concurrence:**

The Legal, Finance, Community Development and Public Works Department concur.

THIS PAGE LEFT INTENTIONALLY BLANK

Return Address:  
 City of Des Moines  
 Attn: City Attorney  
 21630 11<sup>th</sup> Avenue So., Suite C  
 Des Moines, WA 98198-6398

---

**TEMPORARY CONSTRUCTION EASEMENT/RIGHT OF ENTRY**

---

|                                |                                                                           |
|--------------------------------|---------------------------------------------------------------------------|
| Grantor:                       | Regatta Apartments LLC                                                    |
| Grantee:                       | City of Des Moines,<br>a municipal corporation of the State of Washington |
| Abbreviated Legal Description: | PTN OF THE NE QTR OF THE SE QTR OF SEC 8-22N-4E                           |
| Additional Legal(s)            | Exhibit A                                                                 |
| Assessor's Tax Parcel ID#:     | 082204-9177-00                                                            |

**Transportation Gateway Project**  
**South 216<sup>th</sup> Street Improvement, Segment 3**  
**11<sup>th</sup> Ave S. to 20<sup>th</sup> Ave S.**

THIS TEMPORARY CONSTRUCTION EASEMENT AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between **Regatta Apartments LLC, a Washington limited liability company** ("Grantor" herein), and the **CITY OF DES MOINES, a municipal corporation of the State of Washington**, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above South 216<sup>th</sup> Street Improvement, the Grantor hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number 082204-9177-00 located adjacent to S. 216<sup>th</sup> St, Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, restore fences, utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.



### **SPECIAL STIPULATIONS**

1. This easement shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to S. 216<sup>th</sup> Street.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.
7. The termination date for this easement shall be by the physical completion date of the project or not later than December 31, 2021 whichever occurs first.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.



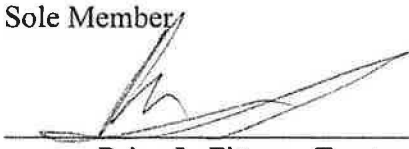
**GRANTOR:**

Regatta Apartments, LLC,  
a Washington limited liability company

BY: Colonial Ridge Apartments, LP,  
a Washington limited partnership  
Its: Member

By: BLF Holdings, LLC,  
a Washington limited liability company  
Its: General Partner

By: The Brian L. Fitterer Revocable Trust  
Its: Sole Member

By:   
Brian L. Fitterer, Trustee

**GRANTEE:**

CITY OF DES MOINES,  
a Washington municipal corporation

By: Michael Matthias, City Manager

Date: \_\_\_\_\_

*At the direction of the Des Moines City Council during open public meeting on the  
\_\_ day of \_\_\_\_, 2018.*

APPROVED as to form only:

\_\_\_\_\_  
Tim George, City Attorney

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_ }  
 } SS.  
 COUNTY OF \_\_\_\_\_ }

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Notary Public in and for the \_\_\_\_\_  
 Notary (print name): \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 My appointment expires: \_\_\_\_\_

*See  
ATTACHED*

STATE OF WASHINGTON }  
 } SS.  
 COUNTY OF KING }

This instrument was acknowledged before me on \_\_\_\_\_ (date of acknowledgment) Michael Matthias as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Dated: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Notary Public in and for the State of Washington  
 Notary (print name): \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 My appointment expires: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

ORANGE

On

SEPTEMBER 18, 2018

Date

before me,

SARA DAY, NOTARY PUBLIC

Here Insert Name and Title of the Officer

personally appeared

BRIAN L. FITTERER

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal and/or Stamp Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

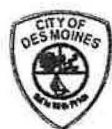
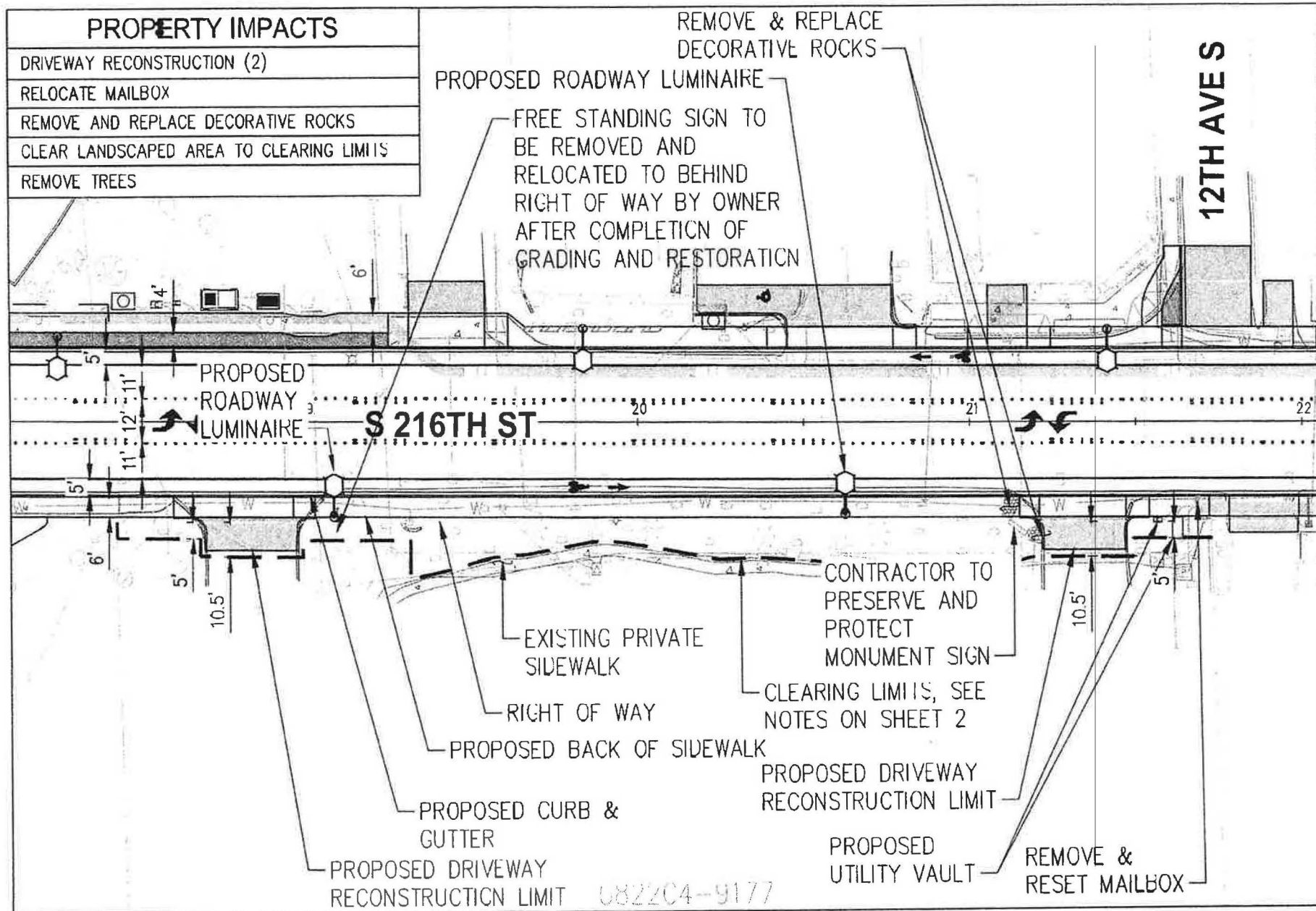
Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_





PLAN



# REGATTA LUXURY APARTMENT HOMES (23)

1145 S 216TH ST  
S 216TH ST-SEGMENT 3  
AUGUST 2018

**PRELIMINARY**

**KPG**  
Interdisciplinary Design  
3131 Elk Ave  
Suite 400  
Des Moines, IA 50319  
(515) 281-1540  
www.kpg.com

ALL EXISTING LANDSCAPING WITHIN  
CLEARING LIMITS TO BE REMOVED  
AND REPLACED WITH 3" TOPSOIL  
AND 2" BARK MULCH

12TH AVE S

S 216TH ST

GRADE FROM BACK  
OF PROPOSED  
SIDEWALK TO EDGE  
OF GRASS

EXISTING PRIVATE  
SIDEWALK

RIGHT OF WAY

PROPOSED BACK OF SIDEWALK

GRADE FROM BACK  
OF PROPOSED  
SIDEWALK TO 1'  
NORTH OF EXISTING  
PRIVATE SIDEWALK

082204-9177



PLAN



# REGATTA LUXURY APARTMENT HOMES 23

1145 S 216TH ST  
S 216TH ST-SEGMENT 3  
AUGUST 2018

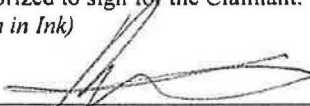
PRELIMINARY

**KPG**

Interdisciplinary Design  
3121 Elliott Ave  
Suite 400  
Seattle, WA 98121  
(206) 266-1949  
www.kpg.com



## REAL PROPERTY VOUCHER AGREEMENT

|                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AGENCY NAME</b><br>City of Des Moines<br>Public Works Department<br>21630 11 <sup>th</sup> AVE South, Suite C<br>Des Moines, WA 98198<br>Phone: (206) 870-6522                                    | I hereby agree to the terms and conditions listed below and hereby certify under penalty of perjury that the items and amounts listed herein are proper charges, that the same or any part thereof has not been paid, and that I am authorized to sign for the Claimant:<br><i>(Sign in Ink)</i><br><br>By: _____<br>Owner/Authorized Representative<br>Date: <u>9/18/18</u> |
| <b>GRANTOR or CLAIMANT</b><br>Regatta Apartments LLC<br>18006 Sky Park Circle, suite 200<br>Irvine, CA 92614                                                                                         | Re: Transportation Gateway Project, South 216 <sup>th</sup> Street,<br>Segment 3 – (11 <sup>th</sup> Ave S. to 20 <sup>th</sup> Ave S.)<br>TAX PARCEL NUMBER: 082204-9177<br>PROJECT PARCEL NUMBER: 23                                                                                                                                                                                                                                                         |
| <b>In Full, Complete and Final Payment and Settlement for the Title or Interest Conveyed or Released, as Fully Set Forth in Attached Documents:</b><br>Temporary Construction Easement Date: _____   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                                                                                                                                                                                      | <b>AMOUNT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| For All Lands Convey:                                                                                                                                                                                | + \$                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Permanent Wall Easement:                                                                                                                                                                             | + \$                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Permanent Utility Easement:                                                                                                                                                                          | + \$                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Temporary Construction Easement: 1,979SF @ 14.20/SF @ 10%                                                                                                                                            | + \$ 4,049.03                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| For All Improvements:                                                                                                                                                                                | + \$                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| For All Damages: 13 Shrubs @ \$40 ea.                                                                                                                                                                | + \$ 520.00                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Less Special Benefits:                                                                                                                                                                               | + \$                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Statutory Evaluation Allowance                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>JUST COMPENSATION</b>                                                                                                                                                                             | <b>\$4,570.00(r)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Legal / Administrative: City approved 8/14/2018                                                                                                                                                      | + \$5,400.00                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Other Items:                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Deductions:                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>FINAL SETTLEMENT</b>                                                                                                                                                                              | <b>\$9,970.00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>SUBTOTAL</b>                                                                                                                                                                                      | <b>\$</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>TOTAL AMOUNT TO BE PAID:</b>                                                                                                                                                                      | <b>\$9,970.00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Right-of-Way Agent: Sonja Davis</b><br><br>_____<br>By:<br>_____<br>Date<br>_____<br>The City of Des Moines agrees to the terms and conditions listed above.<br><br>_____<br>By:<br>_____<br>Date |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

**After Recording, Return to:**

CITY OF DES MOINES  
 ATTN: CITY ATTORNEY  
 21630 11<sup>th</sup> Avenue South, Suite C  
 Des Moines WA 98198

**PERMANENT SIDEWALK EASEMENT**

|                                |                                                                           |
|--------------------------------|---------------------------------------------------------------------------|
| Parcel Plan Number             | 28                                                                        |
| Grantor:                       | Spinnaker Landing Apartments, LLC                                         |
| Grantee:                       | City of Des Moines,<br>a municipal corporation of the State of Washington |
| Abbreviated Legal Description: | A portion of Section 08, Township 22 N; Range 4 E in King County, WA      |
| Additional Legal(s)            | Exhibit A and A-1, attached hereto and made part of                       |
| Assessor's Tax Parcel ID#:     | 082204-9092                                                               |

**Transportation Gateway Project**  
**South 216<sup>th</sup> Street Improvement, Segment 3**  
**11<sup>th</sup> Ave S to 20<sup>th</sup> Ave S**

THIS EASEMENT AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between Spinnaker Landing Apartments, LLC, a Washington limited liability company, ("Grantor" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

**WITNESSETH:**

1. **Grant of Easement.** The Grantor, for and in consideration of TEN DOLLARS (\$10.00), and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grant and convey to the City of Des Moines, a municipal corporation of the State of Washington, its contractors, employees, agents, successors, franchisors and assigns, (Grantee), for the purposes set forth herein, a non-exclusive perpetual easement for the placement, operation, and maintenance of a public sidewalk and bus shelter footing ("Easement" herein) over, under, along, across, and through the following described real property ("Easement Area" herein) in King County, Washington.

Parcel # 082204-9092

2. **Property Subject to Easement**

a. **Property Description.** The Property subject to this Easement is legally described and shown in Exhibit "A" and Exhibit "A-1" attached hereto and incorporated by reference.

b. **Easement Areas.** Except as is otherwise set forth herein, Grantee's rights shall be exercised only upon that portion of the property legally described in Exhibit "A" and Exhibit "A-1" ("Easement Areas" herein) attached hereto and incorporated by reference.

3. **Purpose.** Grantee shall have the right to construct, operate, maintain, repair, replace, improve, remove, and enlarge a bus shelter footing and sidewalk the Easement Areas for the purpose of constructing and maintaining a bus stop.
4. **Access.** Grantee shall have the right of access to the Easement Areas over and across the Property to enable Grantee to exercise its rights hereunder. Grantee shall compensate Grantor for any damage to the Property caused by the exercise of such right of access by Grantee.
5. **Grantor's Use of Easement Area.** Grantor reserve the right to use the Easement Areas for any purpose so long as the use does not interfere with the Easement rights herein granted. Grantor shall not alter the ground surface and subsurface within the Easement Area by excavation, placement of fill material, or installation of any wall or rockery, without Grantee's Public Works Director, or authorized designee, prior written consent. Grantee's prior written consent, where required, shall not be unreasonably withheld. Grantor shall not construct or maintain any buildings within the Easement Areas.
6. **Indemnity.** Grantee agrees to indemnify Grantor from and against liability incurred by Grantor as result of Grantee's negligence in the exercise of the rights herein granted to Grantee, but nothing herein shall require Grantee to indemnify Grantor for that portion of any such liability attributable to the negligence of Grantor or the negligence of others.
7. **Covenant Running with the Land.** This Easement shall be covenant running with the land and shall forever bind Grantor, it heirs, successors, and assigns.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Parcel # 082204-9092

**GRANTOR:**

Spinnaker Landing Apartments, LLC,  
a Washington limited liability company

BY: Colonial Ridge Apartments, LP,  
a Washington limited partnership  
Its: Member

By: BLF Holdings, LLC,  
a Washington limited liability company  
Its: General Partner

By: The Brian L. Fitterer Revocable Trust  
Its: Sole Member

By:   
Brian L. Fitterer, Trustee

**GRANTEE:**

**CITY OF DES MOINES,**  
a Washington municipal corporation

\_\_\_\_\_  
By: Michael Matthias, City Manager

\_\_\_\_\_  
Date

At the direction of the Des Moines City Council during open public meeting on the  
\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED as to form only:

\_\_\_\_\_  
Timothy A. George, City Attorney

\_\_\_\_\_  
Date

Parcel # 082204-9092



STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS.

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Notary Public in and for the \_\_\_\_\_  
Notary (print name): \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

*See Attached*

STATE OF WASHINGTON }  
COUNTY OF KING } ss.

This instrument was acknowledged before me on \_\_\_\_\_ (date of acknowledgment) by Michael Matthias as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Dated: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Notary Public in and for the State of Washington  
Notary (print name): \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

Parcel # 082204-9092

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of ORANGEOn SEPTEMBER 18, 2018 before me, SARA DAY NOTARY PUBLIC  
Date Here Insert Name and Title of the Officerpersonally appeared BRYAN L. FITTERER  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Sara Day  
Signature of Notary Public**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

**EXHIBIT \_\_\_\_\_**  
**PARCEL NO. 082204-9092**  
**SIDEWALK EASEMENT**

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING THE INTERSECTION OF THE SOUTH MARGIN OF SOUTH 216<sup>TH</sup> STREET AND THE EAST MARGIN OF 14<sup>TH</sup> AVENUE SOUTH;

THENCE SOUTH 87° 51' 30" EAST ALONG SAID SOUTH MARGIN, 107.49 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH MARGIN SOUTH 87° 51' 30" EAST, 10.00 FEET;

THENCE SOUTH 02° 08' 30" WEST, 1.50 FEET TO A LINE THAT IS 31.50 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID SOUTH 216<sup>TH</sup> STREET;

THENCE NORTH 87° 51' 30" WEST ALONG SAID PARALLEL LINE, 10.00 FEET;

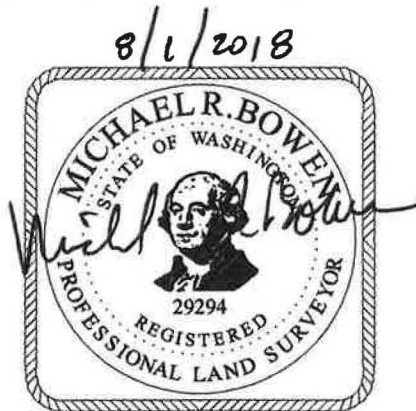
THENCE NORTH 02° 08' 30" EAST, 1.50 FEET TO THE TRUE POINT OF BEGINNING.

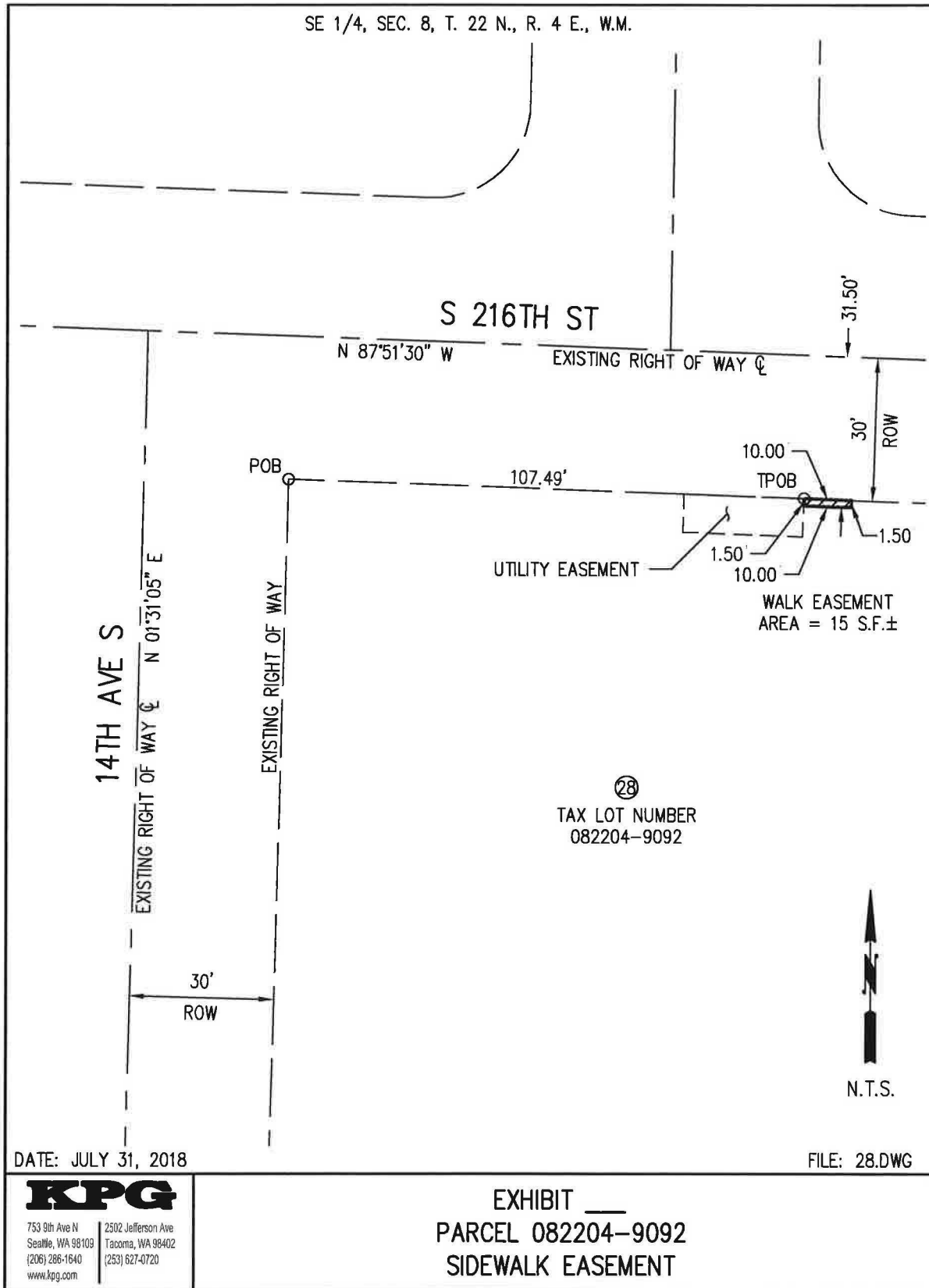
CONTAINING 15 SQUARE FEET, MORE OR LESS.

PARCEL "A":

(PER FIRST AMERICAN TITLE COMPANY ORDER NO. 2727865, DATED DECEMBER 12, 2017)

LOT A, CITY OF DES MOINES SHORT PLAT NO. DE-MO-SP8-80, RECORDED OCTOBER 15, 1980 UNDER RECORDING NO. 8010150846, IN KING COUNTY, WASHINGTON, SAID SHORT PLAT BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON, AND OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON.







**After Recording, Return to:**  
 CITY OF DES MOINES  
 ATTN: CITY ATTORNEY  
 21630 11<sup>th</sup> Avenue South, Suite C  
 Des Moines, WA 98198

### UTILITY EASEMENT

|                                   |                                                                                         |
|-----------------------------------|-----------------------------------------------------------------------------------------|
| Parcel Plan Number                | 28                                                                                      |
| Grantor:                          | Spinnaker Landing Apartments, LLC                                                       |
| Grantee:                          | City of Des Moines,<br>a municipal corporation of the State of Washington               |
| Abbreviated Legal<br>Description: | LOT A, CITY OF DES MOINES SP NO. DE-MO-<br>SP8-80, REC. <u>8010150846</u> , KING COUNTY |
| Additional Legal(s)               | Exhibit A and A-1, attached hereto and made part<br>of                                  |
| Assessor's Tax Parcel ID#:        | 082204-9092-02                                                                          |

### Transportation Gateway Project South 216<sup>th</sup> Street Improvement, Segment 3 11<sup>th</sup> Ave S. to 20<sup>th</sup> Ave S.

THIS EASEMENT AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
 by and between **Spinnaker Landing Apartments, LLC**, a Washington limited liability  
 company ("Grantor" herein), and the **CITY OF DES MOINES**, a municipal corporation of  
 the State of Washington, ("Grantee" herein),

### WITNESSETH:

1. **Grant of Easement.** The Grantor, for and in consideration of TEN DOLLARS (\$10.00), and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grant and convey to the City of Des Moines, a municipal corporation of the State of Washington, its contractors, employees, agents, successors, for the purposes set forth

herein, a non-exclusive perpetual easement for the placement, operation, and maintenance of public and private utility equipment ("Easement" herein) over, under, along, across, and through the following described real property ("Easement Area" herein) in King County, Washington.

2. **Property Subject to Easement**

a. **Property Description.** The Property subject to this Easement is legally described and shown in Exhibit "A" and Exhibit "A-1" attached hereto and incorporated by reference.

b. **Easement Areas.** Except as is otherwise set forth herein, Grantee's rights shall be exercised only upon that portion of the property legally described in Exhibit "A" and Exhibit "A-1".

3. **Purpose.** Grantee shall have the right to construct, operate, maintain, repair, replace, improve, remove, and enlarge utility structures and associated features within the Easement Area for the purpose of constructing and maintaining utilities. Such utilities may include, but is not limited to:

4. **Utility Features.**

Above and below ground handholes, conduits, vaults, switches, pedestals, transformers, fire hydrant connection, water meters, valves, and all other facilities and/or appurtenances necessary and/or convenient to any and/or all of the forgoing.

Following the initial construction of all and/or portion of its utility features, Grantee may, from time to time, construct such additional facilities as it may require for such utility features.

5. **Access.** Grantee shall have the right of access to the Easement Area over and across the Property to enable Grantee to exercise its rights hereunder. Grantee shall compensate Grantor for any damage to the Property caused by the exercise of such right of access by Grantee.

6. **Easement Area Clearing and Maintenance.** Grantee shall have the right to cut, remove and dispose of any and all brush, trees or other vegetation in the Easement Area. Grantee shall also have the right to control, on a continuing basis and by any prudent and reasonable means, the establishment and growth of brush, tree or other vegetation in the Easement Area.

7. **Grantor's Use of Easement Area.** Grantor reserves the right to use the Easement Area for any purpose so long as the use does not interfere with the Easement rights herein granted. Grantor may install groundcover and shrub landscaping within the Easement Area with Grantee's prior written consent. Grantor shall not alter the ground surface and subsurface within the Easement Area by excavation, placement of fill material, or installation of any wall or rockery, without Grantee's Public Works Director, or authorized designee, prior written consent. Grantee's prior written consent, where

required, shall not be unreasonably withheld. Grantor shall not construct or maintain any buildings within the Easement Area.

8. **Indemnity.** Grantee agrees to indemnify Grantor from and against liability incurred by Grantor as a result of Grantee's negligence in the exercise of the rights herein granted to Grantee, but nothing herein shall require Grantee to indemnify Grantor for that portion of any such liability attributable to the negligence of Grantor or the negligence of others.
9. **Covenant Running with the Land.** This Easement shall be a covenant running with the land and shall forever bind Grantor, their heirs, successors, and assigns.
10. **Assignment.** Grantee shall have the right to assign this Easement to a public or private utility that has the authority to operate in the right of way pursuant to a valid franchise agreement approved by the City of Des Moines ("franchised utilities").

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

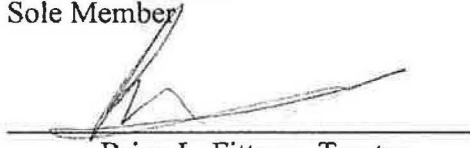
**GRANTOR:**

Spinnaker Landing Apartments, LLC,  
a Washington limited liability company

BY: Colonial Ridge Apartments, LP,  
a Washington limited partnership  
Its: Member

By: BLF Holdings, LLC,  
a Washington limited liability company  
Its: General Partner

By: The Brian L. Fitterer Revocable Trust  
Its: Sole Member

By:   
Brian L. Fitterer, Trustee

**GRANTEE:**

CITY OF DES MOINES,  
a Washington municipal corporation

By: Michael Matthias, City Manager

Date:

*At the direction of the Des Moines City Council during open public meeting on the  
\_\_\_ day of \_\_\_\_\_, 2018.*

APPROVED as to form only:

\_\_\_\_\_  
Tim George, City Attorney

\_\_\_\_\_  
Date



STATE OF \_\_\_\_\_ }  
 } SS.  
 COUNTY OF \_\_\_\_\_ }

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Notary Public in and for the \_\_\_\_\_  
 Notary (print name): \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 My appointment expires: \_\_\_\_\_

*See  
ATTACHED*

STATE OF WASHINGTON }  
 } SS.  
 COUNTY OF KING }

This instrument was acknowledged before me on \_\_\_\_\_ (date of acknowledgment) by Michael Matthias as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Dated: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Notary Public in and for the State of Washington  
 Notary (print name): \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 My appointment expires: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of ORANGEOn SEPTEMBER 18, 2018 before me, SARA DAY, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officerpersonally appeared BRIAN L. FITTERER  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal and/or Stamp Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Sara Day  
Signature of Notary Public

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

**EXHIBIT A**  
**PARCEL NO. 200800-0010**  
**UTILITY EASEMENT**

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING THE INTERSECTION OF THE SOUTH MARGIN OF SOUTH 216<sup>TH</sup> STREET AND THE EAST MARGIN OF 14<sup>TH</sup> AVENUE SOUTH;

THENCE SOUTH 87° 51' 30" EAST ALONG SAID SOUTH MARGIN, 82.49 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH MARGIN SOUTH 87° 51' 30" EAST, 25.00 FEET;

THENCE SOUTH 02° 08' 30" WEST, 8.00 FEET TO A LINE THAT IS 38.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID SOUTH 216<sup>TH</sup> STREET;

THENCE NORTH 87° 51' 30" WEST ALONG SAID PARALLEL LINE, 25.00 FEET;

THENCE NORTH 02° 08' 30" EAST, 8.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 200 SQUARE FEET, MORE OR LESS.

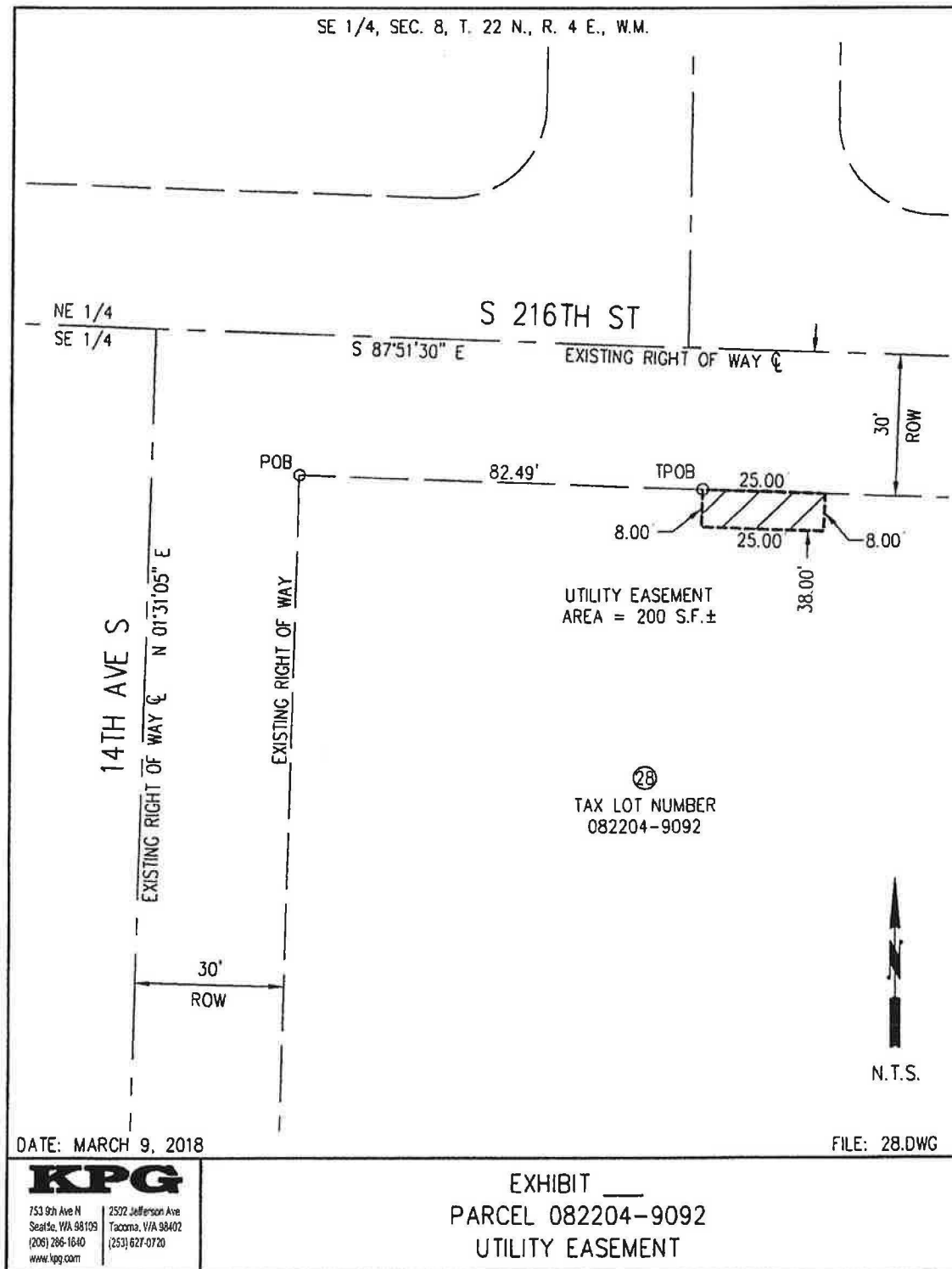
PARCEL "A":

(PER FIRST AMERICAN TITLE COMPANY ORDER NO. 2727865, DATED DECEMBER 12, 2017)

LOT A, CITY OF DES MOINES SHORT PLAT NO. DE-MO-SP8-80, RECORDED OCTOBER 15, 1980 UNDER RECORDING NO. 8010150846, IN KING COUNTY, WASHINGTON, SAID SHORT PLAT BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON, AND OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON.



3/16/2018

**EXHIBIT A-1**



Return Address:  
 City of Des Moines  
 Attn: City Attorney  
 21630 11<sup>th</sup> Avenue So., Suite C  
 Des Moines, WA 98198-6398

---

**TEMPORARY CONSTRUCTION EASEMENT/RIGHT OF ENTRY**

|                                |                                                                                     |
|--------------------------------|-------------------------------------------------------------------------------------|
| Grantor:                       | Spinnaker Landing Apartments, LLC                                                   |
| Grantee:                       | City of Des Moines,<br>a municipal corporation of the State of Washington           |
| Abbreviated Legal Description: | LOT A, CITY OF DES MOINES SP NO. DE-MO-SP8-80, REC. <u>8010150846</u> , KING COUNTY |
| Additional Legal(s)            | Exhibit A, attached hereto and made part of                                         |
| Assessor's Tax Parcel ID#:     | 082204-9092-02                                                                      |

**Transportation Gateway Project**  
**South 216<sup>th</sup> Street Improvement, Segment 3**  
**11<sup>th</sup> Ave S. to 20<sup>th</sup> Ave S.**

THIS TEMPORARY CONSTRUCTION EASEMENT AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between **Spinnaker Landing Apartments, LLC, a Washington limited liability company** ("Grantor" herein), and the **CITY OF DES MOINES, a municipal corporation of the State of Washington**, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above South 216<sup>th</sup> Street Improvement, the Grantor hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number 082204-9092-02 located adjacent to S. 216<sup>th</sup> St, Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to reconstruct driveway access, restore fences, utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

Parcel No. 082204-9092-021

## SPECIAL STIPULATIONS

1. This easement shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to S. 216<sup>th</sup> Street.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.
7. The termination date for this easement shall be by the physical completion date of the project or not later than December 31, 2021 whichever occurs first.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

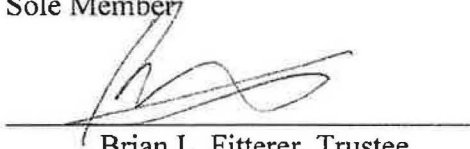
**GRANTOR:**

Spinnaker Landing Apartments, LLC,  
a Washington limited liability company

BY: Colonial Ridge Apartments, LP,  
a Washington limited partnership  
Its: Member

By: BLF Holdings, LLC,  
a Washington limited liability company  
Its: General Partner

By: The Brian L. Fitterer Revocable Trust  
Its: Sole Member

By:   
Brian L. Fitterer, Trustee

**GRANTEE:**

CITY OF DES MOINES,  
a Washington municipal corporation

\_\_\_\_\_  
By: Michael Matthias, City Manager

\_\_\_\_\_  
Date:

*At the direction of the Des Moines City Council during open public meeting on the  
\_\_\_ day of \_\_\_\_\_, 2018.*

APPROVED as to form only:

\_\_\_\_\_  
Tim George, City Attorney

\_\_\_\_\_  
Date

Parcel No. 082204-9092-023

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Notary Public in and for the \_\_\_\_\_  
Notary (print name): \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

See Attached

STATE OF WASHINGTON }  
COUNTY OF KING } SS.

This instrument was acknowledged before me on \_\_\_\_\_ (date of acknowledgment)  
Michael Matthias as City Manager, City of Des Moines, a State of Washington municipal  
corporation, on behalf of said corporation.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Notary Public in and for the State of Washington

Notary (print name): \_\_\_\_\_

Residing at: \_\_\_\_\_

My appointment expires: \_\_\_\_\_



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of ORANGEOn SEPTEMBER 18, 2018 before me, SARA DAY, Notary Public  
Date Here Insert Name and Title of the Officerpersonally appeared BRIAN L. FITTERER  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Sara Day  
Signature of Notary Public**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

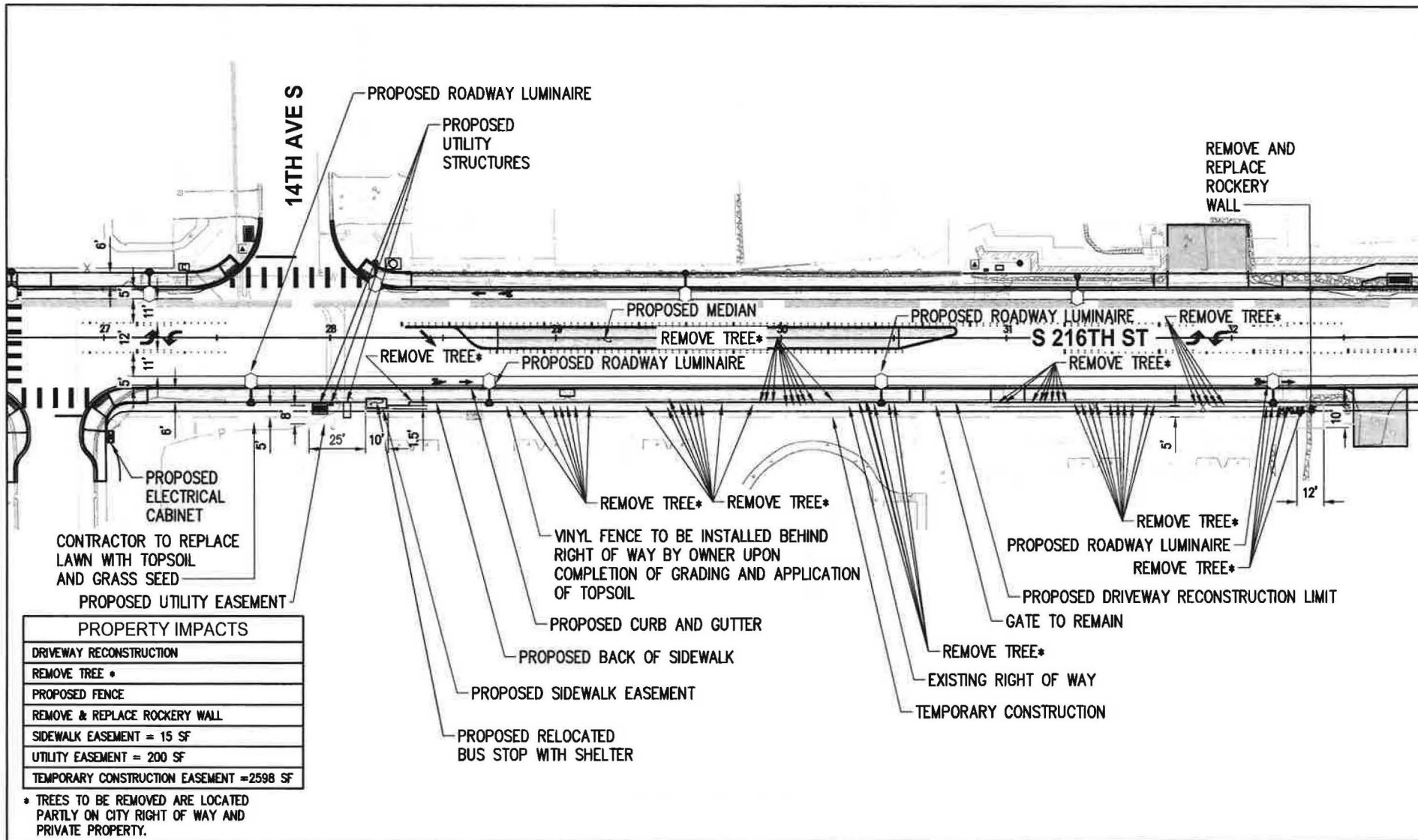
☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



**SPINNAKER LANDING APARTMENTS** (28)  
 21620 14TH AVE S  
 S 216TH ST-SEGMENT 3  
 AUGUST 2018

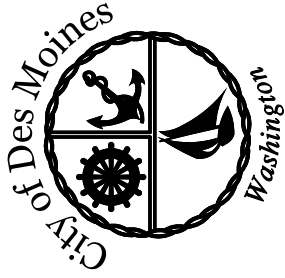
**PRELIMINARY**

**KPG**  
 Interdisciplinary Design  
 3131 Elliott Ave. Suite 400  
 Seattle, WA 98121  
 (206) 285-1540  
 2502 Jefferson Ave.  
 Tacoma, WA 98402  
 (253) 627-0720  
 www.kpg.com

## REAL PROPERTY VOUCHER AGREEMENT

|                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AGENCY NAME</b><br>City of Des Moines<br>Public Works Department<br>21630 11 <sup>th</sup> AVE South, Suite C<br>Des Moines, WA 98198<br>Phone: (206) 870-6522                                                                                                                                                                    | I hereby agree to the terms and conditions listed below and hereby certify under penalty of perjury that the items and amounts listed herein are proper charges, that the same or any part thereof has not been paid, and that I am authorized to sign for the Claimant:<br><i>(Sign in Ink)</i> |
| <b>GRANTOR or CLAIMANT</b><br>Spinnaker Landing Apartments, LLC<br>18006 Sky Park Circle, suite 200<br>Irvine, CA 92614                                                                                                                                                                                                              | By: <br>Owner/Authorized Representative<br>Date: <u>9/19/18</u>                                                                                                                                                |
| Re: Transportation Gateway Project, South 216 <sup>th</sup> Street,<br>Segment 3 – (11 <sup>th</sup> Ave S. to 20 <sup>th</sup> Ave S.)                                                                                                                                                                                              | TAX PARCEL NUMBER: 082204-9092-02<br>PROJECT PARCEL NUMBER: 28                                                                                                                                                                                                                                   |
| <b>In Full, Complete and Final Payment and Settlement for the Title or Interest Conveyed or Released, as Fully Set Forth In Attached Documents:</b><br>Permanent Utility Easement Date: _____<br>Temporary Construction Easement Date: _____                                                                                         |                                                                                                                                                                                                                                                                                                  |
| For All Lands Convey:<br>Permanent Sidewalk Easement: 15SF @ \$20.46/SF @ 100%<br>Permanent Utility Easement: 200SF @ \$20.46/SF @ 50 %<br>Temporary Construction Easement: 2,598 SF @ \$20.46/SF @ 10%<br>For All Improvements:<br>For All Damages: 61 trees @ \$60 ea.<br>Less Special Benefits:<br>Statutory Evaluation Allowance | <b>AMOUNT</b><br><br>+ \$<br>+ \$ 306.90<br>+ \$ 2,046.00<br>+ \$ 5,315.51<br>+ \$<br>+ \$ 3,660.00<br>+ \$                                                                                                                                                                                      |
| <b>JUST COMPENSATION</b>                                                                                                                                                                                                                                                                                                             | <b>\$11,329.00 (r)</b>                                                                                                                                                                                                                                                                           |
| Legal / Administrative:<br>Other Items:<br>Deductions:                                                                                                                                                                                                                                                                               | + \$                                                                                                                                                                                                                                                                                             |
| <b>FINAL SETTLEMENT</b>                                                                                                                                                                                                                                                                                                              | <b>\$11,329.00 (r)</b>                                                                                                                                                                                                                                                                           |
| <b>SUBTOTAL</b>                                                                                                                                                                                                                                                                                                                      | <b>\$</b>                                                                                                                                                                                                                                                                                        |
| <b>TOTAL AMOUNT TO BE PAID:</b>                                                                                                                                                                                                                                                                                                      | <b>\$11,329.00 (r)</b>                                                                                                                                                                                                                                                                           |
| <b>Right-of-Way Agent: Sonja Davis</b><br><br>_____<br>By:<br>_____<br>Date<br><br><b>The City of Des Moines agrees to the terms and conditions listed above.</b><br><br>_____<br>By:<br>_____<br>Date                                                                                                                               |                                                                                                                                                                                                                                                                                                  |





# City of Des Moines

Geographic Information System

## South 216<sup>th</sup> Street Segment 3 Improvements

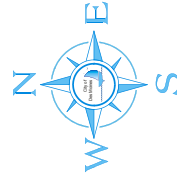
11<sup>th</sup> Avenue S to 20<sup>th</sup> Avenue S  
ROW Acquisition Status  
9/27/2018

53

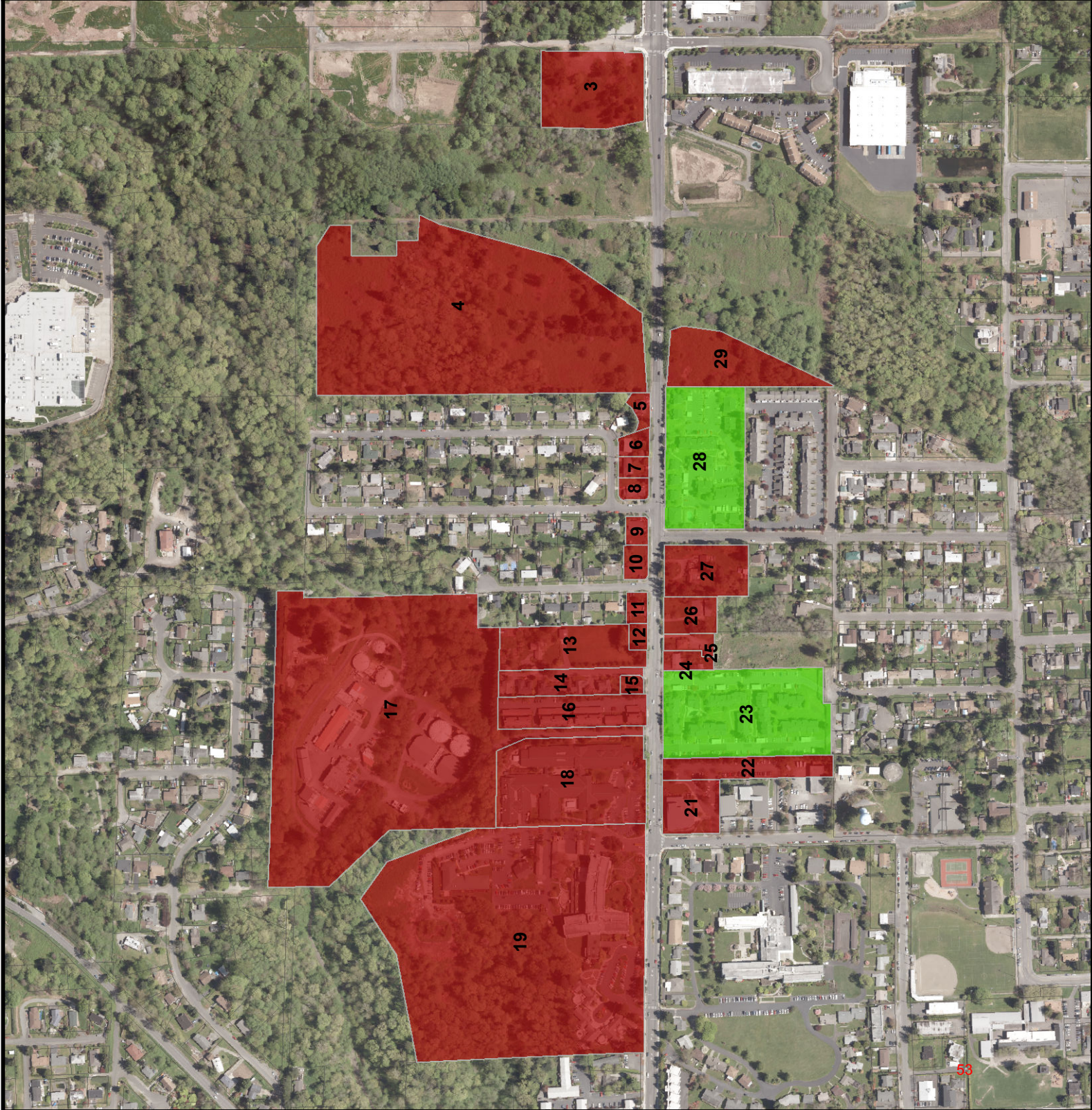
Complete

Pending

Planned



**Des Moines**  
**Transportation**  
21650 11th Ave S  
Des Moines, WA 98198-6393  
PHONE: (206) 870-7576 \* FAX: (206) 870-6544  
WEB: <http://www.desmoineswa.gov>  
Map Generated: 17 September, 2018  
©2018 City of Des Moines GIS  
File: R:\GIS\BIDS\Bids\segment3\segment3\_1801.mxd





THIS PAGE LEFT INTENTIONALLY BLANK

## Summary Project Description:

| TOTAL PROJECT SCOPE                      |                                 |                                     |                                        |
|------------------------------------------|---------------------------------|-------------------------------------|----------------------------------------|
| Expenditures                             | 1/1/18<br>Current CIP<br>Budget | 2018 CIP<br>Supplemental<br>Request | 2018 Revised<br>CIP Budget<br>Estimate |
| <b>Design</b>                            |                                 |                                     |                                        |
| External Engineering                     | 540,000                         | -                                   | 540,000                                |
| Internal Engineering/Project Mgmt        | 10,000                          | -                                   | 10,000                                 |
| Other Professional Services - Len Madsen | 80,000                          | -                                   | 80,000                                 |
| Other Misc (Advertise, Postage, Etc.)    |                                 | -                                   | -                                      |
| <b>Prop/ROW/Easements</b>                |                                 |                                     |                                        |
| External Engineering                     | 130,000                         | -                                   | 130,000                                |
| Other Professional Services - Len Madsen | 30,000                          | -                                   | 30,000                                 |
| <b>Construction</b>                      |                                 |                                     |                                        |
| External Engineering                     | 560,000                         | -                                   | 560,000                                |
| Internal Engr-Prj Mgmt/Inspect           | 30,000                          | -                                   | 30,000                                 |
| Construction Contract 1                  | 4,081,000                       | -                                   | 4,081,000                              |
| Construction Contract Contingency        |                                 | -                                   | -                                      |
| Other Miscellaneous                      |                                 | -                                   | -                                      |
| <b>Other</b>                             |                                 |                                     |                                        |
| Interfund Financial Services             | 58,210                          | -                                   | 58,210                                 |
| Contingencies                            | 410,000                         | -                                   | 410,000                                |
| <b>Total Project Expense Budget:</b>     | <b>5,929,210</b>                | <b>-</b>                            | <b>5,929,210</b>                       |

Vendor #

GL Account Number

319.334 040-595 10-65.10

319.334 040-595 10-65.12

319.334 040-595 10-65.15

319.334 040-595 30-65.19

319.334 040-595 10-65.20

319.334 040-595 20-65.25

319.334 040-595 10-65.30

319.334 040-595 10-65.32

319.334 040-595 30-65.33

319.334 040-595 30-65.34

319.334 040-595 30-65.39

319.334 040-595 90-65.80

319.334 040-595 30-65.90

| TOTAL PROJECT SCOPE                  |                                 |                                     |                                        |
|--------------------------------------|---------------------------------|-------------------------------------|----------------------------------------|
| Funding Sources                      | 1/1/18<br>Current CIP<br>Budget | 2018 CIP<br>Supplemental<br>Request | 2018 Revised<br>CIP Budget<br>Estimate |
| Traffic Impact Fees - City Wide      | 2,771,965                       | -                                   | 2,771,965                              |
| TIB Grant                            | 3,157,245                       | -                                   | 3,157,245                              |
| <b>Total Project Revenue Budget:</b> | <b>5,929,210</b>                | <b>-</b>                            | <b>5,929,210</b>                       |

Funding Source

/Transfers

321.334 319.597 00

319.334 321.397 00.00.00

319.334 000.334.03.80.00

Committed Cash:

| ACTUAL EXPENDITURES         |                              |                                   |                   | BUDGET                        | PROJECT BUDGET ALLOCATIONS BY YEAR |                         |                         |                         |  |
|-----------------------------|------------------------------|-----------------------------------|-------------------|-------------------------------|------------------------------------|-------------------------|-------------------------|-------------------------|--|
| Project to Date<br>12/31/17 | Project To Date<br>3/31/2018 | 2018<br>Year to Date<br>3/31/2018 | 2018<br>Remaining | Estimated<br>Year End<br>2018 | Planned<br>Year<br>2019            | Planned<br>Year<br>2020 | Planned<br>Year<br>2021 | Planned<br>Year<br>2022 |  |
|                             |                              |                                   |                   |                               |                                    |                         |                         |                         |  |
| 475,018                     | 477,035                      | 2,017                             | 62,965            | 64,982                        |                                    |                         |                         |                         |  |
| 3,069                       | 7,188                        | 4,119                             | 2,812             | 6,931                         |                                    |                         |                         |                         |  |
| 37,693                      | 38,373                       | 680                               | 41,627            | 42,307                        |                                    |                         |                         |                         |  |
| 1,800                       | 1,800                        |                                   | (1,800)           | (1,800)                       |                                    |                         |                         |                         |  |
|                             |                              |                                   |                   |                               |                                    |                         |                         |                         |  |
| -                           | 11,066                       | 11,066                            | 118,934           | 130,000                       |                                    |                         |                         |                         |  |
| -                           | 7,260                        | 7,260                             | 22,740            | 30,000                        |                                    |                         |                         |                         |  |
|                             |                              |                                   |                   |                               |                                    |                         |                         |                         |  |
| -                           | -                            | -                                 | -                 | -                             | 560,000                            |                         |                         |                         |  |
| -                           | -                            | -                                 | -                 | -                             | 30,000                             |                         |                         |                         |  |
| -                           | -                            | -                                 | -                 | -                             | 4,081,000                          |                         |                         |                         |  |
| -                           | -                            | -                                 | -                 | -                             |                                    |                         |                         |                         |  |
| -                           | -                            | -                                 | -                 | -                             |                                    |                         |                         |                         |  |
|                             |                              |                                   |                   |                               |                                    |                         |                         |                         |  |
| 5,176                       | 5,176                        |                                   | 1,824             | 1,824                         | 51,210                             |                         |                         |                         |  |
|                             |                              |                                   |                   |                               |                                    |                         |                         |                         |  |
|                             |                              |                                   |                   |                               |                                    |                         |                         |                         |  |
| 522,756                     | 547,898                      | 25,142                            | 249,102           | 274,244                       | 410,000                            | -                       | -                       | -                       |  |
|                             |                              |                                   |                   |                               | 5,132,210                          | -                       | -                       | -                       |  |

55

| Project to<br>Date<br>12/31/17 | Project to<br>Date<br>3/31/2018 | 2018<br>YTD<br>3/31/2018 | 2018<br>Remaining | Scheduled<br>Year<br>2018 | Scheduled<br>Year<br>2019 | Scheduled<br>Year<br>2020 | Scheduled<br>Year<br>2021 | Scheduled<br>Year<br>2022 |
|--------------------------------|---------------------------------|--------------------------|-------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| 242,333                        | 242,333                         |                          | 153,515           | 153,515                   | 2,376,117                 |                           |                           |                           |
| 280,423                        | 280,423                         |                          | 120,729           | 120,729                   | 2,756,093                 |                           |                           |                           |
| 522,756                        | 522,756                         | -                        | 274,244           | 274,244                   | 5,132,210                 | -                         | -                         | -                         |

(25,142)

THIS PAGE LEFT INTENTIONALLY BLANK

## A G E N D A   I T E M

### BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Surplus Property – Vehicles

FOR AGENDA OF: September 27, 2018

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: September 20, 2018

ATTACHMENTS:

1. Additions to the 2018 Surplus Vehicle List

CLEARANCES:

- ☐ Community Development \_\_\_\_\_
- ☐ Marina \_\_\_\_\_
- ☐ Parks, Recreation & Senior Services \_\_\_\_\_
- ☒ Public Works *PBC*

CHIEF OPERATIONS OFFICER: \_\_\_\_\_

- ☒ Legal *TG*
- ☒ Finance *Baw*
- ☐ Courts \_\_\_\_\_
- ☐ Police \_\_\_\_\_

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

### Purpose and Recommendation

The purpose of this agenda item is to seek Council authorization to surplus one 2003 Crown Victoria Patrol vehicle, one Engineering Department 2002 Ford Taurus and one Parks Department 2002 John Deere 1200A infield rake. Consistent with the adopted 2018 Budget, the Public Works Department recommends that the vehicles and equipment identified in Attachment 1 be declared surplus and disposed of. The following motion will appear on the consent calendar:

### Suggested Motion

**Motion:** “I move to accept the additions to the 2018 Surplus Vehicle List declaring certain vehicles and equipment identified in Attachment 1 as surplus and authorize disposal of said surplus vehicles and equipment by auction or trade-in.”



**Background**

The 2003 Crown Victoria has served as the Volunteer vehicle and is being replaced with another vehicle that is in better condition. The 2002 Taurus will be replaced with the reallocation of the 2008 Ford Escape for Police Administration. The 2002 John Deere has served the Parks Department since 2002 and has been used as a spare for the past five years. With the purchase of the new Toro Sandpro this year it is no longer needed.

**Discussion**

With the additions of these vehicles this completes the surplus vehicle list for 2018. Staff anticipates the surplus of these vehicles will be November of 2018. Proceeds from the surplus sale of these vehicles will be deposited into the City's vehicle replacement fund. All vehicles in the City's fleet require maintenance, keeping additional older vehicles adds increased maintenance and insurance costs. Staff will sometimes reallocate vehicles after they have served their primary function. Staff is not recommended these vehicles be repurposed, but rather sold at auction, keeping an efficient number of vehicles in the current fleet.

**Alternatives**

Council could direct staff to reconsider the motion and keep the vehicles in the fleet.

**Financial Impact**

Proceeds from the surplus sale of these vehicles will be deposited into the City's vehicle replacement fund.

**Recommendation**

Staff recommends approval of the suggested motion.

**2018 Surplus Vehicle list**

| <b>Number</b> | <b>Description</b>                                                     | <b>Approximate Value</b> |
|---------------|------------------------------------------------------------------------|--------------------------|
| 551           | 2013 Blue Chevrolet Tahoe<br>License# 54355D<br>Vin# 1GNSK2E00DR174053 | \$3,000                  |
| 514           | 2010 Blue Chevrolet Tahoe<br>License# 51600D<br>Vin# 1GNUKAE06AR255105 | \$3,000                  |
|               | <b>ADDITIONS</b>                                                       |                          |
| E-21          | 2002 Silver Ford Taurus<br>License# 36228D<br>Vin# 1FAFP53U42G259852   | \$1,500                  |
| N/A           | 2003 Green Crown Victoria<br>License# 35733D<br>Vin# 2FAFP71W73X126143 | \$1,500                  |
| p-203         | 2002 John Deere 1200A Bunker Rake<br>Vin# 1FV6HLBA5SL754270            | \$1,000                  |

THIS PAGE LEFT INTENTIONALLY BLANK

## A G E N D A   I T E M

### BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Acceptance of the City of Seattle  
Human Services Department, Aging and Disability  
Services Division (ADS) Grant

**ATTACHMENTS:**

1. 2018 ADS Senior Nutrition Enhancement  
Funds – Grant Approval Notice

FOR AGENDA OF: September 27, 2018

DEPT. OF ORIGIN: Parks, Recreation and Senior  
Services

DATE SUBMITTED: September 20, 2018

**CLEARANCES:**

- ☒ Community Development *SNC*  
☐ Marina \_\_\_\_\_  
☐ Parks, Recreation & Senior Services \_\_\_\_\_  
☐ Public Works \_\_\_\_\_

CHIEF OPERATIONS OFFICER: \_\_\_\_\_

- ☒ Legal *TK*  
☒ Finance *Baw*  
☐ Courts \_\_\_\_\_  
☐ Police \_\_\_\_\_

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

**Purpose and Recommendation**

The purpose of this agenda item is to seek City Council approval of the City of Seattle, Human Services Department, Aging and Disability Services Division (ADS) grant funding in the amount of \$1,982.51 in order to purchase kitchen tools and fresh foods for the senior nutrition program at the City's Senior Activity Center.

**Suggested Motion**

**Motion 1:** "I move to accept City of Seattle grant funds for kitchen tools and enhanced fresh foods at the City's Senior Activity Center, and authorize the City Manager to complete the appropriate paperwork."



### **Background**

In August 2018, community partner Catholic Community Services was invited to have each of its local, contracted senior congregate meal sites to apply for a one-time funding grant of up to \$2,000 per site. This grant is provided by the City of Seattle, Human Services Department's Aging and Disability Services Division.

The grant provided funding for the following four options:

#### **Option One: Kitchen equipment and supply enhancements:**

Nutrition sites may purchase kitchen supplies that allow sites to better meet food safety standards to increase the use of fresh fruits and vegetables or items that facilitate scratch cooking.

#### **Option Two: Technology and computer supplies**

Nutrition sites may purchase technology equipment including laptops, fax or scan machines to allow meal sites to better meet program's requirements that improve the collection, use and submission of data and reporting.

#### **Option Three: Community Event**

Nutrition sites may choose to do a group activity with their participants and/or volunteers to go to a farm tour, a visit to farmer's markets, a cultural event, or a celebration for volunteers.

#### **Option Four: Combination of any of the options above:**

Nutrition site may choose to split the funding with any of the options above.

### **Discussion**

To assess the needs of our meal site, the Des Moines Activity Center staff met with our Catholic Community Services staff and volunteers. Together we identified the following needs:

#### **Option 1: Kitchen equipment and supply enhancements:**

Rodent-proof storage bins for the pantry to enhance food safety.

Two sizes of sauté pans and sturdy hand mixer to facilitate scratch cooking.

#### **Option Three: Community event**

- A) Fresh fruit, vegetable and canned protein take-home packages before the Thanksgiving and December holiday closures. This will help ensure the seniors have fresh, healthy food on the days the Activity Center is closed.
- B) Volunteer thank-you breakfast. The Activity Center relies heavily on our volunteers to assist providing the 40 to 70 lunches Mondays through Thursdays, as well as drivers for our trips, and assistance setting up for classes every day.

### **Alternatives**

Not accept the grant (Not recommended)

### **Financial Impact**

There is no financial impact other than the receipt of the funds. There is no match requirement.

### **Recommendation**

Staff recommends approval of the motion.

## ADS 2018 Senior Nutrition Enhancement Funds – Approval Notice

**From:** Borg, Gemma

**Sent:** Monday, September 17, 2018 1:31 PM

**To:** 'kburrows@Desmoines.WA.Gov' <kburrows@Desmoines.WA.Gov>

**Cc:** 'gingerr@ccsww.org' <gingerr@ccsww.org>; 'gayb@ccsww.org' <gayb@ccsww.org>; Calderon, Pamela <Pamela.Calderon@seattle.gov>

**Subject:** 2018 Senior Nutrition Enhancement Funds application approval notice

Hello Kathy,

We are pleased to announce that your Des Moines Activity Center 2018 Senior Nutrition Enhancement Funds application has been **approved** for a total of **\$1,982.51** that you requested. Please follow the steps below in order to get reimbursed from the City:

1. Please keep and submit a copy of the Agency Reimbursement form attached.
2. Please submit the Community Event report attached (if event funds requested in this area).
3. Please provide original copies of receipts with the reimbursement form.
4. Equipment property purchased must be documented, tracked and adhere to agency property inventory policy & procedures as this will be subject to City auditing.
5. Expenses must be submitted to ADS no later than December 31st, 2018.

Please submit your completed documentation and forms to both Pamela and myself. If you have any questions, please do not hesitate to reach us out.

Thank you,  
Gemma Borg and Pamela Calderon



**Gemma Borg**

Grants and Contracts Specialist , Aging and Disability Services

Seattle Human Services Department

O: 206-233-7205 | F: 206-684-0689 | [Gemma.borg@seattle.gov](mailto:Gemma.borg@seattle.gov)



For Aging and Disability Services news and information, visit [www.agingkingcounty.org](http://www.agingkingcounty.org).

For timely news and information on the Seattle Human Services department, visit our [blog](#)

THIS PAGE LEFT INTENTIONALLY BLANK

# A G E N D A   I T E M

## BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: 2019 Vehicle Purchase

FOR AGENDA OF: September 27, 2018

DEPT. OF ORIGIN: Public Works

**ATTACHMENTS:**

DATE SUBMITTED: September 19, 2018

1. Anticipated 2019 Vehicle Purchases:
  - PO for Ford Escape 4WD SUV  
PBPW 09/18/2018 #040
  - PO for F-150 Truck 4WD Extend Cab  
PBPW 09/18/2018 #041
  - PO for Ford Transit Cargo Van  
PBPW 09/18/2018 #042
  - PO for 10/12 Yard Dump Truck  
PBPW 09/18/2018 #043
  - PO for F-350 Truck w/ dump  
PBPW 09/18/2018 #044
  - PO for F-550 Truck w/ dump  
PBPW 09/18/2018 #045
  - PO for Ford Interceptor - Detective  
PBPW 09/18/2018 #046
  - PO for F-150 Truck w/ Crew cab - PD  
PBPW 09/18/2018 #047

**CLEARANCES:**

- ☐ Community Development NA
- ☐ Marina N/A
- ☐ Parks, Recreation & Senior Services N/A
- ☒ Public Works RBC

CHIEF OPERATIONS OFFICER: \_\_\_\_\_

- ☒ Legal JS
- ☒ Finance Baw
- ☐ Courts N/A
- ☐ Police N/A

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: 

**Purpose and Recommendation**

The purpose of this agenda item is for City Council to purchase one Police Interceptor AWD/SUV Vehicle and the accompanying light and electronics set up of said vehicle; purchase one Police Ford F-150 Crew Cab truck and the accompanying light and electronics set up of said vehicle; four Public Works trucks, (1) F-550 w/ dump bed and sander, (1) F-350 w/ flatbed dump, (1) F-150 extra cab, (1) Ford Transit Van, (1) 10/12 yard International Dump Truck w/ plow; and (1) Building Dept. Ford Escape 4WD SUV. The purchase orders for these purchases are included as Attachment 1. The following motion will appear on the consent calendar:

**Suggested Motion**

**Motion 1:** "I move to approve the purchase of vehicles and equipment identified in Attachment 1 for a total estimated amount of \$555,000 and to authorize the City Manager or the City Manager's designee to sign the purchase orders at the time they are created."



## **Background**

The anticipated 2019 Budget includes the replacement of the following vehicles and equipment: two (2) new Police Department fleet vehicles; one (1) Building Department fleet vehicle; three (3) Public Works fleet trucks; one (1) Public Works 10/12 yard dump truck; and one (1) Public Works Transit van.

Given that the combined estimated total of these purchases is over the City Manager's authorized signing authority of \$50,000.00, Council approval is necessary for these purchases.

## **Discussion**

### **Police Department**

The anticipated 2019 Budget includes two (2) new Police Department fleet vehicles. The new vehicles are a 2020 Ford Police Interceptor AWD Pursuit-Rated Utility/SUV Detective vehicle that will be set up with lights and electronics and will be a solid un-marked black in color; and a 2019 Ford F-150 Pursuit-Rated Police Responder, crew cab, 4WD truck that will be set up with lights and electronics and will be black with white doors in color. The total price for these two vehicles including tax, equipment and set-up fees is approximately \$104,000.

On Thursday, September 13<sup>th</sup>, the Council was briefed about the need to move ahead with the order of the Detective vehicle due to the 9/21/2018 deadline put in place by the Ford Motor Company to an upcoming price increase. The Council was agreeable to this request, therefore this Detective vehicle was ordered prior to the 9/27/2018 Council meeting. Staff placed the vehicle order on Monday the 17<sup>th</sup>. At that time staff learned that there were potential additional procurement delays stemming from the Ford Motor Company. Staff will continue to make procurement of this new vehicle a high priority.

### **Building Department**

The anticipated 2019 Budget includes one (1) new Building Department fleet vehicle. The new vehicle is a 2019 Ford Escape 4WD SUV. The total price for this vehicle including tax is approximately \$26,000.

### **Public Works Department**

The anticipated 2019 Budget includes five (5) new Public Works fleet vehicles. The new vehicles are a 2019 Ford F-550 Flatbed Truck w/ dump/sander, 2019 Ford F-350 Flatbed Truck w/dump, 2019 Ford Transit Van, 2019 International 10/12 Yard Dump Truck, and 2019 Ford F-150 SWM Truck w/ extra cab. The total price for these five vehicles including tax and additional equipment is approximately \$425,000.

## **Alternatives**

Council could decide to revisit the fleet replacements in the anticipated 2019 Budget.

## **Financial Impact**

The current draft 2019 Budget anticipated a total of \$501,000.00 for these fleet replacements. The actual costs for the replacements are estimated to total \$555,000 which can be covered by the current Vehicle Replacement Fund (Fund 501).

## **Recommendation**

Staff recommends adoption of the motion.

**Concurrence:**

The Finance, Legal, Community Development and Public Works Departments concur.

THIS PAGE LEFT INTENTIONALLY BLANK

|                            |
|----------------------------|
| 2019 Vehicle Purchase List |
|----------------------------|

| Description                         | Cost             | Department   | Replaces |
|-------------------------------------|------------------|--------------|----------|
| Ford Interceptor – Detective        | \$46,000         | Police       | New      |
| Ford F-550 Flatbed Truck w/ Dump    | \$63,000         | Public Works | P-239    |
| Ford F-350 Truck w/ Flatbed Dump    | \$50,000         | Public Works | P-223    |
| Ford Transit Van                    | \$58,000         | Public Works | P-238    |
| International 10/12 Yard Dump Truck | \$221,000        | Public Works | *        |
| Ford F-150 Truck w/ Extra Cab       | \$33,000         | PW - SWM     | E-12     |
| Ford Escape 4WD SUV                 | \$26,000         | Building     | **       |
| Ford F-150 Truck w/ 4WD & Crewcab   | \$58,000         | Police       | PD-529   |
|                                     |                  |              |          |
| <b>Total including sales tax</b>    | <b>\$555,000</b> |              |          |
|                                     |                  |              |          |

\*

2002 Peterbilt 10 Yard Dump truck (P-227) will be kept as back-up for weather related issues.

\*\*

2004 Chevrolet Pickup (CD-15) will be kept and moved over to Facilities/CIP Management replacing The 2005 Ford Taurus.



THIS PAGE LEFT INTENTIONALLY BLANK

## A G E N D A   I T E M

### BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Draft Ordinance 18-104: General  
Fund Ending Balance Policy –

ATTACHMENTS:

1. Draft Ordinance 18-104

FOR AGENDA OF: September 27, 2018

DEPT. OF ORIGIN: Finance

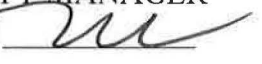
DATE SUBMITTED: September 18, 2018

CLEARANCES:

- ☐ Community Development \_\_\_\_\_
- ☐ Marina \_\_\_\_\_
- ☐ Parks, Recreation & Senior Services \_\_\_\_\_
- ☐ Public Works \_\_\_\_\_

CHIEF OPERATIONS OFFICER: \_\_\_\_\_

- ☒ Legal 
- ☒ Finance 
- ☐ Courts \_\_\_\_\_
- ☐ Police \_\_\_\_\_

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: 

#### Purpose and Recommendation

The purpose of this agenda item is seek City Council approval of Draft Ordinance No. 18-104 relating to revenue and finance, amending and repealing the Des Moines Municipal Code to adopt the “best practice” recommendation set by the Government Finance Officers Association (GFOA) to the General Fund Ending Balance Policy

#### Suggested Motion

**Motion 1:** “I move to suspend Council Rule 26(a) in order to enact Draft Ordinance 18-104 on first reading.”

**Motion 2:** “I move to approve Draft Ordinance No. 18-104 relating to revenue and finance, amending and repealing sections of the Des Moines Municipal Code to update the General Fund Ending Balance Policy.”

## **Background**

Three important purposes for establishing a policy for fund balance are to provide sufficient cash flow to meet operating needs, to provide for financial flexibility to respond to unexpected issues, and afford a buffer against financial challenges and other forms of risk.

The City has currently adopted financial policies that are set forth in the Des Moines Municipal Code (“DMMC”). The City’s expenditure and debt management policy per Ordinance No. 1144 and adopted on September 14, 1995, set forth in chapter 3.08 of the DMMC, directs the City Manager to establish expenditure policies that will result in a general fund ending balance an operating reserve amounting to 7% of the cumulative total of the general, park, and street operating funds for each fiscal year. The 7% reserve consists of a 2% operating reserve generally designated for unanticipated expenditures that have been incurred during the fiscal year, with the 5% operating reserve intended to account for unanticipated revenue shortfalls. Expenditures within the 2% operating reserve limitation may be paid at the discretion of the City Manager, while expenditures within the 5% operating reserve limitation require Council approval.

The City also adopted a general fund revenue stabilization account per Ordinance No. 1504 and adopted on February 16, 2011, set forth in chapter 3.50 of the DMMC, which calls for an initial targeted funding level within the stabilization reserve defined as 5 percent of budgeted recurring general fund revenues. Together, these policies result in a minimum fund balance reserve policy target of 12 percent of general fund revenues and expenditures.

When determining what the minimum fund balance the financial policy should be set at, we took a look at Government Finance Officers Association’s (GFOA) “best practice” for fund balance. GFOA recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted budgetary fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures. When setting the fund balance level it is typical that the base should only reflect operating numbers (excluding capital) and should remove the effect of unusual spikes or drops that would distort long-term trends. The choice to use either operating revenue or operating expenditures as a basis depends on which element is more predictable. The Finance Director’s recommendation is to use recurring operating expenditures.

## **Discussion**

The Draft Ordinance for consideration will adopt a general fund unrestricted ending balance of no less than two months (16.67%) of recurring operating expenditures for each fiscal year per GFOA’s recommended “best practice”. This recommendation is made to provide sufficient cash flow to meet operating needs, to provide for financial flexibility to respond to unexpected issues, and afford a buffer against financial challenges and other forms of risk.

## **Alternatives**

Do not approve Draft Ordinance No. 18-104 and leave the minimum fund policy target at a combination of 12%, which consists of 7% of general fund operating expenditures and 5% of general fund operating revenues. An additional alternative would be to set the minimum fund policy target at a different percentage. Neither of these alternatives are recommended.

## **Financial Impact**

The increase, from the current 12% to 16.67%, to the general fund unrestricted ending balance per the 2018 Adopted Budget will result in an ending fund balance requirement of \$3,564,623. This is an

increase of \$986,176. This amount will not be available to be used unless specifically approved by City Council.

**Recommendation**

Staff recommends the City Council approve Draft Ordinance No. 18-104 relating to revenue and finance, amending and repealing Des Moines Municipal Code to amend the General Fund Ending Balance Policy to adopt the “best practice” recommendation set by the GFOA.



THIS PAGE LEFT INTENTIONALLY BLANK

**CITY ATTORNEY'S FIRST DRAFT 08/23/2018****DRAFT ORDINANCE NO. 18-104**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to revenue and finance, amending DMMC 3.08.010 to update the general fund ending balance policy and repealing DMMC 3.50.010, the *General Fund Revenue Stabilization Account*.

**WHEREAS**, on September 14, 1995, the Des Moines City Council adopted Ordinance No. 1144 updating the City's financial policies by repealing obsolete portions of the DMMC and reorganizing its contents, and

**WHEREAS**, on February 16, 2011, the Des Moines City Council adopted Ordinance No. 1504 establishing a General Fund Revenue Stabilization Account by adopting a new chapter in the DMMC and repealing DMMC 3.48.199, and

**WHEREAS**, the City Council seeks at all times to maintain the highest fiscal integrity with respect to its administration of public funds, and

**WHEREAS**, the City desires to have a prudent general fund balance policy as recommended by Government Finance Officers Association of United States and Canada, and

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

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

**Sec. 1.** DMMC 3.08.010 and section 2 of Ordinance No. 1144 are amended to read as follows:

**General fund ending balance policy.**

(1) The eCity mManager is directed to establish expenditure policies that will result in a general fund unrestricted ending balance or operating reserve of no less than two months (amounting to sixteen point sixty-seven percent)

Ordinance No. \_\_\_\_  
Page 2 of 3

~~amounting to seven percent of the recurring operating expenditures for each fiscal year. cumulative total of the general, park, and street operating funds for each fiscal year. The seven percent consists of two percent operating reserve generally designated for unanticipated expenditures that have been incurred during the fiscal year, with the five percent operating reserve intended to account for unanticipated revenue shortfalls. The general fund unrestricted ending balance may not fall below the sixteen point sixty-seven (16.67%) percent of recurring operating expenditures unless authorized by the City Council.~~

~~(2) Expenditures within the two percent operating reserve limitation may be paid at the discretion of the eCity mManager. Expenditures within the five percent operating reserve limitation require eCouncil approval.~~

**NEW SECTION. Sec. 2 Repealer.** DMMC 3.50.010 and section 1 of Ordinance No. 1504 are each repealed.

**NEW SECTION. 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.

**NEW SECTION. Sec. 4. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its final passage by the Des Moines City Council in accordance to law.

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

Ordinance No. \_\_\_\_\_  
Page 3 of 3

\_\_\_\_\_  
M A Y O R

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

Published: \_\_\_\_\_



THIS PAGE LEFT INTENTIONALLY BLANK

# A G E N D A   I T E M

## BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

**SUBJECT:** Public Hearing to consider Draft Ordinance 18-101 related to the Landmark on the Sound zoning reclassification.

**ATTACHMENTS:**

1. Draft Ordinance No. 18-101
2. Preferred Land Use Map
3. Proposed Zoning Map Amendment
4. SEPA Comment Response Letter

**FOR AGENDA OF:** September 27, 2018

**DEPT. OF ORIGIN:** Community Development

**DATE SUBMITTED:** September 20, 2018

**CLEARANCES:**

- ☒ Community Development *snc*  
☐ Marina \_\_\_\_\_  
☐ Parks, Recreation & Senior Services \_\_\_\_\_  
☐ Public Works \_\_\_\_\_

**CHIEF OPERATIONS OFFICER:** \_\_\_\_\_

- ☒ Legal *VG*  
☐ Finance \_\_\_\_\_  
☐ Courts \_\_\_\_\_  
☐ Police \_\_\_\_\_

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

### **Purpose and Recommendation**

The purpose of this Agenda Item is for the City Council to hold a public hearing to consider Draft Ordinance No. 18-101 (Refer to Attachment 1) amending Des Moines Municipal Code (DMMC) 18.10.050 (Adoption of official zoning map), to reclassify tax parcel 1722049023 from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone for the Landmark on the Sound property. This action will bring the zoning into compliance with the preferred land use for the property in the City's adopted Comprehensive Plan.

### **Suggested Motions**

**Motion 1:** "I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 18-101 on first reading."

**Motion 2:** “I move to enact Draft Ordinance No. 18-101 amending DMMC 18.10.050 (Adoption of official zoning map), to reclassify tax parcel 1722049023 from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone for the Landmark on the Sound property.”

### **Background**

The Institutional Campus (I-C) Zone was established in 2012 by Ordinance No. 1544. Des Moines Comprehensive Plan policy directed that an Institutional Campus land use designation that supported Highline College’s Master Plan be established. In addition to the College, there were other large institutional facilities in the City. There are currently three properties that are zoned I-C: Wesley Homes, Highline College and Judson Park. The Landmark on the Sound site has a Comprehensive Plan preferred land use designation of IC (Refer to Attachment 2), but was not rezoned at that time. The property is currently zoned RM-900B.

Ordinance No. 1701 was enacted on August 23, 2018, amending the permitted uses and associated development regulations in the I-C Institutional Campus Zone. The text code amendments further the vision for the *Des Moines 2035 Comprehensive Plan* by promoting development and redevelopment in a manner that strengthens community sustainability, livability and business vitality. The code amendments to chapter 18.95 DMMC – Institutional Campus and chapter 18.52 – Permitted Uses include modifying the purpose statement for the zone, adding to the list of permitted uses, modifying the master plan requirements, and clarifying other provisions of these sections of the DMMC. As was reported to City Council, the code amendments referred to above were reviewed by Judson Park, Wesley and Highline College and included specific items requested by those agencies.

### **Discussion**

On May 23, 2018, the City of Des Moines received an application from Jackson Main Architecture and Urban Worklofts (accompanied by an owner authorization for the application by the Grand Lodge of Free and Accepted Masons) for a site-specific zoning reclassification from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone for the Landmark on the Sound property (Refer to Attachment 3). This rezone application is a Type IV land use action, and is considered by the City Council in a quasi-judicial process (additional information provided below under “Process and Procedure”).

A State Environmental Policy Act (SEPA) threshold determination of non-significance was issued on August 31, 2018. Several comments and inquiries were received and were related to traffic and historic preservation. A response letter is provided as Attachment 4. Phased environmental review pursuant to WAC 197-11-060(5) will be utilized for future development of a multi-phased project for the property with SEPA conducted at each stage of the project and will include public comment opportunities once a master plan and other project applications are submitted. A traffic impact analysis was prepared as part of the environmental documentation. All phases of the development will be required to comply with the City’s development regulations, and the City Council will need to approve a future master plan for the phased project.

The staff has reviewed the application for compliance with the site-specific rezone criteria contained in DMMC 18.30.080 and finds the application consistent with these criteria:

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

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

2. *The amendment is consistent with the Comprehensive Plan;*

Response: This action will bring the zoning into compliance with the preferred IC land use designation for the property in the City's adopted Comprehensive Plan.

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

Response: The rezone of the property bears a substantial relation to the public health, safety and welfare as expressed in the City's vision for growth in the adopted comprehensive plan. Future development will be reviewed for consistency with the development standards of the I-C Zone, assuring further consideration of the public welfare as set forth in the City's regulations.

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

Response: This action will bring the zoning into compliance with the preferred IC land use for the property in the City's adopted Comprehensive Plan. The I-C Zone provides additional flexibility for the appropriate reuse of surplus institutional buildings and properties.

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

Response: The property is adjacent and contiguous to the Judson Park property to the north, which is zoned Institutional Campus.

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

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

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

Response: The amendment will encourage the appropriate reuse of surplus institutional buildings and properties to avoid long term vacancies. This in turn will help further the economic vision for the City by promoting development in a manner that strengthens community sustainability, livability, business vitality, and employment and housing capacity. Active use of the site will also mitigate any potential situations where vacant land and buildings can impede crime prevention.

### **Process and Procedure**

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

In a quasi-judicial public hearing, the Appearance of Fairness Doctrine applies to the decision-makers. The Appearance of Fairness Doctrine is a rule of law requiring government decision-makers to conduct non-court hearings and proceedings in a way that is fair and unbiased in both appearance and fact. It was



developed by the courts as a method of insuring that due process protections, which normally apply in courtroom settings, extend to certain types of administrative decision-making hearings, such as rezones of specific property. The doctrine attempts to make sure that all parties to an argument receive equal treatment.

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

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

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

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

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

### **Alternatives**

The City Council may:

1. Enact the proposed Draft Ordinance.
2. Decline to enact the proposed Draft Ordinance. This would result in the property remaining inconsistent with the City's Comprehensive Plan Preferred Land Use Designation of IC.

### **Financial Impact**

The zoning reclassification will allow for additional flexibility in the redevelopment of the property and further the economic vision for the City by promoting development in a manner that strengthens community sustainability, livability, business vitality, and employment and housing capacity, and provide consistency with the preferred land use identified in the Des Moines 2035 Comprehensive Plan. A private development will add significant sources of structural revenue for the city based on property tax, business license fee, business and occupation tax, utility tax and others that will also include one-time revenue associated with the development construction and permitting.

### **Recommendation or Conclusion**

Staff recommends that the City Council enact Draft Ordinance No. 18-101.

**CITY ATTORNEY'S FIRST DRAFT 09/27/2018****DRAFT ORDINANCE NO. 18-101**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON,** amending the official zoning map of the City of Des Moines in order to effectuate a zoning reclassification for tax parcel 1722049023 from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone for the Landmark on the Sound property.

**WHEREAS,** the City has received an application for a rezone for tax parcel 1722049023, and

**WHEREAS,** the application requests to reclassify the zoning for the subject parcels from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone, and

**WHEREAS,** the property's current zoning classification of RM-900B Residential Multifamily Zone is inconsistent with the Institutional Campus preferred land use designation for the property in the City's adopted Comprehensive Plan, and

**WHEREAS,** the rezone to Institutional Campus Zone(I-C) will bring the zoning designation of the property into conformance with the comprehensive plan preferred land use designation, and

**WHEREAS,** this application has been processed in accordance with the SEPA requirements established by chapter 197-11 WAC, and

**WHEREAS,** pursuant to DMMC 18.20.210 the City Council consideration of a site-specific rezone is a quasi-judicial process and requires a public hearing to receive public comment regarding the proposal, and

**WHEREAS,** DMMC 18.30.100(3) requires that the date of the public hearing be set by motion of the City Council, and

**WHEREAS,** the City Council set the date for the public hearing by motion on September 6, 2018, fixing the hearing for September 27, 2018, and

**WHEREAS,** notice of the public hearing was issued on August 31, 2018 in accordance with the DMMC, and

Ordinance No. \_\_\_\_\_  
 Page 2 of 4

**WHEREAS**, a public hearing was held on September 27, 2018 and all persons wishing to be heard were heard, and

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

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

**Sec. 1. Area of Zone Reclassification.** The zoning classification of the following legally described property is amended from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone:

PARCEL A

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF LYING WITHIN THE RIGHT OF WAY FOR SOUTH 240<sup>TH</sup> STREET;

AND EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EASTERLY MARGIN OF MARINE VIEW DRIVE SOUTH (8<sup>TH</sup> AVENUE SOUTH);

AND EXCEPT THAT PORTION THEREOF LYING EASTERLY OF A LINE DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER 1430.21 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID SECTION, AND RUNNING THENCE NORTH 01°02'54" EAST PARALLEL TO THE EAST LINE OF SAID SECTION TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION;

AND EXCEPT THAT PORTION OF THE WEST HALF OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING NORTHERLY OF THE NORTH LINE OF THE SOUTH 11.25 FEET OF THE NORTH 509 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17 (BEING THE NORTHERLY LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO



Ordinance No. \_\_\_\_\_  
 Page 3 of 4

THE MOST WORSHIPFUL GRAND LODGE OF FREE AND ACCEPTED MASONS OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1883799).

PARCEL B

THAT PORTION OF THE SOUTH 816.75 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF THE NORTH LINE OF THE SOUTH 11.25 FEET OF THE NORTH 509 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17 (BEING THE NORTHERLY LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE MOST WORSHIPFUL GRAND LODGE OF FREE AND ACCEPTED MASONS OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1883799.

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

**18.10.050 Adoption of official zoning map.** The map filed in the City Clerk's office and marked Exhibit "A" to Ordinance No. ~~1663~~\_\_\_\_\_ and adopted ~~October 13, 2016~~\_\_\_\_\_, 2018, constitutes the zoning map for the City. The map referenced herein supersedes all previously adopted maps. If the designations of the map are found to be in conflict with other land use designations, the map is deemed to control.

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent



Ordinance No. \_\_\_\_\_  
 Page 4 of 4

jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 4. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its final approval by the Des Moines City Council in accordance with law.

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

\_\_\_\_\_  
 M A Y O R

APPROVED AS TO FORM:

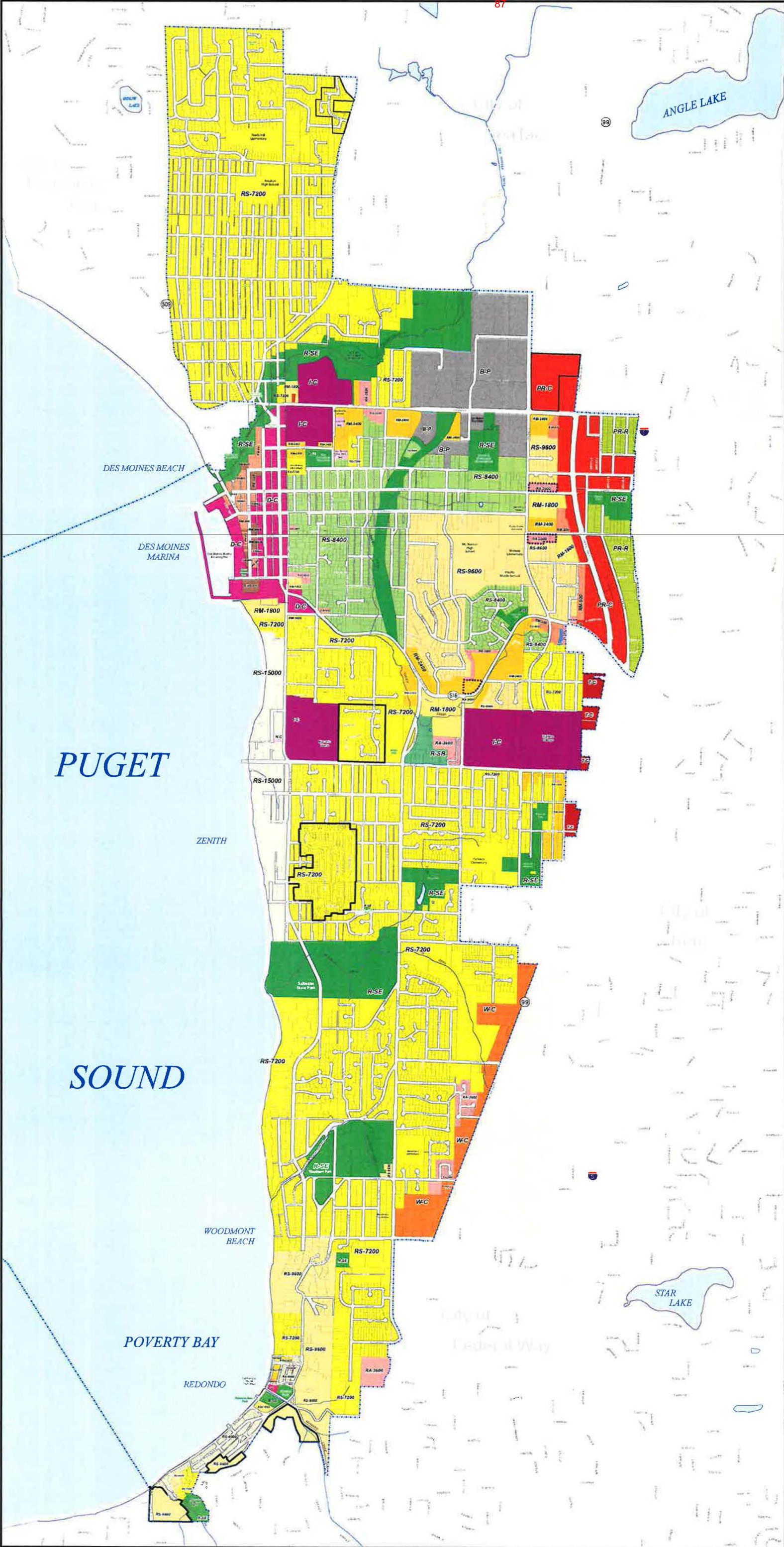
\_\_\_\_\_  
 City Attorney

ATTEST:

\_\_\_\_\_  
 City Clerk

Published: \_\_\_\_\_





City of Des Moines  
Zoning

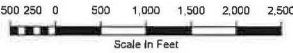
- RESIDENTIAL ZONING**
- R-SE Residential: Suburban Estates
  - R-SR Residential: Suburban Residential
  - RS-15,000 Residential: Single Family 15,000
  - RS-9,600 Residential: Single Family 9,600
  - RS-8,400 Residential: Single Family 8,400
  - RS-7,200 Residential: Single Family 7,200
  - RS-4,000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

- COMMERCIAL ZONING**
- N-C Neighborhood Commercial
  - B-C Business Commercial
  - C-C Community Commercial
  - D-C Downtown Commercial
  - C-G General Commercial
  - B-P Business Park
  - I-C Institutional Campus
  - H-C Highway Commercial
  - PR-C Pacific Ridge Commercial
  - T-C Transit Community
  - W-C Woodmont Commercial
- See Comprehensive Plan for Development Potential
- Planned Unit Development
- Des Moines City Limits
- Tax Parcels
- Tidelands

Enacting Ordinances

| Description                    | Ordinance | Effective Date     |
|--------------------------------|-----------|--------------------|
| Adoption of digital zoning map | 1235      | May 5, 1999        |
| Renaming of zones              | 1237      | May 17, 1999       |
| Business Park (B-P) rezone     | 1261      | June 21, 2000      |
| Pacific Ridge rezone           | 1267      | July 25, 2000      |
| Redondo Riviera annexation     | 1270      | September 1, 2000  |
| Adoption of GIS maps           | 1289      | October 11, 2001   |
| Mitchell/Chamlian rezone       | 1372      | January 11, 2006   |
| Redondo rezone                 | 1397      | March 7, 2007      |
| Creslinwood Park               | 1420      | December 6, 2007   |
| Granville rezone               | 1431      | June 26, 2008      |
| Sea Mar rezone                 | 1520      | October 13, 2011   |
| Barton rezone                  | 1546      | July 26, 2012      |
| Addition of I-C zone           | 1563      | March 28, 2013     |
| Pacific Ridge rezone           | 1576      | September 12, 2013 |
| Addition of T-C Zone           | 1601      | June 26, 2014      |
| Addition of W-C Zone           | 1616-A    | March 17, 2015     |
| Blueberry Lane Rezone          | 1660      | September 8, 2016  |
| S 216th Street Rezone          | 1663      | October 13, 2016   |

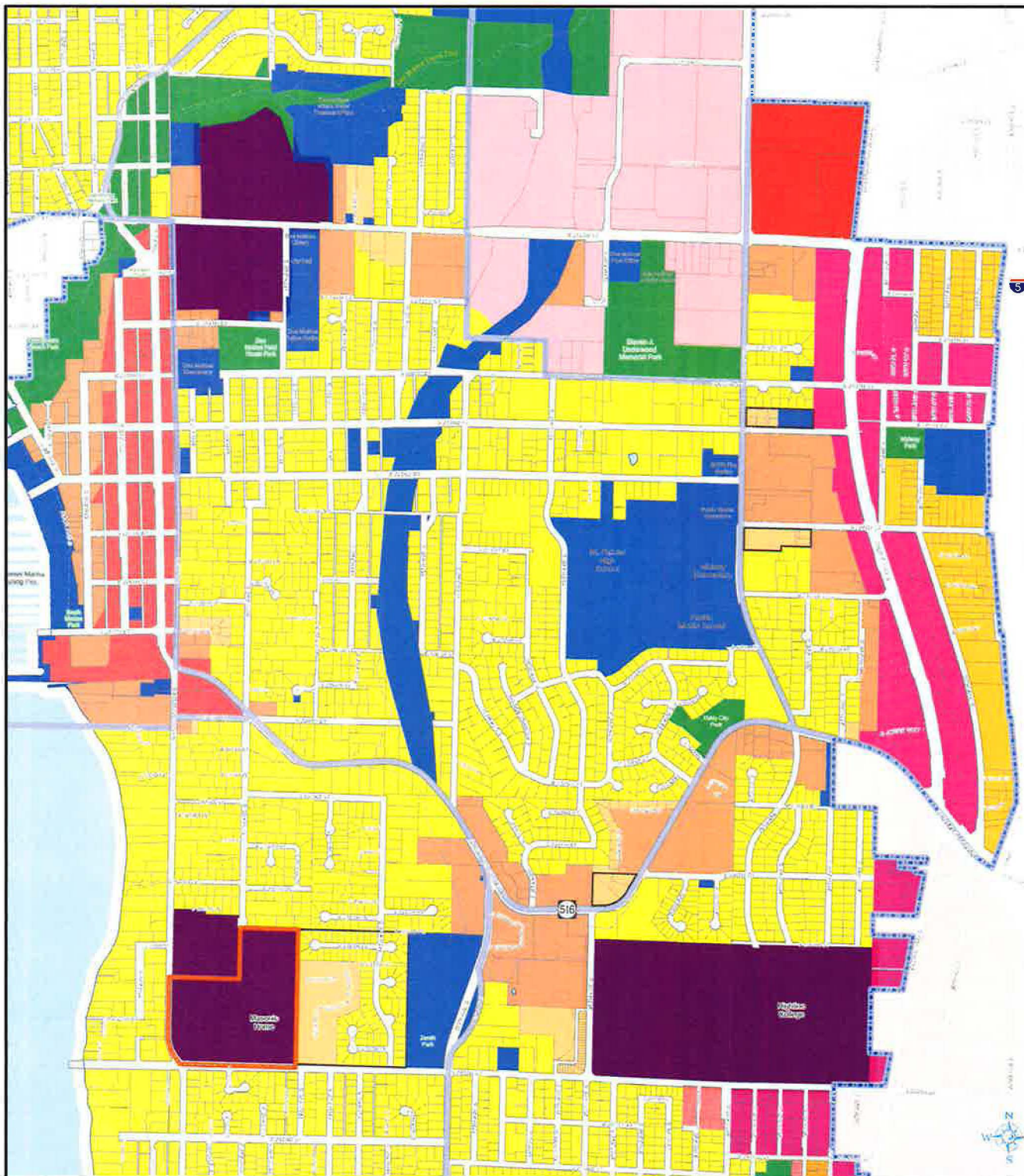
IN PROVIDING THIS MAP, THE CITY MAKES NO WARRANTY OF ANY KIND, expressed or implied, including without limitation, any warranties as to its fitness for a particular purpose or use. To the fullest extent permitted by law, the City shall not be liable for any damages to persons or property, whether direct,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



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



THIS PAGE LEFT INTENTIONALLY BLANK



## City of Des Moines Preferred Land Use

### Designations

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

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

### Enacting Ordinances

#### ORDINANCE, YEAR

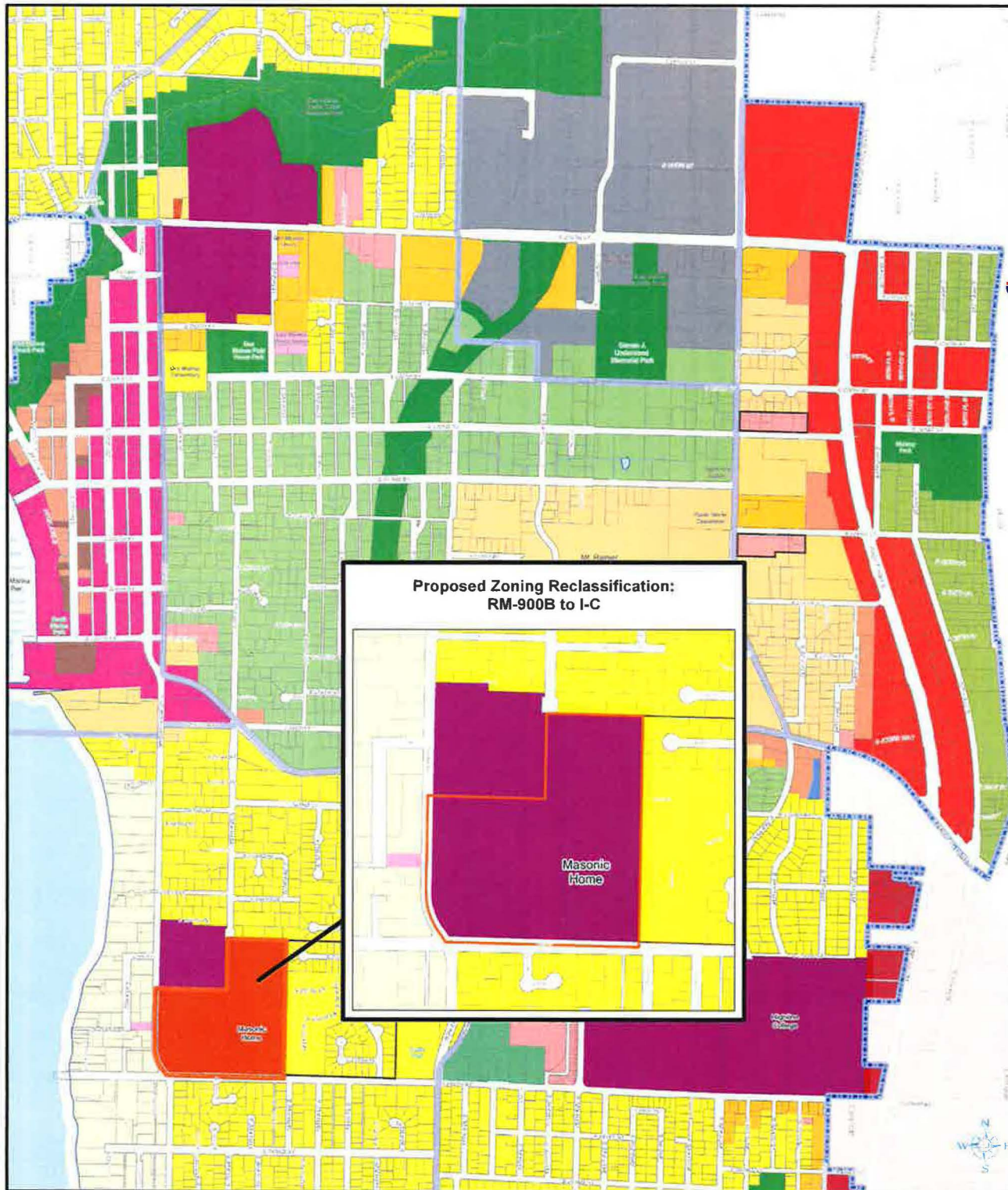
- Ord. 1551, 2012
- Ord. 1528, 2011
- Ord. 1499, 2010
- Ord. 1469, 2009
- Ord. 1425, 2008
- Ord. 1376, 2006
- Ord. 1232, 2003
- Ord. 1265, 2000
- Ord. 1238, 1999
- Ord. 1176, 1996
- Ord. 1160, 1995

### Planning, Building & Public Works

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

Map Generated: Aug 22, 2018 ©2018 City of Des Moines GIS





## City of Des Moines Current Zoning

- R-SE Residential: Suburban Estates
- R-SR Residential: Suburban Residential
- RS-15000 Residential: Single Family 15,000
- RS-9600 Residential: Single Family 9600
- RS-8400 Residential: Single Family 8400
- RS-7200 Residential: Single Family 7200
- RA-3600 Residential: Attached Townhouse & Duplex
- RM-2400 Residential: Multifamily 2400
- RM-1800 Residential: Multifamily 1800
- RM-900A Residential: Multifamily 900
- RM-900B Restricted Service
- RM-900 Multifamily 900
- N-C Neighborhood Commercial
- B-C Community Business
- D-C Downtown Commercial
- B-P Business Park
- H-C Highway Commercial
- I-C Institutional Campus
- T-C Transit Community
- PR-R Pacific Ridge Residential
- PR-C Pacific Ridge Commercial
- Des Moines City Limits
- Streams
- Neighborhood Planning Areas
- PUD See Plan For Density

### Enacting Ordinances

| Description                    | Ordinance | Effective Date     |
|--------------------------------|-----------|--------------------|
| Adoption of digital zoning map | 1235      | May 5, 1999        |
| Renaming of zones              | 1237      | May 17, 1999       |
| Business Park (B-P) rezone     | 1261      | June 21, 2000      |
| Pacific Ridge rezone           | 1267      | July 25, 2000      |
| Redondo Riviera annexation     | 1270      | September 1, 2000  |
| Adoption of GIS maps           | 1286      | October 11, 2001   |
| Mitchell/Chamlian rezone       | 1372      | January 11, 2006   |
| Redondo rezone                 | 1387      | March 7, 2007      |
| Crestwood Park                 | 1420      | December 6, 2007   |
| Granville rezone               | 1431      | June 26, 2008      |
| Sea Mar rezone                 | 1520      | October 13, 2011   |
| Barton rezone                  | 1546      | July 26, 2012      |
| Addition of I-C zone           | 1563      | March 28, 2013     |
| Pacific Ridge rezone           | 1576      | September 12, 2013 |
| Addition of T-C Zone           | 1601      | June 26, 2014      |
| Addition of W-C Zone           | 1618-A    | March 17, 2015     |
| Blueberry Lane Rezone          | 1660      | September 8, 2016  |
| S 216th Street Rezone          | 1663      | October 13, 2016   |

### Planning, Building & Public Works

21630 11th Ave S, Suite D  
Des Moines, WA 98198-6398  
PHONE: (206) 870-7576 \* FAX: (206) 870-6544  
WEB: <http://www.desmoineswa.gov>  
Map Generated: Aug 27, 2018 ©2018 City of Des Moines GIS





# City of Des Moines

PLANNING, BUILDING AND PUBLIC WORKS  
[www.desmoineswa.gov](http://www.desmoineswa.gov)  
 21630 11TH AVENUE SOUTH, SUITE D  
 DES MOINES, WASHINGTON 98198-6398  
 (206) 870-7576 FAX (206) 870-6544



September 20, 2018

SENT VIA EMAIL

RE: LUA2018-0019; Landmark on the Sound Zoning Reclassification Request; 23660 Marine View Drive South, Des Moines, WA  
 SEPA Determination of Nonsignificance

Thank you for your comment letter. The State Environmental Policy Act (SEPA) environmental review process is designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable impacts to all elements of the built and natural environment. If the proposal is not likely to have a significant adverse environmental impact or city regulations reduce the impacts sufficiently, a determination of nonsignificance (DNS) is issued.

The City of Des Moines issued a DNS for the proposed rezone on August 31, 2018 beginning a 15 day public comment period, and several comments were received by the due date. The City of Des Moines has reviewed the comments and the responses are shown below. The appeal period ends at 4:30pm on September 24, 2018.

The rezone request will be reviewed by the City Council at a public hearing on September 27, 2018 at 7 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, 21630 11th Avenue South, Des Moines, WA 98198. Future project applications will be separately considered, and will provide additional opportunity for public review and comment.

The following is a summary of the primary comments received and responses:

1. **Comment:** Traffic Impacts

**Response:** As part of the SEPA checklist, the applicant submitted a Traffic Impact Analysis which analyzed the potential transportation related impacts of the project. The purpose of the assessment was to identify potential traffic impacts at each phase of the project and to identify mitigation measures, if necessary, to mitigate those impacts. Specifically, the analysis evaluates the impacts on intersections at AM and PM Peak-Hour. An updated Traffic Impact Analysis will be required at each future phase of development for review by City of Des Moines staff.

City staff's initial review of the Traffic Impact Analysis recognized the need for mitigating improvements to the 240th Street corridor beginning with a potential second phase of development. The City also has a number of future capacity projects along this corridor, identified in the City's Transportation Improvement Plan (TIP) as priority projects numbers 7, 8, 9, 10, 29 and 47, available on-line. Highline School District's Zenith Elementary School is currently under construction on the northwest corner of 240th Street and 16th Avenue. The school will be constructing improvements at the intersection to

enhance pedestrian safety and improve traffic flow with the addition of left turn pockets. The school will also construct a significant portion of the Barnes Creek Trail along 16th Avenue, priority project number 10 in the City's TIP.

As future development continues, the City will monitor 242nd Street for cut-through traffic. It is anticipated that projects adding additional capacity on 240th Street will reduce neighborhood cut-through. To address near term concerns, the City will conduct a traffic/speed study on 242nd Street to better understand current operations and identify any warranted mitigation measures as needed.

2. **Comment:** Historic Preservation - concern related to retention of the existing building.

**Response:** The Landmark Building and the water tower were 'Determined Eligible' for listing in the National Register of Historic Places in 2013, but have not been officially listed. These structures also meet the criteria for designation as a City historic property as defined in Des Moines Municipal Code (DMMC) 18.215 – Protection of Historic and Archeological Resources. The City has adopted King County Code Chapter 20.62 – Protection and Preservation of Landmarks, Landmark Sites and Districts with revisions. This chapter established procedures to be followed when alterations to historic properties are proposed. The rezone will not directly affect existing buildings. Future development proposals will be subject to additional cultural resource review.

Thank you for your input into the review process for this project. If you have any questions regarding this letter or need further clarification about the application, please feel free to contact me. The documents associated with this land use action are available at the following website: [www.desmoineswa.gov/mypermits](http://www.desmoineswa.gov/mypermits).

Sincerely,

*Laura Techico*

**LAURA TECHICO, AICP** | Principal Planner

City of Des Moines | Planning, Building and Public Works Department

206.870.6595 | [ltechico@desmoineswa.gov](mailto:ltechico@desmoineswa.gov) | [www.desmoineswa.gov](http://www.desmoineswa.gov)



September 27, 2018

Mr. Steve Rybolt  
 Port of Seattle  
 Aviation Environment and Sustainability  
 P.O. Box 68727  
 Seattle, WA 98168

**Re: City of Des Moines, WA Comments on Scoping for the Near Term Projects for Sea-Tac International Airport**

Dear Mr. Rybolt,

The City of Des Moines forwards the following comments on the scoping process for the proposed environmental review. These comments are derived from the City of Des Moines Aviation Advisory Committee, the City Council, City staff and from the City's SEPA official. Our first and primary concern is that the process being utilized by the Airport in regards to the Sustainable Airport Master Plan (SAMP) does not appropriately consider the context of development that has occurred and is occurring at the Airport. This specifically relates to growth and the operational utilization of the Third Runway and generally to the overall growth trajectory the Airport has experienced in the past 7 years. Secondly, the process appears to contradict State Environmental Policy Act requirements. Third, that actions to provide appropriate environmental review of the SAMP have taken place outside the bounds of the State Environmental Policy Act (SEPA). Finally, we express concerns about specific impacts on our City from aircraft operations that need to be included in the scoping process.

The City believes that the appropriate timeframe to establish the baseline for environmental review is the time frame from 2012 – 2018. A summary of Airport growth through this time frame (see below) reveals significant and consistent year over year growth.

|                                                                                | 2012            | 2013            | 2014            | 2015            | 2016            | 2017            |
|--------------------------------------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Passengers                                                                     | 33.2<br>million | 34.8<br>million | 37.5<br>million | 42.3<br>million | 45.7<br>million | 46.9<br>million |
| Aircraft Operations                                                            | 309,597         | 317,186         | 340,478         | 381,408         | 412,170         | 416,124         |
| Air Cargo (metric tons)                                                        | 283,600         | 292,700         | 327,239         | 332,636         | 366,431         | 425,856         |
| Source - Sea-Tac Airport Passenger, Cargo and Operations Summary [2012 - 2017] |                 |                 |                 |                 |                 |                 |



Mr. Steve Rybolt  
Page Two  
September 27, 2018

The extensive growth above should be a precursor and require environmental review prior to any additional capacity building activities. Correspondence between the City and Airport management underscores our ongoing concern with facilities built outside the environmental review process of the SAMP. [1 Testimony of Mayor Pina at Port of Seattle Commission April 25, 2017] [2 Letter from Mr. Lance Lyttle, July 26, 2017] [3 Letter from Mayor Pina, July 27, 2017].

The approach of the Airport to identify near-term capital improvements – an incremental approach to developing the SAMP – provides faulty context, ignoring the fact that capital investments going forward will, in fact, define future development patterns. Therefore, the environmental review proposed is inadequate in the context of the SAMP as a whole. Let it be clear that the Airport is not currently reviewing the SAMP, only certain near-term projects. This approach is inconsistent with current Washington State law and Washington Administrative Code requirements – a point that will be extensively made in the comments prepared by our SEPA officials (Burien, SeaTac, Normandy Park, Des Moines and consultants).

The most recent FAR 150 was completed in 2013, preceding this growth pattern. The SAMP planning was begun in 2012. Our concern is that environmental review of projected growth does not consider impacts of growth to date.

The operational utilization of the Third Runway (16R), a highly controversial chapter in the Airport's history, has seen a trail of agreements that expand the use of the Third Runway. Agreements that originally governed use of the runway were modified over time to increase capacity on the Third Runway. The concern is that these modifications, in providing expansion of operational capacity, were done outside any environmental review. Developing a growth plan that continues to utilize the Third Runway in an expanded operational role does not adequately address increased environmental impacts that have occurred over time. [4 reference to FAA Letter of Agreement December 6, 2010 and FAA Letter of Agreement July 26, 2016]. These issues need to be addressed in the scoping process.

Additionally, seeking review of aircraft operations and FAA procedures, the City requested the following information from the FAA on August 17, 2018 via the Airport StART committee in order to evaluate these procedures in regard to these comments on the scoping process:

Statement: The City of Des Moines would like to better understand the Seattle ATC operation.

1. Would you please provide a copy of the Tower Standard Operating Procedures (SOP) and TRACON SOP?
2. Would you please provide a copy of any Letters of Agreement (LOA) between the Tower and the TRACON and any LOA between Seattle Tower and Boeing Field Tower?
3. Are you aware of any new Instrument Flight Procedures that are proposed or being developed for the Seattle Airport?
  - a. Follow on questions – What is the status of the .41A Process (Dot forty-one Alpha Process) that was underway last year but suspended due to budget concerns?
  - b. When do you anticipate the .41A process resuming?
  - c. We have hired Performance Based Navigation experts. We would like for them to represent us on the .41A Full Working Group, when the process resumes, with Stakeholder Status.

Mr. Steve Rybolt  
Page Three  
September 27, 2018

To date, none of these documents have been provided to the City (this is information we believe is critical to providing timely and informed comments on scoping for the operational impacts associated with the Airport's proposed growth).

**Significant concerns to be fully included in the environmental scoping:**

Noise and Health impacts: Scoping needs to review noise and health impacts from Airport/aircraft operations. It also must include the intrusive assessment of nighttime flights and the growth in overflights, operations and frequency of flights on City residents and businesses. Furthermore, the baseline environmental assessment of these impacts must be for the period 2012-2018.

Fuel dumping: the City has concerns that fuel dumping has occurred in the airspace over our City, or in areas where wind and meteorological dynamics could result in fuel dumping over our City [5 see FAA checklist protocol].

Fuel emissions: What are impacts of aircraft fuel emissions on the communities surrounding the Airport with proposed growth and within the current baseline (as discussed above) from 2012-2018? The scoping needs to include the health and epidemiological impacts of ultra-fine particles resulting from aircraft emissions.

Transportation impacts: Scoping needs to include an analysis of increased traffic impacts and potential multi-modal solutions that will increase congestion and pollution from vehicular traffic including truck transport.

Siting 2<sup>nd</sup> Regional airport: Scoping needs to include a review of options to growth at Sea-Tac Airport including options for siting a second regional airport. [6 See comment regarding potential of Moses Lake as an alternative airport below].

NextGen: Scoping needs to address the environmental (noise and health) impacts of NextGen implementation?

Glide path variation: Scoping needs to include review of glide path variation across all runways, especially as variation relates to runway 34R and the current slope of 2.75%.

Concurrent studies: Scoping needs to utilize three concurrent studies occurring regarding impacts from the Airport:

1. The Ultra-Fine Particle study being conducted by the University of Washington,
2. The Puget Sound Regional Council study on regional aviation,
3. The Budget Proviso baseline study currently underway being conducted by the Washington State Department of Commerce with input from the cities proximate to the Airport.

The City Council and I appreciate your consideration and inclusion of these items into the scoping process. We are extremely concerned that the lack of inclusion of any of these items will not present a comprehensive picture as to the environmental impacts of the Airport, in the context of previous growth, current level of operations, and future growth.

*The Waterland City*

Mr. Steve Rybolt  
Page Four  
September 27, 2018

Sincerely,

Matt Pina  
Mayor

Cc: Des Moines City Council  
Aviation Advisory Committee  
SEPA Officials for the Cities of Burien, SeaTac, and Normandy Park  
SAMP Joint City Consultants  
Chief Operations Officer Dan Brewer  
Chief Strategic Officer and City of Des Moines SEPA Official Susan Cezar  
City Attorney Tim George

[5] Fuel Dumping Checklist

1. Determine route/altitude/weather conditions fuel dumping will occur.
2. Advise adjacent sectors when fuel dumping commenced and terminated.
3. Except for emergency, vector or assign a VFR holding pattern over water at or above 5000.4.  
Separation Minima:
  - a. VFR radar-identified aircraft by 5 miles.
  - b. IFR aircraft by one of following:
    1. 1000 above it.
    2. 2000 below it.
    3. 5 miles radar.
    4. 5 miles laterally.
4. Phraseology. Sectors concerned must broadcast an advisory at 3-minute intervals until the dumping stops.

4/6/2016 ORDER S46 TRACON 7110.65M

"ATTENTION ALL AIRCRAFT, FUEL DUMPING IN PROGRESS OVER (LOCATION) AT (ALTITUDE) BY (TYPE AIRCRAFT) (FLIGHT DIRECTION)" "ATTENTION ALL AIRCRAFT. FUEL DUMPING OVER (LOCATION) TERMINATED."

Reference - FAA Order 7110.65 Chapter 9, Section 4, Fuel Dumping.

[6] Relative to Moses Lake as a viable alternative for cargo flights, "It has capacity to accommodate much more given its five runways and onsite FAA control tower for commercial, military, and general aviation use." [Moses Lake website: <http://www.portofmoseslake.com/aeronautics/#1477951474378-007e7354-62f6>].

**Mayor Matt Pina**

**CITY OF DES MOINES TESTIMONY TO PORT OF SEATTLE COMMISSION**

**APRIL 25, 2017**

The City of Des Moines appreciates the opportunity to provide

comments to the Port and Federal Aviation Administration (FAA).

Our city, as is also the case with Burien, Sea-Tac and Normandy Park and

others, experiences disproportionate impacts from aircraft operations

because of our proximity to Sea-Tac International airport. We receive

the brunt of airport impacts as the human cost of Sea-Tac's economic

benefit for the region.

Des Moines residents are constantly challenged by noise impacts and

health impacts. The United States Congress and the State of Washington

legislature are each considering legislation to fund scientific based

studies to assess the exact impacts and mitigation options and we

actively support those studies and will continue to do so. We have



advised Congress of our support and recommendation to include Sea-Tac airport in these studies. We have testified in the Washington State House and Senate on behalf of bills to assess impacts of ultra-fine particles emissions from aircraft overflights and the City has allocated \$25,000 to support that study.

As the implementation of NextGen by the FAA results in the narrowing of the bandwidth of aircraft overflights – departures and landings – the disproportionate impacts suffered by some of our residents' increases. Those living directly under the overflights suffer increased noise and health impacts.

These impacts come from more focused aircraft operations and from increased number and frequency of aircraft operations. The NextGen

impacts are attributable to the FAA. The increase in aircraft activity is the responsibility of the airport.

The Sustainable Airport Master Plan (SAMP) is being developed to increase growth in operations at Sea-Tac over the next 20 years. The SAMP, in responding to increased demand is designed to accommodate a new international terminal, new gates and increased operational efficiencies, however there is not sufficient attention paid to noise, environmental and health impacts. The Plan provides for sustainable operations on the airfield but does little to address sustainability, in terms of airport operations as they impact the surrounding cities.

The City believes that the airport has an obligation to address these impacts. Mitigation should include:

- effective implementation of the home insulation program,  
expanding in scope and quality.
- provide financial compensation to those homeowners living under  
the flight paths in any situation where the value of the home is  
negatively impacted.
- Support ongoing studies and act upon the results ensure that the  
health and safety of Des Moines residents receives the priority  
that it deserves.

Without due consideration of these concerns, any plan for operational  
expansion of Sea-Tac airport is unacceptable. We look forward to the  
opportunity to continue this discussion on behalf of all of our residents.



P.O. Box 68727  
Seattle, WA 98168  
Tel: (206) 787-5388

City of Des Moines  
21630 11<sup>th</sup> Avenue S., Suite A  
Des Moines, WA 98198

July 26, 2017

Dear Mayor Pina:

I appreciated the City of Des Moines' work to convene last week's discussion with Normandy Park, Burien, SeaTac and airport staff to review the airport's Concourse D Hardstand Holdroom project and the Determination of Non-Significance (DNS). I understand this was a direct and open conversation about concerns with the project.

We recognize that growth-related projects at Sea-Tac must be evaluated together in the Sustainable Airport Master Plan (SAMP) to assure that cumulative environmental impacts are addressed. The addendum to the DNS issued on July 21, 2017, which Port staff prepared after last week's meeting, provided more specifics related to the Hardstand Holdroom project timing and scope, showing a net reduction of gates in operation until mid-2021.

The SAMP environmental review, which is anticipated to be conducted in 2018, will account for all existing and approved gates and passenger loading facilities. This includes the North Satellite, the International Arrivals Facility, and the Concourse D Hardstand Holdroom. No additional gates are anticipated until the completion and approval of the Sustainable Airport Master Plan and associated environmental review.

At the same time, we recognize the need for increased effective and informative communication with our adjacent cities. I have greatly appreciated the leadership you and your colleagues in the city of Des Moines have shown in working with the Airport on airport issues and regarding the formation of an Aviation Advisory Committee at Sea-Tac Airport. I am currently in the process of seeking input from our city partners and have scheduled a meeting with city managers in August. Input received at that meeting will help determine the best way to proceed in this regard.

I appreciate your concerns and look forward to a stronger relationship in the future.



Lance Lyttle  
Managing Director, Aviation  
Seattle Tacoma International Airport

Cc: Deputy Mayor Vic Pennington  
Councilmember Melissa Musser  
Councilmember Robert Back  
Councilmember Luisa Bangs  
Councilmember Dave Kaplan  
Councilmember Jeremy Nutting  
Michael Matthias, City Manager  
Susan Cezar, Community Development Director





July 27, 2017

Mr. Lance Lyttle,  
Managing Director, Aviation  
Seattle Tacoma International Airport  
PO Box 1209  
Seattle WA 98111

Dear Mr. Lyttle,

I am in receipt of your letter of July 26, 2017 in which you state,

"The SAMP environmental review, which is anticipated to be conducted in 2018, will account for all existing and approved gates and passengers loading facilities. This includes the North Satellite, the International Arrivals Facility, and the Concourse D Hardstand Holdroom."

This statement addresses our concerns with this specific capital project: the Concourse D Hardstand Holdroom. However, as I have previously stated in a presentation to the Port of Seattle Commission:

"Our city, as is also the case with Burien, Sea-Tac and Normandy Park and others, experiences disproportionate impacts from aircraft operations because of our proximity to Sea-Tac International airport. We receive the brunt of airport impacts as the human cost of Sea-Tac's economic benefit for the region. Des Moines residents are constantly challenged by noise impacts and health impacts." (Testimony to Port of Seattle/FAA meeting April 25, 2017)."

There are two principal issues I want to communicate to you. First, it is unacceptable for the Airport to wait until the development of the SAMP to address mitigation issues derived from the year over year double digit growth of operations at Sea-Tac Airport. Impacts of growth must be addressed now.

The siting of a second major airport in western Washington State must begin immediately. In this regard, the City of Des Moines has commented on and is in contact with the Washington Aviation System Plan staff, at the State level, to further this process.

I also want to comment on the lack of transparency by the Airport and the failure of the Airport to communicate effectively. The local cities had no knowledge of this proposed Holdroom facility prior to issuance of the Determination of Non-Significance. This is inappropriate and ineffective. The Airport needs to be timely, transparent and proactive in communication with your surrounding communities.

*The Waterland City*

Mr. Lance Lyttle  
Page Two  
July 27, 2017

It is for this reason we have encouraged you to form an Airport Advisory Committee, sponsored by the Airport and including representatives from the Federal Aviation Administration, the airlines, local community organizations and local government officials to address the impacts of the Airport on our local communities.

We look forward to ongoing, productive discussion with you on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Pina". The signature is fluid and cursive, with a large loop at the end.

Matt Pina  
Mayor and Councilmember

*The Waterland City*

Seattle Terminal Radar Approach Control (S46), Seattle Air Traffic Control Tower (SEA) and Port of Seattle (POS)

## LETTER OF AGREEMENT

EFFECTIVE: December 6, 2010

### SUBJECT: Informal Runway Use Program

**1. PURPOSE:** To establish the Noise Abatement Informal Runway Use Program for the Seattle-Tacoma International Airport (KSEA). This program has been established by the Port of Seattle (POS) and is administered by the Federal Aviation Administration (FAA) at Seattle Terminal Radar Approach Control (S46) and Seattle Air Traffic Control Tower (SEA). The goal of this informal runway use program is to establish a clear understanding of the preferred way in which all of the runways will be used in various operating conditions. However, it is not intended that the program described herein would restrict operations or adversely discriminate against any user. Deviations from specified runway use may be necessary because of emergencies, weather, traffic volume, airport construction, or maintenance work. Under these circumstances, runway selection will be in accordance with FAA Orders 7110.65 and 8400.9.

**2. SCOPE:** The policy outlined herein provides for the preferential arrival and departure usage of each runway at KSEA. This voluntary program applies to all turbojet aircraft weighing 12,500 pounds or more. The program that is described herein shall be utilized to the maximum extent possible whenever wind, weather, traffic density, controller workload, equipment, operations and field conditions and other considerations permit.

**3. RESPONSIBILITIES:** POS, S46 and SEA must ensure that all appropriate personnel are briefed on this voluntary program. The FAA reserves the right to determine under what conditions flight operations may be conducted without causing degradation of safety. The FAA may be required to follow different policies than detailed herein and reserves the right to determine runway usage such that it is not unsafe, unjustly discriminatory nor incompatible with the efficient management of navigable airspace.

**4. PROCEDURES:** The FAA has the responsibility for managing air traffic. At any time, the FAA maintains the right to change the way they use the runways to safely and efficiently manage air traffic. This does not abrogate the authority and responsibility of the pilot in command to ensure the safe operation of his aircraft. The following is the planned runway usage during typical operations at KSEA under normal conditions:

### **South Flow Runway Use Program**

- **Regular overnight usage.** During regular overnight operations in normal weather patterns when arrival demand decreases, the FAA plans to reduce its use of the third runway (16R).
- **South flow during good weather.** During normal weather patterns, and periods of low demand, the primary south flow arrival runway is the center runway (16C). The easternmost runway (16L) will be the primary south flow departure runway. When airport demand increases, both 16R and 16L will be used for arrivals and 16C will be used as the primary departure runway.
- **South flow in lower visibility conditions.** During periods of low demand the primary south flow arrival runway is 16C. Runway 16L will be the primary south flow departure runway. When airport demand increases, in order to have two streams of arriving traffic that can

Seattle Airport Traffic Control Tower and Seattle Terminal Radar Approach Control

**LETTER OF AGREEMENT**

EFFECTIVE: JULY 26, 2016

SUBJECT: Approach Control Service and Coordination Procedures.

- 1. PURPOSE:** To establish coordination and control procedures between Seattle Terminal Radar Approach Control (TRACON) and Seattle Airport Traffic Control Tower (Tower).
- 2. CANCELLATION:** Seattle TRACON and Seattle ATCT Letter of Agreement dated June 10, 2013 and all its revisions, and NOTICES S46 N7110.705/SEA N7110.121, S46 N7110.706/SEA N7110.122, S46 N7110.690/SEA N7110.107 and S46 N7110.698/SEA N7110.109.
- 3. SCOPE:** The responsibilities and procedures outlined herein must apply to Tower and TRACON personnel for inter-facility coordination and control of air traffic.
- 4. RESPONSIBILITIES:** Tower and TRACON must be responsible to ensure that all applicable personnel are briefed on and comply with the procedures contained in this agreement.
- 5. PROCEDURES:**

a. Pre-arranged Coordination.

- (1) A clear operational benefit may result by establishing prearranged coordination procedures in this Letter of Agreement. In the event of a malfunction or failure of the radar/computer system that prevents complete alphanumeric track data from being displayed, or in the event that prearranged coordination procedures become impractical due to other circumstances; i.e. weather, equipment, frequencies, etc., the FLM must terminate the applicable prearranged coordination procedures immediately.
- (2) Prearranged coordination may be terminated at any time by the controller responsible for the airspace and must not be resumed until additional coordination has been effected.
- (3) When using Special Interfacility Procedures (i.e., Plan Alpha, Plan Bravo, Plan Charlie) between SEA ATCT, BFI ATCT, and Seattle TRACON refer to that Letter of Agreement. Due to the limited scope of this Letter of Agreement, the tri-facility LOA must provide the in-depth guidance necessary for the above procedures.
- (4) Tower must Quick Look the F1 and F2, Y, and A Sectors and the sector that has control of the BFI final. See Attachments 1, 2, 3, and 4 for descriptions and depictions of Tower and TRACON airspace.
- (5) TRACON may climb and descend BFI arrivals and departures through Tower delegated airspace along the Runway (RWY) 13R/31L centerlines, except BFI arrivals or departures opposite to the established flow of traffic must be coordinated with Tower.



maintain appropriate separation during lower visibility conditions, runways 16R and 16L will be used for arrivals. Runway 16C will be the primary departure runway.

- **South flow departure demand.** Runway 16R will also help with airfield efficiency when there is an increased departure demand. The FAA can increase use of 16R for arrivals in order to allow departures off of both runways 16L and 16C.

#### **North Flow Runway Use Program**

- **Regular overnight usage.** During regular overnight operations in normal weather patterns when arrival demand decreases, the FAA plans to reduce its use of the third runway (34L).
- **North flow during good weather.** During normal weather patterns, and periods of low demand, the primary north flow arrival runway is the center runway (34C). The easternmost runway (34R) will be the primary north flow departure runway. When airport demand increases, both 34R and 34L will be used for arrivals and 34C will be used as the primary departure runway.
- **North flow in lower visibility conditions.** During periods of low demand the primary north flow arrival runway is 34C. Runway 34R will be the primary north flow departure runway. When airport demand increases, in order to have two streams of arriving traffic that can maintain appropriate separation during lower visibility conditions, runways 34R and 34L will be used for arrivals. Runway 34C will be the primary departure runway.
- **North flow departure demand.** Runway 34L will also help with airfield efficiency when there is an increased departure demand. The FAA can increase use of 34L for arrivals in order to allow departures off of both runways 34R and 34C.

#### **a. Emergency and Closed Runway Conditions**

In the event of an emergency or closed runway condition, the policy outlined in this document may not be followed as prescribed. With safety as the primary goal, the FAA maintains the right to determine the optimal runway assignments and usage during emergency and closed runway conditions.

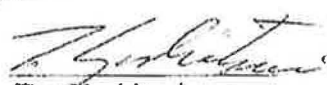
#### **b. Operational and Safety Criteria (per FAA Order 8400.9)**

A variety of weather and operational conditions may preclude the application of the normal runway use policy outlined above. These include, but are not limited to, the following:

1. Wind Shear or Thunderstorms.
2. Visibility
3. Runway Braking Effectiveness
4. Wind

**c. Annual Review:** The parties to this agreement will review this LOA annually on or around the anniversary of the signing thereof or upon request by any signatory to the LOA.

  
Ron Fincher  
District Manager  
Seattle Terminal District

  
Tay Yoshitani  
Chief Executive Officer  
Port of Seattle



September 27, 2018

[illegible]

# **HIGHLINE SCHOOL DISTRICT NO. 401**

## **CAPITAL FACILITIES PLAN**

**2018-2023**



**Board Introduction: June 27, 2018**  
**Adoption: July 18, 2018**

# **HIGHLINE SCHOOL DISTRICT NO. 401**

## **CAPITAL FACILITIES PLAN**

**2018-2023**



### ***BOARD OF DIRECTORS***

Joe Van, President  
Bernie Dorsey, Vice President  
Angelica Alvarez  
Fa'izah Bradford  
Tyrone Curry, Sr.

### ***SUPERINTENDENT***

Dr. Susan Enfield



## *Table of Contents*

|                                                       | <i>Page</i> |
|-------------------------------------------------------|-------------|
| Introduction.....                                     | 1           |
| Educational Program Standard .....                    | 3           |
| Capital Facilities Inventory.....                     | 5           |
| Student Enrollment Trends and Projections .....       | 9           |
| Capital Facilities Projections for Future Needs ..... | 10          |
| Financing Plan .....                                  | 12          |
| School Impact Fees.....                               | 13          |
| <br>                                                  |             |
| Appendix A: District Map .....                        | A-1         |
| Appendix B: Population and Enrollment Data .....      | B-1         |
| Appendix C: School Impact Fee Calculations .....      | C-1         |
| Appendix D: Student Generation Rates .....            | D-1         |

For information regarding the Highline School District's 2018-2023 Capital Facilities Plan, contact Rodney Sheffer, Interim Executive Director, Capital Planning and Construction, Highline School District No. 401, 17810 8<sup>th</sup> Avenue South, Building A, Burien, Washington 98148. Telephone: (206) 631-7500

## ***SECTION ONE: INTRODUCTION***

### ***Purpose of the Capital Facilities Plan***

This Six-Year Capital Facilities Plan has been prepared by the Highline School District (the “District”) as the District’s primary facility planning document, in compliance with the requirements of Washington’s Growth Management Act (the “GMA”) and King County Council Code Title 21A. The Plan was prepared using data available in May 2018. The GMA outlines 13 broad goals including adequate provision of necessary public facilities and services. Schools are among these necessary facilities and services. School districts have adopted capital facilities plans to satisfy the requirements of RCW 36.70A.070 and to identify additional school facilities necessary to meet the educational needs of the growing student populations anticipated in their districts.

The Highline School District (the “District”) has prepared this Capital Facilities Plan (the “CFP”) to provide King County (the “County”) and the cities of Burien, Des Moines, Kent, Normandy Park, SeaTac, and Tukwila with a schedule and financing program for capital improvements over the next six years (2018-2023).

This Plan will be updated annually with any changes to the impact fee schedule adjusted accordingly.

### ***Executive Summary***

After a period of low enrollment growth, the District has experienced steady enrollment increases since 2010 and projects continued enrollment increases following a slight dip in 2017. The District currently serves an approximate student population of 18,983 (October 1, 2017 enrollment) with 18 elementary schools (grades K-6), five middle level schools (grades 7-8), and five high schools (grades 9-12). In addition, the District has alternative programs: Big Picture (MS and HS) at the Manhattan site; CHOICE Academy (MS and HS) at the Woodside site; New Start (9-12) at the Salmon Creek Site; and Puget Sound Skills Center (“PSSC”).

Over the last 14 years the District has embarked on a major capital improvement effort to enhance its facilities to meet current educational and life-safety standards. Since 2002 the District has passed three major capital bonds: one in 2002 for approximately \$189,000,000, one in 2006 for approximately \$148,000,000, and one in 2016 for approximately \$299,850,000. The 2002 and 2006 bonds were used for replacement of existing facilities and not to accommodate increased enrollment. The 2016 bonds are earmarked for a combination of improvements to/replacement of existing facilities and the provision of new capacity.

With the approved capital bond funds and reimbursements from the Office of the Superintendent of Public Instruction, the State of Washington, the Port of Seattle, the Federal Aviation Administration and private donations for a new Raisbeck Aviation High School, the District has designed, permitted and constructed 13 new elementary schools, 1 new high school, renovated 3

schools as interim facilities, and renovated portions of Memorial Field and Camp Waskowitz. All of this work has been done since March 2002.

The District's 2016 bond proposal was based on the recommendations of a Capital Facilities Advisory Committee ("CFAC"), a citizens' committee representing every part the District. The committee met for a year to study the District's facilities needs, review data, such as enrollment projections and building conditions, and analyze various solutions. CFAC developed a long-term facilities plan, which includes the 2016 bond as the first phase of a four-phase plan to meet students' needs over the next 20 years.

As the District looks ahead it recognizes that anticipated enrollment growth, some of which will be caused by new development, and implementation of recent legislation will require the District either to add new facilities, add additions to existing facilities, renovate existing facilities, or add portables to existing facilities.

This CFP identifies the current enrollment, the current capacity of each educational facility, the projected enrollment over the six-year planning period and how the District plans to accommodate this growth. It also includes a schedule of impact fees that should be charged to new development.

Based on current projections, the District needs to add capacity at the elementary and middle school levels to accommodate projected enrollment and implementation of recent legislation. To address these needs, the District plans to build a new elementary to replace Des Moines Elementary School to increase its student capacity, add classrooms at existing elementary schools, and build one new middle school. In addition, new modular or portables may need to be added at individual elementary schools and middle schools to accommodate future enrollment. At this time it has been assumed that additional land will not be needed to accommodate the new schools; however, land will be necessary in the future to support the District's long range facilities plan and the Educational Strategic Plan.

## ***SECTION 2 – STANDARD OF SERVICE***

King County Code 21A.06 refers to a “Standard of Service” that each school district must establish in order to ascertain its overall capacity. School facility and student capacity needs are dictated by the types and amounts of space required to accommodate the District’s adopted educational program. The educational program standards which typically drive facility space needs include grade configuration, optimum facility size, class size, educational program offerings, classroom utilization and scheduling requirements, and use of relocatable classrooms (portables).

District educational program standards may change in the future as a result of changes in the education program, special programs class sizes, grade span configurations, and use of new technology, as well as other physical aspects of the school facilities. In addition, the State Legislature’s implementation of requirements for reduced K-3 class size will also impact school capacity and educational program standards. (The District currently offers full-day kindergarten.) The school capacity inventory will be reviewed periodically and adjusted for any changes to the educational program standards. These changes will also be reflected in future updates of this CFP.

The Standard of Service outlined below reflects only those programs and educational opportunities provided to students that directly affect the capacity of school buildings. The special programs listed below require classroom space, thus the permanent capacity of some buildings housing these programs has been reduced.

***Table 1***  
***Class Size – Standard of Service***

| <b><i>Grade Level</i></b> | <b><i>Average Class Size Based on<br/>Standard of Service</i></b> |
|---------------------------|-------------------------------------------------------------------|
| Kindergarten              | 24*                                                               |
| Grades 1 – 3              | 25*                                                               |
| Grades 4 – 6              | 27                                                                |
| Grades 7 – 8              | 30                                                                |
| Grades 9 – 12             | 32                                                                |

\*The District standard for K-3 will change to 17:1 in 2019 (see Table 7).

It is not possible to achieve 100% utilization of all regular teaching stations throughout the day. Therefore, classroom capacity is adjusted using a utilization factor of available teaching stations depending on the physical characteristics of the facility and educational program needs.



### ***Elementary School Standard of Service Models***

- Special education for students with disabilities may be provided in self-contained classrooms.
- All students are provided music instruction in a separate classroom.
- All students will have scheduled time in a special classroom.
- Identified students will also be provided other educational opportunities in classrooms designated as follows:
  - Resource Rooms
  - English Language Learners (ELL)
  - Education for Disadvantaged Students (Title I)
  - Gifted Education
  - Learning Assisted Programs
  - Severely Behavior Disorder
  - Transition Rooms
  - Mild, Moderate, and Severe Disabilities
  - Developmental Kindergarten
  - Extended Daycare Programs and Preschool Programs

### ***Secondary School Standard of Service Models***

- Identified students will also be provided other educational opportunities in classrooms designated as follows:
  - Resource Rooms
  - English Language Learners (ELL)
  - Computer Labs
  - Science Labs
  - Career and Vocational Rooms
  - Daycare Programs
  - Alternative Program Spaces

### ***SECTION THREE: CAPITAL FACILITIES INVENTORY***

This section provides an inventory of capital facilities owned and operated by the District including schools and relocatable classrooms (modulars or portables). School facility capacity was inventoried based on the space required to accommodate the District's adopted educational program standards. *See Section Two: Standard of Service.* A map showing locations of District facilities is provided in Appendix A.

#### ***Schools***

See *Section One* for a description of the District's schools and programs.

School capacity was determined based on the number of teaching stations (or general classrooms) within each building and the space requirements of the District's currently adopted current educational program and internal targets as reported in ICOS with the Office of the Superintendent of Public Instruction. It is this capacity calculation that is used to establish the District's baseline capacity, and to determine future capacity needs based on projected student enrollment. The school capacity inventory is summarized in Tables 2, 3, and 4.

As the District implements reduced K-3 class size requirements and grade reconfiguration, the inventory will reflect adjustments in the Standard of Service (see Tables 7-B and 7-C).

#### ***Relocatable Classrooms (Portables)***

Relocatable classrooms (portables) are used as interim classroom space to house students until funding can be secured to construct permanent classrooms. The District currently uses 27 relocatable classrooms at various school sites throughout the District to provide additional interim general classroom capacity. A typical relocatable classroom can provide capacity for a full-size class of students. Current use of relocatable classrooms throughout the District is summarized in Table 5.

**Table 2**  
**Elementary School Level Inventory**

| <b><i>Elementary School</i></b> | <b><i>Building Area<br/>(sq. ft.)</i></b> | <b><i>Teaching<br/>Stations*</i></b> | <b><i>Permanent<br/>Capacity**</i></b> |
|---------------------------------|-------------------------------------------|--------------------------------------|----------------------------------------|
| Beverly Park at Glendale ES     | 58,145                                    | 22                                   | 514                                    |
| Bow Lake ES                     | 76,108                                    | 30                                   | 666                                    |
| Cedarhurst ES                   | 68,916                                    | 26                                   | 619                                    |
| Des Moines ES                   | 41,766                                    | 19                                   | 471                                    |
| Gregory Heights ES              | 65,978                                    | 27                                   | 585                                    |
| Hazel Valley ES                 | 65,346                                    | 26                                   | 452                                    |
| Hilltop ES                      | 51,532                                    | 24                                   | 594                                    |
| Madrona ES                      | 69,240                                    | 25                                   | 598                                    |
| Marvista ES                     | 68,462                                    | 27                                   | 621                                    |
| McMicken Heights ES             | 69,979                                    | 25                                   | 582                                    |
| Midway ES                       | 66,096                                    | 25                                   | 610                                    |
| Mount View ES                   | 67,783                                    | 26                                   | 628                                    |
| North Hill ES                   | 65,665                                    | 27                                   | 636                                    |
| Parkside ES                     | 68,857                                    | 26                                   | 622                                    |
| Seahurst ES                     | 59,967                                    | 27                                   | 585                                    |
| Shorewood ES                    | 60,326                                    | 22                                   | 483                                    |
| Southern Heights ES             | 32,942                                    | 15                                   | 336                                    |
| White Center ES                 | 65,654                                    | 26                                   | 622                                    |
| <b>TOTAL</b>                    | <b>1,122,762</b>                          | <b>445</b>                           | <b>10,231</b>                          |

\* Teaching Station definition: A space designated as a classroom. Other stations include spaces designated for special education and pull-out programs.

\*\* General classrooms

**Table 3**  
**Middle School Level Inventory\*\*\***

| <b>Middle School</b>           | <b>Building Area<br/>(sq. ft.)</b> | <b>Teaching Stations*</b> | <b>Permanent<br/>Capacity**</b> |
|--------------------------------|------------------------------------|---------------------------|---------------------------------|
| Cascade MS                     | 90,582                             | 34                        | 986                             |
| Chinook MS                     | 87,476                             | 27                        | 783                             |
| Pacific MS                     | 73,941                             | 24                        | 696                             |
| Sylvester MS                   | 92,617                             | 30                        | 870                             |
| Big Picture MS (at Manhattan)^ |                                    | 2                         | 58                              |
| Choice (at Woodside) ^         |                                    | 2                         | 58                              |
| <b>TOTAL</b>                   | <b>344,616</b>                     | <b>119</b>                | <b>3,451</b>                    |

\* Teaching Station Definition: A space designated as a general classroom. Other stations include spaces designated for special education and pull-out programs.

\*\* General classrooms.

\*\*\*Does not include alternative programs: CHOICE Academy MS/HS at Woodside site.

^The District anticipates that the Big Picture and Choice programs will be relocated in the 2019-20 school year to another District facility or leased space. Inventory adjustments will be reflected in future updates to this Capital Facilities Plan.

**Table 4**  
**High School Level Inventory\*\*\***

| <b>High School</b>             | <b>Building Area<br/>(sq. ft.)</b> | <b>Teaching<br/>Stations*</b> | <b>Permanent<br/>Capacity**</b> |
|--------------------------------|------------------------------------|-------------------------------|---------------------------------|
| Raisbeck Aviation HS           | 87,934                             | 14                            | 448                             |
| Big Picture HS (at Manhattan)^ | 29,141                             | 10                            | 320                             |
| Evergreen HS                   | 161,456                            | 48                            | 1,536                           |
| Highline HS                    | 214,919                            | 59                            | 1,500                           |
| Mount Rainier HS               | 205,159                            | 47                            | 1,504                           |
| Tyee HS                        | 143,101                            | 38                            | 1,216                           |
| <b>TOTALS</b>                  | <b>841,710</b>                     | <b>227</b>                    | <b>6,524^^</b>                  |

\* Teaching Station definition: A space designated as a general classroom. Other stations include spaces designated for special education and pull-out programs.

\*\* Regular classrooms.

\*\*\*Does not include alternative programs: CHOICE Academy MS/HS at Woodside site; New Start HS at Salmon Creek site; and Puget Sound Skills Center.

^ The District anticipates that the Big Picture program will be relocated in the 2019-20 school year to another District facility or leased space. Inventory adjustments will be reflected in future updates to this Capital Facilities Plan.

^^Total capacity at the high school level may be affected as the District makes programmatic changes in its small school high schools: Tyee HS and Evergreen HS. For example, spaces currently identified as teaching stations may be needed to serve special programs.



**Table 5**  
**Relocatable Classrooms (Portable) Inventory**

| <i>Elementary School</i> | <i>Relocatables**</i> | <i>Other***</i> | <i>Interim Capacity</i> |
|--------------------------|-----------------------|-----------------|-------------------------|
| Beverly Park at Glendale | 0                     | 2               | 0                       |
| Bow Lake                 | 0                     | 4               | 0                       |
| Cedarhurst               | 1                     | 3               | 25                      |
| Des Moines               | 0                     | 1               | 0                       |
| Gregory Heights          | 0                     | 0               | 0                       |
| Hazel Valley             | 3                     | 1               | 75                      |
| Hilltop                  | 5                     | 1               | 125                     |
| Madrona                  | 2                     | 0               | 50                      |
| Marvista                 | 2                     | 0               | 50                      |
| McMicken Heights         | 0                     | 0               | 0                       |
| Midway                   | 4                     | 0               | 100                     |
| Mount View               | 4                     | 0               | 100                     |
| North Hill               | 0                     | 0               | 0                       |
| Parkside                 | 0                     | 0               | 0                       |
| Seahurst                 | 2                     | 2               | 50                      |
| Shorewood                | 1                     | 3               | 25                      |
| Southern Heights         | 2                     | 1               | 50                      |
| White Center             | 1                     | 3               | 25                      |
| <b>TOTAL</b>             | <b>27</b>             | <b>21</b>       | <b>675</b>              |

| <i>Middle School</i> | <i>Relocatables**</i> | <i>Other ***</i> | <i>Interim Capacity</i> |
|----------------------|-----------------------|------------------|-------------------------|
| Cascade              | 0                     | 3                | 0                       |
| Chinook              | 5                     | 1                | 145                     |
| Pacific              | 4                     | 0                | 116                     |
| Sylvester            | 2                     | 2                | 58                      |
| Big Picture MS       | 4                     | 7                | 116                     |
| <b>TOTAL</b>         | <b>15</b>             | <b>13</b>        | <b>435</b>              |

| <i>High School</i>   | <i>Relocatable**</i> | <i>Other***</i> | <i>Interim Capacity</i> |
|----------------------|----------------------|-----------------|-------------------------|
| Raisbeck Aviation HS | 0                    | 0               | 0                       |
| Big Picture HS       | 0                    | 0               | 0                       |
| Evergreen HS         | 3                    | 2               | 96                      |
| Highline HS          | 0                    | 0               | 0                       |
| Mount Rainier HS     | 0                    | 0               | 0                       |
| Tyee HS              | 0                    | 1               | 0                       |
| <b>TOTALS</b>        | <b>3</b>             | <b>3</b>        | <b>96</b>               |

\*\*Used for regular classroom capacity.

\*\*\*The relocatables referenced under “other relocatables” are used for special pull-out programs, storage, community use, etc.

#### ***SECTION FOUR: STUDENT ENROLLMENT TRENDS AND PROJECTIONS***

Generally, enrollment projections using historical calculations are most accurate for the initial years of the forecast period. Moving further into the future, more assumptions about economic conditions, land use, and demographic trends in the area affect the projection. Monitoring birth rates in the County and population growth for the area are essential yearly activities in the ongoing management of the CFP. In the event that enrollment growth slows, plans for new facilities can be delayed. It is much more difficult, however, to initiate new projects or expedite projects in the event enrollment growth exceeds the projections.

With the assistance of a professional demographer, the District has developed its own methodology for forecasting future enrollments. This methodology, a modified cohort survival method, considers a variety of factors to evaluate the potential student population growth for the years 2018 through 2023. These factors include: projected births, projected growth in the K-12 population, and a model which considers growth in population and housing within the District's boundaries. The methodology also considers the potential impacts on enrollment due to the recent opening of a charter school within the District's boundaries. Certain assumptions are made regarding the continued enrollment at the charter school. Therefore, the methodology and the resulting projections should be considered conservative.

District enrollment has increased in recent years, including a 5.87% increase since 2009. Using the modified cohort survival projections, a total enrollment of 19,703 students is expected in 2023. In other words, the District projects an increase of 3.79% in student enrollment (or 720 students) between 2017 and 2023. *See Appendix B (Enrollment projections from Les Kendrick, December 2017.)*

***Table 6  
Projected Student Enrollment  
2018-2023***

| <b><i>Projection</i></b> | <b><i>2017*</i></b> | <b><i>2018</i></b> | <b><i>2019</i></b> | <b><i>2020</i></b> | <b><i>2021</i></b> | <b><i>2022</i></b> | <b><i>2023</i></b> | <b><i>Actual<br/>Change</i></b> | <b><i>Percent<br/>Change</i></b> |
|--------------------------|---------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------------------|----------------------------------|
|                          | 18,983              | 18,932             | 18,941             | 18,974             | 19,132             | 19,436             | 19,703             | 720                             | 3.79%                            |

\*Actual October 2017 enrollment.

## ***SECTION FIVE: CAPITAL FACILITIES PROJECTIONS FOR FUTURE NEEDS***

Projected future capacity needs, shown in Tables 7-A through 7-C, are derived by applying the projected number of students to the projected permanent capacity. It is not the District's policy to include relocatable classrooms when determining future capital facility needs; therefore, interim capacity provided by relocatable classrooms is not included in this analysis. The District will utilize relocatables as necessary to address interim capacity needs. Information on relocatable classrooms by grade level and interim capacity can be found in Table 5. Information on planned construction projects can be found in the Financing Plan, Table 8.

Recent state-level policy decisions impact the District's capacity analysis. Engrossed Senate House Bill 2261, adopted in 2009, requires school districts to implement full-day kindergarten by 2018. SHB 2776, passed in 2010, requires school districts to reduce K-3 class sizes to 17 students per teacher. Finally, in November 2014, the voters passed Initiative 1351, which requires reduced class sizes across all grades (K-12). The District has proactively implemented full day kindergarten, which reduced the number of available regular classrooms in elementary schools districtwide.

Table 7 assumes that K-3 class size reduction is implemented by 2019 and that grade levels are reconfigured to K-5, 6-8, and 9-12 in 2019. All scenarios include the capacity related projects the District is planning during the six-year planning period.

Future updates to this Plan will incorporate any funded implementation of Initiative 1351.

**Table 7**  
**Projected Student Capacity – 2018 through 2023**

***Elementary School Level -- Surplus/Deficiency***

|                                              | <b>2017*</b> | <b>2018</b> | <b>2019^</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> |
|----------------------------------------------|--------------|-------------|--------------|-------------|-------------|-------------|-------------|
| Existing Permanent Capacity                  | 10,231       | 10,231      | 9,034        | 9,576       | 9,576       | 9,576       | 9,576       |
| Added Permanent Capacity                     | 0            | 0           | 542''        |             | 0           | 0           | 0           |
| Total Permanent Capacity**                   | 10,231       | 10,231      | 9,576        | 9,576       | 9,576       | 9,576       | 9,576       |
| Enrollment                                   | 10,583       | 10,550      | 9,074        | 9,131       | 9,278       | 9,439       | 9,625       |
| Surplus (Deficiency)**<br>Permanent Capacity | (352)        | (319)       | 502          | 445         | 298         | 137         | (49)        |

\*Actual October 2017 enrollment

\*\*Does not include portable capacity

^Implementation of reduced K-3 class size and adjusted Standard of Service;  
Movement of 6<sup>th</sup> grade to middle school level.

''Addition of new classrooms at existing elementary schools and New Des Moines  
Elementary School opens at the Zenith site with added capacity

***Middle School Level -- Surplus/Deficiency***

|                                              | <b>2017*</b> | <b>2018</b> | <b>2019^</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> |
|----------------------------------------------|--------------|-------------|--------------|-------------|-------------|-------------|-------------|
| Existing Permanent Capacity                  | 3,451        | 3,451       | 3,451        | 4,401       | 4,401       | 4,401       | 4,401       |
| Added Permanent Capacity                     | 0            | 0           | 950'         | 0           | 0           | 0           | 0           |
| Total Permanent Capacity**                   | 3,451        | 3,451       | 4,401        | 4,401       | 4,401       | 4,401       | 4,401       |
| Enrollment                                   | 2,542        | 2,644       | 4,232        | 4,276       | 4,255       | 4,153       | 4,095       |
| Surplus (Deficiency)**<br>Permanent Capacity | 909          | 807         | 169          | 125         | 146         | 248         | 306         |

\*Actual October 2017 enrollment

\*\*Does not include portable capacity

^Movement of 6<sup>th</sup> grade to middle school level

'New middle school capacity added

***High School Level -- Surplus/Deficiency***

|                                              | <b>2017*</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> |
|----------------------------------------------|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Existing Permanent Capacity                  | 6,524        | 6,524       | 6,524       | 6,524       | 6,524''     | 6,524       | 6,524       |
| Added Permanent Capacity                     | 0            | 0           | 0           | 0           | 0           | 0           | 0           |
| Total Permanent Capacity**                   | 6,524        | 6,524       | 6,524       | 6,524       | 6,524       | 6,524       | 6,524       |
| Enrollment                                   | 5,858        | 5,738       | 5,635       | 5,566       | 5,599       | 5,844       | 5,983       |
| Surplus (Deficiency)**<br>Permanent Capacity | 666          | 786         | 889         | 958         | 925         | 680         | 541         |

\*Actual October 2017 enrollment

\*\*Does not include portable capacity.

''Highline High School re-opens with at current site.



## ***SECTION SIX: FINANCING PLAN***

### ***Planned Improvements***

The Finance Plan focuses on capacity related projects needed to accommodate recent and projected growth in the District.

Based upon the scenario presented in Table 3, the District will need to add permanent classroom capacity at both the elementary school and middle school grade levels. Pursuant to the Board's approval of the Capital Facilities Advisory Committee's final recommendations and the voters' approval of the 2016 bond, the District will: (1) add space to the new Des Moines Elementary School (replacement school at the Zenith site); (2) construct new elementary school classrooms at various sites, and (3) construct a new middle school. All new schools will be located on land currently owned by the District.

In addition, new relocatable classrooms (portables) may need to be added at individual elementary schools and middle schools to accommodate future enrollment or to provide interim classrooms until permanent classroom capacity is built.

The District has identified "non-capacity" capital needs at existing schools including the replacement of Highline High School and safety/security improvements at various schools.

### ***Financing for Planned Improvements***

Funding for planned improvements is typically secured from a number of sources including voter-approved bonds, State match funds, and impact fees.

***General Obligation Bonds:*** Bonds are typically used to fund construction of new schools and other capital improvement projects, and require a 60% voter approval. The District's voters in November 2016 approved by 66.99% a \$299.85 million school construction bond to fund the projects identified in this Plan.

***State School Construction Assistance Program Funds:*** State School Construction Assistance funds come from the Common School Construction Fund. The State deposits revenue from the sale of renewable resources from State school lands set aside by the Enabling Act of 1889 into the Common School Account. If these sources are insufficient to meet needs, the Legislature can appropriate General Obligation Bond funds or the Superintendent of Public Instruction can prioritize projects for funding. School districts may qualify for State School Construction Assistance funds for specific capital projects based on a prioritization system.

The District received funding in the amount of \$6.27 million from Senate Bill 6080 to address a portion of the classrooms needed for implementation of reduced K-3 class sizes.

**Impact Fees:** Impact fees are a means of supplementing traditional funding sources for construction of public facilities needed to accommodate new development. *See Section 7 School Impact Fees.*

The District also receives some funding toward school construction from the Port of Seattle/Federal Aviation Administration. This funding applies to the Des Moines Elementary Replacement and Addition project and the Highline High School replacement project.

The Six-Year Financing Plan shown on Table 8 demonstrates how the District intends to fund new construction capacity and improvements to school facilities for the years 2018-2023. The financing components include bonds, SCAP funds, Port/FAA funds, and impact fees. The Financing Plan separates projects and portions of projects which add capacity from those which do not, since the latter are generally not appropriate for impact fee funding.

**Table 8**  
**Capital Facilities Financing Plan**  
(Costs in Millions)\*\*

| Project                                                     | 2018   | 2019   | 2020   | 2021   | 2022 | 2023     | Total Cost | Bonds/<br>Local Funds | State Funds   | Impact Fees | Port/FAA<br>*** |
|-------------------------------------------------------------|--------|--------|--------|--------|------|----------|------------|-----------------------|---------------|-------------|-----------------|
| <b>Elementary Schools</b>                                   |        |        |        |        |      |          |            |                       |               |             |                 |
| Des Moines Elementary Replacement and Addition              | 30.000 | 27.782 |        |        |      |          | \$57.782   | X                     | X             | X           | X               |
| Elementary School Classrooms – various sites                | 3.00   | 5.00   |        |        |      |          | \$8.000    | X                     | SB 6080 Funds | X           |                 |
|                                                             |        |        |        |        |      |          |            |                       |               |             |                 |
| <b>Middle Schools</b>                                       |        |        |        |        |      |          |            |                       |               |             |                 |
| New Middle School (950 capacity)                            | 45.70  | 45.70  |        |        |      |          | \$91.401   | X                     |               | X           |                 |
|                                                             |        |        |        |        |      |          |            |                       |               |             |                 |
|                                                             |        |        |        |        |      |          |            |                       |               |             |                 |
| <b>Portables</b>                                            |        |        |        |        |      |          |            |                       |               |             |                 |
| Portables at Various Sites                                  |        | .200   | .200   | .200   |      |          |            | X                     |               | X           |                 |
|                                                             |        |        |        |        |      |          |            |                       |               |             |                 |
| <b>High Schools</b>                                         |        |        |        |        |      |          |            |                       |               |             |                 |
| Highline High School                                        |        | 29.000 | 29.000 | 90.409 |      |          | \$148.409  | X                     | X             |             | X               |
|                                                             |        |        |        |        |      |          |            |                       |               |             |                 |
| <b>Land Purchase</b><br>(elementary site for future growth) |        |        |        |        |      | \$20.000 |            | X                     |               | X           |                 |

\*\*All projects are growth-related except Highline High School replacement.

\*\*\*Construction costs used in impact fee formula are adjusted to recognize Port/FAA funding.

## ***SECTION SEVEN: SCHOOL IMPACT FEES***

The GMA authorizes jurisdictions to collect impact fees to supplement funding of additional public facilities needed to accommodate new development. Impact fees cannot be used for the operation, maintenance, repair, alteration, or replacement of existing capital facilities used to meet existing service demands.

Impact fees in Appendix C have been calculated utilizing the formula in the King County Code. The resulting figures are based on the District's cost per dwelling unit to purchase land for school sites, make site improvements, construct schools, and purchase/install relocatable classrooms (portables). As required under the GMA, credits have also been applied in the formula to account for State Match Funds to be reimbursed to the District and projected future property taxes to be paid by the dwelling unit.

The District's cost per dwelling unit is derived by multiplying the cost per student by the applicable student generation rate per dwelling unit. The student generation rate is the average number of students generated by each housing type; in this case, single family dwellings and multi-family dwellings. Multi-family dwellings were broken out into one-bedroom and two-plus bedroom units. The District has developed its own student generation rate data based on actual permit data from local jurisdictions. For purposes of the 2018 CFP, the District is using the student generation rates developed in 2017. *See* Appendix D.

Using the variables and formula described, and applying the 50% discount rate required by the King County School Impact Fee Ordinance, impact fees proposed as a part of this CFP, are summarized in Table 9 below. *See also* Appendix C.

King County and the City of Kent currently have adopted school impact fee ordinances and collect school impact fees on behalf of the District. The District has requested that the other cities that it serves consider adoption of a school impact fee ordinance.

***Table 9***  
***School Impact Fees***  
***2018***

| <b><i>Housing Type</i></b> | <b><i>Impact Fee Per Dwelling Unit</i></b> |
|----------------------------|--------------------------------------------|
| Single Family              | \$2,573                                    |
| Multi-Family               | \$3,646                                    |

**APPENDIX A**

***DISTRICT MAP***







**APPENDIX B**

***POPULATION AND ENROLLMENT DATA***

## Highline Enrollment Projection

| Births        | 2003   | 2004   | 2005   | 2006   | 2007   | 2008   | 2009   | 2010   | 2011   | 2012   |
|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| King County   | 22,431 | 22,874 | 22,860 | 24,244 | 24,899 | 25,190 | 25,057 | 24,514 | 24,630 | 25,032 |
| K Enroll as % | 5.72%  | 5.79%  | 6.24%  | 5.96%  | 6.20%  | 6.72%  | 6.46%  | 6.34%  | 6.15%  | 5.96%  |

### October P223 Enrollment (Headcount)

|       | 2008   | 2009   | 2010   | 2011   | 2012   | 2013   | 2014   | 2015   | 2016   | 2017   |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| K     | 1283   | 1324   | 1427   | 1445   | 1543   | 1694   | 1618   | 1553   | 1515   | 1492   |
| 1     | 1364   | 1337   | 1392   | 1456   | 1475   | 1564   | 1723   | 1643   | 1515   | 1518   |
| 2     | 1359   | 1363   | 1332   | 1374   | 1430   | 1491   | 1594   | 1683   | 1622   | 1506   |
| 3     | 1319   | 1346   | 1409   | 1362   | 1368   | 1429   | 1498   | 1580   | 1676   | 1583   |
| 4     | 1311   | 1354   | 1335   | 1393   | 1323   | 1385   | 1436   | 1490   | 1540   | 1630   |
| 5     | 1259   | 1282   | 1387   | 1323   | 1408   | 1319   | 1391   | 1369   | 1440   | 1464   |
| 6     | 1313   | 1273   | 1312   | 1381   | 1316   | 1420   | 1307   | 1262   | 1363   | 1390   |
| 7     | 1278   | 1238   | 1218   | 1253   | 1317   | 1241   | 1369   | 1271   | 1234   | 1289   |
| 8     | 1282   | 1252   | 1227   | 1220   | 1267   | 1319   | 1270   | 1377   | 1283   | 1253   |
| 9     | 1727   | 1814   | 1832   | 1589   | 1585   | 1665   | 1643   | 1604   | 1459   | 1337   |
| 10    | 1500   | 1414   | 1462   | 1498   | 1424   | 1456   | 1510   | 1510   | 1420   | 1445   |
| 11    | 1309   | 1353   | 1274   | 1482   | 1442   | 1408   | 1446   | 1356   | 1533   | 1444   |
| 12    | 1409   | 1561   | 1494   | 1450   | 1586   | 1506   | 1517   | 1360   | 1599   | 1632   |
| Total | 17,713 | 17,911 | 18,101 | 18,226 | 18,484 | 18,897 | 19,322 | 19,058 | 19,199 | 18,983 |

\* HS Enrollment Does Not Include Open Doors

Learning Center Students or Career

Link Students Beginning with the 2014 Enrollment

|          |      |      |      |      |      |      |      |       |      |       |       |      |      |      |      |      |      |      |      |      |
|----------|------|------|------|------|------|------|------|-------|------|-------|-------|------|------|------|------|------|------|------|------|------|
| Change   | 247  | 198  | 190  | 125  | 258  | 413  | 425  | -264  | 141  | -216  | -51   | 9    | 33   | 159  | 304  | 267  | 231  | 231  | 96   | 176  |
| % Change | 1.4% | 1.1% | 1.1% | 0.7% | 1.4% | 2.2% | 2.2% | -1.4% | 0.7% | -1.1% | -0.3% | 0.0% | 0.2% | 0.8% | 1.6% | 1.4% | 1.2% | 1.2% | 0.5% | 0.9% |

### Totals by Level

|      |       |       |       |       |       |        |        |        |        |        |      |        |        |        |        |        |        |        |        |        |        |
|------|-------|-------|-------|-------|-------|--------|--------|--------|--------|--------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| K-6  | 9,208 | 9,279 | 9,594 | 9,734 | 9,863 | 10,302 | 10,567 | 10,580 | 10,671 | 10,583 | K-6  | 10,550 | 10,581 | 10,576 | 10,667 | 10,850 | 11,011 | 11,218 | 11,365 | 11,472 | 11,589 |
| 7-8  | 2,560 | 2,490 | 2,445 | 2,473 | 2,584 | 2,560  | 2,639  | 2,648  | 2,517  | 2,542  | 7-8  | 2,644  | 2,715  | 2,831  | 2,866  | 2,742  | 2,709  | 2,712  | 2,753  | 2,865  | 2,914  |
| 9-12 | 5,945 | 6,142 | 6,062 | 6,019 | 6,037 | 6,035  | 6,116  | 5,830  | 6,011  | 5,858  | 9-12 | 5,738  | 5,635  | 5,566  | 5,599  | 5,844  | 5,983  | 6,004  | 6,047  | 5,924  | 5,935  |

## Medium Range Forecast

### Projected Births

| 2013   | 2014   | 2015   | 2016   | 2017   | 2018   | 2019   | 2020   | 2021   | 2022   |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 24,910 | 25,348 | 25,487 | 26,011 | 26,529 | 26,620 | 26,724 | 26,840 | 27,010 | 27,192 |
| 6.15%  | 6.25%  | 6.22%  | 6.22%  | 6.25%  | 6.25%  | 6.28%  | 6.28%  | 6.28%  | 6.28%  |

|       | 2018   | 2019   | 2020   | 2021   | 2022   | 2023   | 2024   | 2025   | 2026   | 2027   |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| K     | 1533   | 1583   | 1584   | 1617   | 1657   | 1663   | 1677   | 1685   | 1695   | 1707   |
| 1     | 1478   | 1537   | 1587   | 1588   | 1620   | 1661   | 1667   | 1681   | 1689   | 1699   |
| 2     | 1512   | 1478   | 1545   | 1595   | 1591   | 1620   | 1658   | 1663   | 1678   | 1685   |
| 3     | 1494   | 1510   | 1483   | 1550   | 1601   | 1597   | 1630   | 1667   | 1673   | 1688   |
| 4     | 1551   | 1484   | 1507   | 1481   | 1548   | 1598   | 1597   | 1630   | 1668   | 1673   |
| 5     | 1564   | 1482   | 1425   | 1447   | 1422   | 1486   | 1537   | 1537   | 1568   | 1604   |
| 6     | 1418   | 1517   | 1445   | 1389   | 1411   | 1386   | 1452   | 1502   | 1501   | 1532   |
| 7     | 1340   | 1348   | 1449   | 1380   | 1327   | 1348   | 1327   | 1389   | 1437   | 1437   |
| 8     | 1304   | 1367   | 1382   | 1486   | 1415   | 1361   | 1385   | 1363   | 1428   | 1477   |
| 9     | 1319   | 1377   | 1451   | 1460   | 1569   | 1502   | 1447   | 1473   | 1450   | 1518   |
| 10    | 1327   | 1243   | 1304   | 1368   | 1376   | 1486   | 1426   | 1373   | 1398   | 1376   |
| 11    | 1472   | 1355   | 1276   | 1332   | 1397   | 1412   | 1528   | 1466   | 1412   | 1438   |
| 12    | 1620   | 1660   | 1535   | 1439   | 1502   | 1583   | 1603   | 1735   | 1664   | 1603   |
| Total | 18,932 | 18,941 | 18,974 | 19,132 | 19,436 | 19,703 | 19,934 | 20,165 | 20,261 | 20,437 |



**APPENDIX D**

***STUDENT GENERATION RATE DATA***

## **Highline School District Student Generation Rates**

In 2017, the District developed student generation rates based upon new residential development occurring within the District's boundaries within the preceding five year period. The District compared student enrollment addresses to the addresses on permits for new dwelling units. Future updates to the Capital Facilities Plan will include updated information.

Single Family Occupancy Permits for the last 5 years = 382  
Elementary School Students occupying Single Family Residences = 58  
Elementary Students Single Family Student Generation Rate = .1518

Single Family Occupancy Permits for the last 5 years = 382  
Junior High School Students occupying Single Family Residences = 10  
Junior High School Students Single Family Student Generation Rate = .0262

Single Family Occupancy Permits for the last 5 years = 382  
High School Students occupying Single Family Residences = 25  
High School Students Single Family Student Generation Rate = .0654

Multi-Family Occupancy Permits for the last 5 years = 43  
Elementary School Students occupying Multi-Family Residences = 4  
Elementary Students Multi-Family Student Generation Rate = .0930

Multi-Family Occupancy Permits for the last 5 years = 43  
Junior High School Students occupying Multi-Family Residences = 2  
Junior High School Students Multi-Family Student Generation Rate = .0465

Multi-Family Occupancy Permits for the last 5 years = 43  
High School Students occupying Multi-Family Residences = 3  
High School Students Multi-Family Student Generation Rate = .0698

**APPENDIX C**

***SCHOOL IMPACT FEE CALCULATIONS***

**HIGHLINE SCHOOL DISTRICT No. 401  
IMPACT FEE CALCULATION**

| <b>School Site Acquisition Cost:</b> |       | Facility | Cost/ | Facility | Student | Student |            |            |
|--------------------------------------|-------|----------|-------|----------|---------|---------|------------|------------|
|                                      | Scope | Acreage  | Acre  | Capacity | SFR     | MFR     | Cost/SFR   | Cost/MFR   |
| Elementary Schools                   |       |          | \$0   | 0        | 0.1518  | 0.0930  | \$0        | \$0        |
| Middle Schools                       |       |          |       |          | 0.0262  | 0.0465  | \$0        | \$0        |
| High Schools                         |       |          |       |          | 0.0654  | 0.0698  | \$0        | \$0        |
| <b>TOTALS</b>                        |       |          |       |          |         |         | <b>\$0</b> | <b>\$0</b> |

| <b>School Construction Cost:</b> |        |             | Facility | Facility | Student | Student |                 |                 |
|----------------------------------|--------|-------------|----------|----------|---------|---------|-----------------|-----------------|
|                                  | Scope  | % Perm Fac. | Cost     | Capacity | SFR     | MFR     | Cost/SFR        | Cost/MFR        |
| Elementary Schools               | 1 site | 97.36%      | \$51,509 | 717      | 0.1518  | 0.0930  | \$10,617        | \$6,505         |
| Middle Schools                   | 1 site | 97.36%      | \$91,401 | 950      | 0.0262  | 0.0465  | \$2,454         | \$4,356         |
| High Schools                     |        |             |          |          | 0.0654  | 0.0698  | \$0             | \$0             |
| <b>TOTALS</b>                    |        |             |          |          |         |         | <b>\$13,072</b> | <b>\$10,860</b> |

| <b>Temporary Facilities Cost:</b> |       |             | Facility | Facility | Student | Student |            |            |
|-----------------------------------|-------|-------------|----------|----------|---------|---------|------------|------------|
|                                   | Scope | % Perm Fac. | Cost     | Capacity | SFR     | MFR     | Cost/SFR   | Cost/MFR   |
| Elementary Schools                |       | 2.64%       | 0        | 0        | 0.1518  | 0.0930  | \$0        | \$0        |
| Middle Schools                    |       | 2.64        | 0        | 0        | 0.0262  | 0.0465  | \$0        | \$0        |
| High Schools                      |       |             | 0        | 0        | 0.0654  | 0.0698  | \$0        | \$0        |
| <b>TOTALS</b>                     |       |             |          |          |         |         | <b>\$0</b> | <b>\$0</b> |

| <b>State Match Credit Calculation:</b> |       | Const. Cost   | SF/     | State  | Student | Student |                |                |
|----------------------------------------|-------|---------------|---------|--------|---------|---------|----------------|----------------|
|                                        | Scope | Allocation/SF | Student | Match  | SFR     | MFR     | Cost/SFR       | Cost/MFR       |
| Elementary Schools                     |       | 225.97        | 90      | 0.5462 | 0.1518  | 0.0930  | \$1,686        | \$1,792        |
| Middle Schools                         |       | 225.97        | 108     | 0      | 0.0262  | 0.0465  | \$0            | \$0            |
| High Schools                           |       | 0             | 0       | 0      | 0.0654  | 0.0698  | \$0            | \$0            |
| <b>TOTALS</b>                          |       |               |         |        |         |         | <b>\$1,686</b> | <b>\$1,792</b> |

| <b>Tax Payment Credit:</b>            |  |  |  |  |  |  | Credit/SFR     | Credit/MFR     |
|---------------------------------------|--|--|--|--|--|--|----------------|----------------|
| Average Assessed Value                |  |  |  |  |  |  | \$371,615      | \$105,778      |
| Capital Bond Interest Rate            |  |  |  |  |  |  | 3.85%          | 3.85%          |
| Net Present Value of Average Dwelling |  |  |  |  |  |  | \$3,036,764    | \$864,397      |
| Years Amortized                       |  |  |  |  |  |  | 10             | 10             |
| Property Tax Levy Rate                |  |  |  |  |  |  | \$2.054        | \$2.054        |
| <b>Tax Payment Credit</b>             |  |  |  |  |  |  | <b>\$6,239</b> | <b>\$1,776</b> |

| <b>Fee Summary</b>                |  | Cost/SFR       | Cost/MFR       |
|-----------------------------------|--|----------------|----------------|
| School Site Acquisition Cost      |  | \$0            | \$0            |
| School Construction Cost          |  | \$13,072       | \$10,860       |
| Temporary Facilities Cost         |  | \$0            | \$0            |
| State Matching Credit Calculation |  | \$1,686        | \$1,792        |
| Tax Payment Credit Calculation    |  | \$6,239        | \$1,776        |
| <b>SUBTOTAL</b>                   |  | <b>\$5,146</b> | <b>\$7,293</b> |
| 50% Local Share                   |  | -\$2,573       | -\$3,646       |
| <b>CALCULATED IMPACT FEE</b>      |  | <b>\$2,573</b> | <b>\$3,646</b> |
| <b>2018 IMPACT FEE</b>            |  | <b>\$2,573</b> | <b>\$3,646</b> |





# CITY COUNCIL

## PUBLIC HEARING Speaker Sign-Up Sheet

DRAFT ORDINANCE 18-101 RELATED TO THE  
LANDMARK ON THE SOUND ZONING RECLASSIFICATION

September 27, 2018

| NAME (PLEASE PRINT)               | ADDRESS | PHONE/E-MAIL ADDRESS                           |
|-----------------------------------|---------|------------------------------------------------|
| ✓ Chris Haynes - Grand Lodge WA   |         | 206-353-0134 cheynes@windermere.com            |
| ✓ Clint Brown - Grand Lodge of WA |         | 253-625-7891 grandsecretary@freemasonry-wa.org |
| ✓ Reuben Schutz - Judson Park     |         | 283-620-6412                                   |
| ✓ HARRY S STEINMETZ               |         | 206-387-1333 / HSSLAN@mk.com                   |
| Travis Amuch                      | Sammish |                                                |
|                                   |         |                                                |
|                                   |         |                                                |
|                                   |         |                                                |
|                                   |         |                                                |

# PUBLIC HEARING:

## DRAFT ORDINANCE 18-101 LANDMARK ON THE SOUND ZONING RECLASSIFICATION

Sept. 27, 2018

Susan Cezar, Chief Strategic Officer  
Laura Techico, Principal Planner  
Denise Lathrop, Planning & Development Services Manager

# Purpose Tonight

- Application for a rezone
  - From RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone for the Landmark Property made by Jackson Main Architecture, Urban Worklofts, and the Grand Lodge of Free and Accepted Masons
- Decision process:
  - Hold a quasi-judicial public hearing on the application
  - Determine whether the proposed rezone complies with the decision criteria of DMMC 18.30.080
  - If the application complies with the criteria, the Council should approve the application

# Quasi-Judicial Public Hearing

- Quasi-judicial proceedings are governed by the same appearances of fairness rules that apply to cases in court
- Appearance of Fairness Doctrine – State law requires government decision makers to conduct hearings in a way that is fair and unbiased in both appearance and fact
- City Council is required to objectively determine facts from the information presented in the hearing and the Council packet, and draw conclusions from them to provide the basis of an official action



# Quasi-Judicial Public Hearing Cont.

- Once an application is submitted (May 23, 2018), no member of a decision-making body may engage in ex parte (outside the hearing) communications with proponents or opponents, unless that member:
  - Places on the record the substance of such communications; and
  - Provides a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication at the hearing.

# Decision Criteria

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

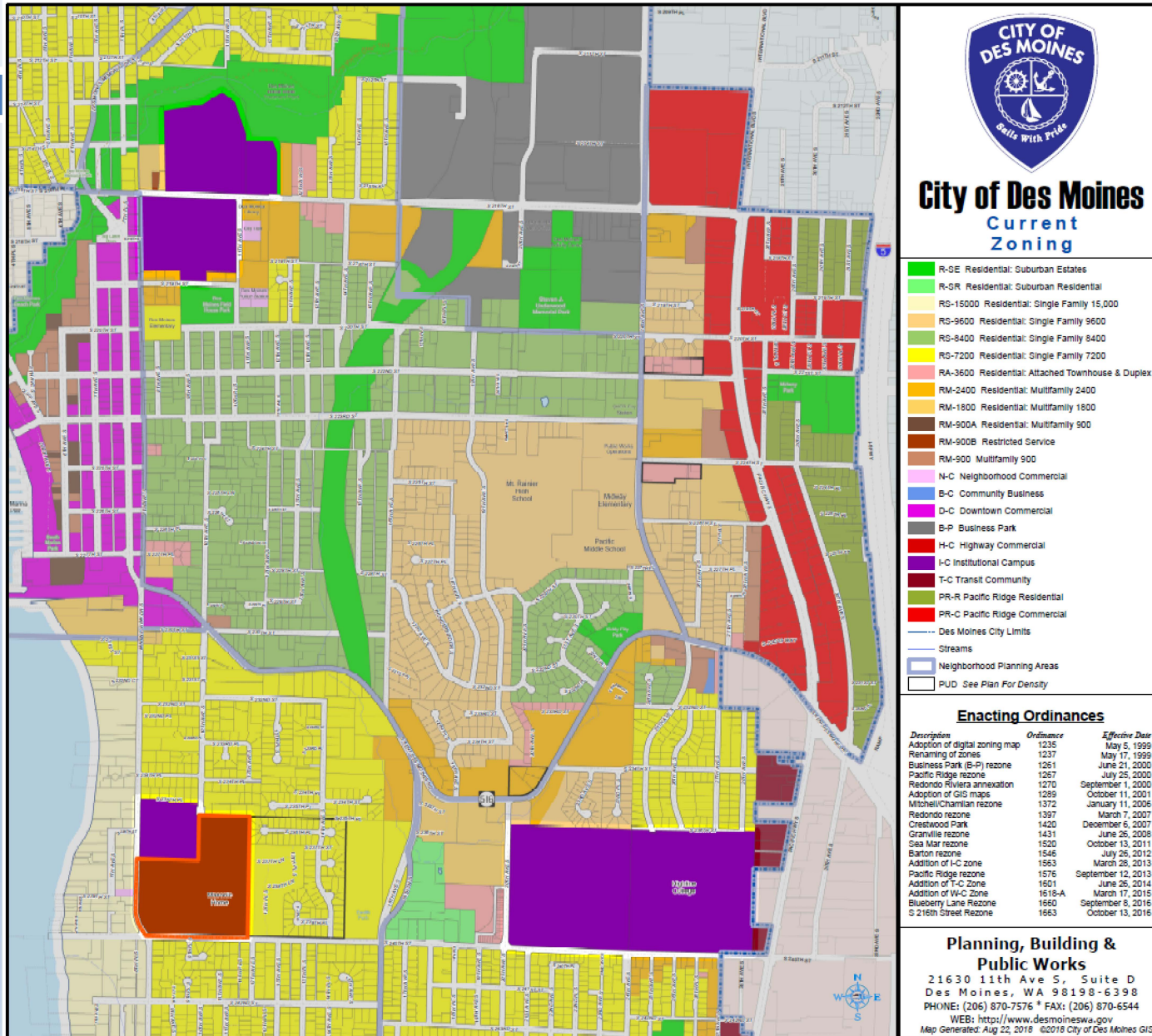
# The application

- Site specific rezone for the Landmark on the Sound property from RM-900B Residential: Multifamily to I-C Institutional Campus.
- The City Council previously considered and adopted the Institutional Campus designation as the appropriate land use for the property in the City's Comprehensive Plan.
- This action will bring the zoning into compliance with this preferred land use.
- The hearing is NOT related to a specific development proposal. Future proposals will be reviewed for code compliance as follows:
  - Master plan
    - Development regulations (zoning, traffic, stormwater, etc)
    - Environmental review
    - Mitigation for project-specific impacts
    - Opportunity for public comment and appeal
    - Public Hearing: City Council review and approval of the Master Plan

# Process

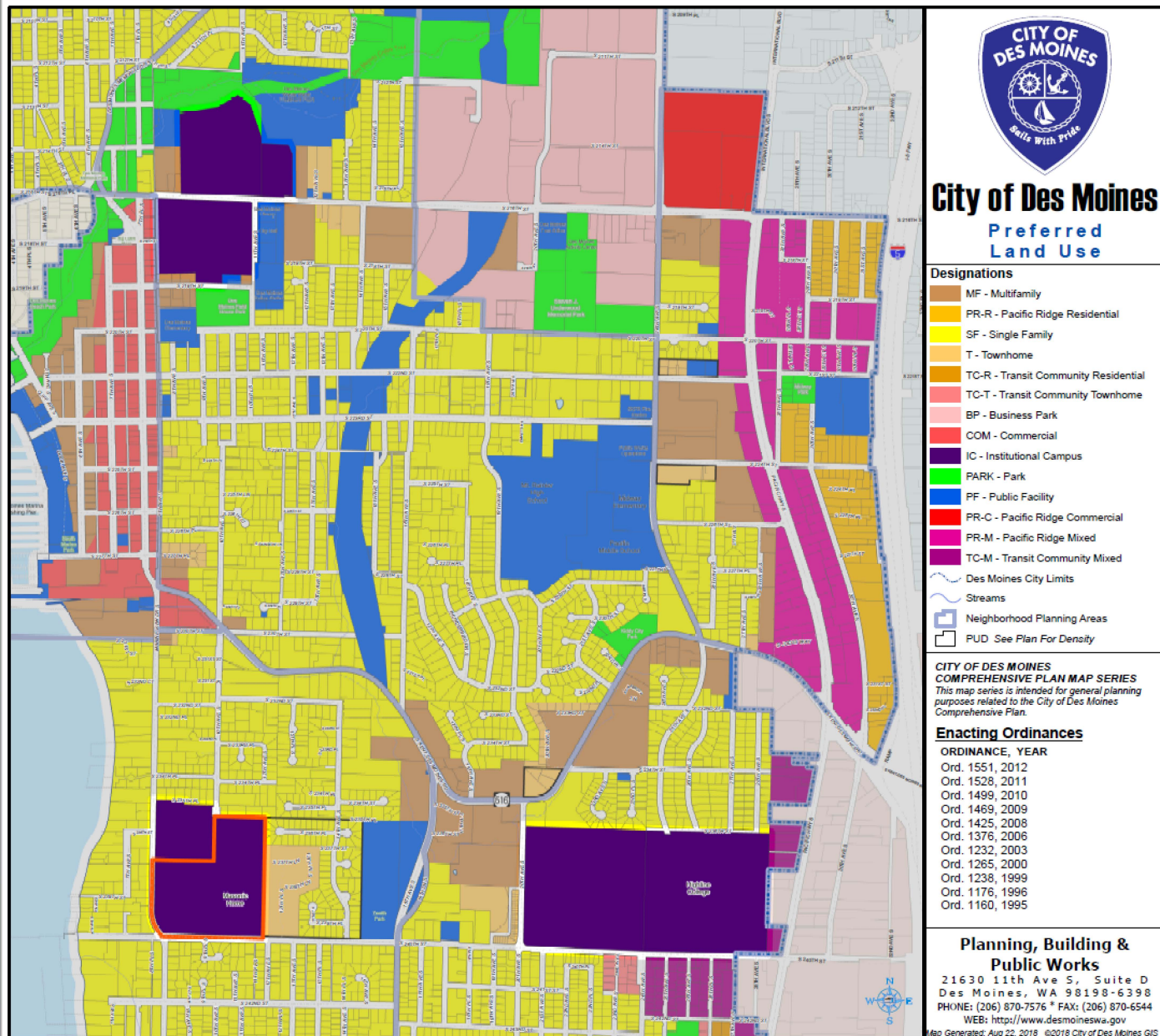
- May 23, 2018 – application for rezone of the Landmark property was submitted.
- Notice mailed to surrounding residences to allow for public comment.
- August 31, 2018 – State Environmental Policy Act (SEPA) Threshold Determination issued, allowing for additional comment.
- A few comments received, summary in the packet
  - Primarily informational inquiries
- Comment and appeal periods have lapsed and no appeals were filed.

# Current Zoning

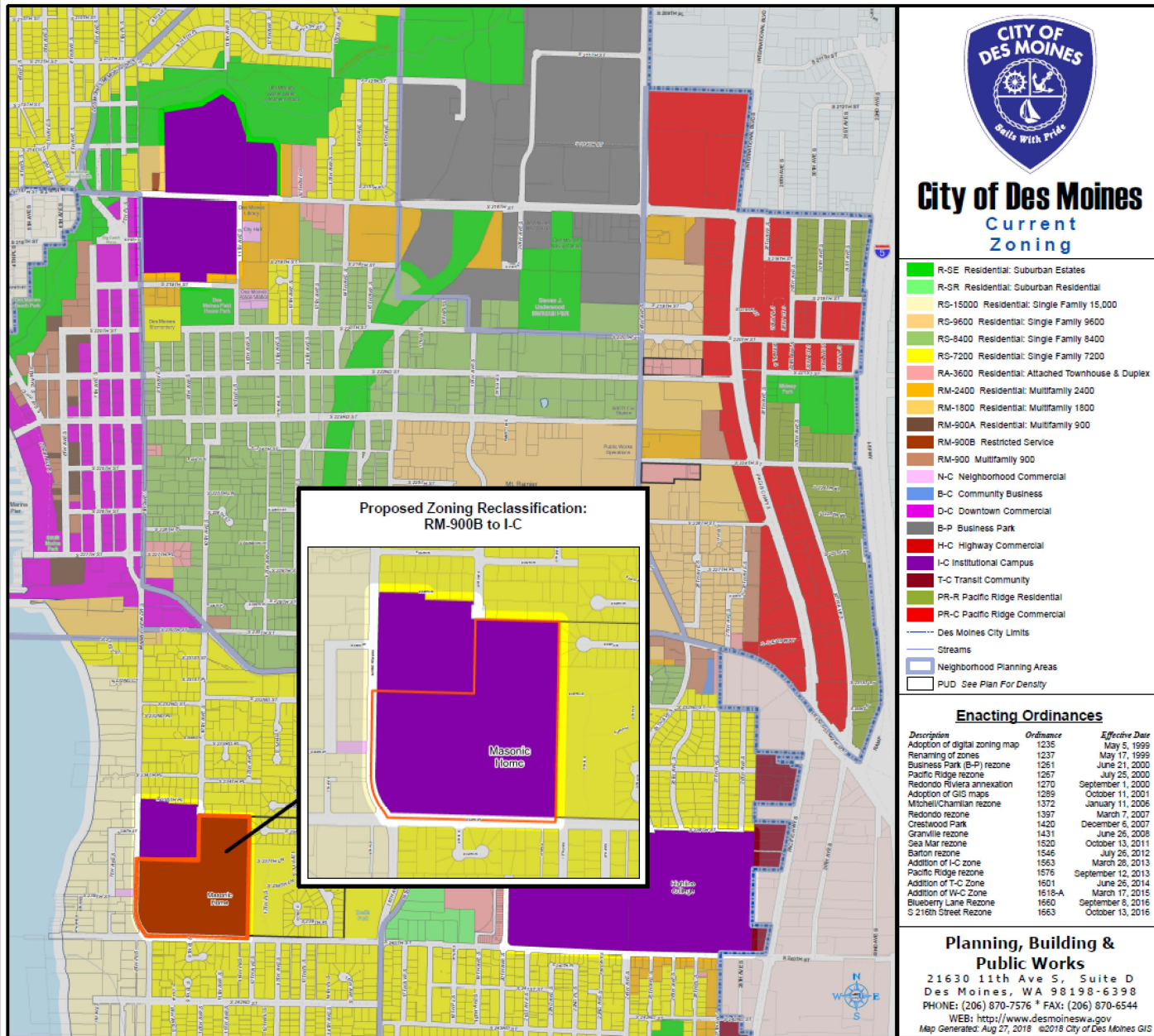




# Comprehensive Plan



# Requested Zoning



# Decision Criteria

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

# Decision Criteria

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

*Staff response: The Growth Management Act requires the timely provision of public facilities and services to accommodate development impacts. Future development will be subject to additional review for potential impacts and adequacy of public facilities and services at each phase. No concurrency issues were identified.*



# Decision Criteria

2. The amendment is consistent with the Comprehensive Plan.

*Staff response: This action will bring the zoning into compliance with the preferred IC land use designation for the property in the City's adopted Comprehensive Plan.*



# Decision Criteria

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

*Staff response: The rezone of the property bears a substantial relation to the public health, safety and welfare as expressed in the City's vision for growth in the adopted Comprehensive Plan. Future development will be reviewed for consistency with the development standards of the I-C Zone, assuring further consideration of the public welfare as set forth in the City's regulations.*

# Decision Criteria

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

*Staff response: This action will bring the zoning into compliance with the preferred IC land use in the City's adopted Comprehensive Plan.*

# Decision Criteria

5. The property in question is adjacent and contiguous...to property of the same or higher zoning classification.

*Staff response: The property is adjacent and contiguous to the Judson Park property to the north, which is zoned Institutional Campus.*

# Decision Criteria

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

*Staff response: Future development applications for the Landmark site will be reviewed for compliance with development standards at each phase of the project and appropriate mitigation and conditions imposed. The City Council will need to approve a master plan for the site that is in compliance with City regulations.*

# Decision Criteria

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

*Staff response: The amendment will encourage the appropriate reuse of surplus institutional buildings and properties to avoid long term vacancies. This in turn will help further the economic vision for the City by promoting development in a manner that strengthens community sustainability, livability, business vitality, and employment and housing capacity. Active use of the site will also mitigate any potential situations where vacant land and buildings can impede crime prevention.*



# Staff Recommendation

---

- Staff recommends that the Council find that the requested rezone meets the decision criteria.
- If Council determines the criteria are met, the application should be approved.

# Suggested Motions

- **Motion 1:** “I move to suspend Rule 26(a) in order to enact Draft Ordinance No 18-101 on first reading.”
- **Motion 2:** “I move to enact Draft Ordinance No. 18-101 amending DMMC 18.10.050 (Adoption of official zoning map), to reclassify tax parcel 1722049023 from RM-900B Residential: Multifamily Zone to I-C Institutional Campus Zone for the Landmark on the Sound property.”