

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

September 27, 2007

The regular meeting of the Des Moines City Council was called to order at 7:37 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11<sup>th</sup> Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Mayor Pro Tem Thomasson.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, and Dan Sherman. Absent: Councilmember Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Parks & Recreation Director Patrice Thorell, Development Services Manager Robert Ruth, Surface Water Engineer Loren Reinhold, Building Official Larry Pickard, Land Use Planner II Jason Sullivan, Transportation Engineer Dan Brewer and City Clerk Denis Staab.

MOTION was made by Councilmember Scott, seconded by Councilmember Pina and passed unanimously, to excuse Councilmember White.

### COMMENTS FROM THE PUBLIC

#### Florence McMullin, 1018 South 246<sup>th</sup> Place - Huntington Park

Ms. McMullin informed Council that last night Huntington Park residents met with some of the owners, managers and residents of Pacific Ridge. She told Council these people are ecstatic with the demise of the Three Bears Motel.

#### Ed & Barb Ester, 16451 Sylvester Road SW, Burien

Mr. & Mrs. Ester informed Council that they own 4-plexes at 21832 & 21829 31<sup>st</sup> Avenue South and thanked the City for closing the 3 Bears Motel. They stated they have already noticed a change for the better.

#### Luis Ruggiero, 24206 26<sup>th</sup> Place South

Mr. Ruggiero advised that he owns a 4-plex on 29<sup>th</sup> Avenue South and he expressed his appreciation for the closing down of the 3 Bears Motel. He reported the area has been more peaceful and requested the City keep doing a good job.

#### Mr. Gessisi, 21637 30<sup>th</sup> Avenue South #4

Mr. Gessisi expressed appreciation for the closure of the 3 Bears Motel. However, he reported continuing criminal activity and how scared his children are. He requested continued police protection and installation of cameras to help curb this activity.

#### Carmine Ruggiero, 16802 83<sup>rd</sup> Avenue South, SeaTac

Mr. Ruggiero thanked Council for closing the 3 Bears Motel. He also requested the City close the trailer park down as it is running the neighborhood down.

### BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

#### City Activities

Councilmember Scott reported on the upcoming activities:

- October 12<sup>th</sup> - Senior Center Spaghetti Feed
- November 4<sup>th</sup> - Brunch Auction at Anthony's by the Legacy Foundation
- November 12<sup>th</sup> - Celebration Honoring & Remembering Veterans at Sunnydale School
- December 1<sup>st</sup> - Victorian Christmas by the Historic Society

#### Report From Attorney General's Office

Councilmember Kaplan advised he received a telephone call from the Attorney General's office informing him that the owners of TME Capital and Environmental Materials Transport, Inc. who fronted the \$50,000 that negatively impacted the Council elections during 2001, and did not report their campaign contributions, had been scheduled to go on trail on December 3<sup>rd</sup>, have settled with the Attorney General. They have paid a fine of \$125,000, plus \$15,000 reimbursement for court costs to the Public Disclosure Commission and the Attorney General's office. For the 1999 campaign they had paid a fine of \$40,000 and \$3,000 in reimbursement. He noted you cannot put a dollar value on the impact that this incident had on Des Moines. He requested City Attorney Bosmans check with the Attorney General's office to see if the penalty could be paid to the City of Des Moines rather than the State of Washington, for the impact it caused our City.

Mayor Sheckler pointed out that the company named is the group that tried to put the dirt conveyor system through Des Moines to funnel dirt to the 3<sup>rd</sup> runway at SeaTac airport.

#### Municipal Facility Committee

Councilmember Sherman reported that the Committee has met twice recently. Discussion has included budget items for the Marina and Parks and Recreation. He noted that Planning, Building and Public Works Director Fredericks has requested being able to charge more to the individual departments to start putting money away toward major capital improvements and repairs. He advised that the Committee felt this was pre-mature due to the financial status of the City, but could perhaps be looked at when we are in better financial shape.

#### Environment Committee

Mayor Pro Tem Thomasson reported that the Committee met this evening and were briefed on the following:

- Des Moines Creek Hydraulic Analysis
- Preliminary Budget Issues for the Surface Water Management Fund

In regards to the Hydraulic Analysis, some of the issues such as how high should the Dinning Hall be lifted above the creek, it was felt that these types of issues would be better discussed at the Municipal Facilities Committee level.

It was noted that the Dinning Hall issues have been remanded to the Municipal Facilities Committee.

#### PRESIDING OFFICER'S REPORT

##### Tacoma Maritime Festival - Mayor's Cup Dragon Boat Race

Parks and Recreation Director Thorell advised that last year Mayor Sheckler was challenged to participate in the Mayor's Cup Dragon Boat Race and the City's team came in 2<sup>nd</sup> place. She announced that this year the Des Moines' team, made up of City employees and Des Moines' citizens, came in 1<sup>st</sup>, smoking the other two teams in the race. She noted this is the 1<sup>st</sup> time in the history of the race (6 or 7 years) that the City of Tacoma did not win. She presented Mayor

Sheckler with the official trophy. She thanked the City's sponsor, Lakeside Advisors for paying the entry fees, t-shirts, etc.

Mayor Sheckler stated there are 20 people that paddle the boats, one person steers and one person on the drums. He acknowledged the following employees that participated in the race: Lorraine Cottrel, Laura Techico, Denise Lathrop and Patrice Thorell. He also acknowledged coaches from Des Moines and Normandy Park.

## ADMINISTRATION REPORTS

### Status of Repairs to City Facilities from 2006-2007 Storm Events

City Manager Piasecki noted a detailed written briefing is contained in Council packets. He requested that if Council has any questions they should contact him or Planning, Building and Public Works Director Fredricks.

### Des Moines Creek Dredging

Upon questioning, City Manager Piasecki advised the dredging is complete. He stated we are studying doing more dredging next year and include some sedimentation traps to keep silt from building up underneath the bridge and Dinning Hall.

### Update - Jail Planning

City Manager Piasecki informed Council that there is an ongoing process to provide for jails in the future. He noted the City's contract with Yakima expires at the end of 2010 and the contract with King County expires at the end of 2012. Yakima has informed us that their long term plans do not include contracting with cities West of the mountains. He advised that the County has indicated that they are willing to partner with us, however that will require building or expanding the current jail. The two efforts under way are:

- A County wide efforts including the cities working together looking at various options. This process is working very slowly and they may have no answers by the end of 2010.
- A sub-group of 4 cities, Des Moines, Federal Way, Tukwila and Renton, with the possibility of Normandy Park, Burien and SeaTac joining in, are working independently to determine if we can solve our own problems. They have put together an RFP to bring in a consultant and are looking at 3 or 4 sites that might be used for a jail.

He stated when he comes back with a more detailed update in November, he will ask Council if they wish to participate in the feasibility study. It is estimated the total cost of the study will be around \$160,000, with Des Moines share about \$13,000. Based on the fact that we may not have any place to put people in Des Moines that have been sentenced to jail by the end of 2010, he felt it would be wise for the City to continue in this process.

Mayor Pro Tem Thomasson commented that Des Moines residents were taxed to fund the Kent Regional Justice Center and he questioned what we got out of that if we have to build another one. City Manager Piasecki acknowledged that he was not part of that process, but guesses we were promised that we could put people sentenced to jail time in Des Moines in that facility at a daily rate, and it was to be a place that our Police Department could bring people they arrested to be booked into jail. He pointed out that we cannot do that 24 hours a day any more as staffing for that process has been curtailed during late night, early morning, forcing our Police to use other facilities in the area or go to downtown Seattle. In conclusion, he feels we are not getting our fair share of the Kent facility. However, he stated several years ago a part of the Bond issue

paid for a piece of property in Bellevue that was to be used for a future jail site. The County has given that property to the cities in King County and it is being held for us by Bellevue. He stated we could build a jail there or sell the property to purchase property elsewhere.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of September 6, and the special and regular minutes of September 13, 2007.

2. Findings: Vouchers 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.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #110975 through #111172 & electronic fund transfers in the total amount of \$624,584.56

Payroll fund transfers in the total amount of \$325,759.00

3. Motion is to approve the agreement for installation of the Auditorium and Sun Home Lodge perimeter drainage improvements at Des Moines Beach Park with Rivers Edge Services, Inc., in the amount of \$77,193.72 including tax and authorize the City Manager to sign the contract substantially in the form as submitted; and to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.

4. Draft Resolution No. 07-180 - Title: A Resolution of the City Council of the City of Des Moines, Washington, fixing a time for a public hearing to consider vacation of a portion of public right-of-way in the City of Des Moines.

MOTION is to adopt Draft Resolution No. 07-180 setting a public hearing for October 25, 2007 for a street vacation request relating to a portion of South 239<sup>th</sup> Street within the Zenith Neighborhood.

5. Draft Resolution No. 07-186 - Title: A Resolution of the City Council of the City of Des Moines, Washington, fixing a time for a public hearing to consider vacation of several segments of public rights-of-way in the City of Des Moines.

MOTION is to adopt Draft Resolution No. 07-186 setting a public hearing on November 8, 2007 for a street vacation request relating to streets within the Des Moines Creek Business Park area.

6. Draft Resolution No. 07-192 - Title: a Resolution of the City Council of the City of Des Moines, Washington, waiving the state competitive bidding requirements for the purchase of sheet piling for the Marina Redevelopment Project, pursuant to RCW 39.04.280; and authorizing the purchase of same.

MOTION is to approve Draft Resolution No. 07-187.

Consent Item #1 - Correction Minutes to 9/13/07: Councilmember Scott noted on page 8, 2<sup>nd</sup> to last paragraph, last sentence should read: "The minimum *dimension* of . . ." Correction was duly noted by the City Clerk.

Consent Item #3 - Question: Councilmember Scott noted she would have preferred to see the exact specifications. She questioned whether the completed dredging was deep enough. Parks and Recreation Director Thorell responded affirmatively.

Consent Item #4: Mayor Pro Tem Thomasson advised he is in favor of having the hearing, but it is unclear whether this is a City initiated vacation or in response to a petition. City Manager

Piasecki responded this is in response to a petition from the surrounding property owners. Mayor Pro Tem Thomasson requested when the ordinance is prepared for this vacation to be sure to include a complete and inclusive legal description.

Consent Item #5: In response to questioning by Mayor Pro Tem Thomasson, City Manager Piasecki confirmed this is in response to a petition from the Port of Seattle. Mayor Pro Tem Thomasson commented that we need to make a case as to whether S 208<sup>th</sup> should or should not be vacated and what some of the other public needs and uses might be in this vacation request. Mayor Pro Tem Thomasson requested Councilmembers be briefed on a recent letter that was in their mail boxes, regarding Council approving a 2<sup>nd</sup> Development Agreement by a certain date in November.

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Pina and passed unanimously, to approve the Consent Calendar as read.

#### Agenda Revision

Mayor Sheckler announced that if Councilmembers have no objection, he will take Old Business Item #1 ahead of the Public Hearings. There was no objection from Council.

#### OLD BUSINESS

##### Draft Ordinance No. 07-159 [ASSIGNED ORD. NO. 1411] Five Story Wood Frame Buildings - 2<sup>nd</sup> Reading

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Scott, to pass Draft Ordinance No. 07-159 authorizing alternative methods of design and construction of buildings, adding a new chapter to Title 14 DMMC entitled Five-story Wood Frame Buildings and codifying a new chapter in Title 14, and adding the following change in the draft ordinance to Section 1, (1) to read: The purpose of this article is to authorize '*for the area zoned Pacific Ridge Commercial 1, Pacific Ridge Residential and Business Park North Sub-area*' . . .

Upon questioning by Mayor Pro Tem Thomasson, Fire Marshall Ron Biesold responded that the Fire District can respond to fires within the proposed height. He also advised that the Fire District will be studying these types of building during planning review to make sure there are proper clearances and areas for equipment set-up.

Councilmember Pina stated he would feel more comfortable is the wording said "applicable only to areas zoned for such height by the City Council". He stated then Council would have to rezone an area for this type of structure to be built.

Councilmember Sherman stated he believes the areas in the original motion are those that the Fire District has indicated they can respond and manage a fire because there is adequate water flow and pressure, and these are the only areas that can handle buildings of this bulk.

Councilmember Scott called attention to the fact the first three Whereas' on page 2 specifically mention Pacific Ridge and therefore she feels Councilmember Sherman's motion is consistent.

Councilmember Kaplan noted he will support the motion because he feels this is the type of construction we need to offer in order to be competitive with other jurisdictions.

VOTE ON MAIN MOTION: Motion passed unanimously.

## PUBLIC HEARING

### South Shore Preliminary Modified Subdivision

Mayor Sheckler introduced the subject noting the purpose of this public hearing is to determine if the proposed preliminary modified subdivision is consistent with the requirements specified in DMMC 17.20. He declared the hearing open. He identified two individuals, Lisa Klein and Rod Emmons, who signed up to speak during the hearing and administered an oath that their testimony will be true and accurate to the best of their knowledge.

Land Use Planner II Sullivan advised the primary reasons for the hearing are to review the proposed project's consistency with the City's development regulations, to take any public testimony regarding the subdivision and to review the five proposed deviations requested by the applicant. He reported that on February 22, 2007, Development Services determined the application materials submitted for a preliminary modified subdivision met the procedural submittal requirements established by Des Moines Municipal Code. The application specifically requests to divide 3 existing tax parcels consisting of 6.43 acres into 31 single family residential lots. On March 2, 2007, the City issued a public notice of complete application with an associated 15 day comment period. He noted during this period the City received comments from 3 individuals which are included on pages 3 and 4 of the written staff report, along with the City's written responses. He informed Council that staff believes that all issues raised have been addressed and no outstanding issues remain. On July 16, 2007 the City issued the final threshold determination of a Mitigated Determination of Non-Significance and established a environmental mitigation agreement, included as Attachment 5 in Council's packet. He noted that the comment period concluded on July 31, 2007, the appeal period on August 10, 2007, with no comments or appeals filed. He continued by noting the following

- Located at approximately 20<sup>th</sup> Avenue and South 222<sup>nd</sup>
- Surrounding Land Uses: North is Steven J. Underwood Park, South, East and West is single family
- Current Zoning is RS 8400, along with properties to the South, East and West. The Park is zoned Public Facility
- Proposal is consistent with the goals, policies and strategies established by the Comprehensive Plan
- Proposal attempts to balance economic development with environmental protection to the limited density transfer and additional goals and polices are listed on page 6 of the staff report in Council's packet
- All lots within the subdivision meet the yard requirements established by DMMC 18.08
- Right-of-way width reduced to 50' from 60'. Noted there is no reduction in the required improvements for curbs, gutter, planting strip, etc.
- Surface Water Management facility is consistent with the King County Design Manual
- Applicant has requested to pay the Park-in-lieu fee based on 8,205 sq. ft.
- Page 11 noted corrected figures: Storm Water Facilities area should be 14,123 sq. ft. or 15.7%, and Lots area 164,097 sq. ft. or 58.6%
- Will provide trail to Steven J. Underwood Park and provides some improvements within the Park to get pedestrians to the area between the two ball fields and out to the road on S 221<sup>st</sup>

- One wetland on site, approximately 6,081 sq. ft. category 3 wetland requiring a 35' buffer. This allows applicant to request a limited density transfer
- Determination of what is considered part of the developable area for the proposal is consistent with the assumptions and methodology used on previous subdivisions

He distributed a new Attachment 13 of the artistic site plan rendering. He advised only lot 17 contains the requested deviation and all the other lots meet the required lot depth width ratio. He advised that the 50' right-of-way has been reviewed by the City Traffic Engineer and all the improvements that would be required in a 60' right-of-way will be provided. He stated there are two requested deviations from the Zoning Code requirements - lot width which is substantially below what the layout entails, the average lot area is proposed to be reduced to 5,187 sq. ft. He advised that staff has determined these are within the flexibility allowed under the modified subdivision. He stated these requested deviations are within the City Council's discretion to approve, modify or deny the request and to develop and adopt findings that support the Council's decision. Should Council decide to approve all the deviations as requested staff is recommending the following conditions of approval:

1. The applicant shall comply with the SEPA Environmental Mitigation Agreement dated July 16, 2007.
2. The applicant shall submit a complete landscaping plan for all yard areas within the subdivision.
3. The applicant shall submit a design for the trail that would connect Road A to the Steven J. Underwood Memorial Park.
4. The applicant will be required to provide a joint driveway access to lots 1 and 2, lots 20 and 21, lots 22 and 23, and lots 30 and 31.
5. Lots 1, 21, 22 and 31 shall not have direct access to South 222<sup>nd</sup> Street.
6. If the landscape strip is incorporated into the final design, provisions for a private maintenance agreement from the home owners association will be required. Since the landscape strip is proposed at only 3 feet in width, no street trees will be allowed within this area.
7. The application shall pay the required park in lieu fee in an amount to be determined at the time of the applicant files for final plat approval. The fee shall be equal to 5% of the market value of all lots within the subdivision. The fee shall be paid prior to recording of the final plat.
8. The applicant shall deed ownership of the surface water detention tract and the environmentally sensitive area tract to the City prior to the final plat documents being recorded.

Mayor Sheckler called for any Proponents who wish to address Council.

Lisa Klein, Planner with AHBL, 2215 North 30<sup>th</sup> Street, Tacoma

Ms. Klein, representing the applicant, thanked City staff, in particular Land Use Planner II Sullivan, for their professional help. She advised Council that they are in concurrence with all of the findings, conditions, and the conditions listed in the Environmental Mitigation Agreement. She pointed out to Council what makes this modified subdivision better than others is:

- Wetland has a 35' buffer and they have designed the storm water ponds to wrap around the wetland in a fashion to become a greater green belt and works to hydrate the wetland to maintain existing conditions.

- Pedestrian connections are part of the Comprehensive Plan goals and the project provides sidewalks throughout, along with a connection in the north to Underwood Memorial Park.
- Terms require applicant to provide a level of architectural details, and this will ensure a better designed project, attractive, with modulation and colors.
- Project provides for greater compensation for the preservation of environmentally sensitive areas, greater flexibility in design and consistent treatment of past development proposals.

In conclusion, she requested Council approve the requested proposal as presented.

Rod Emmons, Civil Project Manager with AHBL, 2215 N 30<sup>th</sup> Street, Tacoma

Mr. Emmons briefly reviewed the following:

- Project slopes about 0 to 6% from the NE corner towards the SW corner, and existing surface flows in that direction
- Will collect storm water through a closed conveyance system within the streets, roof tight lines and conveying it to the pond systems in the west portion of the project, eliminating any impacts to the wetland.
- Storm water system is designed to the 2005 King County Surface Water Design Manual as adopted by Des Moines. Ponds will be providing treatment as well as flow control.
- Will be making frontage improvements to S 222<sup>nd</sup> Street adjacent to the project.
- Sanitary sewer system will be an extension of an existing sewer about 800' to the West, off of 220<sup>th</sup> Street.
- There is an existing water main on S 222<sup>nd</sup> Street, will be connecting to that, extending a looped water system throughout the project for fire flow and domestic service.
- The same street standards will be used for the reduced 50' right-of-way that would be for a 60' right-of-way.

Mayor Sheckler inquired of Administration as to there has been any misstatements of fact, or if there is additional material to be submitted by items raised, or if they wish to alter their recommendations. The response was in the negative.

Mayor Sheckler inquired as to whether there was anyone else in the audience who wishes to speak. One gentleman responded in the affirmative and Mayor Sheckler administered the oath.

Pastor Rick Sherman, with Des Moines Four Square Church "Southshore Fellowship", Owner of the Proposed Subdivision

Pastor Sherman informed Council the Church has been in the community since 1984. He stated the Church has outgrown the old building and it was decided to hire AHBL to develop the plat and to maximize the selling price. He voiced the opinion that the proposal is appealing to families, it blends in well with the natural surroundings and complies with the City's current codes. He advised that his hope is to develop another campus in Des Moines to serve the needs of the citizens. In conclusion he thanked Council for consideration of the proposal.

Mayor Sheckler inquired as to whether there are any more speakers. Mrs. Lori Sherman was administered the oath.

Lori Sherman, Co-senior Pastor of Southshore Fellowship, 3803 SW 313<sup>th</sup> Street, Federal Way

Mrs. Sherman thanked staff for their efforts in presenting the preliminary plat. She felt the proposal is good, and noted they wish to leave the property as better than its previous use. She expressed hope that Council will view this proposal as a benefit to the community.

Mayor Sheckler called for any further speakers three times. There was no response.

8:55 p.m. Mayor Sheckler called for a 10 minute break. City Manager Piasecki noted at the end of the 10 minute break Council will have a 5 minute Executive Session to discuss real estate matters, about which public knowledge might have an adverse impact on price to the detriment of the City.

#### Executive Session

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, and Dan Sherman. Absent: Councilmember Susan White. Also present were City Manager Tony Piasecki, City Attorney Pat Bosmans and Planning Manager Robert Ruth.

No formal action was taken.

ADJOURNMENT - Executive Session adjourned at 9:20 p.m.

#### CONTINUED PUBLIC HEARING

Upon questioning by Councilmember Sherman as to what makes this a modified subdivision, Land Use Planner II Sullivan responded that due to the wetlands, the applicant has asked for a "limited density transfer". Other items that make this subdivision innovative are:

- Trail network to S.J.U. Memorial Park and streets used by all citizens
- No more than 2 same design homes on one street, with different colors and siding material, all houses have front porches, modulation in roof peaks, etc.
- Protection of wetland with 35' buffer

Councilmember Sherman questioned why do we have 60' road standard, if we can let them have 50'. Land Use Planner II Sullivan responded that when the 60' right-of-way was designated the utilities used to go behind the sidewalks, so we needed extra space for utilities. However utility providers have changed their requirements and will no longer put the new services in City owned right-of-way, but now require a 10' easement on private property. He noted that the Transportation Engineer is working with the Public Safety and Transportation Committee to determine if we should amend our Code requirements.

Transportation Engineer Brewer informed Council for a local neighborhood network of streets we do not need to preserve extra right-of-way width. He noted that all the needed and required improvements can be accommodated within a 50' right-of-way.

City Manager Piasecki pointed out that the utilities would rather work with private property owners to maintain and work on their facilities instead of having to deal with the City.

Mayor Pro Tem Thomasson questioned how we will transition where the sidewalks end on S 222<sup>nd</sup> and he felt this needs more consideration. Transportation Engineer Brewer advised that staff specifically commented that the applicant needs to provide a transition from the sidewalk area back to either gravel or the paved shoulder that is east and west of the subdivision. The

details of this will be covered during the Civil Design process. Mayor Pro Tem Thomasson felt this may need to be item number 9 under the Conditions of Approval.

Mayor Pro Tem Thomasson noted one of the conditions for approval under the State statutes and City Code is safe walking conditions for pedestrians to and from schools, and he questioned whether there is a safe route to the area schools.

Councilmember Kaplan noted that there are kids using this street (S. 222<sup>nd</sup>) now without additional improvements. Therefore he did not feel it would be fair to make this one applicant address such a global issue.

Ms. Klein advised that on the South side of S 222<sup>nd</sup> there is a paved shoulder striped for a pedestrian path, on both east and west of the proposed subdivision.

Transportation Engineer Brewer advised there is legal crossing, but there will not be a marked cross walk as this is an uncontrolled intersection.

Councilmember Kaplan stated that the two closest intersections are at 24<sup>th</sup> Avenue South and 19<sup>th</sup> Avenue South. Transportation Engineer Brewer confirmed this fact.

Mayor Pro Tem Thomasson expressed concern that a parking problem could occur in this neighborhood due to its proximity to the Park, similar to problems associated with Mt. Rainier Pool.

Transportation Engineer Brewer acknowledged he is not sure the exact width of the travel lanes. He did note the applicant has not requested any reduction in the width of the streets.

Councilmember Scott commented that she hopes the turning radius is adequate within the interior streets.

Mayor Pro Tem Thomasson questioned whether it is in the City's best interest to have detention ponds split into two areas, as he feels this leads into higher cost for ongoing maintenance, especially with extensive retaining walls.

Surface Water Management Engineer Reinhold advised that the King County Manual requires the walls to be reinforced concrete, with 25% of the perimeter sloped back. He noted he did not look at the issue of 2 ponds versus 1 pond as the Manual does not preclude the builder of doing this.

Upon questioning, Land Use Planner II Sullivan advised that our Code states no lots can access over easements, but it is silent on tracts. Additionally he noted if Council feels this needs a separate deviation it can still be approved.

Mayor Pro Tem Thomasson felt a policy questions is "what is a fair number of lots". He felt that about 8% of the area is covered by wet lands, which would equal 7,700 sq. ft. lots which is a far cry from 5,200 sq. ft.

Land Use Planner II Sullivan acknowledged this would be true under a standard subdivision, however if the wetland was not there, the applicant could have chosen to do a planned unit

development and under those mathematical calculations the maximum density is 33 lots. He agreed this is a policy question.

Mayor Pro Tem Thomasson felt that with the development adjacent to Underwood Memorial Park, purchasers need to be made aware that the Park will be open until 11 p.m. with lights and associated noise.

Upon questioning regarding a landscaping buffer, Land Use Planner II Sullivan noted there is a requirement, but it is the Public Facility that is required to install it. He pointed out that there is a grade difference in that the ball fields sit about 6 to 7 feet above the subdivision, so even a 6 foot fence would not help. However, there is a tree area that will remain.

Development Services Manager Ruth informed Council that when the Park was developed the Park Department asked for some creative opportunities to cluster landscaping due to curved dimensions of the ball fields. The landscape design has been developed and it is in the Capital Improvement Plan to install within the next year.

Councilmember Sherman requested that when this item comes back that Council be provided with a precise list of the five exceptions to the modified subdivision. Land Use Planner II Sullivan pointed out this is listed on pages 5 and 6 of the staff report.

Land Use Planner II Sullivan commented that the pedestrian trail was pushed to the edge of the subdivision to minimize impacts to the private home owners.

In regards to the Park in lieu fee, Land Use Planner II Sullivan stated our Code is quite specific and says they shall pay 5% of the value of the developable lots. The final value will be based on an appraisal.

Councilmember Scott commented that often storm retainage ponds are quite ugly. She would prefer to see more blending with vegetation.

Surface Water Management Engineer Reinhold noted that the larger pond will have to have a fence due to the height of the wall and typically we require those to be the black coated chain link fencing which tends to be less of an eyesore.

Councilmember Scott stated she feels strongly that in any new neighborhood there should be an area for a picnic table or a swing for neighbors to be able to meet each other. She felt we should not have to require large spaces. She pointed out a little piece in the northeast corner of the wetland, beyond the buffer, and she would hope the developer would provide a little bit of community space there.

10:30 p.m. **MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Scott and passed unanimously, to continue the meeting by 5 minutes.

**MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, to continue the Public Hearing on October 11, 2007. Motion passed unanimously.

**PUBLIC HEARING**

Draft Ordinance No. 07-134A Amending Permitted Uses - Business Park Zone - 1<sup>st</sup> Reading

Mayor Sheckler noted the purpose of the Public Hearing is to review the proposed code amendments to DMMC 18.25.020 Business Park Zone Permitted Uses and declared the Public Hearing OPEN.

**MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman to continue the hearing to November 1, 2007. Motion passed 5 to 1 with Councilmember Kaplan opposed.

City Manager Piasecki advised that questions on this issue may be directed to Development Services Manager Ruth, as Planning, Building and Public Works Director Fredericks is out of the office.

NEXT MEETING DATE

Mayor Sheckler noted the next meeting will be a study session on October 4, 2007.

ADJOURNMENT

At 10:33 p.m. **MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab  
City Clerk